



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 9.15 p.m.

Gibraltar, Friday, 22nd February 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell, Esq, RD *in attendance*]

## Questions for Oral Answer

### TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

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#### Secondment of Health & Safety Officers Legal basis Question No. 164/2013 continued

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**Mr Speaker:** Now, I think we are on supplementaries to Question No. 164. Is the Hon. Minister in a position to provide the information which...? Thank you.

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**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I have managed to get some of the information the hon. Member requested through lunch. The letter of appointment was with effect as from 1st November 2012, that is when they... the appointment officially began. As I said previously to that, the vacancy for the job closed at 1.00 p.m. on Monday, 22nd October.

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I am not entirely sure as yet when the interview was carried out. So if the hon. Gentleman requests an exact date for that, I will have to look for it, but obviously it happened after the closure of said vacancy on the 22nd, before 1st November.

**Hon. J J Netto:** I am grateful to the Hon. Minister for providing that extra bit of information.

Can I ask, this letter of appointment, for which he has now given us a date which is 1st November 2012, by whom was it signed – this letter of appointment?

25 **Hon. P J Balban:** Mr Speaker, yes, the letter of appointment was signed by D Chipolina, I presume is Denise Chipolina, who is a secretary of the Gibraltar Development Corporation.

30 **Hon. J J Netto:** I am still somewhat confused in terms of my original question, which is what I was trying to establish before, because first of all, under the Factories Act, if we go and look at section 77(1) under the title of ‘Appointment of inspectors or other officers’, it says:

‘The Director may appoint such inspectors or other officers as may be considered necessary (under whichever title he may from time to time determine) for the purpose of this Act.’

35 Subsection (2) says:

40 ‘Every inspector shall be furnished with a certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce such a certificate to the occupier or other person holding a responsible position of management at the factory.’

Now, the lady that the Hon. Minister has just said, Mrs Chipolina, is not the Director for the provisions of this Act, so that in one respect, I need clarification of that.

45 But in second respect, given that now we know that the letter of appointment is from 1st November 2012 and given that in the previous question, which is Question No. 163, which is information that he provided to me in relation to Improvement Notices and Prohibition Notices, which are enforcement of notices under the Factories Act, there have been enforcement notices issued by these particular gentlemen which at the time which they have been doing the notices have not been appointed by the director under the Factories Act, whether these notices carried the weight of the law or did not. And this is what I am trying to establish by the hon. Gentleman.

50 **Hon. P J Balban:** Mr Speaker, in the letter of appointment, they were actually employed... they came under the Gibraltar Development Corporation. They became employees of the Gibraltar Development Corporation, but that does not mean that they were not legally able to carry out the functions that they did. In fact, they were able to do as they had been gazetted prior to that, so they were fully... It was perfectly legal, what they did. *(Interjection)* April, it was actually from 13th April 2012 they were gazetted.

60 **Hon. D A Feetham:** Mr Speaker, is the Hon. the Minister saying that the director has appointed, irrespective of the letters from Denise Chipolina, presumably because these individuals are members of the GDC – irrespective of that – is the Hon. the Minister saying that the director appointed in accordance with section 77, that appointment by the director was gazetted in the, in the *Gazette* and therefore the appointment was valid? Is that what he was saying?

65 **Hon. P J Balban:** Mr Speaker, that is correct. Dated 13th April 2012, these persons were conferred... By section 71(1) of the Factories Act, they were appointed as factories inspectors, as from 16th April 2012.

**Mr Speaker:** Any other question?

70 **Clerk:** Question –

**Hon. J J Netto:** May I ask. Well two things actually: whether a copy can be provided to me in relation to the appointment on the date of 13th April, so I can have a look at it.

75 Secondly, Mr Speaker, what I have come to notice is that when looking at this particular issue within the Factories Act, I have noticed that in the interpretation clauses ‘Minister’ means the Minister charged with responsibility for employment. Now, I know that the Minister for Employment sits next to the Hon. Minister Balban, but whether the Act has been amended to show that it is not the Minister for Employment but the Minister under the title that he occupies at the moment.

80 In other words, I can understand this has been consistent, particularly so from 1996 to 2011, because every single Employment Minister under the GSD Government was also the Minister for Employment and Health & Safety. Now the Government decided, for whatever reasons, to dislodge the Health & Safety away from the portfolio of Employment. Does it mean then that this should have been amended or not?

85 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Well, Mr Speaker, I do not know the answer to that question, but I can tell him that if it should have been amended and we look into it and that is the requirement, it will happen and we will then be doing what used to be called giving retrospective legal cover, to things... where there are lots of things that have been happening in recent years, which we will have to be bringing amendments to put right. This may be one of them, but as far as I am concerned, the people happen to be physically in my Department.

90 So I do not know whether... Certainly, the appointment was not done by me but was done by the Director of Labour in April. I imagine that when inspectors have been appointed, it has not been a Minister that has signed the appointment. But if we look at it, he may be right – see if it needs to be done.

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**Gibdock lifting equipment  
Health & Safety**

100 **Clerk:** Question 165, the Hon. J J Netto

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if all the lifting equipment being used in Gibdock has been duly inspected during 2012 and January 2013, and has been seen to be safe in accordance with the Factories (Lifting Operation and Lifting Equipment) Regulations, and therefore issued with a valid test certificate?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all Gibdock lifting equipment is inspected annually by a certified lifting equipment competent person who is responsible for conducting a thorough examination and issuing a valid test certificate in accordance with the Factories (Lifting Operations and Lifting Equipment) Regulations. The Factories Inspectorate carried out an on-site inspection of the certificates in May 2012 and found all lifting equipment to hold a valid test certificate.

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**Health & Safety  
Rights of union representatives**

120 **Clerk:** Question 166, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 211/2012, can the Minister for Health and Safety state what would be sufficient for the Government to consider extending the same rights to union representatives in Gibraltar as exists in the UK in matters to do with Health & Safety?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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**Hon. J J Netto:** I take into account what the hon. Gentleman is saying, but given the fact that this only came to light as a result of the Health and Safety seminar in the John Mackintosh Hall, where he was present and I was present, and I think it was the president, if that is the title, of Mr Robinson from the IOSH branch of the UK, in which he actually stated that there was a deficit, given what he had seen in relation to the rights that trade union officials have which dedicated themselves as representatives of Health and Safety in relation to their counterparts in the UK.

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What I am trying to establish is whether now that he knows what Mr Robinson says, whether it is actually correct that that is the fact – something which obviously I did not know beforehand – and two, whether they are willing to contemplate parity of rights, if I can put it in that particular way, between local trade union representatives and the ones in the UK. I would have thought that, given that he is aware of it now, as I was aware of it when Mr Robinson said it, that perhaps that would have triggered some kind of internal discussion within the Government or within his own Department, or whether he has had

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any representations from the trade union itself. Because obviously all the other unions, not just the Unite the Union, were present at the seminar and all heard it in the same way as we have heard it. (*Interjection*)

150 So I wonder whether he has had representations from the local trade unions. I hear Mr Bossano seems to be suggesting – perhaps you want me to give way and you want to stand up and say something?

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I can ask him to give way any time I feel like asking him to give way. I do not need any prompting.

155 **Hon. J J Netto:** Given that there was some kind of sarcasm and laughing across the table, perhaps I thought you had something to contribute, but –

**Hon. J J Bossano:** Mr Speaker, I enjoy the hon. Member's contribution so much that it is reflected in my reactions. I find him very amusing.

160 **Hon. J J Netto:** Well, you know, only this morning, if the hon. Member would have been here, he would have heard the Speaker saying that we should not chat across the floor; but perhaps he was not here to determine that. (*Interjection*)

165 But given that, Mr Speaker, can I move on to the substance of my question, which is: has the hon. Gentleman, the Minister for Health & Safety, had any representation from the union as a result that this is now public knowledge in Gibraltar and whether they have put those concerns to him and the Government is willing to consider them?

170 **Hon. P J Balban:** Mr Speaker, I am pretty sure that we have spoken about this in Parliaments past and this must be recorded in *Hansard*. The truth, the fact is that the reply to the original question is what I stand by, the initial reply.

175 **Hon. J J Netto:** So the Government is not contemplating at all looking at this matter right now and is therefore not intended to bring the changes or any amendment that may be necessary in order to provide the same right locally as in the UK?

**Hon. P J Balban:** Mr Speaker, as I said in my reply, it is as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union, but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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#### **Asbestos Register Completion and location**

185 **Clerk:** Question 167, the Hon. J J Netto.

190 **Hon. J J Netto:** Mr Speaker, further to the answer in Question No. 439/2012, can the Minister for Health & Safety say whether the Asbestos Register alluded to has now been completed, and state in which location the central database will be held?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

195 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Asbestos Register has been started although it is not yet complete. Environment officers are in the process of collecting information from Government Departments, where such information is available and the central database will be held by the Department of the Environment.

200 **Hon. J J Netto:** Mr Speaker, I am grateful for the answer by the Minister. I think the Minister did mention that this process had now started. Can he perhaps provide us as to when was the date of the actual commencement, when this particular project started?

205 **Hon. P J Balban:** Mr Speaker, I am not sure when they started. The question... what I have said is it is not complete yet. I did not say it had started; obviously it is inherent in the question it has started. I would not be able to give him that reply, I am afraid.

**Hon. J J Netto:** So presumably, if he does not actually know when the actual project commenced – presumably, some time before when I asked the question – but does he also know what is the current work that is being done at the moment, as we speak?

210 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I can assist perhaps. I could not put a date as to when it started, but it is the Department of the Environment that is keeping the database and from memory, I think it is probably at least six months ago, but it is just by way of assisting. That information can obviously be obtained.

215 **Mr Speaker:** Next question.

**Clerk:** Question 168, the Hon. J J Netto.

220 **Hon. J J Netto:** Mr Speaker, can I just have a second to make a note here in relation to the answer provided by the Minister for Environment?

**Mr Speaker:** Okay.

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**Scaffolding  
Health & Safety inspections**

230 **Clerk:** Question 168, the Hon. J J Netto.

**Hon. J J Netto:** Thanks, Mr Speaker, can the Minister for Health & Safety say if all scaffolding erected in Gibraltar during 2012 and January 2013 has been inspected by the Factories Inspectors prior to commencement of work and, if not, which ones have not been inspected, providing the name of the site or sites and the name of the company or companies erecting the scaffold?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

240 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Factories Inspectorate will carry out an inspection of the scaffolding once it is erected, at which time a certificate of completion is handed over to the main contractor and further inspections of the said scaffolding are carried out at various stages or phases of a given project.

During 2012, there were a total of 62 scaffolds erected and 12 in total for the month of January 2013.

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**Sites  
Health & Safety inspections**

250 **Clerk:** Question 169, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide details of the sites which the Factories Inspectors inspected in the month of January 2013, as shown in the Government website Table HS1, as updated on 4th February 2013 and if the two follow-ups stated therein correspond to the inspections?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

260 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him. The two follow-ups as highlighted in the schedule correspond to the inspections.

**ANSWER TO QUESTION 169**

Date	Address
07/01/13	St. Anne's School, St. Anne's School Glacis Estate, Education.
08/01/13	T.S.1., CEPESA Petrol Station, Construction.
08/01/13	Vanadium L.T.D., Sunrise View House, Construction.
09/01/13	G.J.B.S. 1 Officer's Mess ( M.O.D. Four Corners), Construction.
11/01/13	Quayside Kiosk, Unit 1 Ocean Village Promenade, Retail Trade.
11/01/13	Diablo, Unit 13 Ocean Village, Retail Trade.
14/01/13	In Vision Design, 12/1 Buena Vista Road, Bank Finance Insurance.
14/01/13	Diamond Construction, Ocean Village Apartment, Construction.
14/01/13	Haven Insurance, 3c Ocean Village Business Centre, Bank Finance Insurance.
15/01/13	Black Black L.T.D., 3/8 Serfaty's Passage, Construction.
15/01/13	Black Black L.T.D., 3/15 Serfaty's Passage, Construction.
15/01/13	William Serfaty & Co. L.T.D., 68 Main Steet, Retail Trade.
16/01/13	Wolfback Ridge Properties L.T.D., Suite 18-20 Block 3 Watergardens, Construction.
17/01/13	C.K. Transport, 1a North Mole, Construction
17/01/13	Gib Scaffolding, Shamrock House, Construction.
17/01/13	Elderly Care Agency, St. Bernadette's, Medical & Health Services.
17/01/13	Cruz Construction, Watergardens, Construction.
17/01/13	Koala Construction, St. Bernadette's, Construction.
17/01/13	Elderly Care Agency, Mount Alvernia, Medical & Health Services.
18/01/13	Space Interiors, 9 Line Wall Road, Construction.
21/01/13	The Finance & Guarantee Co. L.T.D., 234/1 Main Street, Bank Finance Insurance.
21/01/13	Sharon Garcia, 17 Turnbull's Lane, Restaurants, Bars, etc.
23/01/13	Irish Town Holdings, 73 Irish Town, Construction.
23/01/13	Siddharth L.T.D., 5 Bell Lane, Retail Trade.
23/01/13	Wastage Products L.T.D., 68 Devil's Tower Road, Sanitary Services.
23/01/13	Casais L.T.D., 7 Kingsyard Lane, Costruction.
24/01/13	Casais, 7 Kingsyard Lane, Construction. &
24/01/13	G.J.B.S., Jew's Gate, Construction.
24/01/13	G.J.B.S., St. Michael's, Construction.
24/01/13	G.J.B.S., Baca's Passage, Construction.
28/01/13	Essardas Properties, 121 Main Street, Retail Trade.
28/01/13	Essardas Properties, 105 Main Street, Retail Trade.
28/01/13	Estate of Placido Cortes, 35-37 Irish Town, Construction.
28/01/13	Eroski, Winston Churchill Avenue, Retail Trade.
28/01/13	G.J.B.S., St. Martin's School, Construction.
28/01/13	Serco, Convent Place, Construction.
29/01/13	C.T.S.( Gib) L.T.D., 48 Royal Ocean Plaza, Post & communications.
29/01/13	A.J. Sheriff Electrical L.T.D., Unit 5 Buttercup House, Electricity Supply Related.
29/01/13	Gib Elect., Queensway, Electricity Supply Related.
29/01/13	Francis Duarte, 9/3 Lynches Lane, Retail Trade.
31/01/13	P.M.P., John Mackintosh Square, Construction.
31/01/13	Catalan Bay Social Club, Catalan Bay, Restaurants, Bar, etc.
31/01/13	Babbington Holdings, 83 Catalan Bay, Construction.
31/01/13	Bristo Madelaine, 256 Main Street, Restaurants, Bar, etc.
31/01/13	Payma, 265 Main Street, Retail Trade.

265 **Mr Speaker:** Next question.

**Asbestos particles  
Failure to carry out asbestos survey**

270 **Clerk:** Question 170, the Hon. J J Netto.

275 **Hon. J J Netto:** Mr Speaker, in relation to Table HS5 on the Government website, as updated on 31st January 2013, can the Minister for Health & Safety say if as a result of the company failing to carry out an asbestos survey in relation to the one Improvement Notice issued in January 2013, have asbestos fibre particles been released into the atmosphere?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

280 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, in relation to Table HS5 as updated on 31st January 2013, the hon. Member should note that it was a Prohibition Notice that was issued and not an Improvement Notice, as stated by the hon. Member in his

question. It was as a consequence of the issuing of this Prohibition Notice that an asbestos survey was undertaken and no asbestos presence was identified.

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**Mr Speaker:** Any supplementary? Next question.

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## EQUALITY AND SOCIAL SERVICES

### Long-stay patients in the GHA Transfers to Mount Alvernia, John Cochrane and Calpe Wards

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**Clerk:** Question 130, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any long-stay patients in the GHA that, during 2012 and January 2013, have (a) been transferred to Mount Alvernia stating the originating ward; (b) been transferred to John Cochrane Ward stating the originating ward; (c) been transferred to Calpe Ward stating the originating ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

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**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 131 and 132 of 2013.

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### Members of the community Transfers to Mount Alvernia, John Cochrane and Calpe Wards

**Clerk:** Question 131.

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**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any members of the community that during 2012 and January 2013, have (a) been transferred to Mount Alvernia; (b) been transferred to John Cochrane Ward; (c) been transferred to Calpe Ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

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### Elderly persons Waiting for place at Mount Alvernia

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**Clerk:** Question 132.

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**Hon. J J Netto:** Mr Speaker, as at 31st January 2012, can the Minister for Social Services say how many elderly persons are presently waiting for a place at Mount Alvernia and of these how many are (a) for residential needs; (b) for medical/social needs, giving a breakdown of either mild or urgent need; (c) expressing a future need for admission; and (d) the date of application of the last person admitted to Mount Alvernia?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

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**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 130: 10 long-stay patients in the GHA have been transferred to Mount Alvernia; 19 to John Cochrane Ward; and 22 to the Calpe Ward. I will now hand the Hon. Minister the information requested in relation to gender, age and date of admission. This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to residents being identified.

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Answer to Question 131: 28 members of the community have been transferred to Mount Alvernia during 2012 and January 2013; none have been transferred to John Cochrane Ward or Calpe Ward. I will now hand the hon. Member the information requested in relation to gender, age and date of admission.

This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to the residents being identified.

345 In answer to Question 132: if by asking how many elderly people are presently waiting for a place at Mount Alvernia, the hon. Gentleman means to ask how many names are on the waiting list for residential elderly care then the total is 583. If by this question, in relation to part (a) of the question, the Hon. Mr Netto means how many elderly people actually need residential care at the present time at Mount Alvernia, then the answer is 118; or if he means how many have a low dependency need or a non-urgent need for residential care at the present time, then the answer is 465.

350 In relation to part (b), which relates to medical and social needs being broken down into either mild or urgent needs, if the Hon. Mr Netto is referring to needs based on the person's level of dependency the number of people with an urgent need is 118. If the Hon. Mr Netto requires the breakdown into either mild or urgent need, based on the assessment of risk, 13 people have urgent needs and the 105 people currently in the hospital setting have mild needs, as they are currently in a controlled safe environment.

355 In relation to part (c) of the question, 465 people are expressing a future need for Mount Alvernia. This figure would include 270 people over the age of 80 years who would be deemed as having health and social care needs by virtue of their age; and 195 people who are over the age of 60 years who have put their name on the waiting list in case of future needs.

360 In relation to part (d) of the question, the date of application of the last person admitted to Mount Alvernia is 30th March 2007.

365 **Disability Action Plan**  
**Complete and incomplete aspects**

**Clerk:** Question 133, the Hon. J J Netto.

370 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 195/2012, can the Minister for Social Services state what aspects of the Disability Action Plan are complete and which aspects are not.

375 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is an ongoing process.

380 **Hon. J J Netto:** Well, Mr Speaker, that is what basically the hon. Lady said in this Parliament almost 12 or 13 months ago, that it was an ongoing project. I would have thought, being a manifesto commitment, that the ongoing project would have had quite an advancement, in terms of developing the Disability Action Plan.

385 I think, quite frankly, if the hon. Lady does not want to provide details of my question in relation to what aspect has been covered and what aspect has not been covered, it is up to her what answers she provides Parliament, but does she not feel that she is actually not providing sufficient information – I would not want to use much more stronger words than that – by just not providing any detail, no outline, nothing at all whatsoever? Surely in the period of 13 months, given that it was a manifesto commitment, she would have had a number of meetings with a number of associations and at least they would have agreed on some things. At the end of the day, we are not talking about sending people to Mars; we are talking about establishing a Disability Action Plan.

390 **Hon. Miss S J Sacramento:** Mr Speaker, as I said, this is an ongoing progress. The reason it is not complete, Mr Speaker, is because it is a massive project and in order to get it right, Mr Speaker, we have, as indeed the hon. Gentleman suggests, spoken to different stakeholder groups in relation to this. The fact that the work is not complete does not mean that nothing has been done.

395 However, Mr Speaker, the reason why this is such a massive, mammoth job is because nothing had been done prior to this Government taking the lead on this, Mr Speaker. **(Several Members: Oh!)** I understand how strongly the hon. Gentleman feels about this, but he clearly only feels very strongly about this now. Clearly it was not an issue for him when it was his responsibility and the lack of infrastructure in this regard, Mr Speaker, means that I have to start from scratch.

400 There are no complaints from the stakeholder parties in relation to the fact that it is not complete, because the general view, Mr Speaker, is that work is ongoing, the relevant parties are aware of what is being done and the general consensus is that it is being done slowly, thoroughly and with consultation and that the end product is a better product. It is not about scoring points and dealing with something and



405 finalising it in the first month, in the second month or whenever the hon. Gentleman suggests it should be ready, Mr Speaker.

It is a manifesto commitment that is not timed. It is a manifesto commitment that will be delivered in this term of Parliament, Mr Speaker, and it is certainly a manifesto commitment that will be delivered. I am just sorry to say that this was not such an emphasis for the hon. Gentleman when it was his responsibility.

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415 **Hon. J J Netto:** Mr Speaker, the hon. Lady seems to have spent 13 months telling everyone she meets that nothing existed prior to 11th December and that she has spent the last 12 or 13 months having to do everything from scratch. Well, she can rewrite history for as long as she can, but this is Question Time and I am asking questions on the basis of her manifesto commitment, not in terms of what happened before the General Election.

She has just stated right now that there are things which have been done. Well, if there are things which have just been done and in my question... My original question is 'what progress has been done?' Can she share that information with Parliament? Or does she feel that she is giving away some kind of state secret that is so secret, so important that Parliament should not be aware of what work has been done?

425 **Hon. Miss S J Sacramento:** Mr Speaker, the question does not ask what progress has been done. The question says, 'what is complete and what is not?', Mr Speaker. My answer is the truth: that it is an ongoing work.

But I can give examples of what has been done. It does not mean they are complete, but for example, by way of engaging with GHITA, for example, we have funded several training courses for level 1 of the British sign language courses and we are now embarking on funding level 2 of the British sign language courses; not only are we funding it, but we are also sending public servants on this course, so that this better helps them communicate with the public who may benefit from communicating with sign language, as well as enabling them to communicate with colleagues who may be deaf.

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435 In addition, in association to working with groups such as GHITA, we have now developed the awareness of the need for induction loop systems, for example, as we will have in the Gibraltar Parliament once it is refurbished.

Again as a result of engaging with this group, the Government engaged a British sign language interpreter on National Day. That is just an example of how ongoing consultation reflects in the work that we are doing.

440 That is not the only thing that we have done, but I will continue, Mr Speaker, if you would like me to continue giving details.

Let me explain about physical assessments that have been done to current buildings, for example – and this has been published in the press, by way of press releases. There has been an accessibility audit of St Michael's Cave, for example, which now, through the relevant team of professionals, has been audited, in order to make it accessible for people with disabilities. I am not talking only about people with mobility problems; I am talking about people who may have mobility issues as well as sensory issues, Mr Speaker. It is not just about making things wheelchair-friendly. But these are things that we learn through engaging with relevant groups.

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450 Mr Speaker, as I said initially, this is a massive piece of work, which is ongoing. That the final plan is complete, no; that it is work in progress, yes; that it may take a while before we get it complete, yes possibly, but hopefully by the time we complete it, having engaged as thoroughly as we have, we hope that we will get it right.

455 **Life Planning for Disabled Persons  
Complete and incomplete aspects**

**Clerk:** Question 134, the Hon. J J Netto.

460 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 196/2012, can the Minister for Social Services say what aspects of the 'Life Planning for Disabled Persons' policy are now complete and which are not?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

465 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, again this policy is an ongoing process.

**Hon. J J Netto:** Mr Speaker, within the process of ongoing, has anything been done in the process of the ongoing?

470 **Hon. Miss S J Sacramento:** Yes, Mr Speaker. The most fundamental thing that we had to do in order to commence this process was to compile a disability register and that is the starting point, on being able to assess the scale of the issue of people with disabilities in Gibraltar.

475 From that again, in the context of consultation, we have consulted the various user groups, individuals, as well as medical professionals. One of the fundamental cornerstones of this is consultation with the GHA in relation to medical information which is required, not only to enable to identify people's disabilities and one of the things that we were able to actually ascertain from sparse records that existed – not a disability register as such, but several sort of *ad hoc* registers in different departments – was that some people's disability were either wrongly described or wrongly diagnosed. So what we are doing is we are having a consolidated register, which is an accurate reflection of the people with disabilities in the community.

480 **Hon. J J Netto:** Mr Speaker, could I ask the hon. Lady whether the register she is now alluding to is completed?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I think that it is in a very advanced form and I think I can safely say that it is almost complete.

**Hon. J J Netto:** Would the hon. Lady know how many people are registered in the register?

490 **Hon. Miss S J Sacramento:** No, Mr Speaker, and that is not a supplementary that is directly linked to the question. It is not information that I have to hand.

495 **'Looked After Children'**  
**Number absconded from Care Agency homes**

**Clerk:** Question 135, the Hon. J J Netto.

500 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any 'Looked After Children' in any of the Care Agency's residential homes who have absconded since this question was last asked in Written Question No. 106/2012; if so, whether they have absconded in Gibraltar or Spain or whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

505 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

510 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since Question No. 106/2012 was asked in September 2012, there have been 31 incidents of absconding, all of which took place in Gibraltar.

Of the 31 incidents, two 'Looked After Children' have a track record of engaging in acts of violence against other children or staff members. One Looked After Child accounts for 20 of these incidents and another accounts for four.

515 I now hand the hon. Member the remaining information requested, which is being provided on a confidential basis.

520 **Hon. J J Netto:** Mr Speaker, I am grateful for that information, but whilst the information comes through, could I perhaps ask the hon. Lady, whether, in the opinion of the social worker or the team leader in this particular area of work, the track record of two individuals, which I think she has mentioned two who have a track record of violence... whether that is affecting in any way or a negative way all the other 'Looked After Children' who do not have a track record of violence in terms of their behaviour.

525 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot answer that because it is not information that I have before me; but in any event, Mr Speaker, as I have said *ad nauseam* in the past, I am loathe to go into particular details in relation to children in care in Parliament.

**Hon. J J Netto:** I am not asking for details.

530 **Hon. Miss S J Sacramento:** I am happy to discuss these matters with the hon. Member in private, but anything which may risk identifying the identity of a child in this Parliament, Mr Speaker, is something that I very strongly feel should be protected.

But in any event, Mr Speaker, it is not an answer that I have before me. It is not something that I anticipated in relation to the question.

535 **Hon. J J Netto:** Quite frankly, Mr Speaker, I am not asking for the details of any child at all. All I am saying, arising from an answer that she has provided, that there are two individuals who do have a track record of violence against other 'Looked After Children'. I think it is a perfectly legitimate supplementary question to ask, whether in the opinion of experts, that kind of incident – of which I do not know how long or how many times it is reflected – on other 'Looked After Children' may have a negative effect.

540 What I am basically asking is if I am now subjected to bullying by someone on a permanent basis – I am not saying that this is a correct analogy, but if I were to be submitted to bullying – it may have a negative effect on me socially, psychologically, etc. My question basically is whether she has any knowledge from her own staff which is, at the end of the day, a very delicate matter, whether this is happening; but I am not asking the hon. Lady to give me the names or whether they are boys or girls or whatever it is.

545

**Hon. D A Feetham:** Mr Speaker, may I ask the –

550

**Mr Speaker:** Let us see whether the hon. Lady will answer that supplementary.

555

**Hon. Miss S J Sacramento:** Mr Speaker, the thing is that I cannot identify in any event the children who are referred to now as having this track record – have a long track record of violence or not – but let me explain what violence actually means, by way of recording, because for recording purposes at the Children's Residential Care Service, it is a very high... it is a very low threshold of incidents which are recorded. So for example, if a Looked After child slams a door, that is recorded as violence.

So it may be that the incidents which are referred to here are that these two children may have slammed a door or may have just dropped something on the floor in a fit of anger, as any child or young adolescent would do. There is no evidence that there is any sort of vicious violence.

560

So insofar as that knowledge that I have then, I do not think that there is a particular connection from the incidents of violence to any that cannot be sort of extended to any impact on the other children, because I know that the incidents of violence are not major incidents of violence. I hope that helps to clarify the situation.

565

**Hon. J J Netto:** No, Mr Speaker, I am not asking for her opinion, because Standing Orders prohibits to ask for opinion of Members of the Government; but I am asking whether she knows whether the professionals are aware of this particular issue. Perhaps they may have even raised it to the hon. Lady, not in relation to minor incidents of violence but in relation to much more serious incidents of violence of other categories.

570

I accept obviously that if she has not got the information in front of her, she may not be able to provide me with an answer. But if that is the case, I will write to the hon. Lady and see whether there is an issue there which is of concern to the social workers or the team leader.

**Mr Speaker:** The Hon. the Leader of the Opposition. Sorry.

575

**Hon. Miss S J Sacramento:** Can I reply?

**Mr Speaker:** Sorry.

580

**Hon. Miss S J Sacramento:** Well, Mr Speaker, as I have said, I do not have the information nor have I had any concerns raised to me in this respect. I have a good rapport with the social workers. We meet on a regular basis and this is not one of the things that has been raised.

So had it been an issue, I would have expected it to have been raised and it has not.

585

**Mr Speaker:** Does the Hon. the Leader of the Opposition...

**Hon. D A Feetham:** That answers the question that I wanted to ask.

590

**‘Looked After Children’  
Number awaiting training placements**

595 **Clerk:** Question 136, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services say how many, if any, ‘Looked After Children’ in the care of the Care Agency, aged 16 or above, are awaiting a training placement and, if so, state for how long they have been in such placements – should have been actually ‘waiting for the placement’ – with which entity and which type of training is being undertaken?  
600

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are six ‘Looked After Children’ who are 16 years and above. Two of these are in education.  
605

Of the remaining four ‘Looked After Children’, two are registered with the ETB and are actively engaged in seeking a placement. One is not registered due to actively pursuing other employment plans, which I would be willing to discuss with the Opposition on a confidential basis. One Looked After Child’s registration has lapsed, but is being supported and encouraged to re-register.  
610

**‘Looked After Children’  
Numbers in residential homes and the community**

615 **Clerk:** Question 137, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the total number of ‘Looked After Children’ in the care of the Care Agency, giving a breakdown of those in the community, the Care Agency residential home – that is either Tangier Views or elsewhere – their age and sex, how many are siblings and whether these children were on an Emergency, Voluntary or Court Order?  
620

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the total number of ‘Looked After Children’ in the care of the Care Agency as of 31st January 2013 was 33. There are 14 ‘Looked After Children’ in the community and 18 ‘Looked After Children’ in the Care Agency residential homes. There are 9 sibling groups; 21 are subject to a Court Order and 12 subject to Voluntary Care. There were no Emergency Orders made in this period.  
625

I will now hand the hon. Member the information requested in relation to age and sex, which is provided on a confidential basis, as the children’s identity can easily be disclosed.  
630

635 **Multi-Agency Child Protection Committee  
Dates of meetings; issues discussed**

**Clerk:** Question 138, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say on how many occasions the Multi-Agency Child Protection Committee has met since 13th March 2012, stating the issues discussed, and, in cases where it would be inappropriate to do so, to provide such information on a confidential basis, and the date scheduled for the next meeting?  
640

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.  
645

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since 13th March 2012, the Multi-Agency Child Protection Committee has met on 28th June 2012, 18th September 2012 and 7th November 2012.  
650

The next Multi-Agency Child Protection Committee will take place in March 2013. A date is still to be set.

As previously stated in reply to this question, the meeting of the Child Protection Committee is not a public meeting and given the sensitivity of the child protection issues discussed, it is not felt appropriate that these should be made public.

655

**Hon. J J Netto:** Well, Mr Speaker, I am not asking the hon. Lady to provide me detailed information of any particular child. That is not what I am asking. What I am asking is whether at those meetings where there are issues of policy perhaps that have been discussed. Surely there is a difference between providing information to Parliament on policies which are being considered or have already been considered and adopted, against information that may be delicate in terms of identifying particular individuals.

660

I am quite clear of separating the two issues and whether the hon. Lady is willing at least to consider the other set of information which does not expose any particular child's identity to be shown.

665

**Hon. S J Sacramento:** Mr Speaker, issues of policy and strategy are discussed, but there is a reason why this meeting is not in public, Mr Speaker. I am loathe to discuss the strategic and policy decisions that are taken at this meeting.

This is something that we have discussed at length in the past, Mr Speaker, and my position remains the same as it was on the last occasion.

670

### **Challenging Behaviour Unit Options and conclusions**

675

**Clerk:** Question 139, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the options being considered in Question No. 285/2012 in relation to a Challenging Behaviour Unit have now concluded and, if so, has the Government now decided where the services will be provided?

680

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Care Agency is in the process of reviewing its residential service as a whole and is also developing the Fostering and Adoption Service. As such, options are being considered in terms of a dedicated Challenging Behaviour Unit.

685

**Hon. J J Netto:** Mr Speaker, that is practically what she said to me back in March 2012. It does seem that nothing substantive has elapsed in that particular period. I am sure that between March 2012 to now, at least the Government or the Department where she is the Minister would have known... because obviously in March, she was already accepting the principle that there was a need for a Challenging Behaviour Unit. She was already accepting that principle. The question was where we are going to have it, basically.

690

So in this period of eight months since the last time, she has not identified a particular suitable place for this particular unit?

695

**Hon. Miss S J Sacramento:** Again, Mr Speaker, this is something which is a big issue, not only because we have to introduce legislation in order to do it, because in fact, Mr Speaker, when the Children Act was being drafted in 2008-09, it is a section that was included in the draft of the legislation but it is the Opposition when they were in Government who chose to take it out of the draft legislation.

700

So it is something that could have been done by the hon. Gentleman, but he chose not to do it.

Now, it is not just a question simply of introducing the equivalent of the UK legislation into our legislation and it is not only a case of adapting it and making it suitable to Gibraltar, but there is also the issue of introducing the regulations to be able to back it up. It is not as simple as finding a location for this, but there is also an issue of training the staff and all the other resources which are required for this.

705

Now, again, it is a big piece of work, Mr Speaker, which we are looking at – not only Social Services are looking at it, but also the Legislation Unit – and it is something that is being worked on, Mr Speaker.

It is quite ironic, Mr Speaker, that the Member opposite should make such a song and dance about it now, but he did not make any issue of it when it was in the draft legislation, but he chose to take it out, Mr Speaker.

710

715 **Hon. J J Netto:** Mr Speaker, the simple answer why we took it out at the time because we were not ready for it for the reasons that she is saying now, but this conversation we have had back in March, so what it seems is that we need to put in back again what we took out because we were not ready at the time and she knows that – she has known that from March. She also needs to find out a particular suitable place, which she knew in March 2012 and she also knows now, as she knew in March, that people need to be trained for that.

720 The question is: she has known all these things since March and she seems not to have done anything about it. She could have brought the legislation, if she knew that the legislation could have been brought about. She could have done it in March, in April, in May, in June; but she has not done it.

The question is when is she going to bring the legislation? That is for a start, because the application of the date of the legislation can be whatever her choosing.

725 Because we were not ready at the time, but you are now the Minister, not me, and you have got to decide whether –

**Mr Speaker:** Will the hon. Member address his remarks to the Chair?

730 **Hon. J J Netto:** Sorry.

If you want to bring that part of the legislation which was not ready, you have got to decide when you are going to do it, because you knew about it in March. You also knew in March that you had to identify a particular venue and you also knew in March that you had to train the people. The question is when are you going to do it?

735 **Mr Speaker:** Would the hon. Member refer to the hon. Lady in the third person, thereby guaranteeing that remarks are addressed to the Chair.

Do not speak to her as ‘you’. You address the Speaker and refer to her as ‘the Hon. Minister’.

740 **Hon. J J Netto:** I apologise, Mr Speaker, you are absolutely right.

**Mr Speaker:** Thank you.

745 **Hon. Miss S J Sacramento:** Mr Speaker, perhaps the hon. Gentleman did not hear me when I said that we are working on this, because it is in the context of the bigger review of the residential services. That is one, Mr Speaker.

But the point that I want to make is that the difference between my responsibility now as the Minister is that we have identified it and something is being done – as opposed to the Opposition, when they were in Government, who knew it had to be done and chose not to do it, Mr Speaker.

750 **Hon. J J Netto:** Mr Speaker, the hon. Lady has just said that something is being done. Can she please explain what it is that is being done?

755 **Hon. Miss S J Sacramento:** Mr Speaker, It is part of an ongoing review of the residential service, Mr Speaker. Once we have decided exactly what is happening, then the hon. Gentleman will be made aware and will be made aware because it is something that we have to bring before this Parliament, Mr Speaker.

The only thing that the hon. Gentleman did, when he had the responsibility to do it, was to consider inserting this provision in the legislation. No other consideration as to the practical elements and the enforcement of this was given, Mr Speaker. We are now doing it because there was no background to this. It is something which is a very serious matter and serious consideration needs to be given to it.

760 Again, it is an ongoing process, Mr Speaker. We are hoping to be able to finalise the matter soon, but it is in the bigger context of the review of the residential service.

765 **People with debilitating conditions  
Numbers; Domiciliary Care**

**Clerk:** Question 140, the Hon. J J Netto.

770 **Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the number of persons with a debilitating disease in the community, their medical condition in the form of acute, medium or mild, whether they are receiving any help from the Care Agency in the form of Domiciliary Care and if so, how many hours are provided per person and the amount of expenditure accrued since the beginning of this financial year?

775 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are a total of 100 people with debilitating conditions, of which 37 are mild, 31 are medium and 32 are acute. Of these, 98 are receiving Domiciliary Care. The expenditure since the beginning of the financial year is £656,925.

I will now hand the hon. Member the information requested in relation to the hours of Domiciliary Care being provided per person on a confidential basis.

785

**Audit review of public buildings  
Disabled persons' access**

790 **Clerk:** Question 141, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the audit review of public buildings in order to allow disabled persons access, first raised by me in January 2012, is now complete and, if so, which buildings are currently inaccessible and whether the audit review has a programme to make such buildings accessible?

795

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is an ongoing process. As the hon. Member will be aware, there have been several audits completed which have been reported in the press, such as Albert Risso House, St. Michael's Cave and, significantly, the Parliament Building.

800

**Hon. J J Netto:** Well, Mr Speaker, that does not really take me much further along from my question and answer back in January 2012. What I was expecting from the hon. Lady is to tell me whether this kind of request would have been put on to a technical officer, perhaps in the Technical Services Department, in order to view all public buildings and provide a listing, so to speak, of those particular public buildings which are accessible or non-accessible to disabled people and, as a consequence of the buildings which are inaccessible to disabled people, whether there is a Government programme to try if possible to make them accessible to a disabled person.

805

**Hon. J J Netto:** So can I turn this into a question, perhaps: can the hon. Lady say whether there is such a report by Technical Services Department technical officers in relation to the question asked, which is a listing of all public buildings to state which ones are accessible and which ones are inaccessible for disabled people?

810

**Hon. Miss S J Sacramento:** Well, not yet, Mr Speaker, because the process is not yet complete. Once the whole evaluation process is complete, then we will have the written reports and the written policies on how different Departments need to deal with the issue of accessibility.

815

**Hon. J J Netto:** Mr Speaker, how long is going to be the ongoing process to establish that the buildings are accessible or not accessible to disabled people?

820

All she needs to do, given that she is repeating what she repeated back in January 2012, is one technical officer to be assigned to these and I should imagine that the technical officer within the period of four weeks – six weeks at the most – will be able to go back to the hon. Lady and say, 'Right, these are all the public buildings and from all the public buildings, so many out of the total are accessible to disabled people and so many are not accessible to disabled people.'

825

Has she done that? Has she put the request to the officer in the Technical Services Department and if she has, has she got a report to say which ones are and which ones are not? I think it is a fairly simple question.

**Hon. Miss S J Sacramento:** Mr Speaker, can I start by saying that 'she' is the cat's mother and perhaps the hon. Gentleman could be reminded on parliamentary etiquette once again. (*Interjections*)

830

**Hon. D A Feetham:** Mr Speaker, the hon. Gentleman is obviously totally in your hands, but I heard him say, 'Mr Speaker, can she...'. She is not a he –

835

**Hon. Miss S J Sacramento:** She is the hon. Lady.

**Hon. D A Feetham:** So unless the hon. Lady wants to be referred as a he, I do not think that he did anything wrong.

840 **Hon. Miss S J Sacramento:** I can also be referred to as ‘the hon. Lady’, Mr Speaker.

In any event, Mr Speaker, can I just say that once again, what a shame it is that the hon. Gentleman did not feel so strongly about disability access to public buildings or any other buildings when it was his responsibility to do so. He can rest assured that this is something that will happen in the term of this Parliament. We are not going to be timed by the hon. Gentleman, Mr Speaker, as to what he thinks should be done and by when.

845 Again, as I have said in my previous answers, these things are now... not only are they going to be done, which is something that was never done – did not even appear or register on the horizon, when it was the hon. Member’s responsibility – but they will be done properly. And in order to be done properly, Mr Speaker, we need to have the right people in place, looking at the right policies and then communicating them to the right Department.

850 It is better to get it right at the beginning, and if it takes a bit longer then so be it, but once we do it, we will circumvent any problems that we may possibly have if we rush through it.

855 Again, I reiterate, Mr Speaker, that maybe the issue for the delay is the obvious lack of infrastructure, particularly in relation to the area of disability, that I have inherited, and I have to thank the hon. Member for that.

**Hon. D A Feetham:** Mr Speaker, may I explore with the hon. Lady this question of resources that she was alluding to in relation to whether it makes it difficult or not to conduct this particular audit? Can I ask her, how many people has the hon. Lady assigned to the task of conducting this particular audit?

860 **Hon. Miss S J Sacramento:** Mr Speaker, it is a multi-disciplinary and a multi-agency team of people from different Departments, depending on the task at hand.

865 For example, there will be a person from the Care Agency and they are mostly dealing with people from the Occupational Therapist Department at the GHA, and then there will be different technical people, depending on the location of the place.

870 For example, when we undertook the audit of the GASA pool at the beginning of the year, before last summer, in order that it was accessible in time for the summer, we compiled a team of people to deal with it and make the recommendations, purchase whatever was required to make it accessible, and then we have a team of people who then continue to assess the place in case anything needs to be repaired or hoists need to be oiled etc. That is one example, the GASA pool.

We have got, as I mentioned earlier, ongoing works at St Michael’s Cave. Again, part of that team will be people from the Tourist Board who will be involved.

We have got ongoing works assessing accessibility to beaches: again, different...

875 We will always have the same core team assessing the issues of accessibility, but then we may have different people changing on the peripheries, depending on the location.

**Hon. D A Feetham:** Mr Speaker, how many people are part of that core group of people conducting these audits, and how often does the hon. Lady actually meet, meet up with them?

880 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot tell you exactly how many people there are, and there may be a different number of people from time to time, depending on the nature of the work, depending on the location, and depending on the works that need to be done.

885 Again, the amount of times that I will meet with either the group as a whole, or a sub-group of that group, or the people from the Care Agency who then feed back to the group, depends from time to time and it is not something that I can tell you off hand. It is not information that I have before me for the purposes of this question.

890 **Hon. D A Feetham:** Mr Speaker, what I am trying to get at is whether, effectively – and it sounded as if this is what the audit is actually all about – as to whether you are dealing with a piecemeal audit of buildings, one at a time, and you are conducting an audit of that building, but really there is no global audit, or whether there is one global audit and you are going through each building on a systematic basis.

895 Therefore, the question of whether there is a core team of people... and I quite understand that you may supplement that core team of people from particular people, from particular Departments, as and when they relate to buildings within that Department or relevant to that Department, but surely, if one is conducting a systematic audit, one needs to have a core team of people who are the same identifiable people who are assigned to that task and then report to the Minister in a systematic way.

I would have thought that if this was a systematic audit, conducted properly, and the hon. Lady was taking an interest in this – and I am sure that the hon. Lady is – that the hon. Lady would be able to



900 identify and give us at least... at least tell us the number of people who form part of the core team conducting this audit.

Of course, if it is not systematic, and if there is not a global audit, and what the hon. Lady really is talking about is just simply, 'Well, next week, let's do an audit of the GASA, and next month, let's do an audit...' and really there is not a systematic approach to this, it really could take four years to conduct this, rather than perhaps far earlier if it were approached in a more systematic way. That is what I am trying to explore with the hon. Lady.

910 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the Hon. the Leader of the Opposition for his faith in me, and I can assure him that yes, I do have a very vested interest in progressing this and getting it right.

I go back to my original answer, Mr Speaker, in that this is an ongoing process, and while we conduct or finalise the assessment of the global audit, what we are doing is we are looking, perhaps on an *ad hoc* basis, at the buildings that appear to us to be more of a priority at any given time.

915 For example, last year, before the summer, we tackled the GASA pool because we wanted it to be ready in time for the summer – because otherwise there is no point if we have it ready in time for winter. So I hope that that answers the question.

**Hon. D A Feetham:** Mr Speaker, with respect to the hon. Lady, it does not. I do not want to withdraw my earlier faith in her and accuse her or suggest to her that perhaps she is slightly bluffing in her answer.

920 What I have asked the hon. Lady, given that it is obviously so important to her, is at least to tell us what the number of that core team is, and perhaps even go further and tell us what the composition of that core team is, so that at least we, on this side, can ascertain for ourselves whether there is some systematic thought and some thorough thought going into the conduct of this audit.

925 Surely, if it is as important as she says that it is to the hon. Lady, she will be able to tell us how many people – the number, or the core team – are assigned to this task, and perhaps even the composition, whether they are Technical Services people, whether they are her own people within Social Services, or from somebody else's Department.

The question is: can she tell us what the number is of this core team, and perhaps the composition of that team?

930 **Hon. Miss S J Sacramento:** Mr Speaker, I think I have already replied to that question. I think that I have already said that it is depending on the project, but that mainly the group of people is comprised of people from the Care Agency, people from the Occupational Health at the GHA, and then we have got our Technical Services.

935 Mr Speaker, when I have meetings with the various officials and professionals, sometimes my office is full of people, and sometimes two or three people attend. It depends on the nature of the meeting and the nature of the project. Sometimes, I have the head of OT at the GHA. He is probably one of the core people who is always present at all the meetings that I have. Then, I have to confess that sometimes when I meet with people from Technical Services I do not know all of their names, because they are not my officials.

940 I go back, Mr Speaker, to my first answer, in that this is not yet complete and it is an ongoing matter. By the end, when we complete this exercise, then I will be able to, for certain, say exactly who is in what team in respect of this project.

945 Mr Speaker, as soon as it is complete, then I am more than happy to give the hon. Gentleman the information that he requires. I cannot give him more information than what I have now, and I have already told him it is a group of people.

Sometimes I am sat in my office and there will be two people – I will have one person from the Care Agency and one person from the Occupational Health – and sometimes I will be sitting in my boardroom and there will be 10 people. It depends on the project and it depends on the nature of that meeting.

950 Obviously, I am not going to be present in every single meeting that relates to the review of the accessibility work that is done. We meet once in a while and we review the projects that are ongoing.

I do not have that specific information and I do not recall the names of all of the officials who attend my office; but once I do, rest assured that I will provide the hon. Gentleman with the information.

955 **Hon. D A Feetham:** Mr Speaker, what the hon. Lady is saying, really, is that there is no fixed core of people dealing with an overview, bird's-eye view, of the audit as it relates to all buildings. Effectively, what she is saying is that it varies, depending on the building.

Can I impress upon the Lady that perhaps she ought to consider actually appointing a core team of people that does not change depending on the building? Because if you are going to be conducting an audit of this nature and it is going to be systematically conducted, you really need a core team of people

960 that can look at this on a global basis, rather than a group of people that really are changing depending on the building.

965 If you have a group of people that change depending on the building, the only common denominator in respect of all the buildings is going to be the hon. Lady herself, and in that kind of circumstance it is very difficult to be conducting a systematic survey or an audit of all buildings in terms of disability needs.

970 **Hon. Miss S J Sacramento:** Mr Speaker, I certainly am not the person to be undertaking or heading the audit, but there are always two constants – possibly three, but there are certainly always two constants. There is always one person from the Care Agency, who is pretty much a disability assessment officer, and that person is always the constant throughout on these projects; and the head of the OT Department in the GHA is always present in these projects. So there are always at least two constants. I believe that there is a third, but I am not sure which Department this gentleman comes from; I think it is the Technical Services Department.

975 **Mr Speaker:** Any other supplementary?

**Alzheimer's and Dementia Residential Unit  
Final revised plans**

980

**Clerk:** Question 142, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the final revised plans for the Alzheimer's and Dementia Hospital, alluded to in answer to Question No. 523/2012, have now been completed; and, if so, state the total amount of beds the hospital will have, when the plans were finalised, the date when the hospital is envisaged to open, and provide a breakdown of the numbers and grades involved and the cost of employing new staff?

990 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as previously stated in this Parliament, there are no plans for an Alzheimer's and Dementia Hospital, but rather for an Alzheimer's and Dementia Residential Unit.

995 The plans are almost complete. It is envisaged that the number of beds will be 52. It is hoped that the facility will be functioning by the end of this year, and the level of staffing required is still to be determined.

1000 **Hon. J J Netto:** Sorry, Mr Speaker, I am afraid I have lost some of the answer being provided by the hon. Lady. She did mention, I believe, that the number of beds will be 52. Is that correct?

**Mr Speaker:** Fifty-two, yes.

1005 **Hon. J J Netto:** Did she provide a date when she thinks that the residential home, which the hon. Lady is calling... will be open, Mr Speaker?

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, I believe I said by the end of the year.

**Mr Speaker:** Next question.

1010 **Clerk:** Question –

**Hon. J J Netto:** Can I ask...?

1015 **Mr Speaker:** Yes, go ahead.

1020 **Hon. J J Netto:** Although the target date will be by the end of the year, which is another 10 months away and would involve commencement within the next financial year, so to speak, is she now in a position of knowing the number of new people that she would need to employ in order to provide such services to this group of people; and if she does, Mr Speaker, can she provide a breakdown of what grades they are and what will be the extra cost to the Government?

**Hon. Miss S J Sacramento:** Mr Speaker, had the hon. Gentleman listened to my answer, I said that the level of staffing required is still to be determined.

1025 **Mr Speaker:** Next question.

**Hon. J J Netto:** To be determined... Will she know by when she will be in a position that this decision will be determined?

1030 Obviously, she is now working towards a target date when the facility is going to be open – by the end of the year – so she must be having some discussion, particularly with the senior management of the Care Agency, and indeed perhaps even members of the Gibraltar Health Authority as well.

1035 I do not necessarily want to pin her down to exactly a particular fixed number of people, but perhaps she will know by now how many nurses there may be needed to be employed, how many auxiliary staff will need to be employed, whether there are some sort of other specialities that need to be employed to provide the services. Has she had this discussion... whether she knows the breakdown of different grades that would be required?

1040 **Hon. Miss S J Sacramento:** Mr Speaker, we have had the discussions, and generally there are formulas that determine the level of the staffing requirements, but there is no final breakdown because, although in general we know the level of dependency that this unit will cater for, it may be that we need to look at that and the exact ratios will be known at a later stage.

As I said initially, the staffing level required has not been finalised. We can more or less gauge what it is, but it has not been finalised.

1045 **Hon. J J Netto:** Just perhaps one final question, Mr Speaker, if I may: does the hon. Lady think that, by the time the new Estimates are tabled, probably in the month of May or June... Will those new Estimates for the new financial year contain the extra amount of expenditure and the breakdown? I am not really trying to...

1050 **Hon. E J Reyes:** Catch her out.

**Hon. J J Netto:** – catch her out. It is just that I want to know whether, by that time, this will be part and parcel of the new estimates.

1055 **Hon. Miss S J Sacramento:** Mr Speaker, it may be that it is determined by the time that we lay the Estimates before Parliament; it may be that it is not. We will take it as it comes when we appear before Parliament for that session.

1060

**Care Agency  
11-month contract holders**

1065 **Clerk:** Question 143, the Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, since Question No. 763/2012, can the Minister for Social Services provide the following information: (a) how many new 11-month contracts have been initiated, stating the grade, nationality and location; (b) how many 11-month contracts have now terminated, and of those, how many ended with an indefinite contract, and how many have not had their 11-month contract renewed, stating their nationality, grade, and location?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1075 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 25 new 11-month contracts have been initiated since Question 763/2012.

The breakdown is as follows: by grade – 18 care workers, two social workers, two RGNs, two AOs, one domestic; by nationality – 20 British, five Spanish; by locations – two in Administration, six in Disabilities, 10 in Elderly Care, seven in Children's Services.

1080 One 11-month contract has been terminated, and one has resulted in an indefinite contract. By grade, the one terminated was a care worker, British, in Children's Services; the one in an indefinite contract was a care worker, British, in Disability Services.

1085 **Hon. J J Netto:** Mr Speaker, could I perhaps ask the hon. Lady, would she be gracious enough to provide a photocopy of the answer given, as there were so many details involved that that would help, certainly, the Opposition benches.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker. Would you like it now, or after?

1090 **Hon. J J Netto:** Mr Speaker, I think that we can certainly move on to the next question.

**Mr Speaker:** Very well, thank you.

1095

**Mount Alvernia  
Nursing Co-ordinator post**

**Clerk:** Question 144, the Hon. J J Netto.

1100

**Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to provide a definitive answer to Question No. 764/2012, in relation to the review of the post of Nursing Co-ordinator at Mount Alvernia?

1105 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Question No. 764/2012 asked if the vacant position of Nursing Co-ordinator at Mount Alvernia had been filled. At the time, the post was being filled in an acting capacity, and it continues to be. The service continues to be reviewed.

1110

**Hon. J J Netto:** Mr Speaker, can the hon. Lady state whether the person who has now filled the post on a permanent basis was an employee of the Care Agency?

1115 **Hon. Miss S J Sacramento:** Mr Speaker, I have not said that the post has been filled on a permanent basis. I have just said that it is being filled in an acting capacity.

1120

**Disability Team Leader post  
Conclusion of review**

**Clerk:** Question 145, the Hon. J J Netto.

1125 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the review stated in answer to Question No. 766/2012 has now concluded; and, if so, what is the conclusion in relation to the post of Disability Team Leader?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1130

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, we have been working in collaboration with the Acting Team Leader of the Disability Services and the Team Leader of the Adult Services, and the review of the entire Disability Service is almost concluded.

1135 In light of the above reply, I am not yet able to disclose what the conclusion in relation to the post is, other than to say that there is a massive review of the Disability Service.

**Hon. J J Netto:** I believe, Mr Speaker, that the hon. Lady said that the review is almost complete. If that is the case, can she perhaps tell Parliament when she will be in a position to provide the information in relation to the conclusion of such a review, which is basically what I am asking?

1140

**Hon. S J Sacramento:** Well, quite hopefully, by the next sitting of Parliament, Mr Speaker.

**Hon. J J Netto:** I am grateful.

**Mr Speaker:** Next question.

1145

**Tangier View  
Residential Home Manager post**

**Clerk:** Question 146, the Hon. J J Netto.

1150

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the review quoted in answer to Question No. 767/2012 has now ended; and, if so, state what the conclusion of such review is in relation to the outstanding post of Residential Home Manager in Tangier View?

1155

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** The review quoted in Question No. 767/2012 is almost concluded and a restructure is being planned for the new financial year, Mr Speaker.

1160

**Hon. J J Netto:** Mr Speaker, I am glad that my prompt in my question has made it that all the different reviews are now almost complete.

**Hon. Miss S J Sacramento:** Don't flatter yourself.

1165

Mr Speaker, in response to that gratuitous remark, I think the hon. Gentleman should not flatter himself because the target is the new financial year.

1170

**Bleak House courses  
Provision made for students**

**Clerk:** Question 171, the Hon. Mrs I M Ellul-Hammond.

1175

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Training state what provision has been made for those students who voluntarily attended the Bleak House courses of literacy, numeracy, IT and life skills, which were last held in May 2012?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

1180

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 177, 178, 179, 180, 181, 182, 183 and 184.

1185

**Employment and Training Company Ltd  
Number of companies signing contracts**

**Clerk:** Question 177, the Hon. D A Feetham.

1190

**Hon. D A Feetham:** Mr Speaker, can the Minister for Employment please state how many companies have signed contracts with Employment and Training Company Ltd as at 31st January 2013?

1195

**Future Job Strategy  
Types of training**

**Clerk:** Question 178, the Hon. D A Feetham.

1200

**Hon D A Feetham:** Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about at the last session of Parliament?

1205

**Future Job Strategy  
Number of trainees placed**

1210 **Clerk:** Question 179, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state, as at 31st January 2013, how many Future Job Strategy trainees were placed in the private sector and how many in the public sector?

1215

**Future Job Strategy  
Number of trainees in permanent employment**

1220 **Clerk:** Question 180, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have been employed permanently, following successful completion of their training (a) in the private sector and (b) in the public sector?

1225

**Future Job Strategy  
Number of trainees failing to complete training**

1230

**Clerk:** Question 181, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have failed to complete their training since the scheme was instituted on 1st February 2012?

1235

**Future Job Strategy  
Termination of training**

1240

**Clerk:** Question 182, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many trainees have had their training terminated in the public sector, or by companies in the private sector, other than for reasons that the trainee has been permanently employed?

1245

**Employment Training Company Ltd  
Trainees not receiving training**

1250

**Clerk:** Question 183, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state whether there are any trainees getting paid by the Employment Training Company Ltd who are currently not receiving any training, either within the private or public sector?

1255

1260

**Construction Training Centre and Gibdock  
Trainees in structured schemes**

**Clerk:** Question 184, the Hon. D A Feetham.

1265

**Hon. D A Feetham:** Can the Minister for Employment please state how many people have been taken on at the Construction Training Centre or Gibdock for structured training schemes since 1st January 2012?

1270 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, of those who attended the courses in May 2012, 14 went from ETCL into employment, 10 went directly into employment, 19 continue in ETCL/SEC, nine we have had no further contact with, and two are currently registered unemployed.

1275 As at 31st January 2013, 184 companies had signed contracts with ETCL.

Further to Question 28/2013, the answer is no.

As at 31st January 2013, 289 trainees were placed in the private sector, and 205 within the public service.

1280 Following employment training with ETCL, 101 trainees have been employed in the private sector and 10 in the public service.

Twenty trainees have failed to complete their training.

Other than for the reason of having found them permanent employment, 39 trainees have had their training terminated.

1285 The employing company is not aware of any trainee that is not receiving any training.

To date, no-one has been taken on at the Construction Training Centre or Gibdock.

**Hon D A Feetham:** Mr Speaker, just simply on a Point of Order, because the Hon. the Minister for Employment has, in the past, lumped all Future Job Strategy questions that I have asked him into one and answered them. Very often, I go back and I look at the answers, and in fact he either has not answered one particular question or an aspect of a particular question.

1290 In my respectful view, I do not think that it is parliamentary and I do not think that it is within the spirit of Standing Orders for there to be a bunching up of questions – and effectively, we are talking about (*Interjection by Hon. J J Bossano*) eight or nine questions bunched up (*Interjection*) – with no reference, when he gives me the answer, to the number of the question, and it really is very difficult to follow, from this side of the House, which answer relates to which question.

1295 I really do not think that it is within the spirit of Standing Orders or the Rules of the House for there to be answers to questions in this particular way.

1300 I ask one question, I require an answer for that question, and quite frankly, it is very difficult to actually follow the answers the hon. Gentleman has given to the questions that I have asked.

**Mr Speaker:** Since time immemorial, Ministers have had discretion to lump together and answer whatever questions they have wished. That has always been the practice.

1305 I understand the problem, the difficulty, which the Leader of the Opposition says that the Opposition have in placing, as it were... in identifying what part of the answer has to do with which particular question. I can understand that that is a problem for them.

Because of that, and because there are a number of questions, I am prepared to be liberal in allowing them whatever time they feel is necessary to be able to ask supplementaries, but as I say, there is nothing in Standing Orders that prevents a Minister from answering any number of questions together.

1310 **Hon. D A Feetham:** Mr Speaker, that is certainly the case, but Standing Orders also provide that the questions that we ask ought to be answered, and that must mean that there must be a correlation between the answer and the question.

1315 What I am inviting the Hon. the Minister perhaps... What I am inviting, Mr Speaker, and urging upon him, is that perhaps he ought to urge the Minister to identify, at the very least – even if he bunches them, at the very least identify – the question he is answering with the information he is providing, because it really is very difficult to follow the actual answer to the question, particularly when we are talking about not three questions, but we are talking about eight or nine questions.

1320 **Mr Speaker:** Again, I understand the difficulty.

Let me say this: in about half an hour's time or so, we hope to have a short recess of 20 minutes or so, and I will be liberal perhaps. If, between now and then, hon. Members of the Opposition have not been able to fully pursue the supplementaries arising from this answer that they feel that they need to pursue, I will be liberal in allowing them to come back, to return to these questions and ask the necessary supplementaries. Beyond that, I really do not feel that I can go.

1325 I have only seen the answer myself now, so I cannot ask here now and then, immediately, the Hon. Minister who has answered it, which paragraph refers to which question, but outside the pressure of the House, perhaps in the Antechamber, one or two of the hon. Members of the Opposition could do precisely that and then, as I say, I will allow them to come back to this main answer and pursue it to the extent that they feel is necessary.

1330

**Hon. D A Feetham:** Mr Speaker, I am very grateful for that.

1335 It is not the fact that Mr Speaker does not, in fact, provide us the indulgence, because he has in the past provided us the indulgence; it is about the practice. I just do not think that it is proper parliamentary practice and it is within the spirit of Standing Orders to provide answers to questions in this way, without identifying, at the very least – even if he bunches them – indentifying the questions. But so be it, Mr Speaker, and I will –

1340 **Mr Speaker:** No, the problem is where do you draw the line. You can lump together two, three or four – it has happened today and yesterday – and there is no problem. Now the hon. Members of the Opposition are having a problem, but I cannot give a strict ruling and say you may only lump together three, four, five or six.

1345 The Hon. Leader of the Opposition must understand that the Speaker only has those powers under Standing Rules that hon. Members decide that the Speaker should have. If hon. Members consider that the Speaker does not have enough powers, they know what steps they have to take.

1350 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just in terms of how parliamentary these things may or may not be, I offer the hon. Gentleman the opportunity to reflect on the fact that, when we were sitting in Opposition and they were sitting on this side of the House, we often endured the bunching of a number of questions, sometimes two or three, in relation to a particular subject –

**A Member:** That is what I just said.

1355 **Hon. Chief Minister:** – sometimes 20 or 30. On one particular occasion, Mr Speaker, I recall the Hon. the previous Chief Minister bunched, I think, a historic 60 questions together, or so, in respect of Mr Licudi.

I urge the hon. Gentleman to think that if it is unparliamentary now, it was unparliamentary then.

1360 **Mr Speaker:** I would say this, if the Hon. Chief... (**Hon. Chief Minister:** Of course.) In my time – and in the time of the Hon. Member, Mr Bossano – this number of questions would not have been lumped together, but if a practice has developed over the last 20 years, where even more... then, if you tell me that 60 questions have been lumped together, 10 is no great number. But when I was sitting on those benches, you hardly ever had answers to more than two or three questions lumped together, and I am sure the Hon. Mr Bossano will corroborate that.

1365 **Hon. Chief Minister:** I am grateful, Mr Speaker.

1370 If I may just say this: for the purposes of trying to take forward debates in this House, many of those questions which are lumped together are the questions, in the last Parliament and in this Parliament, that are prefaced with ‘How many...?’ Mr Speaker, when I became a Member of this Parliament in 2003, I started the practice of asking many of those ‘How many...?’ questions – or rather, questions which prefaced with ‘How many...?’ – by written question, and asking a political question the following Parliament if I found that the data I had been provided with gave rise to any such potential political question, if I may put it that way.

1375 I just invite hon. Members, who have the right to decide absolutely for themselves which questions they put in writing, or which questions they put orally, that if they are seeking questions which are about statistical information, they have three courses: ask them orally; ask them in writing, in which case they have the information and they can analyse it before they then ask a parliamentary question in the next Parliament, in the next meeting, which is now every month – before, it was two or three times a year; or, approach us and say, ‘Look, I am going to be asking this statistical question in every Parliament – can I invite you to put this on the website, so that I can look at the numbers and ask my political questions based on the numbers on the website?’

1380 I do not know if that is of any assistance, Mr Speaker.

**Hon. D A Feetham:** Mr Speaker?

1385 **Mr Speaker:** Yes, just a moment.

1390 There are two immediate courses of action that the House could take. One is to ask the Hon. Minister whether the Members of the Opposition can have a photocopy of the main answer immediately. The other one, of course, is as I said, we were going to have a break at about five – we could have a recess now for about 20 minutes, which will allow the hon. Members of the Opposition to look at the answer in detail and to identify them with any of the questions. I am open to whatever the...

**Hon. D A Feetham:** The first suggestion would be fine, Mr Speaker.



We, on this side of the House, are also interested in moving forward. It is not really about this particular session; it is about how we move forward.

1395

I have already, in relation to statistical questions, invited the Hon. the Minister for Employment to provide me with those statistical questions on a quarterly basis. I think that I suggested, in relation to unemployment figures, that he provide me with those on a quarterly basis, and perhaps I also invited him to place them on the website.

1400

Not all these questions are statistical questions, and the point that I was making is that, perhaps in future, when he answers them – and he is not going to have answer to me, because it is Mr Bossino who is taking over the relevant portfolio – that he might want to consider actually identifying the question that he is answering when he actually provides the answer, and that would be helpful.

1405

In respect of the 60 questions that were bunched together, I am aware that, in the past, 60 – or a large number of questions – have been bunched together. They were of a statistical nature, and hence could be provided in a schedule. *(Interjection)* Mr Speaker, that is my recollection.

Some of these questions are not statistical, they are political in nature, and hence I have chosen on this occasion actually to ask them across the floor of this House. On other occasions, I have also asked them in written format.

1410

But the point was to try and, at the very least, elicit the information, not only for ourselves but also for the purpose of *Hansard* and anybody else who looks at *Hansard* or is listening to the debates.

**Hon. Chief Minister:** Mr Speaker, if I might just deal with that point, as a point of information, it is not true to say that the questions that have been bunched together are statistical questions in the past.

1415

**(Hon. D A Feetham:** The 60, or so.)

In fact, a lot of questions, particularly the 50 or 60 that were bunched together, were not statistical; they were about when Government was going to do things and particular aspects of what Government was going to do in relation to a traffic plan, ironically. So, Mr Speaker, it is not true to say that only statistical questions have previously been bunched together.

1420

But if I may just say, Mr Speaker, and end with this, we are going to be dealing with a motion sometime later today about televising proceedings. I think it is in all our interests, if the House does approve that motion and if we do go ahead and televise proceedings, that we do not start with very low ratings because all we are doing is asking each other about numbers.

1425

I have said what I have said about how *I* feel statistical information can be provided more easily to hon. Members for their analysis and then their political questioning, and it is a matter for them how they take it forward.

**Hon. D A Feetham:** Mr Speaker, I accept that entirely. What I do not accept is that all the questions that I have asked are of a statistical nature.

1430

Further, simply because one asks a statistical question does not mean that there is not a political motive behind it, and indeed political supplementaries that arise from it. The hon. Gentleman has enough experience of my questions of the Hon. the Father of the House to know that most of the questions that I do ask have got a political content to them.

1435

I am interested in how we proceed in future and how, obviously, to make the proceedings as fair and effective as possible. I would have thought that it would be possible, certainly, to consider all these issues, not in the context of the motion later on, in relation to televising of the debate, but in the context of the debate, that no doubt we will have, in relation to parliamentary reform later on this year.

**Hon. E J Reyes:** May I...

1440

**Hon. D A Feetham:** Mr Speaker, in fairness to the Minister for Employment, he has also provided me with the answer to the question on debentures. I do not know whether this is...

**Hon. J J Bossano:** Oh well, it should not be there *(laughter)*.

1445

**Hon. D A Feetham:** I have got the answer to the question that I have not asked! I do not know whether he wants that back? *(Interjections)*

**Hon. Chief Minister:** You can start thinking about it so that *[inaudible]*.

1450

**Mr Speaker:** Perhaps you might return it to the Chair.

**Hon. Mrs I M Ellul-Hammond:** And Mr Netto's questions are also here.

**Hon. D A Feetham:** And Mr Netto's questions are also here.

1455 **Hon. J J Netto:** He can leave them here if he wants.

**Mr Speaker:** Given the information which now is in the hands of hon. Members of the Opposition, how would they like to proceed?

1460 **A Member:** Carry on.

**Mr Speaker:** Carry on.

1465 **Hon. E J Reyes:** May I then, Mr Speaker... In relation to the answer provided by the Minister for Employment that refers specifically to Question No. 171, if I noted the figures accurately I believe, Mr Speaker, that 19 trainees still remain on the ETCL and two are registered as unemployed. That makes it a total of 21.

1470 Can I therefore take this opportunity, Mr Speaker, to urge upon the Minister for Employment to think carefully about what I hinted about last time, is that the value of offering important courses that lead to accredited qualifications in numeracy, literacy and information technology would help to enhance the employment prospects of these individuals.

1475 I was urging him last time, even offering to meet up with him... I know he has been busy because he has been representing this House in international matters, which makes all of us in Gibraltar proud; but nonetheless, Mr Speaker, it is 21 youngsters who are currently not in permanent full-time employment, who I believe would benefit greatly if they had the opportunity to attend some sort of courses that led to accredited qualification.

1480 Perhaps, together with the Minister for Education, we can even have a cup of coffee and what is known as a general chit-chat about the value that would obviously allow these 21 youngsters to improve their employment prospects.

**Hon. J J Bossano:** Mr Speaker, there are two registered unemployed. The others – the 19 that the hon. Member is referring to – are, in fact, getting paid. They are in employment; they are not unemployed.

1485 In the Support and Employment Company they have got indefinite contracts. They are placed somewhere with an open contract because... the Member may remember that, having identified the category of people who were with special educational needs, many of whom were there already before 2012, the position was that we initially put them in ETCL, the same as everybody else.

1490 So, everybody who was on the VTS went into the ETCL in February, and then, a few months later, those who had been identified to have limitations, in terms of being able to obtain a job in the open market – which was not a question of improving their skills; it was their ability that was involved – in those cases, we actually gave them all indefinite contracts.

1495 So that is why the 19 are ETCL/SEC. SEC is the Support and Employment Company. These people completed their literacy and numeracy courses in Bleak House, and when they came out, they continued to be paid by the company, like they were being paid while they were doing the courses. They are in areas in the private sector, many of them, but with a commitment from the placement that their placement will not end, that they will continue to be paid a wage and that they will be entitled to an old age pension and so on eventually, because they are now covered by social insurance, and that they will be getting annual pay rises in line with the minimum wage.

1500 So the reality of it is that we know of two who are seeking employment – because they have registered unemployed – out of the whole group, and there are nine who have not come back for anything, and we do not know... They are not either in employment or out of employment; they have simply fallen under the radar.

1505 The 19 are likely to continue to be where they are, and if they can benefit from any other courses, there is no problem in sending them; they are all on our payroll, anyway.

So that is the position. It is not that there are 21 who need to be given a job; there are only two.

**Hon. E J Reyes:** Yes, thank you, Mr Speaker, the Minister for Employment has clarified a little bit.

1510 However, if you subscribe to the philosophy of lifelong learning, I think these 19, together with the two unemployed, would certainly have a far better future working life if they were able to top up on their qualifications.

I will leave it at that, Mr Speaker. Perhaps it is an item of lifelong learning that I can take up with the Minister for Employment when the House meets again, after the refurbishments that are planned.

1515 **Hon. D A Feetham:** Mr Speaker, in answer to Question 178 – I think it is in answer to that Question, because he refers to Question 28/2012 – where I asked:

'Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about...?'

1520

– he has said no. Can he elaborate as to why it is not possible or he is not in a position to provide me with that information – bearing in mind that he said that he was going to write to me on the last occasion – without me writing to him?

1525

**Hon. J J Bossano:** Mr Speaker, it is not related to him writing to me; it is related to the fact that what he asked me for the last time and what he is asking me for this time are not the same thing.

He said, the last time, that the information that he was looking for was the numbers in each area and that he would be happy to get that from me on a quarterly basis because he wanted to see, from one quarter to the other, how many people were in one area and how many were in another area.

1530

On this occasion, he has asked me to give him the type of training. The type of training has nothing to do... well, it has something to do with the area when it comes to Health and Social Care, because that is only available in the areas... So, if I tell him there are 20 people in Health and Social Care, it follows that the training that they are getting is in Health and Social care; if I tell him there are 41 in the Construction Industry Training Centre, it follows that it is construction; but if I tell him that there are some people in the tourist and the transport area, that does not tell him the training.

1535

Therefore, what I can give him is the breakdown that he asked me for the last time, not what he is asking me this time.

1540

**Hon. D A Feetham:** Yes, can he please provide me with that? It may well be that we have been at cross purposes. Can he provide me with that?

**Hon. J J Bossano:** Yes. I have got the figures here for the October numbers. If the hon. Member will bear with me, I will find the supplementary.

1545

In Care and Social Services, there were 55 – this is at 1st December; the figure will have changed in January because some people have now moved on – Education and Health, 18; the Construction Training Centre had 41; Gibdock had 23; the Treasury, Tax Department and Post Office had 18; Human Resources and the Employment Service, 14; Tourism and Transport, 13; Sports and Culture, 14; Electricity Authority, four; Consumer Affairs, one; the Courts, one; the Maritime Administration, four; and Housing, one.

1550

**Hon. D A Feetham:** Mr Speaker, thank you very much.

Just moving on, in relation to the 101 trainees who have been employed in the private sector – presumably after being placed there on the Future Job Strategy Scheme – when I was Minister for Justice and I looked at the figures, when I was working during the last year with my very good and hon. Friend, Luis Montiel, as he then was, we looked at the figures, in terms of the success rate of the VTS Scheme, and the success rate of the VTS Scheme was roughly about 28%. That was the success rate in terms of people placed and then being taken on permanently.

1555

Now, in a year, we have had 101 trainees who have been taken on permanently, out of nearly 500 who were originally taken on as part of the Future Job Strategy scheme. So, at this stage, there does not actually appear to be an improvement in terms of the historic rates at which employers are taking people on on a permanent basis. Does he accept that, and can he explain why he has not been able to effectively have any improvement on the figures when we were there as part of the VTS Scheme?

1560

**Hon. J J Bossano:** Mr Speaker, I do not accept that, no, because I would have to go back and check whether his recollection of what was happening when he was there is accurate. The fact that he states that he came up with a figure, together with his good friend, Mr Montiel, is not sufficient to persuade me.

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I have to tell him that, in fact, from the perspective of the commitment to employ, it is almost 100%, the result. The hon. Member will remember how he wanted me to agree with him that the Scheme had been a failure in the first month, when only five employers had turned up. The 101 who have been employed as a result of the 11 months is three short of the people who committed themselves. There were 104 employers who were supposed to be taking people on – 101 have taken them on and three have received invoices. I do not know whether that is enough to persuade him that this scheme is producing better results – which I am sure he wants to see as much as I do; I am sure of that.

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I will go back and check his figures, because in fact the information that we used to get before, and which I continued to get after 9th November 2011, was that the previous scheme consisted of *many, many* people being recycled, and the figures that I have of people certainly who have been in the scheme in several cycles already, before 2012, would be higher as a percentage than the figure that he is quoting. So

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it may be that there are people who had got a job and then lost their job, and then came back, because it is not clear that they were unemployed in between.

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I can tell him that there are people – because we check if they have been in the system before, when they come in – who have been in and out of the VTS three or four times, and they have now gone into employment for the first time from the Employment Company. But it may be that employers have taken them on and then subsequently laid them off, but I do not know.

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But I will certainly look at it, and if indeed the figures are as he has said, then clearly there is room for improvement because the one we have got now is better.

**Hon. D A Feetham:** Mr Speaker, what about the other... We are talking about 101 who have found permanent employment. There are also 10 in the public sector, and I presume that the 10 in the public sector... we are dealing with social workers or we are dealing with (**Hon. J J Bossano:** Care.) care or nurses, who have, in relation to those, proper structured training with a view to a job.

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But what about the other 350 who signed 11-month contracts with ETCL at the beginning of February, when the scheme started? How confident is the Hon. Minister that they will also be able to be placed? Because of course, the success or otherwise of the scheme cannot be judged just simply by how many one places in the private sector with willing employers. The success or otherwise of the scheme has to be judged on a global basis, bearing in mind the amount of people who signed contracts with ETCL, came into the scheme in February 2012, and who were actually guaranteed jobs at the last Election by the Party opposite.

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**Hon. J J Bossano:** Well, I think I have explained it all before to him, but I will explain it again.

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Mr Speaker, the people that we took on initially we took on even though, from the previous administration, they had a six-month stint in the Vocational Training Scheme, which did not require us to keep them on until they got a job. But we felt that, since we are offering that to newcomers, it was only fair that we should give it to the people who were already there in January.

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The difference between those people, some of whom we still have and are now in their second year – I think we have got about 89 of them left – was that they were not selected by the employer. The fundamental difference between the two systems, which we think makes this one have a higher potential for success, is that this is a situation where it is demand led, not supply led.

On the previous scheme, the employers who were approached initially by us and told, ‘You have to sign a partnership agreement with us,’ said, ‘Well, I don’t want to sign a partnership agreement. As far as I am concerned, I have got people here that I don’t need and I don’t want. They are nice people, they are hardworking people, they are good people, but I don’t need them. I was only doing the Government a favour in order to take them off the unemployment list, because they didn’t cost me anything – no social insurance, and they just got an allowance.’ That is the position that still leaves us with a remnant.

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In the subsequent cases, the person has been taken on because the employer, who has got to give them the job, selects who he takes on. We send candidates; they select one. The one they select gets given a job with the Employment Training Company, and the prospective employer signs a partnership agreement guaranteeing that the job that has been open, which is a job that needs to be filled permanently, will be filled with that person, if that person is suitable, and they have a month to determine the suitability.

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The 101 who have been taken on are all the people who were taken on at the end of that period of commitment by the employer; and, as I have said, there were only three employers who, at the end of the training agreement, tried to argue that the guys were not suitable. We did not accept that argument because it is very clear that, if we accept that argument, then all that will happen is that employers will take them on as long as it is paid from the public purse and stop taking them on when they have got to put the money in their own pocket.

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So the answer to his question is that the people who are there we are committed to keep until we find them suitable... but it is a declining number, and I am optimistic that we will be able to find them all work. It is not a problem that is going to increase, because the system now does not lead to a situation where we are, as it were, forcing people onto employers that the employers do not want to have. That cannot happen, and therefore the criteria that we are applying creates a different kind of relationship.

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In *many many* cases, of course, we are using the opportunity of the fact that... We have been doing it with the construction industry, where the previous Government introduced a system that the allocation of contracts would be that people would have to give three prices, but as well as having to compete on price they would be competing on the number of jobs they offered those unemployed. In those circumstances, the guy cannot say, ‘Well, look, I did not want the guy that you sent me.’ They select who they have.

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So, I certainly will look at the figures that he has given, and I will see, if we are not being as successful, where we are going wrong, but I do not believe that is the case.

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**Hon. D A Feetham:** Did he say that out of the original... He mentioned the number of 89. I thought he said out of the original 450 to 500 who were taken on at the beginning of February of last year, 89 of

1640 that number are included within this 101; the remainder are people who may have, off their own backs or in conjunction with the ETB, found an employer who is willing to take them on on the Future Job Strategy scheme and then have been taken on permanently.

1645 So, am I right in saying that, out of the 400 to 500 people who were originally taken on on the scheme in February 2011, 89 have found permanent employment?

**Hon. J J Bossano:** No, that is not what I was saying. I was saying that, of the people who still remain in the scheme, there are 89 of those who were there initially.

1650 There are a number of other categories in the breakdown that he has asked me for in this and in previous questions, which are the people who found employment, but not with their placement provider.

This question was quite specific. The 101 are where the employer signed an agreement and has honoured the agreement. There are three cases where the employer signed an agreement and tried to walk away at the end.

1655 There are other categories. There is another group of people in the numbers that I have given him – if not in this month’s question, in the ones that he asked me last month – which was the number of people who had actually used their skills with one provider and finished up with a different employer, because of course the commitment is only on the part of the employer. There is no... Some employers feel that it is a bit one-sided, particularly where they feel that they can train somebody to do something and then somebody else can poach them, because only the employer has an agreement to keep the employee. The employee has no agreement to stay there.

1660 But the 89 figure that I have given him, from the top of my head, is what I think still remains of the original and still continues to be in ETCL because we have not yet found them a permanent placement.

1665 **Hon. D A Feetham:** In relation to the 205 within the public service... and I know that there have been exchanges across the... I have asked you in the past, and the hon. Gentleman has not wanted to commit himself – and probably he is not going to commit himself again, but I will ask it.

1670 One of the concerns that certainly we have on this side of the House is that if you have 200 – it is quite a large number of people – within the public service, some of whom it may be particularly difficult to find a job within the private sector for, for whatever reasons relating to their background... Now I do not call them unemployable, but there are people who are more advantaged within the labour market than others – criminal records, or for whatever reason. One of the things that certainly concerns me is that we do not end up in a situation where a person who is particularly disadvantaged – because, for example, of his criminal record – by default actually remains in the public sector *ad infinitum*, on a permanent basis, whereas somebody who has been well behaved, who has not got a criminal record, because of his potential attractiveness to private employers, is found a job in the private sector.

1675 Can he give us an indication of what is going to happen with these individuals if, in the long run – say, for example, by the end of the Government’s term in office – they have not been found permanent employment? Is it the hon. Gentleman’s intention to leave them within the public sector? What is going to be the position with these individuals?

1680 **Hon. J J Bossano:** Well, Mr Speaker, I have just given him a breakdown of where they are. The breakdown was for 207, because in January two of the 207 found employment. They happen to be the two that show an increase from the eight in the public sector to the 10 in the public sector. I told him in the last House that there were eight people who had found jobs in the public sector, and I told him they were all in the Care Agency and that there were 207 placed in the public sector without a guarantee of employment. Right. Well, now the figure is 205, because two of the trainee carers have now been given jobs because they have completed their care training. Right.

1685 It includes 41 in the Construction Training Centre, it includes 23 in Gibdock, and it includes the people I have said we kept on simply because they were there and we did not want to finish them. But I need to remind him that in fact what was happening in many instances previously was that people were being taken into community care projects because they came out of having problems and having been to court and all that kind of thing – he will remember that – and that is part of the public sector.

1690 So, people were saying, ‘Well, look, what do I have to do to get a job in community projects? Go first... So, I punch somebody and I get a job in community projects; if I don’t, then I have to work in the private sector and get paid less – £80 less a week – as a labourer?’

1695 So, what worries him was happening with the people he was being lobbied by just before the Election, and what I am telling him is, in fact, that I am confident that we will be able to place everybody in jobs in the private sector, or that if they get into the public sector it will be because they are applying in competition with everybody else, like 600... A lot of these people are part of the 600 who have applied for public sector jobs. They are entitled to apply. They may not get it, but maybe one or two may, and that figure will bring the total down.

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I cannot predict what the position is going to be in three-and-a-half years' time, and I would not commit myself to what I would do with a position that I do not know what it is going to be. What I can tell him is the degree of confidence that I have, and the degree of confidence is that we will be able to place them all.

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**Hon. D A Feetham:** Mr Speaker, this particular issue is a *very, very* difficult issue, and certainly we were *very, very* careful, when we were in Government, about employing people in the public sector, because everybody on... in circumstances just outlined by the hon. Gentleman, because the reality is that everybody wants to be employed, or a lot of people want to be employed in the public sector, (*Interjection*) and...

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Sorry, I beg your pardon? Do you want me to give way, Mr Linares? I will.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** [*Inaudible*]

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**Hon. D A Feetham:** No, I did not.

**Chief Minister (Hon. F R Picardo):** I am quite happy to clarify, Mr Speaker, that we all, on this side of the House, actually believe there was quite an expansion of the public sector when they were in Government, (**Hon. S E Linares:** Absolutely.) so we are quite surprised to hear those remarks.

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**Hon. S E Linares:** Including in the Culture and Heritage Agency, of which many were employed from outside.

**Hon. D A Feetham:** We will see during the Budget, and we will see in the forthcoming years, how much public expenditure actually goes up by, because it has certainly gone up by a record amount in the last year.

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But look, let me continue with the serious effectively questions and answers that I am having with the Hon. the Minister Bossano, and leave subsidiary issues to one side.

This is a difficult issue – it is a *very* difficult issue – because of course you have people who may be very disadvantaged in the labour market. All these people, certainly the ones that I have dealt with, want to be employed within the public sector.

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There are many, and there have been many who have come to my office, who have complained to me that what was originally promised at Election time – and we have had a debate, and I am not going to reignite the debate – is not what is being delivered now. What was promised then was a job in the public sector.

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Of course, people feel – and it has been expressed to me, and I am concerned – that the more attractive you are to employers, the more likely you are to go and find a job in the private sector: the least attractive, the more likely you are to remain in the public sector.

But can I ask the Hon. Minister this question: the Government has a commitment not to, effectively, sack anybody from the Future Job Strategy Scheme and the public sector until that person has either... has found a job, other than, for example, sacking them on grounds of misconduct or... So everybody who is there will remain there until they have found a job in the private sector. Is that the position? Or the public sector, if they are training?

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**Hon. J J Bossano:** It is not actually that they have found a job. It is that *I* get paid to find them jobs, Mr Speaker. I do not expect the people to find jobs for themselves. We have got an Employment Service, we employ 50 or 60 people, and they are there to help people into work. The reason why we exist in the Employment Department is to find work for people. We do not say, 'It is up to you to find your own job.' We expect employers to open vacancies with us, and we expect to reduce the unemployment because we actively do something about it.

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What I am telling the hon. Member is that we have got people whom we took on because they were there when *he* was in Government, and those people are the most difficult ones to place, but I am confident that we will place them.

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Now, he wants me to give him a commitment – what will I do if I fail? Well, I am not in the business of, first of all, assuming I am going to fail, and then giving him the commitments that he thinks I should give if I fail.

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**Hon. D A Feetham:** No, Mr Speaker, that is *not* the point I am making. I am asking the hon. Gentleman to effectively tell this House whether these individuals are going to remain within the public sector until they are able to be placed in the private sector. That is the question. It is a very simple question, that under no circumstances are these individuals going to be sacked by ETCL, other than for

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reasons of gross misconduct. That is the question, it is a very simple question, and I think it ought to be capable of a very simple answer by the hon. Gentleman.

1765 **Hon. J J Bossano:** Of course it is capable of a very simple answer by this hon. Gentleman.

The hon. Member, when he was complaining about my grouping all these answers together, said that many of these were not, in fact, statistical questions seeking information, that they had a political element in it. I will tell him what the political element is: you are damned if you say yes, and you are damned if you say no.

1770 If I say yes, they are going to be kept, he will then say, 'Ah, well, now none of them are going to be interested in working in the private sector because you have just given them a job for life,'; and if I say no, then he will say to me, 'Ah, you have broken your manifesto commitment and you have done a u-turn' So, the answer is I am not going to tell him.

1775 **Hon. D A Feetham:** But, Mr Speaker, doesn't the hon. Gentleman accept that politics is about making and defending decisions? Will he make a decision, and will he defend it?

1780 **Hon. J J Bossano:** Mr Speaker, I understand one thing: that in the 40 years that I have been in this Parliament I have never seen any Minister take their decisions on demand from the Opposition. They take their decisions when they see fit, and they inform the Opposition of the results.

**Mr Speaker:** Any other supplementary?

1785 **Hon. D A Feetham:** Mr Speaker, moving in relation to the Construction Training Centre and Gibdock, can he explain why the policy, if it is a policy... why there have not been any recruitments into the Construction and Training Centre and Gibdock since they took over office on 9th December 2011?

1790 **Hon. J J Bossano:** Yes, Mrs Speaker, because we intend to replace what training has been provided there before by something that is more effective, both in terms of the numbers that come out with qualifications and the suitability of those qualifications for the industry.

1795 As a consequence of the fact that we have been monitoring and getting detailed breakdowns of what has been happening to those who have gone in – where we have, for example, two people completing NVQ level 2 and 40 going in, which is certainly not consistent – it is quite obvious that the Construction Training Centre did not come up with the success rate that he claimed for the VTS, because the ratio in the Construction Training Centre, and to a lesser extent in Gibdock, has been that the drop-out rate has been *very, very* high. You get a lot of people coming in and a lot of them drop out before they get to level 1, and then you have people who do not continue beyond level 1.

1800 In a situation where the cost of operating the centre is in excess of £600,000 and the cost of the trainees is another £400,000 on top, and what you get is two painters coming out of an institution that costs £1 million a year, we feel something different has to be done. I am happy to say that Dr Coram is the one who is putting the package together as to what is going to be put in place and that there is a working party with representatives from the colleges, the comprehensives and input from the industry which will be putting proposals to me, and I expect that, at the latest in September, we shall be in a position to take in more than would have been taken in two years under the old system.

1810 **Hon. D A Feetham:** Mr Speaker, certainly this is worrying from the Opposition's point of view. It is worrying on a number of levels. It is worrying because, although certainly I would like to give the hon. Member the benefit of the doubt, he has some previous form in relation to closing construction centres, and he did close the two construction centres that were operational prior to ceasing being the Chief Minister of Gibraltar in 1996.

Also, Mr Speaker, it is of concern knowing how... I hesitate to use 'obsessive', but how concerned perhaps the hon. Gentleman always is about pounds, shillings and pence, and he has emphasised the cost of the Construction and Training Centre.

1815 It is also of concern because if one looks at all the training that used to take place – and I use the term 'training' loosely, because... In fact, I use the term 'training' loosely, even in relation to the Future Job Strategy, because with the VTS, as indeed with the Future Job Strategy, one is not talking about structured training; one is talking about placing somebody on a job so that they learn on the job. It is on-the-job learning, or training, but not structured training as such. The structured training was from the Construction Training Centre and from Gibdock.

1820 Can he alleviate concerns on this side of the House that, one, this is not money motivated; two, that he does not intend to do what he has done in the past, which is just close the Construction Training Centre and not replace it by a proper training centre where people can, at the end of the day, come out with a structured qualification that can serve them for a career in the future; and that the new scheme, or the new

1825 set-up that he is going to be replacing this one with, will enable or will involve people coming out of it, at the end of the day, with qualifications – NVQ qualifications, or any other qualifications that involve proper structured training – that will allow people to use their skills to obtain jobs in the construction industry and other industries that are relevant to the training?

1830 **Hon. J J Bossano:** Taking the last part of the question first, I can tell him that what will start this year will produce more people with UK construction qualifications in the distribution of the skills that the industry requires than has been produced in the last four years by the Training Centre; greater numbers than in the last four years with qualifications – predominantly City & Guilds – in the construction trades, and that the thing is being put together by the professionals involved in education and training.

1835 I can tell him that I will not be doing what he claims I did, because I did not do it the last time either. What I did – as I keep on reminding him, and he can go back and check for himself – was to stop a system where people used to get paid pocket money and come out as boy labourers, which was not much different from the VTS. What eventually replaced it was the Construction Training Centre, which in the first year, in 1995-96, produced 20 NVQ level 2s, as opposed to the two that were produced last year.

1840 So, in fact, what is obvious is that the success of what was created by the GSLP in 1995-96 was 10 times more than what it is producing today, and the fact that the GSD did nothing in the intervening 15 years to upgrade and make the place better and more customer orientated has been what requires us now to put right the state of affairs due to their negligence over the last 15 years. I hope that keeps him happy.

1845 **Hon. D A Feetham:** Well, thank you very much; it does not, but that –

**Mr Speaker:** May I say to the Hon. the Leader of the Opposition that I allowed him a very lengthy preamble to the previous supplementary question. I have been *very, very* liberal, and therefore I would ask him and enjoy upon him that he should make his questions shorter and sharper.

1850 **Hon. D A Feetham:** Mr Speaker, thank you very much, and of course I will endeavour to do so.

Can the Hon. the Minister for Employment tell us, or give us an indication of the cost of the new scheme to the Government that he is proposing introducing? I cannot believe for one moment the hon. Gentleman has not thought about the prospective cost of the new scheme.

1855 **Hon. J J Bossano:** Well, I do not expect it to be less than the present one, because it is going to involve many more people. There are no costings, because I have told him that it is still in the hands of the people who are putting the package together and who will be putting proposals to me. But I do not expect it to be costing less; if anything, it will cost more.

1860 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Employment tell us by when he intends to have this new scheme up and running?

1865 It is a matter of concern that he is effectively doing away with the Construction Training Centre and Gibdock, which are the only two places, really, where one is coming out with structured training of this sort, and I would have thought that it would have been important for the Government to put something in place as quickly as possible.

Can he provide us with an indication of by when this is going to be up and running, or the target date?

1870 **Hon. J J Bossano:** I have told him already in the original answer, September at the latest – in the original answer to one of the original supplementaries, Mr Speaker.

**Mr Speaker:** Shall we go on to the next question, then?

1875 **Unemployed Moroccan workers  
Number in receipt of benefits**

**Clerk:** Question 172, the Hon. J J Netto.

1880 **Hon. J J Netto:** Can the Minister for Employment with responsibility for Social Security state how many of the 42 Moroccan workers registered unemployed, as answered in Question 1055/2012, were in receipt of the Social Security pension, an occupational pension, or Social Assistance?

1885 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment, Question 172.



**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question with Questions 173 and 174.

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**Disability Allowance  
Delay in processing applications**

1895 **Clerk:** Question 173, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Social Security give an explanation as to the delay in processing the Disability Allowance applications given in answer to Written Question 6/2013?

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**Old Age Pension and Minimum Income Guarantee  
Increases**

1905 **Clerk:** Question 174, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister with responsibility for Social Security say whether he intends to increase the Old Age Pension on 1st April, 1st July, or any other date in this year, and whether the Minimum Income Guarantee will be increased on the same date as the Old Age Pension?

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**Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, of the 42 Moroccans, one was in receipt of Old Age Pension and two were in receipt of Social Assistance.

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The Department does not keep records of people's occupational pensions.

In the past four years, the time taken to decide on a claim for Disability Allowance has ranged from one day to 357 days. There is therefore not a much greater delay currently, but one factor affecting the decisions to grant Disability Allowance is the need to establish criteria for the exercise of this discretion, given that previous decisions did not apparently follow a given set of criteria.

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The policy, as has been explained previously, as regards the Minimum Income Guarantee and the Old Age Pension, is that they will be increased at around the same date and that the differential between them will be maintained, and it is intended that this will be with effect from 1st August 2013.

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**Hon. J J Netto:** Mr Speaker, in relation to the first question, the answer provided in Question 172, the Hon. Minister said that there was, out of the 42, one Moroccan national with a Social Security pension and two with Social Assistance, and that the Department does not hold any information with regard to occupational pensions.

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I wonder whether the Department of Social Security might not have the information as far as occupational pensions are concerned. I would have thought that perhaps the Minister would have taken an interest in knowing whether the balance, which is 39, are with no income whatsoever or some income perhaps of some sort.

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The point I am trying to make here, Mr Speaker, is that we are talking about a group of Moroccan workers who have lived, worked and resided in Gibraltar probably for 40 years, or thereabouts, and I would have thought that some of the officers that he has, either in the Employment Service Department or the Social Security Department, would have been providing interviews to these Moroccans to ascertain whether they are destitute or they are not destitute.

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Can the Minister perhaps tell us whether any exercise has been done, or is intended to be done, to ascertain whether there are 39 Moroccans who are registered as unemployed, trying to find a job on the basis that they have no money whatsoever, or some small amount of money, as an income?

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**Hon. J J Bossano:** The answer is no, there is no exercise being done, or intended to be done, or has ever been done.

Presumably, it is not that when the hon. Member ceased to be a Minister everybody became destitute. Either they were destitute the day after the Election and the day before, or they are not now.

I have never known the Department to ask people, when they become unemployed and they turn up at the counter looking for work, 'Are you destitute, or are you not destitute?'; and if we did, I do not see why it should be based on nationality.

1950 **Hon. J J Netto:** Mr Speaker, whether based on nationality or not, I would have thought that, as a so-called socialist, he would have had his interest at heart in knowing whether there were people who are destitute with no income at all, particularly so, given that he is the Minister for Social Security and Employment.

1955 **Hon. J J Bossano:** To my knowledge, so-called socialists are not people who are interested solely in destitute people provided they are Moroccans.

The hon. Member seems to think that somehow we should be asking people something we have got no reason or right to ask. If somebody is destitute, they do something about it themselves.

1960 As far as I am concerned, it is quite possible that there are people in Gibraltar who are not getting Social Assistance and are not seeking Social Assistance, but I have already told him that there are two of them who are in receipt of Social Assistance. To my knowledge, in the 15 years that they were in government, in the eight years we were there before, and in all the years that the AACR was before us, nobody went out canvassing people to ask for Social Assistance if they did not do it voluntarily.

**Mr Speaker:** Any other questions?

1965 **Hon. J J Netto:** Yes, Mr Speaker.

With the information that the hon. Member has already provided me in the previous question, we find, for instance, that there are four Moroccans aged 60 registered unemployed, there is one aged 61, there are 12 aged 62, there are 10 aged 63, there are eight aged 64, one aged 66, two aged 67, one aged 68, one aged 69, and two aged 72.

1970 Given the advanced age of these particular individuals, one would have thought that the only reason why they are still going there to get registered and signing on as unemployed is because... The most obvious reason is that they have no income whatsoever, or very little income at all, which is probably not the case perhaps with Gibraltarians, because Gibraltarians, given this particular age, will be entitled to a number of benefits that the Moroccans are not entitled to.

1975 Does the Hon. Minister not feel, given his credential as a socialist, that there is a need to ascertain whether there are people in Gibraltar who worked in Gibraltar, who reside in Gibraltar, contributed in Gibraltar, paid their taxes, paid their social insurance, who are destitute – or not? Does he have an interest about it?

1980 **Mr Speaker:** [*Inaudible*] ... old age pensioners.

**Hon. J J Bossano:** Mr Speaker, I know, clearly, that the hon. Member thinks that I am more of a socialist than he is. That is quite obvious from his questions.

1985 **Hon. J J Netto:** No, I do not think that at all.

**Hon. J J Bossano:** Well, I think he does, because he says why is it that I, as a socialist, do not do something that he, as a socialist, did not do in the four years he was there.

1990 The Moroccan who is 72 now was 71 a year ago and was destitute already and he was the Minister – so why did he not do it when he had the chance to do it, if it is such a socialist thing to do? And if they are people who have been here all their working lives, how come they do not have an old age pension?

1995 I am surprised there is only one with an old age pension. I would have thought that if we have 42 people who have been 40 years here, as he claims, they would all in 40 years be entitled to an old age pension. But I can tell him that these are not people who have appeared after 2011; they are people who were there before 2011 and therefore all the things that he is telling me I should be doing as a socialist are things that he could have done and chose not to do. I do not criticise him for it, because to my knowledge nobody ever has done it before, here or anywhere else. Where there are other countries with socialist Ministers of Employment to my knowledge, they do not go out canvassing the unemployed to see if they are destitute and want money.

2000 **Hon. J J Netto:** Well, Mr Speaker, I am not going to dwell too much on the question of who is the socialist but I can tell you, as a supplementary question –

2005 **Mr Speaker:** I do not think we need to debate the degree of socialism of any hon. Members.

**Hon. J J Netto:** No, Mr Speaker, but if I may, the one thing that I did as a socialist when I first got elected as Employment Minister in 1996 was to lift the instruction that he had left in the ETB then not to regularise the position between 200 and 300 Moroccans who had jobs but he had given instructions that

2010 they should not be established and registered as employed. That was one of the things I did as a socialist and one of the other things I did also as a socialist –

**A Member:** That is not a question.

2015 **Mr Speaker:** Does the hon. Member have a question?

**Hon. J J Netto:** Yes, Mr Speaker, I do and I apologise. (*Laughter*)

2020 Moving on, Mr Speaker, to Question 173, in relation to the Disability Allowance application, he keeps saying in his answer that he feels that there is a need for the criteria to be looked upon. Could he perhaps expand on what he means that the criteria have not worked well which gives rise to the applications being considered for such a long time and by when he will be in a position to determine new criteria, if new criteria are indeed required?

2025 **Hon. J J Bossano:** Well, it is not that new criteria are required; it is that there are no criteria. That is to say that, as far as I can make out, whether the answer is yes or no to a claim for Disability Allowance is where there is discretion, which is if it is not at birth. If it is birth, it is mandatory and if it is not at birth, it is discretionary.

2030 I have not been able to find out from the Department what were the sort of boxes that needed to be ticked for the answer to be yes or for the answer to be no. The only thing that we have been able to find in the system that was introduced in 2007 by the Hon. Mrs Del Agua, when she was in office, is the one that says that the payment of the allowance shall be suspended if the disabled person is employed in a full-time employment.

2035 Now, that is the only criterion that really says if you are in full-time employment, the answer has to be no, because if you are taking it away from the person who is getting it, then logically you cannot be giving it to the people who are not getting it because they are in full-time employment.

2040 Apart from that, the guidelines that are available, for example, say that somebody who is attending St Martin's and St Bernard's Occupational Therapy or an approved disabled children centre outside Gibraltar on a full-time basis qualifies for the allowance, so that is one criterion. Right. If they are in those institutions, they qualify for the allowance. If they are not working they qualify for the allowance.

2045 But there is not a... For example, it talks about a severely disabled person, but it does not say what constitutes 'severely' disabled and what constitutes less. These are not things I think that we can judge, so we need to have a situation where there is a set of guidelines which then, if somebody says, 'Well, why has the answer been no in my case and yes in some other case?', we can give some kind of explanation.

2050 The only guideline that I have got, which says, 'The following are the disability criteria as defined in the discretionary social assistance arrangement' was introduced in 2007. Before that apparently there was nothing at all and here, the only thing that is clear in these criteria is if you are working, you do not get it.

2055 **Hon. J J Netto:** Mr Speaker, I mean from recollection the criteria that the Department used to have was that when an application for Disability Allowance was placed at the Department, basically what the Director of the Social Security Department used to do is to refer that application to a board of medical people, basically to determine the extent of the severity of that disability. Based on the report by the medical professionals, the Director would either confirm yes or no in terms of providing the Disability Allowance. I think it was as simple as that.

2060 I can also accept that with the passage of time, nowadays there are many other sorts of illnesses, that perhaps, when the original criteria done, may have changed and needs to be considered. But other than the possibility that when the Director of the Social Security Department may refer the application to this particular panel of doctors, right, and the doctors, for their own specific circumstances in St Bernard's Hospital, may not be able to attend the meeting, therefore there is a delay on this, I just cannot see any logical reason why there should be a delay.

2065 I can accept that you may have to have – and quite rightly – an updated criteria on much more wider things that today are accepted as a disability. I accept that, but given the amount of applicants now and the time that they have been waiting for a result, I would have thought that for most of them, if not all of them but probably most of them, it would have been sufficient just to refer the matter to the doctors.

2070 **Hon. J J Bossano:** Well, this is going back to the original question, Mr Speaker, and the answer to the original question is the answer that I have already given.

I accept that the decision may have been delayed more than necessary because we are trying to see if the pattern of decisions in the past is an indication of what it should be, given that we would like to have something that is more, if you like ticking boxes rather than appearing to be personalised shall we say, which is something that some people complain of, but I have told him that in fact it ranges from one to 367 days. In looking down the list over the last four years, which I have done, before I came to the House

with this answer, as a general rule the ones that are decided very quickly is where the answer is no. So in most cases, the ones that took a very short time were because it was obvious that they did not fit in the pattern of previous cases, and the answer was simply no.

2075 The ones that possibly are more marginal are the ones that take longer and the ones that are very clear-cut may take less. But I cannot... All I can tell him is that I accept the point that we need to move on this and take a decision fairly quickly, but I cannot take it any further than I have already.

**Mr Speaker:** Any other question?

2080 **Hon. J J Netto:** Just one more, Mr Speaker, and then I will not be pressing any more than that. Perhaps he may not even have the information in front of him, but does he know when was the last time that the medical board met to consider the applications?

2085 **Hon. J J Bossano:** No, I do not have that information. I will find out. I have no knowledge of that.

#### Long-term unemployed Number having served prison sentences

2090 **Clerk:** Question 175, the Hon. J J Netto.

2095 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment say how many long-term unemployed persons – that is, being registered for more than one year – there are who have previously served a prison sentence and have had a history of addiction to drugs or alcohol, the information of which is collated by the Employment Officer, stating the period registered as unemployed and the assistance given by the Employment Service to help such persons obtain employment?

2100 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** None, Mr Speaker.

#### WOPS Fulfilment of manifesto commitment

**Clerk:** Question 176, the Hon. J J Netto.

2110 **Hon. J J Netto:** Mr Speaker, can the Government state if they have now fulfilled their manifesto commitment in relation to WOPS?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

2115 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker.

**Hon. J J Netto:** Can the Minister provide the details, then.

2120 **Hon. J J Bossano:** Well, the details are, Mr Speaker, that the manifesto commitment was that we would reintroduce a scheme for the current civil servants if there was an interest in that and there is no interest and therefore there is no need to do it. Nobody is interested in the current Civil Service and the people who had opted out previously would be given an opportunity to come back in again.

2125 So far I think we have had five or six of the 5,000 pensioners writing in saying they are interested in the possibility of returning the money, but they have not decided that they are going to return the money until they get told how much it is.

2130 The Treasury, of course, is engaged in calculating the manual process, because they have to go through each individual file, find out the year when the person stopped, find out how many years between stopping and retiring there have been, what would have been the amount that they had to pay if they had continued, plus the amount that they would have to give back that they have received and make an adjustment of 3% per annum for inflation. We think it is very likely, in fact, that the six pensioners concerned, all of whom are in fairly advanced years, will realise that for the life expectancy involved... The whole purpose of paying for something to make a provision for your widow, frankly, is only a sound

2135 investment if you die young and then the widow gets the money for a long time; but if you are in your late 80s or 90s and you suddenly have to give back thousands of pounds in the expectation that somehow you will pass away before your wife does, and she will get a pension that she otherwise would not have got, the figures do not look good. But people will still be able to do it if they want to.

2140 The difficult technicality is not in the payment, but in the calculation of how much they have to pay in, which is what is taking place now. But it seems unlikely that there is going to be anybody... Out of the six, there may be one or two towards the younger end of the age spectrum that may be marginally better off, but it is not...

I think if they had done it at an earlier stage in their lives, it would have made more sense to do it.

2145 **Hon. J J Netto:** First of all, I am grateful for that information, particularly with the former employees which are now retired, but I suspect, Mr Speaker, that there is some kind of miscommunication taking place, because the only reason why I raised this particular question in the first place is because some of the pensioners, particularly some of the pensioners in the Gibraltar Pensioners Association, have said that they have found themselves not knowing where to go, because when I first originally asked this question 12 months ago, at that time I think the hon. Member, the Minister said they would have to address their concerns to the Human Resources Department, which they did – this is what they are telling me – and they actually wrote to them. After a couple of months, insisting that they wanted to know what was the scheme going to be like, in terms of considering their options, the Human Resources Department then referred the matter to the Financial Secretary, then the pensioners tried to pursue it through the Financial Secretary and then ultimately – this is what I am told – the Financial Secretary has said no, this has got to go back to the Minister himself.

2155 So can I just suggest to the Hon. the Minister that to be able to ensure proper communication between what is happening and by whom to the former employees, that at the very least he may, if he has not done it yet, provide a meeting to the Gibraltar Pensioners Association to inform them exactly what is happening, and then for them to consider whether it is something they want to take forward or not.

2160 **Hon. J J Bossano:** The people that have actually shown an interest in this have actually written to me about it and I have made sure that the Treasury Department is working on this.

2165 I think part of the problem is, of course, that they think it is taking a long time and it is simply not an easy thing to do. It has got to be done one by one manually and you have got to do the calculation for each person. It is a good thing there are only six, because if there were 5,000 asking for this, it would be an impossible task.

But in any event, they have already got an appointment to see the Chief Minister on this one and I have no doubt that they will go into the whole thing at great length.

2170

**Government Debentures  
Redemption of Gibraltar Savings Bank Debentures**

2175 **Clerk:** Question 185, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister explain the policy behind the recent offer to holders of Government Debentures to replace those holdings with corresponding Gibraltar Savings Bank Debentures?

2180 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Mr Speaker:** Question 185, on the Gibraltar Savings Bank.

2185 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with 186.

2190

**Government Debentures  
Replacement with Gibraltar Savings Bank Debentures**

**Clerk:** Question 186.

2195 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the letters dated 1st February this year to holders of Government Debentures maturing on 31st December 2015 contain notice of the Government's intention to redeem those Debentures in full if none of the options contained therein are chosen by the holder, but the letters to Government Debenture holders dated 20th December 2012 in respect of Debentures maturing on 31st December 2013 do not contain such a notice?

2200 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker. The policy of the Government is to redeem existing Government Debentures and not offer any new issues. These are repaid in cash from Consolidated Fund reserves. As has been the practice in the past, holders are given the opportunity of reinvesting part or the whole of the proceeds in Debentures usually offering equivalent or better terms.

2205 The replacement Debentures will now be Savings Bank issues. The Debentures that mature on 31st December 2013 would have been repaid in full on that date if no one had opted for early repayment in response to the letter dated 20th December 2012. There was no need to provide six months' notice because the early indication from the holders was that the options provided for reinvestment were likely to be taken up by the vast majority and, in any event, giving notice would only have brought forward the redemption by a few months.

2210 In the case of the 31st December 2015 redemption, since the early repayment involved a longer period, it was necessary to indicate to the holder that the intention to redeem the Debentures and repay the amount in cash was the policy that the Government is pursuing, so they would know where they stood.

2215 **Hon. D A Feetham:** Yes, Mr Speaker, I knew that the hon. Gentleman would sooner or later conduct a palace coup, but it has taken me by surprise that he has conducted that coup as early as just over a year into this term.

2220 But Mr Speaker, can I ask the Hon. the Minister for Enterprise what the total value of the Debentures to be potentially transferred into the Gibraltar Savings Bank by these two transactions was at the end of last year.

2225 I ask that question. I should have prefixed it with this: the Principal Auditor's Report of 31st March 2011 said that the total value was £29.1 million. I suspect it is already very close to that, but obviously there may have been people who have redeemed in the intervening two years, so I do not know the exact figure. Does he have that figure to hand?

2230 **Hon. J J Bossano:** No, let me just first answer the first part of his question. He is mistaken in thinking that I am planning a coup, but I accept that if I ever decide to have one, I will go to him for advice because he is the master! *(Applause)* Sometimes his coups do not work and sometimes they do. I can think of two examples, one where they did not work and one where they have! *(Laughter)*

2235 I think the figure is probably higher than that, but I cannot tell him off hand whether it is or not. But he is wrong in... I mean he is wrong... Strictly speaking, he is saying, look, we are sort of transferring the thing because at the end of the day, if people have no –

**Hon. D A Feetham:** Potentially, I said, it should be transferred.

2240 **Hon. J J Bossano:** Yes, but the point is that, of course, the obligation is to pay cash and therefore people can either re-invest or not re-invest, but there is no... we are not... As far as the Government is concerned, the background to this is that in 2005, when the then Government took the decision to stop the Debentures being issued by the Savings Bank and instead decided to move them to being issued by the Government – for many years they had been from the Savings Bank – I think one of the elements in it which made sense was that in the Savings Bank, for every £100 that you issued in Debenture you had to increase the reserves of the Savings Bank by £10. That is no longer the case but that meant of course that if there was £200 million of Debentures from the Government, you had £200 million in the reserves. If 2245 if that had been in the Savings Bank in 2005, they would have required £220 million. Therefore the answer is that it is not because we need to attract this money into the Savings Bank that we are offering the alternative, but because we accept that the rationale, as it was explained in Parliament, was to provide a savings vehicle that gave a more attractive rate of interest than was available in the market. We feel, 2250 therefore, that we must continue to do that particularly for those who have enjoyed it until now. It may not always continue to be so.

**Hon. D A Feetham:** Yes, Mr Speaker, my old friend, Mr Bossino was actually agreeing with you on your successful coup part of it, Mr Speaker! *(Laughter)*

2255 The Hon. Minister has not answered the question, with respect. I prefixed, I used the words 'potentially to transfer'; perhaps I should have asked the question in these terms: what was the value of the Government Debentures in respect of these offers as at 31st December of last year? Does he have the figure of the value of these debentures as at that stage?

2260 **Hon. J J Bossano:** No, but I think it was much higher than the figures he has mentioned – probably twice as much. I think it would probably be closer to £60 million than to £30 million, the two of them combined. I think, pretty sure.

2265 **Hon. D A Feetham:** And, Mr Speaker, does he have a figure in terms of the value of those people that have chosen to transfer into the Gibraltar Savings Bank?

**Hon. J J Bossano:** Probably around 50 out of the 60, and that does not mean that the remaining people will not, because we have told them that we are going to give them six months' notice anyway.

2270 **Hon. D A Feetham:** Does he accept that the effect of the transfer into the Gibraltar Savings Bank is a reduction in public debt by effectively £60 million?

2275 **Hon. J J Bossano:** Well, first of all, it is not a transfer; it is a repayment of public debt – something which I would remind him he felt quite strongly about in 2003. Maybe he does not remember the debate we had on the radio, but I do. On that occasion, he was in fact very critical of the former Leader of the Opposition, who wanted to repay debt by issuing debt and argued that it was not the right thing to do.

So in fact what we are doing is something he believed in very strongly in 2003, when he had a much more conservative view of public debt.

2280 The effect of it is that the reserves will go down by £50 million and the debt will go down by £50 million, and there will be zero effect.

**Hon. D A Feetham:** Yes, in fact the debt goes down by £60 million, because only £50 million has been transferred to the Gibraltar Savings Bank, but £60 million has actually been redeemed – was the answer he gave me.

2285 **Hon. J J Bossano:** £60 million, yes.

2290 **Hon. D A Feetham:** So it is £60 million, sorry yes. He has obviously misunderstood the point that I was making in the radio debate, because the point I was making there was that the public debt, the gross debt was £78 million; that the borrowing limit at the time in terms of the statutory borrowing limit was £100 million; and that if you took into account off-balance sheet transactions, such as PFI arrangements in relation to the hospital, it probably took you over the £100 million. Indeed, in light of the debate that is taking place in the United Kingdom and most experts now agree that PFI arrangements should be on-balance, not off-balance sheet transactions, I was right in relation to that debate and I was not wrong. That is the point that I was making.

2295 But Mr Speaker, does he accept that although that amount no longer appears as public debt in the Government accounts, the Government continues, effectively, to be responsible for the £50 million that has been transferred in to the Gibraltar Savings Bank, by the fact that the Government effectively guarantees all monies within the Gibraltar Savings Bank?

2300 **Hon. J J Bossano:** Well, to the same degree that it was responsible for the £200 million in the Savings Bank when he was in office, yes.

2305 **Hon. D A Feetham:** So does he not accept that insofar as these transactions involve a reduction of public debt in the sum of £60 million, £50 million of which has been transferred to the Gibraltar Savings Bank, that it is a reduction by virtue of transferring from the left pocket of the Government into the right pocket and as far as an exercise in the reduction in public debt is concerned, it is a pretty meaningless exercise?

2310 **Hon. J J Bossano:** Well, I do not think it is a meaningless exercise, unless the Opposition now has moved to say that any money deposited in the Savings Bank is public debt. If that is what he is saying... He is now considering that all the money in the Savings Bank is public debt. The fact that the money is taken out of the Government Debenture or is taken out of a deposit account in Barclays Bank and put in the Savings Bank does not alter the definition of public debt. It is not the source of the money; it is the fact that it is a charge on the Consolidated Fund and what we are doing is that the reserves will be smaller

2315

and the debt will be smaller, obviously, and therefore the net position remains the same. That is what we are doing.

2320 The hon. Member seems to be saying that the net position does not remain the same, that we owe £50 million more. I do not agree with him.

**Hon. D A Feetham:** Well I am afraid that, it is a clever answer but that is not the point that I am making nor –

2325 **Hon. J J Bossano:** What is the point?

**Hon. D A Feetham:** He knows that it is not the question that I am asking.

2330 Does he not accept that the transfer into the Gibraltar Savings Bank transfers... effectively, it involves taking out of the figures of public debt, in terms of the Government accounts, that £60 million, but effectively transferring £50 million into the Gibraltar Savings Bank, whilst it does not appear as public debt because it appears only in the accounts of the Gibraltar Savings Bank, the Government still guarantees that money and insofar as it involves an exercise of reduction in public debt, it is a pretty meaningless exercise? That is the question.

2335 **Hon. J J Bossano:** Well, it is a question which makes no sense at all. That is the point I am trying to get him to understand, Mr Speaker, because if he is saying, if the money used to be borrowed by the Government from me and I get paid back that money and I put that money in the Savings Bank, it is a meaningless exercise and the public debt is the same.

2340 Well, if the public debt is the same, then it means that if I take my money out of an account with a bank down the road and I put it in the Government Savings Bank, the public debt has gone up. No, so he is now saying – which presumably would require us to redefine in the law the public debt – that public debt consists of the money that is charged onto the Consolidated Fund and the money that people take out of the Consolidated Fund because they get their Debentures repaid and then choose to reinvest that money in the Savings Bank of Gibraltar, as opposed to the Barclays Bank or any other bank in Gibraltar. Well, the answer is no, I do not agree with him. I do not think it is a meaningless exercise. In fact, it was never thought to be a meaningless exercise before.

2345 I have already reminded the Member that part of the rationale of moving the money from Savings Bank Debentures, which it was until 2005... Up to 2005, it was the Savings Bank that was doing it. After 2005, the Government issued a press release in 2005 announcing that they were discontinuing Savings Bank Debentures and instead issuing Government Debentures. Now that was not because they wanted to increase the public debt and that was their philosophy – at least that is not what they were saying then. What they were saying then was that, look, this is money that we are not borrowing because we need it, because the money will be put into the reserves and cannot be touched; it is money that simply because the Savings Bank says that for every pound that somebody puts in the bank, the bank has to have £1.10, but whereas if it goes into the Consolidated Fund reserve, you do not have to have, that you have £1 for £1, it means that the Government does not have to tie up capital in the reserves of the Savings Bank.

2355 That was true until several years later, the Government came to the House and decided to do away with the reserves of the Savings Bank, so the rationale of the advantage of doing it from the Consolidated Fund was in fact no longer applicable. Because it is no longer applicable, there is no longer that reason there and therefore in our view, we should only borrow money as a Government because we intend to spend it, not borrow it in order to put it into a cash reserve that cannot be touched.

2360 **Hon. D A Feetham:** So, Mr Speaker, is it not the case, is it not the position that when we were effectively at the sharp end of criticisms on the level of gross public debt last year – ?

2365 **Mr Speaker:** Look, we are now debating the level of public debt. (*Interjections*) The question about the notice that was given to debenture holders, letters written to them and a question on the Government, what is the Government's policy to replace... now is becoming a debate on public debt. I would invite hon. Members to debate the question of public debt whenever they want to, but not under the guise of this question.

2370 **Hon. D A Feetham:** Mr Speaker, it is an integral part of –

**Mr Speaker:** It is and it is not.

2375 **Hon. D A Feetham:** Well, of course it is, because –



**Mr Speaker:** If it is an integral part, the Hon. the Leader of the Opposition could have put a separate question on the question of public debt – which he has chosen not to do.

2380 **Hon. D A Feetham:** No.

**Mr Speaker:** – which he has chosen not to do, which he has chosen not to do.

2385 **Hon. D A Feetham:** Mr Speaker, I have asked in my first question to explain the policy behind recent –

**Mr Speaker:** Right and that has been explained and there was no reference, in explaining that, to public debt.

2390 **Hon. D A Feetham:** But, Mr Speaker, it is our position that effectively (**Mr Speaker:** Fine.) it has been in exchanges –

2395 **Mr Speaker:** Fine and I allow you to debate, I allow you to debate that position. If you want to debate that position today, on the adjournment, I will allow you to do that; but what I am not going to allow is a continuing debate. You have now had 15 minutes on the public debt. I am not going to allow a continuing debate on public debt, because you are going to debate it today, you are going to debate it in May, you are going to debate it when the Estimates of Expenditure come.

2400 At any time that the Hon. Leader wants, I invite him, bring a motion on the question of public debt and allow other Members of the House to contribute to that, because when you have a *mano a mano* between two of you, you are effectively denying the right of other Members to take part in a debate. That is what you are doing and that is contrary, certainly to the practice in the House of Commons. It is contrary to that practice.

2405 I have allowed... The hon. Member cannot say that I have not allowed him five or six questions on the public debt. I have.

Yes, I am sure...

2410 **Hon. P R Caruana:** Mr Speaker, I wonder if I could be allowed to rise from my seat on the back bench to ask the hon. Member... and being careful to limit my questions to supplementaries that relate to the original subject. If I could rise from my seat on the back bench to ask him whether he had the pleasure of watching the Leader's debate on the eve of the voting at the last General Election and whether he might have been amused to hear me say, in that debate, that the then Opposition Party need not offer to take four years to reduce the gross public debt, because they could do that in four minutes, precisely by the mechanism that the question reflects.

2415 Therefore, my making the point – does he recall – that the relevant economic debate is not the level of the gross public debt which could easily and quickly be reduced by the very mechanism to which this question relates, and that therefore it was the *net* public debt that was relevant at the time?

2420 And, Mr Speaker, in that context does the hon. Member not agree that the exercise – I will not repeat it – that he has been debating, which I acknowledge is what has been taking place between the Leader of the Opposition and he, really demonstrates that whatever other purpose reducing the gross public debt in this way may serve, it does not alter the net public debt and therefore does not alter the financial situation of the Government of Gibraltar in any macro-economically meaningful way.

2425 **Hon. J J Bossano:** Well, I cannot agree that it can be done in five minutes because we have tried to do it in six months and they are attacking us for taking six months! (**Hon. P R Caruana:** Figure of speech it was [*inaudible*]) I suppose if the GSD is in Government, five minutes is okay and if we are in Government, six months is too little!

2430 I agree with him that this has the effect of making the gross debt smaller and therefore it does not have the effect that was being suggested by the Leader of the Opposition that the gross debt is now being transferred to the Savings Bank –

**Hon. D A Feetham:** That is not not the point that I was making.

2435 **Hon. J J Bossano:** But it will have no effect on the net debt because in fact the amount that gets repaid will be reduced on the balance sheet, as it were, from owing £60 million and having £60 million in the kitty, to owing £60 million less and having £60 million less. The results will be less.

But we expect to be able to reduce the net debt as well.

**Hon. P R Caruana:** That will be a different [*inaudible*].

2440 **Mr Speaker:** Any other questions?  
We will now have a recess of 20 minutes.

*The House recessed at 6.05 p.m. and resumed its sitting at 6.25 p.m.*

2445

**EDUCATION, FINANCIAL SERVICES, GAMING,  
TELECOMMUNICATIONS AND JUSTICE**

2450

**Student teacher's year in Gibraltar  
Application process**

**Clerk:** Question 187, the Hon. Mrs I M Ellul-Hammond.

2455 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise what the application process for those wishing to do a student teacher's year in Gibraltar is and what allowance is payable to them?

2460 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2465 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, students wishing to participate in the student teacher year in our schools have to apply in writing to the Director of Education. The programme will usually commence in October after an induction session delivered by one of the Education Advisers. Suitable placements are identified according to the applicant's qualifications and experience. The allowance payable is £156.75 per week, which is the same as other trainees in Gibraltar get.

2470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this year in Gibraltar a requirement before embarking on a qualified teaching course, either a degree in education or a PGCE?

**Hon. G H Licudi:** As far as I know, no it is not, but some students do take the advantage of applying for the student year, either before going to do a B.Ed. or even after a degree and before going on to do the PGCE and I understand we have currently a total of 11 student teachers in our schools.

2475 **Hon. Mrs I M Ellul-Hammond:** And Mr Speaker, how does the year work? Is it two terms in the preferred either primary or secondary sector and one term in the other sector, or does the Director of Education decide or the student decide?

2480 **Hon. G H Licudi:** Mr Speaker, as the original answer says, the placements are identified according to the applicant's qualifications and experience and depending on what the applicant wants to do. I do not have specific information as to how the allocation process in fact works, but I will be happy if the hon. Member wants to write to me to provide the information to her.

2485

**Maintenance Court Orders  
Number in breach for non-payment**

2490 **Clerk:** Question 188, the Hon. J J Netto.

2495 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Question No. 456/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order in accordance with Part V of the Magistrates' Court Act?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2500 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 78 Maintenance Orders on its records. The court is aware that 17 are currently in breach. Of the 17 in breach that the court is aware of, the breach is due to non-payment by males. Out of these 17, five have active court dates; one has a warrant out for arrest for non-appearance; one has an Enforcement Order from the Magistrates' Court in place; and three have Default Warrants. The remaining seven are currently pending review.

2505 The list of arrears of these seven is as set out in the table that I am happy to pass on to the hon. Member.

Mr Speaker, I should clarify when I say the list of arrears, it is the list showing the length of time in breach in respect of arrears.

**ANSWER TO QUESTION 188/2013**

Breakdown of Maintenance Order breaches known to the court, by length of breach  
(as at 1 February 2013)

2510

Number of cases	Length of time in breach
1	1 month
3	2 months
1	3 months
1	5 months
1	8 months
<b>7</b>	<b>Total</b>

2515

**Hon. J J Netto:** Mr Speaker, perhaps the Hon. Minister can help me: I am trying to analyse the figures he has just provided me, with the previous figures from the last time I asked this question in May 2012. Now, in the new figures being provided just now, there is one person with eight months which is the length of time which is in breach. In the old figures, we have one particular person – this is going back to May 2012 – that the period of time was 148 weeks. Are we talking about the same person or is it a different person; and secondly, whether that is the person where an arrest warrant has been issued?

2520

**Hon. G H Licudi:** Mr Speaker, I do not have that specific information, but it seems extremely unlikely, if not impossible, that in respect of a length of time of breach in May 2012, which is the date the hon. Member has given of 148 weeks – which is almost three years.

**Hon. J J Netto:** One hundred and forty-eight weeks?

2525

**Hon. G H Licudi:** One hundred and forty-eight weeks: that is almost three years. Now the longest time in breach is eight months, so it cannot possibly be related to the same person. I do not know whether the warrant of arrest is in respect of that one.

2530

In any event, it should be said that the warrant of arrest has nothing to do with the length of time in breach. The warrant of arrest is following an order made for the person to appear in court and that person does not appear. It is not correlated to the length of time of breach; it is just that the court makes an order for appearance and the person does not appear.

2535

**Juveniles below 18 years  
Number appearing before the Courts**

**Clerk:** Question 189, the Hon. J J Netto.

2540

**Hon. J J Netto:** Mr Speaker, further to Question No. 805/2012, can the Minister for Justice say as at 31st January 2013, how many juveniles below the age of 18 have appeared before the Courts of Gibraltar broken down by month and including the following: (a) their sex; (b) their age; (c) the charge or charges; (d) whether the courts have found any of them guilty; and (e) the sentence passed, if any?

2545

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested is set out in a table which I now hand the hon. Member.

2550

As I said in answer to Question 805/2012, the definition of ‘juvenile’ changed when the Criminal Procedure and Evidence Act came fully into force on 23rd November 2012. Therefore, in the table, the number of juveniles arrested up to 23rd November 2012 relates to persons below the age of 17 and since then, to persons below the age of 18.

**SCHEDULE TO QUESTION 189/2013**

Juveniles Charged to appear before the Juvenile Court - 1st September 2012 to 31st January 2013						
Month	Nº of Juveniles Arrested	Males	Females	Breakdown by Age	Juveniles Charged	If Convicted, Sentence Imposed
Sep-12	5	5	0	1 x 14 Years 2 x 15 Years 2 x 16 Years	Burglary - 1 Poss. of Drugs - 1 Poss. with Intent to Supply - 1 Taking a Conveyance - 1 Obstructing Police - 2 Breach of the Peace - 1 Common Assault - 1 Breach of Bail Conditions - 1	Conditional Discharge 6 Months - 1 Imprisonment - 1 Fines - 2 (€50 - €200) 12 Months to follow Probation Officers lawful instructions, class attendance and any work organised by Probation Officers - 1
Oct-12	0	0	0	0	0	0
Nov-12	0	0	0	0	0	0
Dec-12	5	5	0	1 x 13 Years 2 x 14 Years 1 x 15 Years 1 x 16 Years	Assault on Police - 1 Taking a Conveyance - 2 Obstructing Police - 3 Poss. of Drugs - 1	Fines - 2 (€30 - €50) C/D 6 Months - 3 15 Hours Attendance Centre - 1 No Separate Penalty - 1
Jan-13	4	4	0	1 x 12 Years 1 x 13 Years 2 x 17 Years	Poss. of Drugs - 3 Discharging or Casting Fireworks - 1	Fines - 2 (€50 - €100) (Fireworks Forfeited) C/D 12 Months - 2

2555

**Mr Speaker:** Next question.

2560

**Domestic violence  
Details of cases reported**

2565

**Clerk:** Question 190, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many cases of domestic violence have been reported to the RGP since Question No. 806/2012 to date, showing the number of persons affected by such violence, their age, sex, the number of persons arrested, if any, and the person’s charged?

2570

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2575

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, a total of 30 reports of domestic violence affecting 39 persons of which 30 were females and 9 were males have been made to the Royal Gibraltar Police from 13th September 2012 to 31st January 2013.

A total of seven persons have been arrested of whom two have been charged.

Not all 30 were subjected to actual physical violence.

2580

The ages of the persons affected are shown in the schedule which I now hand to the hon. Member.

**SCHEDULE TO QUESTION 190/2013**

Age of Persons Affected	No. of Persons
Age Not Known	12
4 Years old	1
8 Years old	1
9 Years old	1
12 Years old	2
15 Years old	1
19 Years old	2
21 Years old	1
22 Years old	4
25 Years old	2
27 Years old	2
28 Years old	2
30 Years old	1
32 Years old	1
34 Years old	1
43 Years old	1
45 Years old	1
46 Years old	1
47 Years old	1
59 Years old	1
<b>Total</b>	<b>39</b>

2585 **Hon. J J Netto:** There is one particular thing I do not seem to understand from the information just passed on, the schedule just passed on. Right at the very top, it says 'Age not known – 12'. Can the Minister perhaps provide some clarification what that means?

2590 **Hon. G H Licudi:** Mr Speaker, I am simply assuming for present purposes that when the Police have attended, they know in respect of these incidents 12 people were affected, but they have not actually taken down the age of the particular person.

**Hon. J J Netto:** Ah, because they have not been recorded.

2595 **Hon. G H Licudi:** It should be said that, although we have quite a number of reports, as I said in the original answer, not all these reports involve physical violence. In fact, most of them do not involve physical violence and that accounts for the fact that out of 30 reports, only seven persons have been arrested, of which two have been charged.

2600 **Mr Speaker:** Next question.

**Sexual assaults  
Details of persons charged**

2605 **Clerk:** Question 191, the Hon. J J Netto.

2610 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state if there have been any persons since Question No. 807/2012 who have been charged with sexually assaulting another person, broken down by month and provide the following information (a) the number of victims, their age and sex; (b) how many cases have now been heard in the courts or are waiting to be heard; (c) of those cases heard, how many have now concluded; and (d) the sentence of those found guilty?

2615 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2620 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with sexually assaulting another person since Question No. 807/2012.

**Mr Speaker:** Next question.

**Clerk:** Question 192, the Hon. J J Netto.

2625 **Hon. J J Netto:** Mr Speaker, can I have just a second to look back at some of my notes before going to the next question?

Mr Speaker, in relation to the answer provided back in September 2012, the hon. Gentleman said and I quote:

2630 '... from 1st January 2012 to 12th September 2012, a total of two persons have been charged with sexually assaulting juveniles. One person was charged in January 2012 with sexually assaulting one victim; and another was charged in March 2012 with sexually assaulting two victims. Court proceedings are still ongoing.'

2635 Can I ask the hon. Gentleman whether he knows if those court proceedings have now ended in relation to those particular cases he cited back in September 2012?

**Hon. G H Licudi:** Yes, Mr Speaker, he can ask and I do know. Those cases are still pending.

2640

**Pornographic pictures of juveniles  
Persons charged with illegal download**

2645 **Clerk:** Question 192, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many persons, if any, have been charged with the illegal download of pornographic pictures of juveniles since Question No. 808/2012, broken down by month and provide the following information: (a) the number of persons that have been found guilty in the courts and the sentence given; (b) the number of cases pending a hearing at the courts; and (c) the age and sex of those awaiting a hearing and of those found guilty?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2655 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with illegal downloading of pornographic pictures of juveniles since Question No. 808/2012.

2660 **Hon. J J Netto:** I am grateful, Mr Speaker, but perhaps can the Hon. Minister provide some information in relation to the last question which he was asked which was back in September, when he said then, and I want to quote him it correctly:

2665 'Mr Speaker, from 1st January 2012 to 12th September 2012, one person has been charged with the illegal download of pornographic pictures of juveniles. The person concerned is a 67-year-old male. Court proceedings are still ongoing.'

Can I therefore ask the Minister for Justice whether he is aware that this particular case is now finalised or is it still pending to be heard?

2670 **Hon. G H Licudi:** Yes, Mr Speaker, that case is no longer pending. The issue has been finalised. It was reported in the press very recently. It is public information, but I am happy to provide the relevant information, given that it relates to an earlier question.

2675 The person charged in respect of that particular period was sentenced in the Supreme Court, following a plea of guilty. In respect of count 1, which was possession of indecent photographs of children, he was given 18 months imprisonment gross or 12 months net, given that he had a third of the sentence reduced for his early guilty plea. On count 2, distribution of indecent photographs of children, the sentence was six months' imprisonment gross and four months net – again a third reduction for an early guilty plea. Count 3, distribution of indecent photographs of children: six months' imprisonment gross and four months net – a third reduction again for an early guilty plea. Count 4, distribution of indecent photographs of children: six months' imprisonment gross and four months net for an early guilty plea.

2680 All sentences were stated to run concurrently. Therefore the net sentence imposed was 12 months' imprisonment.

2685 **Hon. D A Feetham:** Mr Speaker, as a consequence of the recent sentence, there has been some debate and there has been some concern raised by members of the public in relation to suggested deficiencies in the law in terms of the length of sentence. Does the Hon. the Minister for Justice not agree with me that

2690 actually, post the Crimes Act and, indeed, post the Crimes Pornographic Materials Act which we introduced and was passed by this House unanimously, with the agreement of everybody in this House in 2010, there is no such deficiency and that in fact, in relation to distribution, for the very first time distribution over the last two years has been made a criminal offence and also the maximum sentences are 10 years?

2695 Now, I am not asking the Hon. the Minister for Justice to obviously comment on this particular case; I am asking him to comment on the law as it stands at the moment, in terms of possession of indecent photographs and also distribution of indecent photographs. It is certainly our view that the law as contained in the Crimes Act does provide for very tough penalties, regardless of what sentences judges impose. Does he agree with me that they are adequate and if not obviously, what does he intend to do about it?

2700 **Hon. G H Licudi:** Mr Speaker, as the hon. Member says, it is entirely inappropriate to comment on the sentencing by a court in any particular case and to say whether that reflected any inefficiency or deficiency in the law or whether it was right or wrong. Those are matters for the judge and it is not right that we should comment on that at this stage.

2705 What I can say is that the Crimes Act was brought fully into force in November 2012. It was debated during the time that the hon. Member was Minister for Justice. It does contain a comprehensive list of offences in respect of sexual offences, including sexual offences concerning juveniles. We are entirely satisfied that the law as it stands is adequate to meet the necessary requirements, in terms of giving the judges the powers that they need to have to deal, as they consider appropriate in the circumstances of any particular case, giving them the tools that they need and to show the revulsion that society has in respect of this type of offence.

2710 **Clerk:** With that, we come to the end of answers to Oral Questions.

## Questions for Written Answer

2715

### Answers to W18 to W31/2013 tabled

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W18 to W31/2013 inclusive.

2725

### GOVERNMENT MOTION

#### Installation of video cameras into Parliament Chamber Motion carried

2730 **Clerk:** Government Motion, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

2735 *This House agrees, as part of the refurbishment of its facilities, to install video cameras to provide a live video and audio feed of its proceedings on its website and facilitate the transmission of that feed to the media.*

2740 Mr Speaker, this Parliament has changed *massively* since we were elected on 8th December 2011 and it is important to understand what those changes have been to date and how they have come about.

2745 First of all, as I have previously referred to the House at the Ceremonial Opening, we established that the address of His Excellency the Governor on a Ceremonial Opening should be dealt with in the style of the address by Her Majesty at the State Opening of Parliament – that is to say, as a speech that reflects the political programme that the people have elected in the General Election that precedes the creation of a new Parliament.

For the reason I set out in my first address to this House as Chief Minister, that was, in our view, a huge step forward and exactly as it should be in an emancipated environment where the Crown in Parliament gives effect to the will of the people.

2750 At that Ceremonial Opening, I indicated that we were also ready to start the process of making other changes to the day-to-day workings of this Parliament.

We have already introduced, very successfully, the practice of publishing legislation as Command Papers. That practice now allows for wider consultation on all new areas of legislation, even before such legislation is published as a Bill.

2755 In the 14 short months since we assumed office, we have consulted with the Opposition, drafted terms of reference for an Independent Commission on Democratic, Political and Electoral Reform, we have established that Commission under your chairmanship, the Commission has held meetings deliberated and reported and last month, I provided copies for the Members of this House and this month I have tabled a report so that the public can have access to your findings.

2760 And perhaps the biggest revolution that this community has seen in its democracy under my leadership of this House has been my convening of monthly meetings of this Parliament. That has truly, in my view, delivered real democracy to our community in the increased questioning and debating that it delivers.

2765 There is now a WiFi network for Members and journalists available in this House. Moreover, we now publish a parliamentary timetable so that Members opposite, the Press and the Public know when particular questions and matters are going to be dealt with. That, Mr Speaker, is a *massive* change from when we were in Opposition and we were not even told when we might adjourn to. I worry that this is sometimes taken for granted and I am being asked about timetabling, when in fact the timetable is already published by the House.

2770 All of that helps, in our view, Mr Speaker, nonetheless to open up the business and processes of this House to the general public. The culmination of that approach that we have taken to the opening up of our Parliament is the advent, finally, if the House approves it, of video broadcasting of the proceedings of the House.

2775 I said also during the Ceremonial Opening, barely 14 months ago, that I hoped that the cameras that were in the House then to film that ceremonial event would not disappear for the rest of the lifetime of this Parliament. Indeed, Mr Speaker, hon. Members will recall that in our Policy Paper on Parliamentary Reform, we had already stated before the Election that:

2780 'A GSLP/Liberal Government would, immediately after the Election, start the process of holding monthly meetings of Parliament for questions, legislation, Government and Opposition motions. This in itself will very probably require that the post of Speaker should become full-time and that there should be a Deputy Speaker appointed, including such additional support staff as may be necessary. In addition, a parliamentary timetable will be published on the first parliamentary day of each month, so that the public and MPs would know when items would be coming up for debate. There also clearly needs to be a Parliament website, independent of the Government's website, where all debates would be broadcast live on-line and archived. The proceedings of the House should also be televised on GBC TV or the Corporation's own website on the basis of consultation with the Corporation. The website would contain copies of *Hansard*, thus parliamentary questions and answers.'

2785

2790 I am very happy, Mr Speaker, to say that the issue of a video broadcasting of the proceedings of this House has long been a personal desire of mine, in the process that I have referred to of opening up Parliament to take it closer to our people. In the first Budget session of the House in which I had the honour to speak in 2004, I took the view then and I quote:

'... that there also clearly needs to be a Parliament website independent of' –

2795 Oh no, that is the wrong quote! In fact, Mr Speaker, I said that then also in 2004:

'there also clearly needs to be a Parliament website independent of Government's own website where all debates will be broadcast and archived...'

2800 'As for broadcasting, we already do more than many of the other territories which only offer highlights of their Parliaments but we must not consider that enough. If GBC is to feature a blank screen or a three hour loop of repeats during the day, we can use that time when we are on in this House, to reach out to the people who put us here. In my personal view', I said then, 'we should assess the cost of televising the proceedings of this House and debate seriously whether we want to go down that road'. I recognise then, Mr Speaker, that that was 'not a partisan issue because I was conscious that I was then echoing the Hon Mr Azopardi's words in 2003, in what was his last budget speech', and I went on to say 'that I might not be speaking to the preference of everyone on the then Opposition benches. In fact, I think this may be an issue then, Mr Speaker, where the Leader of the Opposition and the Leader of the House then actually found themselves in agreement. The House must reach out through the media to its masters in the population. Not just at election times. We must make better facilities available here for members of the press, and we must not scrimp and save on that. It is too important.'

2805



2810 That was in 2004, Mr Speaker. I recognised then and I recognise now that the Hon. Keith Azopardi QC had already raised the issue the previous year in his final Budget address to this House in 2003, when he was Deputy Chief Minister. He had then said this:

2815 'One looks at the public gallery and there are not many people that come to this House and it should concern Members that that is the case, it certainly concerns me', he said, 'because this House should be in touch with the people and the people should be in touch with this House. The people elected the Members of this House and we need to encourage participation in the affairs of this House and we need to ensure that we communicate and transmit public information to the people and I am concerned that there is a level of disinterest and that has to do with the working practices of this House and I believe that we should take an opportunity to review the working practices of the House to make sure that we reach the people much more. It is a question of restructuring timings, of sittings, restructuring the way Question Time is set up and need I say also my personal view is yes, perhaps we should debate whether we should televise part of the proceedings of this House.'

2820 That is the end of the quote from Mr Azopardi.  
2825 Neither he nor I, Mr Speaker, found favour with the then Leader of the House, but I continued to press the issue.

During the course of the Budget debate in 2006, I pursued the matter further, stating that:

'... we as a Parliament should very seriously consider the broadcasting of the proceedings of this House. Indeed,'

2830 – and I now quote, Mr Speaker:

2835 '...when I say broadcasting I mean video broadcasting. In order to stimulate debate on the issue I am considering moving a motion at the next meeting of this House on the issue. Even if only for a few news report snippets or some appropriate 'specials', or live daytime transmissions when the House sits. My views are firmly in favour of clearing out the cobwebs and allowing in the cameras. I am speaking for myself in this respect. Indeed it is now over 20 years since video killed the radio star, everywhere except in this House. Indeed, I think it is fair to say that we are now probably the only European democracy that bars television cameras from showing our constituents our faces whilst we argue or agree. Voters are limited to judging our temperaments from interviews but are prevented from seeing our interactions in this heart of our democracy. No wonder we are left alone to our debate. Let us face it, these days if it is not worth televising, it cannot be worth watching live. Indeed even for this debate'

– the Budget debate that it was, Mr Speaker –

2845 'even for the *plato fuerte* of the Chief Minister's Budget address and the Leader of the Opposition's reply, we have been joined almost by no member of the public. I believe that we as a Parliament must reach out collectively to our community and we cannot do that without allowing the cameras into our Chamber.'

That is the end of that quote.

2850 Mr Speaker, I would be delighted to take the House through some more of my Budget interventions, but I think what I have already stated illustrates sufficiently the fact that this has been an issue that I have personally been pursuing for all the years that I have been in this House.

Hon. Members will know that your own Commission's Report has been clear and positive on the issue of televising parliamentary proceedings. In paragraph 2.13, the Commission has set out the following:

2855 'We have considered whether sittings of Parliament, or any part of them, should be televised. There has been broad support from responders for the televising of proceedings. We have concluded that the sittings of Parliament should be televised but not the proceedings of standing or select committees.'

2860 And then your Recommendation 17, which states the following:

'We recommend that consideration should be given to televising the proceedings of Parliament and we further recommend that in the event of a privatisation of the Gibraltar Broadcasting Corporation, the arrangements for the televising of parliamentary proceedings should be guaranteed.'

2865 In fact, Mr Speaker, let me just point out that there is no question in the plans announced by the Government that there might be any privatisation of GBC. That is not at all what our plans for the creation of this subsidiary of GBC, to be known as Gibraltar Entertainment Network, amounts to.

2870 Perhaps most interestingly, Mr Speaker, is the remark the Commission has set out that there is broad support from responders for the televising of proceedings. I have always considered that would be the case amongst the majority in our community. The fact is that, although there may not be many people who enjoy watching BBC Parliament quite as much as I do, and I am sure all other Members of the House, most of our community are now used to seeing excerpts of interventions by party leaders and other relevant parliamentarians on the daily news. There is therefore no doubt in my mind that the majority of our community are looking forward to being able to see the workings of this place in glorious  
2875 Technicolor when relevant and not just on ceremonial occasions.

2880 So, Mr Speaker, against that background, we are shortly to be in a position to deliver video broadcasting of this House as part of the installation of high quality video cameras during the refurbishment of this House which we are about to undertake. The concept that the Government's IT Department has recommended, having considered a number of different options, is one which involves installation of three high definition cameras. Two will be on opposite sides of the Chamber. I do not want to look like a stewardess on an aircraft, but two will be on opposite sides of the Chamber and will be able to show each side. These cameras will be installed as unobtrusively as possible within the furniture that is being installed as a result of the refurbishment.

2885 Another, the third camera, will be installed in an area of the Gallery, in order to show Mr Speaker and a wide shot of the whole Chamber. Zooming in will also be possible depending on manual operation or previously fixed default options.

2890 In the same way that the cameras will be integrated into the furniture, so will the new microphones be. The microphones will operate the cameras to the extent that the shot will change based on which microphones are on. The system will work initially on the basis that the camera will show the side of the House on which a person is speaking. If microphones are on both sides at any one time, the shot will move to the shot from the Public Gallery which covers the whole Chamber and Mr Speaker.

2895 The raw feed should in our view be available on the Parliament's own website – [www.parliament.gi](http://www.parliament.gi). The said raw feed will be made available also to GBC and any other journalistic entity recognised by Parliament. In the Government's view, it should nonetheless be Parliament that retains the copyright on all of the images and sound, as I believe is the case today in respect of our audio feed.

I understand that GBC have already started to consider with the Government's own IT Department how to take the best quality feed from here.

2900 I further understand that it is proposed that GBC will be provided with a fibre link so that they have the best possible quality feed. They may wish to transmit live when they have nothing else on their schedules, i.e. before 19.30 hours, or they may simply wish to put it on their website or both, Mr Speaker. Those, Mr Speaker, I consider are matters for the GBC to determine at this moment, but because it is a public service broadcaster, I have little doubt that the public will likely expect them to carry the feed at times when they are not otherwise transmitting scheduled programmes.

2905 Other journalistic entities may also wish to carry the live feed: the *Chronicle*, *Panorama*, *New People* or *Vox*. All have websites which they may wish to have this raw feed feature on. The Parliament should not deprive, in my view, any such entity of the raw feed.

2910 So, Mr Speaker, that deals with how we will film the proceedings and how the signal will be shared with the public by Parliament and more particularly with broadcasters and journalists. But how to regulate the use of these images is a matter of some complexity. There are already rules in place in respect of the Westminster Parliament. I can see that there is a lot there that we will not need to concern ourselves with, as it covers filming of Committees, Westminster Hall debates and the like, and I am grateful to you Mr Speaker for having provided information that was provided to the House by the Westminster Parliament.

2915 We can derive some guidance, Mr Speaker, on the subject of broadcasting of debates in the main Lords and Commons Chambers and the rules which apply there and I think that is very useful indeed. There are actually Rules of Coverage at Westminster that seem to be helpful in some of the parameters that they set out on how images should be framed, for example.

2920 I am going to propose that we should adopt some parts of those rules at the next sitting, by way of another motion that I hope will be the subject of agreement across the floor before it is put. We cannot, however, do that exercise until we have the cameras up and we can define the angles of coverage properly.

2925 For example, Mr Speaker, it may not be possible to insist on a head and shoulders shot in some instances, which is what the Westminster rules provide for, but from what I have seen, we will be able to frame some rules around the Westminster model. Also, we need to remember that in this Chamber, we also do some of our work sitting down in Committee Stage, especially at Budget time and that may require some amendments to the angles of cameras, which may need to be manual and at times the ushers may have to assist in the way that the cameras are moved.

2930 There therefore remains a lot of technical work to be done, which will require input from the contractor and the IT Department. That work will have to start in late April, when the main refurbishment works in this Parliament have been completed, according to the timetable that we have been provided with and the technical adjustment work can then start in earnest.

2935 Mr Speaker, we are on the cusp of a transformational moment for our community and our Parliament. This is a *hugely* exciting time for our community. The democratic leadership we are providing is opening up this place to everyone in every way, whether it be timetabling the things that happen here so people can tune in or opening this place up by making it truly accessible, as we have said we will do in the second phase of the refurbishment, this Government is opening up Parliament and that is better democracy.

2940 As we do that, Mr Speaker, I trust we shall be able to count on the support of Members on the other side of the House, despite Members opposite having previously not necessarily been in favour of allowing cameras into this place. There is no need now, Mr Speaker, to exclude cameras. There is no need, Mr Speaker, for us to remain a Parliament that transmits only by audio by medium wave with an almost constant interference. There is no need, Mr Speaker, to stay stuck in the past, if technology can bring us closer to our people and perhaps, Mr Speaker, with the advent of video, all hon. Members may also, myself included, at times when tempers flare, have some thought for moderation as we will be seen by all those who wish to tune in.

2945 Mr Speaker, for all of those reasons, I have great pleasure in commending the terms of this motion to the House.

2950 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Chief Minister.

**Hon. D J Bossino:** Mr Speaker, this side of the House will be supporting the motion as moved by the Hon. the Chief Minister.

2955 I recall as a young man with a keen interest in politics when the possibility of televising the proceedings of the House of Commons was resisted by the then Prime Minister, now Baroness Thatcher. She opposed the reform and raised concern for the good reputation of the House. MPs were concerned about television trivialising Parliament and shied away from broadcasting on many occasions in the 1960s and the 1970s, when there were three or four attempts to do so.

This House, Mr Speaker, will not find such objection or concerns from the Opposition.

2960 As a party which believes in and values openness, we welcome this initiative and the motion which is the catalyst for it. Broadcasting of parliamentary proceedings form part of our Election Manifesto which I, along with the other GSD candidates, defended at the last General Election and before then, it featured in the previous Government's motion brought in the name of the former Chief Minister.

2965 Parliamentary proceedings which are quite properly open to members of the public in the Public Gallery and can be heard via the airwaves should also, as a matter of course, be televisually available to that same public. It brings further openness and hopefully engages people more in the political process.

As is reported in the UK Parliament website and I quote:

'Televised proceedings led to a substantial increase in the number of news reports featuring the Commons.'

2970 And Mr Speaker, if I could just briefly read from page 10 of the House of Commons Broadcasting Committee on the Rules of Coverage, which is the First Report of Session issued in 2002-03, where it says:

2975 'We are also conscious that great efforts are being made to re-engage the general public in politics, to tackle voter apathy and in particular to interest young people in politics. The Modernisation Committee has also stressed the importance of making the House more accessible and said in its Second Report, Session 2001-02, and quotes from the Report...:

'It is important that the House makes maximum use of the TV media to convey a sense of the Commons as a working environment and a forum of serious and challenging debate.'

2980 All of these features, Mr Speaker, must be good things and we hope that they too will be the effect in Gibraltar of broadcasting to the public and our proceedings here. We therefore have no difficulty in supporting the motion.

2985 It is important to note that what the motion does is to allow and provide for the installation of cameras as part of the refurbishment of this House's facilities. Those are the terms of the motion. It is that discrete issue which this House is approving today.

2990 But Mr Speaker, and reference has been made to it by the Chief Minister, it is also important that we agree rules and guidelines to cover issues such as the nature of shooting and editing. This should be done as efficiently as possible by way, for example, of Select Committee, which I am confident would be able to quickly deliberate on these issues, possibly within the two-month break before the next sitting.

2995 The House of Commons Broadcasting Committee has produced rules of coverage which cover in a detailed but far from lengthy way broadcasting of both Houses of Parliament. And Mr Speaker, in the BBC website, it provides a very useful summary of what those rules of coverage include and they provide, for example, for no internal editing of speeches; when using two sections of a speech a definite break must be provided to make clear the two sections are not continuous; no speeding up or slowing down of the pictures or sound; parliamentary material can be used only in news and factual programmes or for educational purposes; no parliamentary recording may be used in light entertainment or fictional drama programmes or programmes of political satire. Parliamentary material may be used in the factual parts of magazine programmes, but must always be kept separate from musical, fictional or humorous items.

3000 The rules themselves, Mr Speaker, deal with issues such as picture direction and instruction on how  
events are to be treated. In more particular terms, they prohibit, for example, the showing of the Press and  
Public Gallery; the filming of disruptions in the Gallery; close-up shots of Members or officers' papers.  
3005 They provide for a standard format for depicting the Member who has the floor: in the House rules, they  
provide for example and the Chief Minister himself mentioned it, a head-and-shoulders shot and not a  
close-up.

The Report also made a reference to webcasting, which is likely to be, as the Chief Minister has  
already indicated, what the Government is proposing to do and in relation to that, Mr Speaker, if I can  
quote from the House of Commons Broadcasting Committee's Report, where it says:

3010 'The fixed nature of webcams means that most of the rules of coverage will not apply. However, the direction of the shots for a  
webcam might need to be defined in the rules of coverage and there should be further discussion on whether the public gallery  
should be shown in webcasts.'

3015 So there is still some work to do in relation to the rules, even if it is a webcasting nature.

Mr Speaker, given the nature of the services which have been outlined by the Chief Minister, these  
other points may or may not be relevant, but one of the issues which I had in my mind, when I first read  
the motion, are things like: is there anybody who will be directing the camera shots. Should the House  
employ a television director or camera operators to ensure that the service is properly provided?

3020 And Mr Speaker, I go back to the quote I attributed to Baroness Thatcher, that it is important that in  
order to ensure that the good reputation of the House remains intact that we, as a controlling party, should  
make every effort to make sure that this is the case.

Mr Speaker, I would also like to read briefly from page 3 of the Report I have been referring to  
throughout the course of my submission, which reads:

3025 'The rules of coverage were devised to ensure that the House retains control over how it was portrayed on television'.

This is something that I think we need to ensure ourselves here. They provide specific guidelines for  
picture direction and instruction on how specific events such as disorder are to be treated. Finally, the  
television director – in that case in the UK – should have regard to the dignity of the House and to its  
3030 function as a working body, rather than a place of entertainment.

Mr Speaker, I also refer to the Chief Minister himself, when he said in this House last year that the  
cameras were to be allowed in by agreement, when we were satisfied, and I quote:

3035 '... across the floor of the House that we have the necessary infrastructure to ensure that those watching will see more than just  
the top of our heads.'

We of course cannot be satisfied until the refurbishment works have been completed and the cameras  
installed, that the necessary infrastructure, in that sense, is there. What we should also be concerned  
about, however, Mr Speaker, is that the necessary infrastructure in terms of the rules are in place and that  
3040 that be achieved with consensus as quickly as possible, in order to quite properly bring the availability of  
what happens in this House to members of the public in a modern way.

Thank you, Mr Speaker.

3045 **Mr Speaker:** Does any other hon. Member wish to speak on the motion?  
If not, I shall ask the mover to reply, the Hon. the Chief Minister.

3050 **Hon. Chief Minister:** Well, Mr Speaker, may I first of all thank the hon. Gentlemen for the  
consensual way in which he has approached his Party's response to the Government's motion on this  
matter. He is absolutely right, of course, about what the terms of reference of this motion are: they are  
very restrained. They are very, in fact, constraining terms. This motion does *not* allow that the House  
should start televising its proceedings, for all the reasons I think I have dealt with and that he has also  
alluded to in his intervention.

3055 He has gone into more detail today on what it is that the rules provide for. He has given a flavour of  
what the issues that I think are relevant for the next motion should be and that is the motion where I  
believe that the House should be adopting those rules and I shall certainly be in touch with him to try and  
see whether it is possible for us to agree which of those rules from Westminster we need to be looking at  
in some detail and adjusting for the purposes of the Gibraltar rules.

3060 As I said in the course of my intervention, Mr Speaker, and I think he has recognised from the course  
of his intervention, fine tuning those rules is not something that can happen until we know exactly what it  
is that we can get. I think that we are very close to that, but because there is great specificity in the rules  
as to angles, etc, I think it is important, because of the nature of this Parliament, which is different to the  
Westminster Parliament, that we look at what we do and it maybe that we need to have one rule for

3065 normal debates and Question Time and one rule for Committees, where we are all sitting down at Committee Stage and the cameras may need to move or we may need to accept a different shot is going to be available in those instances.

3070 Mr Speaker, the hon. Gentleman is right to say that the then Leader of the House, Baroness Thatcher, then Prime Minister Thatcher, in 1989 was against the idea that the cameras should come into Westminster. They, I think, have proved an important part of bringing people closer to proceedings in the Chambers there have been performing for the cameras. I actually think that to an extent, in the early stages, the criticism was that Members felt constrained by the cameras. They were not acting up to them, but things appear soon to have got back to normal, in particular the rowdiness surrounding Prime Minister's Question Time.

3075 Mr Speaker, the hon. Gentleman referred also to Mrs Thatcher's concerns about the dignity of Parliament and whether the cameras should affect that. I think that we are more responsible for the dignity of Parliament than any particular piece of technology. I will put my hand on my heart and say that all of us, myself included, sometimes fail to live up to what each of us might on our cooler moments think is the required dignity that we need to bring to the debates in this House. I do not believe that technology actually pushes us in one direction of dignity or pulls us away from dignity.

3080 But if anything, as I said during the course of my intervention, I hope it will temper us, when we realise that we might be watched by 30,000 people or more, and not just by the few that have shown their support for our democracy by being in this Chamber when we debate, in the Public Gallery.

3085 So, Mr Speaker, all that said, I shall certainly pursue being in contact with him to try and agree those parts of which rules are relevant that we believe we can work on together, and perhaps even once the refurbishment is ongoing, which we see as a refurbishment of the House and it belongs to the House and not to any one particular party, be in touch with him to deal with that issue.

3090 If I may just deal with one particular point before I give way, the hon. Gentleman is right to say that there was a motion in this House in the dusk of the previous Administration that referred to televising and that the manifesto of the Party which he now sits within this House referred to televising of debates, but I do not think that it would be contested by the previous Chief Minister that... There were 16 years in which to do this and it was not done because the Party now opposite was not convinced at any time in those 16 years until the very end, that there might be some value in it, despite my encouragement that they should consider doing so, at least from the day that I got here and when their previous Deputy had even suggested that himself from this side of the House in 2003.

3095 But we welcome that they have changed their views on that and that they are now able to vote with the Government on this particular motion and before I sit down, I will give way to the Hon. the Leader of the Opposition.

3100 **Hon. D A Feetham:** I am very grateful to the Chief Minister.

In fact, may I say, just on some of the last points that he made that I personally stood for election on a platform of a commitment to televising Parliament in 2003 and, indeed, I had the privilege of forming part of a Government that brought a motion in 2010 effectively supporting the televising of proceedings in this Parliament.

3105 But, Mr Speaker, the rules of the House in terms of televising of parliamentary proceedings are going to be phenomenally important and effectively nothing can happen without those rules. If it is going to be dealt with, I do not think it is appropriate for it to be dealt with bilaterally between the Chief Minister and the Leader of the Opposition. My hon. Friend Mr Bossino suggested the establishment of a Select Committee. Can I urge upon the Chief Minister that idea: perhaps setting up a Committee of three people on our side and three people on his side, to actually consider the rules and not to get to a situation where effectively we get to a draft presented to Parliament which has only been considered by two or three individuals?

3110 I think there ought to be more than two or three individuals considering the question of the rules, before a draft is actually produced to Parliament, so that Parliament can vote upon it in a motion.

3115 **Hon. Chief Minister:** Mr Speaker, yes, the 2003 manifesto that he stood on – I believe at that time it was with the Labour Party – also contained the provision to introduce capital gains. I hope he is not going to change the GSD so much that they are going to start proposing that, because the effects on our finance centre might be as dramatic now, as it would have been then, if he had won!

3120 Well, Mr Speaker, look, if there is to be a Select Committee, then it will be set up on the basis of the standard manner in which Select Committees are set up.

The reason that I have suggested I should be in touch with Mr Bossino is because before we even get to that stage, I think there is a lot of work that can be done simply to refine what are a large body of rules into the rules that may be relevant to Gibraltar. It may be that the Government considers going down the route of a Select Committee. If I decide to do that, I shall certainly be in touch with him, (**Hon. P R**

3125 **Caruana:** If the hon. Member will give way.) but there are a number of issues that we can deal with, which I think everybody will agree with. This is not rocket science, from the point of view of what it is that needs to be agreed; neither, in my view, does it require six Members of the Parliament which involve three Ministers spending time considering issues which may actually be quite straightforward.

3130 But I recognise the Hon. the previous Leader of the Opposition.

**Hon. P R Caruana:** I am obliged to him.

3135 Mr Speaker, I always have had... and the Hon. the Chief Minister is quite right in saying that we had 16 years in which to do this and did not. I think that reflected principally my view that in a small Parliament like Gibraltar, having the cameras in here would just increase the extent to which we all played to the cameras, rather than got on with it. It is a view that I think has become old fashioned now and it probably is the right time for the House to do this.

3140 I do not regret not having done it, because I remain actually quite concerned about the effects that the cameras might have on our proceedings; but I recognise that the way that things have moved in other Parliaments, the practices, the incidence of instant information and instant footage of everything have moved in a way that makes it inevitable. I think it is therefore right and to be applauded that the hon. Members do it, now that they are in a position to do so.

I will of course, from my more humble seat on the back benches, support the Opposition's vote in favour.

3145 But if you will just allow me to say something in half jest, in response to his quip to the Hon. the Leader of the Opposition that he hopes that not everything in the Labour Party's manifesto will become GSD policy. The other day, I was at home, nostalgically perusing some of my old political papers and I came across a statement by him, committing himself solemnly that, if ever he got into the Office which he now occupies, he would introduce a road toll on Line Wall Road: I hope he does not intend to proceed with that either! (*Laughter*)

3150

**Hon. Chief Minister:** I am very grateful, Mr Speaker, for the opportunity to come back at him and tell him that if he actually *watches* that, the only people who talked about introducing a toll on Line Wall Road were the people who wanted to denigrate what I had said. But luckily, *because there was a camera present*, he is able to watch –

3155

**Hon. P R Caruana:** It is in print!

3160 **Hon. Chief Minister:** It is in print and in the voice and speech of the then Minister for the Environment, I believe, or if not, one of the new Members of the Opposition. There is a video, Mr Speaker, of what I said at Sacarello's exactly about that and it does not involve the introduction... a solemn commitment to introduce any toll on Line Wall Road – although Mr Speaker, if I was going to introduce it on any road, it might be in Irish Town or Line Wall Road that I might be *tempted* to introduce such a toll!

3165

**Hon. P R Caruana:** Well, you wouldn't collect much while I was a pedestrian! (*Laughter*)

3170 **Hon. Chief Minister:** Mr Speaker, I am grateful that there appears to be unanimity across the floor of the House now to do this. I believe that the hon. Gentleman is right, that actually the time has come whatever the views of some of the more veteran Members of this House may have been in the old days, because of people's desire for information today, the need to see it to believe it, then I think that it is high time that we took the step to bring the cameras into this House if, post the refurbishment, we have been able to agree the rules and we are all happy with what we see that the technology can produce.

3175 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

3180

**BILLS**

**FIRST AND SECOND READING**

3185

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** Bills: First and Second Reading. A Bill for an Act to amend the Immigration, Asylum and Refugee Act. The Hon. the Chief Minister.

3190

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time.

3195

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2013.

3200

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Second Reading approved**

3205

**Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, in brief, the purpose of this Bill is to amend the Immigration, Asylum and Refugee Act so as to make provision for, first, the waiving of visa requirements in specific circumstances; second, formal entry permits; third, requiring visitors in certain circumstances to deposit their passports or other travel documents; and for related matters.

3210

Mr Speaker, clause 2(4) makes several amendments to section 11A of the Principal Act. In particular, it introduces new subsections (3A) and (3B).

Section 11A(1) provides that the Government may direct the Principal Immigration Officer to waive the carrying out in circumstances described in such a direction of any control, powers or functions required and permitted under the Act on any persons or category of persons specified in the direction.

3215

Subsection (3A) therefore provides that any direction under 11A(1), which relates to a category of persons described by virtue of their being nationals of particular countries who hold valid multiple entry Schengen Visas shall be published in the Gazette. Subsection (3B) provides that any direction made under section 11A(1), to which subsection (3A) applies, shall include a waiver of the requirements to be in possession of a valid entry permit.

3220

Further, the direction will specify that the waiver does not entitle the holder to seek employment in Gibraltar or to have access to publicly funded benefits in Gibraltar and shall specify a period that such a person is authorised to remain in Gibraltar, which shall not exceed 21 days.

3225

Clause 2(4) further amends section 11A of the Act, by adding new subsections (6) to (8), which empowers the Government to direct that particular persons be excluded from the remit of any direction under section 11A(1), where it is of the opinion that the exclusion of that person from Gibraltar is conducive to public security concerns. That person's character, conduct and association may be taken into account in reaching that decision.

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The Government shall also direct the particular persons to be excluded from the remit of any direction where the reason for the exclusion is the safeguarding of the internal security or defence of Gibraltar. The reason for the exclusion is of such a nature as to fall within the Governor's constitutional responsibilities and the Governor has informed the Government that such exclusion needs to be made.

3235

Clause 2(5) inserts a new section 17A on Entry Permits. Entry Permits can be issued by the Authority or the Principal Immigration Officer and will entitle the holder to enter into and remain in Gibraltar during the period of validity of the permit. An Immigration Officer, however, is empowered to refuse a person leave to enter into Gibraltar if, in his opinion, it is undesirable to give that person leave to enter on the grounds that the person's exclusion is conducive to the public good or public security. The Immigration Officer may take into account the person's character, conduct and associations and such a decision can be taken, notwithstanding that such a person is a member of a class to which a direction under section 11A(1) applies. Such a refusal must be reported to the Principal Immigration Officer and to the Authority.

3240

The Bill further amends the power to declare prohibited immigrants and the effect of such declaration under the Act. Under the new section 52(1A), the Government should direct the Principal Officer to

declare any non-Gibraltarian to be a prohibited immigrant where it is necessary for the safeguarding of the internal security or defence of Gibraltar, the declaration is of such a nature as to fall within the Government's constitutional responsibilities and the Governor has informed the Government that such a declaration is to be made.

3245 The Bill also amends the proviso contained in section 53(1), which originally provided that the Principal Immigration Officer could grant a permit to a prohibited immigrant, permitting him to enter and remain in Gibraltar for such period and to such conditions as he could direct, notwithstanding that the entry and presence within Gibraltar of that prohibited immigrant is unlawful.

3250 This proviso has now been strengthened in that the Principal Immigration Officer must obtain the consent of the Government, Governor or the Authority, as the case may be, and in the circumstances specified therein, before he can grant a permit to a prohibited immigrant permitting him to enter and remain in Gibraltar.

3255 Finally, clause 2(3) empowers the Principal Immigration Officer to require visitors seeking any permit under the Immigration, Asylum and Refugee Act or to whom a direction made under section 11A(1) applies, to deposit their passports. This is principally a power to be used in respect of non-EU nationals, of course, at the borders.

3260 Mr Speaker, I said in my address at the time of the Ceremonial Opening that I wish to see our nation making efforts to build bridges with our southern neighbour, Morocco. For that reason, the first direction to be made will be in respect of nationals of that kingdom to promote their ability to visit Gibraltar as tourists, if they already hold valid multiple entry Schengen Visas. We expect other directions to follow to allow nationals of other states from which Government and the tourist industry may wish to promote visitors.

I commend the Bill to the House.

3265 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. S M Figueras:** Yes, Mr Speaker.

3270 I rise to speak on the Bill, as I have recently been honoured with shadow responsibility for matters relating to immigration and it is my privilege and honour to speak for the first time in the context of my new portfolios.

I took the opportunity earlier of speaking to the Hon. the Chief Minister informally about the purposes of the Bill and I was very grateful to have that discussion with him. That has certainly been of assistance.

3275 For the Members of this side of the House who will, Mr Speaker, be supporting the Bill, this is an initiative that seeks to facilitate visits to Gibraltar by a category of persons that may have hitherto been unable to or put off by the administrative difficulty of doing so and by enabling them to gain access to our shores, to bring business and additional spending power to Main Street as one of the offshoots of the Bill is certainly a principle, one which we are happy to and will indeed support.

3280 I would, however, just like to take the opportunity to raise a matter of concern for Members on this side of the House, a concern relating to the potential for individuals to remain in Gibraltar beyond their welcome and the difficulties that may then arise in ensuring that certain individuals return from whence they come at the relevant time. I do, however, Mr Speaker hasten to add that I am conscious of the various checks and controls proposed within the body of the Bill, but perhaps the Hon. the Chief Minister could provide details in his reply of any systems, checks, protocols, perhaps, that he, in his discussions and consultations with relevant stakeholders, may have identified as appropriate and desirable, in the context of ensuring that what comes to this House as a Bill designed to add some zing to one of the main engines of the community does not turn instead into a burden on it.

3285 That said, Mr Speaker, I reiterate the Opposition's support for the Bill and hope, as I am sure all Members of this House do, that this initiative may bring added activity for the benefit of our small business community for years to come.

3290 **Mr Speaker:** Does the Hon. the Chief Minister wish to exercise his right to reply?

3295 **Hon. Chief Minister:** Mr Speaker, I am delighted that the hon. Gentleman is going to shadow me in relation to matters related to personal status, immigration. He and I have been firm friends for many years and although we may not be able to agree on many things, at least where possible, we can have a word outside this House to deal with issues that may facilitate its workings, as we have today.

3300 Mr Speaker, what we are doing and what we are intending to do is designed to appeal and to be available only to actually quite a defined type of individual and this is an individual who holds a Schengen multiple entry Visa. Therefore, these are individuals that other Member States of the EU have granted – those Schengen Group of the EU Member States – have granted multiple-entry visas to. In



those circumstances, the individual who is in Gibraltar is able to travel into Spain and into the rest of the EU with no administrative burden being put in his way.

3305 So somebody who has a Schengen multiple entry Visa were to come to Gibraltar under what we might loosely call the 'visa waiver programme' and outstay his 21-day benefit visa waiver for Gibraltar, then he is not a person who could only in those circumstances assume deportation, be deported by the airport to the United Kingdom. The hon. Gentleman may know that there are some issues with deporting people through the United Kingdom to another state from which they may originate.

3310 So they would be the individuals who could be deported from Gibraltar to Spain. Now, what class of individuals are we talking about? Principally, the Government believes it has identified groups of people who will likely come to Gibraltar for no more than three days, perhaps long weekends, at a push perhaps a week. That is likely to be the market, but there could be circumstances where individuals could outstay their welcome. We have not acted without working very closely with the Borders and Coastguard Agency, who are in very close liaison on these matters – as the former Chief Minister will know – with the Special Branch and the international law enforcement entities – to ensure the security issues that might relate to an individual coming to Gibraltar are adequately dealt with.

3320 It is not as if people will simply be let in with a visa waiver and we will not know how many there are or where they will be staying. This will be a system akin to the mechanisms used in the United States, where on a visa waiver – he may remember the old style, before ESTAs, where he had to fill in a green visa waiver form if he was a British National, where you need to tell the authorities where you are going to be.

Of course, an individual could simply lie on the form – and then find him amongst 520 million people across the expanse of the great United States. In the similar circumstances here, that person would have to hide themselves in two-and-a-half square miles, amongst 30,000 people. It is not impossible.

3325 The hon. Gentleman may know that there is a list of, I believe, no more than a handful of people who are illegally in Gibraltar. They are known to the Government. The issues there have been what to do with deportation, because those are issues which are historic, and literally you are talking about people who either have illegally gained access to Gibraltar and have come to the attention of the authorities, but either they have been here for 12 or 15 years when that has happened, or there is what I might loosely call a 'sob story' behind the whole thing.

3330 That is not the sort of individual that we believe we are dealing with here, but if it were, suffice to say that I have told him that the authorities are aware of each of those individuals, where they are and where they sleep, and the absence of deportation has more to do with administrative process or politicians being asked to interfere to *stop* processes.

3335 Before he jumps to his feet and asks me what I am doing stopping a deportation process, if that is where I am leading to, this is something that comes from way before our time. He will see that, actually, this is not a huge problem that is likely to materialise, but the technology that is going to be used when taking people's passports – the visa waiver does not mean that you do not check the passport or the Schengen multiple-entry visa – and the follow-up that there will be on where these people are going to lodge themselves whilst they are here, I think has satisfied the Government that we can do this without the risk of an influx of people who may then wish to remain and we would not be able to deal with.

3340 Let me leave him with just this thought: the Schengen multiple entry Visa has to be valid for more than six months for the visa waiver programme to apply on the 22nd day of the visa. In other words, you have to have a Schengen multiple entry visa valid for six months and 22 days if you want to stay in Gibraltar for 21 days so that the deportation through the easiest route will easily be possible.

3345 I trust that satisfies the hon. Gentleman. I am grateful for him having indicated the support of Members opposite.

3350 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2013.

3355

**Immigration, Asylum and Refugee (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

3360 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read – Sorry...

**Mr Speaker:** Committee Stage.

**Clerk:** Top of page 40.

3365 **Hon. Chief Minister:** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all Members agree.

3370 **Mr Speaker:** Do all Members agree the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**First Reading approved**

3375 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

The Hon. the Chief Minister.

3385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000, for all the purposes that the Hon. the Clerk has read out, be now read a first time.

3390 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax be read a first time.

3395 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Gibraltar Regulatory Authority (Amendment) Act 2013.

3400 style="text-align: center;">**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Second Reading approved**

3405 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, can I just ask hon. Members whether they have received the letter with amendments that was handed in this afternoon? Grateful.

Mr Speaker, this Bill is for certain amendments, which I will deal with in detail below and of which I have given notice identical to that published as Bill No. 2/2013.

3410 The Government is of the view, Mr Speaker, that this Bill is necessary in order to comply with the provisions of the Better Regulation Directive – which is Directive 2009/140/EC – which was transposed into Gibraltar law on 26th May 2011 by amending the Communications Act 2006.

The intention of the Better Regulation Directive was to strengthen the independence of the national regulatory authorities in the electronic communications sector.

Recital 13 of the Directive states as follows:

3415 ‘The independence of the national regulatory authorities should be strengthened in order to ensure a more effective application of the regulatory framework and to increase their authority and the predictability of their decisions... to ensure that, in the exercise of their tasks, a national regulatory authority is protected against external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it.’

3420 In the case of the Gibraltar Regulatory Authority, however, under the Principal Act it can be argued that pressure could potentially be brought to bear through Government’s control of the Gibraltar Regulatory Authority’s funding.

The Directive also states, in article 3, that:

3425 'Member States shall ensure that national regulatory authorities exercise their powers impartially, transparently and in a timely manner.'

– and article 3a states that:

3430 '... national regulatory authorities responsible for *ex-ante* market regulation... shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law...'

3435 In Gibraltar, we have a situation where the Government is a shareholder in the dominant provider of the communications networks and services. This, coupled with the provisions contained in subsections 8(3) and (4) of the Principal Act relating to the Gibraltar Regulatory Authority having to take into account Government policy, is contrary, arguably, to the independence referred to in the Directive.

3440 Recital 13 also states that it is important that national regulatory authorities should have their own budget, allowing them, in particular, to recruit a sufficient number of qualified staff. This would seem to be inconsistent with sections 9, 10 and 12 of the Principal Act as it is today.

Further, article 3a goes on to state that:

'Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to actively participate in and contribute to the Body of European Regulators for Electronic Communications...'

3445 The Government feels that this Bill will achieve the independence required by the Directive.

3450 The purpose of the Bill is as set out in the Long Title. The Long Title explains that the Bill makes provision for the Gibraltar Regulatory Authority to have greater independence. It converts the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board. It provides for the appointment of a Deputy Chief Executive Officer. It makes provision for the treatment of the revenues of the Gibraltar Regulatory Authority and exempts the Gibraltar Regulatory Authority from liability to income tax.

Clause 2(2) deals with the amendments to the Long Title of the Principal Act, which in essence only requires the introduction of a reference to the Deputy Chief Executive Officer.

3455 Clause 2(3) amends section 2 of the Principal Act by inserting definitions for 'business', which is relevant for the new sections introduced to clause 2(60), and 'Chairman', 'Deputy Chief Executive' and 'Gibraltar Regulatory Authority member', all of which definitions give effect to the purposes of the Bill. Other definitions are of a clarificatory or consequential nature.

3460 Clause 2(4)(a) amends section 3(2) of the Principal Act by establishing the composition of the Gibraltar Regulatory Authority, which is to consist of a Chief Executive Officer, a Deputy Chief Executive Officer and a minimum of two and a maximum of three other persons who are to be appointed by the Minister. The Chief Executive Officer is to be the Chairman of the Gibraltar Regulatory Authority.

Clause 2(4)(b) replaces section 3(3) of the Principal Act and provides for the establishing of the period and term of appointment of the persons to be appointed to the board by the Minister.

3465 Clause 2(4)(c) replaces section 3(4) of the Principal Act and provides for the resignation of the Chief Executive Officer and the persons appointed by the Minister.

Clause 2(4)(d) replaces section 3(5) of the Principal Act and empowers the Minister, after consultation with the other members of the Gibraltar Regulatory Authority, to declare that a person's office as a member of the Gibraltar Regulatory Authority is to be vacated in certain circumstances.

3470 Clause 2(5) amends section 4 of the Principal Act by establishing that the Gibraltar Regulatory Authority shall be a body corporate with perpetual succession, having a common seal, and makes provision for the affixing of the common seal and for the signature of certain instruments.

It also provides for the Gibraltar Regulatory Authority to sue and be sued in its corporate name, and for the service of process or notice.

3475 Finally, it provides for the Gibraltar Regulatory Authority, the members of its board, or persons employed or taken on secondment by it, not to be treated as a body of persons exercising functions on behalf of the Crown or as servants of the Crown.

3480 Clause 2(6) introduces a new section 5 in the Principal Act. This new section deals with the meetings and proceedings of the Gibraltar Regulatory Authority. It provides for the constitution of a forum and the requirement for a Chairman to preside at meetings of the Gibraltar Regulatory Authority. It provides for the calling of meetings with the Gibraltar Regulatory Authority, for voting at meetings, the keeping of proper minutes, and for the making of written resolutions.

Clause 2(6) also introduces new section 6 that provides for the appointment of the Chief Executive Officer, the terms of his appointment, his functions and responsibilities, and for the appointment of a Deputy Chief Executive Officer in his absence.

3485 Clause 2(6) also introduces new section 7, that provides for the appointment of a Deputy Chief Executive Officer and provides for his replacement in certain circumstances.

Clause 2(6) also introduces new section 8, that establishes the functions of the Gibraltar Regulatory Authority.

3490 Clauses 2(7), (8) and (9) provide for amendments to the Principal Act which are clarificatory or consequential in nature and deal with amendments to do with punctuation and numbering.

Clause 2(10) omits the requirement for the approval of the Minister in the delegation by the Gibraltar Regulatory Authority of the discharge of functions, thereby strengthening the independence of the GRA.

Clauses 2(11), (12) and (13) deal with numbering and renumbering.

3495 Clause 2(14) introduces a new section 9(5) in the Principal Act, which provides for a person, to whom functions have been delegated by the Gibraltar Regulatory Authority, to be given a certification of his authorisation, and for the production of the same if requested by any person affected by the exercise of those functions.

3500 Clause 2(15) introduces a new section 10 in the Principal Act that provides for the payment by the Gibraltar Regulatory Authority of salaries to the Chief Executive Officer, the Deputy Chief Executive Officer, such persons as the Gibraltar Regulatory Authority may employ or take on secondment, to a person or agency to whom functions have been delegated, and for the payment of such expenses as the Gibraltar Regulatory Authority may be liable to pay as the result of the exercise of any one or more of its powers.

3505 This new section 10, however, empowers the Minister to determine other expenses and allowances to persons appointed, employed, or taken on secondment by the Gibraltar Regulatory Authority.

It is thought that these provisions are contrary to the desire to grant greater independence to the Gibraltar Regulatory Authority, and I therefore give notice that, at Committee Stage, I intend to move the following amendment to the Bill:

3510 *'In clause 2(15) of the Bill at sections 10(a)(ii) and 10(b)(ii) of the Principal Act replace in each subsection 10(a)(ii) and 10(b)(ii) the word "Minister" with the words "Gibraltar Regulatory Authority".'*

3515 Clauses 2(16) to (26) provide for amendments to the Principal Act which are clarificatory or consequential in nature or deal with amendments to do with punctuation and numbering.

Clause 2(27) provides, through newly renumbered section 11(3) of the Principal Act, for the independence of the Gibraltar Regulatory Authority when exercising its functions, taking into account public policy only to the extent that it is lawful to do so.

3520 Clause 2(27) and (28) also provides, through newly renumbered section 11(4) and new sections 11(5) and (6) of the Principal Act, for the requirement of a member of the Gibraltar Regulatory Authority to declare an interest in any matter coming before the GRA.

Clauses 2(29) and (31) deal with renumbering.

3525 Clauses 2(30) and (32) amend the newly renumbered sections 12(1) and (2) of the Principal Act by allowing the Gibraltar Regulatory Authority to do all things necessary, ancillary or incidental to the carrying out of its function without the imposition of limits set by Parliament. This is designed to grant the Gibraltar Regulatory Authority greater independence.

Clause 2(33) clearly establishes, through the newly renumbered section 12(2)(b) that the Gibraltar Regulatory Authority shall have the power to contract with any person for the supply of personnel.

3530 Clause 2(34) omits from the newly renumbered section 12(2)(d) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can employ or take on secondment persons for the purposes of performing certain functions of the GRA. This is another provision designed to grant the GRA greater independence.

3535 Clause 2(35) provides through the introduction of new section 12(2)(e) for the Gibraltar Regulatory Authority to be able to establish and maintain schemes for the payment of pensions or other benefits to employees.

Clauses 2(36) and (37) deal with numbering and renumbering issues.

Clause 2(38) omits from the newly renumbered section 12(3) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can establish the period, terms and conditions of employment of such persons as the GRA may employ or take on secondment.

3540 Clause 2(39) introduces new sections 13 and 14 in the Principal Act that provide for the identification of the source of the revenue of the GRA and the investment of such revenue – section 13; and for the establishment and operation of a general fund into which all monies received by the GRA are to be paid, out of which all payments made by the GRA are to be made – section 14. Indeed, section 14 also gives the GRA the power to borrow monies with or without security.

3545 Clauses 2(40) and (41) deal with renumbering and an amendment to the header of newly renumbered section 15 of the Principal Act.

Clause 2(42) replaces previously numbered sections 10(1), (2) and (3) with new sections 15(1) to (5). These impose obligations on the GRA with regard to accounting records or financial statements and the auditing of the same. It provides for the appointment of an auditor and the method of his reporting.

3550 Any direction by the Minister with regard to the statements of account and any involvement by the Principal Auditor is omitted thereby strengthening the independence of the GRA.

Clause 2(43) introduces new section 16 in the Principal Act imposing an obligation on the GRA to prepare and furnish to the Minister annual estimates of income and expenditure and such additional information and explanations as the Minister may require.

3555 Clause 2(44) deals with renumbering.

Clause 2(45) replaces previously numbered section 17(1) and extends immunity from suit to the GRA members, officers and servants and any delegatee of functions.

Clause 2(46) deals with renumbering issues.

3560 Clause 2(47) introduces a new section 17(3) that authorises the Gibraltar Regulatory Authority to indemnify existing and former members, officers or servants for the cost of defending any action brought by a third party in respect of the discharge of their powers and functions.

Clauses 2(48) and 2(49) deal with renumbering and numbering.

Clause 2(50) introduces a new section 18 into the Principal Act.

3565 New section 18 provides for the issuance of notice by the Minister to the GRA to be followed by application to the Supreme Court in the event of non-compliance, requiring the Gibraltar Regulatory Authority to comply with the provisions of the Principal Act. It is thought that these provisions are unnecessary, given that there are adequate remedies available by means of the application of general law in the event of non-compliance by the Gibraltar Regulatory Authority with the provisions of the Principal Act.

3570 Further, the new section 18 does not sit well with the intention to strengthen the independence of the GRA. I therefore give notice that at the Committee Stage, I intend to therefore move its removal. At the Committee Stage, I also intend to refer to the renumbering of sections required, as a result of the removal of section 18.

3575 The consequential renumbering will be the following: section 19 is renumbered so it now becomes section 18, all the way through, Mr Speaker, in section 20, 21 and 22, so that those are numbered with one number below. The reference to section 22 in section 17(4) of the Principal Act now therefore becomes a reference to section 21. Sections 23, 24 and 25 are renumbered with one number less.

3580 Clause 2(50) also introduces new section 19 into the Principal Act. This new section has the effect of prohibiting the issuance of a process of execution by attachment of property or other similar process against the Gibraltar Regulatory Authority.

Clauses 2(51) and (52) deal with a renumbering issue and the consequential amendment.

Clause 2(53) introduces a new section 21 into the Principal Act and exempts the income of the GRA from income tax.

3585 Clauses 2(54) to 2(59) deal with numbering and renumbering.

Finally, Mr Speaker, clause 2(60) inserts new sections 24 and 25 into the Principal Act.

Section 24 authorises the Gibraltar Regulatory Authority to petition the Supreme Court, with the consent of the Minister, for the winding up of a company that appears to the GRA to be undertaking business without authorisation, licence, notification or registration required for the undertaking of business or has had its licence, authorisation, recognition or registration cancelled or suspended.

3590 Section 25 provides for the Minister at the request of the Gibraltar Regulatory Authority to direct the Registrar of Companies to deregister any Part IX companies, in similar circumstances as those set out in section 24 to which I have just alluded.

I commend the Bill to the House.

3595 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. D A Feetham:** Yes, Mr Speaker, the Opposition will be supporting the Bill.

3600 The Bill, Mr Speaker, provides for the conversion of the Gibraltar Regulatory Authority from a corporation sole, that is to mean an individual which under the current Act, the Gibraltar Regulatory Authority Act, is effectively the Chief Executive – under section 3(1) is the Chief Executive – so one individual into a corporate body governed by a board, led by a Chief Executive.

3605 In fact, my understanding – I will be corrected if I am wrong – is that this Bill follows and places the Gibraltar Regulatory Authority on the same... it uses the same model on which the Financial Services Commission is based nowadays. Indeed, there is more than one analogy that one can draw with the Financial Services Commission, because of course, hon. Members of this House, or some, may actually remember that in 1989, when the Financial Services Commission Act or Ordinance, as it then was, was introduced by the then GSLP Government, the Financial Services Commission was a body. It was a group

3610 of people, and amendments were forced – I think I am right in saying – by the United Kingdom to that Act, to convert the Regulatory Authority from the Financial Services Commission to the Commissioner, one individual. Of course, it was always a matter of concern, certainly – and a matter that we wanted dealt with, when we were in Government – to actually change that. It certainly is not a model that is conducive to a proper independent regulatory authority, to have one individual that is effectively the regulatory authority for something as important as this, and indeed something as important as the Financial Services Commission.

3615 So we do believe that by changing the regulatory body from one individual into a corporate body governed by a board, then led by a Chief Executive, that will strengthen the independence of the Gibraltar Regulatory Authority, not diminish it, and as a matter of principle, we will be supporting the Bill.

3620 Mr Speaker, what I would like is for the Chief Minister, if he may, to provide some clarification in relation to two aspects.

In relation to the proposed section 13(1) and its interaction in relation to 14(1): under 13(1) the revenues of the Gibraltar Regulatory Authority shall be such fees and charges as may be payable to the Gibraltar Regulatory Authority under the Act; and then (b) such funds as may from time to time be voted by the Gibraltar Parliament; (c) such funds as may properly accrue to the Gibraltar Regulatory Authority from any other source.

3625 So effectively, the intention appears to me to be to make the Gibraltar Regulatory Authority as self-sufficient as possible and if there is any deficiency, to have then the funds voted in Parliament and it is proper to do so, because of course, then Parliament remains... there is an oversight from Parliament in relation to any excess expenditure, over and above that which the Gibraltar Regulatory Authority generates off its own bat, so to speak.

3630 But then if one looks at proposed section 14(3), it says:

3635 ‘The Gibraltar Regulatory Authority may borrow such sums as the Gibraltar Regulatory Authority may require to enable it to discharge its functions and for the purposes of meeting expenditure of a capital nature.’

Now, does the Hon. the Chief Minister think that that may impact on the model as established in 13(1), which is self-sufficient – if you require anything else you come to Parliament to ensure that it is voted by Parliament? Because it does appear to me that, of course, if it does not generate any income, it is not voted for by Parliament but it can borrow, then obviously it is circumventing the very careful structure that is established in 13(1), which is generation of income, alternatively anything in excess of that, you have got to really vote it in by Parliament.

3640 If it does cause concern, perhaps it can be dealt with by way of an amendment at Committee Stage, so that at least there is some oversight by the Government Minister in relation to the borrowings by the Gibraltar Regulatory Authority, because it appears to me to be a very wide power indeed, provided to the Authority and odd, in the light of the structure and the scheme of things as set out in section 13(1).

3645 May I also ask the Chief Minister what is meant in clause 2(47), (3) by – and I read from the Bill:

‘The Gibraltar Regulatory Authority shall (unless bad faith is definitively found to have existed)...’

3650 What does ‘definitively found to have existed’ mean? Definitively found by whom? By the courts? Can he expand and elucidate on that, please.

Thank you very much.

3655 **Hon. Chief Minister:** Yes, Mr Speaker, I am grateful to the hon. Gentleman for indicating that his party is going to be supporting this Bill.

He has indicated that this is in fact the same model as the model of the Financial Services Commission Act, and that is in fact the case.

3660 Indeed, Mr Speaker, the issues that he has asked us to look at come from very similar provisions, if not identical provisions, in the Act which he says he believes this is modelled on and therefore he is pleased with.

If I can just say to him, the hon. Gentleman has said – and I am grateful that they are going to support this, but he said something during the course of his intervention, which I need to take up – he said that they had wanted to make these changes when they were in Government. May I simply say that these changes... this Act was made when they were in Government.

3665 If he wants to...

**Hon. D A Feetham:** What I said was that in relation to the Financial Services Commission, having one individual as the regulator, that was always a bugbear with the GSD Government, because it was always a UK appointment and on top of that, the Authority was one individual. The propensity for control

3670 over that individual and then interference in the regulatory system was obviously very clear to us and that was what we, as a matter of principle, were against.

3675 **Hon. Chief Minister:** I see, Mr Speaker. Right, because this Act is a 2000 Act, which is an Act that they introduced at the time, and it is principally something which is led by European legislation that has to be adopted as a result of Directive obligations. As I said during the course of my intervention, this is about updating the Act, to ensure that it does comply with the required EU measures.

3680 So how to do that? Well, base it on the Financial Services Commission Act, which I think everybody accepts in this House sets up the model of independence of a body corporate discharging those sorts of regulatory functions in its particular sphere of influence.

3680 So in relation to the clauses that he has referred us to, clause 13(1)(c) and its interaction with 14(3), and the statement as to definitive findings of bad faith at 2(47)(3), I am advised that those are identical to provisions in the Financial Services Act.

3685 What do they mean and what do they do, Mr Speaker? Well, my understanding is that what you do in 13(1) is you set out how the Authority, the GRA, is able to fund itself. You say in 13(1)(c):

‘such funds as may properly accrue to the GRA from any other source.’

3690 Then you say in 14(3), by allowing the borrowing, in effect that that is a proper other source. So I do not see that there is necessarily a conflict with that. In fact, I think it helps the independence of the Authority not to be reliant on the Government hand-out in 13(1)(b), in particular in circumstances where the Authority is able to persuade a lender that it should borrow money.

3695 Lenders these days, as the hon. Gentlemen know, sometimes do not lend money even to people who can demonstrate that they are solvent. So the GRA, if it is going to borrow money, is going to have to demonstrate its solvency and its ability to pay back. In those circumstances why should – (*Interjection by Hon. D A Feetham*) - when I will finish the point. In those circumstances, why should the Government, Mr Speaker, constrain the GRA from being able to borrow commercially at arm’s length, if it believes that that is a proper course for it to raise funds.

The hon. Gentleman wants to say something.

3700 **Hon. D A Feetham:** Yes, thank you very much.

I am not saying that they are in conflict or contradictory; what I am saying... what I am asking the Chief Minister is to explain whether he feels that there is potential for a circumvention of the oversight of Parliament in relation to any excess expenditure.

3705 Because the scheme is self-funding, if you cannot self-fund, you then come to Parliament to ask for funds to be voted, but of course if the Regulatory Authority, rather than come to Parliament to have funds voted, borrows the money, if it borrows the money, it is then liable to repay the money. It does seem to me as if there is a potential there for there to be a circumvention of the parliamentary oversight, in not allowing the Gibraltar Regulatory Authority to fund itself over and above income it generates, other than in circumstances where Parliament intervenes, and that is why I am suggesting that perhaps, in order to actually prevent that, that the hon. Member might consider an amendment that allows Ministerial oversight of the borrowing because, of course, Ministers are accountable to this Parliament and, at the very least, there might be a closer nexus between that and 13(1).

But that is what I am asking the Hon. the Chief Minister to explain.

3715 **Hon. Chief Minister:** Mr Speaker, I do not believe that there is such an issue and I will tell him why. Section 13(1), he said, had very carefully framed – those were his words – how the Authority was to receive its income. There are, of course, the direct fees and charges that will be raised by the GRA. There is the potential – not the requirement, but the potential – for a parliamentary vote of funds, but there is the third limb. That third limb – a third limb which he has himself said is very carefully drafted – provides for this other income, such other funds as may properly accrue.

3720 So, Mr Speaker, I do not see that in allowing, in the definition that 13(1)(c) purportedly creates, of another source of income, properly accruing to the GRA the potential for borrowing, that we are doing anything to allow the GRA to circumvent Parliament. All the GRA will be able to do in those circumstances is to raise commercial borrowing.

3725 Now, is the hon. Gentleman saying, ‘Well, look in the circumstances where the GRA is able to raise commercial borrowing and it should not have had it and therefore comes into default in respect of those obligations, it has raised money which has accrued to it without the supervision of this Parliament and could land the taxpayer eventually in some permutation with a bill’? Well, look, I suppose that that is technically possible. But you do not create an independent statutory body and staff it with people so that  
3730 they go out and create liabilities which then fall back on the taxpayer. You have got to accept that, if you

are creating a creature that is truly independent, it has those abilities and it is led by people who have the responsibility not to act in that way.

3735 So I do not believe that it creates a difficulty for this Parliament. We are not letting the GRA so out of our sight that it will no longer be subject to the scrutiny of this Parliament. Look, everything is subject to the scrutiny of this Parliament and should we consider that it was going to act improperly, we always have the ability to come back and amend not so much 13(1)(c), but 14(1)(3), I do not think that that is an issue at all.

3740 If I may just, Mr Speaker, in relation to the other point that the hon. Gentleman referred us to: section 19 of the Financial Services Commission Act, which is a 2007 piece of legislation in its latest iteration, actually reads:

'The Commission shall unless bad faith is definitively found to have existed indemnify...'

3745 So that is a direct lifting from the Act that was passed in 2007, in respect of the Financial Services Commission. What does that mean? Well, Mr Speaker, we are legislators here, not judges. In my view, it very likely means that a court needs to find that there has been bad faith before there is any possibility of the section being engaged.

3750 So, Mr Speaker, I thank him for indicating that his party will support this Bill and I note those two points. I trust that he has been satisfied with my explanations.

**Mr Speaker:** I now put the question which is that a Bill for and Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes which I set out during the First Reading of the Bill be now read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3755 **Clerk:** The Gibraltar Regulatory Authority (Amendment) Act 2013.

3760 **Gibraltar Regulatory Authority (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

**Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3765 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

3770 **Public Health (Amendment) (No. 2) Bill 2012  
First Reading approved**

3775 **Clerk:** A Bill for an Act to amend the Public Health Act. The Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Public Health Act be read a first time.

3780 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Public Health Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Public Health (Amendment) (No. 2) Act 2012.

3785 **Public Health (Amendment) (No. 2) Bill 2012  
Second Reading approved**

3790 **Hon. Dr J E Cortes:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, this Bill is relating to the Public Health Act as it affects rates and it is to give effect to aspects which were included in the Chief Minister's Budget speech regarding a discount for early



payment of rates which is being increased from 5% to 10%. That is in relation to certain businesses, offices, workshops, construction and manufacturing industries, as mentioned in the Budget speech.

3795 And that for new companies, there will be a discount for early payment of rates of 50% for their first year of trading.

There is another part to this Bill in which it adds casinos to the rates discount, in relation to the Smoke-Free Environment Act, which had not been included when the Act had originally been passed by this House.

3800 At Committee Stage, Mr Speaker – and Members should have received a letter to the effect – I will be proposing a number of amendments which relate largely to typographical omissions, notably adding the word ‘casino’ in all the appropriate clauses instead of in just the one.

I commend the Bill to the House.

3805 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3810 **Clerk:** The Public Health (Amendment) (No. 2) Act 2012.

**Public Health (Amendment) (No. 2) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

3815

**Hon. Dr J E Cortes:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3820 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

3825

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Public Health (Amendment) (No. 2) Bill 2012**

3830 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

3835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Immigration, Asylum and Refugee (Amendment) Bill 2013; the Gibraltar Regulatory Authority (Amendment) Bill 2013; and the Public Health (Amendment) (No. 2) Bill 2012.

3840

*In Committee of the whole Parliament.*

**Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Clauses considered and approved**

3845

**Clerk:** A Bill for an Act to amend the Immigration, Asylum and Refugee Act.  
Clause 1.

3850 **Mr Chairman:** Clause 1 stands part of the Bill

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

3855 **Hon. S M Figueras:** I am sorry, I do have an observation to make in respect of, in respect of that. In clause 2(4)(d), there is no reference that that amendment should be in subsection (4) of the relevant section.

It says:

3860 'for "The" substitute "Subject to section 17A(5), the";'.

It does not say in which subsection it should be. However, looking at the, looking at the original Act, that should be in respect of subsection (4).

3865 **Hon. Chief Minister:** Yes, I am grateful to the hon. Gentleman

**Clerk:** Could I have sight of that, so I can record that, please.

3870 **Mr Chairman:** I will now put the amendment.

**Clerk:** So the amendment reads:

*In clause 2(4)(d), 'in subsection (4) for "The" substitute "Subject to section 17A(5), the";'.*

3875 **Mr Chairman:** Are all Members in favour of the amendment?

**Members:** Aye.

3880 **Mr Chairman:** Clause 2, as amended, stands part of the Bill.

**Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

3885

**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Clauses considered and approved**

3890 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

3895

Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

3900 **Clerk:** Clause 2.

3905 **Hon. Chief Minister:** Mr Speaker, I have given notice of a number of amendments where what we will do throughout the Bill is in these particular instances change the word 'Minister' for the words 'Gibraltar Regulatory Authority'. That occurs in section 2(15) of the Bill and 10(a)(ii) and 10(b)(ii) of the Act where those replacements should occur.

The Clerk has it in the letter and he can see exactly what it is that occurs.

**Clerk:** Then we are deleting –

3910 **Hon. D A Feetham:** We are quite content for that letter to effectively stand as –

**Mr Chairman:** So all hon. Members are agreed to the amendments which have been circulated by the Chief Minister. Therefore clause 2, as amended, stands part of the Bill.

3915 **Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

3920 **Clerk:** I think I just wanted to ask a question that is in relation to page 22 of the Bill. We are talking about removing section 18? That is being deleted?

**Hon. Chief Minister:** That is right, that is the other substantive amendment, (**Clerk:** Absolutely.) then everything else is renumbering.

3925 **Clerk:** Absolutely.

3930 **Public Health (Amendment) (No. 2) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Public Health Act.  
Clause 1.

3935 **Mr Chairman:** Clause 1 stands part of the Bill.

**Hon. Dr J E Cortes:** Mr Chairman, I refer –

3940 **Mr Chairman:** Is it clause 1 that you have an amendment?

**Hon. Dr J E Cortes:** There are amendments in clauses 1 and 2.

**Mr Speaker:** Clause 1, yes.

3945 **Hon. S M Figueras:** Mr Chairman, we are happy for the amendments to –

**Clerk:** But for *Hansard* purposes, we need to... please.

3950 **Hon. Dr J E Cortes:** Mr Chairman, in which case:

*'In clause 1(3), after "2(1)" insert "(1A)",.'*

*'In clause 1(4), for section "2(3)" substitute sections "2(3) and (3A)".'*

3955 **Mr Speaker:** Do all hon. Members agree to the amendments moved by the Hon. the Minister?  
(**Several Members:** Yes.)

So clause 1, as amended, stands part of the Bill.

**Clerk:** Clause 2.

3960 **Hon. Dr J E Cortes:** Mr Chairman, in clause 2:

*After subclause (1), insert the following subclause: '(1A) In section 277A(b) after "bar" insert "casino".'*

3965 In clause 2 also:

*After subclause (3) insert the following subclause: '(3A) In the proviso to section 277B(2), after "bar" insert "casino".'*

3970 Thank you.

**Mr Chairman:** Do all hon. Members agree to these amendments?

3975 **Members:** Aye.

**Mr Chairman:** So clause 2, as amended, stands part of the Bill.

**Clerk:** The Long Title.

3980 **Mr Chairman:** The Long Title stands part of the Bill.

#### BILLS FOR THIRD READING

3985 **Immigration, Asylum and Refugee (Amendment) Bill 2013**  
**Gibraltar Regulatory Authority (Amendment) Bill 2013**  
**Public Health (Amendment) (No. 2) Bill 2012**  
**Third Reading approved; Bills passed**

3990 **Clerk:** The Hon. the Chief Minister.

3995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

4000 **Mr Speaker:** I now put the question, which is that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against?  
You wish to take them one by one? Okay.

**Clerk:** For the purpose of *Hansard*.

4005 **Mr Speaker:** Very well. Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.  
Those in favour of the Gibraltar Regulatory Authority (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

4010 Those in favour of the Public Health (Amendment) (No. 2) Bill 2012? (**Members:** Aye.) Those against? Carried.

#### PRIVATE MEMBER'S MOTION

4015 **Clerk:** Private Member's Motion, the Hon. D A Feetham.

4020 **Hon. D A Feetham:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*'THIS HOUSE NOTES:-*

4025 *(1) The statements made by the Prime Minister of the United Kingdom, Mr David Cameron, during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK's relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority in the UK Parliament at the 2015 General Election.*

4030 *(2) The immense implications for the stability, prosperity and security of Gibraltar of any renegotiation of UK Membership in the EU and the importance that Gibraltar properly considers and is prepared to face any of the challenges emerging from any renegotiated status (if any), including engaging the UK at the earliest possible, and at every material, juncture.*

4035 *And this House agrees that it is important in the face of such challenges for there to be unity of purpose and approach amongst its members, and it agrees that the Leader of the Opposition and the Chief Minister should meet in order to discuss the creation of a cross-party committee to deal with those challenges on a cross-party basis.'*

4040 Mr Speaker, this is a neutral motion designed to allow Members of the House to debate in a constructive spirit what is a tremendously important issue to this community. It is in that spirit that the Opposition invites Members opposite to agree to the terms of this motion.

These are issues which transcend party politics and on which both sides of the House and, indeed, both leaders should be able to put their political differences to one side and work together for the better of this community.

4045 Hon. Members will note that the motion does not seek to commit this House to the creation of a cross-party committee at this stage, but to allow the House to debate these issues and recommend that the Chief Minister and the Leader of the Opposition should meet to explore such a possibility.

4050 On this side of the House, we remain willing to work in the public interest together with the Government on any issue of vital importance to Gibraltar, irrespective of personalities, the internal party political issues that divide us or the personal likes or dislikes. It is in that spirit that I move this motion.

4055 Mr Speaker, everyone in this House will be aware of the recent statements and indeed commitment of the Prime Minister of the United Kingdom to engage with its EU partners in order to attempt to renegotiate the terms of the United Kingdom's membership of the EU and then give the people of the United Kingdom the simple choice, as he calls it, between staying in under those new terms or leaving the EU. It is, of course, a moot point whether, firstly, he will succeed in his endeavour to negotiate new terms and, secondly, whether the Conservatives will win the General Election in 2015. It is only if these two conditions are fulfilled that the issue of an in-out referendum would bite. A week in politics is a long time indeed; two or three years can be an eternity.

4060 But whilst recognising these important caveats and the fact that these conditions might not be fulfilled, we cannot afford here in Gibraltar to wait without giving very careful thought indeed to the eventual outcome of this process, its implications for Gibraltar and the way we need to tackle them.

But before I move on to that, I would like to say a few words about the general debate raging not only in the United Kingdom but amongst the citizens of many other countries of the European Union.

4065 Mr Speaker, speaking only for myself when I say this, and comment on this part of the wider debate, I have a lot of sympathy with the views expressed by the Prime Minister on the general malaise in which the European Union finds itself in. There is no doubt, in my view, that there is a disconnect between the people of the EU and those that make decisions at EU level, and that this is being intensified by the very solutions required to resolve deep economic problems facing countries all over Europe and which we have been luckily spared in Gibraltar.

4070 Public disillusionment with the EU in the UK and elsewhere is at an all time high. The five principles which the Prime Minister outlined as part of his vision for the European Union fit for the 21st century may resonate in a small community such as ours and an economy such as ours: competitiveness and the importance of the integrity of the single market; flexibility and the importance of not being weighed down by a 'one size fits all' approach to European integration; the importance of recognising that not everything can or should be harmonised, particularly in the areas of social affairs or crime, where people at local level are far more adept at making these decisions than at central level; democratic accountability and the principle that national parliaments are and will remain a true source of democratic legitimacy to the people; finally, fairness in the way arrangements for the Eurozone are enacted, which is of course important to Britain and Gibraltar because we are both outside the single currency.

4080 Mr Speaker, much of what he said made sense to me personally.

Of particular resonance to Gibraltar, perhaps, is the way he developed his first principle that, and I quote:

4085 'At the core of the European Union must be, as it is now, the single market. ... But when the Single Market remains incomplete in services, energy, and digital – the very sectors that are the engine of a modern economy – it is only half the success it could be.'

4090 I say 'particular resonance', because I am sure the Chief Minister and the Minister with responsibility for gaming will remind Government Ministers in the UK of precisely that principle and statement, when they discuss with them the decision of the United Kingdom to tax bets at source and the completeness in the single market in the provision of such services that that entails.

But Mr Speaker, much as I admired the courage behind his speech and the persuasiveness of what he said, his speech has huge implications for Gibraltar.

4095 Should the Conservative Party win, the UK will have an in-out referendum. Personally, I do not believe the UK will vote to leave the EU. Since 2004, Britain has been the destination for one in five of all inward investment into the EU. Continued success in that regard is dependent on access to the single market. Therefore, British businesses and jobs are dependent on it. As the Prime Minister put it, if the UK left the European Union, it would be a one-way ticket, not a return.

But it is those very same reasons and many more that should be of concern to us here in Gibraltar. Our financial sector, our gaming sector, our attractiveness as a financial centre generally, our relationship with

4100 our neighbours to the north, as the Chief Minister likes to call them, would be fundamentally affected by a decision of the UK to opt out of Europe. As everyone in this House knows, we are members of the EU by virtue of UK membership.

4105 Whilst we transpose our own Directives in this Parliament and there may be EU measures where Gibraltar is referred to and dealt with separately to the UK, our membership of the club derives from UK membership of that club. One of the issues which need to be considered, however far-fetched it may have been a few years ago, is whether it is possible to remain within the club, if the UK exits. I am not asking the Chief Minister to provide me with a view across the floor of this House, for obvious reasons, nor whether that has formed part of his discussions with the United Kingdom, recently. I am quite happy for him to brief me in private.

4110 But even if it were possible, it could have deep constitutional implications for our relationship with the United Kingdom in the long run. Indeed, having a referendum here in Gibraltar, in the context of a wider UK referendum, important as it would be for the principle of public participation and consent, it would, from a practical point of view, be like a drop in the ocean, when, if viewed simply, as part of a UK referendum, unless any re-negotiated terms worked for us or we had the ability to make a different decision to the United Kingdom.

4115 And that is really the key issue for us. Will we be able to influence any terms, so that they work for us and will we be able to do anything other than what 62 million others in the United Kingdom may vote for?

4120 If it is possible for us to influence the terms of any re-negotiation, our efforts must be directed at that and, in my view, early and continued engagement of the United Kingdom Government at every material step of the way is vital. But for whatever reason we cannot influence those terms, we need to look at the affect of any emerging package on our social, political and economic structures and plan ahead as to how we are going to meet those challenges.

4125 They do not have to be mutually exclusive and, indeed, engagement of the UK, even if we cannot influence any terms, will allow us to formulate a clearer picture of the implications for Gibraltar.

4130 Mr Speaker, I do not say that the way that I have proposed to deal with this issue in the motion, i.e. a meeting between us to explore the creation of a cross-party committee, is the only way; but I believe it is a good constructive start. This is an issue which, in my view, has such deep political, social economic and constitutional implications that it does require a cross-party consensus approach. Although I make no dogmatic assertion of the fact, it is my belief that the general public would welcome the cross-party cooperation on this potentially among the most important issues Gibraltar may ever have to face.

I therefore commend this motion to the House.

4135 **Mr Speaker:** I now propose the motion in the terms moved by the Hon. the Leader of the Opposition.

4140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is fair to say that the hon. Gentleman put his motion before he heard the answer to his question which dealt with issues relating to progress in respect of discussions in respect of the same subject matter, and which I answered yesterday. So, to a very great extent, a lot of what he has said this afternoon or evening, he will know has been dealt with in the answer that I gave him when I talked about the early engagement that there had been, long before the Prime Minister's speech at Bloomberg, between my Government and the Government of the United Kingdom on this issue.

4145 I think that I saw from his demeanour yesterday that he was positive about how the Government had led on that issue, in particular the fact that the Government made clear that we had had a very early indication, from what we were perceiving from the news media in the UK, that things were going in this particular direction – in particular, the constitution by the Foreign Secretary of the balance of competences review, which, as I told him during the course of my answer, Gibraltar has formed a full part of.

4150 But I think it is fair to say a number of things whilst trying to retain the neutrality of this debate and what I recognise, if it were ever to become a reality, would be an important social-economic issue for Gibraltar. Mr Speaker, I believe that when people truly want to co-operate with each other – and I have said this before – they pick up the phone and they talk to each other. They do not put motions. They certainly do not, Mr Speaker, Twitter that they are going to try and create a cross-party consensus.

4155 Mr Speaker, I am particularly surprised that those who have criticised Members of this side of the House for making statements on Facebook should have made statements on another social network about things which then materialise into a motion.

4160 But I am going to suspend my disbelief and I am going to deal with this matter on the basis that it has been put by the hon. Gentleman, as if it were a neutral attempt to work together; but he will know, Mr Speaker, that I said the same thing two years ago, when Mr Caruana said in public what were the criteria he was going to set out for me to attend the United Nations with him, when I was Leader of the Opposition. I said then, as I say now, Mr Speaker, that my phone line is open and my door is open to any

Member opposite who wishes to co-operate with the Government. If they truly want to co-operate with the Government, they are free to get in touch and we can consider whether that co-operation is possible.

4165 Excuse me, Mr Speaker, for being sceptical when the invitation to co-operate appears for the first time in a motion and we are not contacted before that motion is put; but I will suspend my disbelief and I will deal with this as if it were not a political device designed to garner some support for an attempt – a purported attempt – to be constructive or positive. So I will deal with the motion as if it were genuinely put, and I accept the hon. Gentleman's position that it is genuinely put.

4170 Mr Speaker, as I told him yesterday, because we have been working on this subject now for over a year, we have made a lot of progress in understanding, at the technical level, where it is that the United Kingdom is taking this matter.

4175 It was obvious to us that the writing was on the wall that the Leader of the Conservative Party was likely to be put in a situation where a similar statement to that made by the Rt Hon. the Prime Minister was imminent.

4180 So, Mr Speaker, the engagement began very early and it began both at a political, official and technical level, and the work has been ongoing. As I told the hon. Gentleman yesterday, because this is such a sensitive issue at every level... he has said social and economic and cultural, and the issue of our neighbours to the north, Spain. He could refer to them in many ways; Spain and our neighbours to the north is one way of referring to them.

4185 Of course this does raise a lot of issues, but Mr Speaker, that does not mean, in our view, that the engagement must be exclusively political *at this stage*. It may be that things do become much more concerning to the Government, and at that stage there may be a need for a cross-party political engagement, but I think it is important to take stock of where we are today. The hon. Gentleman has alluded to this, and I think it is important that I develop the point further.

4190 There are three main political parties in the United Kingdom today represented in the House of Commons. Two of them are in Government. This is quite an extraordinary thing for the United Kingdom: *two* of them are in Government. The leaders of *all three* of those main political parties are of one mind. They all three say that the United Kingdom should stay within the European Union and, to different extents, talk about wanting to have a new agreement on Europe.

4195 We can speculate as to what the party politics behind that may be, but we are facing a situation not where one party leader is talking about wanting to leave the European Union and two are not; we are talking about three party leaders talking about remaining in the European Union, one of them saying more vociferously than the other two, 'We need to renegotiate the terms.' Hence the balance of competences review, which was designed to understand, at a UK level, to what extent has the European Union flowed into EU law.

4200 It would have been dangerous, Mr Speaker, in our view, not to engage technically with the UK whilst it is doing that exercise, and we are technically engaged with the UK in that exercise. As I told the hon. Member, we are also working with the Future of Europe Department, which is a department now of the Foreign Office, to understand technically where the negotiations are going and ensure that the issue of Gibraltar is at the forefront – because, of course, our neighbours to the north would want to take advantage of any such renegotiation to do that which they try to do on an everyday basis, despite the United Kingdom's, today, full membership of the EU, as it is today, and Gibraltar's membership with it under the provisions of the Treaty.

4205 So, Mr Speaker, we agree it is fundamentally important to be on the front foot on this issue. We have been on the front foot on this issue, even before it was in the headlines. The fact is, Mr Speaker, that we could get to a stage where Gibraltar wants more Europe than the UK. In other words, not where the United Kingdom has the leader of one of its principal political parties urging, in a referendum, should the Conservative Party win the next election, that people vote for an exit to Europe if they have not been able to negotiate a satisfactory new engagement with Europe. We could reach a much more interesting, and therefore potentially complex situation, where the Conservative Prime Minister, if he has won the election, has managed to renegotiate the terms of entry into the EU, but that is not enough Europe for us. In other words, the UK stays in but with less Europe, and there are parts of that new understanding where Gibraltar wants more Europe than the United Kingdom.

4215 Mr Speaker, I recall in the very early days of the GSD in administration – I think in 1996 or 1997 – when the issue of the Schengen Accords came up. The Hon. the then Leader of the Opposition, Mr Bossano, was explicit in explaining how it was that Gibraltar might be put at a disadvantage by the inclusion of protocol x or protocol y in respect of the Schengen Accord, which in effect, in a very roundabout way, required unanimity of the Member States for any party that had not entered Schengen at that time, of the sort of description like Gibraltar has under the European Treaty – a European territory for the external relations of which a Member State is responsible – wanting to accede to the Schengen area. We were not able to have and we did not have a developed argument in Gibraltar about whether Gibraltar should access the Schengen area, even if the United Kingdom did not want to access the Schengen area at the time.

4225 Now, in reverse, we could have those issues materialising during the course of the negotiations that the United Kingdom is doing in order for a next Conservative Prime Minister, if there is to be one, to recommend that the United Kingdom stay within the European Union to his party and to the country. So, Mr Speaker, I think it is actually potentially much more sophisticated than just a Brit exit referendum that we may be looking at, although of course that is a possibility.

4230 Now, Mr Speaker, how to deal with those issues in a way that I think addresses the necessary concern that we must all have to ensure that we are dealing with it: well, Mr Speaker, what I am going to commend to the House is that we continue to do it as we are doing it, at an intergovernmental level, which is where the issue is and should be today, both at official level, at a technical level and at political level.

4235 Mr Speaker, there is an issue here that we also need to understand, which is that Gibraltar has sometimes done very effectively, which is to deal not just with parties in government in the United Kingdom, but to have, as we have had very successfully, a cross-party support for Gibraltar's position in the United Kingdom.

4240 Why do I say that, Mr Speaker? We are all politicians in this House – except Mr Speaker, who has now graduated to a much finer post than that of a mere politician – but the polls in the United Kingdom today suggest that there may be a different party in government in the UK after the next General Election. I am not going to speculate about the polls, but let us all at least agree that we are far enough away from the General Election in the United Kingdom that which party will form government in the United Kingdom after the election is not yet clear.

4245 The Labour Party has a position today in respect of these issues, which the Leader of the Labour Party, the Rt. Hon. Mr Miliband, has said may develop, because there are a lot of UK General Election issues live about whether people are offered the choice in respect of Europe, or not offered the choice in respect of Europe.

4250 What I want the hon. Gentleman to understand from that is that my particular view is that we need to be engaging at an intergovernmental level as a Government, but we also need to be engaging with the All-Party Gibraltar Group and we need to be engaging with our respective contacts in all the British political parties to ensure that people understand there is a Gibraltar dimension to this UK issue.

4255 Mr Speaker, there are, for the reasons that the hon. Gentleman has enumerated, and I believe I have also gone through from a different point of view, many contingencies between today and where a potential referendum on Europe – exit or new agreement – might be put to the British people; so many that, short of doing that official and technical engagement at a political intergovernmental level, pursuing the point, there is very little to discuss, other than what do we do in a doomsday scenario.

4260 The hon. Gentleman has said many things in the way that he introduced his motion. He said that he wants us to put aside personal likes or dislikes when dealing with this motion and perhaps coming together to discuss this issue.

Let's be very clear, Mr Speaker: I neither harbour nor will harbour a grudge in respect of any matter, in respect of any Member of this House – *any* Member of this House – that might prevent me from acting in concert with any Member of this House, or all Members of the House, on matters which are in Gibraltar's best interest.

4265 Absolutely no question of likes or dislikes affecting the way that we should approach this and where there needs to be a cross-party approach. Likes or dislikes are so irrelevant that, in my view, they need not even be mentioned; but the hon. Gentleman has mentioned it, so I put it there for him to know that he need not mention it again, because on Gibraltar issues, where Gibraltar needs to come first, where there are serious issues that face us politically, socially, culturally or otherwise, he will always be able to approach the Government, if he wishes, and the Government expects it will always be able to approach Members opposite to seek consensus and a way forward in the interest of our community.

4270 Could it be any other way? Well, Mr Speaker, I put it to all Members that it could not, it should not; it never has been the case and it never can be the case if we are truly Gibraltarians who care about Gibraltar first. He knows, Mr Speaker, that it is my view that, where we *can* work on a cross-party basis, we should, where it is necessary.

4275 But Mr Speaker, for all of those reasons, we have taken the view that what he has proposed, which is to meet, to discuss, to create a cross-party committee... To create such a committee is not what is necessary today, but that is not to say that nothing is necessary today.

4280 So, Mr Speaker, what I am going to propose on behalf of the Government, trying to maintain that neutrality of approach and that attempt to find consensus... Mr Speaker, in order to make it easier for Members to understand – I am going to propose amendments to the motion – I am quite happy to circulate to Members a note of what it is that I am going to propose, so that they can see for themselves what it is that the amendment will do and why I recommend it to the House.

4285 I am going to propose an amendment, Mr Speaker, taking the motion as it stands, that does the following. I will move the word 'Notes' from where it appears, Mr Speaker, to put it at the beginning of the first paragraph, so: *'This House: (1) Notes the statements made by the Prime Minister of the United*



4290 *Kingdom,* – and I think, Mr Speaker, that we need to take out ‘Mr David Cameron’ and put in ‘*The Rt Hon David Cameron*’ and then insert ‘MP’, because we are referring to the Prime Minister in an official document of this Parliament – ‘*during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK’s relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority at the 2015 General Election,*’ – and then I would insert ‘*in the United Kingdom*’.

4295 Mr Speaker, I do not share the view that that is what the Bloomberg speech is about, but the characterisation of it is sufficiently neutral and that I am quite happy to accept it for the purposes of this motion.

Mr Speaker, we would then delete and propose the deletion of (2) and the final paragraph as they stand, and we would propose to insert this wording:

4300 (2) *CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;*

(3) *WELCOMES that the Government had already discussed the matter at an intergovernmental level with the United Kingdom even before the Prime Minister’s speech;*

4305 – Mr Speaker, I recognise that the hon. Gentleman did not have that information until after he had put his motion and after I answered his question –

4310 (4) *NOTES the commitment made by the Chief Minister earlier in this meeting to keep the Leader of the Opposition informed on a confidential basis;*

– which he will recall is what I agreed to do yesterday, when he asked me to do that as a result of the question –

4315 *and*

(5) *REQUESTS that Parliament be kept informed of any significant developments in this regard.*

4320 Then, Mr Speaker, I have set out the motion as it would read thereafter, so that hon. Members can see it.

Speaking to that amendment, Mr Speaker, I would say this: what the hon. Gentleman’s motion did was say let us meet and consider the creation of a cross-party committee; what this motion, as amended, would do is to keep that principle alive in the context of my giving him confidential briefings, as I said yesterday during the course of Question Time that I would do. They cannot be otherwise, other than by meeting, and we may have to speak on the phone on some occasions but I am quite happy to meet to give him those confidential briefings.

4325 Because we then agree, Mr Speaker, or the House requests in this motion, that we keep the Parliament informed, then absent those things which are confidential, the House will also have such information as it is possible to give the House.

4330 Why am I so keen on that confidentiality, Mr Speaker, and why am I prepared to share the information confidentially with the Hon. the Leader of the Opposition? For this reason, Mr Speaker: as I told him during the course of the question yesterday and the short exchange that we had with it, I think that he and I have already said things which have dealt with the sensitivity of this matter for our community, and I think it is important that we do not lay a trail, whether it be for our neighbours to the north or anybody else that might harbour our community ill intent, that we actually take advantage of the opportunity that there is, as I am offering it to him today, for there to be confidential exchanges between the Leader of the Opposition and the Chief Minister on subjects of these sorts, which are of national importance, and come back to this Parliament when necessary and when we are able to do so. Mr Speaker, I will, of course, trust him with that confidential information, as a Member of this House.

4340 I have said before, Mr Speaker, that I believe that the United Kingdom benefits from having the status of Privy Councillors, which certain senior Members of the House of Commons on both sides enjoy and are able to share information which is in the public interest which they need to have should they, in emergencies or otherwise, be making decisions or making statements.

4345 I think this is an opportunity to have that meeting that he proposed in his motion – but not to have one meeting in order to create a select committee, but to have a number of meetings where I brief him and share confidential information as it comes to me, come back to this House if necessary, and then, perhaps jointly, if necessary, move a motion to create a select committee of the House.

4350 I actually believe that there is nothing that he and I cannot do in such confidential engagement – and decide, if necessary, to agree to work together on – that we need to do sitting in this Chamber round the table of the select committee; because, Mr Speaker, I must tell you, in order to have such a select committee, if we were to have one, I would have to ask that committee to sit *in camera*, and therefore, Mr Speaker, I do not believe that select committees sitting *in camera* is the way that we should be going forward.

4355 The hon. Gentleman has from me, in the speech I made when he became Leader of the Opposition, that I would be generous in the way that I dealt with him whilst he holds that post. I am extending that generosity by amending the motion to set in train there the commitment that I gave yesterday, in answer to the question, to share information with him confidentially on this subject, to work together confidentially, as we may.

4360 Of course, Mr Speaker, we can agree that he share information with his Members of Parliament. I consider that all of us have taken an oath to this place, and that information which I give him we can agree can be shared with them, and we can work together as we decide we have to, if we have to, on any of these issues.

4365 I put it to him, Mr Speaker, and I put it to the House, that this is the responsible way to progress, so that we can have a motion that all of us support, that is in the interest of Gibraltar, that creates the cross-party atmosphere that is necessary with the confidentiality that is also very necessary to ensure that we protect the interests of this community should matters become as sensitive as they could, and in the already quite sensitive circumstances that I have alluded to and in respect of which I have already offered him yesterday, in answer to his question, an element of confidential briefing and working together.

4370 Mr Speaker, he said things, when he introduced his motion, which he couched in neutral terms, which I did not take, as he knows now, in neutral terms. I preceded my intervention by dealing with those neutral terms equally neutrally. I hope that those are now behind us. This is too important. The amendment that I am proposing, I believe, deals with these issues, so I assume he may want to speak on the amendment, but Mr Speaker I commend the amended motion to the House.

4375 **Mr Speaker:** I now propose the question which is the amendment moved by the Hon. the Chief Minister.

That means that all Members of the House are able to speak on his amendment, including, of course, the Leader of the Opposition, if he wishes to do so now.

4380 **Hon. D A Feetham:** Mr Speaker, yes.

Given that I have the opportunity of effectively, certainly on my motion, speaking last, I will say a few words on the neutral statements that the Hon. the Chief Minister made, and then I will focus on the substance of it.

4385 Mr Speaker, the Hon. the Chief Minister talked about early engagement and he reiterated the fact that there had been early engagement with the United Kingdom. I certainly welcome that during our exchanges during Chief Minister's Question Time, and I do not resile from that. The purpose of the question that I asked was to establish whether there had been early engagement. I welcome it and I congratulate the Chief Minister for having had that early engagement.

4390 Mr Speaker, he also said that perhaps the purpose of the motion had been to garner support by projecting ourselves as being constructive. Well, look, the reality is you are either constructive or you are not constructive, and the fact of the matter is that we believe that this motion was a constructive step by the Opposition to extend the hand of political friendship to the Government of the day on an issue that is extremely important to this community.

4395 He also mentioned my Twitter on the subject of the suggestion of a cross-party committee. I do not think that one can elevate that to the same level of announcements on Facebook in relation to the fishing dispute, with respect to the Chief Minister.

4400 I believe that members of the public are entitled to know what the Opposition's policy in relation to this is. I was asked by constituents what is the Opposition's policy in relation to this, because there is a concern out there in the community on this issue – rightly so, because it is an important issue – and I took advantage of tweeting and basically setting out what the Opposition's... Well, *my* view – because, in fact, I think that I tweeted it before I became Leader of the GSD – is that I believe that there ought to be a cross-party committee established to actually discuss this and all the permutations. I thought I would clarify that before I deal with the substance responding to my motion and also talking on the amended motion.

4405 Mr Speaker, we will be supporting the amended motion. I certainly said that there was more than one way one can skin a cat during the course of my submissions on my motion, and certainly we believe that, although it does not go far enough, it is constructive enough to be able to have the Opposition's support.

I certainly think that the Hon. the Chief Minister is minimising the potential impact of this, because his focus has been on the in-out aspect of the referendum. In other words, his focus, and indeed the way that he has amended the motion in paragraph (2), says:

4410

*'(2) CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;'*

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I have actually said there were a number of variables and a number of preconditions to in fact a referendum taking place, but it is not... I think that the issue that will face Gibraltar, and the more important issue, is not whether the UK will leave the EU; I actually think that the UK will not leave the EU and the people of the United Kingdom will not vote for leaving the EU. The issue is the impact of any renegotiated package; in other words, the terms upon which any agreed terms of any renegotiated membership of the UK within the EU. That certainly is a possibility. I think it is a real possibility, and that is what we really need to be considering.

4420

I think that the amended motion, with respect to the Hon. the Chief Minister, does not really consider the potential impact of this issue and the potential importance of this issue in the way that I had drafted in my own motion, which was much wider, which was to consider how, potentially, the UK might renegotiate its membership and how that renegotiation impacts on Gibraltar.

4425

Having said that, I certainly believe that, myself... It gives me an opportunity... What the Hon. the Chief Minister is suggesting gives me the opportunity of sitting down with the Chief Minister, talking to him about my thoughts on the matter and how I think that there might be an impact, and what are the areas that I think that the Government ought to be alert to, and it gives me an opportunity, certainly, to influence any discussions that the Hon. the Chief Minister may have with the United Kingdom.

4430

Therefore, I think it is worthwhile, we welcome it, and that is why we are going to be voting in favour of it, but I would urge on the Chief Minister to look at it not in terms of the in-out referendum. I did notice yesterday, when he was answering questions, when he answered the question that I asked on this issue, that he made great play, rightly, on the fact that there are discussions at a very advanced stage of Gibraltar participating in any referendum.

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I actually think that that is, with respect to the democratic principle of consent, a subsidiary issue, because we could be landed in a situation, by the time that we get to the question of a referendum – and bearing in mind that that referendum is seen in the context of a referendum with 62 million people – of really being saddled with a situation which we cannot affect and we cannot alter.

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My concern is trying to look for ways in which we can engage the UK, identify areas that are of concern to Gibraltar that the UK ought to take into account, and that that be included within any discussions there may be in the UK about renegotiations on any renegotiated package of EU membership.

So we certainly will be voting in favour of the amended motion, and I hope that this is one of many occasions in which the Government and Opposition, on issues that affect Gibraltar and that are of vital importance to Gibraltar, can co-operate across the floor of this House.

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**Mr Speaker:** Does any other hon. Member wish to contribute to the amendment proposed by the Chief Minister?

If not, I will ask the Chief Minister to exercise his right to reply on the amendment.

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**Hon. Chief Minister:** Mr Speaker, I am grateful.

I thank the hon. Gentleman for having extended his congratulations to the Government and to me personally, as he did a moment ago, for having secured this engagement, as we have now for some time.

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Mr Speaker, I do not want to labour the point about Twitter – I think this is much more important than that – but I am reminded of the fact that, in fact, it was the leader of the PDP, Nicholas Cruz, who came up with this issue of a cross-party approach, and that is what, actually, the hon. Gentleman's tweet was about, agreeing with Nick, which is what gave rise to this Coalition Government, I think, in the United Kingdom – and I agree with Nick – during the leaders' debate in the United Kingdom. But anyway, that is just colour.

4460

Mr Speaker, I am grateful to the hon. Gentleman for agreeing his side's support for this motion.

The one issue that he has taken, which is that he says that our motion is limited to the principle of the potential withdrawal, I would invite him to reconsider, for this reason... Although he is going to support it, I would invite him to reconsider supporting with the caveat that it should be wider, for this reason: we have not changed his paragraph number (1) and his paragraph number (1), as drafted, and the reason we have not changed it is because his paragraph number (1) talks about putting the changed membership package to the British people in an in-out referendum.

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Mr Speaker, I told him, when I spoke originally, that I did not accept that that was an accurate characterisation of the Prime Minister's speech, necessarily, but that I did not think much turned on it.

4470 Mr Speaker, the Prime Minister has left open the possibility that what is put to the British people is actually just ‘Let’s get out; there is no satisfactory renegotiation.’ And so, in the realms of what a Conservative Party may put – having jumped through all the contingencies that we have discussed – in 2017 to the British people, there is ‘Let us stay as we are,’ ‘Let us stay on these renegotiated terms,’ or ‘Let us just get out, because we have not been able to renegotiate in any way.’

4475 The way he has put it is not that sophisticated, if I may say so, but it is actually quite satisfactory for the purposes of what this House has to do today, hence why I accepted it, but it sets out – if I may, I will give way in a moment – but it sets out that there is that potential of a changed membership package, and that is actually what concerns *us* the most.

4480 Because I do not think that it is likely, given the politics of today, that there will be a ‘Let’s get out’ referendum. There is more likely to be a ‘Let’s accept this renegotiated package’ referendum, which is what he has put in his motion, and that is what creates the possibility that there may be, actually, a danger in the new package for Gibraltar.

Exiting the EU creates the concerns that are as massive as the hon. Gentleman and I have agreed. Staying as we are today creates the concerns that we all have about the EU, although we have the advantages that we have.

4485 But look, I guess that all of us were as disappointed as the other in respect of the way that the European Court of Justice dealt with the SAC on a technical point, and in particular the way that they appointed a Spanish judge, who used to represent the Kingdom of Spain, making the arguments that were the arguments that we were putting in that case. So the EU today has failings, even for those who are supporters of the EU.

4490 So, Mr Speaker, if he will allow me, I say to him the motion, as redrafted, allows the possibility of new membership package and the possibility of withdrawal already in it, but what it does is create the mechanism, already implicit in my answer yesterday, for that exchange to which he referred to earlier.

Mr Speaker –

4495 **Hon. D A Feetham:** Will he give way?

**Hon. Chief Minister:** Oh yes, the hon. Gentleman wants to make a point.

4500 **Hon. D A Feetham:** Mr Speaker, I do not think that the hon. Gentleman really is accurately characterising the speech or the position of the Prime Minister in the United Kingdom.

What he has actually said in the United Kingdom is that he is not going to be putting to the people of Gibraltar... It is not his view, nor the policy of his party or the Coalition, to put the issue of leaving the EU in a vacuum. What he is saying is, ‘I am going to be asking...’ In fact, he says in his speech:

4505 ‘The next Conservative Manifesto in 2015 will ask for a mandate from the British people for a Conservative Government to negotiate a new settlement with our European partners in the next Parliament.’

It is that renegotiated package that he will then put to the people of the United Kingdom in a referendum in a question: either this renegotiated package, or out; not our existing status and out. It is the renegotiated package and out.

4510 What I am saying is that the dangers for Gibraltar are not in the out – I think that the UK will not out from the European Union; it is in those renegotiated terms, and it is the renegotiated terms that I am urging the Chief Minister to focus upon, and it is influencing those renegotiated terms that I am urging the Chief Minister to focus upon.

4515 **Hon. Chief Minister:** Mr Speaker, we agree, and what is happening is that I am saying, ‘Look, the motion gives us, as amended – keeping your wording on the package and our wording on potential withdrawal – enough room to do that.’

If we are genuine about co-operating, then the wording on the motion is not going to affect that, because all we are saying is what is the characterisation one way or the other.

4520 So let us just, in my view, Mr Speaker, if we are going to go down the road of agreeing, let us take the step of agreeing this motion in these terms, and let us start the work, as soon as we are able, of talking about these issues face to face, subject to the confidentiality that I have referred the hon. Gentleman to.

4525 I think that it is important that we should start to do that, whether it is on this subject, Mr Speaker, or perhaps on another. Because it is important that the community, when it values the work that politicians do in this place and assess what it is that politicians in this Parliament provide for our community, they should not just define our contributions as having been able to make a better or worse pithy statement across the floor of the House when we are dealing with each other at Question Time, that we have actually bitten the bullet, where it is necessary to do so, in order to have these exchanges.

4530 I tell him and I tell the community – and it is important that the community have this in mind – that the Government has taken the steps necessary, to date, to take these steps, and I acknowledge his congratulations for us having done so, for having had the foresight to do so and engage technically, officially and politically, as we have to date, and I am prepared to include him in my confidences in respect of those issues so that, if necessary, we can act together if the time should ever come.

4535 This would be an issue of great importance nationally, as much as the issue of joint sovereignty may have been in its day.

So, Mr Speaker, just on the amendment as proposed, I now sit down.

4540 **Mr Speaker:** I now put the question in the terms of the amendment moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

What is now before the House is the amended motion, and that means that any hon. Member, except the Chief Minister, is able to speak on the amended motion.

If no hon. Member wishes to speak on the amended motion, then the Hon. the Leader of the Opposition can exercise his right to reply on the motion.

4545 **Hon. D A Feetham:** Mr Speaker, I have already exercised effectively my right to reply, and I am very grateful to the Chief Minister for giving way so that I could further explain what our position is in relation to the importance of focusing on the renegotiation of those terms.

4550 **Clerk:** Mr Speaker.

**Mr Speaker:** I think I should now put the amended motion to the House. I now put the question, which is the motion originally moved by the Leader of the Opposition, as amended by the Chief Minister, do be carried. Those in favour? (**Members:** Aye.) Those against? Carried.

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#### **TABLING OF DRAFT ESTIMATES OF REVENUE AND EXPENDITURE 2013-14**

##### **Ruling by Mr Speaker**

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**Mr Speaker:** Before the Chief Minister moves the adjournment, there is a matter of clarification that I want to acquaint the House with.

Section 69(1) of the Constitution requires that the draft estimates of revenue and expenditure for the next financial year should be laid before Parliament not later than 30th April this year.

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Having regard to the fact that the House is going to be refurbished, that is not going to be possible. Therefore, what I am ruling is that the requirements of that section of the Constitution will be satisfied by the delivery of the estimates to hon. Members on a confidential basis, even though no formal tabling will have taken place and I understand, in fact, that that has been the practice in recent years.

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**Clerk:** The Chief Minister.

#### **CONDOLENCES**

4575

##### **Condolences to Mr Hubert Corby, former Member of the House on the death of his wife**

4580 **Hon. D A Feetham:** Mr Speaker, before the Chief Minister rises, presumably to adjourn... If he is not going to rise to adjourn, I will sit down, but if he is rising to adjourn...

May I, certainly on behalf of this side of the House – and I am sure that I speak also for Members opposite – extend my sincerest condolences to Mr Hubert Corby, who was a Member of this House for a number of years, whose wife, unfortunately, sadly passed away today.

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We, certainly on this side of the House, feel the sad loss, not only for him, but for many of us who knew Mrs Corby personally. She was a delightful lady and a member of the GSD for many many years.

**Mr Speaker:** I must associate myself with... It has been a shock to me. Both Hubert Corby and Mariola were personal friends of mine.

4590 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I am glad the hon. Member has remembered to bring this matter up, because in fact Hubert had friends who crossed the political spectrum, and Mariola as well. They were very close friends of both Rose and myself, and clearly we share the feeling of loss.

4595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I associate the whole Government with those feelings of condolence to an ex-Member, who has actually been a Minister as well as being just a Member of this House.

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#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that the House do now adjourn.  
4605 But before I do, Mr Speaker, may I simply ask hon. Members to reflect for a moment that this is the last time that we will see the House like this.

As they know, the House will not meet again until the May session. The works to strip away almost 50 years of panelling and the (*Interjection and laughter*) fossils that have grown begins tomorrow in order that the work can be done on time.

4610 I had my fingers crossed that everybody would agree to take the Committee Stages today; otherwise, we might have found ourselves with more than just a mace to deal with in the morning.

Mr Speaker, this has been a place where history has been made in this particular incarnation, and I trust that, with the work of all the Members here, whatever it is that we may be trying to achieve on a particular issue, it will be a place where, in its new incarnation, we will continue to make history for the good of our nation.  
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I now move that the House do now adjourn *sine die*.

**Mr Speaker:** Before I put the adjournment to hon. Members, may I just remark that, shortly after hon. Members elevated me to this high position, someone asked me, 'How did you find the House?' I said, 'Well, after 20 years, I found it the same, only much worse.' (*Laughter*) So, when we next come, it is going to be very much an eye opener, and one looks forward to that.  
4620

I will now propose the adjournment of the House *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

4625 The House will now adjourn *sine die*.

*The House adjourned at 9.15 p.m.*