



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.00 p.m.

Gibraltar, Friday, 22nd February 2013

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

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Clerk: Sitting of Parliament, Friday, 22nd February 2013.

Questions for Oral Answer

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SPORTS, CULTURE, HERITAGE AND YOUTH

City Fire Brigade

Audit results and publication of report

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Clerk: Answers to Oral Questions continue.
Question 95/2013, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the City Fire Brigade inform this House what the findings of the City Fire Brigade audit are and when the report will be published?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

25 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, a full audit was conducted last November and the first draft of the report is expected shortly.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say when 'shortly' is? Is it next week, or in a month's time?

30 **Hon. S E Linares:** Mr Speaker, all I can say is that Sir Ken Knight, who was the person who was conducting the audit, has... not unfortunately, but has been asked by the UK to actually do a massive audit of the Fire Brigade in the UK. That has delayed matters just slightly.

I am supposed to be having a conference with him sometime next week, in order to see if we can get the report as soon as is possible. So I am talking about next week I will be contacting him, and after that... well, shortly.

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Hon. Mrs I M Ellul-Hammond: Fine, Mr Speaker.

Can the Minister say what were Sir Kenneth Knight's terms of reference for the review?

40 **Hon. S E Linares:** Mr Speaker, Mr Ken Knight was asked to do a full audit of the Fire Brigade from all aspects. The Government did not actually give like a terms of reference in the sense that we were actually concentrating on any sector, we just left it very open for him to come and do a snapshot report of the whole force.

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Civil Contingencies Committee Meetings held

50 **Clerk:** Question 96, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies say how often the Civil Contingencies Committee has met since 9th December 2011, giving the dates?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker.

Since 9th December 2011, the C3 has met on the following occasions. The full meetings of the C3 were on Monday, 6th February 2012; Tuesday, 29th May 2012; Wednesday, 7th November 2012.

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The sub-group meetings of the C3 were as follows: on Thursday, 12th April 2012; Thursday, 1st November 2012; and Wednesday, 14th November 2012.

65 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if these meetings were reactive ones; or were they proactive, routine ones?

70 **Hon. S E Linares:** Mr Speaker, the first meeting that I had with them was one that, because they had not had many before... and I can say that, in the four years before 9th December – four years – there had only been six meetings. I have already had six meetings in one year. The fact is that, obviously, the first meeting that you have is to acquaint yourself with the running of the C3 and the things that need to... I have to learn a lot about the C3.

Also, I must remind the hon. Lady that there was the air disaster that was exercised, and therefore there had to be certain C3 meetings in order to co-ordinate the whole exercise, before and after, because this Government believes in a lot of debriefing after exercises are done.

75

Sports grants and aid Details of awards

80 **Clerk:** Question 97, the Hon. E J Reyes.

85 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Sports and Leisure provide details of payments made since the answer to Question 12/2013 in respect of sports grants and aid to the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

90 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over the hon. Member opposite details of the sports grants awarded since the answer to Question 12/2013.

Schedule to question 97/2013

(a) Grants to Sporting Societies

T Garcia – Asian Tour	1,098.97
D Duo / J Broton – Greece Dart Competition.	1,712.50
Ten pin bowling Association – New Zealand Comp.	2,119.85

(b) International Competitions

Special Olympics	30,000
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(c) Sports Development

Shooting Federation – Official expenses	1,050.00
Badminton Association – School Teacher Development	400.00
Shooting Federation – Improvement to facilities	5,893.43
Gymnastics – School Teacher Development	4,000.00
Gecko Pro Tour Final payment	Euro 2750
Cheerleading Association -	1,061.00
Gibraltar Football Association Level 2	2,339.23
Ice Skating Association Examinations	180.00

(d) Hosting of Special Sports and Leisure Events

GJBS – Mega Concert Preparations	76,649.70
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95 **Hon. E J Reyes:** Mr Speaker, may I please ask a minor detail here? Under section (c) of Sports Development, where it says ‘Gecko Pro Tour Final payment’ – I think that is how the word is pronounced – can I please have some enlightenment what actual sport is the Gecko Pro Tour? It is the fifth heading down within subparagraph (c).

100 **Hon. S E Linares:** Mr Speaker, this has been one that has been there for the last two times – it is the payment for the golf.

105 **Hon. E J Reyes:** Mr Speaker, I do not know if the Minister has this at hand or not... Is that in connection with the same person, under sub-paragraph (a), where it says ‘T Garcia – Asian Tour’? I know, from previous answers, that that is in connection with golf. Is this in connection with the same individual, and it just happens, for accounting purposes, to come under two headings; or is one being paid to perhaps the association, rather than an individual?

Hon. S E Linares: It is not the same person; it is completely different.

110 **Hon. E J Reyes:** Yes, and finally, Mr Speaker, under ‘Gibraltar Football Association Level 2’, am I correct in assuming that, from what one gathers from the press and so on, that has to do with the level 2 coaching qualification, yes because if level 2... I do not know what sort of ability it was testing at what levels.

115 **Hon. S E Linares:** I think it is both. It is level 2 of the coaching and also refereeing.

Hon. E J Reyes: Yes, Mr Speaker, fine, that is fine. I will not be pedantic. Perhaps if the Minister does, upon returning to his office, find that he can enlighten me in anything, I would be grateful for any

120 updated details, just to help to complete the picture of... sort of we will call it subheadings within the contributions made to the sports. So thank you for that, Mr Speaker.

125 **Victoria Stadium**
UEFA approval of football pitch

Clerk: Question 98, the Hon. E J Reyes.

130 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question No. 13/2013, can the Minister for Sport now confirm that the football pitch at Victoria Stadium has achieved full approval and certification, meeting UEFA standards for the playing of international competitions?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

135 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 105.

140 **Victoria Stadium**
International Rugby Board approval

Clerk: Question 105, the Hon. E J Reyes.

145 **Hon. E J Reyes:** Further to the answer to Question No. 936/2012, can the Minister for Sports and Leisure now confirm that the playing surface recently installed at the Victoria Stadium enjoys full approval and certification by the International Rugby Board for the playing of official rugby games?

150 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the situation remains the same as explained in answer to Question 936/2012.

155 **Hon. E J Reyes:** Yes, Mr Speaker. Therefore, I can deduce from there that there has been no change. The reason why I pose this question is because at last month's Parliament session, the Minister took it upon himself... He said, 'Look, this is not the first time you have raised the question,' and he gave me the impression he was going to take a personal interest to help to expedite the matter.

160 Can the Minister confirm that he has tried to give it a push because...? I tend to think that there should not be much of a problem, but when, three months on, certification does not come through, then certain individuals start to think 'Could there be alarm bells? Could there be some sort of shoddy workmanship in the installation?' and so on. Perhaps the Minister can help to allay fears amongst the sporting fraternity.

Hon. S E Linares: Mr Speaker, as everybody knows, I do take a personal interest in every aspect of the sports, and therefore I did take a personal... I did follow it up personally to expedite matters.

165 The fact is that until the company, or should I say the laboratory which has tested all the pitch does not give us the certification, the answer remains the same. It is still the same, but I am following it up. I can follow it up as much as I can, and until we get that certification I cannot do otherwise.

170 **Cultural grants**
Awards made

175 **Clerk:** Question 99, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of any further cultural grants awarded since the answer to Question No. 14/2013?

180 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, since my answer to Question 14, a further £30,105 has been awarded. This information is already updated on the Government website.

185 **Hon. E J Reyes:** Mr Speaker, I am sorry to have to bring it up again: when the deadline came for posing this question, this information was not available on the website, and I think we already have a ruling from Mr Speaker – and the Chief Minister agreed – that the information should be provided across the floor of this House.

190 **Hon. S E Linares:** Mr Speaker, that is exactly what I have done, provide the information.

Clerk: Question 100.

195 **Hon. E J Reyes:** Sorry, Mr Speaker, but could I then... Given that I have been given a global figure of £30,105, can I have some indication if that has been awarded to just one body, or is there a particular breakdown, and can I have some relevant details please?

200 **Hon. S E Linares:** Mr Speaker, I think I did have the information here, but I cannot quite find it. I can tell the hon. Member that part of this is the payment to the Gibraltar Song Festival, a grant that was given to Gibraltar... The bigger figure, which I think is about £20,000, goes to the Song Festival. But Mr Speaker, since I cannot find it now, I am willing to pass over to the hon. Member a detailed analysis of the £30,105, if he so wishes.

205 **Hon. E J Reyes:** That is perfectly acceptable to me, Mr Speaker. However, I would like it to be done via the Speaker's Chair, so that the schedule, or whatever the Minister is going to pass on to me, actually becomes a record and therefore the Clerk is able to include it in *Hansard* and it makes life easier for us on this side to refer to it in future questions. So, I hope that is acceptable as well, Mr Speaker.

210 **Hon. S E Linares:** Mr Speaker, no problem.

Victoria Stadium Improvements required by UEFA

215 **Clerk:** Question 100, the Hon. E J Reyes.

220 **Hon. E J Reyes:** Further to the answer to Question 15/2013, is the Minister for Sports now in a position to provide this House with details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium in order to meet UEFA's requirements for the hosting of official international football matches?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the position currently remains the same as explained in my reply to Question No. 15/2013. We are still awaiting the final list from UEFA via GFA.

230 **Hon. E J Reyes:** Mr Speaker, may I ask, is there any indication from any of these bodies by when they hope to forward this list? One of the interesting things that will happen is, of course, that the Minister will be under pressure to sort of... We are now almost in the month of March and he will have to prepare estimates of expenditure for next year. I think it will be beneficial for him, and for the whole sporting fraternity in Gibraltar, to have at least a list, so one can plan ahead and budget in the forthcoming financial year for any modifications or improvements that may have to be carried out.

235 So, are we in any way knowledgeable whether this is imminent within the next month, or will it be something that may only come at Christmas time?

240 **Hon. S E Linares:** No, Mr Speaker, it comes via the GFA. As soon as the GFA is ready, we will do it. At present, there is nothing much that the GSLA or the Government can do until the GFA actually hands us the list.

**Gibraltar Sports and Leisure Authority
Centre Manager post**

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Clerk: Question 101, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sports and Leisure confirm that the post of Centre Manager within the Gibraltar Sports and Leisure Authority, which first became vacant around June 2012, has now been filled on a permanent basis?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this Question together with Question 102.

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**Gibraltar Sports and Leisure Authority
Vacancies**

Clerk: Question 102.

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Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of any vacancies which may currently exist within the Gibraltar Sports and Leisure Authority, indicating by when the Authority expects to have the said vacancies filled?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there is currently only one vacancy for Centre Manager, GSLA, grade 5. Interviews have been completed and it is proposed to fill the vacancy as from 1st March 2013.

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Hon. E J Reyes: Mr Speaker, seeing the imminent appointment, is the shortlist of applicants, or whatever, for the Centre Manager post... Are they internal applicants from within the GSLA, or are there also some external applicants being considered?

Hon. S E Linares: Mr Speaker, all applicants were internal.

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Hon. E J Reyes: And therefore, Mr Speaker, if this post is filled by 1st March 2013, like the Minister has indicated, how soon does he then expect to have a vacancy that will be forthcoming, given that someone will get a promotion up to grade 5, so that we ensure that staffing levels at the Sports and Leisure Authority are as complete as possible?

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Hon. S E Linares: Mr Speaker, the staff at the GSLA are as complete as can be, whether there is a vacancy or not, because that can be covered, as he well knows, by other members of staff. It does not have to be, just because there is a vacancy, that the GSLA is going to break down and shift work or whatever... It can just be covered by overtime, simple overtime.

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But I can tell him that, as from 1st March, when this appointment is filled, or this vacancy is filled, there will be a vacancy from the 17, I believe, who applied. One will get it, then there will be 16, and there will be one vacancy. Then when we bring out the vacancy depends on then having a discussion with the GLSA as soon as they need it, or they require it, or they want to publish it.

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Hon. E J Reyes: Yes, Mr Speaker, that is what I was asking. As soon as the appointment is made, how soon thereafter will the vacancy for whatever grade remains vacant be published? I do not see why there is a need to have further discussions. A vacancy arises as a subsequent result of what one could classify as a promotion, and therefore I am asking the Minister is he of the mind that it should be advertised as soon as possible?

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Hon. S E Linares: Yes, Mr Speaker, as soon as the GSLA sees fit.

Hon. E J Reyes: Mr Speaker, the Minister is the Chairman of the GSLA, so how soon will he see fit?

305 **Hon. S E Linares:** Mr Speaker, there is a CEO in the GSLA who manages the GSLA. I might be the Chairman of the board, but I do not micro-manage the GSLA. Therefore, because I do not micro-manage the GSLA, it is up to the CEO of the GSLA to decide when he is going to bring out that vacancy. When he brings it out, there will be whatever process he deems necessary.

310 **Hon. E J Reyes:** Mr Speaker, I think I understand what the Minister is saying, but I just disagree with him. It is not the CEO, but rather the board proper that is responsible for filling and so on. But anyway Mr Speaker, I will leave it at that, and hopefully the vacancy will be filled as soon as possible.

315 **Culture and Heritage Agency
Staff changes**

Clerk: Question 103, the Hon. E J Reyes.

320 **Hon. E J Reyes:** Can the Minister for Culture and Heritage provide details of any changes there may have been in respect of persons employed by the Culture and Heritage Agency since November 2012, which is the date corresponding to this information as last posted on the Government's website?

325 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there have been no changes.

330 **Sports and Leisure Authority
Changes re persons employed**

335 **Clerk:** Question 104, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details of any changes there may have been in respect of persons employed by the Sports and Leisure Authority since October 2012, which is the date corresponding to this information as last posted on the Government's website?

340 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there have been no changes in respect of persons employed by the Sports and Leisure Authority since October 2012. This information is updated on the Government website.

345 **Europa Sports Ground
Works to playing areas and facilities**

Clerk: Question 106, the Hon. E J Reyes.

350 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide updated information in respect of any works currently being carried out, or recently completed, to either the playing areas or facilities at the Europa Sports Ground?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

360 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works are being carried out on provision for a rugby training area at the Europa Sports Ground, using synthetic turf recycled from the Victoria Stadium's main football pitch. The works are expected to be completed shortly. I am saying shortly – *very very* shortly.

365 **Hon. E J Reyes:** Mr Speaker, just for the sake of clarity, obviously these works are being done and, once completed, the whole sports area will remain under the day-to-day administration of the Gibraltar

Sports and Leisure Authority – or will it be issued out, for example, to the Gibraltar Rugby Football Union? How will it operate henceforth?

370 **Hon. S E Linares:** Mr Speaker, I must emphasise that it is a very temporary solution. Because of all the moves and reallocation of the Bayside complex, due to the fact that we have had to resurface the main pitch, we have done pitch number two – we have resurfaced all of pitch number two. We have now converted another pitch, number three, which is now used for training purposes.

375 So, because of all this disruption, should I say, we have decided to recycle some of the turf that we have had left over from the main pitch to put it up in Europa Point, just in an area... It is about, I think, less than a quarter of the pitch, in the corner, so that that alleviates the backlog that there is, for example, in junior football.

380 Therefore, because the pitches are used by the junior football more – because they are now playing Saturdays, Sundays and Tuesdays, in order to try and catch up with the delay – we have decided that we will put this temporary surface up there for them. That would give them even more than what they had before, because before, what they used to have is on a Sunday, they used to have pitch number 2, I believe from 10 to 1.00, and they used to do their training.

385 Now, because there is also a national team of rugby and they need more allocations, and they were asking for more allocations down in Bayside, we saw it fit... We will put this turf here, and how it will be run is the GSLA will still be the body that will look after and maintain that but, basically, we have said to the rugby, ‘You have this, you use it as and when you need it. If you need... for example, if there are any issues with the turf or the fence or anything, just inform the GSLA. We will help you fix it, or whatever.’ Therefore, they will basically have control, in the sense that they can use it as and when they need it. So there will not be any other association using that; it will be purely for rugby.

390 **Hon. E J Reyes:** I am very grateful, Mr Speaker, for that, and I must say I support the Minister in this initiative.

395 He may recall, not that long ago, I actually had to pose a question in respect of training facilities for the rugby and so on, and he will find that I will always be extremely supportive when it comes to matters of improvement to sporting facilities, both formally across the floor of this House... and even when we meet outside, we quite often exchange ideas, because we are obviously both equally minded that although Government has to make financial provisions, sports and politics should be two separate issues.

400 May I just ask the Minister that, within all these improvements and so... may I just ask if he can confirm to me that he has not forgotten the needs for the forthcoming summer season, and so on, that the Gibraltar Cricket Association may have, who have in the past relied upon the Europa Sports Ground? Can he reassure the cricket fraternity that he will also hold them close to his heart?

405 **Hon. S E Linares:** Yes, Mr Speaker, like I do with all the other sports. Yes, in fact, the way the turf has been laid out in Europa Point, it will not affect the cricket at all. In fact, they could both use it at the same time, because in the parts that we have actually done the resurfacing, it does not impinge on the oval of the cricket at all.

410 **Youth clubs**
Recruitment of volunteer youth workers

Clerk: Question 107, the Hon. E J Reyes.

415 **Hon. E J Reyes:** Further to the answer to Question No. 711/2012, can the Minister for Youth confirm if the campaign to recruit volunteers to work in the youth clubs has now been completed and, therefore, as from what date does his Ministry expect to open youth clubs every weekend as per his Party’s manifesto commitment?

420 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Youth Service is currently working on projects which will include weekends. The campaign to recruit volunteers will be continuous.

425 **Hon. E J Reyes:** Yes, Mr Speaker, I am grateful to hear it will be continuous, but in reply to Question 711, the Minister did say that the recruitment campaign... he hoped to have it complete towards the end

of the month of September and that, shortly thereafter, when they would have more youth workers available and so on...

430 So, I was specifically asking can he confirm that that campaign – the one that he referred to that was supposed to end in September – has now been completed, and perhaps subsequently the Minister might even have figures available of how many extra volunteer youth workers he now has available for this sort of important and useful task.

435 **Hon. S E Linares:** No, Mr Speaker, what is actually happening is that the course is still running, and the course will be finished, I believe, by the end of March. Therefore, the course has taken from... I believe it started in November, until May.

There were certain applicants... I know that some have not completed or have not continued. I believe there are still about 13 or 14 who are currently on the course. They have to complete the course first, and then they will be able to do work within the Youth Service.

440 That does not mean that we are not pushing for the youth clubs to be opened during the weekend. The fact is that the volunteers will be helping in order to increase the availability of, should I say, volunteer youth workers in the youth clubs so that we can have a more continuous opening every weekend, hopefully.

445 At the moment, what is done is based on projects, so when there is a project, like the hon. Member knows we had about two weeks ago... We had a clean-up campaign at the back of Laguna Estate, which was organised by the Laguna Youth Club. That was carried out during a weekend; people were engaged during the weekend.

450 So, we are hoping that, by projects and things like that, we are able to open the youth clubs more frequently in order to entice young people. It has a value to leave the youth club just open and wait for the youth to come in, but if you have specific projects and things that the youth know about, then they will come and want to join in with these projects.

455 I say this because the project where the hon. Member, myself, and the Hon. Dr Cortes, were happily helping the youth clean up, was one of... I think it was a four-weekend type of thing. It just carried on, because then they were going to have the debriefing, a bit of education, then they were going to go and visit the northern defences with the heritage.

Through those programmes, we are hoping that they are open more frequently, but it is not dependent on volunteers only. We are hoping that the volunteers will then give it a boost in order to have more continuous opening of the youth clubs every weekend.

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HEALTH AND ENVIRONMENT

Barbary Macaques Control measures

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Clerk: Question 108, the Hon. S M Figueras.

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Hon. S M Figueras: Good morning, Mr Speaker.

Can the Minister for the Environment provide details of the measures being undertaken to control the behaviour of the Barbary Macaques in the urban environment since this House considered this matter some months ago?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 109 and 110.

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Barbary Macaques Numbers

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Clerk: Question 109.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide details to this House of the number of Barbary Macaques in Gibraltar, further to answers given by him in this respect previously in this House?

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**Barbary Macaques
Notre Dame School**

Clerk: Question 110.

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Hon. S M Figueras: Can the Minister for the Environment say whether an incident involving Barbary Macaques gaining entry to the school building at Notre Dame School, on Friday, 8th February, whilst children were present, was reported to the authorities, and what action, if any, is being taken by Government to eliminate the risk of harm coming to children in the school by the presence of Barbary Macaques in the area?

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Clerk: Answer, the Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the initiative 'Get our monkeys back to nature' was launched by the Department of the Environment with the support of the Royal Gibraltar Police, the Gibraltar Veterinary Clinic and the Gibraltar Ornithological and Natural History Society.

The initiative aims to raise awareness of the dangers of feeding the monkeys and encourages the public to co-operate in a concerted drive to get our monkeys back to living naturally.

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Awareness leaflets are being distributed in all the known monkey hotspots and this has been followed by new information signs that have been strategically placed in the more problematic areas.

Increased Police and macaque keeper patrols also form part of the new initiative centred on the wider Barbary Macaque Management plan.

The latest estimate of the macaque population is 206.

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The incident in question was reported to the authorities. The Macaque Management Team, as well as the staff at the Department of the Environment, are in direct contact with the Headmaster of Notre Dame School and the Department of Education to ensure that any incident involving the macaques is swiftly dealt with by the team so as to ensure that there are no risks to pupils. To date, any incidents in the Notre Dame area that have been reported have all been responded to by the management team.

Measures that have been effectuated include increased patrols, provision of new macaque awareness signs, and educational leaflets.

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Hon. S M Figueras: Mr Speaker, I am grateful for the answer.

Does the Minister, however, concede that what he has told the public this past week is effectively a regurgitation of the same, effectively non-event, press release talking about the campaign to return apes to nature which he also used in December in response to statements made by the Opposition?

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Hon. Dr J E Cortes: No, sir, I do not.

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Hon. S M Figueras: Mr Speaker, in relation to the announcement made this week – between the time when I filed these questions in this House and the time when we have come here to discuss the issue – I wonder whether the Minister will tell us whether he feels that it is appropriate that, as a Member of this House, he has once again chosen to flout the authority and importance of this place by issuing a public statement on a matter which has been raised in a question, after the question has been filed, and despite previous debates and discussions in this House as to the unparliamentary and politically distasteful nature of this behaviour?

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Hon. Dr J E Cortes: Mr Speaker, I hear what the hon. Member has said. He has referred to... once again, without explaining what the previous occasion has been. I think the accusations are a little bit harsh, in the circumstances.

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I must say, Mr Speaker, that I was not aware – perhaps due to the fact that I have not been in this House for very long – that it would have been considered poor form.

I must say, though, Mr Speaker, that the work of the Department, and the press releases that are prepared, has its own dynamic, independent of the issuing of questions. It must also be borne in mind that the questions, once sent, do not immediately make their way to the Minister. As I say, the Department will be issuing press releases with its own dynamic.

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I must say, Mr Speaker, that, on the occasion in question, the press release was issued embargoed until the Monday, and in normal circumstances the House would have met on Thursday and Friday and the questions would have been dealt with by the time the press release was published. The fact that the House did not extend its session on Thursday and did not meet on Friday, and instead returned today, was obviously a coincidence and out of my own personal control.

550 I assure the House and I assure you, Mr Speaker, that certainly no disrespect was meant. I hold this House in the highest regard – I have always done, since before I was a Member – and I believe that the words of the Opposition Member are a little bit harsh and inconsiderate, and are assuming a malintent, when clearly, Mr Speaker, I assure you there was none.

555 If any offence has been caused to you or to the House, I do apologise, but certainly there was no intent. The press release was not meant to be issued until the Monday – in fact, was not – and I feel that the words are harsh and unjustified.

560 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, can I be permitted to add to what my hon. Colleague has said, just for clarification?

565 The work of Government is not paralysed simply by the fact that a question is lodged for answer the following week in this House. Government Ministers and Government Departments will continue with their work and will continue to issue press releases as and when they consider appropriate, notwithstanding that the subject matter of that press release may, coincidentally or otherwise, be the subject matter of a question in this House.

570 **Mr Speaker:** No, no, no. If the hon. Member... No, I think the Minister has got it wrong. Once notice of a question is given to the House, if the Government issues a press release on that subject matter, then in effect what you are doing is you are denying the right of Members of Parliament here to question, to hold the executive to scrutinise. That is wrong. It is a practice which, in the House of Commons, would be deprecated, and I deprecate it.

I thought that the explanation which the Hon. Mr Cortes has given would have sufficed, and I am surprised that the Hon. Mr Licudi has felt that he needed to intervene.

575 I can understand that the Government, when meetings of the House are being held infrequently, will need to issue a press release. For instance, we are not going to meet until May. I do not think the Opposition would expect the Government, or any sensible person would expect the Government, not to issue a press release until May, and then make statements here. That is ridiculous. But the fact of the matter is that the House met on the 14th, and that it was then adjourned to yesterday, and this press release appeared, inadvertently – and I have accepted the explanation which Mr Cortes has given... This press release appeared in between.

580 Now, the practice should be for the Government not to issue such press releases unless they are matters which are absolutely urgent. If it is a serious matter which is absolutely urgent, then obviously it is acceptable that the Government should not wait until the House meets again, but what the Hon. Minister is saying... I am sorry, I think that is completely and utterly out of order, and the trouble is, the problem is, that either in the House of Commons or here, the Speaker does not have more power to do anything about it.

585 **Hon. G H Licudi:** Mr Speaker, it may be that I have not explained the position properly, or it may have been misinterpreted.

590 I have not said, nor is it our intention, that where a question is posed, we pre-empt what is going to happen in this Parliament by answering that question in public, or by otherwise taking the thunder away from the scrutiny and the accountability. That is absolutely not the Government's position, but it may be that, in the normal course of things, things are planned and the Government's agenda is not paralysed simply by the fact that a question is posed on a particular subject. In fact, the press release might relate to that subject, but not specifically to the question itself.

595 That is all that I have said, and that is all that I wanted to say for clarification purposes. I accept what you say, Mr Speaker, that it would be wrong for the Government to try to pre-empt and try to deny the opportunity, as my hon. Colleague has said. That was not the purpose of my intervention and I trust that [inaudible].

600 **Mr Speaker:** The Chair... I accept that we live in a world in which the growth of press releases, press conferences and interviews with the press is a matter which is expected. It is done, you know. That happens, it is a fact of life, but I would enjoin upon the Government the approach which you have now – which the Minister for Education has now... and that is to exercise care.

605 Ministers know the date when the House is going to meet, and they know that questions come in a week before. They may not get the questions themselves on that day. I imagine... Certainly, in my time, they used to go, first of all, to a civil servant, the head of a Department, who would probably draft the answer for the Minister to see. The Minister may not be aware of the fact that there is a question until a day or two later.

610 I would enjoin upon the Government that they should be very, very conscious of that fact and try, if they can, not to issue press releases which are the subject of questions in the House, unless something extraordinary happens, when I think everyone would accept that it would become necessary.

615 **Hon. J J Netto:** Mr Speaker, can I just say that, obviously, the Opposition welcomes your ruling, because, from the Opposition, this is not the first time it has happened. We have had meetings ourselves when we have seen that, in the past, we have given notice of questions, and during the period of getting information, Government has been issuing press releases on those issues.

620 **Mr Speaker:** Since October, there has been just one other previous case, when the Government issued a press release on the question of the power station.

625 **Hon. J J Netto:** And we certainly felt, at the time, that the press release could have waited until Parliament had the session of discussion. So, certainly, we welcome your ruling and I hope the Government takes it in the light of the spirit that the Speaker has said.

Deputy Chief Minister (Hon. Dr J J Garcia): Can I urge the Opposition not to labour the point, because this is something which they, themselves, used to do very frequently (**Mr Speaker:** Yes.) when they were in Government, and it happened to me several times.

630 **Mr Speaker:** It is a practice which has grown over the years, and it is very difficult to put it into reverse, because the media are demanding and the public is demanding. I think we are all conscious of these realities. I think the matter has been sufficiently aired, I think we are all *ad idem* as to how the House should go ahead.

635 **Clerk:** Question...

Hon. S M Figueras: I have a further supplementary, Mr Speaker, on the matter of the apes generally.

640 **Mr Speaker:** Yes.

Hon. S M Figueras: I am grateful, in the first instance, to Mr Speaker for his ruling on the matter. Turning to the announcement that was made on Monday, 18th February, is it not the case that you have previously advocated the use of wardens for the implementation and enforcement of the feeding fines in the management plan proposed to the then GSD Government; and in this context, are you able to tell...? Is the Minister... Apologies, Mr Speaker, is the Minister able to provide this House with details of the powers those wardens who are part of this increased patrolling initiative possess, that enable them to do their work?

650 **Hon. Dr J E Cortes:** Mr Speaker, firstly, I am grateful for you accepting my description of events. Mr Speaker, the increased patrolling at the moment, as it is being done, is, as I say, by the Royal Gibraltar Police and by the team, with no additional powers.

655 The question of wardening is being addressed in the Upper Rock Plan and the Barbary Macaque Management Plan, which are now reaching the finishing stages. So, at the moment, there are no additional wardening powers. Wardens are defined and their duties described in the Nature Protection Act, and in order to assist the Member opposite, they would be those powers broadly that are defined in that Act.

Hon. S M Figueras: I am grateful for the answer. I am grateful, too, to note, Mr Speaker, that the plan is now arriving at its finishing stages, which it has been doing now for a year and two months.

660 I would, however, ask the Minister, given that I am not aware of the powers at this time myself, whether perhaps the Hon. Minister will be able to tell this House whether, like the Barbary Macaques, the wardens, after the plan has been brought into effect, will have any teeth with which to impose the legislation in respect of feeding of the apes.

665 **Hon. Dr J E Cortes:** Mr Speaker, if the Management Plan is completed within a short period of time, it will have only been one-sixteenth of the time that it took the previous Government *not* to complete the Plan. (**A Member:** *Our Plan.*)

670 The question of teeth, Mr Speaker... I do not have in front of me the list of duties. I am familiar in the generality of it, but I do not know whether the hon. Member opposite is talking about powers of arrest... I do not believe that powers of arrest are included.

675 **Hon. S M Figueras:** Mr Speaker, can the Minister say whether he is of the view that, in order for the wardens to be able to assist in this initiative, into which the RGP has also been included... and, frankly, I simply do not how much more the RGP can be given to do, when they already have so much on their plate, but can the Minister tell us whether he is of the view that, in order for the wardens to be able to do their job appropriately, whether giving these wardens powers to impose on-the-spot fines would be appropriate?

680 **Hon. Dr J E Cortes:** Mr Speaker, this is all very hypothetical and only tangentially related to the substance of the actual question. Nevertheless, I will attempt to give some kind of response.

I think that the possibility of on-the-spot fines is a principle that *could* apply in these circumstances. On-the-spot fines are always difficult because, obviously, it is tantamount to conviction without prosecution, and therefore there has to be clear, in this case, for example, feeding of macaques, and unless you actually see the person putting the food out, they could argue that they just dropped it on the floor. 685 The hon. Member is a lawyer, I was a magistrate, so we understand what we are talking about.

So it is a possibility, but obviously not one that is easy to enforce, but it is certainly a possibility that is being considered in the context of the Nature Protection Act. There is a similar situation with dog fouling in which it is possible to issue on-the-spot fines, and very few, in fact, are issued because it is *very very* 690 difficult to prove.

Hon. S M Figueras: Mr Speaker, I turn now to the issue of the question I asked in relation to Notre Dame School and the incident on 8th February.

The Minister has spoken of contact by the macaque team with the school, and that any future incidents they will attend as a matter of priority, that there will be increased patrols, signs and leaflets.

695 **Mr Speaker,** is the Minister not concerned that responding to an incident may well, one day, be too late?

A Member: Yes.

700 **Hon. D A Feetham:** Hear, hear.

Hon. Dr J E Cortes: Mr Speaker, I am finding it very difficult not to be cynical and I am finding it very difficult not to laugh, because the hon. Member opposite is... (*Interjection*)

705 **Mr Speaker:** Order! Order! Order! No remarks across the floor of the House, please.

Hon. Dr J E Cortes: Because the hon. Member opposite is making, almost word for word, the same statements that I, in a previous capacity, used to make repeatedly to the Government of the time. And here I am – after a year of having to sort out a lot of things that I believe, Mr Speaker, were not being done properly – having to defend something which is not of my creation. 710

Mr Speaker, *of course* I am concerned about any possible incident that might affect any member of our community. What I can say, Mr Speaker, is that I am working very hard. Not everything is ready. These things take a long time: exportation of monkeys takes a long time; preparation of properly thought-out management plans take a long time.

715 So, Mr Speaker, of course I am concerned. Of course, we will do everything we can to resolve these problems. These problems have happened before. It is not the first time that a monkey has got into a building, be it a school building, a hotel room or somebody's personal home – I know that for a fact – but I think it is preposterous for me to have to stand up here and to defend the results of total lack of management for so many years.

720 I am going to steer away from that, Mr Speaker. I will just say that certainly I am concerned, and certainly we are in touch with the schools. We are working very closely with them and we are preparing certain measures, because they are not ready yet, I do not feel it would be appropriate for me to announce at this time. Otherwise, I would be accused, if it were not to happen exactly as I define now, of having misled the House.

725 So, Mr Speaker, a lot more will be said about the Barbary Macaques within the next six weeks, and I can *almost* commit myself, because it does depend on other people. I can assure the House that we are doing as much as we can, at this moment in time, to avoid this problem and to try and control the problem, which certainly, Mr Speaker, is not of this Government's making.

730 **Hon. S M Figueras:** Mr Speaker, what the community out there is asking, and asking with some alarm, is how long will it take, after the implementation of this Plan, after all the talking and all the planning and all the thinking to be done, how long it will take residents of Laguna Estate, residents of

Gardiniers Road, and residents elsewhere in the community, to experience normality in their day-to-day coming and going, without coming into contact with these wild animals? (*Banging on desks*)

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Hon. Dr J E Cortes: Mr Speaker, it really is incredible to have to sit here and listen to this kind of comment from people – hon. people – whose party was in Government and who *have* to remember the number of incidents there were then, who *have* to remember that the problem is not new, who *have* to remember, although nobody is present in the House – well, one person perhaps – the kind of discussions that I had with *them* about this very issue. Having to listen to it now, and almost defend it, as if it were of my making, is absolutely incredible, but there we are – I suppose that is what some people think politics is.

740

Mr Speaker, at least now there is talking, at least now there is planning, and at least now there is thinking that at least goes somewhere deeper than just superficial talk, and we are definitely planning our actions.

745

Mr Speaker, natural systems are unpredictable. I cannot tell you where a particular Barbary Macaque or a particular blackbird will move to once it leaves the position of this bottle, but I can try and induce it to go in a particular direction by having knowledge of its behaviour and by perhaps putting something that will entice it in that particular direction. That response might not be exactly as I would predict.

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Mr Speaker, I cannot tell anybody the exact time. What I can tell you, Mr Speaker, and I can tell this House, is that we are thinking, we are talking and we are planning much more significantly than anybody ever has done before, and that I am *fairly* confident – in fact, quite confident – that a lot of our measures will have good effect and that the people of all these estates will be able to continue their lives without having to worry about any possible aggression from the Barbary Macaques. (*Banging on desks*)

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Mr Speaker: I will allow one final supplementary on this subject.

Hon. S M Figueras: Mr Speaker, I am now –

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Mr Speaker: One to each of the other Members.

Hon. S M Figueras: I am moving now to the crux of the matter, and it may well require more than one supplementary, but I am of the view that Mr Speaker will understand that –

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Mr Speaker: We are beginning to debate.

Hon. S M Figueras: Mr Speaker, I will move to the crux, and perhaps he will see where it is that I am going with this.

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The Hon. Minister has said that there is talking, thinking, planning, all that going on, and that he cannot control if an ape moves from the position of this bottle to wherever it may choose to go; but is it not the case, Mr Speaker, that the Minister, once again, in the regurgitated statement on Monday, 18th February, said with much fanfare that the Government is not going to cull any apes under any circumstances?

775

Can the Minister confirm that under no circumstances will the policy of not culling an ape, as a measure of last resort in the management of not just the nature reserve but its interaction with the community, will ever change?

Hon. Dr J E Cortes: Mr Speaker, the Government has never said that no monkeys will be culled. The Government has said that there will be no large-scale culling. (**Hon. S M Figueras:** No, no, no.) The Government has always –

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Mr Speaker: Order!

S M Figueras: Point of Order, Mr Speaker.

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Mr Speaker: Let the Hon. Minister finish.

Hon. Dr J E Cortes: The Government has always said there will be no culling as population control. There *will* be removal of certain individual animals, on occasions, where they may constitute a danger, or they may be injured, or as some other form of management.

790

I have to specify we are not going along the avenue of large-scale culling, but we have never said that individuals... and I am not saying on this occasion, but I have to rectify it. The answer is we are not going to do a large-scale cull, but I must reiterate, and I have always said that, that certain individuals, on

795 occasions, one has to put down, for a number of reasons. I am not going to list them here – I think that is not directly relevant to the question – but I have always made that point.

800 **Hon. S M Figueras:** Mr Speaker, I beg to differ with the Hon. Minister, because it was in *this* House... and I am afraid that I do not have the reference to *Hansard* directly at this moment in time, but in this House I asked him specifically – and I recall, because I was the one who asked the question – whether, when he discarded culling publicly, and I referred him to an article in the *Chronicle* that had been attributed to him... I asked him whether they were discounting the possibility of small-scale culling as well, and he agreed. He said that that was, in fact, the case; and therefore that is inconsistent with what he is saying now.

805 I would ask the Minister to clarify whether or not they will be culling any apes, because the removal, Mr Speaker, involves, does it not, culling of a particular individual macaque, doesn't it?

810 **Hon. Dr J E Cortes:** Yes, Mr Speaker, that is exactly what I have said. Culling on a large scale, to me, and I think to most people, would be removing a group of 40 animals, be they macaques, be they deer, or whatever. We do not have deer in Gibraltar – just general reference.

815 What I have said *consistently* is that, on occasion, for whatever reason – be it injury to the animal, be it a particularly disruptive individual, be it an animal that persistently has some form of behaviour which is considered that has to be controlled – that individual animals may have to be put down – I have *always* said that – but culling will not be used as a method of large-scale population control. That is exactly what I have said in the past.

820 If it is not what I have said in the past, it is certainly what I meant in the past, and that has always been our position. Our position has always been that individual animals, for management purposes, have sometimes got to be put down; and that, I am sure, if you search *Hansard*, must be there.

820 **Mr Speaker:** The Hon. Mrs Ellul-Hammond.

825 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, one of the recommendations in the macaques back to nature awareness leaflet is for the monkeys not to associate humans with food. The following day, the Government announces the introduction of picnic areas on the Upper Rock, which is the natural environment of our tailless monkeys, and obviously humans will be there, eating food. So how will these two conflicting policies be reconciled?

830 **Hon. Dr J E Cortes:** Mr Speaker, I do not know whether the Opposition is now advocating the banning of picnicking on the Upper Rock... (*Interjection*)

835 The associating of humans with food is not that monkeys will not see a person eating a picnic... particularly in the area of Governor's Lookout, monkeys are rarely found, but anyway, it is that monkeys should not consider that humans actually *hand* them food and *provide* them with food.

840 They get used to having people putting their hands in their pockets, or getting items out of a plastic bag and handing it to them, and that is when they realise that that human can actually directly give them a source of food of high calorific value. Therefore, they are going to be associating humans with that sort of thing.

845 If humans stop doing that... and this has been seen... There was a group of macaques taken from Gibraltar to Germany – to a safari park there, in 1998 – which had been habitualised to being fed by humans. The moment that... well, several months after, people would walk through and not offer them food, they unlearned that process.

850 So one thing is not related to the other. What we must stop is actually handing out titbits to monkeys because that is when they make the link between the person, the hand in the pocket, the plastic bag. But one thing is not directly related to the other and, in any case, the picnic areas that are being created happen to be away from most of the areas that the monkeys frequent.

845 **Mr Speaker:** The Hon. Mr Netto.

850 **Hon. J J Netto:** Yes, Mr Speaker there are two perhaps small issues that I want to raise.

The one is perhaps to do with clarification. I think I understood the Minister when he said that the current population is 206. Is that correct? Can he confirm that, because...

Hon. Dr J E Cortes: Yes, Mr Speaker.

Hon. J J Netto: Right, does that include new-born macaques within the previous twelve months? Because I understand, from the past, that the life expectancy of a new-born is not so high, so the figure

855 may not be included in the overall figure. If that is the case, could he then say how many new born babies were within the last twelve months?

Can I just finish my second one?

860 **Hon. Dr J E Cortes:** Sorry, Mr Speaker, I thought he had finished.

Hon. J J Netto: The second point I want to raise: I was surprised, actually, that the Minister did say that he cannot be expected to know where the macaques are at any given moment in time, or words to that effect. It is not something I really want to argue much about and I say this against a background that my understanding is that, in different parts of the world, not just to do with macaques but, indeed, to do with
865 different animals, they have different – I do not know how to put it, within the new technologies available – different gadgets: which through GPS systems, they know exactly where every single animal happens to be.

I say this because, if that is the case, and whether the Department of the Environment is looking, the officials looking into this, actually, this may be part of the solution: I am not saying the whole solution
870 but at least in knowing where there is a particular group of macaques, or a particular individual macaque, who consistently, or persistently, actually go to Laguna Estate or Moorish Castle or La Caleta, or whatever it is. Then we can target particular hotspots with particular macaques. If that is the case, what is the cost involved? I have to confess that I really do not know what the cost would be – but perhaps he could enlighten us into those issues.

875 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I apologise, I did not realise the hon. Member had not finished. That is why I intended to stand.

Yes, Mr Speaker, I remember briefing the Hon. Mr Netto when he was Minister on the fact that the numbers are tallied at the end of the year but because we are at the beginning of the year the 206 does
880 include the births of last year and does include the deaths of last year, which had been deducted. So, yes, that is a figure. It does not include any births this year because births do not start until around end of April/May, so there are 206 on the roll, so to speak.

Mr Speaker, I did not say that we do not know where all the monkeys are. I said that we could not
885 always predict the behaviour of animals and that is fact. But, in fact, we do not know where all the monkeys are and I think that the hon. Member will be very excited to hear the proposals and the plans that we have within, as I suspect, six weeks' time as to actions that we are planning, which are very much on the lines as he has described, regarding being able to locate monkeys.

This is something that is being finalised now and, unfortunately, I am not in a position to give full
890 details but certainly we will shortly be able to have much more information than we have at the moment and, therefore, will be able to manage our monkeys very much more. This is why I say, Mr Speaker, that I am being quizzed at the stage when there is a lot going on behind the scenes. I hope that I will be quizzed just as intensely once the plan is in action and in operation because then I will be able to, I am sure, satisfy the questioners much more effectively.

895 **Mr Speaker:** I will allow the Leader of the Opposition to make one final supplementary on the matter.

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

Mr Speaker, I just want to go back to this statement that the Hon. Minister made about Government
900 policy not being large-scale culling but culling of individuals.

Now, of course, the concept of large-scale culling can be quite elastic. How large scale are we talking
about? Are we really talking about, and is Government policy this, that the only culling of apes that there is going to be are of a 'handful', and I am really talking about, when I say a handful, I mean a handful of
905 perhaps troublesome individuals that are troublesome within the group, or that may, in fact, be individuals that may be leaders of a potential pack in future that could possibly branch out, but that we are really talking about a handful of individuals and that the Government is not committed to culling apes beyond that handful?

910 **Hon. Dr J E Cortes:** Mr Speaker, it is very hard to define a 'handful': certainly no more than a handful.

We are talking about certain individuals who, for reasons of their own health, injury, some kind of character personality trait or whatever, would have to be removed.

I must remind, Mr Speaker, the huge international campaign that there was against Gibraltar the last
915 time a large-scale culling was carried out. I believe it was in Catalan Bay, when about 30 animals were taken. There was a large campaign, not just in the academic world, but there were campaigns to try and get tourists to stop coming to Gibraltar. We had international bodies, such as the International Primate

Protection League, actively criticising Gibraltar and causing great embarrassment to Gibraltar – they are now working with us in trying to find a solution. So, I think we must remember that these actions, apart from not being humane, also have other consequences.

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Mr Speaker: I think the macaques have had a sufficient airing this morning. Let us hope the wet weather keeps them away from the precincts of the House (*Laughter*) because I do not think I can apply Standing Orders to them.

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Next question.

Clerk: Question 111, the Hon. S M Figueras.

930

Question 99
Additional information

935

Hon. S E Linares: Mr Speaker, with your indulgence, so that nobody suspects that there has been any ‘monkey business’ on Question 99, I have actually found the list that the hon. Member Mr Reyes wanted.

Mr Speaker: Yes, give him the information.

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Hon. S E Linares: Therefore, just to say that, in the breakdown from the £30,105, it is the Music Festival of Gibraltar, i.e. the Song Festival, which was £15,000; the Fine Arts Association ‘Tears of Joy’ Hamish Dalmedo was £4,805 – I will give him the list later, Mr Speaker, I just wanted it on *Hansard* – Joe Gingell, part of the Cultural Grants, got £1,800; Gibraltar Philharmonic Society Concert in May got £7,000; and Jordan Lopez got £1,500.

Mr Speaker, I will give him the list later so that he can analyse it.

945

Report into fishing in Gibraltar waters
Publication and action by Government

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Mr Speaker: Question 111.

Clerk: The Hon. S M Figueras.

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Hon. S M Figueras: We breathe a breath of fresh air, Mr Speaker, as I turn to ask a Question about the Commonwealth Park and that is whether the Minister for the Environment can provide this House with an ...

Clerk: Question 111!

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Hon. S M Figueras: Sorry, one hundred and –

Mr Speaker: One hundred and eleven.

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Hon. S M Figueras: Eleven. Ah well, my apologies. No. Yes, Mr Speaker apologies for the confusion.

Can the Minister for the Environment say when the Government will be publishing the findings of the reports into fishing in our waters and what action, if any, is being taken in response to them?

970

Clerk: Answer the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Government has now received comments from the Nature Conservancy Council, while the Department of the Environment is finalising its analysis.

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A report will be published once an action plan has been developed. This is expected to be shortly.

Hon. S M Figueras: Mr Speaker, would the Minister be able to give us any indication about how long this short timeframe may turn out to be?

980 **Hon. Dr J E Cortes:** I do not think so, Mr Speaker.

There are a number of inter-related issues that come into the development of this plan so I do not wish to tie myself down to a specific timeframe.

985 **Hon. J J Netto:** Could I ask the Hon. Minister why is it that giving the Members of the Opposition a copy of the report has to wait until such time as the Department has provided an action plan. Could not the two things be completely divorced? At the end of the day, one thing is the report with its recommendations which he has had on the table for who knows how long, and the Opposition has not... Surely, whilst we welcome that there is an action plan by the Department, that does not stop them from providing the Opposition with a copy of the report?

990 **Hon. Dr J E Cortes:** Mr Speaker, this is a report that has been provided to the Government and the Government is actively working on it. It is a working document and I do not think that the time is right for it now to be released. It *will* be released. There is a commitment for it but it is an extensive analysis.

995 There have been inter-relations with the Nature Conservancy Council, as I said earlier, and there are things that have to be incorporated in Government policy. Therefore, I think it would be premature to release it at this stage. That is my opinion and it is the opinion of the Government.

1000 **Hon. D A Feetham:** Yes, Mr Speaker, may I ask the Minister whether this particular report has gone through various drafts since it was received by the Government in response to feedback, or is this a final report that has been produced to the Government? If it was a final report, did it go through various drafts before the final copy was provided to Government and, if it did, did it involve Government providing input to the report?

1005 **Hon. Dr J E Cortes:** Mr Speaker, Government has not provided input to the report. The Nature Conservancy Council requested additional information directly from the authors of the report. There has been no Government involvement in editing the report in any way.

1010 **Hon. J J Netto:** Mr Speaker, the answer that the Hon. Minister gave me just a moment ago... one can deduce from that statement that he is just not willing to provide the information to the Opposition. In the light of that, what I would like to ask him is whether, by adopting that particular position, he falls foul of the European Directive on the Freedom of Information on providing environmental information to the public?

1015 **Hon. Dr J E Cortes:** Mr Speaker, I would have to seek legal advice on that but I daresay that the legal advice would be retrospective to a time when other reports were presented to the former Government, which were not presented to the Opposition or to other people, members of the Community.

1020 What I said, Mr Speaker, I was not trying to be difficult. I said it is a document which is active, that the Government is responding to and, therefore, until its policies are completed and so on, I think it would be inappropriate to share it. I think that is a legitimate position to hold. On the actual question, then I would need legal advice.

1025 **North Mole temporary power plant
Complaints over noise and pollution**

Clerk: Question 112, the Hon. S M Figueras.

1030 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether the Government has received any complaints in relation to the location and operation of the temporary power plant at the North Mole since it went online in late December, specifically in relation to noise and other sources of pollution?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1035 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, eight persons – this reply was prepared probably about a week and a half ago, so it was correct up to then, Mr Speaker – eight persons have complained of the temporary power plant since it went online in late December 2012. Five have complained of noise, two have complained of noise and fumes, one has complained of fumes.

1040 The Gibraltar Electricity Authority is working together with Energy International in the fabrication of silencers for all five turbines, which will result in a considerable noise reduction, particularly when

1045 prevailing winds are westerly and north westerly, which is when the plant can be heard at a distance. The turbines are also being fitted with noise attenuation blankets which will, once again, reduce noise on site. The temporary power plant is presently producing half of Gibraltar's power requirements. Work will soon commence on the installation of SCR – popularly known as 'scrubbers' – which will, in turn, reduce nitrogen oxide emissions levels a further 97%. The present technology already produces about 50% less nitrogen oxide than the other power plants operating in Gibraltar.

1050 **Hon. S M Figueras:** I am grateful to the Minister for the details in respect of what is being done in relation to the noise.

1055 In relation to the fumes – and the reason for asking the question, Mr Speaker, in the first place was reports that have been made to us in respect of, specifically, fumes, the noise I personally experience, certainly, and it is like aeroplanes just on taking off on the runway, it is no more harsh than that – but in respect of the fumes specifically, will the installation of the scrubbers and the reduction of nitrous – that substance – by 97%, provide a... will that translate into less perception of the fumes by those affected in the area?

Hon. Dr J E Cortes: Yes, Mr Speaker, absolutely.

1060 The elements of the emissions which cause most annoyance is, in fact, the nitrogen oxides – nitrogen dioxide and nitrous oxide – and the reduction of that by 97% will certainly reduce the perception and they will be the least polluting generators that Gibraltar has, in fact, has ever had.

1065 **Hon. J J Netto:** Mr Speaker can I just say that I also have a similar question, which is Question 161, to the Hon. Minister for Health and Safety so, in a way, I need to try and sort of divorce the kind of question I may ask now, as opposed to the kind of question I may have to ask later on.

1070 But can I ask the Minister for the Environment, in relation to those measures that are going to be introduced to mitigate the effect of noise pollution, has that been done in accordance with the control, no sorry – with the Environmental Assessment and Management of Noise Regulation 2006?

1075 **Hon. Dr J E Cortes:** Mr Speaker, my information is that it goes beyond any legal requirement and, therefore, it more than satisfies those requirements.

1080 **Hon. J J Netto:** So do I take it, then, that this particular set of regulations has been taken into account in order to establish the kind of level of noise that has been emanated, within Waterport Power Station, now that they have the new temporary generators additionally? So has any assessment been made to map out what the noise actually is and is there a report in relation to the mapping out of the noise, which may have a health impact not just on the workers of Waterport Power Station but, indeed, in any effects it may have on different workers that work in that vicinity? I am thinking about the workers from AquaGib there and the fact, of course, that there are two big housing estates. One is Harbour Views and the other is William Jackson Grove. So can the Minister confirm that assessments have been made in accordance with this set of regulations to determine the level of noise.

1085 **Hon. Dr J E Cortes:** Mr Speaker, in order to go into that detail I would need notice. I have not got in front of me the details of the exact regulations and so on that have been taken into account, so I would need notice of that question.

I think I have answered the question actually asked, accurately and to the best of my ability. Assessments have been made for the site but the exact details, I am afraid, I would need notice of.

Mr Speaker: Next Question - one other supplementary, yes?

1090 **Hon. J J Netto:** With your indulgence, can I ask the Minister whether he can ask his own officials whether such assessments have been made and, if they have been made, perhaps provide me with a copy of their report?

1095 **Hon. Dr J E Cortes:** Mr Speaker, I would ask the hon. Member to write to me, telling me exactly what information he requires and then, obviously, I will respond.

1100 Mr Speaker, I did fail to answer a related matter but I think that it is relevant to the general discussion, that I am happy to report that, as a result of this power generation, both the two south district power stations are now shutting down most nights between approximately 11.30 and midnight and 6.00 in the morning. So that is resulting in considerable less pollution in the silent hours in the south district.

Mr Speaker: Next question.

**Permanent power station
Government plans**

1105

Clerk: Question 113, the Hon. S M Figueras.

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Hon. S M Figueras: Can the Minister for the Environment say whether the Government is on track to make announcements in respect of the Government's plans for the permanent power station by the end of March, as set out by Government in answers to Questions in this House?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1115

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question, together with Question 114/2013.

1120

**Permanent power station
Location, fuels and timeframe**

Clerk: Question 114.

1125

Hon. S M Figueras: Mr Speaker, in the light of the extended adjournment of this House until May of this year, can the Minister for the Environment provide this House with an indication of the issues being considered, as well as any information he may have available to him in respect of the location of the permanent power station including, but not limited to, the fuels being contemplated for use in it and the anticipated costs and timeframe for its construction?

1130

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1135

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Government is currently finalising tender documents which will be published by the end of March. A decision will be taken on these elements in response to the tenders received.

1140

Hon. S M Figueras: Mr Speaker, in relation to the announcement of, or rather the provision of, the tender for the waste treatment facility, of which I have been made aware, I understand from a review of the papers that one of the requirements is that the waste treatment facility will generate some by-product, as an output from the facility. In that context, then, and the fact that the waste treatment facility is being tendered to be located at the site of the old incinerator plant, can the Minister tell this House to what extent the location of the waste treatment facility and the interplay between that facility, the permanent power station and, ultimately, a sewage treatment plant – something that we have discussed in the past, in terms of the interaction and the grid itself – whether that will have an impact or influence on the decision as to where the permanent power station is located?

1145

Hon. Dr J E Cortes: Mr Speaker, again, I think this is tangentially related – if my former geometry teacher will allow me to use such a term – to the substance of the question but all these different aspects are, as I see it, being treated independently of each other. There may be a synergy but, at this stage, they are being treated independently.

1150

Hon. S M Figueras: Sorry, for the avoidance of doubt, Mr Speaker, and in layman's terms, where is the permanent power plant going to go?

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Hon. Dr J E Cortes: Mr Speaker, as I said, tender documents are being prepared which will stipulate certain requirements and, in response to these tenders, then the different aspects will be taken in and the final decision taken on all the different elements.

I am not able to give any more information.

1160

Hon. S M Figueras: Mr Speaker, I concede that point and I understand entirely that tender documents are being prepared and that they will act and react based on the responses that they get but, as the Government is issuing the tender, is the Minister able to provide us with any indication as to location, or locations, where the permanent power plant will be built?

1165 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman knows that I am the Chairman of the inter-ministerial committee dealing with the power station. The Hon. the Minister for the Environment is an important and essential part of those determinations, as is the Minister for the Utilities, who is responsible for the provision of power under his ministerial responsibility.

1170 Mr Speaker, I think the Minister has given a very clear answer. The hon. Gentleman does not perhaps appreciate that some of the issues that will be subject to the tender will affect areas where particular parts of the fuel maintained for the generating capacity etc. may or may not be able to go. That is why the issues which the hon. Gentleman is pointing to do not determine one particular place where the new power station will, or will not, be located. That is something that needs to be a little bit more open, even at tender stage.

1175 **Hon. J J Netto:** Could I ask either the Minister for the Environment or the Chief Minister whether, regardless of the locations of different power station or the sullage plant or whatever, is it still the aim of the Government, nevertheless, that all of these facilities should be linked in co-generation and, as a result of the co-generation, they will be able to produce renewable energy as a result of integrating the different systems? If so, what would be the percentage of renewable energy that the co-generation between all
1180 these facilities would produce? What would be the aim?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that we have a manifesto commitment as to the use of renewable energy in Gibraltar. It is not possible to give him an answer as to percentage at this stage but he is right to point out that it is one of the issues which is relevant to the Government.
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Hon. J J Netto: Well, Mr Speaker, I mean, I accept that he might not be able to say whether, as a result of interlinking all these facilities it will be able to give 25% of renewable energy, or 5%? But I am sure, pretty sure, that the Chief Minister will know what is the bracket or percentage of renewable energy that interlinking all of this would be. It may be, perhaps, between 15% to 20%. I accept that. I am not
1190 trying to pin him down now to one decimal point but at least to give an indication of what, on the basis of the advice given by consultants, by doing the co-generation, what renewable energy in terms of percentage will be. I think that is a fair question.

Hon. Chief Minister: Well, Mr Speaker he may think it is a fair question. I think it deviates quite considerably from what the original question is. I could tell him that I need notice of the question but I am not going to tell him that. I am going to tell him, Mr Speaker, that it is not possible to actually determine that until we have the final technical characteristics of the station that you are going to choose.
1195

If he wants a bracket, Mr Speaker, I will give him this bracket – I would be very disappointed, indeed, if we are not producing at least 10% of our energy from renewable sources by the time that I call the next General Election – or are on the way to do so, if those things are still to be installed or to start work.
1200

I would hope, Mr Speaker, that one day we have 100% of our energy potentially from renewable sources. I think he could have ascertained that from everything that we have said in our manifesto. I know they think we are not intending to comply with any of our obligations there, but there he has it in *Hansard*.
1205

Hon. J J Netto: The answer the Chief Minister has just given partly answers my question. I think he is probably thinking that this would produce something around 10% and I think that is probably not too far off from where the GSD Government thought that would have been the percentage, perhaps a bit more than that.
1210

I accept all the caveats that the Chief Minister is saying but, of course, we need to look at whatever percentage will be produced in terms of renewable energy against the background of what you feel legislation is at the same time. There may be a deficit between what is possible for us to do in the context of Gibraltar with these kind of initiatives and, if there is a deficit, whether the Government is thinking that there are other things they can do in order to try and reach the European target.
1215

Hon. Chief Minister: Mr Speaker, I know that the Hon. the Minister for the Environment is keen, is chomping at the bit, but he was not in Parliament when *he* was and the hon. Gentleman will recall that the hon. and gallant Colonel Britto, when I asked him whether it was possible for them – six months before the Parliamentary timetable would expire by effluxion of time, if an election was not called – to comply with their 2007 General Election manifesto to produce at least 10% of Gibraltar's electricity from renewable sources, he told me then that they would not be able to comply with that obligation: in fact, that the amount of electricity generated from renewable sources by the time the General Election would be called would be 0%. Now, by a recent setting out of what 'electoral fraud' means, it appears, on that basis, that the 2007 General Election was won by electoral fraud.
1220

1225 Let me put it this way, Mr Speaker, the explanation that Mr Britto gave then was that, actually, we were going to be much more ambitious than 10%. We were going to go to 20%, which is where the EU was going as a target, but that we were not going to produce any of that ourselves: we were going to rely on the fact that the member state for European purposes – the United Kingdom – the United Kingdom would be producing 20% and we would slip in under the radar.

1230 We are much more ambitious for Gibraltar, Mr Speaker. We believe that Gibraltar can produce its own renewable energy in excess of 10%. It can surpass its European obligations, whether or not shared with the United Kingdom, and on a sunny day in August, many years in the future, we expect it may even be possible for 100% of our energy to be produced from renewable sources. In those circumstances, if all of those things go well, then 10% will seem a distant memory.

1235 Will it ever be 100%? Well, Mr Speaker, a lot depends, as he knows, on how renewable energy develops and changes our capacity to harness the renewable sources that energy is produced from, whether it is sun, wind or tidal energy. But all of those things are being very actively looked at by the Government. They are as much our ambition for the way that we generate electricity as a traditional fossil fuel burning station would be, whether that is fuelled by gas or it is fuelled by diesel. The hon. Gentleman knows that it is a matter that is being looked at in quite some depth by the Government, but the renewable element of that is as important to this Government as the non-renewable element of that.

Mr Speaker: Does the Hon. Minister for the Environment have anything to add?

1245 **Hon. Dr J E Cortes:** No, Mr Speaker, I have nothing further to add at this stage.

Mr Speaker: Next Question.

1250

Commonwealth Park Project update

1255 **Clerk:** Question 115, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the construction of the Commonwealth Park?

1260 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, works on the Commonwealth Park project are progressing well, with the utility services diversions currently ongoing. The project is on programme for completion by spring 2014.

1265 **Hon. S M Figueras:** Mr Speaker, is the Minister able to confirm, in the context that the works are ongoing, that contracts have been awarded in respect of the construction of the park?

1270 **Hon. Dr J E Cortes:** Mr Speaker, as I said in a previous meeting, the works are being carried out by GJBS.

Hon. S M Figueras: Mr Speaker, I will quiz the Minister further by giving him notice of questions in that regard at a later meeting.

1275 However, returning to the construction of the park, much as the Minister has said that he is looking forward to sharing a walk with me when it is completed in the spring of 2014, I am looking forward to the fair this year, and I was wondering whether the Minister would be able to provide this House with details as to where the fair will be located this year, in the context of the construction.

1280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, again, as the hon. Gentleman knows, this is a matter I have been dealing with, because of the macro-economic issues it raises about different plots.

I have already answered that question to the former Leader of the Opposition, I believe, and the position remains that an announcement will be made very shortly as to where the fair will be held this year.

1285 Consultation has already occurred with the stakeholders, namely the Ministry of Culture and the Self-Determination for Gibraltar Group. They are looking at some final details, and I believe it will be possible for the Government to make a full public announcement about the subject very shortly.

**Government-awarded contracts
Payment to 'Chrand' for Al Gore**

1290 **Clerk:** Question 116, the Hon. S M Figueras.

1295 **Hon. S M Figueras:** Can the Minister for the Environment provide details in relation to the payment listed in Government Statistics table GC.6, Government Awarded Contracts by Ministerial Applications, as being paid to 'Chrand', agents for Al Gore, and described as being in respect of the Thinking Green Conference, including, but not limited to, the date when this payment was made and to what end?

1300 With Mr Speaker's indulgence, perhaps I could just explain that, at the time when I asked the question, GC.6 had this information, but following the asking of the question, there has been a change in the Government's statistics website. There has been an update and there have been a few changes, and I am just pre-empting a point that the Minister may well not raise.

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1305 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will give the prepared answer. I have not checked the website.

Mr Speaker, the payment of €100,000 to 'Chrand' listed in the Government Statistics table GC.6 was made in two equal payments of €50,000, and it was for the organisation and management of the conference, including security services for the guest speakers and fees for both speakers.

1310 These payments were effected on 31st August 2012 – €50,000, equivalent to £41,675.69; and 28th September 2012 – an exact same amount as the previous one.

Hon. S M Figueras: Can the Minister say whether these payments were made in addition to the payments listed in the schedule, the global £197,000 there or thereabouts, that we have discussed previously?

1315 **Hon. Dr J E Cortes:** Mr Speaker, my information is that this is included. This is a subset of the overall cost that has already been discussed in this House.

1320 **Hon. S M Figueras:** And so the Minister can confirm that the total amount for the cost of the Thinking Green Conference would – and should, in the circumstances – remain what we had discussed at a previous meeting?

Hon. Dr J E Cortes: Mr Speaker, that is my information, certainly.

1325 **Mr Speaker:** Next Question.

**GHA Review
Report by Langan and Schroter**

1330 **Clerk:** Question 117, the Hon. Mrs I M Ellul-Hammond.

1335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to provide this House with a copy of the GHA Review Report by Langan and Schroter?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1340 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I explained the process to be followed in the content of my reply to Question 1028/2012.
The process is proceeding, but not yet complete, so that some more weeks are required.

1345 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, I only ask this because the Hon. Minister stated in December's Parliament session that after the Christmas period the Report would be published, and obviously we are nearly three months on now.

You said in two or three weeks' time: can you confirm that it will be made available?

Hon. Dr J E Cortes: Mr Speaker, I said 'some more weeks'.

1350 What I said in the previous question was that the advice I was heeding of the Executive and of the Health Authority Board was that we had to identify certain structures addressing a lot of the problems of the Report, and that is when it will be published.

This process is ongoing. Clearly, when you are looking at structures in a complex organisation, they do take longer than you would wish, but we are getting there.

1355

**GHA website
Date for going live**

1360 **Clerk:** Question 118, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health state when the new GHA website will be up and running, as per his Budget 2012-13 Statement?

1365 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the new GHA website is currently being developed and the target date for this to be operational is April 2013.

1370

**St Bernard's Hospital
Plated meals**

1375 **Clerk:** Question 119, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if patients at St. Bernard's Hospital are still getting plated food?

1380 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, patients at St. Bernard's Hospital are still receiving plated meals.

1385 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the new system will be introduced, and how will it work?

Hon. Dr J E Cortes: Mr Speaker, the new system will be fully implemented when the new kitchen facility is completed, which is some time away, although plans are now being finalised.

1390 In the meantime, we are looking at a pilot implementation of bulk food distribution as a precursor to when the whole system will change. Having the kitchen on site will make that much more possible and much more easily achieved. Therefore, I cannot commit myself to that until the new kitchen facilities are ready, but we are piloting the system, hopefully starting quite shortly.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm if the site of the new kitchen is actually round the back of where the Accident and Emergency is?

Hon. Dr J E Cortes: Mr Speaker, the plans are currently being developed. It is not at the back. It is on site. It is an extension to the west, but certainly not in the Accident and Emergency area.

1400 **Mr Speaker:** Next Question.

1405 **Hospitals receiving GHA sponsored patients
Measurement of results**

Clerk: Question 120, the Hon. Mrs I M Ellul-Hammond.

1410 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what is the process for measuring the results of hospitals used in the UK, Spain and other countries, to which we refer GHA patients as sponsored patients?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1415 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, most of the centres have their own internal mechanism for evaluating results on the outcomes of interventions carried out, and these are available to the GHA.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what are the outcomes of success of these hospitals – in particular the ones in Spain, because my understanding is that there is a huge concern with the hospital in Cádiz?

1425 **Hon. Dr J E Cortes:** Mr Speaker, this is a slightly different question again. I do not have that information here available.

The concerns about the hospital in Cádiz, some have come to my notice, but at the same time there are also instances when one gets very positive feedback from the hospital in Cádiz. If there are any particular matters of concern, I would be very happy to discuss this with the hon. Member – clearly, not in the House, as this would refer to individual patients, but I would be very happy to do so.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain how does the system of checking results at different hospitals work? Is this done on a regular basis, or when a hospital is identified and where sponsored patients will be referred to? Is it done on a case-by-case basis? How does the system work?

1435 **Hon. Dr J E Cortes:** Mr Speaker, at the moment, it is exactly the same as the former Government used to have, so I am sure that the hon. Member would have some recollection of that, in view of her involvement on the Health Authority Board.

1440 There are... Clearly, individual cases will be studied by the relevant consultants. We have taken steps to create a database based on... or we are in the process of attempting to create a database based on UK hospital results which directly relate to the kind of procedures that we buy off them in the UK, but clearly when we send only small numbers of patients, then clearly the assessments should be on a case-by-case basis, rather than an overall.

1445 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister confirm that, if the results are not deemed desirable by the clinicians in Gibraltar, sponsored patients will be sent to another hospital?

Hon. Dr J E Cortes: Absolutely, Mr Speaker. My prime responsibility is to ensure the best possible treatment to all members of our community.

1450

Nursing conference Arrangements for 2013

1455 **Clerk:** Question 121, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if Gibraltar nurses will be holding a nursing conference this year; and if so, when is it set to take place?

1460 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1465 **Minister for Health and the Environment (Hon. Dr J E Cortes):** The Gibraltar nurses were invited to form part of the Small Islands Nursing Conference team. A team will be attending the Conference in Guernsey, scheduled to take place in September this year. Gibraltar attendees will be contributing to the Conference and sharing best practice with overseas colleagues.

It is Gibraltar's turn to host the event in 2015.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, my understanding is that there was an annual local nursing conference for local nurses. Has this practice now been stopped?

Hon. Dr J E Cortes: Mr Speaker, I have responded in relation to whether a nursing conference is to be held this year. If there is no intention of holding one this year... Nursing conferences will depend on the subject matter, whether there are current issues to be discussed.

1475 There is some thought being given to some conference next year, but this is a matter that is being discussed by nurse management, and certainly there will be a response if a proposal is made. At this point in time, it is not a question that we have ceased any practice; there has not been a request for a conference this year.

1480 Members of the nursing profession will be attending the Conference in Guernsey. We are committed to hosting the event in 2015. There *might* be a smaller-scale one next year, but this is something that the Health Authority will respond to as a result of requests generated from the nurses.

Mr Speaker: Next Question.

1485

**Repeat prescriptions
New process**

1490 **Clerk:** Question 122, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the new repeat prescription process, without the need to see a GP, will function?

1495 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1500 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, There will always be occasions when a doctor wants to see a patient before issuing a repeat prescription, or when a patient feels that such a consultation is necessary. This was the main challenge related to the provision of repeat prescriptions and is one that has been very significantly resolved with the new appointment system.

For cases when a consultation may not be necessary, steps are being considered and discussed as the policy is drafted.

I can confirm that – it was not clear in the prepared answer – there is a process by which a policy is being drafted at this point.

1505 **Hon. Mrs I M Ellul-Hammond:** But, Mr Speaker, is there not a system already in process whereby you can take your last prescription to Mr Guillem, and he will then give the patient again another six months of prescriptions, or just to tide the patient over until he or she sees the doctor?

1510 **Hon. Dr J E Cortes:** Mr Speaker, the system that we introduced was related to patients where the doctor wished to see him or her, and then, when they have the last prescription, they can come in and get an appointment, without having to queue up and so on, on the first working day of the month. If they have lost that prescription, then they can go to the Prescription Advisory Unit and get a prescription and an appointment.

1515 The question, I think, refers to when the doctor issues a prescription for six months, but does not feel there is a need, and then we have to introduce a different system, in which the prescription could be signed by a GP, referred to him either on a card or electronically and so on, and that is a system that we are now developing.

1520

**Colon cancer screening
Start date and process**

1525 **Clerk:** Question 123, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the colon cancer screening programme is due to start, and how it will work?

1530 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the programme is currently being prepared by the clinicians, and the staff that will run it are being identified. It is expected to start in the summer.

1535 An announcement and publicity campaign with details of how it will work will commence shortly before that.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say who will be running it?

1540 **Hon. Dr J E Cortes:** Mr Speaker, it will be a multi-disciplinary approach: there will be administrative identification of the patients who have to be contacted; there will be a certain amount of laboratory investigation, which will be carried out in the laboratory; and the clinical team would be led by one of the consultant general surgeons, who would carry out the actual physical investigations.

1545 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if the whole population will have access to the screening programme, or is it just particular target groups or particular age groups?

1550 **Hon. Dr J E Cortes:** Mr Speaker, this is one that is being developed. There will be a range of ages were it is considered, using UK information, that are the ages that have to be hit first. This is part of the programme that is being prepared and, as I explained, will be publicised before the exercise, so that people know that they may, in fact, be contacted for screening.

**New ambulances
Cost**

1555

Clerk: Question 124, the Hon. Mrs I M Ellul-Hammond.

1560 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how much the five new bespoke patient transfer vehicles are going to cost?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1565 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. The purchase of the five new ambulances has been awarded by tender, with a total cost of £621,597.

**Accident and Emergency
Number of patients seen**

1570

Clerk: Question 125, the Hon. Mrs I M Ellul-Hammond.

1575 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many patients were seen at A&E during the months of September to December 2012, inclusive?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the total attendees at A&E for the period September to December 2012 are as follows: September, 3,124; October, 3,098; November, 2,839; December, 3,071.

1585

**Registered General Nurses
Vacancy notices**

Clerk: Question 126, the Hon. Mrs I M Ellul-Hammond.

1590 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why vacancy notices for Registered General Nurses for, I quote, 'short-term contracts of varying lengths' are being

advertised if the GHA is still recruiting full-time nurses to fill the increased complement of 33 nursing positions?

1595 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1600 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the increased complement of 33 nursing positions was mainly for Nursing Assistants; however the vacancy notices of 'short-term contracts of varying lengths' mentioned are for Registered General Nurse vacancies which exist within the overall nursing complement. The 'varying lengths' element allows flexibility – for example, to cover maternity leave.

1605 **Hon. Mrs I M Ellul-Hammond:** So, can the Minister confirm these are to cover maternity leave, sick leave, study leave, and so on?

Hon. Dr J E Cortes: Precisely, Mr Speaker.

1610 **NaPro technology treatment
Availability as alternative to IVF**

Clerk: Question 127, the Hon. Mrs I M Ellul-Hammond.

1615 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say whether he is considering offering NaPro technology – that is natural procreative technology – treatment in the GHA, as an alternative to IVF?

1620 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, yes, sir.

1625 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if this treatment is available on the NHS?

Hon. Dr J E Cortes: Mr Speaker, it is not one of the treatments that is generally provided under the NHS, as far as my information goes.

1630 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister say if this treatment is evidence based and endorsed by the gynaecologists of the GHA?

1635 **Hon. Dr J E Cortes:** Mr Speaker, the literature does include some references where it is considered to give an increase in the success of conception, but as in many procedures related to health, and to science in general, there are other studies that suggest that this is not the case.

It is clearly a question that has arisen recently, and may in fact be related to people's own personal, religious or other beliefs, and therefore it is a system that we consider in the same way that there are certain persons who may not want to have blood transfusions, and we do allow certain other technologies in those circumstances. It is considered that, on certain occasions – obviously, always with the advice of medical practitioners – this technology might be suitable.

1640 The actual process by which this might be carried out is currently being discussed within the Health Authority. There have been no requests to date.

1645 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this treatment being endorsed by the gynaecologists of the GHA.?

Hon. Dr J E Cortes: Mr Speaker, as I have just said, the offer of the treatment is being discussed within the Health Service, which includes clinicians, and including the Director of Public Health, and the policy will be formulated in consultation with them.

1650 There have been no requests so far. What I have said is that we would be willing to offer this in certain circumstances, but obviously it would have to be following medical advice.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, my understanding is that this treatment is not NICE approved, so if, following medical advice, you are told not to expect the taxpayer to fund this non-

1655 evidence-based health treatment, which is considered a complementary therapy, will the Minister be taking advice and not offering it on the GHA?

1660 **Hon. Dr J E Cortes:** Mr Speaker, the Minister might then have to take a view. But yes, indeed, it is a hypothetical question, because no such requests have come yet. We have not received the request, we have not received the advice, we have not considered or discussed the advice, and therefore I think it is premature to take this discussion further.

1665 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the GHA be taking on board the new NICE – as in National Institute of Clinical and Health Evidence – their guidelines to extend IVF treatment to women from the ages of 40 to 42, and offer treatment after two years of trying to get pregnant, as opposed to after three years?

1670 **Hon. Dr J E Cortes:** Mr Speaker, the NICE guidelines, which were amended just a few days ago, include a number of changes to those – and I have them in front of me – that were considered when the policy was discussed. So, very quickly, we have taken advice of the Director of Public Health. We are holding discussions with the gynaecologists. In fact, they will be reporting back to me during the course of next week, I believe, and it is likely then that, in order to be consistent, we will be amending our policy or putting to the Board of the Health Authority that the policy be amended in keeping with the new guidelines.

1675

Occupational Therapy report Outstanding works

1680 **Clerk:** Question 128, the Hon. J J Netto.

1685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health say if there are any outstanding works pending in the community arising from a report by the OT Department of the GHA; and, if so, provide a short description, the date of the request, the cost involved per report and how many of these emanate from (a) Government flats; (b) co-ownership flats; and (c) private sector properties?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1690 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I would like to point out, if I may, that Question 155 is very similar, and in fact the answers are very similar indeed, but I am happy to take them separately.

1695 In answer to this Question, Mr Speaker, 128 – 122 requests for works were submitted since 1st May 2012: 22 alterations at Albert Risso House, of which 20 were bath-to-shower conversions; other Government estates, 61, showers; other Government estates, six, external works; other Government estates, 33, other works.

As the record stood on 9th February, there were 52 cases pending from 1st May 2012. These are purely on Government housing, as it does not cover co-ownership properties, private properties or former Government housing stock.

1700 The works pending can be broken down as 40 level-access showers; two external works projects; 10 other works – rails, fixtures etc. However, these are classified according to the major alteration, so that, in practice, level-access showers may also include other ancillary works.

Some of the works requested may have been commenced and may no longer feature as pending in the Building Works Agency.

1705 Mr Speaker, as I said, although the responses will be similar, there will be a time lapse between a request leaving the OT Department and perhaps being registered in the Housing Works Agency, and there may be a time lapse too between works being completed and the report going back to the occupational therapist. Therefore, it is highly unlikely that both reports will be absolutely identical.

1710 We are working on possibly making this something based electronically, which would update immediately, but at this point in time there will be great similarities, but the figures may vary because of the time lapse between one and the other.

Hon. J J Netto: I am grateful for that information, but given the overall amount of detail there, I was wondering whether the Hon. Minister would be gracious enough perhaps to provide me with a copy of his stated answer.

1715 In the meantime, however, what I do not think he has answered... One of the component parts of my question was as to cost per report. Have I missed it out, or...?

Hon. Dr J E Cortes: Mr Speaker, I do apologise.

1720 I should have pointed out that the Occupational Therapy Department does clearly not keep records of the costs, but that element is, in fact, answered as an average cost in response to Question 155. I should have pointed it out, but that information is here and will be given in Question 155, which is aimed at Housing, and which my colleague has asked me to respond to because of the similarity between the two, but obviously the costs...

1725 The OT Department reports the works but does not go any further, so would not be aware of the costs. That is provided in the answer to Question 155 as an average.

Hon. J J Netto: I am grateful, Mr Speaker. If he would just do me the honour of providing me with a copy.

1730 **Hon. Dr J E Cortes:** Mr Speaker, does he want this now?

Alzheimer's and Dementia register Status

1735 **Clerk:** Question 129, the Hon. J J Netto.

1740 **Hon. J J Netto:** Mr Speaker, can the Government say if the Alzheimer's and Dementia Register, alluded to in answer to Written Question No. 115/2012, is now complete; and, if so, provide the total number of sufferers as of today, and of those how many have an acute, medium or mild form and how many are living in the community, Mount Alvernia, the KGV Hospital, or in the various wards inside St Bernard's Hospital, specifying the respective wards?

1745 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1750 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the preamble to this answer, with your indulgence: let me explain that this Register is the one as kept by the consultant physician with responsibility for geriatric care. At the Health Authority we do work closely, obviously, with the Care Agency but this is the Health Authority's Register and, clearly, there may be some differences as a result of where the database emanates from.

Mr Speaker, the Alzheimer's and Dementia Register, with the proviso I have mentioned, is now complete, with 321 persons on it, as at 9th February.

1755 Due to the nature of the Register, the information is constantly changing and can only be considered approximately 90% - 95% accurate at best, I would add, at any given time. Information requested is on the table that I now hand to the hon. Member.

Answer to Question No. 129

	No. of Patients	Scale
Elderly Care Agency		
Jewish Home	5	Mod/Severe
John Cochrane Ward	28	Mod/Severe
Calpe Ward	12	Mod/Severe
ECA Floor 1	22	Mod/Severe
ECA Floor 2	31	Mod/Severe
ECA Floor 3	21	Mod/Severe
ECA Floor 4	9	Mod/Severe
St Bernard's Hospital		
Victoria Ward	9	Mod/Severe
Capt Murchison Ward	12	Mod/Severe
KGV Hospital	13	Mod/Severe
Dr Giraldi Home	1	Mod/Severe
Community	56	Mild
	7	Mild/Moderate
	33	Moderate
	8	Mod/Severe
	54	Severe
TOTAL	321	

1760 **Mr Speaker:** I think this is a convenient moment to have a short recess of ten minutes.

The House adjourned at 11.15 a.m. and resumed its sitting at 11.25 a.m.

HOUSING AND THE ELDERLY

1765

**Allocation of rental homes since 31 December 2012
Numbers of rooms**

Clerk: Question 147, the Hon. E J Reyes.

1770

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide detailed information, in terms of room composition, showing how many rental homes have been allocated since the 31st December 2012?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1775

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, 17 flats have been allocated since 31st December 2012 as follows: 1 – 1RKB; 6 – 2RKB; 7 – 3RKB; and 3 – 4RKB.

1780

**Repairs to rental homes allocated in 2013
Estimated works completion dates**

1785

Clerk: Question 148, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details as to how many of the rental homes allocated so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by:

1790

- (a) the Housing Works Agency;
- (b) sub-contractors;
- (c) the new tenants themselves,

together with estimated works completion dates?

1795

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

1800

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1805

**Decanting from rental homes since Question 42/2013
Reasons and dates**

Clerk: Question 149, the Hon. E J Reyes.

1810

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 42/2013, indicating the reasons why the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1815

Clerk: Answer the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1820

1825

**Repairs to rental homes allocated in 2012
Estimated works completion dates**

Clerk: Question 150, the Hon. E J Reyes.

1830

Hon. E J Reyes: Yes, Mr Speaker, further to the answer to Question No. 43/2013, can the Minister for Housing provide details of how many of the 288 applicants who were allocated a home during the year 2012 are still waiting for repairs to be completed, stating if these works are to be undertaken by the Housing Works Agency or by sub-contractors, together with the corresponding estimated completion dates.

1835

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1840

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1845

Hon. E J Reyes: Mr Speaker, I am a bit baffled by that answer because my understanding from clinics that I have held is that there are some housing applicants who were allocated a home some months ago and are still waiting to be able to move in because they claim that the Housing Works Agency still seems to have a bit of a backlog and, therefore, the house is still not fully fit for that purpose. So can the Minister double check that is his answer, is still there at zero and therefore there are no works pending in that respect.

1850

Hon. P J Balban: Mr Speaker, the hon. Member has asked me how many allocated flats... how many flats have been allocated and I would like to point out that 'allocation' means that, once the tenant signs the tenancy agreement and takes the key, that is when allocation takes place. Therefore, no works are pending as all the 288 tenants have signed the tenancy agreement and taken the keys.

1855

Hon. E J Reyes: That, Mr Speaker, is not really consistent with what we discussed about in Question 43. If I recall correctly there, the Minister was saying at the time that a key was allocated but he could not actually say when the tenant was moving in because there were works pending to be carried out and so on and I am... I do not know if I have chosen the wrong words, or worded it wrongly and so on. I am trying to verify now here, you know, how many people have been allocated a home therefore you know that this particular flat – number such of such a block, within such a Government rental estate, is allocated to a person but that person has still not moved in and, in some cases, may even still be occupying another Government flat, which the Housing Department will only receive once a tenant moves in.

1860

I hope the Minister understands what it is I am trying to get at. You know there are x number of people who have a home assigned to them but have not been able to move in because of pending works. Have we any indication of how many of those... What is the figure in that respect?

1865

Hon. P J Balban: Mr Speaker, the term 'assigned' is different to the word 'allocated'. A person can be assigned a home and works are needed before the allocation takes place. The question he is asking is how many flats were 'allocated', hence the reply none, Mr Speaker.

1870

Hon. E J Reyes: Mr Speaker, I apologise, then, that I chose the word 'allocated' or 'assigned'. Would the Minister happen to have available information of how many flats have been assigned but not yet allocated, or whatever the nomenclature is that I am supposed to be using.

1875

Hon. P J Balban: Mr Speaker, I do not, unfortunately. If the Gentleman would like to table this question in the next sitting of Parliament, I would be happy to provide him with the information requested.

1880

Mr Speaker: Since the next sitting of Parliament will not be until May, perhaps the hon. Member would like to pursue the matter outside the House.

1885

Hon. D A Feetham: Mr Speaker, is the Hon. Minister – so that I understand – is the Hon. Minister drawing the distinction in allocation between allocation, as in handing somebody the keys so that person can move in and allocation, as in writing to that person, saying this is your flat but you will be given the keys in the future, or for whatever reason some works that need to be done? Is that the distinction that he is drawing and, for the benefit of my hon. Friend, Mr Reyes, how is he supposed to refer to it because, quite frankly, 'allocation' is an allocation in any normal view of the English language. Allocation is when

the Government says ‘this is your flat’, not necessarily when the key is actually handed to somebody after works have been done.

1890 **Hon. P J Balban:** Mr Speaker, that is exactly... what the hon. Gentleman is saying is exactly what it is.

The term ‘allocation’ is when the key is handed over so, if the hon. Gentlemen wants to find out how many houses are in need of repair, he needs to say ‘assigned’, as opposed to allocated. Allocated is when the keys are handed over.

1895

Hon. E J Reyes: Therefore, Mr Speaker, if I were to ring up the Gibraltar Sports and Leisure Authority today and wish to book the tennis courts, what word should I use. Should I ask for an assignment or an allocation of a tennis court?

1900

Hon. D A Feetham: Sorry, Mr Speaker, because it is certainly news to us and, as the hon. Gentlemen opposite are very keen to point out during the course of other exchanges across the floor of this House, we were in Government for sixteen years and because we were in Government for sixteen years we certainly know what the policy was – and the policy was allocation is when you actually tell somebody this is your flat, not necessarily when you give them the key. So is he saying that, in future, when my hon. Friend, Mr Reyes, basically, talks of an assignment, assignment is ‘this is your flat’, allocation is ‘these are the keys’, so that we are certain for the future, yes?

1905

Hon. P J Balban: Yes, Mr Speaker, that is correct.

1910

Hon. J J Netto: Can I just say, because I did serve as Housing Minister for a few years – and I appreciate that the Hon. Minister is only acting on behalf of Mr Bruzon – but I can assure him that he should not deduce by the fact that someone signs a tenancy agreement and the keys have been allocated to that particular flat that the flat in question may, or may not, have outstanding work to be carried out.

1915

There are circumstances – and this happened from the year dot, the AACR Government, the GSLP, ourselves – where a house has been identified to a particular applicant on the list, the tenant in question is generally satisfied with the particular flat that has been allocated, signs a tenancy agreement but on an understanding that there is an agreement between the Housing Department and the applicant who has now been allocated a flat, where they realise either by a different number of options, there are some outstanding works to be carried out. Either because the option may be that the tenants say well look, to do all this work requires so much material, which costs so much money: do not worry, I have got certain expertise as a person, I am a former carpenter or bricklayer or whatever and I can do it myself. That is perfectly acceptable and has always been the case, or even that there are some partial works that need to be done, not necessarily to all the flat but part of the flat and it is done by whoever needs to do it, whether the Electricity Department, the Housing Agency today or somebody else.

1920

1925

I think what I am trying to point out is that we should not necessarily get stuck with terminology when the facts, as we know them, is that when a house has been allocated and a tenancy agreement has been signed, there may be cases, and there are cases, where outstanding works need to be done and, within that bracket, I think the question that my hon. Friend asked is perfectly legitimate, in the sense of saying how many of those houses which have been allocated, still require work to be done?

1930

Hon. P J Balban: Mr Speaker, as the hon. Gentleman asked... He was specifically talking about the 288 applicants in question, and the information that I have received from the Department is that those 288 applicants agreed, they took their keys, and they were allocated said flats.

1935

There may be situations, as the hon. Member mentions, whereby a person who has expertise or wants to do it themselves may accept a flat that requires a minor amount of work, but at that point the allocation is made on that basis, and that person goes in with the understanding that that person is responsible for doing the repairs himself, or herself.

1940

Hon. E J Reyes: Yes, Mr Speaker, but in a previous answer – the one referring to the 288 – I was led to believe, at the time, that those 288 had been issued with a key, but were not necessarily already living there. In fact, I think Minister Bruzon even went to the extent of saying they were being granted a lead-in period of rent-free tenancy, if he wants to call it that, so that a time would allow the individual to carry out repairs.

1945

Does the Minister have any information, perhaps, of how many have been allocated, because they already have a key but are not necessarily paying rent because there was a period of *x* weeks, or whatever, if they had undertaken to carry out the repairs themselves? Is he aware of the existence of any number of those?

1950 **Hon. P J Balban:** Mr Speaker, unfortunately I am not aware of any of those situations.

**Bow Wave House lift breakdowns
Omission of information from Question No. 44/2013**

1955 **Clerk:** Question 151, the Hon. E J Reyes.

1960 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing explain why, in the answer to Question No. 44/2013 no information is listed in respect of the two lifts at Bow Wave House, Mid-Harbours Estate, both of which were broken down from sometime on Friday, 22nd December 2012 to sometime during the course of Saturday, 23rd December 2012?

1965 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1970 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lifts at Bow Wave House were not included in Question No. 44/2013 simply because both lifts were fully operational when inspected by both OTIS and Ministry for Housing duty officer on the dates stated by the hon. Member.

1975 **Hon. E J Reyes:** Mr Speaker, my Question No. 44 had asked for the lift that had broken down and how long it took to be repaired. In fact, my friend, the Hon. Peter Caruana, had to come to a bit of a rescue, clarifying, because in some cases it was stated that it only took 11 or 13 minutes to repair, and we clarified was that the time from the technician arriving on site, or was it from the time that the report was lodged.

But I am assured by tenants of Bow Wave House that the lift broke down on Friday, the 22nd, and they actually logged a report. Therefore, that should appear somewhere on the list, Mr Speaker.

1980 **Hon. P J Balban:** Mr Speaker, the Ministry for Housing also have reports that the lift was broken down. The duty officer from the Ministry for Housing received the reports on 22nd December 2012. He attended Bow Wave House and determined that both lifts were fully operational. No further reports were received by the duty officer during the ensuing week.

1985 **Hon. E J Reyes:** It seems, Mr Speaker, that we do [*inaudible*] to have a phantom technician who comes and repairs lifts [*inaudible*]. Is that the case, or does the Minister have some sort of explanation of how both lifts that were broken down during the course of the evening of the 22nd suddenly and mysteriously seem to have been functioning?

1990 **Hon. P J Balban:** Mr Speaker, there may be other reasons why lifts... For example, there could be reports of a lift that has broken down, and when the actual technicians go there on site it might be something... It could be a false report. There are other reasons why this could be the case. When they actually went there... For example, it could have been that one of the doors had been jammed by something obstructing the door on one of the floors, for example, so when they got there, if that obstruction had been removed, or maybe someone was perhaps tampering with the lift... Again, I have no idea for what reason, but the truth is that, although the Ministry for Housing received those reports, OTIS and the Ministry, the technicians went on site and they realised that the lifts were fully operational, which does seem odd because there was a report of them being broken, but these things happen, I suppose.

2000

**Lifts servicing Government rental homes
Details of repairs**

2005 **Clerk:** Question 152, the Hon. E J Reyes.

2010 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes, since the reply to Question No. 44/2013, showing the following information: (a) location of lift requiring repairs; (b) date and time when the lift breakdown report was first lodged; and (c) date and time when the lift was duly repaired and, therefore, fully functional?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

2015

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information he requests.

ANSWER TO QUESTION 152

LOCATION	DATE & TIME REPORT FIRST LODGED	DATE & TIME REPAIRS COMPLETED
ROSS HOUSE	08.01.13 16:37	08.01.13 18:08
ROYAL OAK HOUSE	08.01.13 16:34	08.01.13 20:15
REFERENDUM HOUSE	09.01.13 00:22	09.01.13 01:28
GEORGE JEGER HOUSE	10.01.13 11:40	10.01.13 19:28
BISHOP CANILLA	10.01.13 14:25	10.01.13 15:35
REFERENDUM HOUSE	10.01.13 15:49	10.01.13 17:47
GOVERNORS MEADOW	10.01.13 14:21	10.01.13 17:49
BOW WAVE HOUSE	13.01.13 14:27	13.01.13 16:28
PENNY HOUSE	16.01.13 09:54	16.01.13 12:24
IRONSIDE HOUSE	19.01.13 17:30	19.01.13 18:25
ALBERT RISSO	19.01.13 19:30	19.01.13 20:30
KINGSWAY HOUSE	19.01.13 16:15	19.01.13 17:01
REPULSE HOUSE	19.01.13 17:00	19.01.13 18:21
PENNY HOUSE	19.01.13 15:30	19.01.13 16:17
SEA WAVE HOUSE	23.01.13 19:30	23.01.13 21:29
ROYAL SOVEREIGN	24.01.13 20:45	24.01.13 21:29
VALIANT HOUSE	31.01.13 10:05	31.01.13 17:51
REFERENDUM HOUSE	31.01.13 18:00	31.01.13 20:21
PENNY HOUSE	04.02.13 11:28	04.02.13 14:24
BARHAM HOUSE	07.02.13 10:41	07.02.13 14:05

Mr Speaker: Does the hon. Member have any supplementary arising from the schedule?

Hon. E J Reyes: Mr Speaker, please bear with me just one second. I want to check something here. Thank you, Mr Speaker. That suffices for now.

2020

**Surveys on Government flats
Asbestos**

2025 **Clerk:** Question 153, the Hon. J J Netto.

2030 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state how many housing surveys have been carried out in Government flats since Question No. 546/2012; and of those, how many have been found to have asbestos therein, how many have been required to have the asbestos removed, and how many surveys are still required to be made in order to determine the state of all Government flats?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

2035 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, there have been 33 surveys carried out since Question No. 546/2012. Asbestos-based materials were found in 31 surveys, and all will be replaced with non-asbestos materials.

2040 Surveys are conducted as and when a flat becomes vacant or the tenant makes a report. I am unable to provide numbers as to how many surveys are still to be carried out in order to determine the state of all Government flats.

Hon. J J Netto: I am grateful, Mr Speaker.

2045 I think I have missed some of the information out. I think I understood, since the last question, that there are 33 surveys that have been carried out – was that correct? – and of that figure, 33, the hon. Member did mention the ones that require the asbestos to be removed, but I think I have missed the figure there.

A Member: Thirty-one.

2050 **Hon. P J Balban:** Mr Speaker, I said that there have been 33 surveys that have been carried out since the last question, and in fact asbestos-based materials were found in 31 of these surveys.

2055 **Hon. J J Netto:** Mr Speaker, can I ask just perhaps one final supplementary question, because I understood the Hon. Minister to say that he is not in a position to determine how many surveys still require to be carried out.

What I am trying to think is presumably the officials in the Department of Housing in the City Hall would know, by their own records, the total number of properties that they have within the Government housing stock, and presumably within that register they know how many they have covered so far and how many still require to be covered.

2060 I am just quite surprised that perhaps the Minister has not been briefed properly in the sense of saying, ‘Well, look, we have done x number of total surveys on the total number of properties in the Government housing stock,’ and once you deduct that from the total you have whatever is the figure, which is really something I would have thought would have been quite easily available.

2065 Perhaps he could enlighten us as to why this figure is not available. Is it a technical issue, for some particular reason?

Hon. P J Balban: Mr Speaker, I will not be able to enlighten the gentleman, because I do not know the reply to the answer.

2070 I would presume – I will ask when I get back to the office – that they know the total amount of houses that we have in the stock, and I would presume that they have records as to how many they have done so far, but again, it is my presumption and I will find out, if the gentleman so wishes to write.

2075 **Hon. J J Netto:** It is a known fact. Not only is it a known fact as to what is the total number of properties in the Government stock by the officials of the Housing Department, it is also a fact that even the Treasury Department has to account for the number of properties that the Government has as well. It is not just them.

2080 So, given that both the officials in the Housing Department and the Treasury know – but forget the Treasury for the time being, because it is neither here or there for the sake of our questions here – the official should know from their register in the Housing Department how many they have done. I would have thought it was quite a simple...

Hon. P J Balban: Perhaps, yes, how many have been inspected, but what they would not be able to do... Because it is not a legal requirement to inspect flats internally for asbestos, and this only happens when someone moves, when the flat becomes vacant...

2085

As I said, I will find out whether there is any more information. If the gentleman would like to write to me with that particular question, I will endeavour to find the reply for him.

Hon. J J Netto: With respect, it is not for me to write a letter when I have already provided the question. What I am trying to find out is from part of one of the components of the question.

2090

Mr Speaker: From the *Hansard*, obviously. If the Minister does not have the information here with him, he has to try to obtain it. The production of the *Hansard* should be a means of reminding him that that information is outstanding.

2095

Next Question.

Government flats

2100

Requests for shower units by elderly persons

Clerk: Question 154, the Hon. J J Netto.

2105

Hon. J J Netto: Mr Speaker, can the Minister for Housing provide an updated list of elderly persons living in Government flats awaiting the installation of a shower unit, showing the date on which they made such a request, if any?

2110

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

2115

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, there are a total of nine elderly persons awaiting the installation of a shower unit. The dates on which the requests were made are as follows: 4th December 2012, 7th December 2012, 8th January 2013, 15th January 2013, 21st January 2013, two on 23rd January 2013, 25th January 2013, and 11th February 2013.

OT Department report

2120

Works pending in Government flats

Clerk: Question 155, the Hon. J J Netto.

2125

Hon. J J Netto: Mr Speaker, can the Minister for Housing say if there are any works pending in a Government flat arising from a report by the OT Department of the GHA; and, if so, provide the date of the request and a short description and the cost of the works, if any?

I take into account that this question may have been wholly or mostly already answered by the Minister for Health, so I do not know whether he will add anything to what his colleague has already stated before.

2130

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

2135

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, my colleague, the Hon. Minister Cortes, will reply to this question.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, with your indulgence, I am replying in view of the synergy and the similarity of the questions, having discussed it with my hon. Colleague.

There are at present 43 works pending in Government flats arising from a report by the OT Department of the GHA since 1st May 2012 and, Mr Speaker, I will copy this and facilitate it as per the previous Question.

The works pending can be broken down as 31 level access showers, 2 external works projects, 10 other works – rails, fixtures etc. The average cost of the OT request is approximately £4,500 but depends

2145 on the specialist works requested. Out of the 122 requests received from the GHA OT Department, the following have been completed – 22 alterations at Albert Risso House, of which all 22 are complete, other Government Estates 61 level access showers, of which 30 are complete, Other Government Estates 6 external works of which 4 are complete, Other Government Estates 33 other works of which 23 are complete: a total of 79 works are completed.

2150 **Hon. J J Netto:** Mr Speaker, I am grateful for the information.
Perhaps one small supplementary is that I do recall some time in Glacis Estate, I think in the first block there, a particular lady, she was almost blind – not completely blind but almost blind – and there was quite a number of works that needed to be carried out in order to make the house safe for her, both inside the house and there were some works outside the house. So I would be grateful if the Hon. Minister for Health, if he can actually go back to the OT Department officials because I am quite sure that the official there will know the details of this particular lady. I cannot remember her name right now but I will probably be able to recall it once I go outside the Chamber and perhaps make a few phone calls.

2155
2160 It is just that I am particularly concerned with this lady, if the works have not yet been done. If the works are done, obviously she will be in a much safer environment.

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member will give me the name later, then I will check what the requests were and consult with the other Department also, to see whether it has been carried out and will certainly give a response.

2165

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Europort Avenue/Reclamation Road/Queensway junction Cost of new traffic light system

2170

Clerk: Question 156, the Hon. D J Bossino.

2175 **Hon. D J Bossino:** Can the Minister for Traffic provide details of the cost of the setting up of the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction?

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

2180 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of setting up the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction amounts to a total of £140,242.36.

Hon. D J Bossino: Mr Speaker, who was awarded the contracts for those works?

2185 **Hon. P J Balban:** Mr Speaker, is the gentleman referring to the works as in the traffic lights, or the actual works to the infrastructural works to the road itself, the highway.

2190 **Hon. D J Bossino:** I did not split it up in my own mind, Mr Speaker. If he has an answer in respect of each of those component parts, I would be grateful if he could provide it.

Hon. P J Balban: Mr Speaker, as to the setting up of the system in terms of the infrastructure of the road, the contractor selected was AMCO and was selected using the three quote tendering system.

2195 As to the commissioning... as to the lights, this was carried out by the GEA, so we are responsible – Technical Services – for the highways, the infrastructure which set things up, but the lights are actually, they come under the auspices of the GEA.

Hon. D J Bossino: Is the Minister able to provide me with a breakdown?

2200 **Hon. P J Balban:** Mr Speaker, the design and procurement of equipment and new traffic light heads, posts etc amount to £73,636.84 and the works for the new infrastructure amounts to £49,457.52. Then further on, the commissioning and laying of the new cables by GEA was £17,148.00 and this includes the cost of the UK consultant.

2205 **Hon. D J Bossino:** What was the extent of the advice received from the UK consultant? Is he able to provide me with that information and why he was contracted for this particular purpose?

2210 **Hon. P J Balban:** Mr Speaker, the consultant is the person or persons who are responsible for designing the traffic light system itself. It is quite a technically advanced intelligence system of lighting which needs a substantial amount of programming, so the consultant is involved in actually the programming of the system for it to work as we have seen it working and, which I think, from comments I have had, it is working tremendously well. Then, on the point of commissioning, the consultant will come over to make sure everything is working properly, it is fit for purpose and it does what it is meant to do. At that point, it is then handed to the GEA.

2215 **Mr Speaker:** Next Question.

2220 **Photo card driving licence machines**
Fees charged

Mr Speaker: Question 157, the Hon. D J Bossino.

2225 **Hon. D J Bossino:** Can the Minister for Traffic provide details of what fees are charged to the Government for housing the machines which produce the new photo card driving licence inside the Rock?

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

2230 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of housing the laser engravers in a secure environment is £495 a quarter.

2235 **Hon. D J Bossino:** Mr Speaker, can the Minister advise this House why it was seen fit to house this machine in this particular facility?

2240 **Hon. P J Balban:** Mr Speaker, the actual use of this location was something which was deemed necessary because not only do the machines require to work in a certain environment, a dust free environment, there is also the issue of not so much the machines but the cards being in a very, very secure environment because these cards are blank cards, they are provided by the DVLA in England, they are all numerically accounted for and, obviously, these cards should not be kept outside of the place or somewhere... This is a very secure environment, where there is no possibility of these cards being lost or so forth. So it was essential that they were kept in such an environment.

2245 **Hon. D J Bossino:** Mr Speaker, I am grateful for that reply.
Given that it was seen fit to have these machines in a particular secure environment for the reasons which have been elucidated now by the Hon. the Minister, as I understand it the vault is inside the Rock whilst the Licensing Department is by Eastern Beach so does the Department have a protocol in place in order to ensure that that security is maintained in order for the goods, if you like, to travel from one place to the other.

2250 **Hon. P J Balban:** Mr Speaker, the goods do not travel from one place to another.
The goods or the cards, so to speak, are there within the vault with the laser engravers so there is no moving around of these cards. The cards are brought... Delivered to Gibraltar securely, they are delivered to the place where they are, within the vault, and the staff members who are trained to be able to operate these machines are the ones that access the vault, pick up the cards, do what they have to do on the machines and then, once they are ready, they are brought out and then given to the persons applying for them.

2260 **Hon. D J Bossino:** Is the Minister – if I can take it from that answer – is the Minister advising this House that the security concerns are less severe once a card is available to the person who has requested it? So, in other words – are the security concerns relevant only when the card is delivered to the vault but, once it is issued, the security concerns are less? Is that the case and therefore there is no requirement to have a protocol in place to deal with the delivery of those once issued cards outside of the vault and then delivered to the person to whom it has been issued?

2265 **Chief Minister (Hon. F R Picardo):** If I may just assist, Mr Speaker. This is an issue which touches personal status, which I am responsible for.

2270 The hon. Member may not be aware – I certainly only became aware when I became Chief Minister – that the practice has been, for many years, that we do not keep our stock of blank passports very close to the machine that can print those passports because, of course, a blank passport, like a blank identity card, could be used for nefarious purposes by somebody who wishes to use it for criminal activity. Therefore, what you have here is a situation where you have an obligation to have... because of the particular characteristics of the machinery; this machine is in a particularly secure place. Because that place is so secure, you can also have the blank cards available there. The security concern is about the *blanks*. There has to be a lot of security around blank passports and a lot of security around blank cards.

2275 Once those cards are printed with the details of an individual who has applied through the appropriate Government system, then you have, if it were to be lost, a lost card of an individual – either lost by the individual or lost by the system – much less useful to those who might want to use that material for criminal purposes. So the requirement for security when the cards are coming out of the system, although it is obviously important, is not as great as the security of the blanks and I think the hon. Gentleman sees the analogy that I am drawing with passports. He will understand what the issue is.

2285 **Hon. D J Bossino:** Yes, which is what I offered, I think, in my question as the possible explanation for the lack of a protocol in terms of the... to cover the delivery process, if you like.

Can I ask the Minister, Mr Speaker, who the contract in terms of the housing of these machines has been awarded to?

Hon P J Balban: Mr Speaker, the vaults are run by Continent 8.

2290 **Hon. D J Bossino:** And is there a duration for that contract?

Hon. P J Balban: Mr Speaker, this will be an ongoing contract. It will be essential to keep it in this location so it is a running contract as long as the machines are there – which they will be. As far as I am aware, there is no termination date to this contract, not that I am aware of.

2295 Mr Speaker, but as I said, if the gentleman would give me notice, I will find out the exact details of the agreements if that is necessary.

Hon. D J Bossino: Mr Speaker, did this particular allocation go to tender?

2300 **Hon. Chief Minister:** No, Mr Speaker, for a particular reason because there are security concerns about how these things are stored and, therefore, going out to tender would have illustrated what those security concerns were.

2305 He may know, Mr Speaker, if not, certainly his previous Leader was very aware of it, as I am, that this particular location was a location controlled previously by the Ministry of Defence which, when it became surplus to Defence requirements in the understanding of, I think, the previous Administration and the current Administration of what ‘surplus to Defence requirements’ meant, decided not to hand back the property to the Government of Gibraltar, that might have had such uses for it itself, but to lease it directly to a commercial party. That commercial party I think has then sold its business and Continent 8 is the successor in title. The position of the land has been regularised and the head lessor is now the Government of Gibraltar in the usual way, not the Ministry of Defence.

2315 **Theatre Royal underground car park
Number of parking spaces**

Clerk: Question 158, the Hon. D J Bossino:

2320 **Hon. D J Bossino:** Can the Minister for Traffic provide details of how many parking spaces will be available at the Theatre Royal underground car park?

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

2325 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is estimated that a total of 90 parking spaces will be available in the new car park.

Hon. D J Bossino: Mr Speaker, the press reports on the subject revealed that there were going to be 94 spaces: the Minister has now confirmed to this House that it is, in fact, 90. The distribution which was set out in the article, in terms of those parking spaces, was 50 to provide facilities for the car parking

2330 facilities which are currently provided by the hotel – the Elliott Hotel – and the balance remaining for public use was going to be 44. Can the Minister give me an indication of what the distribution is in fact?

Hon. P J Balban: Mr Speaker, not accurately. I would not be able to give him the exact figures.

2335 As far as I am aware at the moment, there are a total of 36 spaces on Governor's Parade and the Elliott Hotel actually occupies 17 spaces. As far as I am aware, there has not been a final decision, or there has not been an agreement with the hotel, for any other purpose at all at the moment, so this is as far as I can say at the moment.

2340 **Hon. D J Bossino:** I am not sure I have understood the answer, Mr Speaker.

At the moment the Government has not made a decision as to what it is going to do with the parking spaces currently allocated to the hotel: is that a correct analysis of his reply?

2345 **Hon. P J Balban:** Mr Speaker, as far as I am aware, there have not been any agreements made in that respect.

2350 **Hon. D J Bossino:** Given – as I understand it, Mr Speaker – the Government's plans to convert all the area from just above the parking space all the way through to the Church of Scotland to convert it into – I mean, we had different plans to the ones which I think the Government has which is to convert it into some sort of garden facility etc etc – part of that, an integral part of that project will have to be the removal of the cars currently provided by the hotel and slightly beyond by the Church of Scotland. Presumably, the Government has plans as to what it is going to do with those cars currently parked there and, if he does have plans, can he reveal them to this House?

2355 **Hon. P J Balban:** Mr Speaker, although I am responsible for technical services and a great amount of the parking, this project in particular does not fall under *my* remit, hence I would not like to give any more information than I am actually aware of. So if the hon. Gentleman would like to, I do not know whether – (*Interjection*) Pardon?

2360 **Hon. D J Bossino:** Write to you.

Hon. P J Balban: – write to me, yes, with more specifics and I will be able to get this information from the relevant Departments. We are not responsible for this project within Technical Services.

2365 **Hon. D J Bossino:** Mr Speaker, may I ask which is the relevant Department?

2370 **Hon. P J Balban:** Mr Speaker, this project will continue to be run by the offices of the Chief Minister, as it was in the past. Remember, this is not a project started in this term of office but in the previous Administration so, obviously, it was run by No. 6 then and it continues being run by their office, as we speak.

Hon. D J Bossino: Mr Speaker, I see that the Chief Minister is back in the Chamber. Maybe he could give us some information in relation to the points that I have raised. I do not know if he was listening in.

2375 **Chief Minister (Hon. F R Picardo):** Delighted to if the hon. Member wants to raise it. I did not hear what he said.

Hon. D J Bossino: Basically, Mr Speaker, if I can recap for the Hon. Chief Minister's benefit ...

2380 **Mr Speaker:** Yes.

2385 **Hon. D J Bossino:** At the moment there are – this is in relation, Mr Speaker, to the Theatre Royal multi-storey car park, which is going to provide, we have now learned, 90 parking spaces. I have asked what plans are in relation to those spaces. Will they be accommodating the cars which are currently parked in the area of the Elliott Hotel and closer by to the Church of Scotland, whether these 90 parking spaces will accommodate those cars and if that is part of the Government's plan? If so, Mr Speaker, how many?

2390 **Hon. Chief Minister:** Mr Speaker, I do not know what answer the hon. Gentleman has got from the Minister of Traffic because I was out, as he said, but I think he has got the answer about the 17 spaces that the hotel has a right to. As I understand it, the 36 places at Governor's Parade are being relocated but those are public and now the issue is what happens with the rest of the spaces. There are – I am not

2395 entirely sited on this issue – but I think there are already some agreements, when the work started, about parking spaces. In other words, people who are very directly affected by the works, who are adjacent to the works, *may* – and I want to preface that with ‘may’ – either have agreements or have sought
 2400 agreements in respect of parking spaces. Then there is the Government’s policy, which is contrary to the policy that we saw by the previous Administration, in relation to the Willis’s Road car park, which is that we will want to enable people to have the opportunity who live in the area to be the first to apply for parking spaces in that multi-storey car park, in the context – and we say multi-storey, I think it is, literally, two storeys, I am not sure that it is more, maybe one with two levels – in the context of the fact that there is very close by, in Engineer Car Park also, a redevelopment which is producing a real multi-storey car park.

2405 So all those things are tied up. I do not know that I can give him an exact number of how many parking spaces are being allocated in any particular way at this time. Some of the issues that he will see, are relevant in the next Question, which deals with this matter – I think it is 160 – will also raise some issues as to what is happening on top of that area. I do not want to pre... I think [*inaudible*] Mr Figueras. I do not want to sort of give away what we are going to say in answer to that Question, but there have been some changes proposed by the people who had an interest in what was going to be on the top, which we will come to in a moment.

2410 **Hon. D J Bossino:** Mr Speaker, is the Chief Minister or the Minister for Traffic able, and I am asking this question because it has been raised to me by people who have approached me, whether it is envisaged as a result of the... once the Theatre Royal Car Park is opened, whether a consequence of that will be parking restrictions in the area?

2415 **Hon. Chief Minister:** Mr Speaker, I think there is a traffic plan element to that, so decisions have not yet been made but, certainly, there will be a consequence. For example, where you could park 36 cars before, you will not be able to park 36 cars, not because of any parking restriction but because of the extension of the scheme so the piazza scheme will extend to the door of what we might colloquially call the Scottish Cathedral, Right! *La iglesia escosesa* down Main Street. So that change will happen.

2420 Will there be other traffic consequences in the area of the roads around? There may be: that is another matter but it is not a matter that has come for decision as a result of the parking itself.

Mr Speaker: Next Question.

2425

**Sustainable Traffic, Transport and Parking Plan
 Cost of Mott Macdonald consultancy**

2430 **Clerk:** Question 159, the Hon. D J Bossino.

2435 **Hon. D J Bossino:** Can the Minister for Traffic advise the House what the cost will be of the contract provided by the Government to Mott Macdonald Limited in relation to the consultancy service that the company will provide in connection with the Sustainable Traffic, Transport and Parking Plan.

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

2440 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the tender for the provision of consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded to Mott Macdonald Limited in the sum of £274,604.39.

2445 **Hon. D J Bossino:** Mr Speaker, in fact I need to concede as well that information is on the Government website and the only difference is, I think, a difference of 1p. (*Interjection*) Now, the official notice which appeared in the *Gibraltar Gazette* in connection with the award notice, describes the nature and extent of services provided as follows and it says “Highways Design and Consultancy Services”.

2450 Can the Minister kindly provide me with further particulars of that. What does that, in fact, encompass and I raise this in the context of questions that I have asked in this Chamber previously, where he did say he was going to enlist the support of outside help in relation to the user and trip survey. I imagine that would fall under the head of consultancy services. But given that it is also now extended to highways design, I was just very interested to learn from the Minister whether he can give me further particulars as to what Mott Macdonald will be expected to do.

2455 **Hon. P J Balban:** Mr Speaker, in general terms, the consultant will carry out a study and assessment of the current situation with regard to traffic, transport, parking and accessibility. A traffic and transport model will be created and the consultants will identify a series of initiatives, developed and based on UK guidelines and also other international best practice, where appropriate. Measures will be tested in accordance with UK guidelines and through the model necessary. A sustainable traffic, transport and parking plan will be prepared that sets out how Gibraltar can develop a sustainable traffic, transport and parking system for the next number of years.

2460 In response, again, to what the gentleman was saying, there will be things which will be considered, for example infrastructural changes, so just as the previous Administration decided they were going to embark on the Trafalgar Interchange, there will be other things that we, as a Government, will decide upon recommendations. Because of the consultancy we had with the public and other parties and technical advice we received within the Department, there are ideas we have for similar systems, but not the same, in other areas which have traffic hot spots in Gibraltar. These plans will then be passed on to the consultants, who will then look and see whether they can be adapted in any way or they can be, you know, this basic, initial plans, can be modified to increase traffic flow or pedestrian access etc. So these are the people who will be advising on us on whether ideas need any further development or not.

2470 **Hon. D J Bossino:** Mr Speaker, could the Minister advise this House as to why this could not have been kept local? I think it is a fair point to make, that when his party was in opposition they made a big point, a big issue, certainly in relation to the health service, that we locally knew what problems we had here and we could sort it out ourselves without spending huge amounts of money on outside help.

2475 I am not necessarily saying that is wrong but can I ask the Minister why he thinks, in relation to something as basic as traffic, we cannot do this ourselves in Gibraltar, especially, Mr Speaker, just to finalise, having regard to the fact that already close to £275,000 has been spent on this matter.

2480 **Hon. P J Balban:** Mr Speaker, I disagree with the hon. Gentleman, that he says something 'as basic as traffic'. I mean traffic is nothing short of complex. In fact, in Gibraltar we do not have, we looked at what, obviously this tender went out, the expertise required which is, you know, this is a specialism of engineering. A traffic engineer is not something basic where you can learn reading an idiot's guide or whatever, it is something which is pretty complex and it is a speciality of engineering itself. There are people who are called highway engineers who specialise their whole life to this. Now, unfortunately, we do not have this experience in Gibraltar and hence we have had to outsource it.

2485 **Hon. D J Bossino:** Mr Speaker, the Minister seems to be saying we do not have highway engineers in Gibraltar who can provide this facility?

2490 **Hon. P J Balban:** Mr Speaker, I am not aware that we have any highways engineers in Gibraltar. We have had, we have within our Department someone who was a highways engineer for a long period of time, he was within the Department, he is a highways engineer, so he is the only person qualified that I am aware of at the moment. The other highways engineer, who is working with us at the moment, is a gentleman that was appointed by yourselves, the previous Administration, and he has been acting in that capacity for quite a time now.

2495 **Mr Speaker:** Any other questions?

2500 **Clerk:** Question 160.

Hon. D J Bossino: Mr Speaker, I have been asking questions in this House in relation to this issue now for more than a year and I must say I am finding it difficult to fit all the pieces of the jigsaw together.

2505 He has said in this House before that there is a public consultation exercise, which he says is ongoing and he has also made references in this House in the past to the data which has been collected as a result of carrying out that public consultation exercise. Is he able now to share that information with me?

2510 **Hon. P J Balban:** Mr Speaker, the hon. Gentleman has himself admitted that he is finding it difficult to get all the jigsaw puzzle together, which just shows that traffic is not as basic as he initially set out to believe.

All this information, all this data that has been collected to date, and will continue to be collected from now on, will remain as part of the Traffic Plan database. It is not something which we, at this moment in time, are prepared to share with Members across the floor. This is data appertaining to the Traffic Plan, which is ongoing works, and hence it will remain as such.

2515 **Hon. S M Figueras:** Can the Minister say whether the contractor has been given a deadline by which time they need to prepare and submit the report to *[inaudible]*?

2520 **Hon. P J Balban:** Mr Speaker, yes, I am not aware as to the *exact* timeframe. I would not like for anyone to say... hold me to it but, if I am not mistaken, I believe it is between twelve and thirteen months. But, again, this is what my understanding is – but, obviously, we need to do this, it is our manifesto commitment and we need to get this going. It is not something which, the Traffic Plan is something which takes many years, it is not something which you can hope to do within one term of office but our commitment is to have our own Traffic Plan, which is what we have embarked to do and obviously we want to see as many of these changes obviously before this term of office is over. So we have... the timeframes. I do believe is *[inaudible]*, by which time we will be implementing some of the recommendations made as a result of it.

2530 **Hon. D J Bossino:** Mr Speaker, just to pick him up on the last point he has made. Surely he does recognize, does he not, that he is electorally committed to produce a Traffic Plan within this term of office?

Hon. P J Balban: Mr Speaker, yes we are.

2535 **Mr Speaker:** I am being very liberal. I do not think the Traffic Plan, with all due respect, arises from Question 159 and we are on Question 160.

Hon. D J Bossino: No, Question 159... Mr Speaker, we are still on 159.

2540 **Hon. D A Feetham:** We are still on the supplementaries of 159.

Mr Speaker: I have not got –

2545 **Hon. D J Bossino:** It is completely relevant to the Traffic Plan, given that Mott Macdonald Limited *[inaudible]*.

Mr Speaker: Right, right, and you asked –

2550 **Hon. D J Bossino:** 160: the questioner of 160 is my hon. and learned friend, Mr Figueras. *(Interjections)*

Mr Speaker: How does the Traffic Plan arise from that? *[Inaudible]*

Hon. P J Balban: Mr Speaker, if I may continue with that?

2555 **Mr Speaker:** Yes.

Hon. P J Balban: We are, Mr Speaker, committed to have a Traffic Plan. The Traffic Plan is a plan, it tells us where we intend to go from then on.

2560 To think that to implement all the recommendations of the Traffic Plan, I mean it would be ridiculous to even think that we will be able to do this in the period. We are talking of infrastructural changes, modifications to our highways and there are numerous things that need to be done, that need to be budgeted for. The Traffic Plan is something which, I have said in the past, is something fluid. As to this, we hope our traffic will be in the future... the Traffic Plan will be done within out term of Office. We will have our Traffic Plan, just as the previous Administration had their Traffic Plan, which is those brochures that you handed out that explained what your idea of the Traffic Plan would be.

2565 This is what we are committed to, having our Traffic Plan. But if what the hon. Member is suggesting is that we are going to have every single infrastructural roundabout in place and lights system in what is left of this term of office, I think he has got something else coming.

2570 **Hon. S M Figueras:** In the intervening period between the contract being awarded and the report being submitted and the plan eventually being finalized, can the Minister say whether the Government is possessed of initiatives or ideas in the traffic context that they will be deploying during that time, to deal with problem areas known to the Government today?

2575 **Hon. P J Balban:** Mr Speaker, of course, by all means. We are doing it as we speak. We are... things which we can improve logically, now we have the advice of the consultants. We did not have that prior to

2580 their appointment and we have been progressing as we thought best, as the previous Administration did in their days. Now that we have this person who we have taken on: in future, we will be running things by this expert to see whether this is the way forward or not but, of course, we are looking at many things. In fact, we will be giving priority to certain aspects within the Traffic Plan, which we feel require urgent attention and we do not really want them to continue much longer.

So, yes, in respect of the question, yes.

2585 **Hon. S M Figueras:** Can the Minister say, and I am going to touch on a matter we dealt with a while ago as an example, can the Minister say whether, for example, the traffic light changes at the junction of Queensway and Europort were as a result of advice received, or as an initiative by the Government before the advice was taken on?

2590 **Hon. P J Balban:** Mr Speaker, this had nothing to do with the consultants whatsoever.

Hon. D J Bossino: Just to understand, in relation to his penultimate question, Mr Speaker, is the Minister telling us this morning that, in fact, the consultant is already providing advice to the Government?

2595 **Hon. P J Balban:** Mr Speaker, it is extremely early days. We have just engaged the consultant and all that is happening at the moment has been technical talks with the relevant Government Departments. It is really a getting-to-know-each-other type exercise. Now we will be progressing in earnest in the Traffic Plan. I think there have been two meetings to date and really it is to get orientation and familiarisation meetings and now everything is expected to get going from this point onwards.

2600

Hon. D J Bossino: Mr Speaker, is he able to provide me – presumably not – but is he able to provide me with a breakdown of the costs of this contract?

2605 **Hon. P J Balban:** Mr Speaker, I would not be able to at the moment as I do not have that information with me.

Mr Speaker: Question 160.

2610

**Governor's Parade Car Park
Details of contract awarded to Wilkie Limited**

2615 **Clerk:** Question 160, the Hon. S M Figueras.

2620 **Hon. S M Figueras:** Can the Minister for Traffic provide details to this House of the project contemplated by entry number 52 on the Government's statistics table G.C.1, Government awarded contracts over £2,000 by direct allocation since the General Election, with reference 'Governor's Parade Car Park' paid to Wilkie Limited on 23rd July 2012 to the tune of £3,018,606.23 (currently reduced to £2,981,764.00)?

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

2625 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, this project consists of the construction of a two-storey car park in the area previously occupied by the Theatre Royal.

2630 It will connect City Mill Lane with Governor's Parade via the piazza on its upper deck. The contract to Messrs. Wilkie Limited for the demolition and excavation works, the enabling package, was awarded before the General Election by the previous Administration by direct allocation, although sums due under that agreement have been paid thereafter.

2635 Included as part of that initial arrangement was an option to extend the scope of works to include the construction of the car park. In order to keep the entirety of the project liability with one entity, Government exercised that option and extended the scope of works to include the construction of the car park. The treatment of the piazza is, however, not part of this contract and is currently being reviewed by Government. The parking project is due for completion in October 2013.

Hon. S M Figueras: I am grateful to the Minister for the answer.

2640 In relation to the piazza, and in the light of further information that he has given me that the parking will be completed by October this year, is this a matter where we can expect an announcement relatively soon in respect of the contract for the piazza and the works being conducted in that specific context?

2645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise to deal with that aspect which does not deal with traffic and which is a matter that is being dealt with by my office in dealing with this particular project. First of all, may I record on *Hansard* the hon. Gentleman's congratulations to the Minister a moment ago from a sedentary position on the initiative at Europort Avenue. (*Interjection*) He always said, Mr Speaker, that when he felt that the Government had got things right he would congratulate us and I am grateful for him having come through, or started to come through, as I am sure the Government will get many things right in the coming months.

2650 Mr Speaker, there is no piazza at the moment. There is actually still, to an extent, a hole in the ground and therefore there is design work going on inside Government in relation to the piazza. I alluded earlier to the fact that there had been some changes there. The change relates to the use of part of that piazza by the Church. I do not know if there is a particular way that I should refer to the Church in this House but I think it is just the Church, the Roman Catholic Church, that was going to exchange with the Government the Catholic Community Centre, as it is known on Zoca Flank for a building at the piazza. We have been
2655 approached by representatives of the Church who no longer wish to move from Zoca Flank to the new piazza and the Government is considering that with those representatives and may, therefore, produce a revised scheme that does not include a provision for a community centre. We are in discussions with those representatives about what happens in relation to the existing community centre which, I think, at the very least, we would all agree is looking tired. So those are the issues that affect the development of
2660 the piazza.

Hon. D J Bossino: Mr Speaker, can he also confirm and if I could just quote the article which dealt with this matter in the *Gibraltar Chronicle*, which says

2665 'originally this area was intended to be a promenade and now the area will boast gardens and landscape areas'.

Is that also being looked at, or has a definite decision been made in relation to that?

2670 **Hon. Chief Minister:** No, Mr Speaker, that is what the design work is doing, looking at. Given that there is now going to be more space, you can have all of those married in that area. In other words, if you have got much more space and you have not got a building, in effect, taking up part of the area, can you redistribute the space so that you have got some gardens, you have got some greenery alongside a promenade, because it is in the centre of town and people will need to walk through the area? It is not a
2675 place that can simply be a garden: it is also an area that requires a thoroughfare, a pedestrian thoroughfare through it. That is the design work that is ongoing.

2680 **Waterport Power Station**
Legal noise level

Clerk: Question 161, the Hon. J J Netto.

2685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say if the noise emanating from the recent temporary generators installed at Waterport Power Station exceeds the level acceptable as per the law?

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

2690 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the noise levels emanating from the turbines recorded at a distance from one metre are less than 75 dB(A) and therefore below the lower exposure levels of 80 dB(A) stipulated under the Control of Noise at Work Regulations 2006.

2695 **Hon. J J Netto:** So, if I understood the Hon. Minister correctly, the noise level, the recorded noise level, is 75 dB(A)?

Mr Speaker: Yes.

2700 **Hon. P J Balban:** Mr Speaker, yes: at a one metre distance from the turbines the recorded noise level is 75 dB(A), which is lower than the exposure levels of 80dB(A) which are those stipulated under the Control of Noise at Work Regulations 2006.

2705 **Hon. J J Netto:** Mr Speaker, I accept the fact that the Minister for Health and Safety may be looking through the perspective of the Control of Noise at Work Regulation Act 2006, which is the tool obviously that the Factory Inspector would utilise but, if I am correct, in relation to the other set of regulations which I mentioned before when I was answering questions to the Minister for the Environment and Health, my understanding is that, under the Environmental Assessment and Management of Noise Regulation 2006, that whenever you have, under Schedule 1, a total combustion installation with a greater thermal input exceeding 50 Mw that then the issue becomes part of all the various measures that need to be looked under.

2710 So if this is producing 75 dB(A), which is more than the 50 dB(A) under Schedule 1 of the Environmental Assessment and Management Plan, presumably then all the requisitions in terms of health assessment, both to the immediate workers in Waterport Power Station and, presumably, the workers in the adjacent areas, as I said before, which may be in AquaGib, may be affected by this. So what I would need to know, if my assessment is correct and if so, what are the measures the Government is taking to attenuate such levels?

2720 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, may I offer some...

Chief Minister (Hon. F R Picardo): May I simply step in to say, Mr Speaker, is the hon. Gentleman asking about the turbines that have been installed recently?

2725 **Hon. J J Netto:** Well, in this particular question, yes, it refers to –

Hon. Chief Minister: If he will just give way for the purposes of clarity, so that he understands, and the House understands, what the position is. Those turbines are not at Waterport Power Station. They are at the extreme western end, north-western end, of the Western Arm of the North Mole: they are not there. (Interjection) They are only temporary engines – before he carries on with his question, so he understands – the only temporary engines that are in the area of Waterport Power Station and AquaGib are the ones that were there before the Election, which are what we have referred to in this House before as the ‘Skid generators’, not the new turbines.

I hope that helps him to...

2735 **Hon. J J Netto:** It does indeed, Mr Speaker, and I am grateful for that clarification by the Chief Minister.

My geography of the place now is not that good, but could, perhaps, any of the Ministers, or the Chief Minister, indicate what is the distance, then, where these new generators are placed in relation to Waterport Power Station.

2740 **Hon. Chief Minister:** Well, Mr Speaker, I would say it is probably, an estimation, of between 250 and 500 metres. This is literally behind the Port Office. So the Port Office is in one place, the Waterport Power Station is in another and it is not a public place in the sense that, although tourists have access to the area, fishermen have access to the area and people who work on the Western Arm have access to the area, there is now, he will know, a security post and therefore the general public do not have access to the area through the thoroughfare, although they can get a bit closer on the road known as Emerson’s Place, which would take them to the entrance of, I think, the extreme western access is to the entrance of the GHA kitchen and some of the commercial units there. But you have got to be working in that area to have access to it. So, in terms of Waterport Power Station, we are talking about a quarter or half a kilometre.

2750 **Hon. Dr J E Cortes:** Mr Speaker, may I offer some more information?

Mr Speaker: Yes.

2755 **Hon. Dr J E Cortes:** My information is that this temporary power station, as operating, does not exceed the 50 Mw thermal output and therefore those regulations would probably not apply but, not having had notice, I would have to check the detail.

2760 **Hon. J J Netto:** I accept entirely, Mr Speaker, what the Hon. the Minister for the Environment is saying but I think we need to understand, as well, that within a very close proximity of the area we have different industrial activities taking place, all producing levels of noise. We have these new generators

2765 which the Chief Minister kindly located where they are, we have noise emanating from there, we have noise emanating from Waterport Power Station, we have noise emanating from the desalination plant of AquaGib when that is in function: I think, when one combines all the various noise levels from all these various industrial activities taking place, then one needs to determine – particularly the Government needs to determine – whether (a) there has been any proper mapping of the noise levels in the whole area. If so, I would like to know what are the details of such and –

2770 **Mr Speaker:** The hon. Member, I think, is getting way beyond the ambit of the specific question. Really, I do not see how he can expect the information to be made available arising from this particular question.

2775 You have a specific question. It has been answered. Clarification has been made in respect of whether it is at Waterport or at the Western Arm and he is widening the ambit of the thing far beyond what is relevant.

Hon. Chief Minister: Mr Speaker, a point of information to assist the House and perhaps assist the hon. Member in case he wants to put further questions next time.

2780 I believe – I stand to be corrected and I will check – but I believe the desalination plant is not operating anymore, in any event. I think it was decommissioned some time ago in favour of the reverse osmosis plants that are operated by AquaGib in another location but I am happy for him to put questions in the future.

2785 **Hon. Dr J E Cortes:** Mr Speaker, if I may, by way of further information, the greatest amount of noise produced is by Waterport Power Station and this temporary plant at the far end of the North Mole, particularly when the silencers have arrived in the next, I am told, five or so weeks, will be producing much less noise at the Waterport Power Station. It may be that, on certain occasions – and this is certainly the intention – some of the generators, including the temporary generators at Waterport, might, in fact, be able to be switched off for periods of time because these will be providing the necessary power. So the overall noise effect will certainly be down, even during this temporary measure.

2790

Factory Inspectors Review of planning applications

2795

Clerk: Question 162, the Hon. J J Netto.

2800 **Hon. J J Netto.** Mr Speaker, can the Minister for Health & Safety say if it is the policy of the Government to ensure that the Factories Inspectors review every Building Application received and, if so, please provide the number and name of all applications viewed during 2012 or in January 2013, broken down by month.

2805 **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, it is part of the duties of the Factories Inspectors to review Building Applications to ensure compliance with the Factories Act.

2810 Lack of resources in the past has meant that it has not been possible to carry this out. A concerted effort has now been made, as from the beginning of the year, with the support of the additional staff complement, and a total of 21 Building Applications were reviewed during the month of January 2013. No applications were reviewed in 2012.

2815

Seconded Health and Safety Officers Prohibition or Improvement Notices issued

Clerk: Question 163, the Hon. J J Netto.

2820 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say if any of the two seconded Health and Safety Officers with the Factories Inspectors have issued any Prohibition or Improvement Notices during 2012 and January 2013 and, if so, provide the number and name of the company or

companies or the department or departments in respect of which the Notice or Notices have been issued, and broken down by month?

2825

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

2830

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in this schedule, which I now hand over to him. As stated unequivocally on numerous occasions in Parliament, it is not this Government's policy to name companies or departments in relation to either Improvement Notices or Prohibition Notices.

ANSWER TO QUESTION 163

Improvement Notices Date	No.
July 2012	5
August 2012	11
September 2012	2
October 2012	16
November 2012	11
Jan-13	1

46

Prohibition Notices Date	No.
May 2012	1
June 2012	1
July 2012	1
September 2012	1

4

2835

**Secondment of Health and Safety Officer
Legal basis**

2840

Clerk: Question 164, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state what legal form has the secondment of the two Health and Safety Officers from the Housing Agency to the Factory Inspectorate taken?

2845

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

2850

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, any public servant can be seconded or deployed to any section or area within the public service and this is what happened initially. The position was then advertised openly to all GDC employees and the two seconded Health and Safety Officers were successful.

2855

Hon. J J Netto: Mr Speaker, of course civil servants can be transferred from one Government Department to the other but, in relation to the two Health and Safety Officers, is the Minister now saying that new vacancies have arisen as Factories Inspectors within the Government service and for which these two gentleman, amongst many others, have applied and now been appointed as Factories Inspectors. Is that the position?

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Hon. P J Balban: Mr Speaker, yes, vacancies were advertised by the GDC.

Hon. J J Netto: Mr Speaker, can I have clarification – I think I understood the hon. Gentleman to say by the Gibraltar Development Corporation.

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Hon. P J Balban: Mr Speaker, yes, this came out via the Gibraltar Development Corporation as Health and Safety Inspector, Grade 4.

Hon. J J Netto: I cannot quite understand the logic of that because we are talking about two vacancies in the - which are Civil Service and should have been within the Government establishment figures of civil servants, not within the figures of the Gibraltar Development Corporation.

2870

This is why I am trying to find clarification, or is it that the Minister is saying that no internal vacancies were initiated within the Government service and automatically they went to the Gibraltar Development Corporation, so that any member of the public in Gibraltar could have applied. I think I need some clarification and, perhaps, if he is willing to provide it, I would be grateful.

2875

Hon. P J Balban: Mr Speaker, we, as the hon. Gentleman knows, have doubled the complement in terms of Health and Safety Inspectors and we do not see the need why we had to increase the Civil Service, the numbers of members of staff in the Civil Service. We chose to do it via GDC.

2880

Hon. J J Netto: Well, one would have thought, Mr Speaker – I mean, the Government can decide to do what the Government wish to do – but one would have thought and we are talking about Factories Inspectors who have very definite powers under the law and they have to be appointed under the Factories Act and have to be appointed by the Director. One would have thought that certain key posts such as that would have been civil servants and not members of the Gibraltar Development Corporation.

2885

I understand the answer the Minister has given me, that the Government has decided, unilaterally, I suppose, to advertise this as non-civil servant so, therefore, my question is: has the Minister or the Government had meetings with the Unions, in order to tell them that we are going to create these two new posts but they are not going to be civil servants.

2890

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman needs to understand what he is saying.

The Government has a manifesto commitment to respect the manning level of the Civil Service, not to increase it, and we committed ourselves to increase the number of Factories Inspectors. We have done so without increasing the complement of the Civil Service. That is the manner in which we have fulfilled both of those commitments.

2895

We have not reduced the complement of the Civil Service. We have not taken away those Inspectors who were there before in the complement of the Service. We have increased the number of Factories Inspectors. This is an issue that the hon. Gentleman sometimes takes up with the Government; he says it is not true, Mr Speaker. He needs to be a bit more careful, we actually have not taken him up on it because we are so busy delivering a positive agenda that we do not need to waste time demonstrating when the hon. Gentleman is saying things which are incorrect. But if he looks through the Legal Notices, he will see that more Factories Inspectors have been appointed and, therefore, there are double the number that were there before.

2900

What is it that he is saying, that somebody who has got to discharge a statutory obligation and has a statutory power cannot have that statutory power conferred on him by legal notice unless he is a member of the Civil Service? Mr Speaker, that is nonsense, I am sorry to tell him, because there have been, for some time, since the explosion in the GDC, members of the GDC who have discharged statutory obligations and have had statutory powers delegated to them in order to enable them to discharge that public office with which they are charged.

2905

Now, if he says to me I would rather you had done it by way, Chief Minister, of increasing the complement of the Civil Service and have the Unions accepted that you have increased the complement of the Civil Service, I would take the first point but I would tell him that he will know that did not happen when he was in office and, secondly, Mr Speaker, I would say to him that the Unions are very happy that we are not reducing the complement of the Civil Service, we are maintaining that as per our manifesto commitment *and* delivering on our other commitments which, in particular, are important to them in respect of Factories Inspectors and all of those issues.

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2915

But he really needs to think carefully about these issues that he puts in questions in this way.

2920

Hon. J J Netto: Mr Speaker, if I can perhaps try and clarify a couple of the issues that the Chief Minister has said. Are we talking about two civil servants who, prior to now being Factories Inspectors, were working as civil servants in the Housing Agency, have now been transferred or have been transferred for a while now with a Factory Inspector, have succeeded in the interviews as has been advertised through the Gibraltar Development Corporation and presumably retained their position as civil servants? Because, presumably, if they were civil servants working in the Housing Agency, they are not now non-civil servants as GDC members?

2925

Hon. Chief Minister: Mr Speaker, I will assume that the hon. Gentleman does not realise the consequence of what he is saying.

2930 Look, when he was in Government, the Hon. the then Chief Minister provided an opportunity for people who were civil servants in the place known colloquially as *el patio chico*, right, to leave the Civil Service and become employees of the Housing Works Agency. There was a very attractive package put to people in a very contentious moment in Industrial Relations so that they would make that choice. That choice required them to leave the Civil Service.

2935 The hon. Gentleman has postulated his question saying ‘Civil servants who moved to the Housing Works Agency who when they move back to do this work in the GDC and are seconded to the service remain civil servants?’ No. I am not going to be ungenerous but I think the hon. Gentleman should have realized – I will not put it any further than that – that at the moment when these individuals took the package to become part of the Housing Works Agency, they surrendered their Civil Service status. Some of them took a package that took them completely out of the public service: they actually retired early. Others took a pay rise that took them into the Housing Works Agency. They are not, then, any more civil servants, they are public servants because they are in an Agency, but they are not civil servants and the hon. Gentleman knows, as much as I do, that we have had lengthy exchanges in this House as to what that means but, certainly, a civil servant has a definition and these individuals are no longer civil servants.

2940 So you have people who have gone to the Housing Works Agency who then wish to have this vacancy, take this vacancy and are seconded to do this job with the Civil Service. It does not make them civil servants again. It does not. Absent the moment in late 2011, when the Hon. the then Chief Minister, on another aspect of what he was doing then, which was the package for GDC members who went into the Civil Service as a result of that negotiation, you cannot get in to the Civil Service other than by going through the PSC. He can forgive me for saying that that was dealt with through the PSC but not through the usual procedure, which is that somebody applies, interview process, etc. etc. So people are not going to be able to come back into the Civil Service, having gone to the Housing Works Agency, because they applied for a GDC vacancy.

2945 If he sees it in *that* way, Mr Speaker, then perhaps he can understand that he should not be characterising so ungenerously what the Government has done to ensure that we have doubled the number of Factories Inspectors.

2955 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide the date on which the vacancies were advertised, the date of the interviews and the date of appointment?

2960 **Hon. P J Balban:** Mr Speaker, as per the sheet I am reading here, the applications were to be received no later than 1 pm on Monday, 22nd October 2012 – and the other information he will have to give notice of, as I do not have that with me.

2965 **Hon. J J Netto:** As I understand it, the notice or part notice that the Hon. Minister has read is that people should have applied by not later than 1st October 2012. Is that what he is saying?

Hon. P J Balban: I said the 22nd – applications must be received by no later than 1 pm on Monday, 22nd October and this was issued on 10th October.

2970 **Hon. J J Netto:** Okay. So, presumably, if the applications had to be received by not later than 22nd October 2012, prior to the notice having been given, prior to the date of the interviews, and prior to the date of appointment, the status of those two Health and Safety Officers remained as Health and Safety Officers and not Factories Inspectors: is that correct?

2975 **Hon. P J Balban:** Mr Speaker, I believe, if I am not mistaken, that the hon. Gentleman is referring to the difference between a Factories Inspector and a Health and Safety Inspector. (**Hon. J J Netto:** I am only using the words he has used in the past that are in Hansard.)

Could you repeat the question?

2980 **Hon. J J Netto:** Mr Speaker, all I am trying to do is to establish the dates in which this particular interview, which we now know people had to apply by 22nd October. I then wanted to know the date that the interviews took place and the date of appointment. I now understand and accept that he may not be in a position to be able to say the interview happened on such and such a date and the appointment was on such and such a date. I accept that because he may not have the information in front of him. But, what I was trying to establish is that, whether it happened towards the end of October 2012 or it happened during the course of November 2012, what was the status of those two individuals because these two individuals, as answered by yourself before, and as recorded in *Hansard*, were not Factories Inspectors, they were Health and Safety Officers. So what was their status right up to the date of the appointment?

2990 **Hon. P J Balban:** Mr Speaker, if the gentleman will give me notice, I will find out exactly what they were then. The job title for this particular post was Health and Safety Inspector, Grade 4.

2995 **Hon. J J Netto:** With respect, it is not a question of giving notice, Mr Speaker, it is a very important issue, in the sense that he has given me information in answer to Question 163, for which he has told us in this table formulation here that, in July, these two individuals, they issued two Improvement Notices, in August they issued... Sorry, I beg your pardon, on July 2012 they issued five Improvement Notices, in August 2012 they issued 11 Improvement Notices, in October 16 Improvement Notices and, as far as Prohibition Notices, in May there was one, in June there was one, in July there was one and September one.

3000 I am trying to establish whether these two individuals had the legal standing, in accordance with the Factories Act, to have been able to issue these, taking into account that the date for the interview as Factories Inspectors was something towards the end of October or November.

3005 **Hon. P J Balban:** Mr Speaker, regardless of what we choose to name them, or call them, or choice of nomenclature, these... I can guarantee the hon. Member that these two persons were legally fit to be able to do the work that they were doing. These people were properly appointed.

Hon. J J Netto: By whom and when?

3010 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to understand that the Government is sometimes saying we will give you the information, just give us notice and we will provide it.

Mr Speaker: I think it would be convenient now to have a recess until three o'clock this afternoon. If the Minister is able, between now and three o'clock, to provide the information then I will ask him to do so. If not, it is a matter to be pursued further.
The House will now recess until 3 pm this afternoon.

The House adjourned at 1.00 p.m. and resumed its sitting at 3.00 p.m.