



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd December 2013

## The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

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

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

**Clerk:** Sitting of Parliament, Monday, 23rd December 2013.  
Answers to Oral Questions continued.

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## Questions for Oral Answer

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### HEALTH AND THE ENVIRONMENT

#### GHA complaints process Update on Ombudsman

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**Clerk:** We are now going to proceed to the questions which are being posed to the Minister for Health and the Environment.

Question 811/2013, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 598, can the Minister for Health say when the GHA complaints process will be taken over by the Ombudsman, and at what stage they are in the process?

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

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no definite date yet. Advanced drafts of the procedure are currently under discussion.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if there will be a U-turn on the Government's manifesto commitment that complaints will be dealt with directly by the Office of the Ombudsman?

35 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical implication of what I have just said. The question was when the complaints process will be taken over by the Ombudsman, and I have said there is no definite date and advanced drafts of the procedure are currently under discussion. That does not contradict the Government's manifesto commitment that the process will be taken over by the Ombudsman; it is a question of how and how it is going to be implemented, but there is no change in that policy.

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**Staff recruitment and retention  
GHA policy**

45 **Clerk:** Question 812, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the GHA policy for the recruitment and retention of staff is, and what the terms for contract workers are, wishing to apply for permanent and pensionable status?

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

55 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, staff are initially appointed on contract terms, and these may be of variable lengths depending on the specialism or post, and they may have their contracts renewed or extended, depending on the circumstances prevailing at the time.

On the completion of four years' good performance, where there is no locally qualified or eligible person studying, training or available for the post or where no succession plan candidate has been identified, staff on contract terms may be offered indefinite employment.

60 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if rolling over 10-month contracts is legal, as per EU employment law? Would he know that?

65 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical supplementary to the question that I have just answered and therefore I do not think I need to reply.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who decides on the terms and conditions and the length of the contracts of new GHA staff?

70 **Hon. Dr J E Cortes:** Mr Speaker, terms and conditions will be standard and the length of contract will depend, as I said in the answer, depending on the specialism or post and what the succession plan may or may not be. There are no two cases which are the same and there will be different line managers who are responsible for taking those decisions.

75 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm that it is the line managers who make those decisions, not the Human Resources Department, or is it in conjunction with the Human Resources Department?

80 **Hon. Dr J E Cortes:** Mr Speaker, I am very proud to say that the Gibraltar Health Authority certainly now works as a team and when decisions have to be taken, which have a bearing on performance and employment, they will involve the managers in question and the Human Resources Department. On some occasions I may be involved, but usually I will not be.

**GHA contract workers  
Changes to gratuity offer**

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**Clerk:** Question 813, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the 25% gratuity offer in lieu of permanent and pensionable status was removed from the contract of GHA contract workers?

**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 25% gratuity offer in lieu of permanent and pensionable status was removed on 1st January 2012, following the ending of the old pension scheme by the last administration.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what has replaced it?

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**Hon. Dr J E Cortes:** The Provident Pension Scheme, which was the one that replaced the old pension scheme. The Superannuation, the Provident 2, I think it is. I do not have that information. I have answered the –

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**Hon. Miss S J Sacramento and Hon. N F Costa:** It is the Provident 2 and the Superannuation.

**Hon. Dr J E Cortes:** The Provident 2 and the Superannuation –

**Hon. Miss S J Sacramento:** Fund.

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**Hon. Dr J E Cortes:** – Fund, I am informed by my colleagues.

**Hon. D A Feetham:** Yes, but the Superannuation Fund is a policy of your Government; it is not a policy of our Government.

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Did I understand the Hon. Minister correctly? Did he say that the policy had changed as a consequence of changes that we had introduced to the pension system? Because the Superannuation Fund was something that was introduced by... sorry, I may have misunderstood you.

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**Hon. Dr J E Cortes:** What I said was that gratuities were removed when the *old* pension scheme was removed. Gratuities were given because the old pension scheme was not available to short-term contract officers and when that scheme was done away with, gratuities were done away with, because they are now able to join the pension scheme.

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**Hon. D A Feetham:** Can the Minister tell me whether people's contracts have been affected retrospectively? In other words, whether this has been something that has been introduced for future employees, respecting contracts, for example, of consultants that have been on this 25% of gratuity?

**Hon. Dr J E Cortes:** This is for new entrants; people who have a contract are bound to the contract.

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**GHA contract workers  
Reduction in housing allowance**

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**Clerk:** Question 814, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why there has been a reduction in the housing allowance for GHA contract workers, and whether this financial incentive will be removed entirely from the contract of GHA contract workers; and if so, when?

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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, there has been no reduction in the housing allowance given to GHA contract workers and there are no current plans to remove this.

145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what is the GHA policy on housing allowance for contract workers, if he knows?

**Hon. Dr J E Cortes:** Mr Speaker, at the moment, there is a housing allowance given to contract workers. That is the current situation and that is what I have just said.  
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**GHA Human Resources Director/Strategic Development Executive Director  
Termination of contracts; payments received**

155 **Clerk:** Question 815, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say why the Director for the GHA Human Resources and the Executive Director for Strategic Development are no longer in employment at the GHA, and how much they were each given for terminating their employment contracts?  
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**Clerk:** Answer, the Hon. the Minister for Health and the Environment.

165 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these officers' departures from the GHA was by mutual agreement. The terminating payments were in accordance with the contracts that they had been given by the former administration and amounted to approximately £107,000 and £109,000 for Human Resources and Strategic Development posts respectively.

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**District Nursing Charge Nurse  
Applications received; details of appointee**

175 **Clerk:** Question 816, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many applicants there were for the vacant post of District Nursing Charge Nurse and who was successful in getting the job?  
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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, there were three applicants. It would not be correct to publicly state the names and my Hon. and Learned Friend, the Minister for Equality, Social Services and the Elderly, pointed out on Thursday that this is in keeping with the Speaker's ruling.  
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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, have all three applicants been successful or just one chosen from the three?  
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**Hon. Dr J E Cortes:** Mr Speaker, the three applicants were successful.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why were there the extra two charge nurse vacancies? Why were they not advertised separately at a later date, when the original vacancy advert was for only one charge nurse?  
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**Hon. Dr J E Cortes:** Mr Speaker, this came at a time when management decided that it was appropriate for these specific posts to be at that level. It followed procedure established in 2006 by the former administration, when a vacancy for one post had been advertised, but management decided that two should be taken and in order not to delay things further and to require the whole process to start anew, the selection procedure was extended to include those. So there is no change in established practice.  
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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say why a change in decision was made to move the employment from just the one charge nurse to now three charge nurses?  
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210 **Hon. Dr J E Cortes:** As I explained, Mr Speaker, this was as a result of the management of the section feeling that that was the more appropriate way in which to run this highly specialised section in which people are working largely independently, but carry a large amount of responsibility on their shoulders.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government now going to increase or double the number of community nurses too, commensurate with the doubling of these charge nurses in the community; and, if so, by when?

**Hon. Dr J E Cortes:** Mr Speaker, there is no current plan. As with all other matters in the GHA, we are constantly reviewing how we carry out our operations, but there is no current plan at the moment.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that by having changed this decision at the last minute by management, by increasing... by offering employment to these *three* charge nurses after the issue of a vacancy notice for just *one* post, that other GHA staff may have been disadvantaged by not providing them with the opportunity to apply?

225 **Hon. Dr J E Cortes:** No sir. The Minister does not agree and, as I say, this is a practice which was following an established practice dating back to 2006. Maybe it happened then, but certainly I do not agree that it happened now.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that one of the successful applicants had, prior to the announcement of the vacancy, gone to the UK to undertake a course as a charge nurse manager for the community nursing and decided not to complete the course, and then later was taken on as a successful applicant?

**Hon. Dr J E Cortes:** Mr Speaker, I am not aware of those circumstances.

235 **Hon. J J Netto:** Mr Speaker, could I ask the Minister whether the decision to appoint the three applicants was that decision taken by the board which interviewed the three applicants, or was it taken by different sets of people above the individuals in that particular board?

240 **Hon. Dr J E Cortes:** Mr Speaker, the board is a board which selects its applicants and will have, I have to assume, found all three suitable. That is the only assumption I can make, otherwise they clearly would not have been appointed.

245 **Hon. J J Netto:** Well, Mr Speaker, he makes the assumption that that would have been the decision of the board, but yet he does not know. But he does not know either the fact that one of the applicants went to the UK to undertake that course prior to the application and he does not know that he decided not to complete the course either. It seems to me like the Minister for Health very conveniently chooses to ignore and assume things he does not... that may put him in a bad light and then take decisions in not answering questions here in Parliament.

250 Is it not the fact that the person that *he* knows, because he does know, who went to the UK to undertake such a course, decided not to do it, got the job now in the interview board because he happens to be an active GSLP member?

**Hon. Dr J E Cortes:** Mr Speaker, I think that –

255 **Mr Speaker:** Will the hon. Members of the Opposition make themselves responsible for the information that they are imparting?

**Hon. D A Feetham:** I think that that is a surprising question from the Speaker –

260 **Mr Speaker:** It is not.

265 **Hon. D A Feetham:** With respect, it is a surprising question (**Mr Speaker:** No.) because the Opposition *always* takes responsibility for the accuracy of the points that they make. This line of questioning is obviously a line of questioning with a purpose, and I think that unless Mr Speaker has *prima facie* evidence that we do not know what we are talking about, I do not believe that Mr Speaker ought to be making that point.

**Mr Speaker:** It so happens that Mr Speaker is the Chairman of the Public Service Commission.

270 **Hon. D A Feetham:** Mr Speaker, I do not understand –

**Mr Speaker:** No, No. I will say nothing further on the matter. I am just saying that it is a principle enshrined in the Rules and which I am glad to hear, from what the Leader of the Opposition says, that hon. Members of the Opposition make themselves responsible when they give information along the lines of the information that we have heard today. I am glad to hear that they make themselves responsible and that therefore, in their view, that information is accurate. That is all I want to say.

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280 **Hon. D A Feetham:** Absolutely. We hold ourselves responsible for the accuracy. This is the first time... I have been a Member of this House since 2007 and I am not the oldest Member of this House, but it is the first time that I have ever heard a Speaker make a point like that about accuracy when my hon. colleagues are pursuing a line of questioning on the basis of information that they have.

We would never... nobody in the Opposition would be asking any questions if we do not make ourselves responsible for the accuracy and Mr Speaker, if Mr Speaker has information that casts doubt on the accuracy of our line of questioning, and Mr Speaker, well look, he can tell us that our line of questioning is inaccurate because he sits in the Public Service Commission and he knows it is inaccurate, but I doubt very much that Mr Speaker can actually go that far.

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290 **Mr Speaker:** I am making the point because the information that has been imparted to Members of the Opposition is apparently not available to the Minister.

**Hon. Dr J E Cortes:** Mr Speaker, if I may just comment?

The implication from the hon. Member is that I misled Parliament. I have no knowledge of any course taken or not taken by the applicants. I believe that what I do know is that the three successful applicants are extremely good professionals – every single one of them. Whether or not they are activists of any particular political party is not relevant to whether they are good nurses or not.

295 I can assure you, Mr Speaker, that if that board selected them, they are excellent nurses, and I can confirm it was a board which was referred to the Public Service Commission and therefore is completely out of any influence from me as a Minister. (*Banging on desks*)

300 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps inform this House as to whether the decision to go from one to three charge nurses was a decision that was taken before the recommendation of the board and after the advert, or was it after the recommendation of the board?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have not got the time line in front of me. I have answered the question I was asked: how many applicants and who was successful? I have answered part one because I can. I cannot answer part two. I do not have a timeline in front of me and so I cannot answer that question.

310 **Hon. D A Feetham:** Mr Speaker, but, of course as the Minister responsible, does he not agree with me that it is rather odd that here we have a highly... he described it as a 'highly specialised' service, and those are the words that he used in answer to my Hon. Friend, Mrs Ellul-Hammond...? Now, bearing in mind that this is a highly specialised service and he being a thorough Minister as I know that he is – I mean I have every respect for him – that in a planning situation in a highly specialised service, does he not agree with me that it is odd that we have a situation whereby there is an advert for one charge nurse, and lo and behold, at some stage we do not know when, whether it is before the recommendation of the board or after the recommendation of the board, it then goes from one to three people being taken on? Does he not agree that at the very least what it illustrates is a lack of planning in relation to a highly specialised service, as he has described it?

320 **Hon. Dr J E Cortes:** On the contrary, Mr Speaker, I think it shows that one is able to take advantage of situations. If a selection process was ongoing, then that is an opportunity to be taken so as not to delay things and it is absolutely identical, I repeat, Mr Speaker, except that instead of an addition from one to three, it was one to two – an identical situation which arose back in 2006, which nobody batted an eyelid about. So there is no precedent. This is something which has happened before. (Interjection) Sorry – there was a precedent there.

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330 **Hon. D A Feetham:** Well, Mr Speaker, yes, I do not dispute that in the past there may have been a situation where there has been... After the recommendation of the board, the report, for example, has recommended that there are two people that are highly, that are very, very good for this particular post and there is a policy decision taken at that stage to take two people. But you see that is very unusual and what we have here is an advert that has gone out for one and then ultimately three are taken on.

One always gets very good high quality applicants because the nature of our Civil Service is the fact that there are very good people, but one would have thought that in a highly specialised service, such as this one, that it would have been effectively demand led from the very beginning. One looks at what do

335 Here the decision has been taken that we need one and then ultimately – we do not know when the decision was taken, whether before the recommendation of the board or afterwards – it is then three. Does not the Hon. Minister think that is unusual?

340 **Hon. Dr J E Cortes:** It is unusual in the sense that it has happened twice, but it is not the first time it has happened. But nevertheless it was an opportunity clearly that the management took in order to be able to improve the service and take advantage of the fact that the procedure was already in motion.

345 **Consultants' contract  
Details of negotiations**

**Clerk:** Question 817, the Hon. Mrs I M Ellul-Hammond.

350 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who is dealing with negotiating the Consultants' contract and at what stage of progress are we in the process?

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

355 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA is negotiating with UNITE the Union as they represent the majority of consultants. The negotiations are going well.

360 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that John Langan and Ernest Lima are still dealing with the negotiation of the consultants' contract?

365 **Hon. Dr J E Cortes:** Mr Speaker, Mr Langan and Mr Lima are dealing on behalf of the GHA with the negotiations of the consultants' contract. Let me just add that they both finish their term... well, Mr Langan, who is the interim Chief Executive, Mr Lima was an advisor, and Mr Langan has continued leading because he committed himself when he took on the job to complete these negotiations, but since he finished at the end of August he has been doing this on a *pro bono* basis.

370 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that the negotiations for this contract has been for over a year and a half, when will it be completed?

**Hon. Dr J E Cortes:** When an agreement is reached, Mr Speaker.

375 **Promotion of sexual health  
Department's policy**

**Clerk:** Question 818, the Hon. Mrs I M Ellul-Hammond.

380 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with reference to the Government press release number 861/2013, can the Minister for Health say how sexual health will be promoted, in addition to the Minister's plans to publish HIV and AIDS statistics?

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

390 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Public Health Department has developed a Health Improvement Strategy for Gibraltar, which includes sexual health as one of its key priorities for the next two years. The following are some of the initiatives that will be progressed within this programme area: (1) supporting education about sex and relationships in schools and youth settings; (2) providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases; (3) campaigning to reduce the prevalence of teenage pregnancies in our community; (4) supporting the establishment of a nurse-led sexual health clinic; (5)

encouraging access to HIV and STD testing for people who may be at risk; (6) improving the collection of anonymised local data to inform sexual health strategies; (7) producing relevant printed material.

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In this, the GHA will continue to work with community groups, such as the Equality Rights Group, with which regular meetings have been held during the past two years.

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**New Mental Health Unit  
Opening date**

**Clerk:** Question 819, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister for Health said in his Budget Statement of 2013 that the new Mental Health Unit would be ready in October or November. Can the Minister advise when the facility will now be opening?

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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, the unit has been subject to the delays typical of the construction industry; it is now due to open in spring 2014.

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**Hospital referrals  
Patient costs**

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**Clerk:** Question 820, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 135/2013, can the Minister for Health say (a) why there are no figures for April 2012 and June 2013 and (b) why the cost for sending patients to Xanit have more than doubled per month since September 2013?

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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, there are no figures for April 2012 and June 2013 because the bills for the months in question were paid on the following month. The costs for sending patients to Xanit have increased because a number of procedures that used to be referred exclusively to the UK are now performed in Xanit. This reduces the inconvenience of families travelling to UK and makes visiting of relatives easier.

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The increase in referrals to Xanit has also coincided with a decrease in referrals to Spanish State Hospitals, due to long waiting times currently existing in the Spanish *Servicio Andaluz de Salud* system, which have worsened recently. In addition to this, there have sadly been a number of exceptional cases this year, which have involved long stays and expensive care.

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**Hon. Mrs I M Ellul-Hammond:** Thank you for that, Mr Speaker.

Can the Hon. Minister say then if the service that was offered in the UK has now been... is being offered at Xanit, has there been also a reduction in the payment to the Department of Health for this sponsored patients' service as a consequence of the increase in payments to Xanit?

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**Hon. Dr J E Cortes:** Clearly, Mr Speaker, if we are spending the money in Xanit, that money will not be spent in the UK; however, because of the fact that this is totally unpredictable, there could be other cases going to the UK and therefore you will not necessarily see a corresponding decrease. What there has been is a considerable decrease in referrals to other Spanish hospitals, particularly, as I said before, Spanish state hospitals, because of increasing waiting times in particular, which have got worse in recent months and over the past year.

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I can say, however, that whereas there is an increase in referrals to Xanit, the total number of referrals to Spain was slightly down in 2013 or the first 11 months of 2013 in relation to 2012; but this is something that is not totally predictable. This is demand led and we are not going to refuse treatment to a deserving patient for reasons of this nature.

But globally I think I do have to point out one thing I said earlier, that it only takes one or two particularly difficult cases which have expensive care to make these figures rise considerably. It may be just one or two and so you cannot really relate it to the *number* of patients.



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**Transportation of patients to hospital  
Use of new ambulances**

**Clerk:** Question 821, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if there is any truth in the rumour that a motorbike and its owner were transported in one of the new ambulances; and, if so, can the Minister provide details to Parliament?

465

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no sir. For the avoidance of doubt what I mean is that there is no truth in the rumour, not that I cannot say. There is no truth in that rumour.

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**Gibraltar Medical Registration Board  
Transfer of UK powers**

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**Clerk:** Question 822, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the amendment to the Medical Health Act 1997 to provide for the compulsory registration of allied health professionals, can the Minister for Health say how will the powers of UK Governing Bodies be transferred to the Gibraltar Registration Board for the overseeing and policing of the ongoing requirements health professionals need to meet?

**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 amendment of the Medical and Health Act 1997 at long last establishes the Gibraltar Medical Registration Board as a regulatory authority for allied health professionals in Gibraltar.

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The law requires that the assessment of the qualifications and competence of the professionals is carried out by the respective UK regulator and not by the Gibraltar Board. Furthermore, any requirements laid by the UK regulator on maintenance of professional standards, continuous professional development or revalidation will be directly monitored by the UK regulator and impact upon Gibraltar *only* if registration is affected in consequence.

The UK regulatory bodies, in addition, have powers to oversee and police their registrants wherever they may practice. The Gibraltar Medical Registration Board will play a supportive role in this function.

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Complaints or allegations of poor practice made to the Gibraltar Board regarding allied health practitioners practising within Gibraltar will be investigated locally; and, except where the complaints are wholly frivolous, the Board will notify the respective UK regulator, who may choose to invoke its 'Fitness to Practice' procedure. Decisions arising from the procedure will be binding on the practitioner in the UK and inasmuch as they impact on the petitioner's registration, by consequence, also in Gibraltar.

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In addition, the Act also provides the Gibraltar Board with a range of powers to take independent action, which would be binding on registered practitioners within the territory of Gibraltar.

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**Culling of seagulls  
Duties of FERA and GOHNS**

**Clerk:** Question 823, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the discussion alluded to by the Minister at the Committee Stage of the Appropriation Bill 2013, regarding extending the duties carried out by FERA to GOHNS in relation to the culling of seagulls have now concluded, and if so, provide Parliament with details of the agreement?

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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, no, sir. They have not been completed.

520 **Hon. J J Netto:** Could the Minister perhaps elucidate as to why they have not concluded. Is there any sticking point, in terms of coming to a final agreement? I do recall that his comments at the Appropriation Committee Stage of the Bill, the Minister was saying that his intentions were to absolve the work being carried out in the past by referring to GOHNS. So perhaps if he could elucidate as to what the sticking points are in that discussion.

525 **Hon. Dr J E Cortes:** Mr Speaker, there are no sticking points. The discussions are still ongoing. It is a... I was going to say complex, but it is not a simple matter and the Department is dealing with it, with a view to implementing by the time the spring comes, which is when these measures need to be more effective.

530 **Hon. J J Netto:** So is the Minister envisaging a situation whereby after spring FERA will not carry out any further duties?

535 **Hon. Dr J E Cortes:** That is what I said at the time and that continues to be the situation at the present.

**Hon. J J Netto:** So in order to be able to carry out such duties in the future, will there be an extra amount of cost, or will the size of the budget for GOHNS increase accordingly?

540 **Hon. Dr J E Cortes:** Mr Speaker, the budget for the visits from FERA, I think was in the region in one year of close to £200,000 and another year £200,000 for people to come from abroad for six weeks, to carry out work, which local people were doing for much less over a period of a whole year. So therefore there is no intention to follow that practice. The intention is to use the expertise that is available in a more economically efficient way. I do not believe that the costs will be equivalent and certainly they will not be for a six-week period, they will be for a 52-week period.

545 **Hon. J J Netto:** Which will mean, therefore, an increase in the number of people dedicated within GOHNS for the culling of seagulls.

550 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to publicly conduct the negotiations with any organisation here. We are looking at the way in which the work that was being done by FERA is going to be done in the future. Some of the work being done by FERA at the time probably did not need to be done, as I expressed at the time to the then Government of the time. But I am not going to go into details of discussions which are ongoing because it could compromise their outcome.

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**West Place of Arms  
Criteria for selection as dog park**

560 **Clerk:** Question 824, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the written answer to Question W136/2013, can the Minister for the Environment state what has been the criteria for selecting the West Place of Arms as a dog park?

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

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the area was selected on the advice of the Gibraltar Responsible Pet Owners Group. Consultation with the Gibraltar Heritage Trust and the Heritage Division confirmed that the proposed use was consistent with heritage. This was later unanimously approved by the Development and Planning Commission.

575 **Gibraltar Cat Welfare Society  
Neutering of cats**

**Clerk:** Question 825, the Hon. J J Netto.

580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 690/2013, is the Minister for the Environment aware that the Gibraltar Cat Welfare Society have been neutering cats for some years now; and if so, does the Minister know how many cats have been spayed on an annual basis?

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

585 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, I am aware. I am informed that 59 cats have been neutered this year, but I have not got any more information.

590 **Hon. J J Netto:** Does the Minister perhaps know whether this particular programme by the Cat Welfare Society will continue, because when I looked at their own website, it did not look to me like it was a function that was carried out every year. And as we have discussed in the past, here in Parliament, there is a need for a programme of this nature to be carried out, particularly in certain areas of Gibraltar, least to say the Upper Rock Nature Reserve.

So can the Minister perhaps inform the House whether this programme will continue into the future, either by them, or perhaps if they are not doing it, on a year-by-year basis by some other entity?

595 **Hon. Dr J E Cortes:** Mr Speaker, I am currently in discussion with the Cat Welfare Society to see how this programme can be continued.

**Clerk:** Question 829...

600 **Hon. D A Feetham:** Does the Hon. Minister have an idea of numbers of cats? Is there an effort to monitor the number of cats – the rise in population or decrease in population of cats? He knows that I live in the Upper Rock and my children have already adopted three kittens, I can tell him, that have been abandoned and there appears to me to be an increase in the number of cats. I mean, I do not know. I am just talking from my own experience of seeing them in the Upper Rock myself.

605 But is there a conscious effort on the part of the Government to basically monitor the numbers so that this particular problem can be kept on top of, because of course, as we all know, they are really wreaking havoc with wildlife in the Upper Rock in particular?

610 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are attempting to monitor certain key areas to see whether we can have an idea of the cat population, but there is no data. So at the moment we can only guesstimate, but we are trying to monitor in the Upper Rock.

615 **Hon. D A Feetham:** And, Mr Speaker, is he satisfied that the neutering of the number of cats that they have neutered – I think he indicated 59 – that that is going to deal with the problem? How long does he think that it will take before it will deal with and keep the population of cats within manageable proportions and certainly within numbers that will not cause significant damage to wildlife in the Upper Rock?

620 **Hon. Dr J E Cortes:** Mr Speaker, the figure I gave is a figure provided by the Cat Welfare Society and so it is not that the Government has been... as far as I know it never has been, although it does and has supported the Cat Welfare Society in carrying out this work, it has not done it directly and 59 neutered cats will not solve the problem in the Upper Rock... so, no.

625 **Hon. J J Netto:** Mr Speaker, just by way of providing information, I have just seen on the Cat Welfare Society's website, from a report published in 2007, that they say, and I quote:

'Over three years the Society has captured, sterilised and released 1,190 cats on the Rock.'

630 So perhaps that is some of the work they have done in the past. Obviously my concern is if that kind of progress can be maintained and some of the answers have already been provided by the Minister.

635 **Culling of cats  
Monthly numbers**

**Clerk:** Question 826, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 691/2013, can the Minister for the Environment provide the monthly numbers of cats culled since 11th December 2011, as asked for, but not given.

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

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the number was given as an average, which mathematically is the number of cats culled per month and therefore the question was correctly answered. I now have to assume that rather than the monthly number, the hon. Member wishes to know the number per month. This information is provided in the schedule I now hand over.

650

**Answer to Question 826/2013**

**Cats Culled**

Month	2012	2013
January	0	0
February	3	0
March	0	0
April	0	0
May	14	2
June	0	0
July	0	23
August	0	6
September	1	15
October	7	3
November	4	0
December	0	0

**Average** =  $78 \div 23 = 3.4$

655 **Hon. J J Netto:** Well, Mr Speaker, as the information may come now, but just to point out that if he goes to my Question 691, it asks the number of cats culled on a monthly basis. So I was right and he was wrong interpreting my question, but I will see the figures now.

**Hon. Dr J E Cortes:** Mr Speaker, I do not think I need to comment on that.

660 **Hon. D A Feetham:** He has very kindly provided a schedule and the culling appears to be really focused on three months in 2013: 23 in July; 6 in August; 15 in September. Then there are two other figures of 2 for May and 3 for October, but the rest is zero. There is a similar pattern also in 2012.

665 Can he explain this particular pattern of why there does not appear to be an even spread over months? It does appear to indicate that really there is no systematic programme spread over a year to deal with the question of feral cats by way of culling, which is one of the ways that obviously the Government, rightly in our view, is dealing with this particular issue.

670 **Hon. Dr J E Cortes:** Mr Speaker, we are talking about the cats here in urban areas and the way that this has been done in the past, and this was I think explained in my answer last time around, which although was converted to a written answer, because it was converted to a written answer there will not be a recollection of a discussion.

675 These cats have been culled as a result of a contract dating back to 2005, but the way that it has been operating for a number of years is that the cull has been activated by requests from the public, complaining about fleas or some other problems and it has been a result of that. Therefore when there has been a complaint, then the cull has been activated and therefore you will see this pattern, that suddenly there is culling and then it stops again.

680 The practice has been that it has been on the request of members of the community. Needless to say, there are those in the community who are not in favour of culls and I obviously recognise that as well. But the explanation of these stop and start figures is that they are following requests from members of the public.

**Hon. D A Feetham:** Mr Speaker, there are two points that arise from the answer that the hon. Gentleman has given and I am very grateful for it. One of them is that these are culls that have taken place in urban areas; the second is that it is a response to a request from members of the public.

685 Does he not agree with me that it does appear from that particular answer that really there is no systematic plan in terms of... that culling does not form part of the Government's plan to deal with the issue of feral cats in the Upper Rock, which he and I both recognise is wreaking havoc with wildlife, and in particular with an iconic species of Gibraltar, which is the Barbary partridge?

690 Can he explain why the issue of culling or culling as a legitimate form of control of feral cats has not been taken to the Upper Rock so that we can control the cat population there?

**Hon. Dr J E Cortes:** Mr Speaker, I think we have to distinguish the situation on the Upper Rock with that in urban areas. We must remember that there are those in urban areas who actually feed cats, and you may agree or disagree with them, but they are there, the people who do that, and who are very sensitive towards that; something that, as I say, whether you agree with it or not, you have to recognise... they are also members of our community.

695 The Upper Rock is a different issue. The way that the Upper Rock is being tackled is initially, as I said earlier, by monitoring and trying to determine what the scale of the problem is, particularly in areas which are more likely to have Barbary partridges, which are areas of more open ground rather than the dense vegetation. We are trying to build up a picture using a number of systems, which I can discuss later with the hon. Member opposite, to monitor, and then we hope to be developing a strategy to see how we tackle that so that the Barbary partridge can be protected.

**Hon. D A Feetham:** Can he give me a timeframe in relation to this, because we all recognise here that if we had a choice, you would not cull cats? That is the reality that one would not cull cats if one had the choice, but in a situation where they are impacting heavily on wildlife in the Upper Rock in particular, something as important to Gibraltar as the Barbary partridge, one would have thought that the Government would have perhaps been slightly more energetic in its attempt to get on top of the problem. Yes, because there is a sizeable population of feral cats in the Upper Rock.

705 So can he give me a timetable of when he thinks that perhaps the Government is going to be moving towards the Upper Rock in trying to cut down the population of feral cats in the Upper Rock that is causing such a problem with wildlife there?

**Hon. Dr J E Cortes:** Mr Speaker, we are in danger of having a really long discussion on Barbary partridge management, and I am happy to have that, but I do not know whether the rest of the Members particularly want to hear it.

715 There are a number of things here. Firstly, there is no way that no matter how much you do you are going to remove the full population of feral cats on the Upper Rock; therefore you have to concentrate on those areas where you want the partridges to do well, which means you concentrate on the areas which are better habitats for the partridges.

720 So what we are doing is we are in fact creating a new Barbary partridge habitat. We are monitoring those areas. We are in the final stages of acquiring Barbary partridges from Morocco and we want to time it in such a way that when we release these partridges, we are actually not releasing breakfast for cats. So we are timing it quite tightly and a lot of things have to slot in before we are ready to go.

725 **Hon. D A Feetham:** So just following on from that – this is my last supplementary question on this – so effectively the Minister envisages, in that very tight timetable for the acquisition and release of Barbary partridges, that when he releases those Barbary partridges, that he will have substantially dealt with the problem of feral cats in the areas where you are going to be releasing the partridges. Bearing in mind as well, of course, that that begs the question... I mean you are not going to be releasing them in fenced out areas.

730 So if you have a very large population of feral cats in the Upper Rock, they are bound to be moving, for example, to the area of Windmill Hill, where I presume that is one of the areas where he is going to be releasing some of these partridges, but can he perhaps shed some light in relation to that or give that guarantee to the House?

735 **Hon. Dr J E Cortes:** Mr Speaker, I sense the enthusiasm of the hon. Member opposite, and I am sure that behind it all he is extremely pleased that I happen to be Minister for the Environment. (**A Member:** Absolutely.) (*Interjections*) Mr Speaker, I did not hear that, but I am sure it was quite funny.

740 Mr Speaker, the idea is that this will work and that we will be able to ensure the ongoing success of the Barbary partridge or the *renewed* success of the Barbary partridge. But I really think, Mr Speaker, that from a question on monthly numbers of cats culled in urban areas, if I may add, to a discussion on the management of Barbary partridges, is probably – with respect to the hon. Member opposite, and I am

745 very glad to know that he shares my keenness for the species – I think that is probably as far as we need to take it at this point in time.

750 **Air pollution**  
**ESG concerns**

**Clerk:** Question 827, the Hon. J J Netto.

755 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 700/2013, is the Minister for the Environment not aware of the ESG communiqué of 16th October 2013, in relation to the concerns of air pollution?

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

760 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, he is. Question 700/2013 asks whether the Department for the Environment had received reports of, and I quote:

‘persistent heavy air pollution associated with rotten eggs or sulphur smells’.

765 Mr Speaker, it had not. It had received four isolated complaints, which is precisely what I answered.

**Hon. J J Netto:** Mr Speaker, in the ESG communiqué of 16th October, they talked about persistent heavy air pollution in the area of Waterport Terraces, the South District and the Port. They also talked about talking to the Government, meaning probably the Minister for the Environment, and talking to the Department of the Environment in relation to raising their concerns on this persisting air pollution.

770 Has he now had that discussion with the Minister and the Department of the Environment in relation to their concerns?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, I have very regular contacts with the ESG.

775 In relation to roundabout the time when the ESG issued their statement, which was on 16th October, there had been an approach, which I have recorded here on that day, from the ESG to the Agency. The matter was relating to smells that had occurred on the previous day and so it was difficult to investigate that particular instance.

780 There was subsequently a report the following day, not from the ESG, which was investigated. It appeared that there was an issue with a ship that had come into port with ammonia; but ammonia does not smell like rotten eggs and so it was probably unrelated to the previous one.

Certainly, I am glad to say that the large spate of smells related to bunkering, which happened a few years ago, has not happened, and these continue largely to be isolated incidents.

785 **Upper Rock Nature Reserve**  
**Temporary closures of pathways**

790 **Clerk:** Question 828, the Hon. J J Netto.

795 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which pathways, green areas and walking routes in the Upper Rock Nature Reserve have been temporarily closed as a result of the comments made by the Minister of Heritage at the Heritage Trust AGM, in which he stated that what he saw were ‘death traps’?

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

800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as a result of continuing works to improve public access to the Upper Rock, works are ongoing in the Douglas Path/Mount Misery area, and access to a section south of the cable car top station has been closed off pending works.

This information is about a week old, Mr Speaker, and those works may have progressed since then. But, if you remember, we adjourned from last Thursday and I have not had the opportunity to check this morning.

805 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, is the Minister saying that this particular pathway that he is referring to was closed about a week ago? Is that what he is saying?

**Hon. Dr J E Cortes:** No, Mr Speaker.

810 There has been ongoing works in Douglas Path and what is known as 'Mount Misery'. Another section, which is south of the cable car top station, which is the other peak, so to speak, north of Mount Misery, has been closed off pending works. It is those works that I am not sure whether they have been carried out or not. The ones to Douglas Path and Mount Misery were ongoing when this answer was drafted and so they may well have been completed or will be nearing completion.

815 **Hon. J J Netto:** But in any case, what the Minister for the Environment is referring to is one particular pathway which has been temporarily closed. The impression that the Minister for Heritage gave, at the Heritage Trust AGM, was that there were many green areas and pathways in the Upper Rock Nature Reserve which were death traps. That is the impression, at least as quoted in the press.

820 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, if I may, since he is alluding to me, the fact is that what I said in the Heritage Trust AGM was that there was *one* place and that is Mount Misery, which is what my colleague is just stating. I can tell him for his peace of mind that I went there the next day, with a Health and Safety officer, and that is the place which is now blocked off for safety reasons. There is no pathway. There is no other place. It was just one specific place and that  
825 was blocked off. It is still blocked off until works are now done.

#### Waste disposal/management Government plans

830

**Clerk:** Question 829, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, further to Question 694/2013, can the Minister for the Environment state what will be the waste disposal options that the Government will embark upon, following the completion of the specialist report by Ramboll in January 2013, providing a timeline for the implementation of such policies?

840 Can I just add Mr Speaker, my understanding is that I gave notice of the question... I mean the deadline for the notice of the question was on Thursday, 12th December, and I believe the Government issued a press release on 16th December to the press, which is this one which I have got here, in a way that puts the position quite difficult because I am trying to ask a question for which already some of the answer may have been put on the public notice by the press.

845 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may answer that point first. We are talking about two separate documents. The question which I have, and I am about to answer, Question 829 refers to a report by Ramboll which was a report on waste management options for Gibraltar.

850 The Waste Management Plan, which is the one that the hon. Member referred to in his last comment, is the Waste Management Plan for Gibraltar, which is independent – totally independent. It is a completely different document and it is an EU requirement that had to be published by a certain date and we did meet the timeframe. So it is a completely different document, and one is only to do with the other in that they are both talking about waste, and that clearly, if we commissioned a report in January to talk to us about waste options, clearly some of that will be reflected in the Waste Management Plan, but it was certainly a completely different document and in no way will one have affected the answer that I am  
855 going to give you, which if I may, I will now proceed to give the formal answer.

860 Following completion of the Waste Treatment Options Assessment Report, undertaken by Ramboll in January 2013, Government resolved to invite tenders in the Official Journal of the European Union and local press for the design, build, finance and operation of a waste treatment facility. Government wishes to provide waste treatment facilities locally, with the aim of achieving the highest environmental standards in the treatment of its municipal solid waste and urban waste water treatment by-products, tyres and other bulky items.

865 Government's principal requirements for the waste treatment facility are the following: (1) a waste reception, sorting and storing facility for specific and separate waste streams; (2) a material recovery facility which will recover recyclable materials from the municipal waste stream; (3) a waste treatment plant of which technologies of advanced thermal treatment would be considered; (4) a facility capable of (i) generating electricity; (ii) and/or producing potable water; (iii) and/or producing biodiesel; (iv) and/or

producing syngas; (v) handling and treatment of ad-hoc waste; (vi) handling and treatment of saline sewage sludge.

870 The tender was advertised on 14th February. The tender stage has now closed. Government is currently reviewing the tender submissions and will be in a position to make a decision in the first part of next year.

875 **Hon. J J Netto:** Mr Speaker, does the Minister for the Environment have a timeline in relation to when they would like to see, at least tentatively in operation, the new waste treatment plant?

880 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible. This is something that is well overdue and something that this Government has taken on with great fervour. Clearly, we needed to have the consultant's assessment, which is the report that I referred to in January 2013, and then that was used to inform the tender process. The tender process is currently reaching its final stages and I would like to think, clearly it depends on what the different options are and what tenders are finally provided, but I would have thought that certainly, within this term of Government, we should see the waste plant operational.

885 **Hon. J J Netto:** I think Mr Speaker, with respect; I might have lost the last part of the words of the Hon. the Minister of the Environment. Did he give an indication as to by when the new waste treatment plant will be operative?

**Several Members:** As soon as possible.

890 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible, and my wish would be that it would be within this term of Government; but certainly it depends on the details of the selected tender.

895 **Hon. J J Netto:** So basically he is not in a position right now at least, whether it is in 12 months' time or 24 months' time.

Can I also ask the Minister what is the location as to where the waste treatment plant might be located?

**Hon. Dr J E Cortes:** Yes, Mr Speaker, the intention is still to have it on the Governor's Cottage site.

900 **Hon. J J Netto:** Is the Minister perhaps in a position to tell the House what percentage of electricity may be able to be produced by this waste treatment plant at this moment or will he have to wait for the completion?

905 **Mr Speaker:** That cannot possibly arise from the original question.

#### **Upper Rock Nature Reserve: A Management and Action Plan Implementation of recommendations**

910

**Clerk:** Question 830, the Hon. J J Netto.

915 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which recommendations of the 'Upper Rock Nature Reserve, A Management and Action Plan' have been implemented since 9th December 2011, which ones the Minister intends to implement in the next 24 months, and which ones the Minister feels that he will not be able to implement and why?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the recommendations that will be implemented for the Upper Rock Nature Reserve and the wider Gibraltar Nature Reserve will all be fully laid out in the upcoming management plan that is being drafted by the Department of the Environment in consultation with the relevant stakeholders.

925 In any case, there are some notable recommendations that have been put into effect since 9th December 2011, which include: (1) extending the boundary of the Nature Reserve to include other important habitats, such as the Great Sand Slopes, Windmill Hill, Jacob's Ladder and Europa Point foreshore; (2) clearing areas of dense vegetation within the reserve; (3) appointing wildlife wardens; (4) reviewing traffic flows in the Upper Rock as part of the Traffic Management Plan; (5) establishing a



930 Caves Working Group, along with monitoring cave biodiversity and protecting specific caves and tunnels in the Upper Rock, by means of grilles and fences; (6) facilitating and supporting the monitoring of bat populations in Gibraltar as part of the Gib-Bats Project –this has already resulted in a new species of bat being recorded in Gibraltar, namely the Isabelline Serotine bat; (7) improving paths in the Upper Rock; (8) continued removal of invasive species.

935

**Control of Barbary Macaques  
Access to Mount Alvernia**

940 **Clerk:** Question 831, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister of the Environment say if there are any permanent plans to avoid having Barbary Macaques entering into Mount Alvernia in the near future?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, management and staff at Mount Alvernia have been inducted in what measures they should take to discourage the monkeys. This includes ensuring staff and visitors do not provide food, making bins monkey proof and dealing with the scaffolding that has been in place for years.

950 **Hon. J J Netto:** Mr Speaker, can I just say that while the scaffolding has been there for many years, it is the case that the macaques are venturing into the homes more often, into the actual bedrooms of the residents there in Mount Alvernia, in frequent numbers, particularly lately. Whilst all the measures that the Minister has announced just now are positive steps in the right direction, it may not preclude the fact that macaques will continue to get inside the bedrooms of the residents.

955 For that particular aspect of the question, does the Minister not see that perhaps the staff in Mount Alvernia might need some extra help or resources, in conjunction with either the Department of the Environment or perhaps some other entity?

960 **Hon. Dr J E Cortes:** Mr Speaker, they are getting that. They are getting regular visits from the macaque team and being encouraged and advised on how to deal with this; so that is happening. There is constant contact.

965 The monkeys were attracted initially to fruiting trees in the gardens of the Mount and then discovered the bins and apparently people started to put food out for them, which is clearly something that we must all discourage. So the situation is being handled with the support of the team.

970 **Varyl Begg Estate  
Pigeons culled in last six months**

**Clerk:** Question 832, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 696/2013, can the Minister for the Environment say how many pigeons have been culled in the last six months in Varyl Begg Estate?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, four pigeons have been culled in Varyl Begg Estate in the last six months.

985 **Hon. J J Netto:** Mr Speaker, the reason why I am raising this particular question is because I have had representations being made to me by tenants of Varyl Begg Estate. In fact, I have taken the trouble myself of taking some pictures of the amount of pigeons, and I would say not just in the Varyl Begg Estate, because the whole area that is being affected by all this is, is practically the whole of the west side of Gibraltar. There are literally hundreds and hundreds of pigeons just flying around that particular area of Gibraltar.

990 Could I ask the Minister, on behalf of the tenants in Varyl Begg Estate, whether a particular effort could be made to tackle this over population of feral pigeons in that part of Gibraltar?

995 **Hon. Dr J E Cortes:** Mr Speaker, I am glad that the hon. Member has said that pigeons fly, because I thought that he had forgotten that fact, and the fact that four have been captured in Varyl Begg Estate does not mean that those that have been caught elsewhere are not ones that also frequent Varyl Begg Estate. They do fly between areas and therefore you cannot say that only four of the ones that use Varyl Begg Estate have been culled.

This is a concern. There is a large number of feral pigeons, as there have been for many years, and this is something that my Department is addressing with a view to introducing a programme which will be able to tackle this.

1000 **Hon. J J Netto:** Mr Speaker, can I invite the Minister, perhaps, to give some details of the particular programme he envisages will be implemented?

1005 **Hon. Dr J E Cortes:** Yes, before I do that, Mr Speaker, I will refer to my answer last time, which was that there have been 1,347 pigeons culled overall, so it is not that nothing is happening. Increased deployments to a number of areas in order to be able to attempt to bring the population down and also we are considering whether the feeding of pigeons is something that should be tackled as to whether or not that should be illegal.

1010 At the moment it is, in the sense that if you put out food, you are putting out litter, but there is not any specific targeting of the feeding of pigeons. Particularly in certain areas, like, for example, happened in Trafalgar Square, where it was made contrary to regulations, local regulations, to feed them in Trafalgar Square, it may be that we need to look at that, and that is something that is being looked at.

1015 **Importation of trees and turf from Italy and UK  
Carbon footprint cost**

**Clerk:** Question 833, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing 140 trees from Italy for the Commonwealth Park, compared to a closer jurisdiction, such as Portugal or Spain?

1025 **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 Question 834.

1030 **Clerk:** Question 834.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing turf from the UK for the Commonwealth Park, as compared to a closer jurisdiction, say Portugal or Spain?

1035 **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 trees for the Commonwealth Park were purchased from Italy because Italy is the main producer of quality trees in the Mediterranean.

1040 It was absolutely essential for the establishment and success of the park that trees were purchased from the most reputable and reliable source possible. Trees are distributed throughout Europe from Italy, so that, for example, many of the trees that are used for landscaping in the UK arrive from Italy, either directly or indirectly, via Germany and the Netherlands. In fact, some of the best trees that are sold in Iberia are purchased in Italy and grown on in Iberia. So that purchasing closer to Gibraltar does not necessarily reduce the total distance of journeys for the trees.

1045 The trees for the park arrived from Pistoia, Italy, in five articulated lorries. The carbon footprint for the journey will have been about an estimated 29 tonnes. This is offset by the estimated amount of carbon sequestered by the trees so far, which given their sizes is about 103 tonnes. This offset would also cater for the higher quality turf being imported from the UK, about 28 tonnes, rather than a closer jurisdiction.

1050 The expertise that Italian growers have in packing these trees into lorries – 140 trees in just five lorries – means that although the distance covered is of course significantly greater, a larger number of lorries are likely to have been used had the trees been purchased in Portugal or Spain.

1055 It is doubtful, furthermore, that trees purchased in Iberia would have approached these Italian trees in quality, size and health. These factors would of course affect future growth and longevity positively, both of which will of course enhance future carbon sequestration.

1060 When all of these factors are taken into account, it is highly unlikely that there would have been any reduction at all in carbon footprint had these trees been purchased in Iberia. Quite apart from this, there is of course a net gain in carbon sequestering as a result of the new park, regardless of the trees provenance, so the park reduces Gibraltar's carbon footprints.

**Hon. D A Feetham:** Mr Speaker, what about financial cost? Before the Hon. Minister or Members of his staff went out and ordered these trees, was there an investigation of prices elsewhere in Spain, Portugal, or closer to home, where it might have been cheaper to purchase these trees?

1065 At the end of the day, I understand that it is always desirable to obtain the best possible quality, but when you are in Government, one balances the cost of best quality with obtaining reasonable quality at a lower cost that turns out to be better value for the taxpayer.

1070 **Hon. Dr J E Cortes:** Mr Speaker, I am sure I cannot detect anything behind the words of the Hon. Leader of the Opposition which may suggest that he would rather the trees died, and therefore that we got less quality trees. (*Laughter*) I say this, apart from the intention of perhaps making it a more jovial tone today, it is after all two days before Christmas, because clearly we need to have quality if this is going to be a park that will stand the test of time.

1075 It was not asked and so I do not have a cost for the trees, in particular, with me, but clearly they are the best trees available in the Mediterranean and the long-term cost benefit of acquiring these trees is something that is absolutely clear.

## ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

1080

### Job vacancies offered to employed persons Government's policy

1085 **Clerk:** Question 806, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Employment state whether it is the Government's policy not to offer vacancies to those in employment?

1090 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, as this House has been told previously, the majority of the vacancies open since 2011 have been filled by persons who were not registered as unemployed.

1095 **Hon. D J Bossino:** And presumably the answer is that it is in the Government policy, given that on the ground, according to what the Minister is saying, it is not happening.

1100 **Hon. J J Bossano:** Well, Mr Speaker, it follows, as night follows day, that if the vacancies had not been opened to everybody, then it would not have been possible for the vast majority of them to have been filled by people who were not registered as unemployed.

Clearly, every time that somebody who is employed already gives up a job in the private sector and takes up a job in the Government, the unemployment figures do not go down, but there is nothing I can do about it.

1105

### Definition of 'disabled' Government review

1110 **Clerk:** Question 807, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government say when the definition of 'disabled' will change to ensure that all those who suffer disability, at whatever stage in their lives, will

1115 be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

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

1120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is in the process of establishing clear and objective criteria to address the problems faced by those who become disabled, but were not born with a disability. This will be completed within the lifetime of the Parliament.

1125

**Leisure Construction and Maintenance Company Limited  
Number of employees**

1130 **Clerk:** Question 808, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 650/2013 by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1135 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, none have been employed since the answer to Question 650/2013.

1140

**Health and Safety  
Provision of November 2013 statistics**

1145 **Clerk:** Question 809, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide the November 2013 statistics to Parliament of Health and Safety, as these were unavailable on the Government website when the deadline to hand in the Opposition's Questions to Parliament expired?

1150

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

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I now hand over to the Member the information required.

**GIBRALTAR PARLIAMENT, MONDAY, 23rd DECEMBER 2013**

Table HS.1

**Monitoring Activities, 2013**

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	9	2	12	4	-	4	34
Education	-	-	-	-	-	-	-	0
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	0
Medical & Health Services	-	-	-	-	-	-	-	0
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	0
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	1	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
<b>Total</b>	<b>8</b>	<b>10</b>	<b>2</b>	<b>14</b>	<b>6</b>	<b>-</b>	<b>4</b>	<b>44</b>

Updated 1 December 2013

**Occupational Reportable Accidents, 2013**

Industry Sector	November		
	Minor	Major	Fatal
Air Transport Related	-	-	-
Bank, Finance, Insurance	-	-	-
Construction	2	-	-
Education	-	-	-
Electricity Supply/Related	-	1	-
Horticulture	-	-	-
Hotel Trade	-	-	-
Manufacture	-	-	-
Medical & Health Services	-	-	-
Police, Security, Fire Services	-	-	-
Post & Communications	-	-	-
Public Admin & Natl Defence	-	-	-
Repairs Consumer Goods	-	-	-
Restaurants, Bar etc	-	-	-
Retail Trade	-	-	-
Road Transport Related	-	-	-
Sanitary Services	-	-	-
Sea Transport Related	-	1	-
Shipbuilding/Marine Repairs	-	-	-
Water Supply/Related	-	-	-
Wholesale Trade	-	-	-
<b>Total</b>	<b>2</b>	<b>2</b>	<b>-</b>

Updated 1 December 2013

Table HS.3

**Enforcement Activities, 2013**

Industry Sector	November	
	PN	IM
Air Transport Related	-	-
Bank, Finance, Insurance	-	-
Construction	-	1
Education	-	-
Electricity Supply/Related	-	-
Horticulture	-	-
Hotel Trade	-	-
Manufacture	-	-
Medical & Health Services	-	-
Police, Security, Fire Services	-	-
Post & Communications	-	-
Public Admin & Natl Defence	-	-
Repairs Consumer Goods	-	-
Restaurants, Bar etc	-	-
Retail Trade	-	-
Road Transport Related	-	-
Sanitary Services	-	-
Sea Transport Related	-	-
Shipbuilding/Marine Repairs	-	-
Water Supply/Related	-	-
Wholesale Trade	-	-
<b>Total</b>		<b>1</b>

Updated 1 December 2013

Table HS.4

**Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013**

As at	Advice
November 2013	-
<b>Total</b>	<b>-</b>

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

Table HS.5

**Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2013**

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
30 November 2013	Construction	1	-	1. Failure to have a supply of clean hot and or warm, water; 2. Failure to have adequate and sufficient lockers and changing rooms.

Updated 1 December 2013

Source: Ministry of Enterprise, Training, Employment and Health & Safety

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**Mr Speaker:** The supplement is rather lengthy. Could I suggest that we go on to the next question and the hon. Member can come back and ask supplementaries when he has studied the information? Okay.

**Hon. J J Netto:** It will not be necessary, Mr Speaker, because subsequent to the closing date, it is on the website. So I have got it here with me, so I can ask the supplementary question straight away.

1160 Mr Speaker, could I ask the Minister for Health and Safety, because I have been looking at one of the tables in particular... I am referring to the table for monitoring activities and I do not know whether he has got it in front of him – monitoring activities for the month of November we are talking about – and I can see that there was a total of 44 activities, which are later broken down by each particular component.  
1165 But of the total of 44, 34 correspond to the construction industry. Now the construction industry is just one industry group of 21 within the labour market, and that represents 77% of the total amount of monitoring activities for the month in November of the total. Could the Minister perhaps give an explanation why this unusually high figure of 77% is dedicated just on the construction industry?

1170 **Hon. J J Bossano:** Yes, Mr Speaker, I can give him the same explanation that I gave him the last time he asked an identical question, which is that construction activities take place in sites that stop being work places when the work is completed and open up new sites. Whereas if he looks at the rest, it is all inspections of permanent places of shops, retail trade and road transport. In all those cases the place to be inspected is inspected and if the inspectors do not find anything wrong, they do not have to keep on coming back.

1175 But in the construction sector, you can have one construction company and they are opening new sites every month and completing work on other sites. The pattern is the pattern that is normal, has always been there, and it is explained by the fact that construction companies are mobile from site to site, but shops are not, they are always in the same place.

1180 **Hon. J J Netto:** Yes, Mr Speaker, I do accept part of the answer given by the Minister, in the sense that construction sites are mobile and therefore the Health and Safety Inspector will want to inspect every, perhaps, new particular site that emerges in a particular construction; but the fact is that the figures are simply disproportionate. (*Interjection*)

1185 When you look at it in the month you have a total of 77% of the time dedicated to monitoring to that particular industry group. There is – and I have done an exercise myself and I do not want to go into a lengthy explanation here because it is Question Time – a particular industry group in the whole of this year which has not had one single inspection at all within the labour market. It just shows that there is a disproportionate amount of time dedicated only exclusively... well, I would not say exclusively, but *mainly* on the construction industry, to the neglect, perhaps, of other industry groups.

1190 Can I ask the Minister, because it is Question Time, whether he can discuss this with his own officials in order to see that other industry groups have some attention as well, because at the moment they are not having any attention at all?

1195 **Hon. J J Bossano:** No, Mr Speaker. I will not do that because I do not think it is my job to tell the Health and Safety Inspectors how best to conduct the activities that they are required to conduct under the law. I do not think that I am qualified to tell them that the amount of time that they spend going to a construction site is disproportionate. I do not know if that was the practice before 2011 and I will find out if it was, but it is certainly not the practice now and I do not intend to introduce it.

1200 **Hon. D A Feetham:** Well, Mr Speaker, and I see the Hon. the Minister for Financial Services laughing. It is not a laughing matter –

**Minister for Financial Services and Gaming (Hon. A J Isola):** I was laughing at you!

1205 **Hon. D A Feetham:** The reality is that the Hon. Mr Netto has pointed out that there are industry groups that have not received any visits from inspectors at all. He may not give instructions to inspectors as to who to visit or who not to visit, but ultimately he is politically responsible if inspections are not being conducted with the efficiency that they ought to be conducted, and that there are industry groups that are being, effectively, neglected or not being inspected.

1210 Does he not believe that that is a matter of concern? At least will he not undertake to go back and to actually look at the split, in terms of industry groups of inspections, and if there is a particular problem by way of neglect of a particular sector, that perhaps he ought to have a word with his inspectors and at least ask why it is that these industry groups have been neglected or there were no inspections in relation to them?  
1215

**Hon. J J Bossano:** No, Mr Speaker. I will not do any of that because I do not think that just because the hon. Member opposite gets it into his head that there is a huge neglect of people who are at serious risk or small risk or any risk at all, when there is overwhelming evidence that the vast majority of accidents at work happen in areas, like the construction industry, where people are at risk and it is quite

1220 obvious that the level of risk that takes place in... simply because anybody that has been at work knows  
that in an office with lawyers, is not the same as when you are going up scaffolding on a building site. So  
clearly, the inspectors, who know their job and are professionals, are doing the work in the way they think  
is more efficient.

1225 Let me say that this new interest in Health and Safety is surprising, when in fact I made public  
recently the fact that there is a requirement in the 1996 Regulations that every single entity in Gibraltar  
should produce a risk assessment and keep a record of places where there are more than five, and the  
Department had no evidence that that had been complied with. In fact, I am now in the process of  
ensuring that in areas where it has not been complied with, after somebody approaches the employer to  
find out if it is there, if there is a record, it will be done. I have given a public commitment that every  
1230 single employer will have a risk assessment required of them, as the law states, within a year.

I do not think that there is more that can be done to do what is the basic thing, which is to do a risk  
assessment. When that has not been done, surely the risk assessment that is going to be done over the next  
10 months will show us whether there are other areas that potentially we should be devoting more  
attention to.

1235

**Factory Inspectors  
Reason for seeking legal advice**

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**Clerk:** Question 810, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question 704/2013, can the Minister for  
Health and Safety say for what reason or reasons did the Factory Inspector seek legal advice in the month  
1245 of October?

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

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr  
1250 Speaker, the legal advice pursued by the Inspectorate was on how to proceed after an improvement notice  
issued to GFI was appealed.

**Hon. J J Netto:** Was this improvement notice issued in September?

1255

**Hon. J J Bossano:** I believe it was.

**Hon. J J Netto:** And was the reason for the legal advice because the employer, in this particular case,  
was not putting right, basically, what the Factory Inspector had placed in the improvement order?

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**Hon. J J Bossano:** Well, as the original answer states, Mr Speaker, if the employer in question gave  
notice of appeal, it follows logically that he did not agree with the assessment of the Inspectorate and that  
is why he was going to appeal.

In actual fact, when the matter was referred to the Attorney General for advice, the Inspector went  
back to GFI and they agreed to comply with the Inspectorate and it did not go any further. But if it had  
gone to appeal, the Inspectorate needed the assistance of the Legal Department on how to deal with the  
1265 appeal.

**Hon. J J Netto:** I am not sure whether I have understood the Minister correctly. Is he therefore saying  
that while they have been seeking legal advice, the actual works have not progressed on site, or they have  
1270 progressed on site? I was not clear there.

**Hon. J J Bossano:** If somebody gets told to do something in his workplace to change something and  
he decides to appeal, then it means that he does not accept that what he is being asked to do has to be  
done. I am telling him that that is why the Inspectorate appeals are very, very rare. The Inspectorate then  
went to the AG's Chamber to say, 'Well, look, these guys are resisting, what needs to be done. They are  
going to go to appeal, so how do we deal with it?'

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I am also telling him, although he has not asked me, that in practice, after that step was taken, and  
they went back, the company concerned changed its mind and decided not to proceed with the appeal, and  
complied with the order.

1280



HEALTH AND THE ENVIRONMENT

Artificial reef

Reasons for location and timing

1285

**Clerk:** Question 835, the Hon. D A Feetham.

1290

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the Government laid the artificial reef in the area that it did, at the time that it did?

**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, I am answering on the creation of the artificial reef as this was an environmental measure, co-ordinated and managed by my Ministry.

The location of the artificial reef is paramount, as this will largely determine the success of the prospect – (**A Member:** Project.) sorry, of the project... I apologise Mr Speaker – as this will largely determine the success of the project so that it will enhance the area's marine environment.

1300

More specifically, the north-west artificial reef was laid in this area for the following reasons: (1) sea grasses were prevalent in the area as documented by experts in scientific journals, but these had been destroyed by fishing activities, particularly raking. The design and layout of the reef has been done to facilitate the planting of sea grasses; (2) the seabed is of a sandy composition. The Department of the Environment had been continuously monitoring the water sediment and biological conditions of the site, which proved to be suitable for the creation of an artificial reef; (3) the area is not a shipping lane or military exclusion zone; (4) it is an area within British Gibraltar Territorial Waters, which provides no negative environmental impact, but maximum environmental gain.

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The reef, being in sheltered waters is the ideal location to: provide a spawning area for fish and marine life; provide an area for the re-colonisation and/or relocation of sea grasses; provide natural protection for the recolonisation of Habitats Directive Annex IV species, as listed under the Habitats Directive – for example *Pinna nobilis*; improve shellfish populations; provide a habitat for benthic communities to develop; and provide a new site for diving and snorkelling activities.

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In terms of timing, calm conditions with minimal wave, wind and tidal influences favour the deployment of artificial reef modules. The north-west artificial reef was deployed during the summer on 24th July and 25th July 2013, since the forecast for meteorological and sea state conditions were deemed suitable for said deployment.

1315

**Hon. D A Feetham:** Was there any discussion at all or was it factored into the decision to lay the reef in August? I recognise that the Government has every right to lay this reef where it laid it.

1320

**A Member:** In July.

1325

**Hon. D A Feetham:** Sorry, in July. But was there any discussion or was it factored into the decision, the possible repercussions that might have flowed from the laying of the reef and the impact that that would have had in terms of local traders because of ...and indeed there has been an impact on local traders – the consequence of the problems that we have had on the frontier? I mean, was that factored into the decision-making process by the Government, or the Minister, or the Chief Minister, when the decision was taken to lay this particular reef in July?

1330

**Chief Minister (Hon. F R Picardo):** Needless to say, Mr Speaker, I am not going to be engaging the Leader of the Opposition on what the Chief Minister and the Minister for the Environment discuss.

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**Hon. D A Feetham:** Yes, but Mr Speaker, that is a wholly inadequate answer, with respect.

We have a reef that has been laid in July. It has provoked, unjustifiably so, we recognise that – unjustifiably so, but in our view *predictably* so – a reaction from Spain which has involved restrictions at the border, which has then caused huge problems, particularly for mainstream traders at the height of the tourist season in August and September, which has led many of these traders to see a downturn in their turnover for those two months.

1340

I would have thought, and does he not agree with me, that any prudent and reasonable Government would have factored into their decision-making process that kind of consequence, despite having the legal right and the moral right, whatever you like, in terms of laying that reef, but factoring into the decision making process those consequences for mainstream traders and other businesses in Gibraltar?

**Mr Speaker:** Before the Chief Minister answers that supplementary question, let me make it clear that I am not going to allow a debate this morning, arising from this question, about the frontier restrictions or the measures being adopted by the Spanish Government, for whatever reason they may be.

1345

If the hon. Members of the Opposition wish to, they can raise the matter later, on the adjournment. It is a proper matter to raise on the adjournment, when a 40-minute debate can take place without a vote being taken and without a formal motion, or they can raise, they are free, under the Rules of this House, they are free to bring a motion on the question of the frontier restrictions whenever they so wish and then different Rules will apply because it will be a debate.

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But this morning, arising from this question, we are not going to have such a debate.

**Hon. Chief Minister:** Mr Speaker, I am very grateful for that, because I think that is exactly what the Hon. the Leader of the Opposition wants.

1355

May I just comment in respect of what you have said, that of course a motion on the adjournment falls in respect of matters which are urgent, and something which has been going on apparently since August is not going to, in my view, attract the epitaph of ‘urgent’.

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**Mr Speaker:** If I may correct the Chief Minister: not just urgent, but on any other matter, and it is any other matter that could have arisen during Question Time, and then it is for the Speaker to decide whether that is an appropriate matter to have debated on the adjournment.

**Hon. Chief Minister:** I am grateful, Mr Speaker, but let us be clear that the motion on the adjournment is not the sort of procedure that should be used by Oppositions that are fearful of losing votes on motions.

1365

The Opposition, if they want to debate this issue with the Government are free of course to do so and the Government would very much welcome the opportunity of debating this with the Opposition; but let us do it on a motion, Mr Speaker, that is clear, and let us do it on a motion where we take a vote.

1370

Mr Speaker, the position is very clear. I am not going to engage the Leader of the Opposition on what it is that the Government considers when it makes a decision. If I start the process of answering in respect of that question, then we are going to be here simply analysing who said what to who in Cabinet before a particular decision that hon. Members like or dislike was taken.

1375

But I do have to take issue with much of what the Hon. the Leader of the Opposition has said. He appears to not be living in the Gibraltar that most of the rest of us are living in. He appears not to have lived the history of Gibraltar that the rest of Gibraltarians have lived it, and I say that, Mr Speaker, not in respect of the restrictions of 1969 to 1982 and then 1985, when the frontier finally opened, but of course, Mr Speaker, in respect of the period of restrictions and of frontier queues and of rhetoric that the hon. Member did not live with us, because he was happily ensconced up in the north of England being a barrister there.

1380

He might not recall, and I hope that this is of assistance to him, Mr Speaker, that at the time that the GSD were in administration, when they laid no reefs, Mr Speaker, and they tore up no fishing agreements – in fact they did them – we had... Apparently I am *pesao* Mr Speaker, I hear the hon. Lady opposite saying, because I am reminding them of this.

1385

We had extremely long frontier queues. We had extremely negative rhetoric, all from the same place that we have them today, the Palacio de Santa Cruz and the *Partido Popular* Foreign Ministers of the time.

There was a very informative article today that I recommend to Members opposite, Mr Speaker, in a publication in Spanish called *Público – Público.es* – which analyses what is Plan A and what is Plan B for the Spanish Foreign Ministry.

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Plan A, Mr Speaker, is being nice to the Gibraltarians and see if they will agree to transfer the sovereignty of Gibraltar. Plan B says, Mr Speaker, if having been nice to the Gibraltarians they do not agree to any progress on issues of sovereignty, then start getting tough. And if the hon. Gentleman says, ‘Well, Mr Speaker, did you not consider Plan B when you were considering with the Hon. Minister for the Environment whether such a reef should be created in British Gibraltar Territorial Waters or not?’, let me put it to him, Mr Speaker, that he should go back and do a bit of research. Not so much on the numbers of inspections that Health and Safety officers rightly do in respect of the construction industry,

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rather than analysing Health and Safety in hairdressing salons or spas, but to read the words of Señor Margallo, when he was first appointed Minister for Foreign Affairs of Spain – not when he said, ‘*Gibraltar Español*’ or ‘*Esta broma se ha acabado*’ – this joke is over – but when he said in a lengthy interview on 21st January 2012, Mr Speaker, and for the purposes of assisting him that is 19 months before the reef was laid – 19 months before the reef was laid – ‘We are not going to progress with the trilateral process that is at an end and from now on we will have regional co-operation so long as there are advances on sovereignty –

1400

1405 **Mr Speaker:** Can I – ?

**Hon. Chief Minister:** – not otherwise’.

1410 **Mr Speaker:** Can I bring the Chief Minister (*Interjection*) back to the question and answer? The question was as to the reasons why the Government laid the artificial reef in that area and the time that it did so.

The Hon. the Minister for Health and the Environment has given detailed answers, based on environmental and biological conditions, as to why that was proceeded with. I am only going to allow any further supplementaries to deal with those aspects of the question and the answer.

1415 Anything else to do with the wider political issues, hon. Members can debate whenever they so wish. I make myself available for that purpose and I will then apply the liberal rules of debating which follow. But, we are not going to do that this morning and I am bringing this matter to a conclusion, unless supplementary questions are within the parameters that I have decided.

1420 **Hon. Chief Minister:** Mr Speaker, I am very happy to accept your ruling. I will allow the Minister for the Environment to deal with the biological and environmental aspects of this matter as he is much better qualified than I am. I think I have dealt with the political aspects that were raised by the Leader of the Opposition.

1425 **Hon. D A Feetham:** Mr Speaker, I am interested in the political questions and the political answers. If I cannot ask political questions and receive political answers, then I am not going to pursue the matter any further.

1430 **Hon. Chief Minister:** Mr Speaker, can I put it to the hon. Gentleman that environmental issues and biological issues are highly important political issues too.

**Hon. D A Feetham:** Yes, Mr Speaker, but I am interested in the reasons why the Government took a decision which in my view has turned out to be one of the most monumental errors of judgement in the political history of Gibraltar. (*Banging on desks*)

1435 **Mr Speaker:** May I make it clear that, as Speaker, I am also interested in those decisions. I do not want anybody to go away from this House under the impression that I am curtailing discussion on these matters. I am just saying that Question Time is not the appropriate time to do so and I invite hon. Members of the Opposition, if they so wish, to table a motion at the earliest convenience, in order to debate this important issue. So I do not want anyone, members of the public in particular, who may not understand what the Rules of Procedure are, to think that the Speaker is curtailing debate. The Speaker is not curtailing debate, provided it is at a time when debate is called for.

1440 We are dealing with questions and answers, the purpose of which is to ask for information, to enjoin the Government to adopt a particular course of action or to adopt a certain line of policy, and that is what Question Time is about.

1445 **Hon. Chief Minister:** I am very grateful, Mr Speaker. I think it is important the public should know that we are prepared to debate these issues.

1450 Mr Speaker, I think it is entirely politically appropriate though that I do deal with the hon. Gentleman’s last point, because I think the public will realise, Mr Speaker, that the biggest monumental error of judgement made in the modern history of Gibraltar was actually to leave the GSLP as it was in the ascendancy and to join the GSD. In any event, Mr Speaker, history will judge this Government for everything it has done, not just but including the reef, much more fairly than the Opposition would like us to be judged for their own narrow political purposes. And when we do, Mr Speaker, the advances made in respect of those waters off the isthmus may not look like such a monumental error of judgement.

1455 **Hon. D A Feetham:** And I will enjoy bringing a final curtain to your Government in two years’ time. (*Interjections*)

1460 **Mr Speaker:** Is there any supplementary on this particular question? If not, we will proceed to the next one. No. I see that the matter has been satisfactorily dealt with therefore. (*Laughter*)

**Hon. Chief Minister:** Well Mr Speaker, the hon. Gentleman has made a point and I think it is right that I should be able to answer it, because... if only with this observation, Mr Speaker.

1465 I think what you have done this morning, Mr Speaker, is to rightly draw out the Leader of the Opposition so that we have now been able to see, and so has all this community, that all of these issues

that he wants to debate, he is not interested, Mr Speaker, in any details as to the biological and environmental reasons for the creation of the reef. He just wants to use this opportunity, Mr Speaker, to hurt the Government politically so that he can bring a final curtain on our Government in two years' time.

1470 Mr Speaker, for the purposes of the record, let me just remind him that the person who will decide when to bring the final curtain down on the lifetime of this Parliament will be me when I go and see the Governor to ask him to convene a General Election. We do not know yet, Mr Speaker, who will lead the parties into that General Election, what the parties will be, which party he will be in at the time, Mr Speaker (*Laughter*) and the general public will decide who it is that governs Gibraltar afterwards. He should not assume that he is going to win any elections in the future.

1475

**Mr Speaker:** And I am bringing now a final curtain on this question and we go on to the next one. (*Banging on desks and applause*)

1480

## CHIEF MINISTER

### Costs to taxpayer

#### Members' expenditure; protocol, travel and entertainment

1485

**Clerk:** Question 836, the Hon. J J Netto.

1490

**Hon. J J Netto:** Mr Speaker, can the Chief Minister state the breakdown of expenditure so far since the commencement of this financial year in relation to (1) protocol; (2) travel; and (3) entertainment by all Members of the Government, broken down by each separate category and stating the purpose, place and date in which such event took place?

**Clerk:** Answer, the Hon. Chief Minister.

1495

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 837 and 838.

**Clerk:** Question 837, the Hon. D A Feetham.

1500

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a breakdown of all costs to the taxpayer of the recent visit to the Fourth Committee of the United Nations, identifying everyone who was paid for by the taxpayer, together with items of expenditure associated with that individual?

**Clerk:** Question 838, the Hon. D A Feetham.

1505

**Hon. D A Feetham:** Can the Chief Minister please provide details of the cost of the Mega Pop Concert, the Jazz Festival, the Literary Festival and the Gibraltar Day in London?

**Clerk:** Answer, the Hon. the Chief Minister.

1510

**Chief Minister (Hon. F R Picardo):** Mr Speaker, ministerial travel costs are put on the Government website, as invoices are received and paid, including those of the Deputy Chief Minister, Minister Licudi and my own, in respect of our travel to the United Nations this year. Should any further Ministerial costs be received, they will be reflected on the website.

1515

Details of protocol and entertainment have never been provided before the financial year end, by any administration, as that amounts to, in effect, providing a management account of ongoing expenditure.

In respect of Questions 837 and 838, however, I now hand over a schedule with the information requested, except in respect of protocol.

Answer to Question 837

Breakdown of costs to date to the taxpayer of the recent visit to the Fourth Committee of the United Nations

GM DELEGATION	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr E Gomez	£5,472.00	£2,190.00	£1,628.50
Mr Javier Redondo	£5,583.00	£2,190.00	£1,679.30
Mr Jaime Trinidad	£5,072.00	£1,333.00	£412.35

PRESS PARTY	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr Stuart Green	£1,478.00	£798.00	£0.00
Mr James Murphy	£1,738.00	£798.00	£0.00
Ms Christine Vazquez	£1,696.00	£798.00	£0.00
Mr J.C. Teunis	£1,324.00	£1,650.00	£0.00

1520

STUDENTS	Air Fares	Accommodation	Meals, Transport and Other Expenses
Dr J J Brito	£1,425.92	£1,898.86	£788.79
Mr Thomas Blegden	£1,425.92	£870.86	£483.30
Ms Cristina Gonzalez	£1,425.92	£870.86	£483.30
Mr Roger Rodriguez Gabriel	£1,425.92	£870.86	£483.30
Ms Aysna Panfer	£1,425.92	£870.86	£483.30
Mr Thomas Ramagge	£1,425.92	£870.86	£513.01
Mr Ryan Robba	£1,425.92	£870.86	£483.30

Answer to Question 838

Gibraltar Day 2013

Guildhall Event	Church Service	Trinity House Breakfast	City Gaming Breakfast	VIP Lunch - The Gherkin
£88,354.97	£2,145.32	£7,474.47	£3,772.00	£1,962.38

Mega Pop Concert	Jazz Festival	Literary Festival
£566,860.17	£91,988.16	£152,921.00*

\* Some further revenue may yet have to be off-set against this figure

**Mr Speaker:** My attention has been drawn to the fact that the Chief Minister... has he missed out the last line of the question?

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**Hon. Chief Minister:** Oh, yes, you are absolutely right, Mr Speaker. I am very grateful.

In relation to Question 837 and Question 838, there is another sentence I should have read out. Her Majesty's Government delegation on this occasion, the occasion of our visit to the United Nations, also included the Director of Education and six students.

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**Hon. D A Feetham:** Mr Speaker, I have the schedule here in front of me and it does not include – and can I take it from the non-inclusion – anybody from the Self Determination Group, it does not include Mr Matthews, unless I have made a mistake. Does that mean that Mr Matthews paid for his own travel and expenses to the United Nations and that is why it does not appear in this particular schedule?

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**Hon. Chief Minister:** Well, he should ask Mr Matthews that, Mr Speaker. The only thing I can say is that the Government did not pay for it.

**Hon. D A Feetham:** Yes, and for the avoidance of doubt, can he confirm that it was not paid for through any Government-owned company, either directly or indirectly?

1540 **Hon. Chief Minister:** Mr Speaker, as far as I know we have not paid for the SDGG to come with us to the United Nations through the Government, the Savings Bank, Credit Finance Company, all the ones that they say are secret, Mr Speaker, but they know everything about it and so does everyone else in our community.

1545

**Former Speaker of the House  
Investigation into leak of personal tax affairs**

1550 **Clerk:** Question 839 the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the investigation into the leak of personal tax affairs of the former Speaker of this House has now concluded?

1555 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this investigation has now concluded and no evidence as to the source of the leak has been established by the Chief Secretary. A report of the investigation is presently being prepared.

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**Hon. D A Feetham:** Well, Mr Speaker, in relation to the report that he says is being prepared, is that a report that is a report to Government that will not be made public, or does he intend to make it public? Would he lay it before this House? What are his intentions in terms of the report into this particular issue, which is a serious issue, not only generally, but also for Members of this House? At the end of the day, this was a Speaker of the House and his personal tax affairs were leaked to members of the press.

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**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman understates the seriousness of what happened here and that to have the tax affairs of any individual leaked to the press is, to say the least, criminal. To have them leaked of a Member of this House is criminal and raises political issues too; and therefore I will not commit myself to publish the report for exactly the reasons that I said to him in answer to Question 497 this year, which I am sure he will recall, namely that it may be that that report leads to my making – my or whatever the appropriate mechanism is – to a criminal report being made for further criminal investigation.

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**Hon. D A Feetham:** I understand that if the report focuses on evidence that may form the basis of a criminal investigation, that it may not be appropriate to disclose the report – I understand that. But as I understood the answer, really the Government or the Chief Secretary has not been able to get to the bottom of how or where and when, the ins and outs of the leaking of this particular information.

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If there is nothing there in this report that can form the basis of a criminal prosecution, because at the end of the day it really is inconclusive, is there any reason why the Government will not disclose the report so that at least Members of the Opposition can look at it and also can look at the thoroughness of the investigation and the way that the investigation has been conducted? We are perfectly entitled to do so, you know.

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can do what he likes. He can look at whatever he likes, but what he is not going to become is the policeman of the Chief Secretary. Is he saying, Mr Speaker, that he has some doubt as to the thoroughness of the investigation undertaken by the Chief Secretary?

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I must say, Mr Speaker, that I watched in awe – watched, because now we are able to, after the reforms that this Government has made – the allegations being made in respect of employment issues, when the Hon. the Minister for Health was answering questions, and all of those implications which you were good enough to point out about the Public Services Commission and its working. Are we now to have suggestions in this House, that in respect of something as important and as sensitive and as, frankly, unacceptable as a leak of a taxpayer's information, the hon. Gentleman thinks that it is up to him to determine whether or not the Government or the Chief Secretary have been thorough in an investigation?

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Well, look, Mr Speaker, that is never going to be a reason for us to publish a report. What I am saying to him, in trying to agree... in fact, in going further than his own view as to the seriousness of this leak, Mr Speaker, is that the report *may* take matters further, and it may take them outside the ambit of simply a

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1600 Civil Service investigation into what has happened. But certainly, Mr Speaker, if the report is published, it will not be in order to enable the hon. Gentleman to make himself the policeman of the policeman.

**Hon. D A Feetham:** Mr Speaker, he really is very long winded in his answers today, and he really is waffling and waffling and waffling... more so today than on other occasions.

1605 Look, it is not up to me. It is not up to me, but I am perfectly entitled to examine that report and make my own mind up as to the quality of the investigation. That is part of the role of the Opposition. Or is he really suggesting that the Opposition is not entitled to look at this report and make up its own mind as to the thoroughness of an investigation into a very serious issue?

1610 Of course there are criminal implications, but it is also a matter of extreme importance to Members of this House that in relation to a Member of this House that there has been a leak of personal tax affairs that ultimately led to the Speaker's resignation last year. Mr Speaker, does he not recognise that the Opposition is entitled to that information?

1615 **Hon. Chief Minister:** Mr Speaker, the previous Speaker of this House, who gave eight years of service to this community and to this Parliament, explained why he resigned – in fact, not why he resigned, why he retired. He never suggested it was anything to do with the malicious leaking of information dealing with his tax affairs. The Hon. the Leader of the Opposition has just said the opposite.

1620 Look, Mr Speaker, there has only been one Speaker who has resigned as a result of something related to the work he has done in this House and that was Mr Alcantara, who had to face a motion of no confidence in the Speaker where the Government voted against him because he had ruled in a way that the Government did not like. The Government that he supported. The Government that he then became a Member of, when he made the monumental error of judgment of leaving the GSLP in its ascendancy and going to the GSD in its descendency.

1625 But, Mr Speaker, how can he say that he is entitled to a Government report? Well, Mr Speaker, if he has any legitimate expectation that he might see the report, which he does not, it might be because we publish reports. Or, Mr Speaker, is it that I had an entitlement – to use his words – to see the Customs Report prepared by the previous administration, which they refused to publish, or to see the Alan King report into the future of GBC, which they had prepared at a *huge* cost to the taxpayer and refused to publish? Well, Mr Speaker, where was the entitlement then when he used to sit here and snigger, as a Government Minister, when those reports were not published.

1630 This report is into a very sensitive matter, and I am telling the House it may lead to more, and all I am saying is I cannot commit myself to publish the report as a result of that. But, Mr Speaker, he says that we are waffling. Look, Mr Speaker, I think anybody who has been watching today will know that they are the ones gobbling like turkeys voting for Christmas, and we are the ones talking turkey.

1635 **Hon. D A Feetham:** He really has a propensity – he does it better than anybody else – to grandstand, the showmanship, the Hollywood; that is his thing. I have to say that that is his thing and I congratulate him for it.

1640 But, Mr Speaker, does he not recognise that he got elected on a ticket of doing things differently, even if it were right what he says. He was elected on doing things differently and he complained on many occasions that we had not published the King Report. Does he not recognise therefore that he ought to take a leaf out of his own political discourse and do things the way that he used to preach that he was going to do things, before he became Chief Minister of Gibraltar?

1645 **Hon. Chief Minister:** Mr Speaker, look I think the hon. Gentleman has not wanted to hear what I say. He accuses me of grandstanding, but he is asking questions, despite my answer being the report may be published unless there are reasons why it should not, because it may lead to a prosecution.

1650 Now Mr Speaker, of course we are doing things differently. There was a new dawn, thank goodness, on 9th December 2011. Things have changed, this Parliament is unrecognisable. People can watch us at home, and so much more has happened, Mr Speaker. But everybody knows that there has been real change in our community.

1655 But what I cannot do, Mr Speaker, is when we are dealing with a report that *may* lead to a prosecution, or an investigation or may be tangentially related to a prosecution or an investigation, commit myself today – and that is what we are arguing about – to publish the report. Mr Speaker, it maybe that those things do not come to pass and the report can be published, because my inclination, as hon. Members know, and they take me at my best in this respect, is always to publish unless there is a good reason not to.

But that does not mean, Mr Speaker, because there has been a new dawn, because at last there is transparency, because we are a more open Government, that the hon. Members can have a webcam set up in each of our offices to hear what we talk about when we are going to decide whether or not to lay a reef,

1660 to look at what it is that we are doing in respect of reports, and to have access to any information that may be of an important prosecutorial nature.

But, Mr Speaker, let that not stop him from sitting down, almost as if he were Scrooge, to say, 'Bah, humbug' to everything.

1665 **Hon. D A Feetham:** Mr Speaker, nobody is asking for disclosure of this report, if at the end of the day it is going to lead to a criminal prosecution or a criminal investigation. I have not suggested that. On the contrary, I have said if it does not do that, there is no reason why you ought not to disclose it, and certainly, not disclose it to the Opposition.

1670 Now, my final supplementary, will he at least, if there is no criminal investigation or criminal prosecution – criminal investigation, really... does he undertake to at the very least allow me sight, as Leader of the Opposition, of this report, bearing in mind that it does go to the privileges to disclosure of personal tax information of a Member of this House, and it relates to this House? And as Leader of the Opposition, will he at least undertake to let me see a copy of that report, even if on a confidential basis?

1675 **Hon. Chief Minister:** Mr Speaker, I said at the beginning of my answer to supplementaries that my answer remained as in respect of Question 497, which was in June of this year. The hon. Member's supplementary is identical to the one he asked me in supplementaries then.

1680 So I will just remit myself to saying this, Mr Speaker – it is at line 270 of the excellent *Hansard* that is now produced so much more quickly for these monthly meetings that we now have, instead of the one or two that they used to have when they were in Government, and called themselves democratic. And I said this, Mr Speaker:

1685 'Mr Speaker, I cannot commit myself to that, [the undertaking which he asked for] for a reason that I hope he will understand. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope he understands that reasoning.'

1690 Mr Speaker, I have said throughout the course of questions and answers this morning, the very same thing. If it leads to an investigation or at a criminal level, I cannot publish it; therefore Mr Speaker, the opposite must also be true. If it does not lead to an investigation for criminal proceedings, then I will be free to publish it.

1695 **Mr Speaker:** Next question.

**Hon. D A Feetham:** Mr Speaker, does that mean, because he has not given me a straight answer to this question. Does it mean that if it does not lead to a criminal investigation that the Hon. the Chief Minister will make that report public – (1); and (2), that at the very least, he will allow me to see it, even on a confidential basis?

1700 I am not asking about criminal investigations. This has never for me been about a report which leads to a criminal investigation. If it leads to a criminal investigation, I understand. If it does not – that is the question.

1705 **Hon. Chief Minister:** I have already answered those questions, Mr Speaker.

**Self Determination Gibraltar Group  
Chairman's speech to UN**

1710 **Clerk:** Question 840, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, did the Chief Minister read the speech of the Self Determination Gibraltar Group Chairman, Dennis Matthews, before it was delivered to the United Nations?

**Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** No, sir.

1720 **Hon. D A Feetham:** Mr Speaker, did he agree with the sentiments expressed by Mr Matthews at the United Nations, comparing the actions of Spain to Gibraltar to that of terrorists?



**Hon. Chief Minister:** No, sir.

1725

**Establishment of Anti-Corruption Authority  
Continuing plans**

1730 **Clerk:** Question 841, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether the Government has abandoned its plans to set up an Anti-Corruption Authority?

1735 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have not abandoned our plans in this respect, and expect to make an announcement in due course.

1740 **Hon. D A Feetham:** Mr Speaker, is this something that the Government intends to do during the course of 2014, just to put a tighter timetable on the answer the hon. Gentleman has given me?

1745 **Hon. Chief Minister:** Mr Speaker, the Government does not accept tighter timetables from the Opposition. Our manifesto is to be performed in the lifetime of this Parliament. Some things may be now performed in 2014, some in 2015 and in fact, Mr Speaker, if he understands the Rules of Procedure, we may be able even to go into 2016.

1750 **Hon. D A Feetham:** Yes, indeed. Will this involve the introduction of legislation in order to create this particular authority? And how does the Hon. the Chief Minister envisage that this will plug in to existing legislation, or will it require wholesale legislation, hermetically sealed from existing legislation, in particular for example, the Crimes Act and the Criminal Procedure and Evidence Act?

1755 **Hon. Chief Minister:** I do not recognise that as an analogy that you can use in relation to legislation, Mr Speaker.  
It is very likely that this will require new legislation. I am not going to debate with him at this stage how it is going to be done. He will see when an announcement is made how we expect it to interface with existing legislation.

1760

**Credit Finance Company Limited; Consolidated Fund  
Commutated pensions of civil servants**

1765 **Clerk:** Question 842, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state, what is the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants?

1770 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Question 843.

**Clerk:** Question 843.

1775 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many civil servants have had their commuted pensions paid (a) by Credit Finance Company Limited and (b) from the Consolidated Fund since Credit Finance Company Limited was incorporated?

1780 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as at 31st October 2013, the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants is £18,123,986.28. Figures as at 30th November have not yet been finalised by the Treasury. Therefore answers reflect tentative figures as at 31st October 2013.

1785 One hundred and twenty-four civil servants have had their commuted pensions paid by Credit Finance Company Limited.

1790 Sixty-one civil servants have had their commuted pensions paid from the Consolidated Fund, once the incorporation of Credit Finance Company Limited as follows: nine gratuity payments on retirement; 39 revised gratuity payments to civil servants who retired and had their gratuities paid prior to the incorporation of the company; and seven gratuity payments on death; and six gratuity payments on resignation.

1795 **Hon. D A Feetham:** Mr Speaker, just by way of clarification. Did he say £18 million – one eight – or did he say £80 million? It is just that we did not quite hear it.

**Hon. Chief Minister:** One eight, one two three, nine eight six, dot twenty-eight.

1800 **Hotels**  
**Financial assistance or loans**

**Clerk:** Question 844, the Hon. D J Bossino.

1805 **Hon. D J Bossino:** When originally drafted, it was directed at the Minister for Tourism. I assume it is the Chief Minister who is going to be answering, so I will phrase it in those terms.

1810 Can the Chief Minister advise whether any hotels, other than the Sunborn but including the Marriott, are the beneficiaries of any loans from Credit Finance Company Limited, or are in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank?

**Clerk:** Answer, the Hon. the Chief Minister.

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am informed that no hotels, other than the Sunborn, are beneficiaries of any loans from Credit Finance Company Limited, or in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank.

1820 Mr Speaker, he will know that that question is answered in the spirit of what he has asked, and not in respect of, for example, whether they have arrears of water or electricity. I do not know what that updated position is, but it dawned on me when answering that if they were being particularly pedantic, they might suggest well if a hotel has not paid two months of water or electricity, is that financial assistance from the Government? He knows... what... I am answering, I think, the question he is asking me by giving this answer. It is in relation to loans, as I understand it.

1825 **Hon. D J Bossino:** Indeed, Mr Speaker, the question is in relation to whether any actual payment has been made, exactly. So he has understood the purport of the question.

Yes, I am grateful for that. There is a point of clarification which my Hon. and Learned Friend, Mr Figueras suggested I ask, and he is absolutely right. The Marriott is not yet a hotel in Gibraltar. Is there any intention on the part of the Government, Credit Finance Limited and all the rest of it, to provide any financial assistance to the owners of the Marriott which is intending to set up shop in Gibraltar?

1830 **Hon. Chief Minister:** Mr Speaker, the owners of the Marriott have not been in touch with the Government in this respect, but the Government would be open to considering any similar requests from hotel operators in Gibraltar.

1835 I think there was a scheme in the late 1990s called the Hotel Assistance Scheme which dealt with similar issues and the Government would be prepared to consider any requests for the Government to assist in any particular way.

1840 Of course, in relation to Credit Finance, it is different. They have got to go through certain procedures as to how they would persuade the people who are responsible for lending in that respect to decide whether there could be a lending. It is a different process. But if the Government were to be engaged, the Government might be very willing to consider some incentives for any of the new proposed hotel developments.

1845 **Hon. D A Feetham:** Yes, and can he confirm there has been no request from the owners of the Marriott for any kind of financial assistance similar to the ones provided to the owners of the Sunborn by Credit Finance?

**Hon. Chief Minister:** Mr Speaker, I do not know what the updated position is in that respect. As far as I know, the owners of the Marriott have not been in touch with the Government at all – with the Government.

1850 Have the developers been in touch with the Government about similar issues? I think there may have been a request, Mr Speaker, I do not know where that lies, I do not know what amounts we are talking about, and I do not know whether it will progress or not. I know that they have other sources of funding; I assume he is asking me because he knows, as he represents some of them.

1855 **Hon. D A Feetham:** Mr Speaker, earlier on, the Hon. Speaker said that the Opposition ought to make itself responsible for the accuracy of the questions. I think that the Hon. the Chief Minister ought to make himself responsible for the accuracy of any point that he makes.

1860 I represent nobody in relation to this particular project. He knows that I am a litigator. I am not a commercial lawyer, and therefore he could not possibly make a statement that I represent these individuals, because there is no evidence to suggest that that is so.

1865 **Hon. Chief Minister:** Well, Mr Speaker, I will tell you why he is completely wrong. His firm represents a number of them, and as the present backbencher Chief Minister used to say, if your firm is involved, then I impute knowledge to you and of course, Mr Speaker, he is right. Under the solicitors' rules, if your firm is handling something, then as a partner of that firm – and he likes to describe himself as a senior partner of Hassans – he must be imputed with that knowledge.

1870 **Hon. D A Feetham:** I do not know where he gets that, I describe myself as a senior partner or whatever. I am not going to go into this. But, Mr Speaker, I have absolutely no knowledge of this or anything else relating to this particular project.

And look, the Hon. the Chief Minister, every single time I ask a question either about this or about something else, he seems to hide behind or attempt to make political points at my expense, that I am a partner of Hassans.

1875 Well, he used to be a partner of Hassans, I do not know whether he continues to be a partner of Hassans, but I do not think that it is legitimate for the Hon. the Chief Minister to make assertions as if I am the guy that is representing these people and I have knowledge in relation to this particular project. I do not think it is a fair point for him to make.

1880 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has never made a point politically in his life that I have had to hide away from, let alone any that he has made in this House.

Look, Mr Speaker, I will take his point. I think he is entirely wrong and I will simply rely on the statements made by his erstwhile leader, Sir Peter Caruana, who is not here now, when I was in his position and I was a partner of Hassans, and was imputed with all sorts of knowledge of that firm, when I was the Leader of the Opposition and a Member of the Opposition. He can look at the *Hansards* if he likes.

1885 And as to when he used to describe himself as a senior partner of Hassans, if he likes later, I will show him copies of the press releases.

1890 **Hon. D A Feetham:** But is he suggesting – because it is an important point – is he suggesting that because I am a partner of Hassans, that every single time that I ask a question about financial assistance that may have been provided to parties involved in some commercial transaction that I know absolutely nothing about, that simply because I am a partner of Hassans, that I am not entitled to ask that question and he will refuse to provide me with the answer; simply provide me with the retort of, 'Well, you should know because you are a partner of Hassans'?

1895 Because if that is the position, then I am afraid that the depths to which this Government is plummeting and has plummeted in terms of transparency and accountability is really getting to new depths and new ways in this House.

1900 **Hon. Chief Minister:** Mr Speaker, I do fear that the hon. Gentleman has taken leave of his senses. He used to sit here, when the Hon. the then Chief Minister used to make these statements. I have actually provided an answer to the questions, so he must actually – I will take it from his answer or from his question – be applauding the fact that we are answering these questions, when the previous administration would simply say – as Sir Peter used to say to me – 'You go and ask your partners: you should know, you are a partner of Hassans'.

1905 Well look, Mr Speaker, I am grateful that he acknowledges that that is a 'depth to which one plummets', and I will take it that he therefore considers that Sir Peter plunged to depths, and that he welcomes the fact that we have answered the question, despite the fact that he is a partner of Hassans. How senior though, is a matter of opinion, depending on who drafts the press release.

1910 **Hon. D J Bossino:** Well, Mr Speaker, Hassans seems to be getting a lot of free advertising. I am a partner of Triay Stagnetto Neish (*Laughter and banging on desks*) [*inaudible*] and also with shadow ministerial responsibility for Tourism. (*Laughter*)

Now, Mr Speaker, the Hon. the Chief Minister knows that I asked him about whether the owners of the intended hotel, the Marriott, has received any financial assistance from the Government, and the question in fact is phrased in terms of the Government, Credit Finance, as he knows.

1915 Now he then says that it could be that the developers may have sought financial assistance. Can he expand upon that at all? Is he able to? Because I would be very interested to learn if he can provide any further information to this House in relation to that. I asked specifically in relation to the owners, but I now ask in relation to the developers or any other party connected with the Marriott project.

1920 **Hon. Chief Minister:** Mr Speaker, I cannot give him more information at this stage, but I just think there might be something, so if he wants to ask the question next time round with that different permutation, I will be able to bring any information which is available.

1925 And of course, I do recognise that he is a partner of TSN and that we have partners here or ex-partners of ISOLAS as well. It would be unfair not to mention. All the law firms in Gibraltar do an excellent job. (*Laughter and interjection*)

**Hon. D J Bossino:** Yes, Mr Speaker, I will take him up on that offer and I will be asking a question at the next sitting, or maybe even write to him.

1930

**Gold and silver bullion  
Buying and selling**

1935 **Clerk:** Question 845, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state whether the Government, the Gibraltar Savings Bank or Credit Finance Company Limited are involved or propose to be involved, directly or indirectly, in the business of buying and selling gold or silver bullion?

1940 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, sir.

1945

**Foreign investors  
Update on Government's position**

1950 **Clerk:** Question 846, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are now two years into the New Dawn Government, will be Chief Minister please state whether he is now in a position to identify those foreign investors which he said in an interview with Gerard Teuma in May of 2011 that he had up his sleeve if his party was elected into office?

**Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir. (**Hon. D A Feetham:** Ah!)

1960 The first of these – only the first, Mr Speaker – will be announced shortly, early next year, towards the end of January, when a new economic activity will be made public, which is anticipated to give rise potentially to be a market that could bring major benefit to Gibraltar.

1965 The announcement involves the creation of an entity which will be a joint venture with a client of his firm who was previously someone I had the pleasure of representing personally. Others may soon also materialise. Announcements will be made in due course, as and when they crystallise.

He did, Mr Speaker, I hesitate to remind him, undertake to congratulate me when I made the announcement.

**Hon. D A Feetham:** Well, Mr Speaker, (*Laughing*) he has not made an announcement; it is an intention!

1970 But let me say that any investment that the Government brings to Gibraltar, if it is worthwhile and for the benefit of the community, I will be the first one to congratulate the Government. (*Interjection*)

But I have to say that on this particular occasion, I am rather sceptical that these particular investors are the same ones that he said he had up his sleeve in May of 2011, and perhaps the Chief Minister will forgive me for taking the rather sceptical view that he had nothing up his sleeve in May of 2011.

1975 Why has it take so long, assuming that he did have it up his sleeve in May of 2011, why has it taken so long for the Chief Minister to now come to this House and to say, 'Well, we might be making an announcement shortly', or 'we will be making an announcement shortly'? Why has it taken so long?

1980 **Hon. Chief Minister:** Mr Speaker, he can be as cynical and as sceptical as he likes, but when he sees what it is that happens, he will understand that these are exactly the people I was talking about. It is not that it has taken so long, Mr Speaker. January 2014 will be barely 24 full months since the election of the New Dawn Government that was elected, Mr Speaker, because of course the Government before had gone to the end of its term, just before Christmas. And therefore, there was very little that could be done in the first month.

1985 So 24 full months after that, we are already producing not just the inward investment that we have shown already, Mr Speaker, but new inward investment that is related to these particular individuals. He will know, Mr Speaker, that Government works in ways which require things to be checked and tested, etc, and that therefore it is simply not possible, at least these days. In 1988, I am told by the Hon. Mr Bossano, things could happen a little bit more quickly, because there were no European tendering procedures that had to be gone through etc. There are new European rules that hinder things, so it has taken some time for these things to actually be matured to the stage of launch.

1990 But as he will see, Mr Speaker, when he realises who it is that is doing this work, and some of the others who are likely to be announced to be doing this work with us in the future, that they are the people I was in touch with at the time I was a partner of Hassans and therefore *even his* cynicism will, I am sure, be brushed away.

1995 **Hon. D A Feetham:** Yes, Mr Speaker, and even he, I would have thought, would be able to attract some inward investment in four years of being Chief Minister. It is already two years into his so-called New Dawn Government and over two years since May 2011.

2000 But can he give some more information as to, for example, the nationality of these investors, or the sectors in which this new investment is going to be relating to. I mean can he do that, so that we get a flavour of what it is that the Government is proposing.

If he cannot, because of some commercial sensitivity, then I am not going to press him, but can he provide some further information?

2005 **Hon. Chief Minister:** Mr Speaker, I would have thought that even he would be more generous than to describe me as he has in the first part of his sentence, at least on 23rd December, but never mind.

2010 Mr Speaker, I will not announce what the thing that will happen in January will be, beyond what I have said, because that will be commercially sensitive and we want that to have an impact internationally and he will see that when it happens, but he can then ask me about it in February, because we hold monthly meetings of the Parliament, as I hesitate in reminding him.

But I will tell him that the *other* area, the other area involving *other* clients, is real estate.

2015

#### **Tobacco smuggling from Western and Eastern beaches Government measures**

2020 **Clerk:** Question 847, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Chief Minister state what steps his Government is taking to stop the smuggling of tobacco from Western and Eastern beaches?

2025 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as has already been announced publicly, the Government is working on a number of measures that have been implemented or are actively being pursued to curtail smuggling from these areas as follows:

2030 First, the repair works along the frontier fence are ongoing and a mechanism is in place between Her Majesty's Customs and the Technical Services Department to expedite the repair of any future breaches. This part of the frontier fence had been in a state of complete disrepair when we were elected.

Works are ongoing to finalise the setting up of CCTV installations along the frontier perimeter.

2035 As at June 2012, Government introduced Special Zones under the Tobacco Act. These included Eastern Beach, the frontier fence from Eastern Beach shoreline up to and including the loop area and Western Beach. Over the last month, these areas have been extended to include the main roundabout from the frontier, across the runway and up to the sundial roundabout. Persons within Special Zones are subject to restrictions in relation to cigarettes and are not allowed to be in possession of 600 cigarettes in a red zone, or 2,000 cigarettes in a blue zone. It is also an offence to request or procure any person to export or assist with the exportation of cigarettes by land. Law enforcement officers may direct persons to leave a Special Zone, if it is believed that...

2040

Are they interested, Mr Speaker, in what I am saying? I am quite happy to wait.

2045 **Hon. D A Feetham:** Mr Speaker, I know that he likes me to look at him, but I do not have to look at him to listen to him. I am listening.

**Hon. Chief Minister:** Mr Speaker, nothing could give me greater pleasure than if from now on he looks away whilst I read.

2050 **Mr Speaker:** I think that the two hon. Members, the Chief Minister and the Leader of the Opposition are... Let me put it mildly, they are getting a bit carried away this morning. Perhaps they might come down to earth.

**Hon. Chief Minister:** Thank you very much, Mr Speaker, your advice is always sound.

2055 Mr Speaker, I will carry on reading.  
Law enforcement officers may direct persons to leave a Special Zone if it is believed that their presence is primarily related to the exportation of cigarettes by land.

2060 A specific tobacco operation, called Operation Venetian, was set up by HM Customs, together with the Royal Gibraltar Police and the Gibraltar Defence Police, that has been widely reported in the press. The aim is to create a high visibility presence at the hot spot entry/exit points, in order to deter and disrupt elicit contraband activity.

As part of planned infrastructural works in the frontier area, a number of control measures will be introduced. These will deter persons from accessing the frontier fence from the Commercial Gate up to the eastern coastline.

2065 The Government has already announced that retail outlets selling tobacco at two residential estates near to the land frontier and beaches will have their tobacco licence conditions amended, in that they will only be allowed to sell cigarettes by way of vending machines.

2070 In respect of the area of Western Beach, an unclimbable fence has been constructed and handed over to the MOD as part of the ongoing Houston project. How appropriate, Mr Speaker, that it should be called that, now that we have both come down to earth! The fence runs parallel three metres behind the current frontier fence from Western Beach to the customs pedestrian entrance to Gibraltar.

2075 **Gibraltar, UK and Spain *ad hoc* talks  
Update**

**Clerk:** Question 848, the Hon. D A Feetham.

2080 **Hon. D A Feetham:** Can the Chief Minister please provide the House with an update on the likelihood of *ad hoc* talks taking place between Gibraltar, the United Kingdom and the Kingdom of Spain?

**Clerk:** Answer, the Hon. the Chief Minister.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all information in this respect is already in the public domain.

2090 **Gibraltar sovereignty, jurisdiction and control of waters  
Chief Minister's firm stance**

**Clerk:** Question 849, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept that he can stand firm on issues that are vital and fundamental to the sovereignty, jurisdiction and control of our waters, air space and land, without comparing Spain to North Korea or accusing it of state-sponsored vandalism towards the citizens of Gibraltar at the United Nations?

2100 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I can certainly stand firm against Spain on issues that are vital and fundamental to sovereignty, jurisdiction and control of our waters. The vocabulary I use in doing so is not a matter I am prepared to take advice on from the Hon. the Leader of the Opposition.

2105 **Hon. D A Feetham:** Mr Speaker, but does he regret using the intemperate language that he used and the comparisons that he has, bearing in mind that it really has added a new dimension, in my view – he can disagree of course, but a new dimension in my view – in relation to relations between Spain and Gibraltar, which is that it is becoming personalised with the Chief Minister of Gibraltar?

2110 **Hon. Chief Minister:** Well, Mr Speaker, I must say the hon. Gentleman's question says that I accused Spain of state-sponsored vandalism towards citizens in Gibraltar at the United Nations. I do not think I ever used the words 'state-sponsored vandalism'. I do not know why it is that he wants to use that vocabulary. Perhaps he wants to pour oil on the flames.

2115 Mr Speaker, I do not recognise the description that the Hon. the Leader of the Opposition has used of what I have said. I do not think I have used intemperate language. The comparisons I have made I think were absolutely appropriate when I made them, and I of course stand by them, but I do recognise that his position is exactly the same as that of Mr Landaluce.

2120 **Hon. D A Feetham:** Well, Mr Speaker, just taking him up on the final part of that answer, does he not accept that in order to defend Gibraltar's vital interests, one does not need to get personal, one does not need to use ill-judged statements that will cause offence, not only to a political party...? And I do not care one hoot whether the *PP Government* is offended or is not offended. My concern here is that the Chief Minister of Gibraltar, in defending Gibraltar as he is entitled to do and one would expect – I mean there is no difference between he and I in relation to defence of Gibraltar's vital interests –

2125 **Hon. Chief Minister:** Oh yes, there is.

**Hon. D A Feetham:** No, there is not. No, there is not.

2130 **Hon. Chief Minister:** Yes there is!

**Hon. D A Feetham:** No, there is not.

2135 **Mr Speaker:** Order!

2140 **Hon. D A Feetham:** But what he does is, by using this type of ill-advised, ill-judged language, what he does is he risks not only alienating the *PP Government*, but also alienating political classes in Spain, the media in Spain and also Spanish citizenry. And at the end of the day, what we ought to be doing is standing firm, but also explaining Gibraltar's position in a cool, calm, intelligent way so that the adverse propaganda that emanates from the *PP Government* is rebutted in an intelligent, calm way, using reason, rather than just simply gratuitous, effectively, insults, which is what it is when one compares Spain to North Korea.

2145 **Hon. Chief Minister:** Mr Speaker, I take it that he did not like that analogy. (*Interjections*) But I was interviewed last week, Mr Speaker, by *PRWeek* in London, who wanted to interview me because of my use of language and how it had changed the way that Gibraltar's message went around the world, and how in fact, Gibraltar's message went around the world that week, in showing up the attitude of the Spanish Government and he might want to reflect on what he has said, because I do not think that anything that I have said was ill-judged. Neither Mr Speaker, has anybody ever come to this House to tell a Chief Minister that their language was ill-judged when he has been critical of Spain.

2150 Mr Speaker, the hon. the now backbencher, the Hon. Sir Peter Caruana, in 1998 or 1999, he will recall from my speech on the arrival of His Excellency, the Governor, where I actually took the House through some of the things that had happened in the past. The Hon. Sir Peter Caruana said, that something said by Señor Matutes at the time – and he can look at *Hansard* and see what it is that I was referring to – were mendacious lies. (**Hon. D A Feetham:** Yes.)

2155

In other words, the Right hon. the previous Chief Minister of Gibraltar called the Foreign Minister of Spain a mendacious liar.

2160 **Hon. D A Feetham:** He was calling a spade a spade.

**Hon. Chief Minister:** Apparently Mr Speaker, that is calling a spade a spade. Right, I think if the hon. Member looks back at everything I have said, he will not find me actually insulting directly the Foreign Minister of Spain. Whatever it is that I and every other Gibraltarian may think about his policies, he will not have seen me saying that the man has uttered mendacious lies.

2165 Now, if he looks at what I said, and it is quite remarkable that the Chief Minister is called upon by the Leader of the Opposition to justify his statements in relation to this matter, when I talked about North Korea, what I said was, that Spain was exaggerating in its reaction like North Korea exaggerates in its reactions (**A Member:** Ah!) and he will recall, Mr Speaker, that I was asked why I used that terminology and the exact reasoning was because in August, I think it was August 4th, Señor Margallo had given an interview to *ABC*, where he detailed all the things that were going to be done by Spain, as a result of Gibraltar having *inter alia* torn up the fishing agreement and created the artificial reef, etc, etc.

2170 And what I said at the time – and it was widely reported, I am surprised he now pretends he did not read it – was that this was an over-reaction *à la* North Korea. When there is a small commercial difference between them and South Korea, about how businesses operate in the de-militarised zone, etc, etc or with the United States, the reaction from North Korea is, ‘I am going to bring nuclear damnation to the Korean peninsula’ – not ‘we need to re-negotiate these terms.’ And that was the analogy I made and I think it is an absolutely appropriate analogy, and it is right that, as a result of that, Mr Speaker, the message of the people of Gibraltar went around the world. The things that were happening and are happening in some instances at the Gibraltar frontier were found out by people much further than usually find out about what is happening, and editorially, I think he will find that we had 90% to 95% editorial support in all newspapers in the world that covered this issue.

2175 I am quite happy, Mr Speaker, as I have said before, that the Government’s archive of newspaper information, etc should be made public and I am going to ensure that it happens and it is put on our website, so that the hon. Gentleman can see how many people around the world have read about the Gibraltar issue, the problems at the frontier and how editorial support came down on Gibraltar’s behalf, without having to spend a huge amount of money on advertising the world over.

2180 So Mr Speaker, I am not going to take advice from him on what vocabulary I should use. I would say this to him, Mr Speaker: look he likes to go around Spain making speeches that try to ingratiate him to some, whilst trying to do the balancing act of not falling entirely out of favour with people in Gibraltar. He knows, Mr Speaker, that one of the things he was saying, which was that the Government of Gibraltar had now not even been able to maintain a relationship with our socialist kindred on the other side of the frontier, was actually not true, that we have actually very strong relationships with the PSOE party.

2185 And he needs to reflect, Mr Speaker, on the fact that between 1996 and 2003, the Chief Minister of Gibraltar then, Sir Peter Caruana, the Leader of his Party who he has said is... I do not know whether he said is *the* or *among the* greatest Gibraltarians of all time, had absolutely no political interlocution with any Spanish political party at a national federal level.

2190 In other words, he was accusing the Spanish Foreign Minister of mendacious lies, he was having rows with the British Government, and from that, we move to a situation where joint sovereignty was almost visited upon our community.

2195 Today, Mr Speaker, this Government has an excellent relationship with the Socialist party in Spain, at the level of its national federal executive committee, as well as at the level of its municipalities, although of course we do not have to agree on everything. And second, we have a very strong relationship indeed with the British Government, which is today made up of Conservatives and Liberals, and with our sister party in the United Kingdom, the Liberal Party.

2200 So Mr Speaker, the position really is that my administration, although we still wish to establish a dialogue with the Spanish Government, is not talking to the *Partido Popular* in Spain, but we are talking to every political party in the United Kingdom and to the principal party of opposition in Spain and to *Esquerra Republicana*, which is another party in Spain that has wished to establish relations with us.

2205 Now, in those circumstances, Mr Speaker, I think actually if the hon. Member compares the actions of he who he calls the greatest, or one of the greatest Gibraltarians of all time, between 1996 when Gibraltar was last faced with a *Partido Popular* Government in 2003, with the excellent New Dawn Government of the Gibraltar Socialist Labour Party and the Liberals, I mean, he will find that perhaps we should not be taking his advice on how we conduct our foreign affairs, certainly not in relation to vocabulary.

2210 **Hon. D A Feetham:** Mr Speaker, I certainly do not accept that one can compare calling a spade a spade, which is ‘you have lied in relation to this position, in your criticisms or your statements in relation to Gibraltar’ – which is calling a spade a spade – to making a gratuitous ill-advised, *ill-advised*



comparison of Spain to North Korea, or accusing Spain of state-sponsored vandalism. I just simply do not accept that that is... I simply –

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**Hon. Chief Minister:** Point of order, Mr Speaker –

**Mr Speaker:** I am going to bring up a Point of Order, and that is that the hon. Members are now debating.

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**Hon. Chief Minister:** Mr Speaker, may I deal with the short Point of Order? You are absolutely right and I of course accept your ruling in that. But the short Point of Order is: I have said to him, I do not recognise that second part of his question. Can he please clarify when I have accused Spain of state-sponsored vandalism?

2230

**Hon. D A Feetham:** At the United Nations, Mr Speaker – that is *my* interpretation of what he said, it is the interpretation of many people that read his speech, including I may add, because I have been in Spain over the last two weeks delivering speeches, including many people in Spain – many people who actually are favourable and sympathise with Gibraltar's position. Because of the statements that he has made, he has alienated those people – he has become the problem, Mr Speaker!

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**Hon. Chief Minister:** No, Mr Speaker no.

Mr Speaker, I am not the problem any more than Peter Caruana was the problem between 1996 and 2003. The problem, Mr Speaker, as every Gibraltarian knows – and I know he knows it Mr Speaker, but he wants to win an election so desperately that he will say anything he has to say – the problem is the *Partido Popular*.

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Now, Mr Speaker, in my UN speech, I did not accuse anyone of state-sponsored vandalism. Now the whole of these sets of questions was premised on the hon. Member's view that no doubt the Government had paid for the SDGG to visit the United Nations, no doubt the Chief Minister had approved the speech of the Chairman of the United Nations, and therefore the Chief Minister of Gibraltar was to be imputed with his statements as to 'terrorism', state-sponsored terrorism, which is the word that would have fitted in there if that had worked.

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Mr Speaker, look the fact is that I had absolutely no knowledge that that was going to be said by Mr Matthews, in exactly the same way as Mr Caruana had absolutely no knowledge at the time that he went to the United Nations, that Mr Zammit, who sat next to Mr Caruana, and also did not have his ticket paid for by Mr Caruana, was going to say that the Spanish Government was trying to annihilate the Gibraltarians, right? He was trying to commit... and the Hon. the Deputy Chief Minister, as the brilliant historian that he is, remembers the word – that Spain was trying to commit *genocide* of the Gibraltarians. That was not my word. 'Terrorism' was not my word; it was the word of the Chairman of the SDGG. Genocide was not the word of Sir Peter Caruana, it was the word of Bryan Zammit as the Chairman of the UNA.

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But look, let us be very clear. What is it that I said at the United Nations that incensed people in Spain? It was not the North Korean thing; I did not say the North Korean thing in Spain...sorry, in the United Nations. I said in the United Nations, that Spain or one of the law enforcement agencies of Spain, the *Guardia Civil*, had shot at an innocent Gibraltarian in British Gibraltar Territorial Waters. That is the issue that people did not like in Spain about my UN speech, Mr Speaker. That was absolutely true, I trust that he accepts that it was true. It led to the Prime Minister of the United Kingdom – not the Chief Minister of Gibraltar, but the Prime Minister of the United Kingdom – to raise the issue with the Prime Minister of Spain, to the Minister for Europe to take the issue up with his counterpart, and to *notes verbales* and to a request for an investigation. But they did not like it when I said it in front of an international audience, and that is not to accuse them of state-sponsored vandalism, Mr Speaker.

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But I will say this, Mr Speaker, and I just put it on the record so that he knows, in case Mr Speaker, he ever, heaven forbid, were to become Chief Minister of Gibraltar, or were to be in a position to advise the Chief Minister of Gibraltar. I certainly hope that it is always, if anything, the latter and not the former! I said in my first speech at the United Nations in June 2012 as Chief Minister of Gibraltar, to the Spanish Government, 'Wake up and smell the coffee, Gibraltar will never be Spanish.' I do not know whether he agrees with that or not, Mr Speaker, but I can tell him, that the intense diplomatic activity that occurred after that was huge, because Spain just did not want to hear that expressed in quite those terms. He might not like that either. I love it, Mr Speaker.

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**Mr Speaker:** I am going to allow one further intervention from the Leader of the Opposition, and from the Chief Minister, and then that is the end of Question Time.

2280 **Hon. D A Feetham:** Mr Speaker, yes, we were on a Point of Order and he has just finished his Point of Order. I am not going to be responding to his Point of Order, Mr Speaker.

2285 Mr Speaker, I have to say that given his track record before he became Chief Minister for lack of judgement, and the lack of judgement that he has exhibited as Chief Minister, if *he* has become Chief Minister, I would suspect that many, many other people also have the necessary capability to become Chief Minister. Ultimately, if the people of Gibraltar – (*Interjections*) Ultimately if the people of Gibraltar want to entrust us with their trust at the next election, it is for them. It is not for me, and it is not for him.

2290 But I do sense, Mr Speaker, that hell is beginning to freeze over slightly and there is a change of tone from the Chief Minister in terms of the language that he has used, which I welcome and I congratulate the Chief Minister for back-tracking on the language that he has used in the past. Can he just put it beyond doubt, so that the message has absolute clarity emanating from this Parliament, that the Chief Minister in no way believes that the comparison between Spain and North Korea is a valid one, giving him the opportunity and that in no way does he believe that Spain is in any way responsible for state-sponsored vandalism towards the citizens of Gibraltar?

2295 **Hon. Chief Minister:** Mr Speaker, I really do not know which Chamber he is in. He does not seem to like to hear the answers that I give.

Look, Mr Speaker, as to who will or will not win an election in the future, I am not a crystal ball gazer and this is not an issue to be dealt with in Question Time -

2300 **Hon. D A Feetham:** I have not raised it.

2305 **Hon. Chief Minister:** Yes, you *have* raised it. But Mr Speaker, I will just say to him that he had the lack of political understanding to give an interview to *GBC* during the course of the last by-election at 12 o'clock in the evening, which was going to be aired at 11 o'clock in the evening after polls had closed, where he said, 'We are going to win this by-election' – and this was something that was going to come out after the polls closed – 'We are going to win this by-election by a very large margin'. 'By a very large margin'.

2310 **Hon. D A Feetham:** Mr Speaker, in the same way that he can raise points of order about accuracy, I will raise it. I did not say we are going to win it –

**Mr Speaker:** May I inform – ?

2315 **Hon. D A Feetham:** And it has absolutely nothing to do with this particular question that I have asked.

2320 **Mr Speaker:** May I inform both the Chief Minister and the Leader of the Opposition, that points of order have to do with the Rules of this House and not with questions of fact or opinion – nothing to do with questions of fact or opinion. That is not a Point of Order.

**Hon. D A Feetham:** But Mr Speaker, all I ask is that the Rules of this House are applied evenly as between the Opposition and the Chief Minister.

2325 **Mr Speaker:** Have I not applied them evenly? Have I not given – ?

**Hon. D A Feetham:** No, you have not!

**Mr Speaker:** Have I not given the hon. Member all the opportunity –

2330 **Hon. D A Feetham:** No, you have not!

**Mr Speaker:** – he wants this morning?

2335 **Hon. D A Feetham:** Mr Speaker, no, you have not on this particular occasion –

**Mr Speaker:** I have –

**Hon. D A Feetham:** No, no, let me explain, Mr Speaker. Let me explain, and I am not suggesting, Mr Speaker, that you have done it out of some intention on your part. But of course, he has just taken up a

2340 Point of Order, a few moments ago, basically saying that what I attributed to him was not true. That was the Point of Order. He raised that particular Point of Order.

I am doing likewise! Now, Mr Speaker did not say to the Chief Minister, 'That is not a proper Point of Order.' That is why I am saying that Mr Speaker should perhaps treat my Point of Order in the same way that he has treated his.

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**Mr Speaker:** Is he making the Point of Order? Are you making the point under a so-called Point of Order? I will let you do that and then having pointed out –

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**Hon. D A Feetham:** I made a Point of Order which is of exactly the same nature as he made –

**Mr Speaker:** I am sorry, I have got the floor.

And then, having pointed out that those are not points of order, I will not entertain them from any Member, and it is as simple as that.

2355

Now, he has an opportunity, I am giving him an opportunity, under a so-called Point of Order, to answer the Chief Minister. Then I will give him an opportunity to make one final supplementary and then that is the end of Question Time.

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**Hon. Chief Minister:** So, Mr Speaker, and then he went on to say that there was going to be a very large number of people coming out to vote – a huge number of people coming out to vote. Well, Mr Speaker, he got it completely wrong, so I think his predictions as to results of elections are very suspect.

In fact, I will take it, Mr Speaker, that when he says that my track record before I became Chief Minister is one to consider also suspiciously, I assume that he means the track record of the most successful Leader of the Opposition in our Parliament's history (**A Member:** Ah!) who took over, had the presence of mind to take over in April 2011 and become Chief Minister barely nine months later.

2365

Mr Speaker, I would recommend that he follows how I did it, but I would rather he did not, because I do not want him to win.

2370

Anyway, Mr Speaker, the Hon. the Leader of the Opposition also has a problem with his thermometer, because it appears that he thinks that hell is getting warmer and warmer and that therefore... or colder and colder and there is a chance that it is going to freeze over sometime soon. Well look, Mr Speaker, he is completely wrong about that too. I have not detected any change in the way that I deal with issues with Spain. I think I am still as robust and as clear in the way that I deal with these issues. He may not like it, because he obviously is recognising that in doing so, I am doing something right.

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But, Mr Speaker, he gets up here and says, 'Look, for you to compare Spain to North Korea was not a good thing and you should not have done it and it was bad for Gibraltar that you did.' And then, Mr Speaker, he gets up and he says, 'Now you have the chance either to say it again, or to say that you were wrong.'

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Well look, Mr Speaker, if he were right about the fact that it was a bad thing for Gibraltar to compare Spain to North Korea, which I do not accept, what is he doing, if he has got Gibraltar's interests at heart, inviting me either to do it again or to take a step back? What is he doing, Mr Speaker? He needs to reflect very carefully on that, because that is what he is doing.

And Mr Speaker, he does really come across as if he is defending the wrong litigant in this matter. He said he is a litigator, so let us look at it in those terms. He does come across as if he is not defending Gibraltar's best interests here. He seems to be holding brief for somebody else.

2385

**Hon. D A Feetham:** Well, Mr Speaker, it is the difference of approach. Of course we both have Gibraltar at heart, of course we both have. We both want to defend Gibraltar's vital interests. The difference between the hon. Member and myself is that I do not need to grandstand, I do not need to be the showman, I do not need to make-over-the-top, outrageous statements in order to defend Gibraltar.

2390

I have given him an opportunity for him to set the record straight. He has not taken it. I am just going to give him one final opportunity. Will he set the record straight, in the manner that I asked him a few moments ago, in relation to the statements that he has made in the past?

2395

**Hon. Chief Minister:** Mr Speaker, it is not about a difference of approach; it is about a difference of policy and he needs to understand it, because I do fear that he does not realise which party group he sits with, even though he purports to lead it. Although we know that he has got two Deputy Leaders on either side and there is one with whom I have great affinity, Mr Bossino as he knows, who I know feels perhaps exactly the same as we do on this side of the House. I just do not know about him any more, Mr Speaker. This is not about a difference of approach.

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Mr Speaker, they are looking at a Chief Minister who will *never* say that he will even *think about* recommending an Andorra-style solution to our people. That is not a difference of approach, Mr Speaker;

that is a difference of policy. And it is such a huge difference of policy, Mr Speaker, that we really come to this nub of the issue.

2405 The nub of the issue, Mr Speaker, is that diplomacy is not duplicity, (*Interjection by Hon D A Feetham*) and it is not one thing – and it is not the done thing to come and say one thing in Gibraltar in this Parliament and then go to Spain and do another.

2410 And the hon. Gentleman says – I assume trying to be funny – from a sedentary position that diplomacy is not my forte. Well look, Mr Speaker, he might think that. I assume he also thinks it of the current incumbent as Foreign Secretary of Spain, because if he thinks that the head of Spanish diplomacy (*Interjection by Hon D A Feetham*) is a good diplomat when he says ‘Gibraltar Español’, ‘The party is over’, and there will be no advances on regional or neighbourly co-operation, unless there are advances on sovereignty, then look, he and I have different definitions on what is or is not a good diplomat.

2415 He has not reflected, however, Mr Speaker, as I asked him to, on whether, having postulated that comparing Spain to North Korea was a bad thing, he wanted to invite me to do it again or to withdraw. He has not reflected on that, Mr Speaker. He has not reflected on the consequences of that. I think those sitting around him have, because it appears to have dawned on them what he was doing.

I will put it this way, Mr Speaker, and I will quote a politician that all of us have great affinity for, Mr Speaker, ‘They can turn if they want to. This Government is not for turning.’

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## Questions for Written Answer

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

2425

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W160 to W179 of 2013 inclusive.

2430

## Order of the Day

### SUSPENSION OF STANDING ORDERS

2435

#### **Standing Order 7(1) suspended to lay Import Duty Regulations on the Table**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

2440

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of Import Duty Regulations on the Table.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

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### DOCUMENTS LAID

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#### **Import Duty (Franchise Regulations) (Amendment No. 4 ) Regulations 2013 Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013**

**Clerk:** Papers to be laid. The Hon. the Chief Minister.

2455

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013.

**Mr Speaker:** Ordered to lie.

2460

**GOVERNMENT MOTIONS**

**Motion notified on 19th December 2013**

**At least five days' notice required**

**Motion carried**

2465

**Clerk:** Government Motions. The Hon. the Chief Minister.

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

2470

*'That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion by the Hon. Chief Minister on 19th December 2013, and circulated by the Clerk on 19th December 2013.'*

2475

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried .

2480

**Ombudsman for Public Services**

**Re-appointment of Mario Hook**

**Motion carried**

2485

**Clerk:** The Hon. the Chief Minister.

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

2490

*'That this House approve by Resolution, pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the re-appointment of Mario Hook as the Ombudsman for Public Services for all the purposes of that Act with effect from Wednesday 1st January 2014 for the term of one year.'*

2495

Mr Speaker, the motion, to a very great extent, speaks for itself and I intend to say nothing more, other than to congratulate Mr Hook for the excellent work that he has done to date and give him the thanks of the community for that work already, and to look forward to another year of his continued hard work as Ombudsman.

2500

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute?

**Hon. D A Feetham:** Mr Speaker, just to add my own voice on behalf of the Opposition, congratulating Mr Hook, and certainly the Opposition will be voting in favour of the motion.

2505

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye). Those against? Carried.

2510

**BILLS**

**FIRST AND SECOND READING**

**Income Tax (Amendment) Bill 2013**

**First Reading approved**

2515

**Clerk:** Bills, First and Second Reading.

A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

2520

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

2525 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Second Reading approved**

2530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, in respect of this Bill, hon. Members will be aware that I have written to you certifying that this Bill is too urgent for the period of six weeks to elapse between its publication and the ability of the House to be able to consider it.

This is an issue which I know the Leader of the Opposition is aware of, he has discussed it with those who are responsible for the drafting of it whilst I was away from Gibraltar, and we expect that the matter would be dealt with on Thursday.

2540 Mr Speaker, Members will be aware that on 16th October 2013, the European Commission took a decision to open the formal state aid investigation procedure into two aspects of the Income Tax Act 2010. It published this decision in the official journal of the European Communities on 28th November 2013, inviting comments from third parties. The two aspects singled out by the Commission concerned the exemptions from taxation for (a) inter-company loan interest and (b) royalties income.

2545 Earlier this year, Mr Speaker, the EU Code of Conduct Group had found that the exemption for inter-company loan interest was a harmful tax measure under the criteria set out in the Code of Conduct on Business Taxation. The European Commission was also already indicating that this exemption was likely to constitute a state aid.

2550 Members will recall that without prejudice to our position that the section in question was not a harmful tax measure, we accordingly abolished this exemption by an amendment we made to the Act this summer, and which entered into force on 1st July 2013.

2555 The Bill, Mr Speaker, does exactly the same thing in relation to royalties. Specifically, it will abolish the exemption from taxation that currently exists for royalties income. The Bill follows the same format as that we used for the amendment this summer. It amends Table C of Schedule 1 of the Act so that it includes a new heading on royalties. Table C of Schedule 1 sets out the incomes which are subject to tax under the Act.

I had this amendment put to the European Commission by Government's team at a meeting in Brussels on Thursday, 5th December 2013. Commission case handlers reverted to us early last week, stating that the Commission's fiscal team were content with the amendment, although that cannot, for technical reasons, be the formal position of the Commission at this stage.

2560 That is the most we could have expected from them at this stage, but that is in itself important. By acting in this manner and amending the Act as we propose and the Bill, Government is delivering much needed certainty to the industry. It has also already effectively addressed the two concerns expressed by the Commission in its decision, opening the formal investigation procedure.

2565 Of course Mr Speaker, we make these amendments without prejudice to our arguments, that neither exemption constitutes state aid. We maintain that position in the formal investigation procedure as part of our defence.

2570 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

2575 **Hon. D A Feetham:** Mr Speaker, I have been in contact with those who have drafted this particular Bill. It has been explained, the policy has been explained, the rationale has been explained and the Opposition will be supporting the Bill, and I have nothing further to add than what the Chief Minister has already said.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Income Tax (Amendment) Act 2013.

**Income Tax (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2585

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2590

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2595

**Income Tax (Amendment) Bill 2013**

2600

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2605

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Bill clause by clause, namely the Income Tax Amendment Bill 2013.

Mr Speaker, can I before we move to the Committee Stage, I note that absent from my crib is a Bill that the Hon. the Minister for Financial Services was taking.

**Clerk:** It is at the very end.

2610

**Hon. Chief Minister:** Ah! It comes after. I see. Grateful.

**Clerk:** Yes.

*In Committee of the whole Parliament*

2615

**Income Tax (Amendment) Bill 2013**  
**Clauses considered and approved**

2620

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
Clauses 1 and 2.

**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

2625

**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.

2630

**Income Tax (Amendment) Bill 2013**  
**Third Reading approved: Bill passed**

2635

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2013 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2640

**Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

**PRIVATE MEMBERS' MOTION**

2645

**Yorkshire Building Society Bill 2013  
Leave to introduce granted**

2650

**Clerk:** Private Members' Motion. The Hon. A J Isola.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2655

*'That this House do give leave for the introduction by me of a Private Members' Bill, namely the Yorkshire Building Society Bill 2013.'*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola.

2660

**Hon. A J Isola:** I am grateful Mr Speaker.

Mr Speaker, as hon. Members know, the merger of Yorkshire Building Society with the Norwich and Peterborough Society took effect under the laws of England and Wales in November of 2011, pursuant to a transfer of engagements. These two societies continue as the Yorkshire Building Society. However, the transfer of engagements under the laws of England and Wales did not change the legal position in Gibraltar. This has therefore resulted in an anomaly which Gibraltar needs to be rectified.

2665

Hon. Members will be aware that in the past when lending institutions want to undertake this sort of legal entity, reconfiguration or restructure, that we facilitate that task by allowing them to do it through a Private Members' Bill. That is the nature of the Bill and it is similar to others passed in this House in recent years, to facilitate the corporate restructuring of lending institutions.

2670

Mr Speaker, the Yorkshire Building Society remains an important part of our sector. They remain committed to Gibraltar and the Government believes that it is appropriate for this House to assist them in this way by the passage of the Bill.

I commend the motion to the House, Mr Speaker.

2675

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Albert Isola. I now put the question in the terms of the motion proposed by the Hon. Albert Isola. Those in favour? **(Members: Aye.)** Those against? Carried.

2680

**PRIVATE MEMBERS' BILL  
FIRST AND SECOND READING**

**Yorkshire Building Society Bill 2013  
First Reading approved**

2685

**Clerk:** Private Members' Bill, First and Second Reading. A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society. The Hon. A J Isola.

2690

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society and the Yorkshire Building Society be read a first time.

2695

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

2700



2705 **Clerk:** The Yorkshire Building Society Act 2013.

2710 **Yorkshire Building Society Bill 2013**  
**Second Reading approved**

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

2715 Mr Speaker, as a result of the transfer engagements taking effect in November 2011 under the Law of England and Wales, Norwich and Peterborough merged with Yorkshire Building Society and the merged society continued as the Yorkshire Building Society.

2720 That transfer of engagements did not, and could not, operate to change the legal position in Gibraltar and accordingly, although Norwich and Peterborough no longer existed after 1st November 2011, those of its assets and liabilities which before 1st November were subject to the law of Gibraltar, continued to be so subject after that date.

The primary purpose of this Bill is to rectify this position with effect from the date referred to in the Bill as the appointed day – that is to say, a date to be appointed by myself as the Minister with responsibility for Financial Services.

2725 There is just one section of the Bill, Mr Speaker, which has retrospective effect, and that is section 9 to which I will refer specifically later. None of the other provisions in this Bill have any retrospective effect.

Section 1 is formal and in common form, Mr Speaker.

In section 2, subsection (1) defines the two societies. Sub-section (2) defines a number of the terms used in the Bill.

2730 Section 3, Mr Speaker, is a fundamental provision under which, on the appointed day, every Norwich and Peterborough asset will become an asset of the YBS, the Yorkshire Building Society, in respect of its Gibraltar branch. This provision is similar to that in previous banking transfer Bills.

2735 Section 4, Mr Speaker, again is similar to provisions in previous banking transfer Bills and excludes certain assets from the effect of section 3. Specifically paragraph (a) deals with interests in land other than those which are held by way of security, in effect, on the mortgages.

Section 5, Mr Speaker, deals with a variety of documents which on their face relate to the Norwich and Peterborough. With effect from the appointed day, these are made to relate to the Yorkshire Building Society. This section and section 6 are similar to provisions in previous banking transfer Bills.

2740 Section 6 deals with customer accounts which up to the appointed day were accounts of the Norwich and Peterborough. Under subsection (1) these accounts become accounts of the Yorkshire Building Society, subject to the same conditions that applied before the appointed day.

Section 7 again is well precedented in early banking transfer Bills and deals with disparate matters all designed to give a smooth transition from Norwich and Peterborough to the Yorkshire Building Society.

2745 Section 8 deals with proceedings which have been begun in error by Yorkshire Building Society before the appointed day and which, in the opinion of the court concerned, relate wholly or principally to the establishment or enforcement of a Norwich and Peterborough asset.

2750 Mr Speaker, section 9 is the one provision in the Bill which has a retrospective effect. This is because it works in favour of people who are mortgagors of Norwich and Peterborough and as they thought, took steps to repay their mortgages. In such a case, the Yorkshire Building Society will have purported to release a mortgage, which was originally a mortgage from the Norwich and Peterborough. The former mortgagor will have relied on this release, although Yorkshire Building Society did not in law have the power at that time to release the mortgage.

2755 If there were no retrospection in these limited cases, the whole matter of the release and consequential dealings, for example by a purchaser from the former mortgagor would be void, and would have to be reopened with the consequential costs and no doubt, distress. It is a condition of the operation of the section that the mortgagor consented in writing to the release.

2760 Section 10 is common form in banking transfer Bills, Mr Speaker, and in the case of this Bill, it provides the Yorkshire Building Society will meet the Government's expenditure in connection with the introduction and enactment of the Bill, the amount of the expenditure to be set by myself, as the Minister with responsibility for Financial Services.

I commend the Bill to the House, Mr Speaker.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2765 In that case, I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a second time. Those in favour: (**Members:** Aye.) Those against? Carried.

2770 **Clerk:** The Yorkshire Building Society Act 2013.

**Yorkshire Building Society Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

2775 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2780 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

2785 **Yorkshire Building Society Bill 2013**

**Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

2790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Yorkshire Building Society Bill 2013.

2795 *In Committee of the whole Parliament*

2800 **Yorkshire Building Society Bill 2013**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society.  
Clauses 1 to 10.

2805 **Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

2810 **Mr Chairman:** Stand part of the Bill.

**BILLS FOR THIRD READING**

2815 **Yorkshire Building Society Bill 2013**  
**Third Reading approved: Bill passed**

2820 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Yorkshire Building Society Bill 2013 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2825 **Mr Chairman:** I now put the question, which is that the Yorkshire Building Society Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

**Good wishes to all for Christmas and the New Year 2014**

2835 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

2840 And in doing so, of course Mr Speaker, although we are conscious as in all Parliaments that perhaps sometimes the workings of this Parliament descend into almost a festive farce, with people saying on either side, 'Oh yes he does, oh no he doesn't!' to each other, there is of course a great deal of personal affection, I hope between us all, and I would like to thank all Members of the House for the work they have done this year in their respective roles, and in particular yourself and your staff for having the patience to put up with all of us, and wish every Member of this House and our wider community a very merry Christmas and a very happy, healthy and prosperous 2014. (*Banging on desks*)

2845 **Hon. D A Feetham:** Well, Mr Speaker, it is a judicious statement that I can associate myself with, on behalf of the Opposition. (*Banging on desks*)

2850 **Mr Speaker:** May I wish all hon. Members a very joyful Christmas and a Happy New Year, and also extend those wishes to members of the staff, and indeed the Royal Gibraltar Police who are always in attendance when we are in session, and of course the members of the press.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

2855 The House will now adjourn *sine die*.

*The House adjourned at 1.17 p.m.*