



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON/EVENING SESSION: 3.05 p.m. – 7.32 p.m.

Gibraltar, Thursday, 20th June 2013

The Gibraltar Parliament

The Parliament resumed at 3.05 p.m.

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

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

Order of the Day

SUSPENSION OF STANDING ORDERS

**Standing Order 7(1) suspended
to allow the Minister for Health and the Environment to make a Statement
and for the purpose of laying Reports on the Table**

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

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 for the Minister for Health and the Environment to make a Statement and also to proceed with the laying of Reports on the Table.

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

MINISTERIAL STATEMENT

**Child with tuberculosis
Statement by the Minister for Health and the Environment**

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

20 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a child attending two nurseries in Gibraltar has been found to have tuberculosis. Although the child is only weakly positive for infectivity, the GHA is offering TB testing as a precautionary measure to all the children with whom the child might have been in close contact. GHA Infection Control nurses are currently making arrangements to contact the parents and offer skin tests to the children.

25 There is no risk to the public at present and no restrictions on children attending these nurseries or any other educational institutions.

25 Tuberculosis is an infectious disease that is uncommon in Gibraltar. BCG vaccination and good standards of nutrition are effective in preventing the disease. The TB bacteria are spread from an infected person through the air, but only to close and intimate contacts. It is also extremely rare for children with the disease to be infectious to others and hence the action taken by the GHA is purely precautionary.

30 Mr Speaker, that is the end of my Statement. I would just like to say that the press has been informed and the Director of Public Health has also been interviewed by the media to offer reassurance in this respect.

35 **DOCUMENTS LAID**

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

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Air Traffic Survey Report 2012, in the absence of the Deputy Chief Minister.

Mr Speaker: Ordered to lie.

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

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): I have the honour to lay on the Table the Employment Survey Report October 2012.

50 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

55 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the Table the Tourist Survey Report 2012 and the Hotel Occupancy Survey Report 2012.

Mr Speaker: Ordered to lie.

60 **Procedural**

Clerk: The Hon. the Chief Minister.

65 **Hon. Chief Minister:** Mr Speaker, as a result of what appears to be a technical glitch, can I invite the Chair to recess for five minutes?

Mr Speaker: The House will recess for five minutes.

70 *The House recessed at 3.10 p.m. and resumed its sitting at 3.15 p.m.*

75

Questions for Oral Answer

CHIEF MINISTER

80

Business start-ups and nurture schemes New companies benefiting

Clerk: Answers to Questions continue.
Question 495/2013, the Hon. D J Bossino.

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Hon. D J Bossino: Further to his answer to Question 440/2013, can the Chief Minister provide the same detail requested in the said question as respects any new companies which are benefiting from the Government's policy on business start-ups and nurture schemes?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no new companies have been established in the month since my last answer in this House, although I know a number of inquiries are being progressed.

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Hon. D J Bossino: Mr Speaker, the Chief Minister knows that I have written to him in relation to the criteria which the... or the detail of the policy. I posed a question in the House on the last occasion: he said that the detail, he did not have with him and it was available at the Department of Employment, or the ETB. I have written to him, I have not yet had a reply to that letter, but given that there has not been any public announcement, other than I think one article which appeared on 24th April 2013 in response to questions from, I think it was from the *Chronicle*, is the Chief Minister in a position now to provide me with further detail in relation to the scheme, so that people are aware as to what it is that they would be applying for and whether there is any possibility of any applicants out there being successful in their application?

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Because at the moment, what is in the public domain, Mr Speaker, is, if I can put it mildly, confusing.

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Hon. Chief Minister: I understand that is much milder than he puts it when he is not in this House, Mr Speaker.

If I may just start by saying, I am very sorry I have not replied to his letter. I try and deal with correspondence from Members as soon as I can. He knows I have been travelling for the past few weeks and I do have a backlog of correspondence, generally, not just the letter from him – although I will ensure that I reply to him as soon as I can, as I always try and do with Members' correspondence.

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Mr Speaker, that will clarify these criteria that he says that he is interested in.

I am talking to a number of entities about this particular scheme, including representative entities like the Federation of Small Businesses, as well as certain individuals who want to consider whether they might fit within this particular category of establishment or incubator mechanism, and not just my office but other offices as well. So when he gets my letter he will see the detail of that.

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Is he saying that he thinks that we should be making another public statement on the criteria?

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Hon. D J Bossino: Mr Speaker, of course the Opposition is not here to answer questions from the hon. Members opposite.

No, it is simply just to get the precise detail of the policy. There is one point that the Hon. the Chief Minister made, both to myself and to the Hon. Leader of the Opposition, that he encouraged us to make an application ourselves, if we wanted to diversify from being lawyers into a different business.

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But of course, unless he thinks that we are of limited means, the criteria as currently set out in the *Gibraltar Chronicle* article which I referred to earlier suggests in terms that it is only those people who are of limited means who will be accepted in the scheme. It is that type of information which I think ought to be available publicly, Mr Speaker, so that at least people understand, before making an application to the Employment Training Board, that their application will meet with any prospects of success.

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There are other issues, like for example who is going to be the determining body as to whether an application is successful or unsuccessful? Is this going to be means-tested; is it going to be limited to those who are within the construction industry; is it going to be beyond... impact different industry groups, things like that?

135 We just find it surprising that this basic information, the meat to the bones of the policy as set out in the Government's 2011 manifesto, has not been explained already to the public, or indeed in this House.

Hon. Chief Minister: Well, Mr Speaker, I am grateful for the hon. Gentleman clarifying what it was that he meant. I did not mean to ask him a question, just whether that is what his question was about, and I am grateful for that clarification.

140 I do not often take advice on how to handle the Government or the party's media relations from Members opposite, but I will on this occasion consider very carefully what he says and consider putting out the whole meat and potatoes of this policy, so that people can gorge themselves on it, and see exactly how helpful it is to those who need the assistance of the Government in this way to establish themselves in business.

145 **Hon. D J Bossino:** Mr Speaker, in relation to the point that the Hon. the Chief Minister made in connection with the GFSB, as I understand it, we issued a press release on the matter which is I think what brought this issue into the public domain – without going into the controversy of this.

150 Yes. The simple fact that incubator schemes were now available at the ETB to members of the public: that I think is fair to say was prised from the Government, as a result of the press release that we issued in relation to one particular company, ETB1, which I think has had a change of name since we issued the press release.

155 There was, following our press statement, Mr Speaker, a statement from the GFSB stating that they would be making enquiries of the Government as to the detail of it, and what I would like to ask the Hon. the Chief Minister is whether he has replied to those enquiries and whether he has engaged with the GFSB further and what progress has been made in relation to these talks with the Gibraltar Federation of Small Businesses.

160 **Hon. Chief Minister:** Well, Mr Speaker, I do not recognise this idea of the information being 'prised' from the Government at all, but if he wishes to characterise it in that way, I suppose given that he is in by-election mode, he should be entitled to describe it as he wishes.

165 The Government is in correspondence with the GFSB about this and a number of other subjects. I am not going to give the hon. Gentleman a blow by blow of what the present state of the discussions between the Government and the GFSB is on this matter; but I am happy to tell him that they are going very positively.

170 **Floating hostel; Buena Vista hostel
Refund of deposit; current situation**

Clerk: Question 496, the Hon. Mrs I M Ellul-Hammond.

175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government advise why the floating hostel left Gibraltar, whether the £300,000 deposit has been refunded to Government and whether the Buena Vista hostel has been vacated?

Clerk: Answer, the Hon. the Chief Minister.

180 **Chief Minister (Hon. F R Picardo):** Mr Speaker, following further discussions with the owners of the floating hostel, the Bibby Kalmar, the parties decided not to proceed with either the proposed acquisition of the vessel, or the alternative possibility of leasing the floating hostel from the owners, because it was not repaired as Government required. The reason why the floating hostel left Gibraltar is therefore one made by the owners of it, and not by the Government. I understand it may have been let elsewhere.

185 In view of this, and in line with the agreement entered into, the £300,000 refundable deposit that was paid to the owners by GCP Investments Ltd is in the process of being refunded.

The Buena Vista hostel has not yet been vacated.

190 **Hon. Mrs I M Ellul-Hammond:** I am grateful for that, Mr Speaker.

Mr Speaker, can the Hon. the Chief Minister say, as per the agreement with B V Homes, the Buena Vista hostel should have been vacated by the 30th June last year: have any penalties been incurred on the Government, if any, for not vacating the premises?

195 **Hon. Chief Minister:** Mr Speaker, I would need notice of that question.

**Former Speaker's confidential tax information
Leak to the media**

200 **Clerk:** Question 497, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether the investigation has now concluded to determine how confidential tax information relating to the former Speaker of this Parliament was leaked to the media?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, after an extensive internal investigation by the Commissioner of Income Tax and other relevant follow-up actions, no conclusive evidence has yet emerged in respect of the leak to the media.

210 **Hon. D A Feetham:** Mr Speaker, –

Mr Speaker: I have a problem, I do not have a copy of that answer. Could I, if there are going to be further supplementaries, please...?

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

Mr Speaker, the Hon. the Chief Minister used the words 'no evidence has yet emerged'. Is he suggesting from that answer that the investigation continues or is it that the investigation has concluded and that no evidence has emerged? It is use of the word 'yet'.

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Hon. Chief Minister: Mr Speaker, the word 'yet' has its natural and ordinary meaning and he is right that I believe that this is something that might still lead us to a destination which we have not yet reached, and that is why the word yet is there.

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Hon. D A Feetham: Mr Speaker, as the Hon. the former Leader of the Opposition, now Sir Peter Caruana, suggested when we last exchanged questions in relation to this – I think in fact it was not questions; it was a statement that the Hon. the Chief Minister made to this House and then a response by the Hon. Sir Peter Caruana, then Leader of the Opposition – he said that there could only have been a limited amount of sources for this leak. He said two sources: it has either come from the Tax Office or alternatively, given that this information had been provided to the Chief Minister, and we are not suggesting that obviously the Chief Minister himself has leaked it, but that the leak could have come from his own offices.

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Now, can he perhaps provide some information as to whether it has been narrowed down as to where this information was leaked, or is there no evidence at all in relation to where the leak emerged, without necessarily having pinpointed who leaked it?

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Hon. Chief Minister: Mr Speaker, this concerns a very serious issue. Forgetting the fact that the taxpayer in question was the Speaker of the House, we are talking about a taxpayer and taxpayers are entitled to have their tax affairs kept confidential, whatever the state of those tax affairs may be.

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Therefore, I do not think it is necessarily in everybody's interest that I go into the detail of what I know about this investigation, but let me assure him of one thing: I am not conducting the investigation myself. This is a matter which is being looked at by the Chief Secretary, and the information I am giving him is the information that I have had from the Chief Secretary, as a result of his question.

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There is, nonetheless, in my view, not a clear distinction between the Office of the Chief Minister and the Office of the Commissioner of Income Tax that can be drawn as the only two places from where this information might have come. This information might have come from somewhere else and I do not think it is right to quote the Hon. the previous Leader of the Opposition, now the backbencher, as an authority for any proposition. The fact that he said it could only come from two places does not mean that it can only come from two places. This is an opinion, which must be regarded with a lot of respect, because it comes from somebody who has held the office of Chief Minister for 16 years and understands the workings of Government inside out; but it is just that, an opinion.

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Mr Speaker, it is clear that there could be another place from which it might have come and that is from people who have access to everybody's e-mails and everybody's data, although I do not think it has come as a leak from the ITLD, the Information Technology Department. But immediately you could see that there might be a third source of information, which is neither the Office of the Chief Minister nor the Office of the Commissioner of Income Tax.

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260 So these matters are complex. In order to get to the destination where I think all of us would want to get, because of the importance of taxpayers' information being sacrosanct, I think it is better that we do not explore in detail where the investigation is at the moment, other than for me to assure him that it is still an investigation that is on-going – therefore, the use of the word 'yet'.

265 **Hon. D A Feetham:** Mr Speaker, given that this is as he rightly says a matter of some importance, not only because it involves the leaking of confidential information of a taxpayer, but also because it involves the leaking of confidential information of a Member of this House, does the Chief Minister intend to make public, or lay perhaps before this House, a copy of any report that is produced, suitably redacted, in order to perhaps preserve confidentiality, but still so that Members of this place – and indeed members of the public – can rest assured that everything that could have been done in relation to this investigation, to get to the bottom of how this actually occurred, has been done and it has been done well?

270 **Hon. Chief Minister:** Mr Speaker, I cannot commit myself to that, for a reason that I hope he understands. 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 that he understands that reasoning.

280 **Queen's Cinema**
Inclusion of basement in Government acquisition

Clerk: Question 498, the Hon. D A Feetham.

285 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister confirm that the basement of the old Queen's Cinema was included as part of the demised premises in the recent agreement by Government to acquire the Queen's Cinema for £3.5 million from its present owners?

Clerk: Answer, the Hon. the Chief Minister.

290 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir, but the conveyance has not yet been finalised.

295 **Hon. D A Feetham:** Mr Speaker, the information that has come to the Opposition – and if it is wrong, the Chief Minister, please correct the information, I am only asking whether it is right – is that in the original agreement with the owners of the Queen's Cinema, there had been an oversight in relation to the basement, and the oversight related to the fact that the basement was partly owned by the Queen's Hotel; and that that has led to some complication in the purchase of the entirety, effectively, of the Queen's Cinema including the basement.

300 Can he confirm that that is not the case and that it has not – second question – led to the Government incurring any additional expenditure in relation to the purchase?

305 **Hon. Chief Minister:** Well, Mr Speaker, I can certainly tell him it has not led to any additional expenditure in relation to the purchase, although I note that he or his firm represent the owners of the Queen's Cinema. I do not know whether this has anything to do with that.

Mr Speaker, the position as far as the Government is concerned is very clear: we are paying £3.5 million for the Queen's Cinema. If it has a basement, then it includes the basement; if it does not have a basement, it does not include the basement. But what we are paying for is what is visible of the Queen's Cinema, which is where the new theatre will be located and the value, of course, is the value of the land in question.

310 This is not an issue that in our view is going to be a major issue in relation to the new theatre that the Government is considering to build there or the other plans that we may have for the area. I know that this is an issue that has arisen during the course of the conveyance and it is an issue that will be resolved by the professionals involved. It is not an issue which engages the Government at a policy level.

315 **Hon. D A Feetham:** Mr Speaker, just in relation to the preamble to his answer, of course if I had been professionally engaged in any way, shape or form in relation to this particular matter, I would have been duty bound to have disclosed it to this House. The fact that I have not disclosed it is because I am not

professionally engaged in relation to this matter. But of course, he knows more about my firm's business perhaps than I do.

320 But Mr Speaker, in the answer, am I right therefore in saying that there has been a problem in relation to the conveyancing of the basement because, unbeknown to the Government, the basement of the Queen's Cinema was partly owned by the Queen's Hotel and, now the professionals are effectively dealing with that problem, that perhaps had not been spotted before the actual agreements were entered into with the owners of the Queen's Cinema?

325 **Hon. Chief Minister** Mr Speaker, he was here when he knows that I had to endure much less generous references to the fact that I was the partner of the firm that he is now a partner of, when I asked questions or dealt with issues which related to that firm. So all I have said is that he is a partner of a firm that is dealing with the conveyance for the vendors. I am surprised that he has taken such umbrage at that or that he thinks that I know more about what goes on in his firm than he does. But look, it is a matter entirely for him.

330 Mr Speaker, the issue as I understand it is not about ownership; it is about possession, and those are two completely different issues in land, of course. This is not an issue that the Government considers is in any way an issue that can affect the plans that the Government had for the site or the valuation that we had for the project that we were going to put there and the value that we ascribed to the old Queen's Cinema site.

335 So if there are professionals wrangling over it, because land issues sometimes involve obscure matters that sometimes purchasers and vendors are not necessarily involved in, but title has to be clarified in the process of conveyance, then look, it is a professional matter which is involving, alas, a member of his firm and no doubt a member of another firm, or of LPS; but it is not engaging us in any policy considerations.

340 **Hon. D A Feetham:** Mr Speaker, but is the issue, in relation to the basement, that it is partly owned by the owners of the Queen's Cinema and partly owned by the owners of the Queen's Hotel? Is that the issue that the professionals are seeking to sort out?

345 **Hon. Chief Minister:** Mr Speaker, I have never been a professional in land or in conveyancing. I tell him again, nonetheless, that the issue is not ownership; the issue appears to be possession and that is an issue which may have arisen which needs to be sorted out. It is not an issue, as I understand it, of ownership, but an issue of possession. He knows the difference of both of those in respect of that.

AO posts Government Departments Downgrading to AA posts

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Clerk: Question 499, the Hon. D A Feetham.

360 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether Government Departments have been asked to identify AO posts for downgrading to AA posts?

Clerk: Answer, the Hon. the Chief Minister.

365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Mr Speaker, can he explain, can the Hon. the Chief Minister explain the policy behind this request to downgrade AO posts to AA posts?

370 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that the post of AA has long been one that has been recognised in the Civil Service and yet, for some years, there have been no AAs in the Civil Service, as a result of a decision to upgrade all AA posts to AO posts.

What is being done now, Mr Speaker, is to reintroduce the grade of AA and in many instances, it may be that one AO post becomes two AA posts, and that, we think, is a very positive thing.

375 **Hon. D A Feetham:** Mr Speaker, we had this exchange last year and, indeed, I asked him last year whether the Government was reintroducing AA grades and he said to me no, the Government is not reintroducing AA grades, because AA grades have always effectively been there.

Now, it is certainly true that the GSD Government took the decision to do away with the AA grades and upgrade everybody from AA to AO. So is what the Chief Minister saying that, effectively, it is a

380 reversal of that policy and effectively you are reintroducing the AA and attempting to downgrade as many
AO posts as possible from AO to AA?

385 **Hon. Chief Minister:** Mr Speaker, nobody who is an AO is going to be told that they are an AA
tomorrow. The idea, of course, is that some AO posts will become new AA posts. In some instances, one
AO post will become two AA posts, so that the entry into the Civil Service is at AA grade, as it was
traditionally, historically and as it is in the United Kingdom, and has stopped being the case here under
the GSD Administration, where the *entry* into the Civil Service occurred at a higher level and therefore
became much more attractive to people who were working in the private sector, sometimes quite high up
390 in the private sector, on private sector salaries, who found entry into the Civil Service at AO grade very
attractive indeed.

That is the decision that we have taken. It is one that we think is the appropriate one. I recognise it is
different to the decision that they took, but simply from the point of view of the number of applicants that
there were for the posts of AA, I think it is one which has demonstrated to be working very successfully.

395 **Hon. D A Feetham:** Yes, Mr Speaker, I recognise that it is a difference in policy. I did in fact
recognise it was a difference in policy last year, when we had the exchange across the floor of the House.

But Mr Speaker, can the Chief Minister tell us whether there has been any consultation with the
unions in relation to this?

400 **Hon. Chief Minister:** Can I just, before I do that, Mr Speaker, also remind him that there were, of
course, word processor clerks in the Civil Service when we took over, and there are still some of them
now who were 'AA equivalent'. (**Hon. D A Feetham:** Equivalent.) AA equivalent – in other words, AA
in everything but name; in other words, called 'word processor clerk', but actually receiving AA salaries
405 with AA style duties.

But yes, Mr Speaker, there were, of course, consultations with the unions on this matter.

410 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister inform this House as to what the view of the
union was in relation to this? Were they supportive of this? Did they oppose it? Were they ambivalent to
it?

415 **Hon. Chief Minister:** Mr Speaker, they supported it and that is why we did it very easily and without
having to be in dispute with any union, and he did not see any press releases from any union complaining.

Recent AA recruits Placement in Departments

420 **Clerk:** Question 500, the Hon. D A Feetham.

425 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister identify what Departments have the recent
AA recruits been placed in?

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

435 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I pass the hon. Gentleman a list with the
information requested.

Answer to Question 500

440 Department of Employment and Training
Department of Social Security
Department of the Environment
435 Driver and Vehicle Licensing Department
Education Department
Financial Services
Gibraltar Courts Service
Gibraltar Health Authority
Human Resources Department
Income Tax Department
440 Ministry for Equality, Social Services and the Elderly
Ministry for Sport, Culture, Heritage and Youth
Ministry for Tourism, Public Transport and the Port
Ministry of Housing

445

No. 6 Convent Place
Royal Gibraltar Police
Treasury Department

450

Hon. D A Feetham: Mr Speaker, does the Chief Minister... and I recognise that perhaps it is going further than the original question, but does the Chief Minister have to hand the statistics in relation to the breakdown as to how many AAs have gone into each of these Departments?

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Hon. Chief Minister: I do not have it here, Mr Speaker, but I am happy to let him have it, if he wishes to either ask next time or write to me.

Hon. D A Feetham: I will ask next time.

460

**Chief Minister's private staff
Additions since 9th December 2011**

Clerk: Question 501, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister state what additions have been made to his private staff since 9th December 2011, identifying the person and the role that person plays as part of that staff?

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Clerk: Answer, the Hon. the Chief Minister.

475

Chief Minister (Hon. F R Picardo): Mr Speaker, the following additions have been made to my private staff since 9th December 2011: one Principal Private Secretary, who is a contract officer; one Higher Executive Officer; one Administrative Officer; one GDC grade 3; and one officer who is on the Graduate Scheme.

Can I just clarify that the word 'addition' has been used but, of course, these are people who have come to my office since 9th December 2011; others have left since 9th December. So it is not that there are *more* people at No. 6 Convent Place in my staff, at least in my corridor. These are the people who have transferred there, since that date, to my corridor, working to me.

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**Civil servants acting up in higher posts
Number serving longer than three months**

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Clerk: Question 502, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister state how many civil servants have been substituting for or acting in higher posts within the Civil Service for longer than three months, identifying the post and the Department concerned?

Clerk: Answer, the Hon. the Chief Minister.

495

Chief Minister (Hon. F R Picardo): Mr Speaker, 66 civil servants have been substituting for higher posts within the Civil Service for more than three months.

I now hand the hon. Member a schedule with the information requested by him.

ANSWER TO QUESTION 502

Department	Total No of Officers on Current Continuous Substitution	Grade Substituting Into
Archives	Nil	Nil
Attorney Generals Chambers	Nil	Nil
Care Agency	Nil	Nil
Consumer Affairs	Nil	Nil
Culture	2	x1 SEO & x1 EO
Customs	Nil	Nil
Deputy Chief Minister's Office	2	x1 SEO & x1 EO
Driver and Vehicle Licensing Department	Nil	Nil
Education	23	x1 TLR 1A, x2 TLR 1B, x9 TLR 2B, x3 TLR 2A, x2 TLR 2C, x6 TLR 2D
Employment	2	x1 SEO & x1 Health & Safety Officer Grade 4
Environment	3	x1 SO, x1 HPTO & x1 PTO
EUID	1	x1 AO
European Union Programmes Secretariat	Nil	Nil
Finance Centre	Nil	Nil
Financial Secretary's Office	Nil	Nil
Fire Service	1	x1 Leading Firefighter
Gambling Division	Nil	Nil
GHA	7	x1 Hospital Attendant x1 EO, x1 AO, x1 HEO, x2 SEO, x1 SO
Gibraltar Audit Office	Nil	Nil
Gibraltar Courts Service	1	x1 Personal Secretary
Gibraltar Youth Service	Nil	Nil
Housing	3	x1 SO, x1 HPTO & x1 PTO
Human Resources	4	x2 EO & x2 HEO
Immigration & Civil Status	2	x1 EO & x1 AO
Income Tax Office	2	x1 SO (Senior Officer Grade) & x1 AO
IT & Logistics Unit	Nil	Nil
Legislation Support Unit	Nil	Nil
Maritime Administration	Nil	Nil
Ministry for Traffic, Housing & Technical Services	Nil	Nil
No 6 Convent Place	4	x2 SEO, x2 EO
Parliament	Nil	Nil
Police	Nil	Nil
Postal Services	2	x1 AO & x1 HEO
Prison	Nil	Nil
Procurement	1	x1 EO
Public Transport & Commercial Affairs	Nil	Nil
Ministry of Equality, Social Services & The Elderly	1	x1 SEO (Ministry's Office)
Social Security	Nil	Nil
Statistics	Nil	Nil
Technical Services	2	x1 HPTO & x1 Sewers Operative
Telecommunications and Justice (Ministry)	1	x1 AO
Town Planning & Building Control	Nil	Nil
Treasury	2	x1 Support Grade Band 1 & x1 Head Messenger
Total:		66

**Chief Secretary, Financial Secretary, Chief Technical Officer posts
Succession planning**

500

Clerk: Question 503, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, since 11th December 2011, have any civil servants substituted for the Chief Secretary, the Financial Secretary or the Chief Technical Officer in order to allow senior civil servants to gain experience in any of those posts for future succession planning purposes?

Clerk: Answer, the Hon. the Chief Minister.

510

Chief Minister (Hon. F R Picardo): Mr Speaker, no civil servant has yet substituted for the Chief Secretary as part of a succession plan since 11th December 2011.

No civil servant has substituted for the Financial Secretary or the Chief Technical Officer since 11th December 2011; but the Government is nonetheless currently working on the implementation of a succession plan for each of the abovementioned posts.

515

Hon. D A Feetham: Mr Speaker, it is common knowledge that the Commissioner of Income Tax splits his time from the Income Tax Office and No. 6 Convent Place, working very closely with the Chief Secretary. Now, has the Commissioner of Income Tax substituted for the Chief Secretary at any time, and is that part of the Government's succession plan? Although he has already said to me nobody has substituted for that purpose, but the fact that he is working there in that office, is that related to future succession planning or is that related to something else, and can he explain what it is?

520

Hon. Chief Minister: Mr Speaker, as far as I understand it, that is not related to succession planning because of the similarity in ages between both the current Chief Secretary and the current Commissioner of Income Tax. A succession plan necessarily implies that you are dealing with people who are younger, who are likely to be taking the post once an individual passes on from that post – although that is not to say that the Commissioner of Income Tax may decide that he wishes to be an applicant in the future for the post of Chief Secretary, should that vacancy arise whilst he remains in the Service.

525

Therefore, Mr Speaker, what has been asked about, which is whether the Chief Secretary has somebody standing in for him as part of a succession plan, did not in my view engage the possibility that the current Commissioner of Income Tax, who is supporting the Chief Secretary in the work that he is doing, when he has had to step in for him, is doing so as part of a succession plan, because that is not the way that certainly I have envisaged that working, or indeed that either of them have expressed to me the way that the work they are doing is aimed at delivering any succession plan.

530

535

Hon. D A Feetham: Mr Speaker, I asked this question, because of course it is his own policy and I think that he has made statements to civil servants – that was at the beginning of his tenure in office – that the Government intends to allow senior civil servants to substitute in relation to certainly the Chief Secretary; I think he extended it to the other posts as well.

540

Now, is this going to be open just simply to senior officers or does the Government intend to go slightly below, to senior executive officers?

When does the Government intend to implement this particular policy that he announced at the beginning of last year?

545

Hon. Chief Minister: Mr Speaker, I do not know whether there has been any particularly bright AAs that might be up to it, but I think there has to be a limit as to where one goes.

Mr Speaker, there is, as he knows, a Civil Service Review going on – a Civil Service Review that I wish would have seen move much more quickly than it is, but the Civil Service is a complex beast and reviewing it, with the best will in the world, sometimes takes longer than one might have imagined was possible.

550

It is part of that Review that the succession plan should form part of, and also part of the, in my view essential, restructuring of the Office of the Chief Secretary – not so much the Office of the Chief Technical Officer and the Financial Secretary, but certainly the restructuring of the Office of the Chief Secretary to take into consideration just how sophisticated the role of the Chief Secretary is in modern Gibraltar, under the new Constitution. It is much more sophisticated than it used to be and therefore the support required by somebody who is in the role of Chief Secretary is much greater, in order to be able to turn attention to all of those issues that would be relevant to him.

555

Part of that restructuring will include provision for succession planning.

560 **Hon. D A Feetham:** So, Mr Speaker, what he is effectively is telling me is that until the Review is completed, the Government does not intend for the process of substitution to commence, so effectively we are waiting for the Civil Service Review to conclude?

565 **Hon. Chief Minister:** No, Mr Speaker, because this is a matter which is in the hands of the Chief Secretary himself, not so much in the hands of the Government.

The Civil Service Review will deal with issues like this, but my view is that the head of the Civil Service is the Chief Secretary, in terms of the administration and it is he that is responsible for these issues, with the support of the Government. The Chief Secretary knows that he has my support already to start looking at the restructuring of his Office and, in that context, issues relating to succession planning which he and I have discussed.

570 But the Civil Service Review will encapsulate a lot of those issues as well. Now, whether it happens before the Civil Service Review comes to a final conclusion, or not, is another matter, because there may be things that come up in the context of the Civil Service Review that are agreed by all parties, that are implemented immediately that they are identified as being useful and modern practice, and there may be things which are left to the end of that process because they may be more controversial between the parties and they require further elaboration.

575 Succession planning is an essential, although we do have a pretty new Chief Secretary in post at the moment. He is in post for less time than the 'new Government', as we have got used to being referred to, so therefore I do not think it is as pressing an issue; but in my own view, succession planning should start from the moment that you take on a role and that is why I have encouraged the Chief Secretary and I have encouraged senior officers, and I think also, to deal with a point he was raising before, senior executive officers, to be encouraged to act upwards in different roles as part of succession planning generally across the Civil Service.

585 **Hon. D A Feetham:** Mr Speaker, I understand that in relation to the Chief Secretary and of course the Hon. the Chief Minister is right, the Chief Secretary has only been in post for a few months.

590 But there are two other posts that I referred to in my original question, which are absolutely pivotal for the Civil Service. One is the Chief Technical Officer and the other one is the Financial Secretary. Now, my understanding is that in relation to the Financial Secretary his plans were that he was going to be stepping down during the course of last year and he has agreed to, effectively, delay that in order to help the new Administration.

595 With the Chief Technical Officer, the Chief Technical Officer has been there for many, many years. I do not know what his plans are in relation to retirement, how close he is, but certainly it is a different kettle of fish altogether than the Chief Secretary. Does the Chief Minister know anything about succession planning, in relation to those particular posts which are absolutely vital to the Service and, of course, to the running of the Government?

600 **Hon. Chief Minister:** Yes, Mr Speaker, , I do, but his question has not asked about that. His question has asked whether people have *acted* as part of succession planning and that is why I have given him the answer that I have given him.

The Chief Technical Officer is absolutely pivotal to the way that the Government works in Gibraltar today, as is the Financial Secretary. I am very happy to say that the Financial Secretary is now indicating that he wants to stay for longer, because it appears that he is enjoying his work much more than he did before obviously, and he is a pivotal part of course of what we do.

605 But look, North Front Cemetery is full of people who were pivotal to this community and that is why succession planning is important because, one way or the other, the day comes when we have to move away from the jobs that we are doing, however essential we were to the discharge of those functions at the time.

610 I am very pleased to tell him that both in relation to the Chief Technical Officer and the Financial Secretary, already moves are afoot to ensure that there is a very well catered for succession process but that does not necessarily involve people having to act in post, because both of these men rarely go ill and rarely go on holiday, so there is very little chance to act for them!

615 **Hon. D A Feetham:** Mr Speaker, every time I ask the question that perhaps, I get the feeling, slightly needles the Chief Minister, he comes back with politicisation of his answer, which really, this line of questioning does not merit, because I am genuinely trying to find out, trying to elicit information.

Now, he has given me an answer and I am going to ask a supplementary in relation to the information arising out of that answer.

620 What he is basically saying to me is that, although there is not going to be, there has not been any substitution as part of the succession planning for those two, as he rightly recognises, pivotal roles within the Civil Service, that there had been plans. Could he perhaps give us a little bit more detail about the

succession plans, what the Government, in consultation obviously with the Chief Secretary, is doing in relation to succession planning for those two very important roles?

625 **Hon. Chief Minister:** Well, Mr Speaker, first of all, I do not want him to think that he has needled me. I do not think I have reacted in any particularly partisan manner, but I suppose that, given there is a by-election on, we have all got our party political antennae out!

630 I am not able to give him chapter and verse of what is happening in terms of succession planning and I am very conscious that I should not say anything in this House which might mislead the House, or something which might create bait for future sessions.

635 So what I will limit myself to saying is that there is a succession plan in place, to this extent: each of those office holders are identifying the best people to potentially take over from them and involving them in the work that they are doing, perhaps at a higher level than they have until now, and not just necessarily identifying one or two potential officers, but perhaps sometimes more than one or two officers so that there is a succession plan not just for one generation, but for two generations, because in some instances, the people who might potentially take over from them, although they are not the same age, are near in age and therefore it may be that the succession does not last for very long. There has to be a two- or three-stage process identified until you get to somebody who is going to hold the post as long as they wish to, for a considerable period of time.

640 Mr Speaker, I think this is an essential part of having a modern Civil Service that is fit for purpose, so that people are not essential to the extent that their going can cripple the Service. What I will say in respect of both of these two very senior and very pivotal members of the Civil Service is that they recognise that themselves and they have such responsible approaches to what they do that they have started the process of working with the Government to ensure that there is a potential succession plan in place for each of them.

645 **Clerk:** Question 504, the Hon. D A Feetham.

650 **Hon. E J Reyes:** Mr Speaker, may I...?

Mr Speaker: Yes.

655 **Hon. E J Reyes:** Mr Speaker, if I may take up the Chief Minister, he mentioned before, in giving an example, he said that someone may in the future intend to be an applicant for the post of Chief Secretary. Does that mean that the Government intends to have a change of policy, because in the past, including up to the appointment of the last Chief Secretary, there has never been an advert put out, but rather a person was invited to take over the position?

660 Does that mean that perhaps as part of the Civil Service Review, the Government intends to change that procedure?

665 **Hon. Chief Minister:** No, Mr Speaker, and the hon. Gentleman knows that the procedure followed in Gibraltar is exactly the same as the procedure followed in the United Kingdom, which I had cause to look into at the time that I made the appointment of the current Chief Secretary for the appointment of the Cabinet Secretary, who is appointed by the Prime Minister without there being a process of open application. So there is absolutely no intention of moving away from that practice in the United Kingdom and in Gibraltar.

But I must tell him, Mr Speaker, that as soon as people get whiff of the fact that the post is going to be vacant, one gets applications, even though applications are not invited.

670 **Hon. E J Reyes:** Yes, thank you for that, Mr Speaker, and traditionally, there has always been held as well, always been understood by all civil servants that the qualification, if one can put it that way of requirements to be a Chief Secretary is that the person himself be a graduate. Is that still Government's intention to keep with that tradition going?

675 **Hon. Chief Minister:** Mr Speaker, I had not turned my attention to that aspect of this matter but, from memory, I think all of the people I can think of who have held the post are graduates.

680 I am not a snob and if there is a right person to fill the post who might not be a graduate, I do not see why they should necessarily be a graduate, if they have all the qualities and are able to persuade the incumbent that they are the right person for the job. I do not think that a piece of paper should stand in the way between them and the right post, if they are the right person for the job.

But look I have not turned my attention to it and I am simply answering on the basis of the fact that he asked me that question and I accept the premise of it, but I do not give him a definite answer one way or the other.

685 **Hon. E J Reyes:** Yes, Mr Speaker, I thought that the Chief Minister might be interested to know that there has been that condition. In fact, perhaps one of the reasons why so many civil servants in the past, as well, took the opportunity being offered to do the diplomas, eventually leading even to Masters qualifications in management and so on, that were being offered in partnership with the Durham University. Just food for thought for the Chief Minister to bear in mind, so that we do have fruitful succession planning, when the time comes and one is able to plan well ahead, if one bears in mind what has been traditionally the case, what most civil servants expect, unless there is an announcement to the different made, and of course, I think the trade unions might well want to have a little bit of say in that matter for the future.

So just for his information, Mr Speaker.

695 **Hon. Chief Minister:** I am grateful, Mr Speaker.
I will just say that I know many brilliant people who do not have degrees.

Hon. D A Feetham: And Mr Speaker, I agree with that entirely.

700

**GGCA committee
Facility time during working hours**

705 **Clerk:** Question 504, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker, have there been any requests by the GGCA committee for facility time during normal working hours in order to facilitate the conduct of the committee's affairs?

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

Chief Minister (Hon. F R Picardo): Business, I think is what the hon. Gentleman meant, not necessarily affairs, but anyway...

715 Mr Speaker, yes, sir.

Hon. D A Feetham: And, Mr Speaker, has the Government been well disposed to such requests made?

720 **Hon. Chief Minister:** Mr Speaker, it is not an issue that has come to the vertical Government; it is an issue that is being considered by the Chief Secretary.

Hon. D A Feetham: Yes, Mr Speaker, but of course the Government is responsible, also, to and is accountable in this House, even when it is a matter that is being dealt with by the Chief Secretary.

725 Can the Hon. the Chief Minister tell me whether the Chief Secretary has agreed to provide for facility time or whether he has declined it?

Hon. Chief Minister: I cannot, Mr Speaker, because I have answered his question on the basis of the information provided to me and it is not something that has been raised with me. I have regular meetings with a number of the unions, with the GGCA, the GTA and Unite. The GGCA have not raised this issue with me.

730 I am reticent to get involved in industrial relations matters that do not come to me, because I think very often what has happened in the past is that the Office of the Chief Minister has become the place where all industrial relations issues have been settled. I am trying to re-establish the practice that the Human Resources Department should have an involvement at a particular level, that the Chief Secretary should have an involvement at another level, and that my political office should become engaged only when the Unions feel that they need to engage me or the Human Resources Department or the Chief Secretary feel that they need to engage me on those issues.

735 They have not felt it necessary to engage me on this issue and, therefore, I am quite happy to find out the information and answer him if he wishes, but it is not something that has come to me and therefore I cannot give him the answer.

740 **Hon. D A Feetham:** Mr Speaker, that is all very well but, of course, I have engaged the Hon. the Chief Minister in relation to this issue. I have asked the question whether the GGCA committee has asked for facility time and the answer is yes. I would have thought that in asking whoever it is that drafts that answer, 'has the committee asked for facility time?', it is very odd that the Hon. the Chief Minister has

745

750 not asked, 'Well, what was the response to the request for facility time?' It is an obvious supplementary to ask, but can the Chief Minister perhaps undertake to ask the question and give me an answer next week when we are at the Budget Session, perhaps outside the House... sorry in the lobby of the House? I will settle for that and if there is any other question that arises as a consequence of that, I will ask him next time round.

Hon. Chief Minister: Most certainly, Mr Speaker.

755

**Sunborn Floating Hotel
Financial assistance from Government**

760 **Clerk:** Question 505, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether the owners of the Sunborn Floating Hotel have had the benefit, either directly or indirectly, of financial assistance from the Government?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 506 to 508.

770 **Clerk:** Question 506.

775 **Hon. D A Feetham:** Mr Speaker, is the Chief Minister now in a position to state whether the owners of the Sunborn Floating Hotel have had the benefit of a soft loan from the Government and, if so, provide details of the amount and outline of the terms of repayment and whether the proceeds of the loan will be drawn on the Consolidated Fund or the Gibraltar Savings Bank?

Clerk: Question 507.

780 **Hon. D A Feetham:** Can the Chief Minister state how long the Sunborn has been contracted to remain in Gibraltar for?

Clerk: Question 508.

785 **Hon. D A Feetham:** Further to Question No. 421/2013, can the Chief Minister state whether he is now in a position to provide details of the estimated costs to the Government of the land reclamation and all works needed to allow the Sunborn Floating Hotel to berth at its intended berthing site at Ocean Village?

Clerk: Answer, the Hon. the Chief Minister.

790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no financial assistance has been provided by the Government to the owners of the Sunborn Floating Hotel.

There is no soft loan from either the Government nor the Gibraltar Savings Bank to the owners of the Sunborn Floating Hotel.

795 The Government is unable to provide an answer in this House in respect of agreements entered into between two private entities, namely Ocean Village and the owners of the five-star Sunborn Floating Hotel.

800 I can tell him what I know, but I cannot answer for it: what I know is that they have entered into an agreement for 15 years, but it is not something that the Government is answerable for. I want him to understand there is no agreement with the Government in that respect.

The full extent of the works to be undertaken both for the berthing of the Sunborn and in the immediate surrounds to the same are not yet fully finalised and I am therefore not presently able to provide the information being requested.

805 **Hon. D A Feetham:** Mr Speaker, when he talks about no financial assistance or soft loan being provided to the owners of the Sunborn, does that include as well, or can he confirm, that no financial assistance or soft loan has been provided to any other party who is contracting with the owners of the Sunborn or has any involvement in relation to this particular project?

Hon. Chief Minister: Yes, Mr Speaker.

810

**British Gibraltar Territorial Waters
Fishing with nets; incursions by Spanish vessels; arrests for illegal fishing**

815

Clerk: Question 509, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state whether it intends to change the law in order to allow some fishing with nets in British Gibraltar Territorial Waters?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 510 to 513.

825

Clerk: Question 510.

Hon. D A Feetham: Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish state vessels on a monthly basis since the answer given to Question No. 195/2013?

830

Clerk: Question 511.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been unaccompanied by Spanish state vessels, on a monthly basis since the answer given to Question 196/2013?

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Clerk: Question 512.

Hon. D A Feetham: Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been accompanied by Spanish state vessels, on a monthly basis, since the answer given to Question No. 197/2013?

840

Clerk: Question 513.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state how many arrests have been made for illegal fishing in British Gibraltar Territorial Waters, on a monthly basis, since the answer given to Question No. 198/2013.

850

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government's position has been made clear repeatedly in this House. If the Government were to intend to change the law, it will become evident to the hon. Member when a Bill is published.

855

I now hand the hon. Member a schedule with the information requested in answer to Questions 510 to 512.

Mr Speaker, there have been no arrests of Spanish fishermen since January 2012. One Spanish fisherman has been reported and the case is currently, as he knows, with the Magistrates' Court.

860

ANSWER TO QUESTION 513

Answer to Question 510

2013					
	January	February	March	April	May
Major Incident (Class A)		1		1	5
Minor Illegal Incursion (Class B) i	14	2	4	18	3
Minor Illegal Incursion (Class B) ii			1	2	17
Minor Illegal Incursion (Class B) iii	3			0	1
Minor Illegal Incursion (Class B) iv			3	1	0

Answer to Questions 511 and 512

2013					
	January	February	March	April	May
Fishing Incursions (Not accompanied)	50	32	20	66	53
Fishing Incursion (Accompanied)	31	-	4	8	1

Hon. D A Feetham: Mr Speaker, may I continue with some supplementaries whilst the schedule is passed on to me?

865

Mr Speaker, the Hon. the Chief Minister says that if the Government intends to change the law in order to allow some fishing with nets, it will become obvious when the Government publishes a Bill. Can the Chief Minister, therefore, assure this House that when the Government has published amendments to the Nature Protection Act, allowing for secondary legislation to be introduced, that the Government is not going to, via secondary legislation, allow any fishing with nets which would obviously deprive the Opposition of debating the issue in this House, because it would not be presented by way of primary legislation in this Parliament?

870

Hon. Chief Minister: Mr Speaker, as I understand the position, in order to allow fishing with nets, there would have to be an amendment to the principal Bill, and therefore there will have to be a debate in this House.

875

Hon. D A Feetham: I agree entirely and, in fact, that is a point that immediately came to my mind, when I read yesterday's article in the *Chronicle*, in relation to how effectively the Government was moving ahead with its proposed solution to what I have described as the 'fishing crisis' – I know that we disagree in relation to that use of terminology.

880

So am I right in saying, therefore, that the intended secondary legislation that the Government intends to introduce by way of regulation will have absolutely nothing to do with a proposed solution to the situation that we have now of Spanish fishermen coming into British Gibraltar Territorial Waters and fishing in our waters in breach of the Nature Protection Act, with nets that are obviously outlawed by the principal legislation itself, by the Nature Protection Act?

885

Hon. Chief Minister: Mr Speaker, I am very grateful for the way the hon. Gentleman has put that question, because it clarifies, of course, that that is exactly the sort of illegality that was allowed under what is now known as the *infamous* 1999 Fishing Agreement. (**Several Members:** Hear, hear.) (*Banging on desks*) I could not have asked him to put it more clearly and I am very grateful that he has.

890

Mr Speaker, there are many aspects to what he has called the 'fishing crisis', in an exercise in hyperbole, the sorts of which this world has not yet ...had seen until he decided to describe this as a 'crisis'. There are also many aspects of what happens in British Gibraltar Territorial Waters from onshore and from offshore that require regulation and if he looks at our manifesto, he will see that it was not just explicitly dealing with the 1999 Fishing Agreement; it was dealing with a number of other issues as well. Different regulations will deal with different aspects of the matters which need to be dealt with, and when legislation is published, he will see which aspect of which matter each piece of legislation is designed to deal with.

895

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

900

I do not understand for the life of me how one cannot describe as a 'crisis' the fact that there have been 50 incursions, unaccompanied by Spanish state vessels of Spanish fishermen to fish in our waters: 50 in January; 31 accompanied in January; 32 unaccompanied in February; 20 unaccompanied in March; 66 in April; and 53 in May.

905

When, Mr Speaker, does the Government intend to get a handle on this problem, in order to ensure that our waters are not systematically effectively incurred in this way and to prevent Spanish fishermen

from... either prevent them from fishing in our waters illegally or alternatively finding a reasonable solution that allows them to do so, but in a way that is in accordance with our law?

910 Because at the moment, this is causing *huge huge* uncertainty, particularly to the many police officers out there who every single day have to deal with this problem and the consequences of the Hon. the Minister for the Environment's statement to Facebook last year.

Hon. Chief Minister: Mr Speaker, the agreement that was... The hon. Gentleman is a sucker for punishment!

915 The agreement that was in place when he was *Minister for Justice*, when he took a specific oath – not just like all the rest of us do as Ministers, but as the hon. the now backbencher, the hon. the current Minister for Justice and he took, a specific oath to uphold the rule of law – that agreement, which was in effect when he was Minister for Justice and took that oath, specifically said that it allowed four Spanish fishing vessels a day to fish in British Gibraltar Territorial Waters in direct contravention with Gibraltar law – which means, Mr Speaker, that these figures that the hon. Gentleman has referred to are nothing compared to the fishing that used to go on then.

920 In case he cannot do the math, four times 30 a month is 120 incursions which he, as Minister for Justice for the four years that he was there, presided over. So 53 offends me, but it cannot offend him because he was giving a licence for people to break our laws. He did not come here to change our law; he gave a licence for 120 breaches of our law, at least, by adopting and ever since then, speaking in favour of that act.

925 So it is incredible, Mr Speaker, that in all of these months, except in April, there are less than half the incursions that hon. Members opposite, when they were here, and him in particular as Minister for Justice, allowed under this unconscionable, illegal and unconstitutional agreement; and yet now, he considers 20 unaccompanied fishing incursions in March a crisis that should concern us because of the police officers that have to face it.

930 I know that he told, Mr Speaker, members of the Defenders of Gibraltar group that if he were Chief Minister and these issues were not dealt with, he would sack the Commissioner of Police. Now, he must have read a different Constitution to the one that I have read, because the Chief Minister of Gibraltar does not have power to sack the Commissioner of Police.

Hon. D A Feetham: Mr Speaker, it is totally inappropriate for the hon. Gentleman to bring to this House something that I have alleged to say to the Defenders of Gibraltar which is simply not true. I have not said that to the Defenders of Gibraltar and he is, under the guise of parliamentary privilege, effectively committing a libel or a slander on the Leader of the Opposition. If he had said that, or anybody had said that outside this House, I would take action, because it is *simply not true*. It is not true that I have said to anybody within the Defenders of Gibraltar that I would sack the Commissioner of Police and I am surprised that he should make that comment under the protection of parliamentary privilege.

940 **Hon. Chief Minister:** Well, Mr Speaker, I have had it reported to me by so many members of the Defenders of Gibraltar so repeatedly, especially on the day that he said it, that I must tell him that it had the ring of truth about it. But if he denies it in this House, I am happy to accept his denial of that and that he is saying that those who told the Chief Minister that were liars. It is a matter entirely for him.

945 Mr Speaker, I am grateful that he now says that because, of course, if he had said that, and he now denies that he said it, he would have read a completely different Constitution to the one that I operate under, which does not give the Chief Minister of Gibraltar the right to sack the Commissioner of Police.

950 But, Mr Speaker, this 1999 Agreement obviously encouraged people to break our laws. We are not going to allow an agreement or form part of an agreement that encourages people to break our laws. But if he wants to look at what really matters, if he wants to look at 'Major Incident (Class A)' in the table that I have given him for 2013, in answer to Question 510, he will see that there were six such incursions during the course of the year to the end of May – *six* Class A incursions.

955 I put him in mind the statement that the previous Chief Minister, now the hon. the backbencher, made in a ministerial statement as a result of the incursions that were occurring in 2010. He might recall that the hon. the previous the Chief Minister, now the backbencher told the general public in a ministerial Statement that if they were approached at sea by the *Guardia Civil*, they should go for their flare guns and discharge them so that the Gibraltar Police and the Navy Squadron could come out to defend them.

960 That is a moment of crisis, Mr Speaker. *That* is a moment of crisis – if not least because of the, in my view, hugely imprudent step of the then Chief Minister of Gibraltar advising people to go for a firearm when confronted by a law enforcement official of a neighbouring state that carries a firearm also, and would not know whether the citizen of Gibraltar who goes for his flare gun is going for a firearm to shoot at them or to shoot into the air because of the political dispute. That is a crisis, Mr Speaker.

965 It is also a crisis, Mr Speaker, when the frontier was closed, by fishermen in 1999 leading the Government of Gibraltar to have to enter, for the first time in its history, and I hope the last, into an

970 agreement to allow foreign nationals to break the laws of Gibraltar whilst the same laws of Gibraltar are enforced against Gibraltarians. That is a crisis, Mr Speaker: it is a crisis of the rule of law.

Mr Speaker, whilst I am Chief Minister, there will be no crises of the rule of law of that sort, because this Government will never enter into any agreement that anybody be allowed to break the laws of Gibraltar.

975 Neither, Mr Speaker, will any citizen of Gibraltar be encouraged to go for a firearm, when faced with a foreign law enforcement official who is packing a sidearm. (*Banging on desks*)

Hon. D A Feetham: Yes, Mr Speaker, well, thank you very much for that political speech, but of course, Mr Speaker, I disagree with everything that he says, in the way that he characterises it.

980 Mr Speaker, when the 1999 Agreement was in place, Spanish fishermen were genuflecting and recognising our laws – not like now, when they are coming into British Gibraltar Territorial Waters escorted by the *Guardia Civil* in complete contravention and disrespect of our laws.

985 Mr Speaker, I do not agree there were more incursions then than there are now. The only person who holds that view in Gibraltar must be the Chief Minister of Gibraltar, because quite frankly, everybody knows that there are more illegal incursions into our waters today than at any time in our political history, and that is a fact.

990 But, Mr Speaker, what I am interested in is in solving the problem. That is what we on this side of the House are interested in. What we want is for the uncertainty that has been created by a lack of judgement on the part of the Government and Government Ministers in the way that they dealt with the 1999 Agreement, which *I have accepted* could have been replaced by something else. But of course, you do not replace something without having anything in its place. That is the point that we have made consistently.

995 Now, Mr Speaker, one final opportunity: will the Chief Minister please provide this House with information as to what solution the Chief Minister is working to in order to solve this particular problem and get rid of the uncertainty? Because *that*, and not the political points that he has been making in answer to my previous question, is what the people of Gibraltar are interested in. They are interested in solutions.

1000 **Mr Speaker:** Before the Chief Minister answers, I have been liberal because we are dealing with four questions on the question of illegal fishing in our British Territorial Waters, which is an important issue; but I think hon. Members will agree... and I have been enjoying, as a political animal that I am, these exchanges! But I really must call upon the Leader of the Opposition and the Chief Minister to bring these exchanges to a close, because they are now really beginning to debate.

1005 **Hon. Chief Minister:** Mr Speaker, conscious of what you have said, and political animals though we all are, you are of course right. If I may simply deal with the four points that the hon. Gentleman has made in turn.

1010 Mr Speaker, the hon. Gentleman cannot persuade anyone with half a brain that there are more incursions now than there were before, because there were so many incursions before, as a result of an agreement, that there were no statistics kept – incursions became order of the day. There was an agreement to allow incursions and therefore nobody counted them!

The then Chief Minister then set out in an agreement how many incursions were *allowed*: four a day and I am told, Mr Speaker, that on some occasions that was even exceeded. So, there is no question, Mr Speaker, of there being more incursions today than before.

1015 Of course, today the Government does not allow the incursion and therefore it is *counted* as an incursion. Statistically the hon. Gentleman is talking nonsense, as he is, Mr Speaker, with the very greatest of respect, when he says that under the 1999 Agreement, Spanish fishermen were genuflecting to Gibraltar law. There are a number of phrases in Spanish that describe that sort of remark, Mr Speaker, (*Laughter*) but when you have a law that says you cannot fish with a net and a Spanish fisherman comes with a net and fishes, the hon. Gentleman and I have different definitions of what genuflecting means, because what was done under the 1999 Agreement was not to genuflect; it was simply to ignore by agreement what the law provided for.

1020 He may have decided, because I have heard him repeat it so often, that this is a phrase that sounds good and there may be people without the capability of doing a simple analysis who might believe things because they sound good, and he is appealing to them. Well look, we each do politics in a different way: let him continue to use what he considers to be a catch phrase. But of course it is not true, Mr Speaker.

1025 The third point he makes, Mr Speaker, is that people want solutions. Well, Mr Speaker, he is absolutely right. That is why they voted for this Government, because they wanted a solution to this coach and horses that was being driven through the rule of law in Gibraltar and therefore the Government re-established the rule of law by doing away with the Agreement.

1030 Finally, Mr Speaker, I want to tell him that I agree with him entirely. He said these words, and I have made a note of every single one of them, and if he does not agree, he can check the *Hansard*. He said

1035 there was a lack of judgement on the part of Ministers in the way that they dealt with the 1999 Agreement. He is *absolutely right*. In 1999, Ministers entered into that agreement and it was a huge lack of judgement to have done so. Even the Foreign Affairs Committee of the United Kingdom found that, although it might have been a practical measure, it should not have endured. He is absolutely right. He should tell the Hon. the previous Chief Minister, who is now a backbencher, that he and I share the view that the 1999 Agreement was a huge lack of judgement.

1040 **Mr Speaker:** I will allow the Hon. the Leader of the Opposition one final supplementary, if he wishes to make a...

Hon. D A Feetham: Mr Speaker, there is no need. I think that we have exhausted this subject and made the points that we need to make.

1045

**Libel claims by a retired Government Minister
Government policy**

1050 **Clerk:** Question 514, the Hon. D A Feetham.

Hon D A Feetham: Mr Speaker, can the Chief Minister state whether it is Government policy to fund all libel claims brought by a retired Government Minister against a media publication?

1055 **Clerk:** Answer, the Hon. the Chief Minister.

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

1060 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister explain what is the difference and how he justifies the funding of a claim by the Hon. the Minister for Employment, because, as he has told me in answer to a question that I asked last month, that libel was a libel in relation to the work that he is doing or in his capacity as a Government Minister and a situation, for example, where there is a libel relating to some work or something that has occurred by a person who has been a Government Minister in his capacity as a Minister, but he just simply happens at the time at which the libel is made, not to be a Government Minister? It appears to me to be a very curious and unmeritorious distinction indeed.

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Hon. Chief Minister: Mr Speaker, I do not see how that supplementary arises. I have given him exactly the same answer to his question this month in respect of retired Government Ministers as I gave him last month in respect of current Government Ministers. I have given him *exactly* the same answer, so I do not see how he can make that point.

1070

Hon. D A Feetham: Mr Speaker, the point is made by virtue of this: last time round he said that it is Government's policy to fund libel claims brought by Government Ministers.

1075 **Hon. Chief Minister:** Point of order, Mr Speaker.

I am going to read him the question he asked last time and the answer I gave. Mr Speaker, he said:

1080 'Can the Chief Minister state whether it is Government's policy to fund all libel claims brought by a serving Government Minister against a media publication?

... Answer, the Hon. the Chief Minister.'

... Mr Speaker, no, sir.'

That is the answer I gave him last time as a first answer, and it is exactly the same answer I have given him this time as a first answer, so how can he say there is a difference?

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Hon. D A Feetham: Because then in supplementary – I do not have *Hansard* in front of me – we then exchanged... I then asked further questions in supplementary and the Government... Obviously, I cannot remember the nature of the exchanges, but, of course, by virtue of the fact that the Government has funded the libel claim by the Hon. the Minister for Employment, Mr Bossano, the Government must have taken a decision in relation to the funding of that libel claim. It must have been taken on some basis.

1090

Now, what I am asking now is, how does the Government distinguish between the funding of his claim and a claim that may be brought in similar circumstances by somebody who is not serving as a

Government Minister today, but the circumstances of the libel, the falsehood, may be very similar in circumstances to the one that related to Mr Bossano?

1095 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is obviously not prepared for today. He has asked a question today, the terms of which he needs to understand and make himself responsible for:

1100 'Can the Chief Minister state whether it is Government's policy to fund *all* libel claims brought by a retired Government Minister against a media publication?'

Of course not, Mr Speaker. This does not refer to the fact that it may be a libel arising from his functions as a Minister. It does not refer to what type of libel it may be, and that is why I gave him the answer, 'No, sir', which is identical to the answer I gave him last time in respect of his first question.

1105 Mr Speaker, I told him last time that issues like this will be referred to the Chief Secretary for the Chief Secretary to make determinations.

Mr Speaker, look, if what actually he is trying to ask me, I discern, is 'If somebody who is no longer a Minister suffers a libel relating to or arising from his functions as a Minister, would the Government have a policy to also enable that individual to have his costs of that libel action funded against the media outlet that carried the libel?' that is not his question, but it appears that is what he wanted to ask.

1110 Well, Mr Speaker, in those circumstances, I think that that individual should go to the Chief Secretary and say, 'Look, this arises from the service I gave to the Crown and I would ask you to fund this libel action which I am required to take.' But it is not an issue of Government policy, Mr Speaker.

1115 I think this is something that all of us who serve the Crown in different capacities continue to be entitled to go back in respect of that service and find from those who are currently serving in the capacity of the Head of Administration, to ask them for their assistance in whether it is finding a file in relation to something one may have done when one was a Minister or otherwise, or defending oneself against a grievous libel, if the Chief Secretary considers it appropriate.

I also talked to him about degrees of libel, and not simply the Government becoming a deep pocket that funds the libel actions of those with the thinnest possible skin.

1120 So, Mr Speaker, I do not see that any of the supplementaries that he has put are relevant and I hope that he is satisfied with my answering what I thought was the question he was trying to ask, although he did not quite ask it.

1125 **Hon. D A Feetham:** Mr Speaker, the Chief Minister, on the final question of the day, really is playing games. We had a number of exchanges and I asked a number of questions last time round and, quite rightly, he said to me, in answer to supplementary last time round, that the policy was that the matter would be referred to the Chief Secretary of Gibraltar and the Chief Secretary of Gibraltar would then effectively consider the matter. But of course, presumably it would then have to go back to the Government, because he has rightly recognised that what the Government cannot do is fund libel actions when somebody may have been mildly defamed, when in circumstances where we are all politicians and we are expected to deal with issues, even where technically it may well be a libel.

1130 I then asked him a supplementary, last time round, whether that extended to a retired Government Minister and it was ruled not admissible, because it did not arise from the original question. He knows what I am getting at.

1135 Now, can I ask him, is the policy therefore, (*Interjection*) Mr Speaker, exactly the same for a retired Government Minister as for a serving Government Minister? The policy is the same except that one is retired and the other one is still serving, but the policy is the same: in other words, refer to the Chief Secretary, Chief Secretary making a recommendation to the Chief Minister and then a decision being made.

1140 **Hon. Chief Minister:** Mr Speaker, he may try and get out of the question he has put however he likes. I have told him that I have discerned the question that I think he intended to ask, but his question – and I hope he recognises this, because I am actually not trying to be difficult or play games – does not say what he obviously intended it to say. That is fine, we are all under pressure in this job, whether it is that one or this one, and we have to –

Mr Speaker: May I...? Is the Chief Minister in a position to answer this last supplementary?

1150 **Hon. Chief Minister:** I am, Mr Speaker.

Therefore that question elicited not an answer that was a game; it elicited an answer that had to be given, because otherwise, Mr Speaker, how long is a piece of string? Anybody who has been an ex-Minister cannot come and say, 'Look, as a result of something I am doing now, somebody has referred to

me as...’ For example, because this is an argument that could be made, Mr X, an ex-Minister, is now involved in a fraud, right now. Well, that is the question. Right?

1155

Hon. D A Feetham: Answer the question.

1160

Hon. Chief Minister: That is not something that in my view should be covered, because although it refers to the ministerial office, the libel in that context is not arising from or related to the ministerial office. It simply uses the ministerial office as descriptive of the individual.

But if somebody were to say, ‘When Mr X was a Minister, he had his hand in the till’, a libel relating to what that individual did arising or related to his office, in my view that individual is entitled to go to the Chief Secretary and say, ‘Look, this arises from my service to the Crown, and I now need to take proceedings and I need the Crown to cover the costs of those proceedings.’

1165

It is almost a vicarious liability point, when an individual, relating to the discharge of his employment, is entitled to ask his employer to cover the costs that he may incur in having to take that action. So in those circumstances, my view is that the Chief Secretary should provide cover to that individual in those circumstances, but he has to have this question of degree also in mind.

1170

And I do not agree with him that this should be a matter for the Chief Minister of the day. I do not think that this is strictly an issue of policy – although anything which results in money flowing from the Government is going to have to result in an appropriation from this House in some way. Things have to be insulated in a mature democracy from the political complexion of the Government of the day, because I have no doubt that if I am libelled, if the *7 Days* were ever to come back to life – please God, it will never happen – after they come back to office, and the then Chief Secretary has to ask him whether to fund my libel action against the *7 Days* in an article that has very likely been written by one of his acolytes, he will say no. And he can say exactly the same thing about *The New People* if he wishes.

1175

I am simply trying to illustrate the point that this should be an issue insulated from the partisan identity of the Government at the time. It should be – and in my view, it *is* – an issue in the discretion of the Chief Secretary, because of the service given to the Crown by the individual who might be making the application for support or funding.

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Hon. D A Feetham: Well, Mr Speaker, I agree entirely with the Chief Minister in relation to this. That is why I am surprised that I find myself asking the question here today, when the answer, in my view – although he hesitated last time round, when I was asking questions about this one – is so obvious. You cannot really sustain a distinction in relation to a Government Minister and a former Government Minister for the reasons that he has outlined. There is just no distinction at all.

1185

But, Mr Speaker, just in relation to... and there has to be a policy. The policy is the referral to the Chief Secretary: that is the policy. In relation to that policy of referral to the Chief Secretary, and the Chief Secretary making a decision as to how those libel claims are... or which libel claims are going to be funded – because as he rightly points out, there are degrees in the seriousness of libel claims – how does the Chief Secretary make that decision? Is the Chief Secretary taking advice from lawyers in relation to this, because, after all, there can be considerable expenditure to the Government as a consequence of a libel action, not only in relation to the funding of the Government’s own lawyers for the Minister, but also in any adverse costs order that is made against them, should he lose the libel?

1190

1195

What kind of process does the Chief Secretary go through, in relation to a determination as to whether it funds a libel claim or not? Or is it left entirely to the discretion of the Chief Secretary, and the Chief Minister does not know, despite the fact that there could be a very substantial cost to the taxpayer?

1200

Hon. Chief Minister: Well, Mr Speaker, he was in Government for four years as Minister for Justice and he does not appear to know the answer to that, so I do not know why he expects me to know the answer to this.

1205

But, Mr Speaker, I have to tell the hon. Gentleman, I have to put it to him, that he needs to read the *Hansard* for last time, because he has now said that I refused to answer... Look, Mr Speaker, he has said that, or that I was hesitant in answering. Mr Speaker, he needs to read – (*Interjection by Hon. D A Feetham*) No, no, I have to ask him to look at the *Hansard*.

1210

I did *not* hesitate to answer the question when he put it about previous Ministers. Mr Speaker actually said that he felt that was beyond the ambit of the question and then the hon. Member had an exchange with Mr Speaker. I did not say boo to a goose in respect of that part of it. In fact, Mr Speaker, I continued to deal with the issue, when he put it to me, by saying that, in my view, this was an issue for the Chief Secretary.

There is no developed policy. Nobody has dealt with this issue before, because nobody has made an application before.

Now, I do not know whether a policy should be developed. I think that it is very likely that this would engage legal issues as to degree of libel and of liability as an employee of the Crown, as a servant of the

1215 Crown. A Minister is a servant of the Crown; he is not a civil servant, but he is a servant of the Crown,
and therefore, Mr Speaker, I am not going to make up policy on the hoof, or answer what is, in effect, a
hypothetical question, with your indulgence, other than to say to the hon. Member that if this is an issue,
we should give it some thought – perhaps the Select Committee should consider it, as one of the issues
1220 that we consider in terms of the reform of Parliament, because this exclusively affects parliamentarians,
or Ministers – but it is not something that is at the moment set in stone. There are no criteria that I can
refer him to.

But my instinct – and it appears to be the same instinct as his, and I do not know whether I detected
some nodding from Mr Speaker, but I would have thought from anybody who has been a Minister before
– is that if somebody says something about what you did as a servant of the Crown, as a Minister – and
1225 specifically that, and it *is* an actionable, serious libel – then it is very normal that you should be entitled to
go to the Chief Secretary and have those costs covered.

Does that mean that if you lose, the Chief Secretary will also engage coffers to cover the defendant's
costs? Does it mean that a test will have to be gone through before you are funded, as to whether what has
1230 been said is likely to be true or not likely to be true – a little bit like the legal aid test to see whether an
individual's case is worth pursuing or not? Look, I do not know – I imagine there must be something like
that.

But I do not think, Mr Speaker – and this is where I think there is a serious disagreement between him
and me – I do *not* think that that is a matter of policy for the political Government of the day. It cannot be
1235 our policy that their service as Ministers, for four years or for 16 years in the context of other Members of
the benches opposite, should not be recognised and they should be deprived of their pension. These things
are insulated from the political colour of the Government of the day, as they should be.

So it is not a *policy* issue in my view; it is a *legal* issue of entitlement, because you have been a
servant of the Crown.

1240 **Hon. D A Feetham:** Mr Speaker, it cannot be an issue of legal entitlement. No Minister of the Crown
is entitled to have his libel claim funded by the Government. Indeed, the policy was a novel one, and it
has been... I know he does not like me using the 'policy', but the *decision* as to fund Mr Bossano's libel
claim was a new decision. It never happened in the past, as far as I am aware. Nobody has ever had a libel
1245 claim funded by the Government, or a serving Minister has had a libel claim funded by the Government.

Look, I have only been a Member of this House for the last seven years, but certainly, I would have
thought that I would have heard about this, or indeed the former Leader of the Opposition.

But you see, there are very disturbing factors in the background here because, firstly, the Chief
Minister has already recognised that potentially there is a huge potential outlay for the taxpayer, not only
1250 in costs of the Minister, but also in any adverse costs. Then you have the situation where you have got to
take an assessment about the degree of the libel, and then you have a situation where we are looking at
the prospects of success.

Now, can the Chief Minister tell me how those factors were investigated, and whether they were
looked at in relation to Mr Bossano's libel claim, for example? Because we are none the wiser on this side
1255 of the House as to how that particular decision was actually made, because he keeps on saying there is no
policy, but I would have thought that it is in the Government's interest, and it is the Government's duty,
to have a policy in relation to this, that is clear, that is transparent and that everybody knows where they
stand in relation to it.

1260 **Hon. Chief Minister:** Mr Speaker, he just does not understand.

First of all – (*Interjection by Hon. D A Feetham*) No, no, Mr Speaker, *he* does not understand. (**Mr
Speaker:** Order!) He is asking hypothetical question over hypothetical question, and the Standing Orders
do not allow him to do that. (*Interjection by Hon. D A Feetham*)

Mr Speaker, he is asking us now, his final question is about something completely unrelated to the
question that he is asking. He is now going back to the question that he asked last time, and asking us
1265 about what criteria were followed in determining whether or not Mr Bossano's libel costs should be
covered. (*Interjection by Hon. D A Feetham*)

Mr Speaker, I am telling him, this is not an issue of policy. In my view, this is a simple issue of
employment law. He says he does not recognise this issue ever having arisen under him. Well, look, they
1270 may have taken the view that they were not libelled; or that they were libelled but they were going to
ignore it; or they may have considered taking libel proceedings, but not in the end decided for whatever
reason that they were going to take them.

In my view, this *could not be clearer or more transparent*. I have said it on a number of occasions. If
somebody serves the Crown as an employee, AA Grade or as a Minister, and they are libelled because of
1275 what they are doing in their job, in my view, the law should entitle them to be covered by their employer,
because if what they are doing is in the discharge of their employment, then it is that simple.

When he starts his questioning, he seems to be nudging us towards, 'Please cover retired Ministers, as you think that current Ministers should be covered.' When he finishes his questioning, he seems to be nudging us towards, 'Nobody should be covered, because there could be an open-ended liability.' He has got to make up his mind.

1280 My view is very simple. The microphones are going crazy today. My view is very simple. It should apply in the same way to Ministers or to retired Ministers, because if it is their service to the Crown that is being questioned, then whether they are retired or not should not make any difference. The determining officer should be the Chief Secretary and he can make decisions as to all of the other criteria that should apply.

1285 **Mr Speaker:** Whilst it is not for me to get myself involved in these exchanges, I do have to declare an interest, because I am a retired Government Minister. The problem as I see it is that, in the days when I was a Minister, one was less likely to be the subject of libel, because it would have been carried out, say, through the medium of a newspaper, or the broadcasters. They themselves exercised – those responsible exercised a degree of censorship.

1290 Now, with the onset of the social media, we are all fair game, including the Speaker, and therefore – *(Laughter)* Yes, yes, already yes! Therefore I think it would be a very good thing, and I propose certainly when I meet the Select Committee to ask them to deal with this matter, because I have a double interest, as a Speaker today and as a former Government Minister.

1295 **Hon. D A Feetham:** Mr Speaker, and that is... and Mr Speaker, with respect, makes a very, very valid point. It is the point that I am trying to elucidate from the Chief Minister, because of course, if you are going to have a policy about the funding of libel claims for current Ministers... and the Chief Minister has said it is exactly the same now for retired Ministers, and I accept that it is in the context of something quite new, but it is in the context of a libel claim by a Government Minister recently, so that has only arisen recently; it has not arisen in the past.

1300 But there has to be some defined criteria, not least because if I, for example, am libelled or one of my colleagues are libelled, in relation to something that occurred when we were Government Ministers, so that we could have the guidance of saying, 'Well, I think that this is something that is covered or is not covered.'

1305 Just simply saying it is a matter for the Chief Secretary, with respect, in my view, is not a satisfactory policy, because I do not think it is sufficiently transparent enough. I do not criticise the Government when I say it is not sufficiently transparent enough; what I am trying to get at is a definition of that policy, so that it is open and transparent, so that everybody knows where they stand in relation to it.

1310 But I am very grateful to Mr Speaker for the contribution that he has made.

Mr Speaker: Perhaps on that note, we can move on to the next question.

1315 **A Member:** Well, *this* is the next question.

Hon. Chief Minister: Mr Speaker, in the absence of a question, if I may also be allowed to comment on your remarks, I think that you are absolutely right in that the world has changed, and it is not just established media that one may be libelled in. In fact, one is unlikely to be libelled in established and responsible media, and it is in social media that people may say things that are really quite beyond the pale.

1320 But look, there is also another aspect to this, which I know that Mr Speaker recognises and has come out in the course of what I can only now describe as a debate that we have had, which is that politicians are fair game. I dare say that we are all libelled at the end of each day or at least slandered on a number of occasions, and we do have to have a fairly thick skin.

1325 The time comes, however, where things go beyond a remark that can simply be ignored and in those instances, whatever one's current status may be, my view is, as I have already set out, that one should be covered, almost like an insurance policy on those issues. I am very happy that my proposal that the Select Committee should look at this is going to be taken up by you, as Chairman of the Reform Group, and that the hon. Gentleman seems to be saying now, again, having changed the position again, in my view, that he too is happy to set out some criteria there.

1330 I think that this is a matter, however, for the Chief Secretary. If Parliament wants to give him a steer, then as a Select Committee, all we can do is give a parliamentary steer, not a steer at a Government level. But that could become policy and if we set things out clearly, then that would be helpful to everyone.

1335

MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Future Job Strategy trainees

Meeting with Minister; details of placements; managers;

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Clerk: Question 477, the Hon. D J Bossino.

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Hon. D J Bossino: Further to Question No. 353/2013, can the Minister for Employment advise when he met the Future Job Strategy trainees and where?

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

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Minister for Enterprise, Training Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 478 and 480 to 483.

Clerk: Question 478.

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Hon. D J Bossino: Further to Question No. 358/2013, is the Minister for Employment now able to provide details of how many individuals are participating in the Future Job Strategy, with details of where they are carrying out their placement/training, to include private entities or individuals, such as private companies or partnerships, and in each case, the names of such entities and names of the Government Departments, Agencies and Authorities; which Future Job Strategy company they are employed by; what the duration of their contracts are; and how many of these trainees have guaranteed jobs following conclusion of their FJS contracts?

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Clerk: Question 480.

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Hon. D J Bossino: Further to the answer given to Question 342/2013, can the Minister for Employment advise who the managers of each of the companies which participate in the FJS scheme are?

Clerk: Question 481.

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Hon. D J Bossino: Further to the answer given to Question 345/2013, can the Minister for Employment confirm that the Trainee Carers do not obtain any qualification?

Clerk: Question 482.

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Hon. D J Bossino: Further to the answer given to Question 347/2013, can the Minister for Employment advise what stage the new arrangements for apprenticeship schemes have reached?

Clerk: Question 483.

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Hon. D J Bossino: Can the Minister for Employment advise when he introduced the policy to provide trainees on placement periods of three months?

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

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Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the meeting with the trainees took place at the Ince's Hall on 1st February 2012 at the launch of the Employment Training Company.

The position as regards the placement of trainees in the public and private sectors continues to be as explained in answer to Questions 503 of June 2012, 731 of September 2012, 257 of December 2012, 58 of January 2013, 178 of February 2013 and 358 of May 2013.

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The details of Government Departments and Agencies involved were given to the hon. Member as requested by letter, in April for March and, as agreed, then will be provided in July for June.

As stated in answer to Question 342, the managers of the companies are Civil Servants or GDC managers from the Employment Service assisted by graduates from the graduate company.

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None of the carers taken on by the Care Agency and its predecessor, the Elderly Care Agency between 1996 and 2011 were required to have any qualifications. The requirement was to have two O-levels or previous experience obtained in a care home. This continues to be the case. All trainee carers since, have obtained the required experience by working in the Care Agency and have been monitored by

management and certified by management as having satisfactorily completed their training before taking employment with the Agency.

1400 This training is accepted as contributing to NVQ qualifications if any individual carer decides to continue on this path.

The position is as stated in answer to Question 347/2013.

Finally, the three-month period was introduced towards the end of 2012.

1405 **Hon. D J Bossino:** Mr Speaker, in relation to the first question I posed, the Hon. Minister... I think I know which meeting he is referring to because it was actually recorded here by YGTV and it is actually on-line. I assume it is the meeting that the Hon. the Minister is referring to which was, judging by what he was advising the employees and the future trainees at the time of his scheme, that it was the first meeting he had with them.

1410 He advised them there, and promised them, that he would be meeting them... I think he mentioned two periods of time: at least every three months and then I think he may have said possibly even every month. But certainly his bottom line was to meet with these trainees individually every three months.

1415 Therefore, given that he has only met with them on one occasion, which was the first occasion, can the Minister for Employment explain why it is that he has failed to deliver on that particular promise which he made to the employees?

Hon. J J Bossano: Well, I am glad that he has put it in that way, that I failed to deliver, because clearly he thinks it is a very good thing that I should meet these young trainees and that they were looking forward to it.

1420 The fact is that, first of all, the numbers that have gone through the scheme have been much more than we expected, because at the time, the hon. Member will remember that we had five... Most of the people that were there were the people we had inherited. This was at the beginning of the scheme in February. So there were very few new people; they were people who had come in from the VTS and that first meeting was predominantly to explain to the people from the VTS what the difference was between the scheme they were already in – some of them were in the middle of that, that is to say that usually lasted for six months and there were people who had come in in January or December or November and were in the middle, so were sort of half way through.

1425 The monitoring was being discontinued, following the introduction of the new scheme, because in the new scheme we required the employer to select people, but in the first batch of people effectively the people were already somewhere and essentially, we were keeping them there until they could be moved. Therefore, the initial period was one of transition.

1430 I have continued to meet those people that have wanted to come to see me, using my clinics to do that and I did plan originally to keep contact with those trainees in the course of the rest of the year on a quarterly basis.

1435 Well, first of all, the numbers that have come in and gone out since have been much greater than we anticipated would be the case; secondly, the take-up by the employers has been much better than it looked at that time as if it was going to be. So we had a situation where we had something like 300 people coming in in February 2012, of which something like 290 were staying in the places that they had been placed previously and where they were not intending to stay initially and where they were going to be moved.

1440 As we moved them out, essentially the role of the Department having to be on top of them, as it were, diminished with each new cohort that came in in March and April and in the rest of the year, because successfully, we have been introducing a system which started then, which is now fully operational, where the selection of the trainee is not done by the Department; the selection of the trainee is done by the employer.

1445 So the employer in practice nowadays gets an opportunity to select from people unemployed, somebody that he thinks he will want to employ and we make it easier for this to happen by essentially providing for the original trial period of the first month to be paid for by us and for the agreed period that follows, to be paid for by us, the length of which depends on the complexity of the job and the experience that the person has before they take on that job.

1450 So although I would have liked simply for the satisfaction and the pleasure of meeting these young people, to have been able to do it, I have a problem of not having sufficient time to devote to this, given that the numbers grew exponentially after the initial roll. But the numbers have been a constant figure of about 450 to 500, but not the same people all the time, with people coming in and going out and currently the bulk of them being on a three-month turnover.

1455 **Hon. D J Bossino:** Yes, I am grateful to the Hon. Minister for that explanation.

It is not that I like or dislike him meeting with these trainees or whether I think it is a good or a bad idea; it is simply that when I make promises, I like to keep to them and given that his promise seemed so

1460 cast iron and even when I saw it, I thought this is one hell of a commitment here, I suspected that he would not be able to keep it and in that respect I think I have been proven right.

1465 Is the Minister's position that he will not now be meeting the trainees on any regular basis, other than as he has just stated, he is available for people to go and see him as and when in his clinics? But there is no fixed time that he will be meeting with these trainees, as he originally envisaged he would do and promised?

1470 **Hon. J J Bossano:** I want to assure the hon. Member that nothing would give me more pleasure than to be able to meet them regularly, because in fact I enjoy explaining to them the policies that we are doing and making them understand what a wonderful job we are doing for them and their future. I hate not having the chance to do that – as he well understands!

1475 But, the reality of it is that what has developed has been such a success that in fact the people in the system do not stay there very long. We have been able to move within the first year from a situation where we started out giving people... we moved from what was a six month thing to a maximum of 11 months and as I have said in the other question that he asked me, at the end of the 11 months, we had...

1480 The people who were first, the big batch of people first going into employment was in January 2013 and they were the people that had gone into the system in February and subsequently, but quite a lot of them were completing the 11 months, which is where we started in February, so they completed the 11 months. Those are the bulk of the people that I spoke to. By January, all those were out of the system and working.

1485 Subsequently, what happened was that during the course of the year, some of the people that started coming in were no longer on an 11-month cycle; some people were on eight months, some people were on seven months.

1490 By the end of the year, given the fact that we have had a huge increase in the numbers of employers signing an expression of interest to take on trainees, on the one hand, and people coming in to be available as trainees and showing an interest in the areas of employment that were available... Remember that I have explained before, this is essentially demand led, so it is not a question that somebody says, 'Well look, I would like to be a cook' and we then say to him, 'Well look, we will try and find you a job as a cook.' What happens is that if somebody says, 'I want a cook', we then look in the unemployment list, we interview people – when I say 'we', I mean the people that are employed in the service, clearly not me – but they then try to identify who finds the idea of training as a cook attractive. We then supply potential cooks to an employer. The employer then selects the one that makes the best impression in the interview.

1495 In that cycle of events, the reality of it is that my role with the trainees is now very limited, because in fact the system has now, I think, matured to the point where there are many employers who are making return trips, as it were, because they are very happy with the result that they have obtained. Therefore, from the perspective of the difficulty that was supposed to exist in persuading people to work in the private sector, we seem to have been able to make inroads in that area, and employers who previously seemed to have difficulty in being persuaded – I told the Member before that when we first encountered what was there under the VTS, some of the reaction of the employers were saying, 'Well look, I am being helpful, I am being public spirited in taking somebody on', as if it was a burden to take young people on – that is no longer the case. We have got something like 300 employers signed up and we have got the bulk of the trainees that are coming in are coming in for three months.

1500 So, in that context, the opportunity for meeting what is a churn of people, who in the majority of cases are not there for more than three months, is not as relevant as it was initially, but I can assure the hon. Member that nothing would give more pleasure than to have been able to have met them regularly every three months. It is just that it did not fit in with what was happening and I had difficulty in finding the time to do it.

1510 **Hon. D J Bossino:** Mr Speaker, just to point out that, actually, it is interesting how the reality of the hon. Member's scheme on this side of the House is completely different to the way he is actually describing it! Completely different: it is all very rosy, it seems, from that side of the House and quite a different matter on this side of the House.

1515 But, Mr Speaker, is the Hon. Minister actually saying that those who... I have gone through all the *Hansards* and his explanations he has given to the Hon. the Leader of the Opposition when he had this role, that... if I recall it was in February 2012 when the system, the scheme started and what he did then was to transpose, if you like, those in the old GSD VTS scheme into the new GSLP FJS scheme. Presumably it was those bulk of people that he met on that day at the Ince's Hall.

1520 Is the Hon. Minister saying that all those – I think it was about 80-odd number, if I seem to recall? (*Interjection*) Oh, 300 – I am getting confused with another lot I think – that those 300-odd have actually now been employed and were all employed at the end of their 11-month stint? So in other words, they would have been employed by January 2013. I think that is what he said, I just wanted his confirmation

that is indeed what he is saying. So therefore, beyond January 2013, you would have had new people coming onto the scheme.

1525 **Hon. J J Bossano:** What I have said, and I have explained in the answers to the previous questions, if he has looked at it, is in fact that the ones that we are having still in the scheme... I think we have got about 83 left now of the old VTS; they go down every month, they are still employing people from the old VTS. But they were the most difficult ones, for the reasons that I have explained to him, because they were not people who were pre-selected by the prospective employer.

1530 You see, if you give an employer the choice of 10 teenagers and that employer picks one, then there is a greater probability that the employer will retain that one. But if you pick one out of 10 and you send him somewhere and the employer thinks that he is accepting the person that you sent, not because he has made an analysis or a judgement of their aptitude for the work that he needs done, but because he is being public spirited and helping the Government out, then the likelihood of that person being retained is less. It is not the fault of either party; it is the fault of the criteria that were in existence then.

1535 The point that I am making to him is in fact that in the new system, that is not happening and certainly not happening to the same degree. One of the things that I told the hon. Member was that something like 95% of the employers kept the people, when we had the numbers that I gave in January, which was 101 taken on, have increased very substantially since, the position then was that the hon. Member, the now
1540 Leader of the Opposition said that 101 was the same number as there had been previously when he and Mr Montiel did an exercise. Well look, as I pointed out to him at the time, this is not 101 out of 300 that are finished now and therefore one third; this is 101 that are finished now. This is almost 100% of the guys that are finished now, in January. So if in January, there were employers which had 105 trainees finishing at the end of December, out of the 105, they retained 101 and they did not retain four.

1545 The experience that we have had has been where we have actually been placing people by moving them from one place to the other, which was what we had to do with the first group of people and of those, we still have 83. Some of the people that we have in the Government are precisely people that we have kept in the Government at one stage, during 2012, because when it looked...

1550 Obviously one of the things that we did initially after February was to try to persuade the employers that had them under the VTS to employ them, even though there was no commitment. We succeeded with some and we failed with others. Eventually, when it looked as if we were not going to have any success with somebody, the decision was taken, well look, if we are paying somebody £1,000 a month in order to be in somebody's business, where the businessman is saying, 'I do not need this person and I have no intention of keeping him', we might as well have him doing something useful for the public sector.

1555 Then a lot of those people were shifted into the public sector simply because we were paying their wages, we committed ourselves initially in February not to terminating their employment, at the end of the VTS, but to retain them and therefore that number is now down to about 83, and declining every month.

1560 So that is the scenario. It may not be their perception, but it is the reality because I am not talking about perception; I am talking about numbers, names and addresses.

Hon. D J Bossino: Yes, Mr Speaker, let me just try and get this. It is the 83 who were in the old VTS scheme who were not accepted by their employers at the time, for the reasons he has just explained. Those are the ones who are in the public sector, right, waiting – he has stated in this House and in the past
1565 that the ideal scenario is to find them a job in the private sector, although they can of course compete for jobs in the public sector as well, but I think, judging by his answers, he is more interested in having them in the private sector as opposed to the public sector.

But just to follow on from my previous supplementary, these are the 80-odd whom he has been unable to find permanent employment from the February 2012 contingent. Is that the correct analysis?

1570 **Hon. J J Bossano:** Yes that is the position and of course it is 83 as we speak today. It is declining but it is not declining at the same rate as the people that we have got in training, which have been selected by the employers where there is a commitment and were if they do not employ them, they get a bill, obviously.

1575 In these cases, if I place them with somebody tomorrow, or if I had left them where they were, we had no recourse because there was no obligation on the part of the employer, which was a signed agreement saying, 'I accept that at the end of the training...' – unless there have been some cases of misconduct leading to termination. I have given those figures before. The figures have not increased, it is a very, very small percentage. Well, four at one stage. I think the total for the whole of the year was something like
1580 20.

Hon. D J Bossino: Mr Speaker, I move on to the next question which he answered in the bunched-up answers he has given and that relates to Question No. 478.

1585 Does the Hon. Minister appreciate what I am trying to do in Question No. 478. I know it is a very lengthy question, but really the aim is simply to have, after having studied the matter in quite a lot of detail, I think what this question aims to do, perhaps unsuccessfully, but really what it aims to do is to have a snapshot of where things are at the moment. How many trainees are there, where they are, ideally – I know he has stated in the past that he refuses, unless he has got the consent of the private employer, to provide that information. We have a different view: I think that information ought to be provided and would make our life a lot easier to have that particular transparency from the Government, in relation to that point. But I put that point in the question.

1590 But does he appreciate what I am trying to do here? In that context, does he not agree with me that on both occasions when I have asked him the question in exactly the same terms, he has really failed, with all due respect, to provide me with a full answer?

1595 I can take him, if he wishes me to, to the answer that he gave me – I *think* it was in relation... because what he does not do, Mr Speaker, is split his answers so I can identify which particular question he is answering, so I can only assume that I am interpreting the answer correctly in that regard. But I think in relation to the same question which I put, all that the Hon. the Minister answered was that the overall number of trainees at the end of March 2013 was, and then he gave lists of private sector and public sector. I have not been to take full notes, but I think his answer in relation to the question as posed today is slightly different. But on both occasions, I think they are both justifiably subject to the criticism that they do not provide full answers to the question.

1600
1605 **Hon. J J Bossano:** Well, Mr Speaker, I am sure you will agree with me that there is a long history in this Parliament and in the previous House of Assembly and in the Legislative Council of Oppositions always thinking that the answer they get is not the answer they would like to get. I think that will continue into eternity.

1610 Be that as it may, he has put the same question and I am giving him the same answer. He did not like the answer the last time and he does not like the answer this time. I am not surprised he does not like it, but it is the answer he is going to get.

1615 **Hon. D A Feetham:** Mr Speaker, without the information of course we then, perhaps... the Hon. the Minister will say that we jump to conclusions. But the problem that we have, for example – let me just give you an example of the problem that we face with the lack of information that he is providing – in the construction sector, for example, there has been a decrease in employment in the construction sector by 1,400-odd people. So employment has gone down, but the number of companies incorporated in the construction sector in that same period has increased by over 100. So there are over 100 construction companies now, new companies, but the number of jobs in the construction sector has actually decreased by 1,400.

1620 So one of the things that we would obviously like to know is whether these construction companies that have been incorporated are companies that are being fed, if I can put it that way, with Future Job Strategy trainees. Without providing us with the detailed information, we cannot obviously make that assessment and make that analysis.

1625 **Hon. J J Bossano:** Well, Mr Speaker, it is true that the employment survey shows that the number of construction workers has gone down to the more realistic 2,000, which is the normal level of construction workers in Gibraltar, from the 3,400 that there were in 2011, when there was the election construction boom, as is pointed out in the analysis made by the statistician.

1630 But of course, although the total number is down, the number of Gibraltarians in the industry is up, and some of the people in that industry that have been in that industry for a very long time have now formed companies, and therefore those people are now employing trainees and retaining them – *training them and retaining them* and employing them permanently. That is clearly what we want to do: we want to give people who have been in the industry the opportunity of having a small business of their own and they employ local people and they train them.

1635 So the purpose of the exercise is indeed to give an opportunity for our people to acquire skills so that we are less reliant on having to import labour from outside. I would have thought that was something that they would want to see happening.

1640 **Hon. D A Feetham:** Mr Speaker, that is a helpful answer. I am very grateful to the Hon. the Minister for Employment. Effectively, what he is really saying is he is confirming that, although there is a decrease in the number of construction employees, what he is saying is, but at the same time, yes there is this increase in the number of companies in the construction sector which are start-up companies, and those start-up companies are being assisted with, effectively, subsidised labour through the Job Strategy, but it is a two-way assistance.

1645 In other words, you are subsidising their labour for a period of time but at the same time the Government is getting the training for these individuals. That is the correct analysis, is it not?

1650 **Hon. J J Bossano:** As the hon. Member knows, the training on the job is not the ending of the story; it is at the beginning of the story. The whole idea is first of all we have got people in the industry. For example, I think we have about 10 recently that we were able to get qualified at NVQ level, because in fact there are people who had never gone through any formal system, but there is in the United Kingdom a provision in the system of NVQ that you can give people a fast track, using the experience that they have got in the industry where they can produce work which can then be independently assessed, and it enables them to obtain... So we have got people, for example, who might have been working as skilled labourers and are now working as craftsmen and, effectively, because they did not have any papers to prove their knowledge, they were being underpaid, really. There are more people in that category that we hope to be able to assist, so that we produce the craftsmen in a shorter timescale.

1660 In addition to that, we have got, as I have said, the target date of September, to start putting people who then will be released from their workplaces in order to be able to attend the training for City and Guilds NVQ Level 1, and therefore, the opportunity that we have got at the moment with Gibraltar small employers is something that, frankly, we did not have before. In some of these cases, what we have found was that the Gibraltarian... It is something I used to say from the Opposition, frankly, which Members then on this side did not want to accept, and that there were people on building sites that, when they were sent by the ETB to work in some of these places, they felt that they were the outside workers, because there was one Gibraltarian and almost the United Nations in the rest of the workforce.

1665 In most of the start-up companies, it is almost 100% Gibraltarian and we have got Gibraltarian craftsmen who are helping young people and a transfer of skills from one generation to the other, which is something that I believe very strongly should have been happening all along.

1670 **Hon. D J Bossino:** Mr Speaker, is the Hon. the Minister saying that the increase in construction companies – and the statistics are there on the Government website – they are all accounted for by start-up companies? Is that what he is saying?

I saw him nodding but he did not formally reply to my hon. Friend, in relation to the point that he made.

1675 **Hon. D A Feetham:** And Mr Speaker...

Hon. J J Bossano: No. I am not saying that, no. The start-up companies are no more than a dozen.

1680 **Hon. D J Bossino:** That is right.

Hon. J J Bossano: That is all there is.

A Member: No more than a dozen.

1685 **Hon. D J Bossino:** Exactly. Just so we understand the figures, the increase in the number of construction companies set-ups, as at 10th January 2013 information, which is available online, I think it is the increase from... I cannot remember, I think it is March or May 2011 to December 2012 is in excess of 100 new companies, construction companies having set up. Therefore this is why I asked the question: is he saying that there are in excess of 100 companies participating in the nurture schemes? The Hon. Minister has confirmed that that is not the case.

1690 But does he have any comment to make in relation to the figure that I have just given him, which I am sure he is aware of, which is the in excess of 100 construction companies having been registered since March 2011 with, I think, the greatest increase having occurred during the hon. Member's most recent term in office?

1695 **Hon. J J Bossano:** Well, I can tell the hon. Member, there has not been an increase of 100 in the list of approved Government contractors. That I can tell him for certain. Unless they are included in that list, the training programmes are predominantly with people who are on the approved Government list.

1700 There may be many other companies setting up where their only involvement is that they register with the Employment as an employer and they get a trade licence, but the registration would not be reflected here in the employment survey, unless they had taken on labour, and all I can tell him is that the information that I have in the Department, apart from the survey results, is that the number of construction companies in terms of registration with us has not increased to anything like that degree.

1705 But this is the response. The survey response is not the fact that there are more or less people in existence; what it reflects is the number of people that have answered the survey results.

Hon. D J Bossino: Mr Speaker, just going back to, I think one of his initial replies to the supplementary that I put in relation to the failure, in my view, to provide a full answer to the question. If I can just home in on some of the particulars of the question that I asked.

1710 For example, I am not sure whether he has answered this question which is, which FJS company the trainees are employed by? In other words, what I am interested in is the trainees are employed by one of the companies that the hon. Member has set up. The first one was ETCL and then there was the sheltered training and then there was the graduate company and I think there is another one, which he confirmed on the last occasion. For example, that is information, just so that I can slot numbers in, that I would want to have, and I am surprised that the hon. Member is quite blatantly saying no, I will refuse to answer that question. I simply do not understand why.

1715 Then the final particular is what the duration of their contracts are, and how many of these trainees have guaranteed jobs. That was again information that one ought to be entitled to and I simply do not understand why it is that the Hon. Minister chooses to answer some bits of the question, but refuses to answer other bits of the question.

1720 **Hon. J J Bossano:** Well, Mr Speaker, unless the hon. Member is not familiar with the system that operates here and in other parliaments, saying no to something is answering it, even though it may not be the answer the hon. Member wants.

1725 The fact is that I have answered the question, like I have answered it on every previous occasion, and it is the way I intend to answer it on every future occasion. The fact that he does not like the way I answer it, does not mean that I am going to change the way I answer it.

1730 The reality of it is if I tell him every single... I have told him today, that a trainee is sent to a training placement on the basis that the training provider guarantees a job. Then he says to me 'how many?' Well look, all of them, because if there is no guarantee at the beginning, we do not send the guy. It is as simple as that!

We send people because there are jobs advertised in the Employment Service, the jobs exist. We send people to be trained to fill real jobs. That is why this is succeeding and the previous system failed. Because the previous system was on the premise that giving people training gave them a better opportunity to get employment, and that is how it was explained to me when I was on that side.

1735 Mr Montiel used to say, 'Well, it does not matter if they finish one course and they do another. If they do 20 courses, they have got a better chance of getting a job than if they do not do any.' Well, that is assuming that the employers in the private sector are willing to take on Gibraltarians, which they seem to have been very reluctant to take on, because they keep on taking on outsiders.

1740 The position now is that the employers that are co-operating with the Employment Service are employers that are committed to retain the trainee and if the commitment does not exist, the trainee is not recruited.

So the system starts not from the premise that I am training somebody in the hope that somebody will employ that person, but that I am training somebody to fill a job which somebody requires filled.

1745 Therefore, that is how the system works and that is how it has been working increasingly better throughout the period that it has been in existence. As I have told the hon. Member, there were 101 up to January 2013 and there has been an increase in people employed every month as they have terminated their training.

1750 The information that I have given in answer to previous questions shows this progression. All he needs to do is to go back and look at the figures.

Hon. D J Bossino: But yet Mr Speaker, he refuses to... For example, he has homed in on one of the particulars that I have highlighted, but he has not dealt with the other one, which is which Future Job Strategy company these trainees are employed by.

1755 But just to tax him further on the answer he has just given me: is it absolutely correct, and maybe I have misunderstood the way the system works, because he has already, in fact this same afternoon, informed the House— I think I quote him correctly – that potential employers of a placed trainee have a period of about one month to decide whether to take them on or not. Now, from day one of that month, can the Hon. Minister advise whether that trainee is employed and goes into the system as an FJS trainee? Because if that is the case, then he will not have guaranteed employment by the private employer, because he has got a month in which to decide whether to give him the employment or not.

1760 Just so I understand the position.

1765 **Hon. J J Bossano:** Well, Mr Speaker, if he looks at the answers that I have been giving in the past, he will see that I have identified the numbers who fail to meet the requirement of the probation period of the first month. Those people, if they fail the requirement, I think from memory, there is no more than half a dozen of them, in that category, then of course they become unemployed at the end of the first month, like they would in any other normal job.

1770 So the guarantee kicks in at the end of the first month, not on the first day or the first hour. There are people who do not last the first 24 hours.

Hon. D J Bossino: And presumably these individuals do not form part of the system, they are not employed by one of the FJS companies.

1775 **Hon. J J Bossano:** When the trainee is taken on in the first month, of course, he is told that he is being taken on on probation for one month. If there are in some cases individuals who then come back and say, 'This is not for me', and they go back on the unemployment list, and there are individuals who think it is for them but the employer says, 'Look, you are not really what I am looking for', and therefore, they have gone back... there are very, very few, and I have given those numbers before when I have been asked about it.

1780 But those few then go back to the unemployment list, but of course, they get the same opportunity to go into the system as everybody else on the unemployment list in respect of other jobs. Clearly, we then, with those individuals, we try and see if there is another area of employment that they may be better equipped for, or more likely to be successful in.

1785 For example, if somebody is sent to a construction company and says, 'I do not want to work in construction', we do not keep on sending him to more construction companies, logically. So the answer is, it is after their first month, and when there is confirmation by the employer that the person is satisfactory, that the agreement between the business partnership agreement then goes live. If at the end of the three-month training period or the six-month training period or whatever it may be, the bulk of them being three months, the employer then comes back and says, 'He is now not suitable', even though he said he was suitable in the first month, then he gives us back the money for the three months.

1790 **Hon. D J Bossino:** Mr Speaker, in relation to Question 480, I have asked the hon. Member to advise who the managers in fact are. Is he in a position to give me names?

1795 I will explain why I am asking the question. He has explained, when the question was put to the Hon. Minister in relation to Joanna Hernandez whether she was employed in his Department, I think the answer was yes, and the explanation that he gave is that he was duty bound to do so, pursuant to an order of the Industrial Tribunal – yes, an order of the Chairman of the Industrial Tribunal, which ordered that there should be re-engagement by, in this case, an associated employer, because she clearly did not go to her previous employer.

1800 Now, the news that I am getting, Mr Speaker, is that this lady in fact is the one that has probably most of the managerial duties in relation to at least one, if not all of the FJS companies, and is the one who is calling the shots. What I wanted to understand is whether she has been given like for like, in terms of the employment which she enjoyed at the Dr Giraldi Home and the employment which she now seems to be enjoying at the ETB.

1805 **Hon. J J Bossano:** Well, first, in case the hon. Member is labouring under some misapprehension, it is not that the Government has offered her employment with any reluctance and forced by the Tribunal. It is that the Tribunal made a recommendation, which the previous Government rejected, and which we criticised the previous Government for rejecting, and the recommendation of the Tribunal, given that the Government of Gibraltar at the time allegedly terminated her employment for not having the capability of being a manager and then failed to produce any evidence to support that contention, therefore it follows that if she was a manager in the Social Services and the Tribunal said that clearly there had been no evidence produced to demonstrate that she was incapable of doing the job of a manager and that was the reason for her termination that was given, that she should be re-employed as a manager. She has been re-employed as a manager in the Employment Service, she manages the group of companies. But I do not think the hon. Member is entitled to be told the names of civil servants who are doing different jobs in the service.

1820 The fact that the GSD seems to have a particular fixation with one particular civil servant does not mean that they are entitled to come here and ask me to produce the names of the managers of the companies, and I am not going to give it to them.

1825 **Hon. D J Bossino:** I explained to him what the main purpose of my question was, and he has confirmed that Miss Joanna Hernandez is in fact the manager of the group of companies is his answer, so that is fine.

In relation to the managers themselves, whoever they may be, can he give me a precise... the role which these individuals play in relation to each of these companies. What is it that they do?

Hon. J J Bossano: Well, what they do is they sign the contracts of employment when the trainees are taken on; they sign the terminations of employment when they complete their training; they are involved

1830 in managing the responsibilities that the companies have as employers during the training period in terms of sick leave, annual leave or anything else or any problems that an individual may have.

1835 If one of those trainees has a problem somewhere and they need help or advice, they come, because you see during the training period their placement provider is not the employer, so the training company still has a responsibility for the welfare of the trainee, and therefore if a trainee has any kind of problem, they come back to the manager, and ask to see the manager, and explain to the manager. We have got different people in the different companies doing the job, assisted by the group of graduates that are in the system in the graduate company.

1840 So the graduate company, apart from those that are doing work in other Departments connected with the work in those Departments, are engaged in the research of the labour market analysis and the skills analysis that we are doing, and in the provision of jobs for people by getting involved in interviewing people, in making an assessment of how they can be fitted into the jobs that come up, and there is a team of graduates that are doing this from the graduate company, and one of them as a manager managing the rest, but they are really all getting the same pay. The managers are either civil service or GTC, and they all work as a team.

1845 **Hon. D J Bossino:** Mr Speaker, so is the Minister saying that the match between skills required and demanded and skills provided is done exclusively by the graduate employment company and the managers employed therein? Is that what the Minister is saying?

1850 **Hon. J J Bossano:** What I am saying is that there is a team of six graduates that provide advice and help to the people that are being sent to the employers. We have got a team that contacts the employers about the vacancies, calls the unemployed person in and monitors the process. Therefore we have got a system of monitoring the movement of people from unemployment into training, and from employment into permanent jobs, at the end of process.

1855 This is a constant process and therefore within what we are doing we keep on introducing changes to make the system more effective in the light of experience, so the system is improving as we go along. Because we started from scratch with no preconceived idea of how it would work and we have been adapting as we go along, so we have now effectively got different people specialising in different areas, so somebody will deal with administrative vacancies and people that want to be trained in administration, somebody with a background from the training centre is involved in assessing the people that want to work in the construction industry and therefore the different individuals make use of their own background and experience in providing the help to the unemployed, which is what is producing the success rate that we are having in increasing the number of people in jobs.

1865 **Hon. D J Bossino:** Mr Speaker, in relation to I think it is Question 481, which dealt with trainee carers. I asked whether they obtained any qualification and we had the reply from the Minister, I recall an exchange which the Hon. Minister had with the Leader of the Opposition, at the time Member responsible for employment, where he said that he was, in effect, going to replace the Spanish employees as carers, on the basis that – I think he has also repeated the point in the House this afternoon – that the Gibraltar resident applicants were at a disadvantage, because they did not have either the required, I think it was two GCSEs or the experience because they could not get the experience in Gibraltar and the Spanish ladies could in La Línea or beyond. He was very confident, as he normally is with his statements, that he would start replacing the Spanish contingent with the Gibraltar contingent.

1875 The point I make is, Mr Speaker, is there, at any point in time, a possibility that a Gibraltar applicant or a Gibraltar trainee fails, for whatever reason, his or her training? He was very confident that if you start and you finish, that will be it, you will get the job, and then statistically he will be able to show that there are more Gibraltarians than there are Spaniards, and more jobs, as he would put it, for our people.

1880 Is it not within the realms of possibility and therefore, in that context, what vetting procedure is there? Which body is assessing whether an individual is sufficiently qualified, and I use the term loosely, having completed the training period, to be taking care of our, in this case, elderly citizens? That is a question which I had in my mind, I remember at the time of the exchange, and now I have the opportunity of asking the hon. Member.

1885 **Hon. J J Bossano:** Well, he did not have to wait until now to ask me; he had the opportunity before. Unless they veto who can ask questions on that side of the House!

1890 I have to tell him, Mr Speaker, that in written answer to Question W42/2012 details were provided to Members opposite of the nature of the training that was being provided. The training is being provided by the people in the system who are themselves people with a lot of experience previously. But, of course, anybody that is sent to the Care Agency as a trainee is subject to the same first month probation as the people who are sent to the private sector, and the assessment is made.

1895 As regards the vetting, the people in Gibraltar all get vetted; the people from outside do not all get vetted. The people from the outside can be serial killers somewhere else and we do not find out about it until after we find out that they were working in a place in Gibraltar, going into everybody's home, and it turns out that they have Al-Qaeda links, as we saw recently. So he should not be too concerned about the adequacy of the vetting because the vetting here is one that works against the Gibraltarian, as happens in other cases.

1900 And of course, as the hon. Member has said, it means more jobs for our people, which is my phrase, and I hope that does not mean that he does not think they are his people as well, because they are as much his as they are mine! (**Hon. D J Bossino:** Of course.)

1905 In answer to Question W185, there was a very detailed list of the in-house training provided to the Opposition. I am not sure there is a need for me to repeat it, but there were two pages of what was being provided in terms of training. As was stated by the Minister for the Care Agency at the time, she said they learn skills by shadowing more experienced care workers, union managers, social workers, psychologists, qualified nurses, activity co-ordinators, teachers and physiotherapists, which it is sure is more than was being provided by our neighbour to the ones that were recruited before, with the simple letter saying they had been previously engaged in an elderly person's home.

1910 So certainly the feedback that I have had from the people that have been taken on already, I think we have had about something of the order of 33 care workers, now in permanent employment in the home, where before it used to be the case that the Gibraltarians did not want to work there – that was the excuse before. Now we have discovered that they do want to work and already 33 of them have completed six months of training and have been taken on and are working permanently, and the management is very happy with their performance.

1915 At the end of the day, I am only the supplier of the labour. I have had no complaints from my customers, the employers, either in the Care Agency or anywhere else, but there is still a one-month probation. That is standard everywhere.

1920 **Hon. D J Bossino:** Mr Speaker, this is a point that I really do need to raise. He says that, and he has mentioned it twice, that there is a one month probation, but of course it could possibly be, and this again is within the realms of possibility, that within the duration of the training period and I do not exactly recall now how long it is. I think it is (**A Member:** Six months.) about six months. It is possible in the second, third, fourth, fifth month the person, for whatever reason – something that the training provider witnesses – is not suitable. Now, in those circumstances, would it not be wholly wrong, and in my view inconceivable, that a trainee in those circumstances should be guaranteed an employment? That is what the hon. Member has said, as recently as last month, which is that the trainee carers after the completion of their training period are guaranteed employment.

1925 What I am saying is that in the third or fourth month, it may be found that that particular individual, even though he or she is Gibraltarian – that is not sufficient qualification – may just not be qualified to take on that role. I think it is a potentially very dangerous situation to allow our vulnerable adults in a situation where they should not be in in the first place.

1930 **A Member:** [*Inaudible*].

1935 **Hon. J J Bossano:** Well, given the fact that until now the people who were coming in only came in with a letter saying they had previously worked in a home, were not given any training, and nothing was expected of them more than that, I do not see how the hon. Member is now so concerned compared to what was there before.

1940 The reality of it is that it is a big advantage to be in a small place like Gibraltar where you know everybody, and not have to deal with people that you have never met before in your life and you know nothing about them.

1945 If the people in the management of the homes tell me that they are very happy with the quality of the people that they are getting and with their performance, then I do not see why he should be having sleepless nights over it, but certainly I am satisfied that the professionals that are telling me they are happy with the quality of the people that they are getting – which they select... This is not the VTS where people were sent to the home, because they were told to go there.

1950 The hon. Member seems to forget that in the old VTS, we had people in the Care Agency, we had people in Government Departments, we had people who were school secretaries, and they were people that were there because they were sent there; they were not just sent to the private sector. There was no selection from the recipient. It was the Employment Service that sent people.

The position now is that when the Care Agency says, 'We need more people' – because there is a movement of people, people leave the service, people retire – when they need more people, they are planning for the retirements that take place in six months or a year's time, and what do they do? They say 'Can we have some of the people who are unemployed?'

1955 We then say to people on the unemployment list, the employment officers and the people in the companies that interview these people saying to them, ‘Well look, there is this opportunity; this is what the job consists of. Do you think that that is the kind of work that you are interested in doing?’

1960 Of the people that we select, some of whom may have GCSEs and some may not, they get sent and they are interviewed by the Care Agency, who then decide who they want out of the ones that we have sent. We may send 20 and they may pick six. Of the six that they pick, they then have a month to try them out and then, after all that, which is infinitely more selectivity than there was before when people just came in, they were glad, because it was a single route. There were no Gibraltarians being taken on, because most of the people with two GCEs, given the choice of working as a carer or working as a clerk, would choose to be a clerk, because of the huge difference in pay.

1965 So what happens? We have a situation where we finish up with practically all the care workers in the last 15 years being non-resident, coming in from outside. And the hon. Member now is worried about the quality of the Gibraltarians! Well, I can tell him that we have got no worries about the Gibraltarian quality in the people that have been recruited, and we have no concerns about the care and the love and affection that they show for the people that are in care. Every report that we are getting is that they are doing a fantastic job.

1970 **Hon. D A Feetham:** Mr Speaker.

Mr Speaker: I am going to allow the Hon. the Leader of the Opposition, but there is something I want to make clear.

1975 With respect to training carers, I have no doubt – because this is a matter that I am able to follow much more closely than other matters which have been the subject of questions – we are beginning now to cover ground that has been covered in recent months. We are now, hon. Members – I realise the Hon. the Minister gives a lot of details, he gives a lot of information and this obviously makes it much easier for the Opposition to ask supplementaries, and I am quite happy to allow that. But we are really covering the same ground, because the same questions practically are being asked, that we are asked by the Hon. the Leader of the Opposition and the Hon. Minister is giving practically the same answer with respect to the ones that have come from across the border as compared to Gibraltarians.

1980 So I am going to allow the Leader of the Opposition, but I think we have to bring this particular issue to a close, because it is not allowed under Standing Orders to cover the same ground that has been recently the subject of exchanges.

1985 **Hon. D A Feetham:** Of course, Mr Speaker, but can I ask the Hon. the Minister for Employment: on our side, of course we want more Gibraltarians working not only in the Care Agency, but everywhere else in Gibraltar. That is not the point that the hon. my colleague was making, nor was it the question that he was asking.

1990 What he was asking was, well surely, you cannot possibly say that you are guaranteeing even Gibraltarians a job after that one-month period, when that individual may, for whatever reason, not be suitable for the job. Of course, you have not got a situation up to now, but you may get a situation in the future, where management turns round to you and says, ‘This particular individual after four months, we do not think that he is particularly suitable.’ That is the point that he is making: how can you guarantee a job in that kind of situation?

1995 Now presumably, I think that the answer is, ‘No, actually you misinterpreted, you cannot guarantee a job in that kind of situation’, and presumably what would happen is that that person would be sent back to the unemployment list, if that is where they have come from, or if they have come from another part of the public service, because they are VTS originated from December 2011, they would be placed in another Government Department because the commitment of the Government is not to effectively ‘sack’ that individual.

2000 **Hon. J J Bossano:** Well, Mr Speaker, I do not think that was the nature of the way the question was put, because if the hon. Member is saying that they are very glad that this is happening and they are very glad there are so many Gibraltarians now working in the system, and they are very glad that I am able to report that the managers are delighted, then how can he be worried about the care of the people?

2005 He needs to be worried, if I tell him we have now reached a situation where the managers do not want to keep them, but I am forcing them to stay there because of the guarantee. I am saying the people with the experience in the system, when they select the people that they have selected...

2010 We have no record of any of the people that came across the border in the last 15 years ever not having been found suitable, so what is genetically wrong with our people that there is a higher risk of failure?

2015 **Hon. D J Bossino:** No supplementaries, Mr Speaker.

Mr Speaker: No further? (*Interjections*) No, no, on the question of carers? Okay, the hon. Member has another Question 482, and I think he has not asked any supplementaries – (**A Member:** Mr Speaker.) Sorry.

2020 He has not asked any supplementaries arising from Question 482, I am quite happy to allow him even if we have to be another hour, provided they are pertinent.

Hon. D J Bossino: Mr Speaker, that is what I meant by ‘no supplementaries’ – no supplementaries to Question 481/2013. (**A Member:** Ah!) Ah!

2025 Mr Speaker, moving on, Question 482: this related to the new apprenticeship schemes, in order to assist the Hon. the Minister. I know that he is not committed to provide an answer in relation to this on what the new scheme is until – and I quote him, in *Hansard* he says ‘at least September’. (**Hon. J J Bossano:** Not later.) Well, I think he said ‘at least’ – that is the note I have taken.

2030 But can he at least give me an idea of... In fact yes, Mr Speaker, I am quoting from *Hansard*: he had said ‘at least in September’. I like to do my research thoroughly.

Mr Speaker, can he at least give us an idea where matters lie and can he give us an indication as to what the nature of the change in thinking is, so he can give us some pointers, other than what he has already given to this House, but something a bit more specific? Is he able to do so now, given that we have moved on since I last asked the question?

2035 **Hon. J J Bossano:** Well, Mr Speaker, no. The position is, as I have said before, that September is the target date. I have already explained that the initial group that we want to assist other people that can use acquired experience and have therefore got skills and are in the industry, and the people that are coming new into the industry, what we are using is the methodology that enables, in particular, the group that we are devoting most attention to, the area where, under the existing system, we were producing one year –
2040 taking up one year of the Training Centre to produce level 1 in tiling, one year to produce level 1 in masonry and one year to produce level 1 in plastering. There are basic construction skills courses that produce a level 1 in all three, because what the industry says that they want is people who are all-rounders, and not people who say, ‘I am a tiler and I am only here to put tiles’. Therefore there has been a
2045 problem between the output of the tilers and the bricklayers because in fact much of the work that is the permanent work of the industry is maintenance; it is not new construction.

New construction comes in bursts, maintenance is there all the year round, and when you are doing maintenance, if you have somebody that is exclusively trained in one segment of the work trades, then the local construction companies are not interested in that, so they employ people who come in and say, ‘I am a mason and I can do all three things.’

2050 We are looking to produce level 1 multi-skills that will produce somebody that has got the skills of a mason, which covers tiling, plastering and brickwork. That is the area that is being given priority at the moment, because it is the area where, from the skills analysis that we have done on the industry, we are least well represented by Gibraltarian and other resident workers. Most of those that are skilled masons, that did the traditional apprenticeships, where somebody went with a mason and learnt side by side from
2055 an older and very skilled person, those people themselves now are in their 50s – and there are plenty of them around still left, fortunately, for us to be able to say, ‘We need to be using those skills, to have them transferred to new entrants into the industry and not get lost.’

That is at the stage that we are. We are identifying the areas that are the priority and the areas that we are going to be focusing on in September.

2060 **Hon. D A Feetham:** Mr Speaker, how does he make the...? I quite understand that he may say we need more generalists in the system, and this is fine, and anything that improves the skill sets of people would find the support of certainly this side of the House.

2065 But of course, if you look at the people who were coming out of the Construction and Training Centre, not one of them went on to the unemployment list, because people were finding gainful employment after they came out with qualifications from the Construction and Training Centre, be it in masonry, or be it in carpentry, or be it in other skills, because they were employed by the construction industry, because the construction industry is always looking for people with skills. Now that is the way that...

2070 Look, I was Minister for Justice; I was not the Employment Minister, but for the last year, I did work closely with Mr Montiel and hence why I know that, for example, in relation to the VTS scheme, the success rate was about 25%, but in relation to the Construction and Training Centre, my understanding was that the success rate was very high – almost 100% in relation to employment.

2075 Now, if that is the case how does the Government just simply justify moving from that to generalist? I can understand that the Government may want to augment that with generalist, but not just simply replace it, because, quite frankly, from the answers that the hon. Gentleman has provided me in the past, in terms

of the surveys that he has conducted, I do not think that the evidence is there to suggest that really you should be replacing one with the other, rather than perhaps augmenting one with the other.

2080 **Hon. J J Bossano:** Well, Mr Speaker, the position is not as the hon. Member describes. The position is that the drop-out rate was enormous, that in fact that in some years we have been producing two or three people –

2085 **Hon D A Feetham:** Drop-out rate; *success* rate?

Hon. J J Bossano: There are two things. First of all, it is not the intention to take in 44 people and finish up with four. That is not the intention. But I can give him statistics from the past where he will see that that was happening, and then the four, I can tell him, were not being employed in the industry other than in GJBS, and I can give him lists of names.

2090 So in fact the idea that the Training Centre was successful in meeting the requirements of the industry is not true and is proven by the fact that every employment survey, if he cares to look at it retrospectively, shows declining presence of Gibraltarians in the industry, and increasing need to import workers.

2095 The numbers of people... If we had been having a Construction Training Centre for 15 years, how can he explain that in the 15 years, the numbers of the people in the industry have not even been maintained? We have not even been producing enough people to replace those who were retiring. There has been a decline in the number of Gibraltarians in construction, consistently.

2100 When I used to ask from that side, I was not given the answer that he is saying now, that people found jobs. What I was told was, by Mr Montiel – and I can probably pick the month and the year when he said it – he said to me, ‘The Gibraltarians do not want to work in the private sector. You send one to me tomorrow and I will find him a job straight away.’

2105 Well, look, if they did not want to work in the private sector, then where were they going when they came out of the Construction Training Centre? They were not going into the Building and Works – so where were they going? The answer is that the Construction Training Centre produced 20 a year in the early periods in 1996, 1997 and 1998 and then after that there has been a decline in output. I had Dr Coram doing an analysis, finding where in the workforce people had finished up, and they were not in the construction industry.

2110 So the figures that we had brought us to the conclusion that we had to find a way of getting a better return for the money that is being invested in construction training – not to get rid of the construction training but to make it more valuable in terms of producing the skills the industry wants.

2115 If the industry says, ‘I am not interested in somebody who is just a tiler and has got NVQ 2 Tiling and I can only use him for tiling’, then we stop producing a tiler; we produce somebody that can do tiling, brickwork and who will get a craft pay and who will do all three. That is what the industry wants and therefore that is the qualification that we are providing: City and Guilds, NVQ Level 2 which will be multi-skill in the work trades, and that is what people in the construction industry, employers tell me they will employ if we produce.

2120 **Hon. D A Feetham:** Mr Speaker, *patently* he is not correct in his analysis, because what he has accepted in the answer that he has given me is that of the people that came out, those were employed, and he said, well they went into GJBS – four of them went into GJBS. When we were producing 20, those were also employed.

2125 The problem that he has identified is not in the uptake by employers of trainees coming out of the Construction and Training Centre; it is the drop-out rate. Now, the drop-out rate cannot be... you cannot guarantee a decrease in the drop-out rate, simply by changing from doing specialised skills to doing generalist skills. It does not necessarily follow.

2130 If the problem is the drop-out rates, we have got to analyse why there has been a drop-out rate. It does not appear to me obvious as to why just changing the nature of the qualification is going to improve the drop-out rate.

2130 That is something that I would like to ask the Hon. the Minister for Employment: How does he say that changing the nature of the qualification improves the drop-out rate, as opposed to employer uptake? Because from the answer that he has also given me, the uptake from employers, for everybody that completed their training, is nearly 100%.

2135 **Hon. J J Bossano:** Well, Mr Speaker, given that in the last couple of years, we were producing two a year, I suppose if two people get a job, that is 100% and if one gets a job that is 50%.

But I am telling him that the evidence available to me is that... In fact, the Training Centre themselves say that part of the problem they had with the training was the lack of co-operation from the private sector in the placements, while they were in training. At the end of the day, the only way that people coming out could get a job in the construction industry was because it was in a Government-owned company, where

2140 there was a decision that they should be employed and that is where they went. Outside that, there was very little take-up.

In any event, I can tell him that many of the people that came out with the NVQ Level 2 finished up doing something else, because they could not get a job in the industry! I have got the names and we have done the analysis. If the thing had been producing the craft and skills that the industry requires, in the numbers that the industry requires, why should we want to change anything?

2145 Why should we want to change something that is doing the job for which it was intended?

Hon. D A Feetham: It was done in the past.

2150 **Hon. J J Bossano:** Well, it was not doing it in the past – this is the whole point! Because if it had been doing it in the past, Mr Speaker, then there would not have been the decline that there has been in the number of people in the construction industry.

The Construction Training Centre was created in order to ensure that we could produce the workers that the industry required, in the numbers that the industry required. It has not done that, for two reasons: first, because it started off with a greater number of completions in relation to the entry than it has ultimately achieved, and there has been a decline over the period; and, secondly, because those who came out had great difficulty in finding jobs – *great* difficulty in finding jobs. Therefore they entered into another industry. Why should somebody spend time training for something, if he has got no certainty of getting a job in the thing for which he is being trained?

2160 The position that we will have is that people will be trained and we know that there will be jobs for them, at the end of it. (*Interjection*) Well, that is what I am predicting will happen and time will show whether my prediction is true or not, Mr Speaker.

Hon. D A Feetham: Mr Speaker, just one more supplementary, if I may.

2165 Mr Speaker, of course, the hon. Gentleman has to understand the scepticism from this side of the House, because in the past, when he was Chief Minister, he did close the Construction Training Centre that was then present here in Gibraltar. Therefore he has form about closing Construction and Training Centres.

2170 Mr Speaker, can he give a cast iron guarantee that that is not what is going to happen to the Construction and Training Centre here in Gibraltar, that we have in Gibraltar today?

Hon. J J Bossano: Well, Mr Speaker, first, of course, I have to correct what he has just said, as I have done on every previous occasion that he has said it. What was closed by the GSLP administration at the time, which he then supported –

2175 **Hon. D A Feetham:** I was in England.

Hon. J J Bossano: Ah, you were in England, I see! So what you told me that you had been supporting the Government, when you came back from England, that is not true? You were not supporting it when you were in England any more. Well, it is good to know that, Mr Speaker.

2180 But nevertheless, what was then happening was that we closed an outfit that existed in Landport Ditch, which we inherited, which produced training in basic labouring skills. They used to get £10 a week pocket money and they then were taken on as boy labourers. The apprenticeships in the Construction Training Centre were started by us in 1995 (*Interjections*) Whether he wants to believe it or not want to believe it... Well, he can say...

2185 **Mr Speaker:** If hon. Members want an accurate description of what actually happened of the facts, there is a former Minister for Labour who could also make a contribution. (*Laughter*)

2190 **Hon. J J Bossano:** Indeed, the Construction Training Centre was done with EU funding at the time before 1996, and the Construction Training Centre produced its best results immediately after 1996. According to some of the people there, it has been the lack of support that they had from the previous administration that accounts for the decline in the output of that Centre.

2195 But given that we are talking about the future and not the past, I am telling him that, in the future, what he will see will be an output in construction training and an increase in the employment in the construction industry of local people with local skills, meeting the requirements of our economy and our industry, and that is what will be produced.

Mr Speaker: Question 484, the Hon. Mr Netto.

2200 **A Member:** Mr Speaker, no, no...

Hon. Chief Minister: Ah, you are going to ask another supplementary? (*Laughter*)

I was going to move that the House recess for a few minutes, before we move on to the next group of questions.

2205 **Mr Speaker:** We will have a short recess.

The House recessed at 6.15 p.m. and resumed its sitting at 6.37 p.m.

2210

Procedural

2215 **Mr Speaker:** The Hon. Mr Reyes wishes to ask a supplementary arising from these previous questions and then I am going to invite the Hon. Mr Bossino. He has a supplementary arising from the last question of this batch, and then we go back to Question 479, which we had previously skipped.

2220

Future Job Strategy trainees Further supplementary questions

Mr Speaker: The Hon. Mr Reyes.

2225 **Hon. E J Reyes:** I am most grateful, Mr Speaker.

Yes, the Minister for Employment made a reference to what exists – that is, providing a fast-track route, whereby the labourer gets credited for acquired previous experience or acquired previous learning, whichever terminology one wants to use. The Minister for Employment said that he intended, or he was planning to offer that to an NVQ Level 1.

2230 Given that the full qualified craftsman status is Level 2, does it mean, Mr Speaker, that he intends to offer to Level 1 as a foundation, which in essence will lead to them being able to proceed to Level 2, so that the person actually ends up with a fully qualified craftsman status?

2235 **Hon. J J Bossano:** The reference to the Level 1 was in respect of Level 1 in a qualification which is City and Guilds, Level 1 NVQ Certificate in basic construction skills, which covers: tiling, brickwork and plastering. That is for the apprenticeships that will then go on to NVQ Level 2. The fast track will go straight to the Level 2.

2240 **Hon. E J Reyes:** Yes, thank you. I am glad to hear that, Mr Speaker, because it is necessary to attain a Level 2 to be able to be classified and therefore be paid as a qualified craftsman. Otherwise they become known by common nomenclature as ‘semi-skilled’, and we have all sorts of problems then in fitting them on to pay scales where they are neither fish nor fowl – that is neither labourers nor craftsmen.

So I wish the Minister for Employment all the best in pursuit of that route.

2245 **Hon. J J Bossano:** In fact, the potential candidates are the people who are already effectively being treated as semi-skilled labourers, as opposed to simple labourers.

Hon. D J Bossino: Mr Speaker, supplementary to Question 483, which is one of the bunched-up questions: is the Hon. Minister able to advise the House why the change of policy?

2250 As I understand it, when he started off on his explanations of how the strategy was going to work back in, I think it was, the first sitting of the House in January 2012, he said that we were going to have 11-month contracts, and I assumed that that was going to be continuing as the scheme went along.

Then there has been a reduction, a change of policy, at the end he said in his answer to the main question, at the end of 2012 and the question is why the change of policy?

2255 **Hon. J J Bossano:** For two reasons: as we expanded the scope, we were looking at jobs that did not really require a training period as long as 11 months. By having a period of three months, we are able to help more people with the same amount of money. Clearly, if we are spending £11,000 on one guy, then the amount we have got in the budget that the Parliament has approved will go so far. If we are able to have three or four months in different areas, then we can actually help more people go through the scheme and get a job, because we are able to spread the money across more people.

2260

So it is in our interest to be able to do it in the shortest period of time that we can get the employer to agree to. The employer makes a case for the period being as long as he can stretch it because he gets the trainee free.

2265 What we do now is that in fact there are a number of areas where we start always with the three months and we get a lot of employers that accept, for example... Remember that these are people who are not just school leavers; we have got people who are in their 40s and in their 50s and who are unemployed. They may have been people who have had a number of different jobs and they may, at some stage, have done the job that they are being sent to, but that has happened maybe ten years ago, or five years ago. So then, because we have got the employment history of the individual from the computer records, we can say to an employer, 'Well look, the guy was doing this kind of work five years ago, so he does not need to be spending six months learning it; he can pick up where he left off and we think, in three months, you will find that he is okay.'

2270
2275 So essentially, in moving to the three months from January, what we have done is that we have had many more people that we have been able to take on, without having to increase the amount of money that we have got approved in the estimates by the Parliament. It also means, of course, that they leave the scheme earlier, go into full-time employment and then we are able to have the opportunity of taking more people on.

2280 Those are the two reasons. One is that the experience of the first year showed that not every job required 11 months, and that therefore essentially, the person was sufficiently trained in two or three months to be able to do the job that they were being sent to do. If you have got, for example, somebody that is being sent for a vacancy of shop assistant, that has been laid off from being a shop assistant the week before, they do not need 11 months to learn to be a shop assistant, which they were doing a week ago.

2285 If you find that you are sending somebody who has never been a shop assistant, you may find that they need... In many cases, the retraining effectively requires the financial support that we give, because the level of efficiency and productivity of the individual is not the same if there is somebody who can do the job blindfold to somebody who has to be taught how to do it, which may involve inclusion in some cases, the employer arguing that, 'Look some of my existing employees have to take time off doing other work in order to teach the newcomer how to do it.'

2290 So that means, effectively, that during the three-month period – or the four-month period – we accept that having a trainee, even if they are not paying for the training, can actually mean that the employer is diverting some of his other workers to helping the trainee to learn the ropes; but until now we have had quite a lot of acceptance from many areas of employment for the three-month period and therefore the benefit of that is that we are able to stretch the amount we have got in the budget, to provide support to more people.

2300 **Hon. D J Bossino:** Mr Speaker, as I understand it, three months seems to be, in practical terms on the ground, the period of time that the Hon. Minister has identified as being the most – (*Interjection by Hon. J J Bossano*) Well, that is what I was going to ask. The three-month period then is therefore a minimum period and then there are variables beyond that. I think he just mentioned, at the tail end of that answer, that there were certain individuals who could be on four months. He gave as an example, and I would ask him to confirm that that understanding is correct. The *maximum* period of time, if I recall, his commitment to the manifesto would be three years, if I am not mistaken.

2305 So can he confirm that the period of time we are talking about is a minimum of three months to a maximum of three years, albeit with variables within that, so that I can understand the position?

Then secondly, what determines the duration of the placement? In fact, I think to be fair to the Hon. Minister, he may have answered that point in the past, and I think it is basically determined by the placement provider's needs, which are presumably discussed with the Employment Training Board.

2310 **Hon. J J Bossano:** It is not a question of a maximum of three years. If we said a maximum of three years, everybody would want three years.

2315 The minimum of three months is what we think is realistic. That is to say, if somebody says... I mean there are people who say after a month, 'Look, I will take him,' and we do not say to him, 'No, you have to have him for three months paid by us.' But there are people who after the first month are so happy with the guy that they say, 'Look, I do not really need to have him as a trainee for another two more months. His first month of probation has turned out to be so good that I want to take him on.'

2320 When we started, we made it 'up to 11 months'. Now, I would say that the bulk of the people that we are taking in are in the three-month area. Most of the people that we have got in the Care Agency are around six months. Where we go beyond that depends on the nature of the complexity of the skill that is required to be attained and the skill that the person starts with.

Clearly if you get a 15-year-old that has left school and is in his first job, there may be a requirement for a longer period than if you get a 50-year-old guy that has been working since the age of 20 and has got

2325 a lot of experience of work and has done a lot of jobs and therefore he may be able already to take on the job that he is being sent to and pick up the skills in a relatively short... So it is each individual job placement and each individual candidate is assessed by that combination, by what is required by the job, and what he already has in his CV and in his background before he takes on the training.

2330 **Inward investment into Gibraltar
Details since the Government was elected**

Clerk: Question 479, the Hon. D J Bossino.

2335 **Hon. D J Bossino:** Further to the answer given to Question 360/2013, can the Minister with responsibility for inward investment provide details of the nature and amount of the inward investment which has come to Gibraltar since the Government was elected into office?

2340 **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, the Department does not keep records of how much a private investor is investing at any one time, whether the new business is local or from outside, unless there has been a request from the investor for EU funding.

2345 The areas of investments since 2011 have been in telecoms, gaming, construction, manufacturing and catering.

Hon. D J Bossino: I have heard the Hon. Minister in his reply: he says that no record is kept of that, and I will bear that in mind for the future.

2350 The reason why I have asked this question... well, not the reason, but one of the investments which the Hon. the Chief Minister in fact was very proud to announce, I think in relation to questions we asked in connection with the Sunborn Hotel, where he said that that represented an investment into Gibraltar – I have my own views about that – of something to the tune of £120 million, because he said that was value of the purchase value of the vessel. I have my own views in relation to that, and I am sure the Hon. Minister for Employment has his own views in relation to that.

2355 So, I am just surprised that there is not any more information which the Hon. Minister can provide and is forthcoming.

2360 If I can go back to the answer he gave at the last sitting of the House, in relation to a similar question, where his answer was that he said some 10% of these new employers involved participants from outside Gibraltar, which in some cases amounts to 100% ownership. Now, what is the position in relation to the 90%? What does that element of the contingent, in terms of inward investment, represent?

2365 **Hon. J J Bossano:** The information that I gave the hon. Member was in relation to the number of new employers that have registered in 2012 with the Employment Service. There were 200 new entities, new start-ups in 2012 – sorry, 400 – and 40 of them were people that, from the evidence available to me...

2370 It is only when they approach the Government in terms of either somebody local bringing a partner or somebody from outside coming through a legal representative or people from accountancy firms who have meetings with me and say, 'We are interested in investing in Gibraltar, this is the area that we want to invest in and we are going to create so many jobs', in a number of those cases, as I have mentioned in my original answer today... For example, in one particular case that I can think of, which was one where the investment was substantial, we are talking about a situation where there was an investment of something of the order of a million pounds – and we know that there was an investment of a million pounds because they asked for EU funding. They were putting 70% of the money and the EU was providing 30%.

2375 So that was probably one where I can put a figure, but if there had not been 30% of EU funding that they requested in assistance, we would not have known how much money was being put.

2380 There is no information and, to my knowledge, there was not under the previous Gibinvest office, when it was under the DTI, that actually meant that people came in and actually provided detailed breakdowns of the capital that they were putting in or the investment that they were putting in.

In terms of local companies that have registered with us in the year 2012, they range over every area, from people opening shops, to people opening restaurants, to people opening construction companies. As I have mentioned, the only ones that I have got direct knowledge of are the dozen construction companies that essentially have been formed by people who were previously in the construction industry as employees, have been made redundant and were in an age of being in their late 50s – 49 to 50 – and at

2385 that age, they approached the Department on the basis of, 'We are having difficulty in getting rehired in construction, because they tend to take younger guys who clearly are seen as being potentially more productive in what is a tough job.' It is a physically demanding job in the construction industry.

2390 They are people who have got skills, so one of the things that in fact I suggested to those people who came to me was well look, have you thought of the possibility of setting up a small company yourself, that can then do subcontracting? You can then take on some trainees. You have been working in the construction industry for 30 years, the skills that you have got you could pass on to somebody else. You train them and then you keep them and you are in a position to meet the demands for subcontracting in the industry, and the demands that we have as a Government, by joining the approved list of contractors. There is about a dozen.

2395 But those people did not start with any capital, they had no capital; they were all unemployed. Most of the others were people who have been either local companies that have diversified or opened a second business, and people that have either done it in partnership with outsiders or in a few cases, people who have come in on their own.

2400 The reality of it is that there have been many, many more than the numbers that I have given of people that have come up with ideas and have had meetings with me, and have said they are very interested in doing a number of things, but then nothing has materialised. I think the hon. Member may be aware professionally that quite often there are people who come, who make all sorts of pictures of what they can achieve, what they can do and the capital they have, but when the crunch comes that they have to put the money up, it is not there. There has not been one single big or two single big investors that you could point out to.

2405 In terms of the Sunborn, the investment may not be £150 million spent in Gibraltar, but it is the availability of an asset worth £150 million, which in Gibraltar would not have been produced within a matter of months, but would have taken years, to go from getting planning permission to build a hotel for 197 beds to actually delivering the hotel.

2410 Okay, you can argue that during the construction period, there would have been a benefit to the economy; but of course, against that, you have to offset the fact that it does not open the doors until three years later, so here you have got an investment in an asset. It is the asset that is worth £150 million and that asset in itself generates employment and economic activity. That effect will not be seen until, in fact, the thing is operational. At this stage, as it is at the moment the contribution that it is making to the economy is that may be £20 million may have to be spent on the vessel, because all the internal finishing is being done in Gibdock at the moment, which is where the ship is now.

2420 **Work-related stress
Surveys done within Government**

Clerk: Question 484, the Hon. J J Netto.

2425 **Hon. J J Netto:** Mr Speaker, can the Government say if any work related surveys on stress have been conducted since 11th December 2011 and if so, could the Government provide the names of the Government Departments, Authorities, Agencies or Government owned companies where such surveys have been conducted, and provide Parliament with a copy of any such surveys carried out?

2430 **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): No, Mr Speaker. *(Laughter)*

2435 **Hon. J J Netto:** Mr Speaker, the reason why I asked *(Interjection)* this particular question is because last month I attended a talk by the local branch of IOSH where they had a particular specialist who came over from the UK from the Health and Safety Executive, where she provided a talk on the issues of stress at work. This is what triggered my question in the first order.

2440 Despite the fact that I take note of what the Minister has said, in relation that no such surveys have been undertaken, can I urge the Minister whether he would have a discussion not only just with his own staff in relation to the factory inspectors, but also in relation to the members of the local branch of IOSH because perhaps, at least judging from some of the comments of the people who went there, from Gibraltar, to Bleak House to listen to this talk and participate in thereafter, it may seem that there are... not necessarily I am saying throughout all the entirety of Government Departments, Authorities, Agencies and Government companies, but there are pockets in particular areas where this may be likely to be the

2445

case, and of course any such surveys that are carried out then can be put to good use in terms of addressing some management issues, to avoid having that particular scenario.

Can I urge the Minister perhaps that he take this forward with the relevant parties?

2450 **Hon. J J Bossano:** Well, I take the point that there may be pockets of Government where people may be under a lot of stress.

The only anecdotal evidence that I have of that is that I am told that there was a marked drop in the level of stress in No. 6 Convent Place on 9th December 2011. (*Laughter, interjections and banging on desks*)

2455

Clerk: Question 485.

2460

**Sunborn Hotel
Supplementary question**

Hon. D A Feetham: Mr Speaker, I have been away from Parliament, I went to the Mass for Graziella Zammitt.

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I understand that the Hon. Minister for Employment has answered a question in relation to the Sunborn and £20 million was mentioned. Is it possible for me just simply to ask a supplementary in relation to that at all, with your indulgence. If not, I will leave it until the next time round.

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Mr Speaker: I will be liberal with the Leader of the Opposition and allow him to ask a question.

Hon. D A Feetham: Thank you.

Yes, Mr Speaker, in relation to the £20 million that I gather it will cost the owners of the Sunborn to have the ship effectively kitted out at Gibdock, can the Hon. the Minister for Employment confirm that there are no arrangements with Gibdock at all, so that Gibdock, in any way, shape or form, takes a view in relation to that £20 million, either in terms of the period of time that a longer period of time within which that £20 million is paid; or alternatively, in any arrangements that the Government may have entered into with Gibdock itself, that indirectly assists the owners of the Sunborn?

2475

Just to clarify that, please.

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Hon. J J Bossano: Let me say that the £20 million that I volunteered in information – (*Interjection*) It is a figure that I was told by the owner of the ship was likely to be the order of work that we would be getting, when we were discussing before the ship came here.

The ship was finished in Malaysia, but the actual finishing of the interior, of many of the cabins, is going to be done here, because the ship is here, and would have been done in Barcelona, if it had gone to Barcelona. What he told me at that stage was that that would generate about £20 million worth.

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I would not like to be held to the figure, because I do not even know whether in fact that is in fact what Gibdock has quoted for the work here or not, but I can tell him that there has been no involvement whatsoever by the Government in either negotiating with Gibdock, or negotiating with the ship owner.

2490

The source of my information was that, in looking at what the ship would bring to Gibraltar, one of the things that the owner at the time told me was that if the ship came here, the first gain to Gibraltar's economy would be that it would generate work for the shipyard in order to get it finished.

This is part of the capital costs of the vessel, but we have had nothing to do with either the shipyard or the owner in financing it, or the payment, or how it is going to be done.

2495

**Health & Safety
FJS training; reports; inspectors; convictions; accident books**

2500

Clerk: Question 485, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Question No. 367/2013, can the Minister for Training and Health & Safety provide details of the Health and Safety training given to Future Job Strategy trainees by their training providers?

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

2510 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question with Questions 486, 487 and 489 and 491.

Clerk: Question 486.

2515 **Hon. J J Netto:** Mr Speaker, further to the answer to Question No. 369/2013 can the Minister for Health and Safety say if the Government is planning to produce annual Health and Safety reports in the future?

Clerk: Question 487.

2520 **Hon. J J Netto:** Can the Minister for Health and Safety provide the breakdown of hours worked individually by the Factory Inspectors and the two seconded Health and Safety Advisors during the month of May 2013 in the various industry groups, plus the number of hours worked undertaking office duties?

2525 **Clerk:** Question 489.

Hon. J J Netto: Mr Speaker, will the Government consider applying the UK practice of publishing the names of the companies and individuals who have been convicted in the previous 12 months of breaking Health and Safety law, inclusive of those companies that have been served with prohibition notices and improvement notices?

2530 **Clerk:** Question 490.

2535 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say how many Codes of Practice in Health and Safety have been done since 11th December 2011, and provide Parliament with copies of such?

Clerk: Question 491.

2540 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say which Government Departments, Authorities, Agencies and Government-owned companies have accident books available within their premises?

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

2545 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, training providers are not required to report to the Employment Service the nature of the Health and Safety training, if any, that they give their employees.

No decision has been taken on whether to resume the production of annual reports which, as stated in answer to Question 369, were discontinued in 2007.

2550 No, I am not prepared to provide the hon. Member with the breakdown of what work any given public officer was doing in each of his hours of work in the month of May, or in any other month for that matter.

Any entity or individual committing any offence is already publicly identified as a result and at the time of the conviction.

2555 I understand that in the UK, the Health and Safety Executive has been publishing enforcement reports since the year 2000. There are no plans to introduce this practice locally.

No new codes of practice have been introduced since 11th December 2011.

All Government Departments, Authorities, Agencies and Government-owned companies that had accident books available within their premises on 8th December 2011 continue to have them.

2560 The Government companies that have become operational since, also have them.

Hon. J J Netto: Mr Speaker, if I may ask a supplementary question, that is to the answer given to Question 485 in relation to training by training providers: I think the Hon. Minister has said that there is no requirement for the training providers to provide or document the training being given whilst the trainees are on placement. Well, if that is the case, Mr Speaker, it may be so that there is no requirement, but I am sure that the Minister of Employment, who is also the Minister for Training and also the Minister for Health and Safety, would want to know, as a matter of policy, that the Department which he heads as a Minister would want to know what training is being provided.

2565 So the question that I am trying to pose now in my supplementary is that while there may not be a requirement by the training providers to log and provide details, do the officials working under the

2570 Minister know what sort of training is being provided by training providers when trainees are being placed?

2575 **Hon. J J Bossano:** Well, Mr Speaker, what I am telling the hon. Member is that we do not have reports as to the Health and Safety training that an employer gives their employees. Therefore, if we send an employee to work in an office, then we have not gone to check that the employer provides health and safety to everybody in the office, but not to the trainee. It would be very odd if that was happening.

2580 So whatever training is provided to the employees, of which there is no record either since 9th December or before 9th December – that is, I have asked the inspectors who have been there for the last 15 years, whether they have records of the Health and Safety training of employees in the different employers in Gibraltar, and the answer is no – when we send somebody to a place, we take it for granted that if they are providing Health and Safety training, the trainee that is there who is going to become their employee in two months' time will also get it.

2585 But I cannot tell the hon. Member that it is taking place because there are no records, either since 9th December or before 9th December, of what is happening in any of those employers.

2590 **Hon. J J Netto:** But surely, Mr Speaker, if the Future Job Strategy Scheme has been a new one which has come into effect on the arrival of the new Government and it has been designed as a scheme by the very Minister of Employment, Training and now Health and Safety, surely in the design of that particular scheme, he will want to know, him and his officials, that when trainees are being placed by a training provider out there, perhaps either within Government or in the private sector, that there is someone logging away from the very minute that particular trainee has been placed, whether he is receiving any particular training on Health and Safety at all.

2595 Even if it is for the most basic of things for a new trainee, particularly youngsters leaving school, where they have no experience whatsoever of the world of work and may even need to have some sort of induction on basic Health and Safety in a working environment, I am sure that is a very reasonable aspect – in fact probably a duty of care that the official should have when placing those particular trainees. Has the Minister not considered, when designing the Future Job Strategy, that issues of that kind should be logged somehow, to determine what training has been given to the trainees?

2600 **Hon. J J Bossano:** Well, I think the hon. Member does not have a clue what he is talking about, Mr Speaker. *(Laughter)*

2605 I have explained – I have been a year and a half explaining in this House – that the way the system works is that it is demand led. That means that if tomorrow, somebody opens a vacancy for a trainee cook, then we send somebody that wants to be a trainee cook. I take it for granted, but I may be wrong, that the Health and Safety that is provided for the cooks in that establishment will be extended to the newly acquired addition to the staff and not that they will be treated as an outcast and denied that training.

2610 But I do not understand why he thinks that it is very important to include this now, when in fact all the people that I took in in the VTS, or in the private sector, were not doing Health and Safety. It is not something that was going on which we have stopped. It is something which he thinks, from the Opposition benches, is a good thing which he wants me to adopt. Well, as far as I am concerned, if I am responsible for the Health and Safety, it is not for the Health and Safety of trainees; it is for the Health and Safety of everybody. So I would have thought that if we thought it was necessary for every employer in Gibraltar to give Health and Safety courses to employees, it would have to be to all employees that they take on, whether they take them on from the training system or they take them on without the training system.

2615 I do not see why, because they come through the avenue of the training system, their exposure to danger is greater; it is the same.

2620 This is not just school leavers. I have answered already in the questions today that we have got people who are in their 40s or their 50s who are employees who have lost their jobs, are unemployed and we put them into training. They may have had experience of work for many, many years.

So the answer is that I assume there are employers who provide Health and Safety training in Gibraltar, but I have no evidence that that has ever been monitored, either since or before.

2625 **Hon. D A Feetham:** Mr Speaker, the distinction is this, isn't it...? And we accepted this: that in relation to the VTS scheme, and this affects... The Future Job Strategy is an extension of that with greater pay and a guarantee, according to him, of a job at the end of it. That is what it is. That is what the Future Job Strategy is. The distinction is that we are talking about the distinction between a job placement and proper training.

2630 When I talk about proper training, I talk about, for example, what we were talking about earlier on, which is the schemes that he has in mind about the maintenance training – the more general maintenance training – is going to be provided by the Construction and Training Centre. But what is happening at the

2635 moment is effectively that it is an on-the-job placement with those employers and there are no structured training schemes from the ETB. It is just up to the employer to effectively deal with that person as the employer thinks fit, because the employer at the end of the day is the entity that is guaranteeing the employment. That is the position, isn't it?

Hon. J J Bossano: Well, I do not quite see what the relationship is between that and the question which says to me, can Government say what Health and Safety is taking place in all these places where we have got trainees?

2640 Well, look, the answer is whatever Health and Safety applies... I cannot imagine, Mr Speaker, that if tomorrow I sent a trainee to Hassans, Hassans will say, 'We will provide Health and Safety training to everybody except to the trainee.' Whatever is the norm in that particular place is what will be applied to the new person that comes in. Whether the new person comes in on the basis that we are going to be paying for the first three months or whether the employer is paying from day one, if we think we ought to require every employer in Gibraltar to provide basic Health and Safety training, well look, that is a policy that in my view would be applicable whether the employees were paid for by the placement provider or whether the employees were paid for for a couple of months by the Employment Service.

2645 But the point that I want to make to the hon. Member is that certainly the policies of the Government are not going to be driven by what the hon. Member now thinks is a good idea to do because he is on that side, which he never thought was a good idea to do when he was on this side.

Hon. J J Netto: Mr Speaker, can I ask the Minister whether, in the situation where you have young people who have just left school, who have got no experience whatsoever of the world of work and they go to a particular industry group – let us say, for instance, the construction industry, where we all know there is a higher incident of accidents taking place – does the hon. Member not agree that at the very least – not perhaps in Hassans but in the construction industry, at the very least in that particular industry – a new particular trainee of the Future Job Strategy, being placed in the construction industry in a site, at the very least, ought to have basic induction on Health and Safety?

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2660 **Hon. J J Bossano:** All the trainees in the construction industry have had a basic induction in Health and Safety already, provided before they went into the site.

Hon. J J Netto: Mr Speaker, can I ask a different supplementary, because I was trying to write as much as I possibly could, and that is in relation to the answer provided to Question 491? This is the issue of accident books on the premises. I was not quite sure what the Hon. Minister did say at the time.

2665 I think he did say something along the lines of saying the accident books today are the same that existed prior to the General Election. Was that correct, what he said?

2670 The point I am trying to ascertain for me is whether every single Government Department, Authority, Agency and Government-owned company do have an accident book. This is what I am trying to determine – today, not before and whether he can provide me an answer whether that is the case.

Hon. J J Bossano: Well, Mr Speaker, given his interest in the subject matter, I have assumed that every Government Department, Authority, Agency and Government-owned company had accident books in their places of work, when he was there to make sure they had them.

2675 Assuming that must be true, because I do not see why he should become so concerned about people's exposure to Health and Safety risks from the 9th... unless they think they are at risk from me!

2680 So therefore on the assumption that this is standard procedure and that everybody has these accident books, I am telling them, nobody has had the accident book removed on 9th December. All those who had it before have it and the only people that I can guarantee have got accident books are the ones that have come into existence after the 9th. That is to say, the companies that were not there when he was in Government are the companies that I can tell him have had accident books, because we made sure that they had them.

2685 We have not gone back to check whether the people who were there on the 8th were in fact being as conscientious as we are about this. But given his interest, I have assumed naturally that he made sure that the accident books were there before he left office, and I can tell him that if they were there, they are still there because nothing has changed. I can also tell him that we make sure that any new office or any new building or any new company gets one, so we should be 100% covered.

2690 **A Member:** Hear, hear.

**Health Authority
Health and Safety audits and statistics**

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Clerk: Question 488, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Health state the number of Health and Safety audits and statistics collated during this year in the various departments of the Health Authority, and provide Parliament with copies of such?

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, a total of 13 Health and Safety Risk Assessments have been conducted so far this year within the Health Authority. The documents are internal and not for publication.

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Clerk: And with that, we come to the end of Answers to Oral Questions.

**Question 476/2013 – Rental homes assigned
Additional information**

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Clerk: I will move on to Answers to Written Questions. The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I might just crave the Chair's indulgence, this morning Mr Reyes asked the question of Mr Balban and the Hon. Mr Balban has been able to clarify an answer that Mr Reyes asked clarification of, and I think he is able to provide that information as requested.

2725

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Thank you, Mr Speaker. To clarify on Question 476/2013 asked this morning, there was a query regarding the temporary allocated flats refurbished and assigned. I gave the hon. Gentleman the number three, and he wanted to see how that was broken down.

The reply I received was that of these three, one was done by the Housing Works Agency and two were carried out by sub-contractors.

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WRITTEN ANSWERS TO QUESTIONS

2735

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the answers to Written Questions numbered W59/2013 to W69/2013 inclusive.

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Mr Speaker: Ordered to lie.

ANNOUNCEMENTS

2745

**Television of proceedings
To commence on Monday, 24th June**

Clerk: The Hon. the Chief Minister.

2750

Chief Minister (Hon. F R Picardo): Mr Speaker, before I invite you to make the adjournment, in discussion with the Leader of the Opposition and the Hon. Mr Bossino, we have been able to agree the terms for an initial broadcasting of the proceedings of this Parliament, not just in audio but also in video, to commence on the renewed date which will be Monday at 10.00 a.m.

2755 Any transmission of video or pictures from this place, as I have always understood it, is dependent on the Chair's permission, so on the basis that there is a broad understanding and some draft Rules that we believe can be adhered at least to in spirit in the initial stages, to be looked at in more detail in the Parliamentary Reform Select Committee, we would invite you to rule that, as from the opening of the proceedings on Monday, the proceedings of Parliament should be transmitted in video and made available on the Parliament website, and to any media agency that requests the feed.

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Mr Speaker: There is no problem, I am delighted that we should proceed on that basis.

These are draft Rules, as the Hon. the Chief Minister says. No doubt in the light of experience, they will be amended, if that were to be the case, if there were any need to do so, otherwise those draft Rules can then be adopted by a resolution of the House.

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

What I would do is I would invite the House... we will share with the Clerk the Rules and would invite the House to share with the media and to put on the website those parts of the Rules that relate to use.

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The directing of proceedings will actually happen here in the House and will be handled by the Ushers, but there are Rules which this House will want third parties to follow about what can be done with the images, once they are transmitted.

For example, if somebody were to record them, the Rules at Westminster which we will be adopting here, require, for example, that the images not be used in satire, etc. Perhaps we can agree what those are – it is very clear in the draft what those are – and invite the Clerk to put those on the website of the Parliament and to share those with any media outlet that may be taking the feed – in particular, the public broadcast of GBC and any of the other local media outlets that might seek to have the feed.

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Hon. D J Bossino: Mr Speaker, simply, from the Opposition benches, to welcome this as something that we voted in favour on, when the Hon. Chief Minister presented the motion, and to say that it is something that we will be welcoming when it starts on Monday.

In relation to the draft copy of the Rules, which were e-mailed to me by the Hon. the Deputy Chief Minister and to the Leader of the Opposition, we have had a look at it. We have already identified certain drafting matters in respect of which we would like to put to the other side, and I have had a brief conversation about them with the Hon. the Chief Minister. But it is a draft set of Rules that we can at least, in order to start the process on Monday, we can use, and then as you pointed out earlier, we can develop further on.

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But simply to point out that there are already some issues that I have raised and I would like the opportunity to put across in a more formal way to the Members opposite.

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In relation to the broadcasting issues which the Hon. the Chief Minister has referred to, I can identify two of them: one he has already mentioned and the other one which is in the preamble, in effect, to the Rules which provide that 'the broadcaster should seek to give a full balanced, fair and accurate account of the proceedings' and it goes on. I think probably those two broad issues are matters which ought to be adhered to from word go.

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Hon. Chief Minister: Mr Speaker, if I may, I think the second one – and the reason I have not mentioned it in particular the second one – is one which the broadcaster in this case, because it is a public broadcaster, already is required to adhere to.

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In any event, as the hon. Member knows, this is going to be a debate that airs, either live or in a reporting of it, on the news during the course of an election campaign and the rules as to balance will, in any event, I think apply, at least in relation to that period, this initial period when we are going to be broadcasting.

I think, Mr Speaker, we are waiting for you to rule.

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Mr Speaker: I am quite happy that we proceed along those lines.

Look, we already have the Select Committee, which I think has to report to Parliament six months... let us say, the end of the year. I think that we should regard this period as an exploratory period and endeavour to have these draft Rules, amended as may be necessary, also adopted by Parliament sometime at the end of the year.

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Hon. Chief Minister: Obligated, Mr Speaker.

To give business efficacy to the whole thing, can I invite the Clerk to circulate to everyone again, before we start next week, the Rules as to microphones because that will also involve the cameras? We were all very good at the first sitting when we had the microphones. I think this time we have all got a bit

2815 carried away as well, but if we have the note on microphones, that reminds us that when we engage the microphone, we also engage the camera.

2820 **ADJOURNMENT**

Chief Minister (Hon. F R Picardo): Mr Speaker, I now have the honour to move that the House do now adjourn to 10.00 a.m. on Monday, 24th June. I give notice that I shall be taking the Appropriation Bill at that stage.

2825 There is a Government motion on the Order Paper. I am going to move that Standing Orders be suspended, so that we take that motion at the end of Bills, this time round.

2830 **Hon. D A Feetham:** So what he is proposing, Mr Speaker, just so that I understand it, is to take the motion at the end of, effectively, the Budget and any Bills that we are going to be taking, yes?

Hon. Chief Minister: Yes, Mr Speaker, that is the usual practice, when we are dealing with motions which relate to medallions, etc. So we will do the Bills first and then we will come at the end to a much more pleasant stage of dealing with that motion.

2835 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 24th June at 10.00 a.m. All in favour? (**Members:** Aye.) Those against. Passed.
The House will now adjourn to Monday, 24th June, at 10.00 a.m.

The House adjourned at 7.32 p.m.