



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.00 p.m. – 8.47 p.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 5.00 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

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

Questions for Oral Answer

Clerk: Mr Speaker.

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Clerk: Answers to questions continue.

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Equality of educational opportunity Improving the quality of schools

Clerk: Question 28 of 2012, the Hon. Mrs I M Ellul-Hammond.

15 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister for Health, please tell us, sorry, excuse me, for Education, please tell us what measures will the Government be taking to ensure the GTA/NASUWT's wish and recommendation for a move towards equally-sized, equally resourced and equally staffed schools to ensure that all children in Gibraltar are offered exactly the same equality of education regardless of catchment area?

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

25 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's commitment is to relocate Sacred Heart Middle School. This is being done in consultation with the GTA/NASUWT, in fact discussions on this have already taken place. Potential sites for the relocation are currently under consideration. A redefinition of catchment areas will be an intrinsic part of this process. The Government is in any event satisfied that all children in Gibraltar receive the same standard of education, regardless of catchment area.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. Gentleman tell me what plans the Government has with the old St Bernard's Hospital site and are you committed to relocating St Bernard's School and its Nursery and Sacred Heart School there?

35 **Hon. G H Licudi:** Mr Speaker, the Government is not committed to that. That was not a manifesto commitment of us, nor have we said that we have a policy to do that.

What I have said is that we are carrying out plans to make sure that our commitment to relocate Sacred Heart Middle School is carried out, and that has been done in consultation with the Union. We have already identified potential sites which are under consideration.

40 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker does the Hon. Minister... is he going to take into consideration that the old St Bernard's site was being prepped as a potential school?

45 **Hon. G H Licudi:** Mr Speaker, the information I have is that very, very little work was done in terms of converting that or prepping that as a potential school and that is something that we will clearly take into account but it is not the only matter that is being taken into account.

Hon. D A Feetham: What plans do the Government have for the old St Bernard's Hospital?

Hon. G H Licudi: Mr Speaker, I don't believe that that falls under the question that has been asked, we will have to be given notice of that question.

50 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, the Honourable Minister mentioned the, if I got it right, he intends to carry out a review of the catchment areas.

55 **Hon. G H Licudi:** Yes

Hon. E J Reyes: Does that mean a review of catchment areas for all schools, across all age groups, all sectors, all key stages, or is it just limited to a particular sector?

60 **Hon. G H Licudi:** Mr Speaker, what I said was that a redefinition of catchment areas will be an intrinsic part of the process.

65 Clearly, if there is a relocation of one school, catchment areas will have to be redefined to take into account that there will be another school of that type – that is going to be a Middle School – in a particular area. So until we have the site and we know the school and the number of children that will be in that school we won't know exactly what catchment area needs to be taken into account for that particular school and how it will affect other catchment areas but, clearly, there will be an effect on *other* catchment areas if there is a

redefinition of catchment areas. It is inherent in that process, that it will affect catchment areas for other schools.

70 **Hon. E J Reyes:** Okay, thank you for that, Mr Speaker.

I understand that, therefore, it is acceptable that, until the move is made and then one is able to redefine the catchment area... I was trying to take the Minister a bit further – if we are talking about Sacred Heart School, which is a Middle School – will he also take advantage that, in redefining catchment areas, to also perhaps look into redefinition of catchment areas in respect of First Schools?

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Hon. G H Licudi: Mr Speaker, catchment areas take into account schools that are available in particular areas. The specific move that we are contemplating is related to the Middle Schools so that we have, as we have already set out, Sacred Heart moving to a different location, whereby there can be an increase in the number of children in the catchment areas.

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Let me say this – not in the catchment areas, in that particular school – let me say that this is not, as I have already said, prompted by any concern about the standard or quality of education that is delivered in that particular school, this is simply the result that there has been, and there continues to be, a population shift in Gibraltar. Over the last few years we have seen a population shift towards the west side of Gibraltar, more recently towards the southern end of Gibraltar, with some developments there, and this policy was put in place as a response to that population shift.

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That population shift was also recognised by the previous administration because there were plans – and it is not intended by these comments to enter into a political controversy but simply to state, as a fact, that there were plans by the previous administration – to build another school, Middle School, in the Mid Harbour areas. That clearly took into account that there had been that population shift so there was a recognition across both sides of the House, as I understand it, that there is a need for a school because of that population shift, but what we do not go along with, if that is what is intended in the question, that there should be *all* children in Gibraltar in equally sized, equally resourced... to deliver equality of education in Gibraltar.

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If that is intended to suggest that unless schools are of equal size the same quality of education is not delivered to all children, we do not accept that. There is... there are very good teachers and very good quality of education that is currently being delivered to children at Sacred Heart, but the fact is that, because of the population shift, the intake of that school each year is getting smaller and there has to be a response to that because we cannot have that school with a first year every year getting smaller and smaller. Because of that we feel that it is necessary to relocate the school and to equalize the size of the schools as much as we can in the middle sector and that will bring benefits all round.

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Hon. E J Reyes: Yes, Mr Speaker, thank you for that answer, but the desire and the sort of the philosophy that schools should be as equal in size and as equally resourced as possible is a desire from the professional teaching body represented through the Unions, yes, so is your Hon. Minister saying that he does not necessarily share those views, as held by the profession?

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Hon. G H Licudi: Mr Speaker, I share those views but there are different reasons for perhaps those views.

There are two different matters that have to be considered when we talk of equalisation. We can talk of equalisation of numbers in a school and that is desirable from a number of respects, particularly where there is a population shift, so that people have a school as near as possible and, therefore, to the extent possible, if we have schools of more or less equal size that can accommodate catchment areas and have the same number of pupils, that is desirable.

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The other view that the hon. Member has expressed in terms of a move towards equalization, as set out by the profession, that also takes into account that, as currently structured, the posts – and I am thinking in particular of TLR posts – Teaching, Learning, Responsibility posts which is I understand what the hon. Member is getting at, they are different in Sacred Heart than they are in other Middle Schools, particularly because of the numbers, because they are posts that are calculated on the basis of the numbers. So we do want to accommodate that request and that wish by the profession to seek equalisation in terms of posts but there is also a need to achieve equalisation on numbers because of the population shift, so what we want to do is, as it were, kill those two birds with one stone.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, the hon. Gentleman mentioned population shift and also to

the south district, so, therefore, will the Government plan... will there be plans for the use of St Christopher's School and its building once pupils are integrated into Gibraltar's education system and could it service this growing population in the south district?

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Hon. G H Licudi: Mr Speaker, St Christopher's School has not been handed to the Government yet but it is a matter which is under active consideration.

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I can tell the hon. Member that I visited St Christopher's School with the Deputy Chief Minister only about two weeks ago to look at the school and it was the first opportunity we had to see what resources are available there. Those are matters that will be taken into account but it is certainly not a piece of land or school that has been handed yet to the Government, but we will be looking specifically at what use can be made of that school.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker will the hon. Gentleman be taking the parental view into consideration when, before finalising a decision on movement of catchment area and movement of schools?

Hon. G H Licudi: Yes

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Hon. D A Feetham: Can he also give us an indication as to what sites the Government is considering in terms of possible location of schools to cater for this shift of population and catchment areas? Can he also give an indication as to timeframes for completion of this review that he was talking about earlier?

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Hon. G H Licudi: Mr Speaker I cannot give an indication of sites, except to say that potential sites are under consideration and, until the plans are a bit more advanced, I would not want to go with identification of the sites concerned.

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In terms of timescale, what I can tell the hon. Member is that it does not appear to be likely or feasible, even if we wanted this to happen, for this move to happen before September of this year so that, for the next academic year, it does not seem likely that there will be a relocation. From there the hon. Member can infer that we will try our utmost to achieve that for the beginning of the next academic year because it does not seem proper to have a move of this nature, to move to a new school, in the middle of an academic year, with the possible disruption – because it needs redefinition of catchment areas, trying to get new children in. That is a move that is properly done at the beginning of the academic year.

As I have said, it does not appear to be likely or feasible that this will happen this year.

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Hon. D A Feetham: Just one final question. I am not trying to catch the hon. Gentleman out in any way, shape or form, but can he confirm that the sites under consideration were the sites that we were considering ourselves when we were in Government, or are there any other sites that he is also throwing into the mix?

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Hon. G H Licudi: Mr Speaker, I have absolutely no idea what sites were being considered by the previous administration.

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Hon. D A Feetham: Well, you know because we had a debate about this in Parliament. There is Rooke, there is the St Bernard's Hospital site, St Christopher's, as my colleague has pointed out.

Are there any other sites, apart from those three, that the Government is considering?

Hon. G H Licudi: Yes, sir.

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Hon. E J Reyes: Mr Speaker, would, perhaps – and, again, we are not trying to be, sort of, awkward or whatever but just trying perhaps, for the benefit of the teaching profession, to clarify some matters for them – amongst all the considerations that the Hon. Minister needs time to consider, consult with and so on, hypothetically, could it also even be possible that an existing educational establishment moves elsewhere, so that that particular site then becomes a Middle School?

I do not know if you want me to name them as a hypothetical example, we could.

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Hon. G H Licudi: That is possible – and the hon. Member says 'for the benefit of the teaching profession'. These are matters that we are in active consultation with the teaching profession.

180 **Hon. D J Bossino:** Mr Speaker, can the Minister give an indication as to at what stage he thinks he will be seeking parental views that he mentioned earlier. At what stage of the process will he be seeking parents' views?

Hon. G H Licudi: Mr Speaker, certainly once the process is somewhat more advanced than it is at this stage.

185 We have been in office for five weeks, we have already had preliminary meetings specifically on this issue. I have already indicated that there has been one site visit to consider a school that has not even been handed over to us, so there has been some preparatory work. In due course and, once we have clearer views as to where we are going with this, the necessary consultation will take place and I can assure the hon. Member that that is what will happen.

190 **Hon. D J Bossino:** Can I ask the Minister what the extent of that consultation will be?

Hon. G H Licudi: The hon. Member can ask.

195 That is a matter that will have to be determined on advice from the Director of Education, who I expect will be in post by then. Whoever the new Director of Education will be, this is primarily an administrative process that will be led by the Director of Education.

Hon. D J Bossino: The Government does not have a policy in relation to seeking parents' views in relation to that, as such – you are seeking officials' advice in relation to that issue – or have I misunderstood the Minister?

200 **Hon. G H Licudi:** Mr Speaker, the policy is as I have said in answer to the question from the hon. Mr Feetham. There will be consultation. How that happens, and when the consultation and how that policy is put into effect, that is a matter on which we will take advice and the Director of Education will take the lead on that. The Government provides the policy and the managers manage.

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**Free nursery education policy
Manifesto details**

210 **Clerk:** Question 29. The Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Education provide details on the free nursery education policy, as outlined in their manifesto

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

220 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's policy is to provide free optional nursery education. The Government is currently engaged in discussions with the Department of Education on the implementation of this policy. Private nurseries will also be consulted.

An announcement providing further details will be made once the discussions with the Department of Education and private nurseries are concluded.

225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. Member explain if any extra places will be made available at Government nurseries to provide free nursery education for all?

230 **Hon. G H Licudi:** That will be something that will have to be considered as part of the process of the implementation of the policy that is currently underway. At the moment there are, I seem to recall, approximately 300 odd places for nursery education for 3 year olds and applications are received by the Department and are processed. Not, as I understand it, not every applicant is able to get a place.

235 What we want to ensure is that everybody – because this is an optional, voluntary, it is not education that has been provided to people of statutory age that have to attend school, so this is a voluntary and optional – but what we want to make sure is that those who *want* to take up the nursery place in pre-school are able to do so and to the extent that the process identifies that there is going to be a need for further places to be available, then that will be available in the implementation of the policy. Again I must stress that what we have set out and what I am confirming today is what the *policy* is. How the policy is precisely implemented will be a matter of, on which I will be taking advice and consulting with the right professionals.

240 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can I ask, can the Hon. Minister explain, then, exactly what he means then by ‘on a public/private basis’ which is part of their policy.

Hon. G H Licudi: Mr Speaker. I have explained what the Government’s policy is.

245 The Government’s policy is that there should be free nursery education on an optional and voluntary basis. That will be done, because at the moment, at the moment, as I understand it... there are, sorry, Mr Speaker, at the moment, as I understand it, there are insufficient places and there are people who look to private nurseries to provide that facility if they are not able to get into a Government nursery.

250 We will have to have consultation with – a process of consultation – with those private nurseries and see what the best way of making sure that there are placements for everybody is, and that is why a partnership is something that is on the cards and will have to be considered and discussed. As I have said we have the *policy*, the precise details of the implementation of the policy will have to come at a later date.

255 **Hon. E J Reyes:** Yes, Mr Speaker, may I ask one further thing. As a matter of policy, if there is an expansion of nursery placements, would it be the Government’s policy that these nurseries, if need be with new physical buildings, whatever, would come under and be attached and come under the head teacher of an existing or new first school, or would they be totally independent and not come under the guidance of the head teacher of an existing school?

260 **Hon. G H Licudi:** Mr Speaker, some nurseries do come under that already and in one particular place there is a separate Government nursery that I am aware of. What we are talking of is making sure that there are places available for everybody, either in those facilities or by carrying out the consultation and that sort of partnership with the private sector that has been identified.

265 I am unable to give any further details at this stage because the process is ongoing and I have had discussions with the Department of Education on this but we need to have further discussions as to how the policy precisely is going to be implemented but, certainly, the nursery that currently comes under the auspices, if I may say so, of a First School and therefore under the headmaster of that particular school, there are no plans to change that at all.

270 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, sorry I don’t mean to be difficult, just further clarification behind, then, this policy: so are you saying that, perhaps, private nurseries could be compensated to offer free nursery care to some individuals who choose the option to seek free Government nursery place?

Hon. G H Licudi: The details of the implementation of the policy will be announced in due course.

275 **Hon. D A Feetham:** And will the hon. Member confirm that teachers actually running the nurseries will be qualified teachers, they won’t, you know... that they will be qualified teachers, not non qualified?

280 **Hon. G H Licudi:** Well, the teachers that are at the moment running the nurseries have the necessary, have qualifications to run nurseries so they will have whatever qualifications are necessary in order to run the system that has existed under the previous administration.

285 We do not... can I say that this is not a policy that envisages any change to the previous administration’s system. This is simply a policy to ensure that *all* children who want to avail themselves, on an optional, voluntary basis, of this facility have this facility available. To the extent that there was a system in place in terms of qualifications, that is something that is going to continue.

Hon. D A Feetham: Well, the reason why I am asking is that, in fact, in 1996 there was a nursery that was

run during a... prior to 1996, was not run by qualified teachers. All nursery places... nurseries that were, that have been created subsequent to that, we made it a point when we were in administration that they would be run by qualified teachers: what I am asking is – is the hon. Gentleman going to return to a policy that was pre-1996 or will he continue with a policy that we instituted post-1996?

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That is all. I mean, I am not trying to catch him out. It is just so I understand this.

Hon. G H Licudi: Mr Speaker, there has not been any change; there have not been any instructions to change the current system, so whatever current system is in place will continue.

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**Law Courts project
Town Range completion**

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Clerk: Question 30, the Hon. D A Feetham.

Hon. D A Feetham: Can the hon. the Minister for Justice state when the Town Range part of the Law Courts project will be completed?

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the latest project update provided by the contractors, Gibraltar Joinery and Building Services Ltd, is that the Supreme Court Registry Office at Town Range was due to be completed by 20th January of this year, that is today.

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I am, in fact, informed that we anticipate that this will probably happen on 25th January, in other words next Wednesday, so there is a few days' delay from the anticipated date. The target completion date of the new building that houses the Magistrates' Court, Coroner's Court and associated offices is 29th February 2012 and can I just clarify that that is a target completion date. The information I have is that there could, in fact, be a little bit of slippage and we could be talking of the middle of March.

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Hon. D A Feetham: Does the hon. Gentleman accept that it is important for the administration of justice for this project to be completed as quickly as possible?

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Hon. G H Licudi: Yes, sir.

Hon. D A Feetham: Have there been any instructions for a decrease of labour on this particular site, or is the programme of work that is being adhered to, the programme of works that we instituted when we were in office?

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Hon. G H Licudi: Mr Speaker, I don't know what the programme of works were when the hon. Member was in office and what instructions had been given. What I do know is that, what I am advised, is that the target completion date for the new building was around May 2012. It was brought forward to February 2012 and, in fact, it is going to happen in the middle of March 2012 so there has not been any slippage as such. Therefore, works are progressing properly, with a view to having it completed, as far as the contractors are concerned, with a target date of 29th February 2012, which may slip by a couple of weeks.

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Hon. D A Feetham: Well, with respect to the hon. Gentleman, that was not the question. Now he must know – and if the answer is 'no', the answer is 'no' – he must know whether there have been any instructions for there to be a decrease of labour on this particular site. That is the question that I am asking. Have there been any instructions?

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And let me also say that, in fact, the original target date for completion of that particular project was 30th November and, in fact, there have been slippages from 30th November and now the hon. Gentleman is saying that it is going to be February. But have there been any instructions for there to be a decrease of labour on that

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particular site? He must know that.

345 **Hon. G H Licudi:** Mr Speaker, I am not sure what the hon. Member means by 'decrease of labour' to the extent that he talks of evening work and weekend work, then evening work and weekend work is not happening but, on the basis that the work is continuing under the contractor under normal hours of work, there continues to be the normal complement of labour during that time and works are on schedule to be completed, if not by the end of February then a couple of weeks later.

350 **Hon. D A Feetham:** Did he give the instructions for there not to be this, to be work during weekends and I think he mentioned something, I think he mentioned –

Hon. G H Licudi: Evenings.

355 **Hon. D A Feetham:** – evening work. Did he give those instructions?

Hon. G H Licudi: No, sir

360 **Hon. D A Feetham:** Who gave those instructions?

Hon. G H Licudi: Mr Speaker, I am advised that work in the evenings and the weekends has stopped and I have no idea who gave those instructions.

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**Fourth Supreme Court Judge
Sitting to hear criminal cases**

370 **Clerk:** Question 31, the Hon. D A Feetham

Hon. D A Feetham: Can the Hon. the Minister for Justice state when the fourth Supreme Court Judge will begin sitting hearing criminal cases?

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

380 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fourth Supreme Court Judge, Mr Justice Black, is scheduled to begin sitting on criminal case matters from the week commencing 23rd January of this year.

Hon. D A Feetham: So he is sitting as from today?

Hon. G H Licudi: No, the 23rd – Monday

385 **Hon. D A Feetham:** Oh, I beg your pardon I thought he said 20

Hon. G H Licudi: Mr Speaker, apologies if, I do not know if I said 20th or 23rd: it is, in fact, 23rd January, next Monday.

390 **Hon. D A Feetham:** Does he accept that, once the Law Courts project has been completed, whilst the fourth judge is sitting, there is no reason why the delay in hearing criminal cases should not be brought within what are reasonable parameters and reasonable timeframes?

395 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what the Gibraltar Court Service is working to.

Hon. D A Feetham: And does he envisage that any delay in the implementation of the Crimes Bill and

the Criminal Procedure – sorry, the Crimes Act and the Criminal Procedure and Evidence Act – might actually have an impact on the timeframes for dealing with criminal cases?

400 **Hon. G H Licudi:** Mr Speaker, I am not sure what the hon. Member means by ‘having an impact’, whether he means it is going to have a negative impact on the timetable or a positive impact on the timetable. The position is... (*Interjection by Hon. D A Feetham*) No, no, the position is that there is a backlog of cases. There is a backlog of criminal cases that need to be dealt with. Those are offences which are unaffected by the Crimes Act and the implementation of the legislation that the hon. Member has referred to, those are offences
405 that existed at the time when they were committed. There is a need to clear that backlog.

Mr Justice Black has been brought in. He will be sitting on criminal cases and that will certainly clear the backlog in due course and will bring the administration of cases on criminal and also on civil matters within what the hon. Member has described as ‘reasonable timeframes.’ Unfortunately, without necessarily going into reasons, there has been undue delay in the past in both civil matters and criminal matters and this will
410 certainly help to clear that backlog.

Hon. D A Feetham: Does he accept that, for example, having long committals, which is something that occurs now, and which is going to be done away with through the introduction of the Criminal Procedure and Evidence Act, has an impact on the length of time in which a case actually gets to trial, and therefore does he
415 not accept that any delay in the implementation and commencement of the Crimes Act and the Criminal Procedure and Evidence Act is also, by definition, going to have an impact on how long a case takes from, to get to trial from the moment a person is charged?

Hon. G H Licudi: Mr Speaker, not all cases have long committals. In fact, in my experience very few cases have long committals. That is a process that was used – (*Interjection by Hon. D A Feetham*) It might be an example, but that is the odd occasion, or the rare occasion, rather than the norm, so we cannot exaggerate the impact that removing the ability to have long committals will have on these matters. Clearly, it will have an impact.
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As regards the delay the hon. Member has talked about, any delay... Well, these are pieces of legislation that were enacted during the hon. Member’s term. It is not just because of the delay in the courts that these Acts are not implemented. They could have been implemented by the hon. Member when he was in office. They have not been implemented yet. The position on those Acts is as I mentioned yesterday, we are embarking on a consultation process. By and large, we agree, as I indicated during the debate on the Second Reading of both Bills, that the provisions of these Acts ought to be implemented; but there are practical and substantive matters that are being looked at and, again, I am not going to pre-empt the result of that consultation. But let us not exaggerate that removing long committals is going to be the panacea that resolves all problems that have existed in Gibraltar up to now.
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Hon. D A Feetham: Thank you very much. So if, effectively, commencing the Crimes Bill, the Criminal Procedure and Evidence Bill is going to have a minimum impact on delays facing criminal trials, does he not accept, therefore, that there are now no excuses why there ought to be delays in criminal trials, bearing in mind the new building and also the criminal judge and everything else that has been done?
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Hon. G H Licudi: Mr Speaker, there is a backlog of cases. When the hon. Member says it –
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Hon. D A Feetham: Not backlog, future.

Hon. G H Licudi: Well, the future, I am not sure whether the hon. Member means as from next Monday, as from six months’ time or from as from a year’s time.
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There is a backlog of cases and I appreciate that the hon. Members took steps in respect of the court buildings, in respect of the engagement of the additional judge – the fourth judge – that has now taken place and I appreciate that all those steps were taken. Those steps are now coming to fruition, with the courts being ready, hopefully very soon, and with the fourth judge already here, having been sworn in and starting work as from Monday.
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But there is a backlog of cases, which the Gibraltar Court Service has to deal with. Once that backlog is cleared, then we expect that the normal schedule will be able to operate. That will really depend on the

455 amount of cases that there are. It is impossible to anticipate what the position will be in, say, six months' or a year's time as to how long a case will take to get to trial, but it will certainly be – and I agree with the hon. Member – it will certainly be less than it has been up to now, which the hon. Member will agree with me has been unacceptable.

Hon. D A Feetham: The hon. Gentleman used to ask me a lot of questions about it when I was Minister for Justice, about the delays (*Interjection*) and he used to comment adversely upon the delays and he used to describe it as being unacceptable.

460 What I am asking, and what I am trying to get to the bottom of is, does the hon. Gentleman not accept that, with all these measures – I am not talking about the backlog of cases... I accept that those backlog of cases have to be dealt with – but with all these measures that were introduced by the previous administration, there is now *no excuse* why there ought to be the unacceptable delays, which we both agree, the unacceptable delays in dealing with criminal cases that there were in the past. Yes or no?

465 **Mr Speaker:** Excuse me, before the Hon. Minister replies, isn't that a hypothetical question because we have established that the new judge will take office on Monday? We have established that all the buildings are not yet in place.

470 Why are we talking about delays which may or may not...? We have not established there are delays in the future, have we? We can ask about delays today or delays in the past, but delays which may or may not occur in the future is hypothetical.

Hon. D A Feetham: I am not asking about delays in the future. Mr Speaker, with respect... (*Interjection*) No, what I am asking the hon. Gentleman is to confirm that, once all these measures are in place, there will be no excuses for any delays.

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Mr Speaker: What delays?

480 **Hon. D A Feetham:** Well, we hope –

Mr Speaker: Have you established a week, a month?

Hon. D A Feetham: Well, we all hope that, in fact, there will not be any delays, but if there are delays –

485 **Mr Speaker:** But what delays? Are we talking a week's delay, a month's delay? It is all hypothetical.

Hon. D A Feetham: Well, we know that there have been delays in the past.

490 **Mr Speaker:** Yes, and the Member (*Interjection*) may ask about existing –

Hon. P R Caruana: Don't argue with –

495 **Mr Speaker:** Well, the Members may ask about existing delays and past delays, but asking about delays which may or may not happen... We have not established they have happened. Surely, it is hypothetical?

Clerk: Question 33.

Mr Speaker: But if the Minister wants to answer, he is welcome to answer it. (*Laughter*)

500 **Hon. P R Caruana:** He was answering before... (*Interjection*)

Mr Speaker: Well, because the same question was asked three times and he got the same answer three times.

505 Can we move to the next question?

**Insolvency Act
Completion of subsidiary legislation**

510 **Clerk:** Question 33, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice state whether the subsidiary legislation to the Insolvency Act has not been completed?

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, it is anticipated that the subsidiary legislation to the Insolvency Act will comprise the following:

520 (1) Insolvency Rules setting out detailed insolvency procedures. These have been drafted and are currently being considered by me.

525 (2) Regulations covering cross-border insolvency. The relevant provisions were, I am told, originally drafted as part of the Insolvency Bill, but a decision was taken at the time, before the Bill was finalised, to include them in separate regulations. These provisions have, therefore, already been drafted and need only be put in the form of Regulations. I have not yet seen these provisions.

(3) Regulations setting out transitional provisions in relation to both the Insolvency Act and the Insolvency (Consequential Provisions) Act. These regulations have not been drafted.

530 (4) Insolvent Partnership Regulations, setting out rules for dealing efficiently with insolvent partnerships. These regulations have not been drafted.

(5) Insolvency Practitioners Regulations and Code, which provide for the detailed regulation of licensed insolvency practitioners. These regulations have not been drafted.

535 (6) Administration of Insolvent Estates Regulations, setting out the rules and procedures for dealing with insolvent estates. These regulations have not been drafted.

I am intending to meet with a legislative draftsman involved on these matters at the earliest opportunity to discuss all outstanding issues. In fact, I can now confirm to the hon. Member that that meeting is scheduled for Thursday of next week.

540 In addition, an Insolvency Consequential Provisions Act to amend the Companies Act and other legislation impacted by the Insolvency Act has been drafted and is currently being considered by me.

545 hon. Members will be aware that the Government will reform the Companies Act with the introduction of a new Act. A decision will need to be taken by Government as to whether the consequential amendments which are required as a result of the Insolvency Act will be introduced as part of the new Companies Act, or whether the current Companies Act will be amended with the Insolvency Consequential Provisions Act being brought to this Parliament. This will depend on how far advanced the drafting of the new Companies Act is when all subsidiary legislation to the Insolvency Act is completed. A decision as to how to proceed will be taken by Government at that stage.

550 **Hon. D A Feetham:** I appreciate and I will try to be as fair as possible with the hon. Gentleman and that it is a difficult question, but does he have a timeframe in mind for the commencement of the Insolvency Act?

555 **Hon. G H Licudi:** Well, no, Mr Speaker. As I have said, there are quite a number of regulations that need to be drafted and I am having a meeting next week with the draftsman involved in these matters and until I have those discussions, I really do not know how long that will take.

**Courts Service
Increased staffing levels**

560 **Clerk:** Question 34, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice confirm that the Government intends to increase staffing levels at the Courts Service?

565

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

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, shortly after my appointment as Minister with responsibility for Justice, the issue of staffing levels was raised at my first meeting with the Chief Executive of the Gibraltar Courts Service.

Following the increase in courtrooms now available and the appointment of a fourth Supreme Court Judge, there is a need to review the staffing levels in the Courts to help tackle the backlog of cases.

The Chief Executive has been asked to submit his requirements to the Chief Secretary. This will then be considered as part of the Government's review of the need for resources across the Civil Service.

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Hon. D A Feetham: May I remind him, before I ask my supplemental question, of a question that he asked me about this when our roles were reversed. He said:

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'What changes, if any, are envisaged in terms of staff arrangements in respect of a fourth judge, because one assumes that additional staffing needs will be required if there is a fourth judge and another court being operational at the same time? If there are two jury courts being run, you need extra clerks and extra staff, otherwise you leave nobody in office. What arrangements are being made in that regard?'

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I said the Government is actually reviewing the position – the same answer that the hon. Gentleman is giving me now, I gave to him – and he chastised me because he said that the Government should not be conducting a review. The Government should have an answer to that question.

Does he not accept that it is the height of political hypocrisy for the hon. Gentleman to adopt the same position that I adopted when I was in his shoes which, in the light of the position that he used to adopt when he was here...?

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Hon. G H Licudi: Mr Speaker, so it is hypocritical to adopt the position that he adopted. But what the hon. Member (*Interjection*) has not explained is precisely *why* I chastised him.

595

We have been in office for five weeks. At the time of that debate the hon. Member had been in office for almost four years. There had been a building project that was started years ago, not five weeks ago, years ago, and was due to be completed, as the hon. Member has indicated. The information that he had was that that project was due to be completed in November.

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What I could not understand – and I still cannot understand – is that in a project that was designed years ago and where, clearly, there was going to be a need for a review of staffing levels because you knew exactly how many courts were going to be available and what the staffing needs were, that what the hon. Member was telling me at the time was, 'We are going to wait until the project is finished. We are going to wait until the building is finished, even though we have the plans now, even though we know exactly how many courts are going to be run and then, at the end of that process, we will review the staffing levels.' That is what I chastised him for and that is what I actually considered to be unacceptable.

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What I have told the hon. Member today is that, very shortly after coming into office, I raised this in my very first meeting with the Chief Executive, and the Chief Executive, what he has done... It is not for me to say, 'You put this extra number of staff here or there.' What the Chief Executive has been asked to do is to submit his staffing requirements and that is precisely the process we are engaged in. It is a process that should have finished long before the hon. Member left office. Well, we have been in office for five weeks. You cannot complain about us reviewing something when he had years to do it and never did.

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Hon. D A Feetham: Again, the hon. Gentleman is wrong.

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If the position is as simplistic as the hon. Gentleman has just outlined, which is he knew how many courts there were, he knew how many judges and he therefore must have known how many extra staff... Well, look, he knows that is the position that he has outlined. Does he not accept that he knows that knowledge is also... the hon. Gentleman knows exactly how many courts there are, exactly how many judges there are. Why can't he make a decision *now* if it were as simplistic as what he is saying it is?

620 **Hon. G H Licudi:** Mr Speaker, I cannot make a decision now because the Chief Executive has been asked to submit his staffing requirements. Only today I have seen, for the first time, what those staffing requirements are. That is a matter that will need to be considered. I have seen that for the first time today. The hon. Member cannot expect that I am going to say, 'Well, fine. Go ahead and do whatever.'

Hon. D A Feetham: No, I didn't.

625 **Hon. G H Licudi:** He obviously cannot expect that, but I raised it in my first meeting. There was a public meeting of all... not a public meeting, a meeting of all Heads of Departments, that was conducted by the Chief Minister with the Chief Secretary and all Heads of Department were invited to submit their requirements, including the Chief Executive of the Gibraltar Courts Service.

630 I have today seen the letter of the Chief Executive to the Chief Secretary, with an organogram of staffing requirements – that is something that will have to be looked at, or is it that the hon. Member thinks that we are not entitled to look at anything, even though they had four years to look at this and never did?

635 **Hon. D A Feetham:** No, I am not, in fact. I think that the policy... (*Interjection*) the policy that the hon. Gentleman has just outlined is an eminently reasonable policy. I am not chastising him for the policy. I am chastising him for the position that he took when he was on my side and I was on his side – that is what I am chastising him for.

640 But isn't the reality of the situation, Mr Speaker that, in fact, the question of staffing levels at the courts is far more complicated than just simply the number of courts and the number of judges and that it also has to be looked at in terms of the IT resources available to the courts and factors of that nature. Isn't that the case?

645 **Hon. G H Licudi:** Yes, Mr Speaker, issues of staffing levels will depend on what other resources need to be available. Once the IT infrastructure is in place, which I expect will be in place very shortly after the... well, in fact, the cabling is being done as part of the project, but there will be a need for connections in terms of a sound system and PCs. Those physically need to be put in after the building is handed over by the contractor but, once that is in, the staffing levels that we are looking at are staffing levels in the court administration generally and, in particular, in relation to the running of various courts at the same time. That is the staffing exercise that will need to be conducted.

650 **Hon. D A Feetham:** Has the issue of IT in the courts, actually been settled yet?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member means by the 'issue of IT'? If he is talking about PCs which had been ordered when he was in office –

655 **Hon. D A Feetham:** And computer programmes to be available for staff.

Hon. G H Licudi: Well, as I understand it, PCs were ordered before we came into office and those PCs are there and are available and will be installed.

660 In respect of computer programmes, there is a need to look at precisely the software that is needed to manage the system to make the system compatible, for example, with the Police, where there is a lot of manual inputting that needs to happen, particularly at Magistrates' Courts level because the systems are not compatible. Those are issues that I am discussing actively with both the Gibraltar Courts Service and the Police themselves, but there is going to be a need for a study to be carried out in terms of the IT infrastructure, not the physical infrastructure, but the software infrastructure, and instructions have been given already, so a decision has been taken already for that study to be carried out.

665 **Hon. D A Feetham:** And does he not accept that that also has an impact, if he knew exactly how many staff are required at the Courts Service, the extra staff resources that might be needed in the Courts Service?

670 And also, by way of final supplementary, does the hon. Gentleman accept that, in fact, there is going to be a need to increase staff levels at the Courts Service, even though he might not be able to point out today, and I accept it, the exact numbers?

Hon. G H Licudi: No, Mr Speaker, I have said nothing about Courts Service. I have mentioned PCs. I

have not mentioned Courts Service at all.

675 **Hon. D A Feetham:** I would ask the hon. Gentleman, does he not accept the question of exactly what IT resources, the settling of the question of IT resources at the Courts Service, has an impact on the exact numbers that one would need by way of an increase?

680 I am also asking the hon. Gentleman to confirm that, I know that he cannot actually pinpoint the exact numbers in any increase, but does he accept that an increase in Courts Service numbers – numbers working at the Courts Service – will be needed?

685 **Hon. G H Licudi:** No, Mr Speaker, I do not accept there will be any need to increase the numbers in Courts Service. As I have indicated, the infrastructure that I was talking about was the installation of PCs, not service.

Hon. D J Bossino: I am sure the Minister has addressed this issue and he will forgive me if he has, but when is the Chief Executive expected to come back with the staff requirements to him?

690 **Hon. G H Licudi:** Mr Speaker, I indicated that the Chief Executive was asked to submit his staffing requirements to the Chief Secretary and, in fact, today I have seen a letter to that effect.

Hon. D A Feetham: But if the Chief Executive comes to the Government and says, 'We need five extra staff', can he give a commitment that that is what the Government will do?

695 **Hon. G H Licudi:** Mr Speaker, that is a hypothetical situation.

What I have said is that the Chief Executive has been asked to submit his requirements and that will be considered by the Government in the review of the Civil Service that is currently being carried out.

700 **Hon. D A Feetham:** With respect, it is not hypothetical to ask if more staff is requested, whether Government will accede to the request. And also, it is strange that the hon. Gentleman should adopt that particular line when he was saying, when he was in Opposition, that more staff *would* be needed because of all these reforms – that was the thrust of all his questions. He was saying more staff will be needed and, in fact, I was agreeing with him that more staff was needed and the position that I was adopting was, 'Well, we don't know the exact numbers.'

705 Will he now acknowledge that if the Chief Executive of the Law Courts comes back and says, 'We need extra staff', that the Government will honour that request for extra staff?

Hon. G H Licudi: No, Mr Speaker. The Chief Executive has been asked to submit a request and that request will be considered in the normal course of events.

710 The hon. Member cannot possibly say that it has been the policy of any government to commit itself before looking at and studying any requirements which may be submitted by the (**Hon. D A Feetham:** We did.) Head of any Department; but if any Head of Department was going to come in, say, two weeks' time to a Minister and say, 'I need *x*', that the Government was committing itself, two weeks in advance, to provide that. That, as I understand it, was not the policy of the previous administration and it is certainly not the policy of this administration.

715 The policy is to consider requests and, to the extent that those are reasonable, we will seek to accommodate those requests, but I cannot give a commitment as to the outcome of a process that involves the Chief Minister, involves the Chief Secretary – that is a process that will have to be undertaken as part of the Civil Service review which is currently being undertaken by the Office of the Chief Minister.

720 **Hon. D A Feetham:** With respect, we had actually committed ourselves to an increase in levels of staff. The only issue – because it was obvious to us there would be a need for an increase – is just a question of numbers.

725 But does he not accept that the position he is now adopting from the Government benches is a complete U-turn from the position that he adopted when he was here in Opposition?

Hon. G H Licudi: Absolutely not, Mr Speaker. There is no question of any U-turn. I have already

730 explained that what was at the heart of that exchange that the hon. Member has indicated was that the Government *ought* to have had foresight and proper planning, which was certainly not in place.

I have not said that there will be no increase in staff and therefore there is nothing to have a U-turn from. What I have said is that requests are being considered and a decision will be taken. What the outcome of that process will be, I cannot say because I do not have a crystal ball, but there is certainly no indication of any U-turn and no U-turn is intended or will be made.

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**Audit review of public buildings
Resolving disabled access**

740

Clerk: Question 35, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state what... Sorry, I think I have got the wrong question. I will start again.

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Will the Government conduct and provide an audit review of public buildings, which at the moment does not allow disabled persons access, with a view to rectifying this?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government will undertake such an audit of public buildings and undertake reasonable adjustments, as required by law, so as not to discriminate against those with disabilities.

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Hon. J J Netto: I am grateful for that particular answer. Whilst obviously the intention is a generalised one, in terms of providing access to all disabled people where this is possible and feasible to do in public buildings, the reason why I prompted this question so early at the beginning of this Parliament session was perhaps in the context of parliamentary reform.

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One of the things I would ask the hon. Lady, and, in fact, I would ask the Hon. Chief Minister, is if there is one public building which, above all public buildings, we think is most important it is probably this Parliament and this Parliament, unfortunately, is not accessible to disabled people, particularly those who are in wheelchairs.

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In the context of the parliamentary review, Mr Speaker, perhaps within the answer that the hon. Lady has given, will priority be given, perhaps, that if we can be able to fit lifts, perhaps, in this building to allow disabled members to go into the Public Gallery or even, one day, perhaps, that we can have a disabled person in Parliament sitting in the Government benches or the Opposition benches... I am sure that, on both sides of the House, it would be something that we would be very proud of.

Hon. Chief Minister: Mr Speaker –

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Hon. J J Netto: The question is: will the hon. Lady or the Chief Minister give priority within the review within this particular building?

775

Hon. Chief Minister: Mr Speaker, the answer to that has to be a non-partisan ‘yes’, because I think we all agree on the importance that this building has. It has had it for a long time. It is a pity there was not already, when we arrived, the capability for people to have the access to this building that they need if they are disabled in some way.

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Despite that, I do not think this is an issue on which we need to make partisan points. What we need to do is ensure that, as part of whatever review there is, we work together and, in particular, on issues on this, we deliver together to people who want to have access to this place, who desire to form part of the democratic process as such, that they are rightly not satisfied with simply listening to the proceedings of this House on radio or seeing it by the time that... or once we have decided that the whole proceeding should be transmitted in whatever way by video link also. Those who want to be here, we need to be embracing with open arms.

There are some people who are disabled in other parts of the world who have reached very high office in

785 other governments and we need to put this Parliament and the public service at the disposal of people like that. The Rt Hon. David Blunkett, a blind person, became Home Secretary in the United Kingdom and held other high offices of state, that being probably the highest, which was one of three highest offices of state.

So, Mr Speaker, I absolutely agree with the hon. Gentleman. It has not happened by the time that we have come into office, but that is not the issue. The issue is delivering it insofar as possible within the timetable in which those things can be delivered in the context of the Government's other priorities.

790 **Hon. J J Netto:** I am grateful for that.

795 **Disability Action Plan
Costs and starting date**

Clerk: Question 36, the Hon. J J Netto.

800 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what features and objectives the proposed Disability Action Plan will contain, what the cost involved is and by when will it be introduced?

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

805 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Government will be meeting all representative organisations in the field of disability in order to establish the features and objectives that the proposed Disability Action Plan will contain. Once we have completed this process, we will then be in a position to assess the exact contents of the plan and will provide an estimate of the cost incurred.

810 **Hon. J J Netto:** Well, Mr Speaker, of course the Government will wish to consult as widely as possible in the development of a Disability Action Plan, but given that this is an important issue, at least for the party opposite to be able to mention in their manifesto, one would have thought that, despite consulting other people as to the details of the Disability Action Plan, at the very least the Government, or the party when it was in Opposition, would have had a general idea, a scope of what the issues that are contained within the Disability Action Plan.

815 What I am asking the hon. Lady is why they thought it so important to put it in the manifesto because, obviously, they must have thought there was a gap and a need to develop this, so what was the scope of the idea that would go within the Disability Action Plan? I am not asking for the details of the Disability Action Plan. At the end of the day, the Disability Action Plan, by definition, is nothing other than a pathway for the disabled people, whether to do in Education, whether it be in Employment, whether it be to do with participation in culture, in the arts etc. Will the hon. Lady at least give me a scope of what she thinks will be contained in the Disability Action Plan?

825 **Hon. Miss S J Sacramento:** Well, we have already had representations made to us from certain disability societies and certain disability movements, both before the Election and since taking office. However, this is a plan that we will hope to achieve, that we certainly will achieve in this term of office and it is not a plan that will be rushed. It is a plan that will be given careful consideration and will be given in-depth consultation to make sure that we meet the objectives of the service users to whom we will be delivering this plan. At this moment the Disability Action Plan is at an early stage.

830 **Hon. J J Netto:** Mr Speaker, with respect, I do not think the hon. Lady opposite has understood my supplementary question. Of course, the Department will take the time that it needs to be done and, of course, the Government will want to consult with as many stakeholders as is reasonable to do so, but that is not what was my supplementary question.

835 My supplementary question was: given that they felt it important during the Election to mention it on page 82, surely they must have concluded that there is a need of a Disability Action Plan to be able to do a number of things. I am not saying about what they are going to do over the next four years. What I am saying, the hon.

Lady, is what does she think that the Disability Action Plan will contain, regardless whatever the fruits of the consultation thereafter?

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Hon. Miss S J Sacramento: Mr Speaker, it seems that it is the hon. Gentleman opposite who did not understand my response.

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My response is that we are not going to tell people with disabilities what is going to be contained in the Disability Action Plan. We want *them* to tell *us* what the Disability Action Plan is going to contain. Therefore, we have already started the consultation process. Clearly, given that we have not been in office for barely two months yet, it is still at a very embryonic stage. *(Applause)*

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Hon. J J Netto: Mr Speaker, I am afraid that the hon. Lady is simply not listening to what I am saying. *(Interjections)* I am not telling her –

Hon. Miss S J Sacramento: Mr Speaker –

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Hon. J J Netto: Mr Speaker, I know that the hon. Lady is new to this Parliament, but she has to accept and understand that if I am on my feet about to ask a question, she has to have the patience to sit down and listen to the question.

Mr Speaker: I think that is a bit unfair, personally. Worse crimes have been committed in this Parliament!

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A Member: Hear, hear.

Hon. J J Netto: Well, Mr Speaker, well, I do not know whether... well, I had better not say.

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Mr Speaker, I understand that she will want, along with other stakeholders, to enter into a process of consultation in order to develop, eventually, the details of the Disability Action Plan, but that is not what I am asking. What I am asking her, regardless of whatever the views of other disability representative groups, what *her* views are in relation to the Disability Action Plan for which they think it was important enough to put in their manifesto? That is what I am asking.

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Hon. Miss S J Sacramento: Mr Speaker, at the risk of repeating what I have said earlier, I want to make it clear that I do not wish to pre-empt what the ultimate service users are going to ask me what they think is required as part of the consultation process that the Government is going through with them.

A Member: Hear, hear.

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Hon. J J Netto: I am not going to hold a gun against her head just because this is embryonic or because I am trying to pre-empt. All I am asking, Mr Speaker, is whether she has *any notion whatsoever* what the Disability Action Plan is going to be – yes or no?

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Hon. Dr J E Cortes: Mr Speaker, if I may assist here, the word is ‘consultation’ and the hon. Member must remember that when you consult, you listen to people and you do not try to direct. Unfortunately, he was a Member of a Government where often consultation papers sounded more like decrees. That is not the way we are going to do things. We are going to listen to the people and, after that, of course we will contribute our side, but we want to hear what they have to say because we do not want to impose our wishes. We want to listen to the people. These groups are the ones that know more about it than anybody else.

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Hon. P R Caruana: Mr Speaker, I entirely agree with the hon. Member opposite, except his allusions to the previous Government. *(Laughter)*

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Does he nevertheless not agree that, laudable as it is to consult other people and seek their views to take them into account, consulting other people to find out their views is not an alternative to having views of your own, or is the Government saying that it will simply do, on this and every other issue, what other people say to them needs doing? That is not what a Government is, and that is not what people expect of a Government.

So the question, which sounded to me rather simple and did not require all this banter, was simple enough, and I will illustrate it for him if he wants. Notwithstanding that they are laudably going to consult, and

895 separate to what other people may say to them is their view or preference in that consultation, do *they* have a view? For example, let me jog their memory. It is not the case that they will do only what the consultation process say because their manifesto says:

900 ‘...that in Government we will adopt the proposal for a Disability Action Plan which we will develop in close consultation with the Gibraltar Local Disability Movement and their relevant representative organisations. This will include action to increase the number of disabled parking bays and to control abuse of parking spaces...’

So that we know now, from reading their manifesto, that regardless of the consultation process, it is their view that the plan will include at least the number of disabled parking... Now, is there anything else, or do they have no view beyond what should be in such a plan beyond those two points?

905 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman laudably continued to read beyond the sentence that appeared to have prompted the question – so already he sees that there are other issues there.

910 If he carries on reading the rest of the page, Mr Speaker, he will find a lot of other things, which will necessarily, if we do them, form part of a Disability Action Plan. For example, the issues relating to respite, future planning for the disabled, the disability laws, the import duty waiver that disabled people should be entitled to, the changes in the way the Disability Allowance is granted, home help, funding, orthopaedic equipment, sheltered employment, how we will deal with the blind, all of those things must be an indication to the hon. Gentleman and Lady opposite of the things that would form part of the plan.

915 I think it is absolutely right when you go to a consultation not to say necessarily, ‘This is what we want to do. Is it okay? Have you got other ideas?’ It is equally valid to say to people, ‘Look, can we have your ideas?’ and, of course, we have been doing that in Opposition and we know what their ideas are and that has informed our thinking on the whole of the page and the action plan will be further informed by that thinking.

920 The thinking that already forms part of the manifesto is the basis of what an action plan will include in some parts and other things will come through as a result of the consultation. On this issue, I think that there should be very little for us to disagree with.

Life planning for disabled persons Features, costs and implementation

925 **Clerk:** Question 37, the Hon. J J Netto.

930 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what features of the programme of life planning for disabled persons will have, as stated in their manifesto, what the costs, if any, are, and when will they implement this policy?

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

935 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as a preliminary to the life plan, the Government is in the process of identifying individuals with a disability first, so that we can then proceed to make an assessment of their needs. This is at an early stage.

940 **Hon. J J Netto:** Well, again, Mr Speaker, fine, they can assess the needs, but that does not answer the question as to what the features of the life programme will contain.

Are we talking about, perhaps, either some other life planning schemes run by other jurisdictions which look into income and expenses, life skills, educational skills, etc etc. In other words, are they copying the model of, say, the UK model? Are they copying a model of the Australian model? Are they doing a hybrid of the two? What features will it contain?

945 **Hon. Miss S J Sacramento:** Again, I will refer to those features that have already been highlighted in our manifesto, which are features that relate to people with disability; but, clearly, before we can identify what feature will relate to each person, we first need to identify what disability each person has.

950 **Hon. J J Netto:** Mr Speaker, does the hon. Lady know how long this process will take?

Hon. Miss S J Sacramento: I cannot at this stage say how long this process will take because, unfortunately, I am finding difficulty in undertaking the first audit of identifying who has a disability and what disability this is.

955 **Hon. J J Netto:** Mr Speaker, doesn't the Care Agency, in relation to the ??? that deals with disability have a register of disabled persons and the disability that that particular person has?

960 **Hon. Miss S J Sacramento:** Mr Speaker, as far as I am aware, the Care Agency has a register of disability of people who come within the remit of the Care Agency, such as the people who use the facilities at St Bernadette's, Dr Giraldi Home and the other care homes, but not of the general public in Gibraltar, Mr Speaker.

965 I am, however, at the stage where I have asked for the information from all the different Government Departments in order to collate a database of people resident in Gibraltar with disability and what their disabilities are.

970 **Hon. J J Netto:** I accept the fact that, perhaps, the only information available to her is information with regard to disabled people who are being provided a service by the Care Agency and not necessarily by all disabled persons in the community. I accept that, but, given that at the very least she has the information in relation to disabled people who have a service by the Care Agency, at the very least in relation to them, she can start the process of a scheme for life planning. Is that not the case?

975 **Hon. Miss S J Sacramento:** Well, Mr Speaker, first of all, one would expect that those that come under the umbrella of the Care Agency already have a certain element of planning. However, what is not desirable in this exercise is for us to go through it piecemeal. First of all, what we need to do is identify the needs and our project can commence from there, Mr Speaker.

980 **Increased Home Help
Date and cost of introduction**

Clerk: Question 38, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what aspects of Home Help will be increased, as stated in the Government's manifesto, by whom, when it will be introduced and what the extra cost will be?

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

990 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a study is currently being undertaken. Phase one of that study will be to identify what aspects of help individuals require in their homes.

995 Phase two of the study relates to the cost of that service and then phase three of that study will be to identify who will provide that service.

Hon. J J Netto: Mr Speaker, in relation to the study, presumably what she means, that the ... What I am trying to get at is what is the type of Home Help that is required?

1000 Are we talking about here 'Home Help' in the sense of, perhaps, providing extra care workers in order to provide some kind of a respite, or perhaps some kind of a sitting service, or perhaps in their own flat in the community? Is that what she means by Home Help or does it mean something else completely?

Hon. Miss S J Sacramento: Well, Mr Speaker, the first issue that we are tackling is that of domiciliary care because, unfortunately, I have inherited a waiting list of people who want domiciliary help and, as of last

- 1005 week, Mr Speaker, the number of people in Gibraltar who require domiciliary care is 309 people.
There are people on this waiting list for domiciliary help dating back to 2003, 2005 and 2006, so the most urgent task that has been undertaken in this regard, Mr Speaker, is to assess the needs of those people on the list and the urgency that may be required for domiciliary help and the level of domiciliary help that may be required.
- 1010 **Hon. J J Netto:** Mr Speaker, I detect a tendency, probably started by the Hon. Dr Cortes, in relation to try and score cheap political points (*Interjections*) and trying to say, 'Well, you know, we have got a waiting list of 309.'
Well, let me tell the hon. Lady that domiciliary care did not start with the GSLP Government; it was started by the GSD Government. It started with the GSD Government in 2002, with a budget of £160,000.
- 1015 Currently, this financial year... a current budget of £750,000 and that shows the extent to which the commitment of this GSD Government in relation to providing this kind of help to a lot of people. That is the first thing I have got to tell the lady.
But the purpose of me standing up is for the purpose of asking questions, not going backwards... and the purpose of my question is to try and identify whether the domiciliary..... the increase in Home Help, is it going to be targeting, in this particular case, just the elderly or elderly and the disabled, and whether we are talking about here, Mr Speaker, in providing more assistance by way of care workers or perhaps even other things that may be needed by these particular groups of people?
- 1020 Can she give an answer to that?
- 1025 **Hon. Miss S J Sacramento:** Mr Speaker, if I wanted to score cheap political points, I would have told the hon. Gentleman opposite that it was his Government who had a statutory obligation to make sure that this building did not discriminate against disabled people since 1st March 2007, when the Equal Opportunities Act came into force. I did not do that, Mr Speaker.
All I have done is I have stated the facts that –
- 1030 **Hon. P R Caruana:** You have just! (*Interjection and laughter*)
Hon. Miss S J Sacramento: – the waiting list (*Interjections*)
- 1035 **Mr Speaker:** Order, the Hon. Minister is trying to... (*Interjections*) Order! The Hon. Minister is trying to answer the question.
Please continue.
- 1040 **Hon. Miss S J Sacramento:** Yes. So in answer to the question is that immediately what concerned me and alerted me to this problem, having found that 309 people in Gibraltar needed domiciliary care, is to assess what kind of domiciliary care they need.
Now, in answer to the question, as to whether this would just be restricted to the elderly or also extended to the disabled, then my answer to that is that it will be extended to both and any other person who may need domiciliary care, as may be assessed by the Care Agency as necessary and as relevant, Mr Speaker. At the moment what we are doing is assessing the needs of the people on the list, because there has not even been an assessment of need, or of urgent need, of the people on the list.
- 1045 **Hon. J J Netto:** I take issue with that particular comment, because when people put their name on the list, for domiciliary care, the people in charge of domiciliary care take into account the needs of that particular person, so it is not true to say that there is no knowledge about the needs of people who put their name for domiciliary care. There is.
When she goes back to the office and when she calls the relevant people to do that, she will find that there is an assessment on the needs of the particular person. In the vast majority of the cases she will find there is a need, perhaps, for more money as we were committed to do to increase it, as we have been increasing it since 2002, right, to be able to give those particular people, more care workers to be there for particular hours during the day.
- 1050 She can do all the assessment and all the consultation she wants, but if she wants to start tackling the problem, she is going to have to put more money into the kitty, as we have done. (*Interjection*) and she can do
- 1055

1060 it right now, regardless of how much she wants to assess. So the question is, can she start implementing the policies in her manifesto, which will produce a positive result?

Hon. Miss S J Sacramento: Mr Speaker, the short answer is, yes, but I would also like to ask the hon. Gentleman opposite, that if he knew the answer to the question, then why ask?

1065 Having said that, actually, it is not the case that there is assessment of all the people on the list because, otherwise, enquiries that I have been receiving since I have been in office for under two months, or even a month and a half, I have been receiving enquiries from people who have been on the domiciliary waiting list for over two years and have never had an assessment done, Mr Speaker.

1070

**Care Agency staff
Training programme on child protection**

1075 **Clerk:** Question 39, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that she will continue with the previous Government's training programme on child protection for the Care Agency staff and all other stakeholders and, if so, provide a breakdown of the persons involved in 2012 across public sector organisations, the level of training and when?

1080

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that such training will continue and, in fact, will be wider and more robust.

1085

I can confirm that the Safeguarding/Child Protection Training programme will continue to be delivered to employees of the Gibraltar Health Authority, the Education Department, the Royal Gibraltar Police and the Care Agency.

In respect of tier 1, Safeguarding/Child Protection and Training, it is proposed that there be one training session each month, as from February through to December, except during the month of August.

1090

In respect of tier 2, Safeguarding/Child Protection and Training, there will be training sessions in February, June and October 2012.

I now hand to the hon. Member a handout with the proposed training dates and, in addition to this training, there also will be a child protection conference, second child protection conference during late summer/early autumn 2012.

1095

The Hon. J J Netto: Mr Speaker, I am grateful for that information and I am grateful also for the fact that she will be continuing with the programme started by the GSD government in relation to these particular training courses being provided, not just to the Care Agency staff but, indeed, all front-line staff of other Government departments and other authorities and agencies in such provision.

1100

Can I ask the hon. Lady, in relation to the training that took place a couple of days ago in Bleak House, who was the person who delivered the training there, Mr Speaker?

Hon. Miss S J Sacramento: I am happy to answer that, Mr Speaker, but that was not child protection training, that was DCRT training, not directly related to the question.

1105

I am happy to answer it, nevertheless, it was Mr Alan Benn.

Hon. J J Netto: Alan Benn. Sorry, I did not quite catch –

Hon. Miss S J Sacramento: I understand he has been providing training for the Care Agency in the past.

1110

Hon. J J Netto: Right. Can the hon. Lady tell me what the aim of this training was?

Hon. Miss S J Sacramento: Mr Speaker, as I said, this question is not related to the original question, it is

1115 in relation to completely different training. I am happy to respond to it.

Mr Speaker: Well, it is up to the Minister if she wishes to provide the information. If she can't, she can't.

1120 **Hon. Miss S J Sacramento:** The DCRT training which was provided last week was in relation to training care workers in dealing with children who have particularly challenging behaviour.

Hon. J J Netto: Right, well, I am grateful for that.

1125 So, basically, if I can jog her memory, the aim of the training was to be able to teach students about awareness of current legislation relating to conflict resolution training, to be able to teach safe breakaway techniques and positive handling strategies, teach students the importance of post-incident analysis, reporting and recording staff and services users support after an incident. That was the aim of the conflict resolution training two days ago, then, by Alan Benn?

1130 **Hon. Miss S J Sacramento:** Yes, it was not conflict resolution provided two days ago. In fact, the training commenced last week, Mr Speaker.

Hon. J J Netto: So, in fact, this particular training was part of the training that was announced by the Care Agency in establishing a development programme for January to December 2011. Can she confirm that?

1135 **Hon. Miss S J Sacramento:** No, Mr Speaker. This is different training, in addition to the training which we had to organise as a result of certain events: this was training that was organised at short notice. It was a five-day training: it is not the training that had already been programmed by the Care Agency.

1140 **Hon. J J Netto:** Could the hon. Lady, Mr Speaker, the hon. Minister, then reconcile the fact that she seems to agree that the training has been delivered by Alan Benn, she agrees with me what were all the aims of the training provided, she will agree with me that it was inserted into the report of the staff training and development programme for December 2011. The only thing that was left in the report, if she – I do not know whether she has got it in hand – but she can look at it, was that a date had to be confirmed, so everything that happened two days ago was scheduled to happen last year? Will she not agree with me?

1145 **Hon. Miss S J Sacramento:** Mr Speaker, can I ask the hon. Gentleman opposite if he is referring to a Care Agency document which is not in the public domain? Is this the document that the hon. Member is referring to?

1150 **Hon. J J Netto:** Mr Speaker, I am referring to the note which, if she wants to cross the floor and sit between Hon. Mr Figueras and myself, she can look at for herself.

Can she answer the question, then, which is, if she agrees with me that the course was delivered by Alan Benn, if she agrees with me on the aim, if she agrees with me that the course was inserted and planned for last year, right, does she agree with me with all of that?

1155 **Hon. Miss S J Sacramento:** No, I do not, because although there was a course which was planned for now, it is not *this* one.

1160 This is a more intense course that was planned as the result of certain incidents, Mr Speaker. It is a new course that was planned a couple of weeks ago, which Alan Benn has already delivered training on these themes. This is not a training course that was delivered to students, it was a level 2 training course, a more intense training course delivered to care workers already in employment and it is a more intense training course than that which was envisaged would be provided at the time when the training programme was commenced, Mr Speaker.

1165 **Hon. J J Netto:** The hon. Lady says that this training almost came about in a kind of emergency way, because there were some incidents. Perhaps she can enlighten us, what incidents she is referring to, and when was the date of the incident that prompted, in such an emerging way, in such a rush and emergency way, to get Alan Benn to get into an aeroplane at Gatwick or wherever he lives in the UK and rush here to prepare this course? Can she, therefore, tell us what incident prompted such an emergency to get this man in an aeroplane,

1170 to come to Gibraltar, to deal with this particular course?

Hon. Miss S J Sacramento: Mr Speaker, perhaps the hon. Gentleman could give notice of the questions he wishes to ask. This one is not related to his original question and if a decision to implement certain training is taken as a result of any incident, then, Mr Speaker, it is done as a responsible measure and it was done because of that.

1175 I will not... I do not think it is appropriate to give any further details in relation to anything. I am happy to do so to the hon. Member in private, Mr Speaker.

Hon. J J Netto: I am not asking for things to be said in private, what I am asking her, Mr Speaker, is that, if something serious happened – let us leave aside the details of what happened – but something happened in the last four weeks, surely, as Minister for Social Services, she would have been so concerned about it, right, that she would know when the date of the incident was, which then resulted in her giving instruction to the Care Agency to get this man into an aeroplane, to come to Gibraltar, to get a booking in Bleak House and get all the staff in Bleak House to attend this emergency course?

1185 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, it is called being efficient, although that is not a question, but, yes –

Hon. J J Netto: I am asking the hon. Lady, Mr Speaker, when was the date of such a serious incident to get this man into an aeroplane to come to Gibraltar? (*Interjection*)

1190 **Hon. Miss S J Sacramento:** Mr Speaker, I was satisfied that the incident was serious enough to warrant the organisation of this training. It is training that was organised as the result of an event and not one that was already in the training plan last year, Mr Speaker.

1195 I have already answered the question.

Hon. J J Netto: Mr Speaker, with respect, if this is so serious an incident, does she not remember when it happened? Was it – let's see – they got into government on 9th December. Did it happen before Christmas, or after Christmas?

1200 **Hon. Miss S J Sacramento:** Mr Speaker, this is the result of certain incidents which, in fact, commenced in early December. They continued during December and reached the stage, where, at the end of December/early January it was necessary to take the action that was necessary, which was to make arrangements for a specialist trainer to come and deliver intensive level 2 training, a five-day course to 16 care workers working at the residential homes.

1205 **Hon. P R Caruana:** Mr Speaker, obviously without transgressing into any giving of public details that the hon. Lady may feel is inappropriate, certainly none that identify anybody, is there anything that the hon. Lady can say of the *nature* of the incidents that caused her to take this serious view. In other words (*Interjection*) well, yes, but no-one in suggesting... no-one is blaming you for the incident. I was just asking whether there is anything she can say to identify the *type* of incident. (*Interjection*)

1210 I mean, was it child abuse, was it bad fire drill practice, was it pilfering from... you know, what was it? (*Interjection*)

1215 **Hon. Miss S J Sacramento:** Mr Speaker, I do not believe it is appropriate for me to provide details. It is just something that has been ongoing since early December, Mr Speaker.

Hon. P R Caruana: I am not asking for details, I am asking just for a general categorisation of the matter. Are we talking about abuse of power, are we talking about child abuse, are we talking about pilfering, are we talking about bad hygiene practice, I mean, no-one is asking her to identify *anything* by way of detail about a particular incident, I mean, you know, what sort of thing is going on in the Care Agency since early December? I mean, if she thinks there is nothing she can say, but it is pretty odd there is nothing that can be said.

1220 **Hon. J J Bossano:** Mr Speaker, I think if the hon. Member opposite asks the person responsible before

1225 the Election for the nature of the problem that was having in control in certain circumstances, then the Minister responsible at the time was aware of the problem and the problem got progressively worse. Therefore, the advice provided was that the people in employment were having difficulty in keeping that situation under control and needed a professional input.

1230 **Hon. P R Caruana:** Oh, I see, so it was staff training to assist the staff in better handling an evolving and worsening situation around a particular person. Fine.

1235 **Hon. J J Netto:** Can the hon. Lady perhaps telegraph me whether we are talking about a particular person, which in my time in office or perhaps I will drop it... if I drop it now, will the hon. Lady be able, on a confidential basis, to provide me with the detail of that particular person – (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, as you may recall, I offered to do that in my first answer, but not telegraph it across the floor. Maybe the hon. Gentleman may be happy to discuss it with me later. I am happy to discuss it with him on a confidential basis, as I have already informed him that I will be providing him with confidential answers to certain questions that he has asked.

CON'TD ANSWER TO QUESTION 39 OF 2012

The proposed dates for Tier 1 Safeguarding/Child Protection Training are:

1240 22nd February 2012
20th March 2012
19th April 2012
23rd May 2012
12th June 2012
4th July 2012
18th September 2012
18th October 2012
21st November 2012
5th December 2012

The proposed dates for Tier 2 Safeguarding/Child Protection Training are:

9th-10th February 2012
21st-22nd June 2012
25th-26th October 2012

In addition to the above the Child Protection Committee will be planning its second annual Child Protection Conference during late Summer/early Autumn 2012.

1245 **Child Protection Team
Resources available and cost**

Clerk: Question 40, the Hon. J J Netto.

1250 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what resources over and above current ones will be made available to the child protection team, the cost involved and by when will this be available?

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

1255 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a complete review of the structure of Social Services has already commenced with a view to identifying what resources are required. Once known, this will be costed.

Hon. J J Netto: Does the hon. Lady know how long that review will take place?

1260

Hon. Miss S J Sacramento: This review will be done quickly, because it is something that needs to be resolved quickly. If additional resources are required, then they will be provided quickly.

1265

Hon. J J Netto: Mr Speaker, without wishing to sound pedantic, but when the Hon. Chief Minister used to be on this side of the bench, he used to chastise us on the definition of 'quick'. How quick is quick, he used to say quite often. Can she give us, at least, whether we are talking about weeks, are we talking about months, are we talking about – what – an indication of how quick is quick?

1270

Hon. Miss S J Sacramento: As quick as is needed to do it properly, but as soon as possible.

Hon. J J Netto: Does that mean a day, a week, a month, six months?

1275

Hon. Miss S J Sacramento: Mr Speaker, it is envisaged that it will be done as soon as possible. It could be a number of weeks. It could be a month or two. At this stage I do not know yet. It may be that the review is ongoing, but certainly, I envisage there will be changes to the structure very shortly.

Hon. J J Netto: I am deeply grateful.

1280

Care Plans Documentation criteria

1285

Clerk: Question 41, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if all care plans have been fully documented by all relevant staff associated with the individual care plans, needs and objectives within the Agency and, if not, why not?

1290

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

1295

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the answer is yes. When a child is first brought into public care, placement plans and an essential information record are presented and completed. This information is then transferred into a residential plan. The objectives of the task identified on the residential plan are translated into a day-to-day plan for each looked-after child, which will highlight meetings, appointments, contacts and the basic needs of the child, including health, education etc.

1300

This document will enable the staff to understand the child's routines and likes and be able to manage behaviours. All looked-after children have an allocated key worker who is responsible for the completion of the tasks identified in the residential and day-to-day plan. All looked-after children are subject to placement reviews, which will result in the residential and care plan being updated. This ensures that plans are continuously monitored and meet the changing needs of every looked-after child.

1305

Hon. J J Netto: I am grateful even though I am very well acquainted with the details of the care plan, as introduced by ourselves.

The point I was trying to labour on, Mr Speaker, and the reason why I have put this particular question here, is because when we moved most looked-after children into Tangier Views we had, for a short period of time, some teething problems with a minority of staff there, who were refusing to??? some of the care plan... not entirely to the care plan...

1310

It is something which I took very seriously with the senior management, because obviously that was unacceptable. The reason I was prompted to ask this particular question is that are they being complied with and the answer the hon. Lady has given me is that it is something that has been dealt with successfully and the care plans have been fully met by the people employed in the Care Agency, so I am grateful for that.

1315

**Court requirements for looked-after children
Meeting Care Plans**

Clerk: Question 43, the Hon. J J Netto.
I beg your pardon, Question 42.

1320

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if all Court requirements for looked-after children, as reflected in the care plans (that is Care Agency, Education, Health etc) are being met and if not, why not?

1325

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to report that they are being met.

1330

Hon. J J Netto: I am grateful for her answer and I am very pleased they are being met.

Once again, the reason why I am prompted to ask this particular question was because, at one time, for a short period of time, we did have problems on the Health Authority side in coming on board with their contribution within the care plan. It is something that we took up with the senior management of the Health Authority and the problem was that GPs did not want to make the contribution that was needed from the Health Authority to ensure that that part of the element of the care plan which dealt with health matters were being looked after.

1335

So perhaps, what I am asking, in this case, the Hon. Minister for Health, Dr Cortes, that he would not mind keeping an eye on this particular issue to ensure, through his senior management, that his GPs do comply with this requirement because, at the end of the day, it is quite an important and significant element of the care plan, as dictated by the courts.

1340

Hon. Dr J E Cortes: Mr Speaker, I will assure the hon. Gentleman that I am keeping a close eye on many things and also to assure him that the Health Authority and the Care Agency are working together extremely well and possibly better than ever before.

1345

**Unallocated referrals of children
November and December 2011**

1350

Clerk: Question 43, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if, in the months of November and December 2011, there were any unallocated referrals of children waiting for a service, and if so, provide a breakdown of the risk to any such children.

1355

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to report that, during the months of November and December 2011, the child protection team had no unallocated referrals. Of course, it was not until July 2011 that the backlog of unallocated referrals were dealt with, because, in November 2010, there was a point when there were 52 unallocated referrals outstanding. In May 2010 there were 119 children referrals unallocated and outstanding and in February 2009 the figure was 101.

1360

I can confirm that in November and December 2011 there were none unallocated.

1365

Hon. J J Netto: Obviously, the hon. Lady feels obliged to try and score cheap party political points, but does she not recognise that the reason why there were not any unallocated referrals in October, November, December, was the result of the fruits of the GSD Government by introducing the Children Act and by having more social workers? This is the reason why you do not have any unallocated cases now.

1370 **Hon. Chief Minister:** Mr Speaker, it is Question Time, not 'justification of my sixteen years of Government's time'.

1375 **Hon. J J Netto:** Mr Speaker, I am sorry, it is the hon. Lady who is trying to score cheap party political points.

Hon. Chief Minister: Mr Speaker, it is the hon. Gentleman who has to get up in this House in this part of the Order of the Day to ask questions.

1380 **Mr Speaker:** But I think that was a preamble, which asked the hon. Lady to recognise the fact that there were no unallocated referrals during October, November, December was due to the efforts of his Government. That is what I understood the question to be.

1385 **Hon. Miss S J Sacramento** I can state that, as a matter of fact, there are no unallocated referrals in November and December 2011. That is a matter of fact.

Hon. J J Netto: Mr Speaker, I am grateful for the fact that she acknowledges the success of the GSD Government when there. (*Interjections and laughter*)

1390

**Looked-after children
In employment, education or training**

1395 **Clerk:** Question 44, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that all its looked-after children are either in employment, education or training and if not, why not?

1400 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, they all are. Out of the 41 looked-after children, 34 children are in education, seven are registered and are awaiting placements in a vocational training scheme.

1405

**Care Agency
Incidence of bullying or harassment**

1410 **Clerk:** Question 45, the Hon. J J Netto.

1415 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any acts of bullying or harassment in the Care Agency, since this policy was launched and, if so, can a breakdown be provided showing the number of occasions by month, type (that is, verbal, non-verbal, physical or corporate bullying by line managers etc.) and whether informal or formal measures have been instigated?

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

1420 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** The Care Agency's bullying and harassment policy was launched on 17th November 2011. However, I understand this is still in draft format.

I am informed that this policy has not, in fact, been ratified and is therefore not in force. As such, no complaints of bullying and harassment can be made under this policy.

1425

Hon. J J Netto: Mr Speaker, that is news to me.

The policy *was* launched actually and was launched with the support of the union representative. In fact, they were actually the instigators of getting the bullying and harassment policy going. It is something, Mr Speaker, that was launched and I remember rightly now, we made it official with a press communiqué, with a press statement, so the actual policy was initiated, so I do not see why the hon. Member says it has not been initiated.

1430

So the question is, Mr Speaker, for the period in which it was launched, right, were there any acts of bullying during that period?

1435

Hon. Miss S J Sacramento: Mr Speaker, I am advised by senior management that there was a launch but, following the launch the policy was not signed off, was not ratified and therefore not enforced.

This was a question that I asked, because obviously in answer to this question, I asked for a copy of the bullying and harassment policy. The document that I got was in draft. When I queried whether this policy was still in draft, or whether perhaps I had mistakenly been given the wrong document, I was informed by senior management – and again I have queried this today – whether this document is in draft or not, and I have been assured there was a launch on 17th November. I accept there was a launch, I said that in my first answer, but senior management advised me that it was not ratified, therefore not in force. So if it is not in force, no complaints can be made under this policy.

1440

1445

Hon. J J Netto: Mr Speaker, the only reason why the hon. Lady has got a copy of the report there with the word ‘draft’ on the front page is because she has a previous draft that has been given to her. If she cares to look at the draft that was given which was attached to the press statement, obviously it did not have the word ‘draft’ on there.

The only person that sanctions the policy was me, by doing it publicly, so it is not in draft form, it was officially launched and made public to the press.

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1455

Hon. Miss S J Sacramento: Mr Speaker, I have checked this point today again, because I was concerned that the document I got said ‘draft’ on it. I therefore checked the matter and I have been assured by senior management at the Care Agency that the document is still in draft. I am told that, in order for it to be enforced, it needed to be ratified and signed by the Minister and that the document was not signed by the previous Minister.

That is what I have been told by senior management, Mr Speaker.

1460

Hon. J J Netto: With respect, if the hon. Lady asked to get a copy of the press statement when I launched the policy, right, she will find that that, by definition, makes it official and is ratified. It may not have, on a little corner by the page, where it is signed or not signed, but if the Minister actually makes a press statement, having done all the consultation process, both internally with management and externally with the union which instigated this policy, and I launch it officially, then it is the official policy of the Care Agency.

1465

I am sorry, Mr Speaker, that is the official policy of the Care Agency, because the Minister has officially launched it, having completed the consultation process. That is the fact, so what I am saying, Mr Speaker, having launched it officially, for that period in time, was there any act of bullying or harassment? (*Interjection*)

1470

Hon. Miss S J Sacramento: Mr Speaker, I am not aware that a press release or a press conference brings a document into force or ratifies a document. I am, of course, conscious of my duty to this House and therefore I have checked more than once with senior management on the position and what I am advised by senior management is that this document is not in force, because it required a signature by the Minister and such signature did not happen. Therefore, the document, I am told, is not in force, Mr Speaker.

1475

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, can the hon. Lady confirm, the Hon. Minister confirm, whether she intends to commence the policy herself, then? (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, this is a matter that needs to be reviewed with the Care Agency

1480 and, of course, in line with this Government's Command Paper on the same matter. It is not a commitment that I can make today, Mr Speaker.

1485 **Care Agency Residential Homes
Recordable acts of violence**

Clerk: Question 46, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes from 8th December 2011 to date and, if so, could she provide a breakdown showing the date of the incident/s, whether the incident was between children, or between children and staff and whether, as a result of the incident, medical attention was required, either at the home or in the hospital and for what purpose?

1495 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Yes, I have a handout of these incidents which I would like to pass to the hon. Gentleman.

ANSWER TO QUESTION 46 of 2012

TABLE SHOWING RECORDABLE ACTS OF VIOLENCE WEF 8/12/11

INCIDENT DATE	INCIDENT BETWEEN		OUTCOME
4/1/11	Child	Carer	NO MEDICAL ATTENTION
2/1/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/11/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
14/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	MEDICAL ATTENTION
25/12/11	Child	Carer	NO MEDICAL ATTENTION
27/12/11	Child	Carer	NO MEDICAL ATTENTION

1500 **Hon. J J Netto:** Mr Speaker, whilst the answer is coming through, could I proceed with my supplementary?

Mr Speaker: Yes, certainly.

1505 **Hon. J J Netto:** Following the incident, whatever the incident and the number of incidents and the nature of the incident, is the Minister satisfied that the right protocols have been invoked after the incident?

Hon. Miss S J Sacramento: I am sorry, Mr Speaker, I did not hear the question.

1510 **Hon. J J Netto:** Mr Speaker, what I am saying, following the incidents – obviously, I am presume she would be informed, just like I was informed before – and is she satisfied that the right protocols of the Care Agency were invoked post incident?

1515 **Hon. Miss S J Sacramento:** Not only am I satisfied that the protocols have been properly employed, but we went over and above, because it is as a result of these incidents that we arranged for the level 2 DRC training by Mr Alan Benn.

Hon. J J Netto: As a result of the incident, were incident forms filled after the incident?

Hon. Miss S J Sacramento: Sorry, I did not hear that, Mr Speaker.

1520 **Hon. J J Netto:** As a result of the incident, was incident forms filled after the incident?

Hon. Miss S J Sacramento: Mr Speaker, I would expect that they were.

1525 **Hon. J J Netto:** Would the hon. Lady, when she has the opportunity to go back to her office, confirm that?

Hon. Miss S J Sacramento: I am happy to confirm it. I do not have the actual information. I will confirm it to the hon. Gentleman on a confidential basis.

1530 **Mr Speaker:** The Hon. Daniel Feetham.

1535 **Hon. D A Feetham:** Do these incidents that the hon. Lady has listed in the schedule that she has been so kind as to produce to this House, do they relate to the incident we were talking about a few moments ago, when the hon. Lady said that she...

Hon. Miss S J Sacramento: Yes, Mr Speaker, the incidents that commenced on 28th November 2011.

1540 **Hon. D A Feetham:** So, effectively, what we are talking about, just so that we are clear, is that there were incidents on 28th, two incidents on 28th November last year and then there is a plethora of incidents as from the date of the General Election on 8th December and all the way through to the end of December? That is correct, isn't it?

1545 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, although some of the incidents do not relate to the same child.

Hon. D A Feetham: So, can the hon. Lady inform this House as to how many children or persons in care do these incidents relate to?

1550 **Hon. Miss S J Sacramento:** Mr Speaker, it is a question that I would rather answer to the hon. Gentleman opposite in private. I would rather do that for the sake of the children involved, Mr Speaker.

1555 **Hon. D A Feetham:** But you see, Mr Speaker, does the hon. Lady not accept that, in fact, my question does not ask her to betray any confidence or reveal anything that is confidential in nature, it is just a question of numbers in relation to these incidents. Is it one more child, two more children, three more children? That is all that we are asking.

Hon. Miss S J Sacramento: Mr Speaker, it is just that if I answer that question, I do run the risk of identifying the child or children.

1560 **Hon. D A Feetham:** Why is that?

1565 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman is truly interested in the information – and the Hon. Minister is telling him he can have the information and she will give it to him – on every occasion that has been the case in the past, particularly on issues like this, we have accepted that. If the hon. Gentleman wants the information, it is there for him to have.

1570 Look, if he makes a judgement that, having been given the information confidentially, it is not information that could possibly have identified the child, then next time when he asks questions on this subject, he can make that point. But the Hon. Minister is not saying that she will not give the information. In her judgement – and the Members opposite have to accept that now it is *our* judgement that matters – before, it was theirs – this could lead to some potential identification. We are not trying not to provide the information, we just want to give it to them, as responsible Members of this House, outside the confines of what everybody else can listen to.

1575 **Hon. D A Feetham:** Mr Speaker, that may well be your judgement, but that does not mean that we cannot question that judgement, and that is precisely... (*Interjection*) At this stage, that is not what I was doing, but certainly the reality of the situation is that this House is to elicit information, the answers are given in public, unless, of course, there are cogent reasons why those answers should not be given in public.

1580 At the present moment, I just simply cannot understand why the question – how many children does this relate to? – give rise to any potential breach of confidential information? I am entitled to ask that question. Of course, I am not going to press it further and I will wait for the hon. Lady to provide the information and if, of course, we are not satisfied, we will come back and we will ask further questions.

1585 **Hon. Chief Minister:** Mr Speaker, you see the issue is this. Having the information, as the Minister does, she makes the judgement that it can, in some way, have the effect of disclosing the identity of people whose identity, I am sure, across the floor of the House, we do not want disclosed, because it would not be in their interest. Therefore, the Minister makes that judgement.

1590 What the hon. Gentleman is doing by questioning that is (a) doing something that we have never done, when we were on that side of the House but, look, if they want to do it, they are free to do it, and (b) is, in effect, to say that they want to make the judgement by eliciting further information without knowing what it is that could result in identities being disclosed.

So, look, I will just say to him *on this issue*, which is a sensitive issue involving children, do not press us, because we will give you the information, but not all over the airwaves.

1595 **Hon. D A Feetham:** Well, Mr Speaker, that is the pot calling the kettle black. As I recall, my hon. Friend, Mr Netto, was consistently and systematically pressed on issues of this nature, when they were in Opposition.

1600 Look, I am not going to press it, though I have to say, again, I cannot see how you could possibly say, that saying there were two children involved, rather than one, raises any issue of confidentiality, or could possibly raise to a trail of inquiry actually identifying that child. But as I say, I am not going to press it and we will hear what the hon. Lady has to say.

1605 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman is doing, is actually the usual ‘do as I say, not as I do’, because he is saying he is not going to do something which he then goes on and does by the manner of his intervention which, frankly, Mr Speaker, he should not be making, because this is Question Time, not ‘reason why I am not going to press the Question Time’.

Mr Speaker: Unless it is a question.

Hon. D A Feetham: May I ask this question?

1610 **Mr Speaker:** Yes.

1615 **Hon. D A Feetham:** Can the hon. Lady at least enlighten us in relation to this? Will she accept (1) that the majority of these instances have occurred on *her* watch and (2) would she also inform the House as to whether, in relation to the one or two or three or four other children that this entails, that that is not as the Hon. Mr Bossano indicated earlier on during his intervention that the incidents started prior to the 8th, that the

incidents actually occurred *after* 8th December?

1620 **Hon. Miss S J Sacramento:** If the hon. Member opposite can read, he will see that the incidents actually happened on 28th November and not after 8th December. There are, I accept... it is a matter of fact that there are incidents post 8th December. It is a matter of fact.

1625 **Hon. D A Feetham:** Yes, you see, but of course, I accept that if you are dealing only with one child, then it is absolutely correct to say the incidents in relation to that child commenced on 28th November and they continued and you have 12 to 15 other incidents under *her* watch. What I am saying is, do all the incidents in relation to all the children that appear to be involved, commence on 28th November, or do some of them in relation to some children commence afterwards on *her* watch?

1630 **Hon. Chief Minister:** This information has no partisan political value, I assure him. The only thing he is doing, by pressing us further, is to put us in a position where we may say something which may inadvertently identify a child.

Hon. J J Bossano: It has already.

1635 **Hon. Chief Minister:** I ask him to please do as he said he would, which is not press us further and, when Question Time is over, the hon. Lady will give him the information behind the Speaker's chair. That is the only issue.

Hon. J J Netto: If I may ask another supplementary question.

1640 The hon. Lady stated earlier on that, as a result of this incident, or perhaps some other incident, that this was what triggered bringing Alan Benn to do this particular course. Despite that, can she also state whether, as a result of the incident, quite apart from the training course, the Care Agency has introduced any changes in respect... to the practices where the incident took place, or in relation to this child or the people involved in the incident with this child?

1645 **Hon. Chief Minister:** Mr Speaker, if I can be of assistance, the very manner in which the hon. Gentleman has phrased his question leads us to this issue of potentially identifying a child. So can they please, just on this issue, even if they give us no quarter for the next four years on issues which relate to children, can they please just accept that we are not saying we are not going to give them the information. We are going to give them the information behind the Speaker's chair.

1650 If they take the view, when we give them the information behind the Speaker's chair, that they want to issue a press release and break the confidentiality in which that information is provided, because they say that there is no reason for it to have been confidential and they do not care, in *their* judgement, whether making it public is going to affect the child in any way because it may be identified, is a matter for them and they will answer to the electorate on it. But on this issue, if they give us no quarter on anything else, because in *our* judgement it affects potentially identifying a child, can they please just leave it there.

1655 **Hon. D A Feetham:** Mr Speaker, We are going to leave it there but I have to say that we do not agree. We do not accept their judgement for the reasons I have already expressed.

1660 **Mr Speaker:** May I permit myself a supplementary? The first two incidents referred to: is the date correct? They talk of January. That is what my copy says, anyway.

Hon. Miss S J Sacramento: Yes, and mine does as well, Mr Speaker. Those are the figures.

1665 **Mr Speaker:** I am just wondering whether... Anyway...

Hon. Miss S J Sacramento: Yes, those are the figures that have been provided to me –

1670 **Mr Speaker:** I will not press the Minister on that.

Hon. Miss S J Sacramento: – by management, Mr Speaker.

1675

**Care Agency monthly Expenditure Returns
From September 2011**

Clerk: Question 47, the Hon. J J Netto.

1680

Hon. J J Netto: Mr Speaker, can the Minister for Social Services provide a copy of the monthly expenditure returns report from the Care Agency to the Financial Secretary commencing from September 2011 to date?

1685

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, you may recall that this is the same question as Question 13 that was asked to the Hon. Minister for Enterprise, Training and Employment yesterday, and our answer is the same, that is, that this is a matter that we were not aware of until the question was posed to us and is something that is being considered.

1690

Hon. J J Netto: Is the hon. Lady aware that, as a result of the discussion yesterday, the Chief Minister said that they will discuss the matter further and they will give it further consideration?

1695

Hon. Miss S J Sacramento: That is what I have just said, Mr Speaker.

Hon. J J Netto: Sorry?

1700

Hon. Miss S J Sacramento: This question is the same as Question 13 yesterday, Mr Speaker, and my answer to the question is the same as the answer that the Hon. the Chief Minister gave yesterday.

**Discrimination legislation
Scope and application**

1705

Clerk: Question 48, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Equality state what the proposed legislation to protect people from discrimination will contain, what types of discrimination will it cover, and whether such law will apply to all residents, regardless of whether Gibraltarian, European or non-European, and by when?

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

1715

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government will start by conducting an audit to identify areas which do not protect individuals from discrimination. Once identified, we will be in a position to identify the scope and nature of the legislative programme.

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Hon. J J Netto: Despite the process that the hon. Lady has outlined, does she have any idea of any current areas that she thinks are not being covered by current legislation?

Hon. Miss S J Sacramento: Mr Speaker, this is our position at the moment, a month and a half into Government.

Although I have ideas, I will not be entering into that position today.

1725

Hon. J J Netto: Mr Speaker, with respect to the hon. Lady, this is something that, once again, entered into

the opposite Members' manifesto. Surely, Mr Speaker, it is not unreasonable to ask that if it had entered the manifesto, because they had identified an area which is not currently legislated as far as discrimination, it is not unreasonable for me to ask whether the hon. Lady knows that particular area, in order to legislate accordingly.

1730 So, does the hon. Lady know of any particular area that triggered the inclusion of that aim within the manifesto?

1735 **Hon. Chief Minister:** Mr Speaker, the hon. Lady, the Hon. the Chief Minister, the hon. the Members on this side of the House, all of us have, in our experience in the preparation of the manifesto and in our political careers and outside of our political careers, our own views about these issues. What we are not going to do is give him our own views about these issues today.

1740 I would have thought that this is something that, again, should not find great controversy on the floor of this House. All we want to do is to conduct an audit so that we all understand the areas objectively – not subjectively – that create the opportunities for discrimination in our laws and to people of all different characteristics which may give rise to those discriminations.

1745 Our position is that we are not going to share with the hon. Gentleman today our personal views or opinions on the subject. We are going to do the audit. Once the audit is out, it will be a public thing. They will have an opportunity to question us on the things that are in the audit and the things that are not in the audit. It is not as if we are going to attempt to conduct this in private.

If he wants to say to me, 'Once you have conducted the audit are you going to publish it? Are you going to share it with all of us?' Yes, the answer is, 'Yes, we are going to share that, we are going to publish it.'

If he reads just our section in the manifesto on disability, we think that there are discriminations there, but to ask us for just our general views on the subject, frankly I do not think is going to advance the matter.

1750 The hon. Gentleman has been elected to Opposition and therefore he has the obligation to hold us to account on these issues. I think he has got, in our first meeting, a commitment that we are going to publish this audit so that we can progress it. That is probably as far as we are going to take it today.

1755 **Hon. J J Netto:** Mr Speaker, with respect to the Chief Minister, he can do all the audit he wants, but what it stated in the manifesto, and I am quoting word for word:

'We will *legislate* to protect people fully from discrimination.'

1760 Their manifesto does not say, 'When in Government, or if in Government, we will do an audit.' So presumably, just like day follows night, at the time when they drafted this manifesto they must have known some areas where *they* think there is a vacuum, as far as the legislation is concerned. So what I am asking them is at the time they drafted this, what was it that they thought was missing?

1765 **Hon. Chief Minister:** Mr Speaker, at the time that we drafted this manifesto, we were all, at that stage, not even Members of the House, so the hon. Gentleman cannot ask us questions about what we thought at the time that we drafted the manifesto. He can ask us what we think today, and I have told him that I do not want to start giving opinions of each of the Members on this side of the House as to what we think will end up in that audit report. It is coming, it is going to be shared, it will involve our views as Ministers and Members of the Government. It can include their views, as Members of the Opposition, it can include the views of anyone who wishes to participate in the audit and it will be published and shared, but what we are not here to do, Mr Speaker, is to give opinions on what we thought when we were *drafting* our manifesto.

1770 **Hon. D A Feetham:** With respect to the Hon. the Chief Minister, he is merely waffling. Can the Hon. the Chief Minister at least enlighten this House about this: will it include the adoption of children by gay couples?

1775 **Hon. Chief Minister:** Mr Speaker, it may, if that is a discrimination which the audit identifies should be on it; it may not, if the audit does not identify that it will be on it.

1780 **Hon. D A Feetham:** Does the Hon. Chief Minister think that it ought to be on it? Does he think that there is discrimination in regard to gay couples in relation to the adoption of children?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. J J Netto: Mr Speaker, it is obvious that he does not want to answer the question.

1785 **Mr Speaker:** I would ask the hon. Members to refrain from having a parting shot. Question Time is about asking questions.

Hon. J J Netto: I agree.

1790 **Mr Speaker:** Well, it was a parting shot from the hon. Member without a question... Anyway, next question, please.

1795 **Civil partnerships
Recognition and entitlement to benefits**

Clerk: Question 49, the Hon. J J Netto.

1800 **Hon. J J Netto:** Mr Speaker, given the comments by the hon. Members in their manifesto with regard to civil partnerships, will the Minister for Equality state when it is intended to legislate for the recognition of civil partnerships, regardless of gender or sexual orientation, and whether this would bring entitlement to housing and Social Security benefits?

1805 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this is a commitment that will be implemented in this term of office.

1810 **Hon. J J Netto:** Will she, which is part of the question... She has not answered the other part of the question, whether this will be an entitlement to those people to housing and Social Security benefits.

1815 **Hon. Miss S J Sacramento:** Mr Speaker, I will refer the hon. Gentleman opposite to the manifesto, and the Government will make an announcement when the legislation is in draft for consultation with the community as a Command Paper.

1820 **Hon. J J Netto:** Is the hon. Lady aware, perhaps, Mr Speaker, that at the moment there may be some Social Security benefits which, obviously, are not entitled to people who may form, later on during the course of this parliament, civil partnerships?

Hon. Miss S J Sacramento: Yes, but... Yes, Mr Speaker.

1825 **Hon. D A Feetham:** Does the hon. Lady have any view as to whether granting homosexuals the right to a civil partnership without granting them the right to adopt children makes civil partnerships meaningless? Does she have any view of that?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

1830 **Mr Speaker:** There is also a Standing Order which deals with asking of opinions.

A Member: Absolutely.

1835 **Mr Speaker:** If the hon. Member accepts my word for it, I will leave it at that; otherwise, I will have to look for it. (*Interjection*) I beg your pardon? (*Interjection*) There is a specific Standing Order against that.

Hon. D A Feetham: It will just require a rephrasing of the question to say does the Government have any policy in that regard.

Mr Speaker: There we are.

1840

Hon. J J Netto: Mr Speaker, if I may, on a supplementary question, I think the hon. Lady, in her first answer, said that they intend to introduce civil partnerships during this period of parliament, which is a very vague answer to give.

1845

Could she perhaps be more precise in that particular answer, and whether she can say whether it will be perhaps within the next 12 months or the next 24 months, or the next 36 months? Could she give an indication whether this is the kind of legislation that the Government will prioritise, or perhaps will not?

1850

Hon. Chief Minister: Mr Speaker, if I may just assist the hon. Gentleman for this and future sessions of the House, our manifesto contains commitments which are timed and it contains commitments which are not timed.

In respect of those which are timed, we will comply with the timings that we have set out in our manifesto. It may be that if we slip up with any of those timings, they will have an opportunity to chastise us for it on behalf of the community, and those which are not timed, Mr Speaker, we will have to comply with in the period of the four years.

1855

Whether we choose, or are able, to comply with them earlier or later will be a matter on which, no doubt, there will be much debate in the community, but it is not a question on which we are going to allow the hon. Gentlemen to push us. They will recall that, in previous parliaments, we were told that we were not going to be allowed to be timekeepers for the then Government. In the areas where we have given specific dated appointments they are free to be the timekeepers; in those where we have not, I am afraid that we are not going to allow them to hold us to a timetable which we set on the hoof.

1860

Hon. J J Netto: Mr Speaker, can, at the very least, the Chief Minister tell us whether this is a particular commitment which is timed, or one of those that is not timed?

1865

Hon. Chief Minister: Mr Speaker, if it were timed, there would be a time for it in the manifesto. If there is not a time for it in the manifesto, it is one of those that is not timed.

1870

Hon. D A Feetham: Mr Speaker, can the Hon. Chief Minister answer this: the manifesto says that regardless of gender or sexual orientation, people will be allowed to enter into civil partnerships. I presume what that means is civil partnerships will apply to homosexual couples, whether they are women or men; or is it the policy of the Government that they will allow some kind of civil partnership to, say, for example, a brother and a sister who live in the same house for years and years and may wish to enter into a form of agreement so that, when one passes away, for example, the other inherits property, tenancies etc?

1875

Hon. Chief Minister: Mr Speaker, the policy of the Government will be set out when we issue a Command Paper on the subject, given this matter deals with amending legislation for the purpose set out in that paragraph of our manifesto.

1880

**Clubhouse for Special Olympics Committee
Site for construction**

Clerk: Question 50, the Hon. J J Netto.

1885

Hon. J J Netto: Mr Speaker, can the Government state if they have a site earmarked for the construction of a clubhouse for the Special Olympic Committee, as stated in their manifesto and, if so, when will work start and finish; or is it that they have identified an existing empty Government property and, if so, which of the two options is it and what is the cost involved?

1890

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

1895 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the manifesto commitment is not to construct a clubhouse for the Special Olympics. The construction of a clubhouse is an option which is open to Government or, alternatively, an existing building can be provided for this purpose. A site has not yet been identified. This is a matter that needs to be assessed and shall be provided in this term of office.

1900 **Alzheimer's and Dementia Hospital**
Date of completion

Clerk: Question 51, the Hon. J J Netto.

1905 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Alzheimer's and Dementia Hospital?

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

1910 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the previous administration were first given a completion date of October 2011 for a 66-bed dementia unit and a 40-place day centre. These plans were then revised by the previous administration in April 2011 for a 90-bed unit. Then again, in May-June 2011, the plans were revised because the facilities available were not appropriate and sufficient for the 90 residents and, at this time, the completion date was advanced to March 2012 for an 80-bed dementia unit with a day centre being a new build later without a firm date being contained in the plans.

1915 Mr Speaker, we were called to office on 9th December. On 13th December, I went on a site visit to the Alzheimer's and Dementia unit and I was advised by the contractors on site that the completion date for the site, on the basis of the existing plans by the previous administration, was June 2012. It must also be borne in mind that this would be the date of completion and handover of an empty building, and not the date that it would be furnished and equipped. That would have to be commenced by Government once in possession of the building.

1920 **Hon. J J Netto:** Mr Speaker, if she has gone to site and she has asked somebody on the site as to the completion date, and that particular person, whoever that particular person happened to be, told her June, that simply does not square up with information that was available to us in relation to our plans. In relation to our plans it was April.

1925 I can understand, like all construction work on most sites, as far as history is concerned, gets delayed, but the date which we had, the latest date which we had, was April. She now seems to be saying that it is not April, that it is June. If the date is not now April and it is now June, is this due to the fact that the plans have been changed, or is it because one of those particular construction projects... that when the new Government came in, they decided temporarily to stop it just in order to know what was going on?

1930 **Hon. Miss S J Sacramento:** Mr Speaker, as at 13th December, the envisaged completion date told to me by the contractors on site and the Managing Director of Gibraltar Joinery and Building Services Ltd is, and he tells me always has been, June or July 2012. Further, he tells me that March 2012 was a fanciful date and never a realistic date.

1935 It has never been the case that, on the basis of the current plans, completion of the Alzheimer's and Dementia unit would have been ready for March or April 2012. I can confirm, Mr Speaker, that there is no delay on account of the present Government because works have not stopped.

1940 Having said that, when I attended the Alzheimer's and Dementia unit on 13th December, I was very, very concerned by what I saw. My advice is that the unit is not fit for purpose. What we have now done, Mr Speaker, is engage proper consultants in relation to an Alzheimer's and Dementia unit. We are awaiting feedback from them.

1945 As the hon. Member, the Minister for Health and the Environment, said this morning, there was a multi-

disciplinary meeting on 4th January. We are now working from there but, having said that, works have not stopped. The people on site have been redeployed to ensure that, if there are any changes, this will not result in any delay, but what we have to bear in mind is that there have been changes to the site four times already and this, I am told, has resulted in an incredible delay, Mr Speaker.

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Hon. J J Netto: Mr Speaker, I do not deny the fact that the GJBS may have told her that... I think she said in May... No, in June, that it is going to be June. But the same people that have been talking to her have been the same people who have been talking to us, and I can tell her that the expected date of termination of our project, when we started, was April.

1955

I am glad to hear that the plans are moving ahead. What she needs to be aware of... and I am not necessarily saying that GJBS may wish to prolong the project but it is not unusual for contractors to prolong projects. It is a fact that that is what they told us – it was going to be April – and what she needs to realise is that if it was April for us by GJBS, the contractor does not unnecessarily add extra cost by delaying the project now.

1960

Hon. Miss S J Sacramento: Mr Speaker, that is not a question, but when I attended the Alzheimer's and Dementia unit on 13th December, it was absolutely clear to me that that construction site would not be ready and fit for purpose for March or April, or May, for that matter, of 2012.

1965

Had the hon. Gentleman visited the site before 8th December – or on 8th December or the 7th – he, too, would have come to the same conclusion, Mr Speaker.

Mr Speaker: Is there a question? (*Interjection*)

No, it is not a debate. I allowed the last statement, but I think we must make the assumption where any Member stands up and makes a statement and sits down, we must assume there are no further questions.

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Hon. D A Feetham: Can I ask a question?

Mr Speaker: Yes, sure.

1975

Hon. D A Feetham: She said there were changes to the site. Just so I understand it, what changes to the site? She said there had been changes to the site. What changes to the site have been made since she has been elected as a Government Minister?

1980

Hon. Miss S J Sacramento: No, I have not made any changes to the site. Changes to the site had been made by the previous Government, Mr Speaker, and I am happy to outline them.

The initial proposal for the Alzheimer's and Dementia unit, Mr Speaker, was proposed in April 2010. The first plans were dated July 2010 for a 58-bed dementia unit, an eight-bed young physically disabled unit and a 41-person day centre. In March 2011, the bed capacity was increased to 80, with the loss of the young persons' disabled unit and the day centre. In April 2011, Mr Speaker, the bed capacity increased to 90 beds.

1985

Then, Mr Speaker, we understand that there were great concerns by senior management in the Care Agency because of the lack of recreational space and generally it was felt that the place was totally inadequate to meet the needs of the intended service user, and by the end of May 2011, or June, the bed capacity was once again reduced to 80.

1990

Those were the changes that I was referring to, and that is my answer to the hon. Gentleman's question.

Hon. D A Feetham: So there are no changes to the site.

What is the need, so that I can understand it, for engaging what she describes as 'proper consultants' since she became a Government Minister?

1995

Hon. Miss S J Sacramento: Well, Mr Speaker, the obvious need is because no medical clinical consultants in the design of this building have ever been engaged. This is an Alzheimer's and Dementia unit, Mr Speaker, where a room needs to accommodate people who, once admitted, will probably not leave, and that will be their home. That room needs to include a bed, a wardrobe, an armchair and a hoist, Mr Speaker. As the plans currently stand, that is not possible; therefore, the place is not fit for purpose.

2000

What we are doing is we will now consult, and we have had names of clinical architects in this field by

several people, including the Alzheimer's and Dementia Group, which we are told by them have never been consulted in this project, and what we want to do, Mr Speaker, is ensure that, given the amount of money that is being spent on the project and given the user group which it is targeted to accommodate, we will make sure that this project is fit for purpose.

2005

Hon. D A Feetham: Mr Speaker, the hon. Lady has said that there are no changes to the site that have been made or envisaged since she has become a Government Minister. She now says that she needs experts because of beds and hoists and wardrobes.

2010

What do beds, hoists and wardrobes have to do with the *construction* of the Dementia Unit?

Hon. Chief Minister: Hoists might not fit in the bedrooms. It does not take a rocket scientist to work that one out.

2015

Hon. Miss S J Sacramento: Because the construction –

Hon. D A Feetham: If the Hon. the Chief Minister wants to stand up and answer the question on behalf of the hon. Lady, then of course he can, but the point is –

2020

Hon. Chief Minister: Mr Speaker, if I want to stand up and answer a question on behalf of the hon. Lady I can and I will and I do not need to be invited by a Gentleman who needs to realise that he is now in Opposition and not in Government.

Mr Speaker: The Minister *was* answering the question.

2025

Hon. D A Feetham: Exactly.

Mr Speaker: As is customary in this Parliament, we often have remarks said in depositions, but –

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A Member: In every single Parliament.

Mr Speaker: I have not spent much time in other parliaments.
The Hon. Minister, please continue.

2035

Hon. Miss S J Sacramento: Mr Speaker, the construction of the unit includes the construction of the rooms and our concern is that the size of the rooms may not be appropriate. Therefore, what we have done, in order not to delay the project, is that the construction workers have been redeployed elsewhere on site to make sure that there is no delay while we consult on the actual layout of the internal construction, and once the consultation process is complete, then we will reconsider the position, Mr Speaker, but it is part of the construction.

2040

The construction of a wall is part of the construction, and it was made by the same construction workers who are painting the façade of the building. The façade of the building is ready. The façade of the building was ready before the Election, Mr Speaker.

2045

Hon. J J Netto: Mr Speaker, on a small point of order, the hon. Lady stated that there had been no consultation with the Dementia and Alzheimer's Association.

Hon. G H Licudi: She had been told that.

2050

Hon. J J Netto: Sorry.

Hon. Miss S J Sacramento: I had been told by them.

2055

Hon. G H Licudi: Mr Speaker, on that point of order, the precise words of the hon. Lady were that she had been *told*, not that there was none, but she had been told.

Perhaps the hon. Member –

2060 **Hon. J J Netto:** For the sake of accuracy and for the record, she can go to her PA – who was my PA – and she can produce the minutes of the meetings that I had personally with the Alzheimer’s and Dementia Association, for which they were consulted.

Mr Speaker: There is no point of order there.

2065 **Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman because that helps to clarify what may be a position that has been, according to the hon. Member, misrepresented to the hon. Lady, and I am grateful to him extending to the hon. Lady access to his files in respect of that particular minute that he has identified, which she would otherwise not have access to, and we are grateful for the opportunity to see that minute.

2070 **Hon. J J Netto:** I have not said that I am giving access to my files. The Chief Minister is misinterpreting what I have said. What I have said (*Interjection*) is the minutes.

2075 **Hon. Chief Minister:** The hon. Gentleman – I do not want him to think that I am suggesting access to the file. Access to the file to see *that minute* is what the hon. Gentleman said, and I am thanking him for access to the minute which is in the file.

Hon. J J Netto: Mr Speaker, they do not need access to the file. All she needs is to press the button on the keyboard of the PA to get the minutes.

2080 **Hon. Chief Minister:** Mr Speaker, I am sorry to tell the hon. Gentleman that is not the way that a change of Government works.

2085 The fact that there may be an electronic Word version on his ex-PA’s machine of a file note that has been printed, or a minute that has been printed, and put in his file does not mean that we can access it just because it is in the computer. It would be improper to give us access to that document if we should not otherwise have got access to it because it has been bundled as one of the files that relate to his Government and his time in office.

2090 We are grateful that he is saying that we can have access to that minute. Whether his PA gives us access to the minute by pressing ‘Print’ and giving us a fresh printout of the document or whether she gives us access to it by giving us a photocopy of the minute that is in the file, either way I am grateful that he is giving us access to it because, from what he is saying, a position has been misrepresented to the hon. Lady –

Hon. G H Licudi: May have been.

2095 **Hon. Chief Minister:** May have been misrepresented to the hon. Lady and we should get to the bottom of it. I am grateful that he is giving us access to the minute.

Mr Speaker: The Hon. Daniel Feetham.

2100 **Hon. D A Feetham:** So the position is this: that there might be a need to change the internal layout of the Dementia unit, but no decision as to whether there is going to be a change in the internal layout of the Dementia unit has been taken, and even if there is an alteration of the internal layout of the Dementia unit, the Government still expects the Dementia unit to be completed by June. Is that the position?

2105 **Hon. Miss S J Sacramento:** In principle, yes. In principle.

**Alzheimer’s and Dementia Hospital
Extra personnel requirements**

2110 **Clerk:** Question 52, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, does the Government have available the new extra personnel requirements for the new Alzheimer's and Dementia Hospital from their senior management and, if so, could it be provided to this House, showing a breakdown of the grades of persons to be employed and by when?

2115 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

2120 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the personnel requirements for the above are now being compiled by senior management. Given the numerous changes to bed capacity made by the previous Government, senior management are now having to revise the staffing requirements once again.

Hon. J J Netto: Mr Speaker, when will the hon. Lady be in a position to get the requirement from the senior management? Does she have an idea whether we are talking about weeks or perhaps months?

2125 The reason why I am asking is because if we are now working towards a deadline of June, recruiting people takes time, so the sooner this process starts the better, leading to the people being recruited and the Alzheimer's and Dementia Hospital starting to provide its services. Does she have any inclination or idea when she will be getting the figures from the senior management?

2130 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, this is something which is underway which I have asked to be prioritised, and I understand I will be getting it very shortly.

By the same token, Mr Speaker, I would like to remind the hon. Gentleman opposite that, in December, when the previous Government were under the impression that the unit would be completed by March, these plans were not in place.

2135 **Hon. J J Netto:** Mr Speaker, with respect, when we heard, by the contractors, that the completion was going to be in April, I instructed senior management to prepare the requirement before we left office. I think it was in November, from the top... So the point I am trying to make, without trying to score any cheap party political points is, if she is talking about... that she will get it soon, when is soon? Is it likely to be in a week or a month? (*Interjections*)

2140 **Hon. Miss S J Sacramento:** 'Soon' means soon, Mr Speaker. (*Laughter*)

2145 I am told that there has been sufficient progress made on these matters. I think they are being reviewed, so I think literally 'soon' means soon. I could probably have an estimate, if not a final product, in the next couple of weeks. Of course, we need to review it properly. Everything needs to be given due consideration, Mr Speaker, but we are confident that we will be able to identify the staffing requirements and, of course, be able to recruit and train in plenty of time in advance of the unit being open.

2150 **Hon. J J Netto:** Will the hon. Lady, once she has the requirement by the senior management, be able to provide me with a copy so that I can be in a position to see what the skill mix of people for recruitment will be?

Hon. Miss S J Sacramento: Mr Speaker, the answer is no, and an announcement as to recruitment will be made at the appropriate time.

2155

**Alzheimer's and Dementia Day Hospital
Projected completion date**

2160 **Clerk:** Question 53, the Hon. J J Netto.

2165 **Hon. J J Netto:** Mr Speaker, can the Government confirm that the day hospital for sufferers of Alzheimer's and Dementia at the site of the old Royal Naval Hospital is going ahead and, if so, when will its projected completion date be and the range of services that will be provided therein?

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

2170 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, insofar as the day centre at the old RNH hospital, it is anticipated that this is going ahead. However, I need to make it clear that no construction on this has commenced and no completion date is available. A review of the services required will be undertaken to establish the needs of the service users so as to ensure that we can provide a facility that is fit for purpose and meets the needs of the service users.

2175 **Hon. J J Netto:** I do not understand that, Mr Speaker, because she is quite right that the works have not started yet, but even though the work has not started yet for the day hospital, which she is calling the day centre, we did have ideas of the range of different types of services that we would incorporate within the day hospital. We are talking about physiotherapy services, speech therapies, memory clinics, things of that kind. Does she have any idea herself, in relation to the discussion that she may have had with the senior management, as to what elements of services will be provided therein?

2180 **Hon. Miss S J Sacramento:** Yes, because this is a matter that was given a lot of consideration in the multi-disciplinary meeting that I held with my colleague, the Hon. Minister for Health and the Environment.

2185 What I have to say in relation to the proposed plan that existed for the day hospital, or the day centre... and, in fact, it is important because one of the issues at that multi-disciplinary meeting was the issue as to whether it should be a day hospital or a day centre, because there is a distinction. The plan for that has changed and we have changed that immediately because the original plan was for a one-story lightweight structure and it is immediately apparent that that is not big enough and able to service the needs of the community. We are, however, still working on this feature, both in terms of design and in terms of the facilities that will be provided in that unit.

2190 **Hon. J J Netto:** Mr Speaker, I accept that the plans will change. I am not querying that. All I am asking for is whether she has an idea of the type of services, whatever the plans may be in the future, in terms of services that will be provided.

2195 **Hon. Dr J E Cortes:** Mr Speaker, if I may answer this part of the question, or this particular supplementary, because we are working very closely together. We have set up an inter-ministerial team at all levels of all the professionals – which includes care workers, includes occupational therapists, includes nurses and includes doctors – to give us an idea – more than an idea, to give us an indication, a plan – of what that day centre/hospital would require.

2200 It is something which we feel is even more important than the previous administration felt. We want to increase the services it can provide and we are not in a position at this point in time to give further details, but there is actively a team working hard on the matter.

2205

**Alzheimer's and Dementia respite home
Services, cost and when available**

2210 **Clerk:** Question 54, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify to whom will they make available funds to provide a respite home for Alzheimer's and Dementia sufferers, what services will they provide therein, what will the cost involve and by when will this be available?

2215 **Clerk:** Answer: the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, an assessment to provide a respite home to those in need of it has been started to determine the level of need and the services that will be provided.

2220 The Care Agency are working in conjunction with the Gibraltar Health Authority. It is too early to say

what the cost of this will be.

2225 **Hon. J J Netto:** Mr Speaker, can the hon. Lady at least specify whether these new services will be provided by the Care Agency or by, perhaps, the private sector?

Hon. Miss S J Sacramento: Not at this stage, Mr Speaker. We will conduct an assessment first and then assess the cost. We will then assess who the provider of the service will be.

2230

**Alzheimer's and Dementia sufferers home care
Resources and support available**

2235 **Clerk:** Question 55, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify what resources and support will it provide to sufferers of Alzheimer's and Dementia for home care, the cost involved and by when will it be available?

2240 **Clerk:** Answer: the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as I said in reply to the earlier question, we are now conducting an audit and assessment into domiciliary care. This will, of course, include sufferers of Alzheimer's and Dementia.

2245 Phase 1 will be to identify what aspects of help individuals require in their homes. As in my answer to Question 38, phase 2 of the study will be the cost, and phase 3 will be to identify who will provide the service.

2250 style="text-align: center;">**Debilitating Unit at old Royal Naval Hospital
Date of completion**

Clerk: Question 56, the Hon. J J Netto.

2255 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Debilitating Unit under construction at the site of the old Naval Hospital?

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

2260 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there is no Debilitating Unit under construction.

2265 Initially, the previous administration, I understand, mooted that a particular building at the RNH site be earmarked for GHA medical nursing staff accommodation. However, this was then changed to a building to be used for physically disabled adults. I am informed that the Care Agency was shown feasibility plans in July 2011 and a request was made to revise these due to lack of facilities available and wheelchair access on these plans for people with disabilities.

We understand that there has been no further communication and that these plans... or that these plans were revised or approved by the previous administration.

2270 **Hon. J J Netto:** Mr Speaker, as far as my recollection is concerned, obviously, as far as progress on the work was being carried out or spearheaded by number 6 Convent Place. (*Laughter*)

As far as I am aware, we did have also a completion date for April/May. So I am bit surprised to hear, if I understood the hon. Lady correctly, that no work has taken place in what used to be the administration block. Is that what she is saying, that no work has been done?

2275 **Hon. Miss S J Sacramento:** If the hon. Gentleman is referring to block E at the RNH site, then no, no

work has been done, Mr Speaker.

When I visited the site on 13th December, I was told by the contractors that the use of that site had not yet been identified and, in fact, neither a commencement date nor a completion date had been given to us by GJBS. So, no, the matter is not under construction as far as I am advised.

2280

Hon. J J Netto: Mr Speaker, I will have to explore this later, so I will leave it for another occasion.

2285

**Debilitating Unit
Extra personnel requirements**

Clerk: Question 57, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, given that Question 57 is a follow-up of the previous one, I will withdraw it at this moment in time.

2295

HOUSING AND THE ELDERLY

**Independent living complex, old St Bernard's Hospital
Date of completion**

2300

Clerk: Question 58, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state what is the expected date of completion of the independent living complex at the old Mackintosh Wing of the old St Bernard's Hospital?

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Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I am informed, through GJBS Limited, that the estimated completion date is April 2012.

2310

Hon. J J Netto: Given the answer the hon. Gentleman has given, that the completion date is April, will the Government continue to provide the services for independent living for the elderly in that particular building?

2315

Hon. C A Bruzon: Yes, Mr Speaker.

Clerk: Question 59 –

Mr Speaker: I think the hon. Member wants to put a question.

2320

Hon. J J Netto: Given that April is not a date which is too far away, does the hon. Member know whether there will be any requirements for, perhaps, recruitment? In other words, if the building is going to be managed more or less like Bishop Canilla, for instance – as he is aware, we have a caretaker service – so what I am asking, basically, is it going to be in the same model as Bishop Canilla where we have a caretaker service and, if so, whether there will be a need for recruitment to provide that service?

2325

Hon. C A Bruzon: I will need notice of that question, Mr Speaker. I have answered the question.

2330

**Government housing blocks
Rolling programme of lift installation**

2335 **Clerk:** Question 59, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state whether the present Government will continue with the previous Government's rolling programme of lift installation in Government housing blocks; and, if so, which blocks are earmarked for this year?

2340 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2345 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Government is committed to the provision of lifts in Government housing wherever this is practically possible to install. Insofar, or as to which blocks will be tackled this year, I can tell the House that options are currently being considered.

Hon. J J Netto: When the hon. Gentleman says this year, he means in this financial year or this calendar year?

2350 **Hon. C A Bruzon:** I have said, this year.

The Hon. J J Netto: Which?

2355 **Hon. C A Bruzon:** I have not been informed as to whether it refers to the calendar year or to any other type of year. So this year I assume refers to 2012.

2360 **Hon. J J Netto:** The reason why I am asking the question, Mr Speaker, because I can understand that with reading what is left of this financial year, he may not have the provision to make a commencement of any particular lift installation in any of the Government housing. So, therefore, he may wish to use the remainder of this financial year to be able to determine and take a decision once the commencement of the new financial year takes place and they can programme the lifts. This is the reason I have asked.

So is it that they are waiting, doing the deliberation right now, so that works on lift installation can start from the beginning of the next financial year?

2365 **Hon. C A Bruzon:** Regrettably, Mr Speaker, I cannot answer the question exactly, so I will find out and let the hon. Member know.

2370 **Disabled housing programme
Costs and implementation**

Clerk: Question 60, the Hon. J J Netto.

2375 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state what is the housing programme for disabled persons and their families as stated in their manifesto, by showing the site or sites earmarked, the number of flats to be made available, the costs associated with the project and the start and completion dates of this programme?

2380 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2385 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, as the hon. Member will be aware, the Housing Department has, in the past, and will continue, to supply provision for disabled persons and their families with support from the Gibraltar Health Authority's Occupational Therapist. In addition, our plans for affordable housing will be inclusive of the needs of the disabled, and further details will be publicised accordingly and in due course.

Hon. J J Netto: So, basically, what he is saying is that this manifesto commitment will be honoured in the context when they do new housing projects. Is that what he is saying?

2390 **Hon. C A Bruzon:** That is correct, Mr Speaker.

**Housing Waiting List as at 9th December 2011
Breakdown of flat requirements**

2395 **Clerk:** Question 61. The Hon. E J Reyes.

2400 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants were on the Housing Waiting Lists as on 9th December 2011, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2405 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will answer this question, together with Question 62.

**Up to date Housing Waiting List
Breakdown of flat requirements**

2410 **Clerk:** Question 62.

2415 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Housing Waiting Lists, as up to date as possible, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2420 **Minister for Housing and the Elderly (Hon. C A Bruzon):** As the Usher hands over to the Members opposite some simple statistics, I will, however, vocalise just the basic aspect of the answer to the question.

A total of 962 applicants were on the Housing Waiting Lists as on 9th December 2011 – the details are on those sheets.

In answer to Question 62, a total of 956 applicants were on the Housing Waiting Lists as on 13th January 2012.

2425 **Hon. E J Reyes:** Mr Speaker, would the Hon. Minister be able to confirm that he still intends to keep to his election pledge that the applicants on the Housing Waiting Lists, as on 9th December, would be offered suitable housing before the next General Election?

2430 **Hon. C A Bruzon:** That is indeed our intention.

Hon. E J Reyes: Mr Speaker, would the Hon. Minister, at this early stage, have any idea where the construction of new houses, that I suppose will be needed to cater for these needs, will take place?

2435 **Hon. C A Bruzon:** I am not in a position to give you that information. It will be publicised in due course.

Hon. E J Reyes: Mr Speaker, would the Minister then, more specifically leading to Question 62, which he has chosen to answer together... anyone putting their names down on the Housing Lists after 9th December would be given a suitable flat within three years of their registration for housing?

2440 **Hon. C A Bruzon:** We will try our hardest, most certainly, to achieve that. Yes, Mr Speaker.

2445 **Hon. E J Reyes:** So, Mr Speaker, does it not deduce mathematically from there that if you put your name down on the Housing List any time before 9th December, the allocation date for housing could be any time within four years; yet if you put your name down for housing, say, on 12th December, the deadline happens to be less because it then cuts down to three years? So those who were on the list before 9th December might actually have a year longer to wait than those who put their names down afterwards.

Hon. C A Bruzon: There is an element of hair splitting here, Mr Speaker. We will do our best to provide homes for everybody on the Housing Waiting Lists.

2450 **Hon. E J Reyes:** And priority will be given as and when you put your name down and not in respect of a particular type of flat? One, I assume, will continue a system of accumulating points and so on. In that case then, a sort of limited pecking order, if one wants to call it that, would be according to the chronological date of your application.

2455 **Hon. C A Bruzon:** Mr Speaker, the system is extremely complicated.

2460 We will do our best using whatever gift of wisdom the Good Lord has given the Housing Manager to allocate homes in the fairest possible way; but the system is complicated, as the Member will appreciate, because there are a whole range of different kinds of lists, social categories and medical categories. I would love to concentrate more, not so much on the exact three-year, four-year, but in doing our utmost to provide homes for our people as efficiently and as quickly as possible.

ANSWER TO QUESTION 62

ANSWER TO QUESTION 61

A total of 962 applicants were on the Housing Waiting Lists as at the 9th December 2011, as follows:

1RKB	-	722
2RKB	-	47
3RKB	-	109
4RKB	-	73
5RKB	-	9
6RKB	-	2

ANSWER TO QUESTION 62

A total of 956 applicants were on the Housing Waiting Lists as at 13th January 2012, as follows:

1RKB	-	726
2RKB	-	45
3RKB	-	106
4RKB	-	69
5RKB	-	8
6RKB	-	2

2465

**Housing from the homeless
Applications to Housing Authority**

2470 **Clerk:** Question 63, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many applications for housing from homeless persons are currently being dealt with by the Housing Authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2475 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, a total of 25 applications for housing from homeless persons are currently being dealt with by the Housing Authority.

2480 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister able to say at this stage the priority or what sort of system he has implemented to expedite the allocation of suitable premises for these persons, seeing that they are actually homeless?

2485 **Hon. C A Bruzon:** Homelessness does not always necessarily mean that somebody does not have a roof over his or her head. Some people have been described by the previous administration as 'technically' homeless.

The reality is, Mr Speaker, that we, again, are doing our best to address all these issues with the greatest possible wisdom and it is not always easy to determine exactly what yardstick to use because the truth is that there are many, many genuine people in Gibraltar with real human problems and I have not been able, as yet, to identify sufficient homes to cater for all the needs of people on the waiting lists, social lists, A-lists, medical and so forth.

2490 These 25 people who are categorised as homeless, have to be included with a whole range of social cases – social categories As. In fact, these 25 form part of the social category applicants that we have got. Again, we are doing our best to serve our people well and to provide homes for them as soon as possible.

2495 **Hon. E J Reyes:** So, then, Mr Speaker, am I right in deducing from there that they are being considered along with those on the social category, that these applicants do not need to go onto any pre-lists to then be passed onto the Housing List or anything, but are being treated distinctly from a normal applicant.

Hon. C A Bruzon: Sorry, I do not think I have understood the question, Mr Speaker.

2500 **Hon. E J Reyes:** What I am getting at is that these homeless persons, on application for housing, do not have to go through the process of a normal person who is not classified as 'homeless', who first goes onto the pre-list to then pass on onto the other Housing List?

2505 **Hon. C A Bruzon:** I am really not sure what you mean, Mr Speaker.

Hon. E J Reyes: Alright. Let me see if I can explain better, Mr Speaker.

2510 A routine applicant for housing, on applying to the Housing Department, is first placed on the pre-list and then moves onto the Housing List proper. (**Hon. C A Bruzon:** Yes.) Then, am I... I am just double checking myself, have I understood the Minister correctly, in that those who are homeless do not need to go onto the pre-list, but are being considered alongside those of the social housing category?

Hon. C A Bruzon: I understand now, yes.

2515 If anybody is assessed by the Housing Authority to be homeless, they will obviously... an attempt will be made to fast track them, because they are on a special list which the Housing Allocation Committee or, rarely, maybe the Minister himself can determine these are genuine social cases, homeless in this case, and therefore we have to do our best to help them as soon as possible.

2520 **Housing Allocation Committee**
Number of meetings since 9th December 2011

Clerk: Question 64, the Hon. E J Reyes.

2525 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since 9th December last?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2530 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the Housing Allocation Committee has met once since 9th December – that was just last Monday – and they should be meeting a second time this year on Monday, after the weekend.

2535 **Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question because it has been many, many years now since I used to be the Housing Minister. When the Hon. Minister says the Housing Allocation Committee has met, whatever number of times it has met and whatever date it has met, under the current arrangements does it mean that the Housing Allocation Committee incorporates what used to be in the old days, the Medical Committee and the Social Committee within the Housing Allocation Committee? In other words, that there is now no longer to be meetings of the Medical Committee. Is that correct, Mr Speaker?

2540

Hon. C A Bruzon: That is correct.

2545

**Allocation of homes since 9th December 2011
Number and by which authority**

Clerk: Question 65, the Hon. E J Reyes.

2550

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many homes have been allocated since 9th December, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority?

2555

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 29 homes have been allocated since 9th December 2011, two of which have been allocated by another authority.

2560

Hon. E J Reyes: Mr Speaker, is the Minister able to say who was the other authority?

Hon. C A Bruzon: The other Authority was the previous Housing Minister, that is one of them, and I authorised the allocation of the other. This is a case that came over from the previous administration and I saw a note that the previous Housing Minister was recommending that this person should be allocated the home and I approved that recommendation myself.

2565

Hon. E J Reyes: I am much obliged to the Hon. Minister, having kept to that commitment. Thank you.

2570

**Government tenants
Number of homes requiring work done**

Clerk: Question 66, the Hon. E J Reyes.

2575

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many Government tenants are currently listed as requiring works to be done in their homes by the landlord?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

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Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this question together with Question 67.

2585

**Housing Agency
Number of jobs outstanding**

Clerk: Question 67.

2590

Hon. E J Reyes: Can the Minister for Housing state how many jobs are currently listed as requiring the attention of the Housing Agency?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2595

Minister for Housing and the Elderly (Hon. C A Bruzon): In answer to Question 66, a total of 1,512 Government tenants are currently listed as requiring works to be done in their homes by the landlord.

In answer to Question 67, a total of 876 jobs are currently listed as requiring the attention of the Housing Works Agency.

2600

Hon. E J Reyes: Mr Speaker, perhaps the Hon. Minister can enlighten me, if it is that 1,512 tenants require works to be done, how can the number of jobs be less than the number of tenants who require jobs to be done? There must be some numbers that fitted, perhaps, into some other category.

2605

Hon. C A Bruzon: The Housing Works Agency usually looks after internal repairs. There are tenants who are still awaiting external repairs to be done.

Hon. E J Reyes: Am I correct in assuming those external is the balance remaining between those figures? (**Hon. C A Bruzon:** Sorry?) Yes? The number of external works requiring to be done can be arrived at by subtracting one figure from the other.

2610

Hon. C A Bruzon: I really am not sure, Mr Speaker. I would not like to say yes, without being sure.

2615

Hon. E J Reyes: Okay, and there is no great hurry for the answer either, I mean, Mr Speaker. So perhaps the Hon. Minister at some other stage can be pass on the information when he has been able to get it from his technical advisers and so on.

2620

Can I also ask the Hon. Minister, when we have tenants who require works, if some... I am going to give him perhaps a bit of a hypothetical example – if some of the tenants happen to be elderly citizens, perhaps residents of Bishop Canilla House or Albert Risso House, does the Housing Department, the Housing Ministry in itself, try to prioritise that for senior citizens who tend to be more concerned and their lives are far more easily disrupted when they have got pending repairs to be done at home?

Hon. C A Bruzon: Absolutely, yes, Mr Speaker.

2625

Hon. J J Netto: Could he then clarify that, to my understanding, the works in Bishop Canilla, and I am not quite sure about Albert Risso House, are not done by the Housing Works Agency, they are done by GJBS. Is that not the case?

Hon. C A Bruzon: Yes, that is correct, actually. Yes, that is correct.

2630

Hon. J J Netto: Can I ask a further supplementary question? Within the figures that the Hon. the Minister for Housing has given us, would that include elderly people awaiting a shower to be fitted in their flats?

Hon. C A Bruzon: I would need notice of that question, Mr Speaker.

2635

Hon. J J Netto: Does the hon. Member, if he doesn't mind, look to see whether it does include elderly people awaiting showers to be fitted and, if so, how many in total please? I mean, not that he necessarily has the information there, but I mean if he has not got the information there, whether at some later date he can obtain the information and just pass it over?

2640 **Hon. C A Bruzon:** I would be grateful if you would put a request in writing so that it can go through my staff. If I say yes now, I may not do it, through simple lack of memory or... If you write to me, through my staff, I definitely will give you the information, Mr Speaker.

2645

**Separate Housing List applications
Those wishing to return from Spain**

2650 **Clerk:** Question 68, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many persons have registered to date in the separate housing list for applicants who are currently living in Spain and who wish to return home?

2655 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, a separate list for those living in Spain wishing to return home will be introduced very shortly.

2660 **Hon. E J Reyes:** Mr Speaker, any indication of whether it will be this side of the summer season or afterwards?

2665 **Hon. C A Bruzon:** Of course, the reaction has been nil at the moment in terms of people wanting to go on such a list. So if there is a demand coming to us soon, then the list would be created immediately... if the Minister knows what I mean.

Hon. E J Reyes: Yes, Mr Speaker, but is the Hon. Minister aware that there are people who have, at least to me, expressed an interest and are patiently, and perhaps correctly, waiting for an announcement to be made by the hon. Member because they are not quite certain of what the terms and conditions would be.

2670 For example, a simple question that was asked is because they wished to return home, would a condition be that they must then surrender or sell the property that they have in Spain because some feel that they might be accused of then having two homes – one in Gibraltar and the other one would be considered more like a holiday home and so on? So I think, you know, the...

2675 **Hon. C A Bruzon:** When the criteria are determined, we will make a statement, Mr Speaker.

2680 **Hon. J J Netto:** Mr Speaker, within the criteria that needs to be discussed amongst the Minister and perhaps the Government generally, will they also take into account, perhaps, the distinction between a person who may have gone... a Gibraltarian who may have gone to live in Spain... as a result of not finding a house here, either in the private sector or in Government, as against Gibraltarians who did have a house here, perhaps, sold the house and, with the money from the sale, went and bought a house in Spain?

2685 **Hon. C A Bruzon:** The answer that I can give at the moment is that we will consider each case as it comes to us and we will act wisely and fairly. The reality is that there are, as the Minister has hinted, people who live in Spain, but who dearly want to live in Gibraltar. Obviously, those people would be placed on the list without giving it a second thought. You know, that is absolutely certain.

Mr Speaker: The Hon. Daniel Feetham.

2690 **Hon. D Feetham:** Is the position that the criteria for this list, who qualifies for this list, has not yet been determined; and, if that is the position, why did he say earlier on that there had been no interest expressed by anybody in coming on to this list? Surely, if the criteria have not developed, then the list is not in place.

Hon. C A Bruzon: Mr Speaker, I was being totally honest. Obviously, the Hon. Mr Reyes has been approached. *(Interjection)* Excuse me... *(Interjection)* No, no. I,

2695 through my staff, have not had a glimmer of a demand *yet* from people... 'Mr Bruzon, I would like to go on the list. I live in Spain, so put me on the list.' Of course, the offer is there, the commitment is there, and, as I said earlier, when we determine the criteria, we will make an announcement.

2700 **Hon. D Feetham:** So is the position that the list is in place, that there is a list, but the criteria has not yet been determined? Is that the position?

Hon. C A Bruzon: Mr Speaker, there is no list yet. There is nobody on the list. The list is not there yet, but the offer of people wanting to be placed on the Government waiting list, that offer is definitely there.

2705

**Co-ownership housing estates
Discussions over increasing service charges**

2710 **Clerk:** Question 69, the Hon. J J Netto.

Hon. E J Reyes: Question 69 is mine.

2715 **Clerk:** Yes, there is an error.
Sixty-nine, the questioner is the Hon. E J Reyes.

Mr Speaker: In my bundle, it shows the Hon. Edwin Reyes initially, but I have now been handed a separate sheet which shows the Hon. J Netto there. This was in the bundle and this one is to do with that.

2720 **Hon. E J Reyes:** I have no problem in accepting, Mr Speaker, it could be a simple –

Mr Speaker: No, I am just –

2725 **Hon. E J Reyes:** – human clerical error.

Mr Speaker: No, I am just trying to find my way around.

Hon. J J Netto: I can assure the House that I have not drafted the question.

2730 **Clerk:** I would agree with that.

Hon. E J Reyes: I can assure Mr Speaker that I signed and handed that question in personally to the Clerk.

2735 Well, Mr Speaker, Question 69: can the Minister for Housing state what discussions he has held with management companies of co-ownership housing estates in order to address the issue of increasing service charges?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2740 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, none at the moment.

2745 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister aware that despite his desire, which I have no doubt to work with the management companies in Government co-ownership housing estates to address the problem of increasing service charges that, in many housing estates – and I can let the hon. Member later on have a copy – residents or owners at Harbour Views Estate have been notified just a few days ago that their service charge has increased by 3.8% as from 1st January and, in fact, the letter increases...

The letter goes on to say that this increase is customarily carried out in January of each year. So I would like to work together with the Hon. Minister to address this problem because the fear (*Interjection*) of residents there that they have is that if the trend would be that would be an annual 3% or close to 4% increase

2750 and many residents in that estate, which includes myself, are eagerly awaiting to see what the Hon. Minister can help to do to alleviate these ever increasing charges.

Hon. C A Bruzon: Okay, Mr Speaker. Thank you very much.

2755

TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES

2760 **Line Wall sewer
Duration of repairs**

Clerk: Question 11, the Hon. S M Figueras.

2765 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister with responsibility for Technical Services confirm how long the Government envisages repairs to the Line Wall sewer will take?

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

2770 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the repairs to the section of the main sewer along Line Wall Road, which was blocked, have been completed and the excavation reinstated.

2775 **Hon. S M Figueras:** Mr Speaker, perhaps the hon. Member can enlighten the House in respect of when the traffic flow will be restored as it was originally in light of the completion of the works?

Hon. P J Balban: At the moment there is an inspection of the main sewer, upstream and downstream, as the blockage has identified some other defects. So until we actually look at that, two-way traffic will not be restored. Sorry, the blockage or diversion will still be in place.

2780 **Hon. S M Figueras:** I take it from that, Mr Speaker, that there is no indication of a timescale for that?

Hon. P J Balban: Not at the moment, no.

2785 **Hon. S M Figueras:** Thank you very much. I am obliged. No further supplementaries.

2790 **New roads and parking spaces
Set targets and objectives**

Clerk: Question 12, the Hon. D J Bossino.

2795 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the set targets and objectives for the building of new roads and the provision of more parking spaces which the Government has announced will form part of its comprehensive traffic plan?

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

2800 **Minister Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has announced it will carry out a major review of the existing traffic arrangements and draw up a comprehensive traffic plan for the whole of Gibraltar.

We have embarked upon a public consultation exercise aimed at seeking the views of all interested parties. These views will be taken into account when the traffic plan is drawn up. It is therefore premature to state targets and objectives at this point in time as they can be subject to revision.

2805 **Hon. D J Bossino:** I see the press statement said that – presumably because it is in line with the Government’s manifesto commitment – the set target and objectives for the building of new roads – in plural... rather the plan will contain set targets and objectives for the building of new roads – in plural, as I said earlier – and the provision of more parking spaces – again, in plural. So, presumably, there is already at least a commitment from the Government in relation to these issues.

2810 **Hon. P J Balban:** As part of the general objectives, although we are not ready to prepare general objectives and targets, obviously there has already been some commitment in terms of looking for new parking spaces, disabled bays etc.

2815 **Hon. D J Bossino:** Well, it is, as I pointed out earlier, a Government manifesto commitment, so therefore must be Government policy that there is an intention to build the new roads – again, more than one road – and new parking spaces. So, in that sense, is the consultation process as open as the Minister suggests?

2820 **Hon. Chief Minister:** Mr Speaker, if I might just assist the House on this.
Before, when we were saying that the consultation process was open and we did not want to give our views of what was going on there and was going to go on as part of that consultation process to then become the document that might become Government policy, we felt that the hon. Members were suggesting that we had to put our views across as to what should be there. Now, Mr Speaker, the hon. Gentleman seems to be again pressing us on this issue to say that, if we have got those said ideas, we need to put them on the agenda now.

2825 Mr Speaker, our manifesto says what it says. The answer says what it says. In due course, there will clearly be a plan, which sets all these things out. Of course, if we have said that in our manifesto, we must have views that suggest that more than one road is needed and more than one extra parking space is needed. He can take that as read.

2830 **Hon. D J Bossino:** No, I am just trying to establish what the Government’s position is and really this is not in any way intended to be maliciously political in any respect whatsoever.

2835 I was just surprised that the Minister himself, Mr Speaker, did not offer the fact that, yes, there would be a public consultation exercise and that he would be receiving the views of those consulted – I will ask him about that in a moment – but then it was somewhat curtailed, it was not as open as initially as he may have suggested to this House and it would be somewhat curtailed in that there is already a manifesto commitment from the Government to build new roads and to build new parking spaces. So, as far as those two issues are concerned, the Government is already committed and intends to do those two things and it will not be dissuaded by any representations, for example, to the contrary, like, for example, from the environmental lobby.

2840 **Hon. Chief Minister:** Mr Speaker, it is not that the process is going to be *curtailed* in any way. Just because we have identified that we believe that there should be new roads and new parking spaces, which happens also to be the policies, I understand, that they put at the General Election, it does not mean that the consultation process is curtailed. It is a consultation process, in this instance based around what we have already said in our manifesto.

2850 **Hon. Dr J E Cortes:** Mr Speaker, may I have further clarification on the environmental point. There is one of my Department’s Environmental Officers in the team that is looking at the traffic plan.

Hon. D J Bossino: I am grateful.
Is it at all possible that the Government may be dissuaded from building new roads and new parking spaces as a result of the consultation process which it is undergoing? (*Interjections*)

2855 **Hon. Chief Minister:** Mr Speaker, everything is possible; it is not probable.

Hon. D J Bossino: Mr Speaker, with respect, if it is possible, then if it is within the realms of possibility that the Government may be persuaded, as a result of undergoing a public consultation exercise, *not* to build new roads and not to build new parking spaces, will the Minister accept that, as a result, he would be reneging

2860 on a manifesto commitment?

Mr Speaker: That is hypothetical.

2865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to go back to the dictionary and look up the definition of 'possible' and compare it to the definition of 'probable'.

Hon. D J Bossino: I am simply trying to establish how wide the consultation will be. So... (*Interjection*)
In relation to its width... (*Laughter*)

2870 I have another question: has the Government, or rather, can the Minister clarify when the Government first notified interested parties, as he says in his statement, 'all interested parties', that they could make submissions?

2875 **Hon. P J Balban:** Yes, a press statement was issued to that effect and the closing date will be 30th January.

Hon. D J Bossino: So in terms of timeline, can he confirm that the timeline is from the date of the issue of the press statement, 11th January, up to the 30th January?

2880 **Hon. P J Balban:** Correct.

Hon. D J Bossino: Does the Minister consider that that is a sufficiently lengthy period of time to allow for a substantive and proper consultation period, especially if the Government is seeking what is, as it described in its press statement, 'a major review of the existing traffic arrangements'?

2885 **Hon. P J Balban:** Obviously. (*Laughter*)

Hon. D J Bossino: Can the Minister assist me in advising the House who the interested parties are?

2890 **Hon. P J Balban:** No, not at this stage.

Hon. D J Bossino: With respect, the Minister, and his Department presumably, has issued a press release stating that 'all interested parties will be consulted' and they are seeking their comments. So surely, he must have a view, or must know, who those interested parties are. I just want that clarification.

2895 **Hon. P J Balban:** I will tell you at the next House, at the end of the consultation period... if you ask the question, obviously. (*Interjections*)

2900 **Hon. D J Bossino:** With respect, this is a public statement issued in the press and if the Minister himself does not know who those interested parties are, how will those parties know who they are?

The Hon. Chief Minister: For a very simple reason, Mr Speaker.

2905 **Hon. D J Bossino:** With respect to the Chief Minister, if the answer (*Interjection*) perhaps is... (*Interjection*) and I will assist... Look, we have equality of arms in the sense that I am new to this House, as indeed the Minister is. If the answer is that it is the public in general, that perhaps is an answer. Is that the answer?

2910 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has to ask questions; not ask questions and propose answers.

The answer is, Mr Speaker, that there are people that we have identified who we will be consulting. As a result of the public statement that there may be others that may be consulted. Therefore, we do not want, at this stage, to give an answer that deals only with those that we may have identified. We will give a full answer at the end of the consultation period. If the hon. Gentleman is interested in the information which will set out the people that we consulted and the people that asked us to consult them as a result of the public statement, I

- 2915 would have thought, of all the things that there are to ask about, that this one is fairly fine one..
The hon. Gentleman, in his virginal appearance in this House, has kept on asking questions on who are the parties that we are consulting and yesterday asking us questions on a bus timetable. We are happy to provide the information once we have got it. At the next House we will have finished the process and we can give him chapter and verse of who has been consulted.
- 2920 **Hon. S M Figueras:** So can the Minister then confirm that by the time of the next House, the process of consultation and the results of that process will have been completed?
- 2925 **Hon. Chief Minister:** Mr Speaker, by the next House, the process that ends on 30th January will have ended and we can tell him what happened in the course of that process; and then we can tell him, as well, Mr Speaker, what other process that might lead on to; and then, Mr Speaker, he can ask us questions about that process once it has been completed; and then, Mr Speaker, he will have the information that he wants.
- 2930 **Hon. S M Figueras:** Mr Speaker, with respect to the Chief Minister, the question was whether the process of consultation and the result of that process would be published by the next meeting.
- Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.
- 2935 **Hon. D J Bossino:** Maybe the Chief Minister should take his pill and calm down a bit.
I am completely bemused by the reply received from the Government in relation to this issue. It is a simple matter. You are inviting submissions *in writing*, which should be addressed to the Ministry in a publicly available – set out in the press statement – email.
If I am an ordinary Joe Bloggs member of the public, do I write or don't I, because it seems that the Government itself either does not know or is not willing to provide – and I still do not know why – the answer to the simple question: who... The answer, again, maybe it is... and this is what I assumed would have been the answer, which is the whole of Gibraltar.
- 2940 All I am asking is: has the Ministry identified the interested parties, who it considers to be the interested parties, who ought to participate in the consultation exercise?
- 2945 **Hon. Chief Minister:** Mr Speaker, I am as bemused as him and I offer him the other half of the pill. If Joe Bloggs is listening at twenty to nine on a Friday, he should write in – that is what we meant.
- Hon. D J Bossino:** So, going back to it, by way of clarification, is it the member of the public, any member of the public can write in to the Ministry in this email address and make submissions in relation to the major review which is being carried out in relation to the traffic plan and the traffic arrangements. Is that correct?
- 2950 **Hon. P J Balban:** Yes, sir, that is correct.
- 2955 **Hon. D J Bossino:** Well, the answer. At last we have got to the answer, Mr Speaker. (*Interjections*)
- Mr Speaker:** Order. Order.
- 2960 **Hon. G H Licudi:** Mr Speaker, the hon. Member is wrong to say, 'at last we have got to the answer', because the answer that he got now was to a direct question, which was very clear. The answers to the previous questions were answers to different questions. So the answer he got now was to the last question, as to whether the general public would be able to write in with their views, and the answer was quite clearly, yes. If he had asked that 10 minutes ago, he would have got the same answer.
- 2965 **Hon. D J Bossino:** I did ask the question.
- Hon. G H Licudi:** No, you didn't. You said, 'Who are the interested parties?'. You did not say whether anybody could write in.

2970 **Hon. D J Bossino:** Has the Minister produced a consultation document which would set out the parameters within which this public consultation exercise is to be carried out? Is there such a consultation document in existence?

2975 **Hon. P J Balban:** No, sir, there isn't.

Hon. D J Bossino: So can he confirm therefore that there aren't any parameters and there is no structure to this consultation exercise?

2980 **Hon. Chief Minister:** Mr Speaker, there is the structure that allows people at this stage, by 30th January, to write in and give us their opinions. Joe Bloggs, Damon Bossino, Fabian Picardo, opinions will be welcomed from all of them, which will lead us to a second stage and that will have a different structure, and there may be a third stage which may have an even different structure.

What he calls 'lack of structure', we may call 'structure'. That is a matter entirely for him.

2985 **Mr Speaker:** The Hon. Daniel Feetham.

2990 **Hon. D Feetham:** Yes, it is just that we are bemused on this side because is it the position that... Is the position this: that the Government has invited opinions from the general public but, in addition to that, the Hon. Minister has consulted specific interest groups that he has identified as being relevant to this exercise? Is that the position?

Hon. Chief Minister: Mr Speaker, we have set out the position *ad nauseam* –

2995 **Hon. D Feetham:** No, you haven't.

Hon. Chief Minister: – at a quarter to nine in the evening. We are not going to set it out any further. They can ask as many questions as they like. From now on, they are going to get the same answer.

3000 **Hon. D A Feetham:** Is this going to be the practice for the rest of the four years, Mr Speaker, that the Hon. the Chief Minister, every single time that the Government is in difficulty about a particular issue, just simply declines to answer it? (*Applause*)

3005 **Hon. Chief Minister:** Mr Speaker, we have given the answers that we have given. Whatever other questions they may be asking from now, they will be getting the same answer.

Hon. D J Bossino: Yes, exactly. So much for transparency, Mr Speaker. (*Laughter*)
Will the Minister advise this House whether, at the end of the consultation process, his ministry will at least publicise and publish the details of the... or at least a summary of the responses that it has received as a result of the public consultation exercise.

3010 **Hon. P J Balban:** The answer remains as previously stated

3015 **Hon. D J Bossino:** For my benefit, as it is rather late and I was forty the other week and so maybe I am getting up on... what was the answer they stated earlier.

Hon. P J Balban: As I set out before, you may check *Hansard* if you want.

3020 **Hon. S M Figueras:** Well, with respect to the Minister, we cannot check *Hansard* for that answer because that question has not asked until a minute ago.

Hon. Chief Minister: Mr Speaker our position is as already set out in the answers that we have given in respect of this subject matter. We are not going to go further. This is an ongoing consultation process. By the next House the hon. Gentleman will have seen some developments and can ask us about that.

3025 **Hon. D A Feetham:** Can he answer at least this: has the Government identified any new roads they think are necessary and has that been put to any interested parties that he may have consulted?

3030 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answers we have been given for the past five minutes.

Hon. D A Feetham: So obviously he is not going to answer the question.

3035 **Hon. D J Bossino:** Again, as part of this consultation process will the Minister advise this house whether he intends to provide feedback to the supposed interested parties that are going to be participating in this process?

Hon. P J Balban: The answer remains as previously stated.

3040 **Mr Speaker:** I think... (*Interjections*)

A Member: So the answer has to remain as previously stated, as to a question that has not been asked previously.

3045 **Mr Speaker:** I think if I understood the Hon. the Chief Minister's general response, it is that the Government has gone as far as it is willing to tonight to answer questions on this subject, as I understand it. It seems pointless to ask more questions, then. (*Interjections*)
Have I interpreted the Chief Minister correctly?

3050 **Hon. Chief Minister:** Yes.

Mr Speaker: In that case, I think the hon. Members must accept that that is as far as it is going to go

Hon. J J Netto: Mr Speaker, could I ask –

3055 **Mr Speaker:** Order, order.

Hon. J J Netto: Could I ask if it is a new policy set out by the Chief Minister that when it is quarter to nine that they will never answer a question? (*Applause*)

3060 **Hon. Chief Minister:** Mr Speaker, no. (*Laughter*)

3065 **Hon. D J Bossino:** Mr Speaker, given Government's position, I have another three supplementaries to ask but, if that is their position then that is their position. I will not press the issue. I will ask presumably after the consultation process has been completed – and the Government is relaxed with that?

A Member: Absolutely.

Hon. D J Bossino: Shocking.

3070 **Hon. Chief Minister:** Shocking, you should have been here for eight years (*Inaudible*) (*Laughter*)

Mr Speaker: Order. (*Interjections*)

Order! Order!

3075 Next item

Answers to Written Questions

3080

Clerk: Right, that completes Answers to Oral Questions. We now move onto Answers to Written Questions, the Hon. the Chief Minister.

3085

Hon. Chief Minister: I now have the honour to table the answers to written questions numbered W1 to W48 of 2012 inclusive and, Mr Speaker, may I take this opportunity, despite the lateness of the hour and how frayed tempers get during Question Time, to congratulate all the new Members of the House for their first Question Time and look forward to the next Question Time with them here.

3090

Hon. D A Feetham: May I echo the Hon. the Chief Minister's sentiments and may I ask him that, perhaps the next time, that he may *answer* our questions.

Hon. Chief Minister: Mr Speaker, he can. We have answered for two almost full days many, many questions and to suggest that we have not is really to do the usual attempt to obfuscate the truth.

3095

Government motions

Suspension of Standing Order 19

3100

Clerk: Motion number 1, the Hon. the Chief Minister

3105

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows:

'That this House approves, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion which has been notified by the Hon Chief Minister on 17th January 2012, and circulated by the Clerk on 18th January 2012.'

3110

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

3115

Appointment of Permanent Select Committee on Members' Interests

3120

Clerk: Motion number 2, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows, namely:

3125

'That this House resolves that the following Members should be nominated to the Permanent Select Committee on Members' Interests:-

The Hon C A Bruzon

The Hon S E Linares

The Hon D A Feetham

The Hon J J Netto.'

3130

Mr Speaker, this is the motion that has been moved at every meeting of this House since 1969 to constitute

the permanent select committee on Members' interests. I have nominated two individuals, Mr Bruzon and Mr Linares and the Hon. Leader of the Opposition has nominated two, Mr Feetham and Mr Netto. I commend the terms of the motion to the House.

3135

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

Hon. D A Feetham: Mr Speaker, we will be supporting the motion

3140

Mr Speaker: Thank you

I now put the question in the terms of the motion proposed by the Hon. the Chief Minister

Those in favour: Aye. Those against.

Carried.

3145

Clerk: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that this House do now adjourn *sine die*.

3150

Mr Speaker: I now propose the question that this house do now adjourn *sine die*.

I now put the question that this house do now adjourn *sine die*.

Those in favour: Aye. Those against.

Passed.

This House will now adjourn *sine die*.

3155

The House adjourned at 8.47 p.m.