



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 11.50 a.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 10.00 a.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: Sitting of Parliament, Friday, 20th January 2012.
Answers to questions continue.

5

DEPUTY CHIEF MINISTER

**Government ‘projects’
Definition for planning purposes**

10

Clerk: Question 76 of 2012, the Hon. S M Figueras.

15 **Hon. S M Figueras:** Yes, Mr Speaker.
Will the Minister with responsibility for planning define what the Government considers 'projects' in the context of the requirements that all Government projects will be subject to the planning process?

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

20 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer together with Question 77.

25 **Government 'projects'**
Date subject to planning process

Clerk: Question 77.

30 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for planning confirm the date from which the Government expects all Government projects to be subject to the planning process?

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

35 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. However, in line with our philosophy in this matter, Government intends to present all development and planning projects that would ordinarily require planning permission to the DPC for an opinion and for guidance. *(Interjection)* To the DPC, for opinion and for guidance. This will enable a wider input into the process and ensure consistency with the Commission's overall planning policy.

40 **Hon. S M Figueras:** Mr Speaker, in relation to the question of which projects it is intended eventually will be required to go to planning, can the Member confirm whether any discussion or consultation has been carried out in respect of which ones will eventually be required to go through that planning process?

45 **Hon. Deputy Chief Minister:** Mr Speaker, the Government has taken the view that we will not go to the DPC to ask for planning permission for any projects, but will present all projects for an opinion and for guidance from the DPC. So there is not, actually, a list of what will go and what will not. Everything will go to the DPC, except that it will not require planning permission.

50 **Hon. S M Figueras:** Mr Speaker, perhaps the Member can confirm whether it is the Government's intention to not proceed to make Government projects subject to the planning process during the term?

55 **Hon. Deputy Chief Minister:** Mr Speaker, this is too soon to determine. What I can say is that, at this stage, Government projects will not require the approval of the DPC, but we will go to them to seek an opinion and to seek guidance. This may change but, at this stage, that is the policy.

60 **Hon. S M Figueras:** This a rather surprising turn of events, in the light of the new Government's claim to this new era of openness and modernisation which, of course, is welcomed, certainly, by myself.

It is surprising to notice, is it not, Mr Speaker, the suggestion that all Government projects may – in the General Election that all Government projects *would* indeed go to Planning is now not something that is even scheduled or considered or expected to occur within the foreseeable future. Can the Minister confirm why it is that this apparent change of heart has occurred?

65 **Hon. Deputy Chief Minister:** No, Mr Speaker, but I am certainly happy to clarify the position.

I think the hon. Member may have been misled by reports, which I also read. The Government has actually never said in our policy commitments or manifesto that Government projects would be required to go to the DPC for approval. What we have done is say that we will present them to the DPC for opinion and for

70 guidance, but actually they never have taken the position that they would all go to the DPC for approval. That is the policy at this stage. This may change.

Hon. S M Figueras: So I see, Mr Speaker, that the projects will be put to the Planning Commission for an opinion, but regardless of what that opinion may be, Government will proceed with those projects. Is that correct?

75 **Hon. Deputy Chief Minister:** Mr Speaker, the Government will initially deal with the DPC, in the same way as the previous administration used to deal with the DPC. That is to say, there is no change of policy in this respect. We will present projects to the DPC for opinion and for guidance.

80 **Hon. S M Figueras:** Yes, indeed, Mr Speaker, we understand that that was a policy of the previous administration, but it was a policy for which the previous administration was criticised continuously by the previous Opposition and it is something that certainly that report was allayed to. It is surprising that there is now a change of heart, as it were, in the Government bench and I would be grateful for an explanation as to why that has come about.

85 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government has never been that our projects will go to the DPC. Therefore, there has been no change of heart.

90 **Hon. S M Figueras:** Mr Speaker, yes, indeed, in terms of clarification, the Government projects were put initially to the DPC, as the hon. Member himself has explained... was policy and this was something, failing to take it through the whole planning process... was something that was criticised by the previous Opposition, now the Government. (*Interjections*) I still, unfortunately, have not had an answer from the hon. Member in respect of...

95 **Mr Speaker:** Order! Order!

100 **Hon. Deputy Chief Minister:** I do not recall ever having criticised the previous administration for not having taken projects, or not having presented projects, to the DPC. In fact, my understanding is that they did present projects, up to four or five years ago and then this actually stopped. So it is something which I am now criticised for.

In any case, we are here to answer for our policy as a Government and the policy of the Government is that projects will go to the DPC for an opinion and for guidance.

105 **Hon. S M Figueras:** Mr Speaker, wary as I am of the discussion that was had yesterday in this House in respect of manifesto commitments and their suitability to be mentioned here, I do think it is relevant to mention that, within their manifesto, there is a commitment that Government projects will be subject to the planning process.

110 That is the source of my confusion on this matter and the reason why I am asking the question. Once again, I would ask why the change of heart?

Hon. Deputy Chief Minister: I think the hon. Member may have been misled by information which appeared in the press, contained...

115 **Hon. S M Figueras:** No, Mr Speaker, it was in the manifesto on page 45 of your manifesto.

Hon. Deputy Chief Minister: The policy of the Government is to submit projects to the DPC – that is not going to change what we are doing. It is a change in a sense that they did start doing it as well and then they stopped.

120 We intend to continue with the policy which they initiated, which is to present projects to the DPC for an opinion and for guidance. That may change, but that is the position at the moment.

Hon. P R Caruana: Mr Speaker, is the Hon. Dr Garcia saying that all the innate persistent sniping criticism that persisted about the previous Government's ignoring the DPC, doing its projects without... That

125 all of this had nothing whatsoever to do with the Opposition and actually they were content. It is now the position of the GSLP Liberal Alliance in government that they are content with the policy of the previous Government and the use of the DPC in relation to Government projects to the extent that they are minded to continue it and the Hon. Dr Garcia appears to be unaware of the content of his manifesto.

130 No, he cannot shake his head. The content of the manifesto has been read to him, Mr Speaker, he has said, no. The manifesto, on page 45, says:

‘Government projects will be subject to the planning process.’

135 The planning process is not a process whereby people submit projects to the DPC for their guidance and opinion, the planning process to which they are committed to submit Government projects is a process –

Hon. Chief Minister: Where is the question, Mr Speaker?

Hon. P R Caruana: – a process whereby projects –

140 **Hon. Chief Minister:** This is supposed to be Question Time, Mr Speaker.

Mr Speaker: Order! Order!

145 **Hon. P R Caruana:** – is a process whereby projects are submitted for their approval.

Will the Hon. Dr Garcia therefore concede that the position that he has set out today of a policy of continuing the previous GSD Government’s policy is, firstly, incompatible with the political use they made of this subject before the General Election and, secondly, an entire U-turn from what they put in their manifesto, on the basis of which people voted for them (**Members:** Hear, hear.) (*Applause*)

150 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government – the position of the Government – has not changed. We have said... what I have said is, the Government projects will be submitted to the DPC and they will be submitted for an opinion and for guidance *at this stage*.

155 There is a review of the town planning legislation going on at the moment. I do not want to predetermine the outcome of that review. That position may change. I have kept on saying, ‘at this stage’.

Hon. P R Caruana: Mr Speaker, the hon. Members have shown remarkable alacrity in applying those parts of their manifesto that do not cost money and which it is within their gift to employ immediately – 30 days, 60 days, 90 days, 6 days. Here is something that they can do immediately, at no cost, complying with their manifesto. They do not need to change the law; all they have to do is say to the DPC, ‘approve or disapprove of this project’ in accord... They can submit voluntarily to the planning process, they simply choose not to do so and it is yet a further resiling from their manifesto, all of which will be listed in due course by the people.

165 Does the hon. Member not see that what he has announced here today is *not* what the manifesto says. He *could* say, if he wanted – I will still say to him there is no reason for the delay – but he could say, yes, it is a manifesto commitment, we are not doing dealing with that commitment just yet, that is for some time in the future, but what he has said today is that this is not what his manifesto says and I want him to acknowledge at least, please, if he would, that what he has said today is not consistent (*Interjections*) with what his manifesto says.

170 **Mr Speaker:** Order! Order! The point has been made by the Chief Minister twice. There was a question in the last question that started off, ‘Is the Hon. Dr Garcia saying...’ so there was a question, albeit followed by a very long text.

175 **Hon. P R Caruana:** I beg your pardon, Mr Speaker.

Hon. Chief Minister: Mr Speaker, that is exactly it.

This is a parliament and it is Question Time and there are moments in Parliament when people can say what they like. It is not a question of trying to stop people from saying what they like, because people can

180 bring motions and they can say *whatever they like*. That is what they are paid for on that side and, to an extent, it is what we are paid for to do on this side. But at Question Time what they are paid to do... what their obligation is to the people of Gibraltar is to ask questions absent soliloquies.

Mr Speaker: Absolutely. I will listen to the Hon. Leader of the Opposition...

185 **Hon. P R Caruana:** The Hon. Mr Speaker has already said there is a question. Now, look, these questions could be briefer and fewer, if they would *answer* the question. The question is, even though he may wish to delay the implementation of the manifesto, will Dr Garcia concede that his manifesto *does* contain a commitment, as has been put to him and as he denied the first time it was put to him, to subject Government projects to the planning process? That is all. For the rest, he can implement his manifesto whenever he wants.

190

Hon. Chief Minister: We are talking about the issue of questions, not –

Hon. Deputy Chief Minister: Mr Speaker, the policy of the Government is that the Government projects will not be submitted to the DPC, will not be submitted through the planning process at this stage. There is a review of town planning legislation.

195

Some of the commitments in our manifesto are specifically dated, other commitments in the manifesto are not specifically dated. What we will not allow the hon. Member to do, is to try and manage our manifesto.

Mr Speaker: Before the next question is put, I really must insist that questions *must* be questions, not speeches and if it is necessary to set the question in its proper context, only a short preamble is necessary.

200

There are at least four lawyers on this side and we all know how to ask questions.

Hon. P R Caruana: Very well, in a very short form: regardless of when he intends to implement it, does the Hon. Dr Garcia acknowledge that his manifesto contains a commitment to subject Government projects to the planning process?

205

Hon. Deputy Chief Minister: Mr Speaker, that is the wording in the manifesto. (*Laughter*) However, what the manifesto does *not* say is when that is going to happen.

210 Like I said before, some commitments are time dated with specific dates as to when it is going to happen and other commitments are not dated and do not have specific dates. My answer is at this stage – that is not the intention – there is a review of town planning legislation going on. When that finishes, then we will see what happens.

Hon. P R Caruana: Indeed, Mr Speaker. Will the hon. Member, very briefly, by way of question, therefore now concede that the first answer that he gave in this House, in answer to the Hon. Mr Figueras on that very question, was not correct when he said that that was not what his manifesto said?

215

Hon. Deputy Chief Minister: Mr Speaker, I will read the first answer for the benefit of the Leader of the Opposition. The new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. That is what it says, at this stage. That was the first answer.

220

Hon. P R Caruana: Mr Speaker, with respect you see, they obfuscate and then they complain when it takes a long time to clarify and expose their obfuscation.

225

Mr Speaker, I have not said the answer... his original answer to the original question... I have said, on the first occasion that he was asked by Mr Figueras to confirm what was in his manifesto. In answer to that, he said that that was not in his manifesto, not in his original answer, in a subsequent supplementary. Will he admit that, prior to clarifying it with me, he had told the Hon. Selwyn Figueras just three minutes earlier that his manifesto *did not* contain a commitment to subject Government projects to the planning process?

230

Mr Speaker: Before the hon. Member answers, with respect, the purpose of Question Time is to elicit information, to urge a line of policy on the Government and so forth. The answer, which the Hon. Deputy Chief Minister has given, has been given, has been heard and understood by all of us. I do not see the purpose

235 of Question Time in Parliament as in any way similar to cross examination in court, where we, as lawyers, are intent upon beating confession out of the witness.

The answer has been given. With respect, the question has been posed in different language, but aimed at the same answer.

240 **Hon. P R Caruana:** Well, Mr Speaker, as has been the case for the last sixteen years in this Parliament, if Mr Speaker has decided that he wants Parliament, from the beginning of this parliamentary term, to be different from what it has been in the past, then let him say so and then we will all know what the new rules of the game are. He cannot suddenly, surely, start criticising behaviour which replicates what has always been the case and I am certain that Mr Speaker is not suggesting that Question Time is a sterile process, just because the previous Opposition converted it into one... that in the Westminster model of parliamentary democracy, Parliament is for the elucidation of sterile statistical information and not for the conduct of political activity.

245 This is a novel view of what Parliament is for, which is not the case in the United Kingdom and certainly has never been the case here, but if Mr Speaker rules that that is what this Parliament will be, he can be absolutely sure that I, for one, will comply with his ruling.

250

Hon. Chief Minister: Mr Speaker, if I may, in relation to that point, the rules of the game have never changed. What has changed is that there is a commitment from this Government – and the hon. Gentleman is aware of it, as is the rest of the community – that there will be a monthly Question Time. Therefore, Mr Speaker, the need of the previous Opposition to set questions and supplementaries in context, which might have related to things that had happened months before the hon. Member opposite subjected himself to scrutiny on them, is no longer there and that is why I think it is absolutely right that you should take the attitude, which *Erskine May* suggests and urges upon you and which the Standing Orders and rules of this House have always required, that at Question Time we are there to elicit information, and information may be political information and need not be statistics and, in fact, Mr Speaker, the hon. Gentleman need only tell us what statistic they are interested in by asking us a question one month and if we believe that it is information which can be put into the public domain, we will ensure that it is put into the public domain every month thereafter for the whole of the community, Mr Speaker.

255

260

You are right to insist that, at Question Time, the Opposition's role is to ask questions and the Government's responsibility is to give answers and, in my view, the only thing that is sterile is the hon. Gentleman's political discourse.

265

Hon. P R Caruana: So, Mr Speaker, then he admits that there *is* a change. He thinks – he has just said so – he thinks, he is urging upon you a different attitude, because *he* says there is now a change in the nature of parliamentary business, because *he* has decided, in a way that has not yet been formally deployed or approved in this Parliament that, as there are now going to be monthly Question Times, this alters the nature of Question Time. So he is *confirming* my statement that there is a view that there should be a *change* in the nature of Question Time. Well, there is not yet before this Parliament any change in the nature of its business, so any change that might be justified to Question Time by any such reform, it certainly cannot be deployed, the change cannot be deployed, before the reform is deployed formally in this Parliament.

270

275

Secondly, Mr Speaker, anyone who sat through the previous four years of Question Time and now hears the statement made by the hon. Member, never mind that he professes to be the champion of a vibrant and open and effective Parliament, relevant to what the people use that Parliament for... Never mind that he subscribes to that policy for political purposes, just anybody who compares the Opposition's inquisitorial approach, when they were in government, to Question Time – we used to spend an hour on some questions; 30, 25 supplementaries from all Members, who now compares that behaviour on their part to the attitude that he is now trying to deploy of clipping the wings of the Opposition, *curtailing* this Opposition's ability to do what *they* used to do. Why? Because he is not up to submitting himself to the same degree of scrutiny to which *he* subjected me. He demonstrated yesterday that he was not up to it and he thinks he can modify the practice of this Parliament to protect himself from his serial inability to grasp detail and to prepare for it to come and combat in this Parliament.

280

285

Hon. Chief Minister: The hon. Gentleman needs to get used to the fact that he was the loser in the General Election. He is the one now who has been paid by the people of Gibraltar to ask questions, that his

290 capacity to pretend that he has a right from divine intervention to decide for himself what the procedures of this place should be, are absolutely only in his head, Mr Speaker.

You are the person who is entitled to determine how this Question Time proceeds. I am the person, because I am so charged by the people of Gibraltar, that has conduct of the timetable of this Parliament and I do not need to go through a parliamentary reform, to decide that I am going to bring my Government to this Parliament once a month to answer the questions that the Opposition rightly puts to us, because that is their role in a parliamentary democracy.

The extent of the questions, how long he can be on his feet, giving us these Hamlet-style soliloquies, that all of us are so bored of listening to and that this community has decided should *not* be the level of political debate to which we are all subjected, is a matter for you and not for him. (*Interjections*)

300 **Hon. P R Caruana:** In as much [*Inaudible*] ...now, as it was before. Mr Speaker, the Hon. Chief Minister is wrong. It is *not* in his power as Chief Minister to decide on the procedures of this House. The procedures of this House.

305 **Hon. G H Licudi:** There is a timetable. A timetable.

Hon. P R Caruana: ...And the order in which it conducts its business are set out in Standing Orders, which would have to be amended by this Parliament. That is something upon which we are all agreed.

310 What I am saying, is two things. First of all, there cannot be a change in the style of what Question Time in this Parliament is for and how it is conducted, without a decision of the Speaker, who has to, if he is going to change the style, say why he wants, or why he feels he is going to change it. Anyone who believes that what we were doing here yesterday and so far this morning, differs from what *they* used to do here during the last four and eight years, Mr Speaker, would not be telling the truth. The reality is that we are doing exactly the same – we may be doing it with more political effect, is a matter of opinion. That may or may not be the case, but we are using Question Time for the very purpose...

315 **Hon. Chief Minister:** Mr Speaker, point of order.

Hon. P R Caruana: No, I am sorry..

320 **Hon. Chief Minister:** I am sorry, Mr Speaker.

Mr Speaker: Order! Order!

325 **Hon. Chief Minister:** The hon. Gentleman needs to get used to the fact (*Interjections*) that he no longer has the last word in this place. Mr Speaker, these are the rules that applied to us as an Opposition and apply to *them* as an Opposition. Standing rule 17.1:

330 'The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge. Not more than one subject shall be referred to in any one question and a question shall not be of excessive length.'

335 Mr Speaker, those were the rules that applied to us, they are the rules that apply to them. They applied to us in the context of a Chief Minister who, in some years, called no more than two or three meetings, depending on the year. Now this should be applied, Mr Speaker, of course in the factual context, to a Chief Minister who is going to call monthly meetings, however *you* consider is appropriate.

Mr Speaker: I will allow the Leader of the Opposition to finish what he was saying, then I will call the debate to an end by saying what I think.

340 **Hon. P R Caruana:** I was replying and I was interrupted.

Mr Speaker: I know.

Hon. P R Caruana: Alleging a point of order simply to repeat his argument and interrupt the exposition

of mine... which he is allowed to do.

345 **Mr Speaker:** I will allow the hon. Member...

Hon. P R Caruana: Mr Speaker, we all know what Standing Order says. The debate is not on the basis of what the Standing Order says, this debate is on the basis that, notwithstanding what Standing Order says, the Gibraltar Parliament has never functioned in that way. If the way the Parliament is going to function is going to suddenly change, coinciding with them moving from the Opposition benches to the Government benches, that is something that has to be noted and specified by the chair, by you, Mr Speaker.

350 You have got to say that, notwithstanding that this had been so in the past, in the future it is going to be different for this, that, or the other reason. If any such reasoning depends on a change in the parliamentary timetable, or a change in the way Parliament conducts its business, or a change in the number of Question Times, then that change, in my opinion, should not be implemented until those changes, in turn, until those agenda changes, have, in turn, been formally adopted in this Parliament.

355 That is the view from the Opposition benches and there are plenty of political points that, as we are discussing with you on a point of order, I will not add the many political dimensions that I could to this technical – (*Interjection*)

360 **Mr Speaker:** First of all, it is not for me to engage in debate with any Member of this House. I am to serve in this House, my job is to apply the rules to the best of my ability and my understanding. Let me assure every Member of this House I am applying the same Standing Orders which were approved by this House, I think it was in 2007, shortly after the new constitution was promulgated. I have interpreted those Standing Orders in accordance with the same text book, *Erskine May*. *Nothing*, nothing has changed in the last two days.

365 What I have observed and I have pointed this out – and as I say, it is not for me to engage in debate – but I will ask the Clerk immediately... as soon as possible after the conclusion of this sitting to make a transcript of *Hansard* available to the Hon. Leader of the Opposition. He will see the questions in the last... well, yesterday and so far today have been unduly lengthy and I would invite the Leader of the Opposition to bring to me corresponding texts from corresponding *Hansards* in the last seven years to show whether the questions from the Opposition then were as lengthy. I do not – I may be mistaken – but I do not believe they were as lengthy. I have not curtailed the number of supplementaries – that is not curtailed – and I have no objection to as many supplementaries as are relevant to the subject and arise from the answers, as may be necessary.

370 My criticism – or rather my plea – to the Opposition has been to curtail the preambles, because every question, or almost every question, has descended upon lengthy speeches, some of it of a political nature, some of it... well, unnecessarily long. But I will invite the Leader of the Opposition to prove me wrong, by comparing yesterday's *Hansard* with any one of the last seven years.

375 **Hon. P R Caruana:** I will accept.

Mr Speaker: Thank you.
Can we now proceed with short, sharp, quick questions?

385

**Transparency of planning process
Deliberations to be held in public**

390 **Clerk:** Question 78, the Hon. S M Figueras.

Hon. S M Figueras: Thank you, Mr Speaker.

395 Will the Minister with responsibility for planning confirm whether there will be any part of the planning process, any at all, including the deliberations of the Development and Planning Commission which will not be held in public?

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

400 **Hon. Deputy Chief Minister:** Mr Speaker, the only issues that have been raised to date in relation to this have related to security issues and this has been put forward by the Ministry of Defence, to security issues. The Government intends to discuss this matter further with the MOD.

405 **Hon. S M Figueras:** Mr Speaker, in addition to statements already made, would the hon. Member enlighten us as to whether any progress has been made on the holding of meetings in public and publication of the entire planning process online?

410 **Hon. Deputy Chief Minister:** Mr Speaker, the first public meeting of the DPC will be next week and the matter of placing all the application process online, so people can look for themselves and see the state of individual applications, is already underway. It is not, obviously, complete, but we have already started working on it.

Hon. S M Figueras: Mr Speaker, is the hon. Member able to provide me with a timescale for the publication of these applications online?

415 **Hon. Deputy Chief Minister:** Mr Speaker, it is certainly progressing, but I would not like to give a firm date. There is no date in the manifesto, obviously, but I can say it is progressing very quickly.

420 **Hon. S M Figueras:** Mr Speaker, in light of this new approach to planning and openness and certainly bringing the meetings of the Development and Planning Commission to the public, would the Minister concede perhaps that, given the importance of the openness that they are now placing on this process, holding every aspect, or rather, subjecting every aspect, of the planning process to public scrutiny is the desirable outcome of this process of change?

425 **Hon. Deputy Chief Minister:** Mr Speaker, this is our policy. That is exactly what our policy is and it was not the policy of the Members opposite when they were in Government. They are entitled to have a different policy, but our policy is that it should all be open, it should all be online.

There may be issues relating to security or sensitive issues of that nature but, other than that, everything will be open.

430 **Hon. S M Figueras:** Mr Speaker, in light of this clarification that there are, as one would expect, issues relating to security but, however, that everything should, in fact, be put before public scrutiny, will the hon. Member concede that, on the basis that Ministers of Government *and* Opposition are representatives of the people, they will take the initiative to amend the law to permit a Member of the Opposition to sit on the Development and Planning Commission, as a representative of the people, who will be subject and bound to those issues in relation to security?

440 **Hon. Deputy Chief Minister:** Mr Speaker, I appreciate the hon. Member is obviously new to the House and I understand that, but the hon. Members were in Government for 16 years and they never took that initiative. I appreciate it may not have been their policy; they are entitled to have it but, in our case, it is not in our manifesto, we have no commitment to include a Member of the Opposition in the DPC, but there are two Government Ministers represented on the DPC, who represent the people, and given that the meetings will be public and everything will be online, there will certainly be more information available to the Opposition than when *we* were on that side of the House.

445 **Hon. S M Figueras:** Mr Speaker, I am indeed new to the House and certainly finding my feet, but I am aware that it was the previous administration's position... I am aware of their previous position in relation to the Development and Planning Commission.

450 There is a new Government and there is a new approach to the Development and Planning Commission and will the Minister not concede that, perhaps consistent with this new approach, this commitment to openness, this commitment to public scrutiny, that appointing a Member of the Opposition to the Development and Planning Commission may be a good idea?

Hon. G H Licudi: He has answered the question already.

That Question has been answered.

455

Hon. Deputy Chief Minister: The hon. Member is certainly free to come to public meetings of the DPC, as anybody else is entitled to do that and to find out what the procedures are. What I certainly would be willing to consider, is to brief him on the issues which may not be discussed in public, because everything else he will be privy to.

460

Hon. S M Figueras: Mr Speaker, I am grateful for that.
Thank you.

465

**Development and Planning Commission Chairperson
Eligibility of Town Planner**

Clerk: Question 79, the Hon. S M Figueras.

470

Hon. S M Figueras: Thank you, Mr Speaker. Will the Minister with responsibility for Planning confirm that he is satisfied that there are no practical, legal, technical, or other reasons why the Town Planner should not be appointed Chairperson of the Development and Planning Commission?

475

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

Hon. Deputy Chief Minister: Mr Speaker, the advice that the Government has received is that there are no practical, legal or technical reasons, or other reasons, why the Town Planner should not be appointed Chairperson of the DPC.

480

Hon. S M Figueras: As suspected, Mr Speaker, meaning no disrespect whatsoever to the office of the Town Planner or the Town Planner himself, will the Minister concede that it is far from ideal to have one of the more junior members of the Commission chairing *any* board or *any* Commission, much less that the person chairing the meeting is not one of two democratically elected representatives of the people at the Commission?

485

Hon. Deputy Chief Minister: Mr Speaker, I certainly do not think the Town Planner can be described as 'a junior person', but having said that... (*Interjections*) certainly, the policy of the Government in our manifesto was that the Town Planner should chair meetings of the DPC and that is already the case.

490

At the first meeting, the Town Planner took over the meeting from me and is now the Chairman of the DPC.

495

Hon. P R Caruana: Mr Speaker, is it, in the Hon. Dr Garcia's view, usual for somebody to chair *any* board, never mind DPC, *any* board, when there are the Deputy Chief Minister, a Minister, the Government's Chief Technical Officer... Some of the most senior people in the Government are sitting around the table and this person, who is much more junior in the pecking order, is supposed to direct them to, as the Speaker would do here, to ask shorter questions or not to extend so much in debate, or to be relevant, or to stick to the point, I could just see Mr Origo saying to the Deputy Chief Minister, 'Now, Dr Garcia, stick to the point, we have discussed your views long enough and now it is time to move on to the next application.'

500

Does he honestly believe that a junior civil servant – oh, not junior, he is not a junior civil servant, but in the context of the Government's Chief Technical Officer and all the other people that sit on the board, does Dr Garcia not accept that it is unlikely that any chair of any board would be able, in effect, to exercise control, as the chair must, over the people sitting around this table, most of whom are his considerable seniors?

505

Hon. Deputy Chief Minister: Mr Speaker, this may not have happened under *his* administration, certainly perhaps, it did not, but we have a different policy and it will happen under *our* administration, certainly I think part of that analysis is absurd. This is the policy of the Government. The expert in town planning is a town planner. I know I am not an expert in planning; my colleague, although he has experience in the DPC, is also not an expert in planning and the professional person who is an expert and is qualified to

do that, should chair the DPC. So we do not agree with the analysis.

510

Hon. P R Caruana: Of course, the Town Planner is the expert in planning and he is now, as he was then, but experts offer advice to chairmen and board members, they do not *chair* the board that makes the decision. So if the expert on town planning is chairing the decision-making board, who is going to advise the decision-making board?

515

Hon. Chief Minister: Mr Speaker, if I may. The manifesto, all of whom sitting opposite, (*Interjections*) have a copy of –

Mr Speaker: Order! Order!

520

Hon. Chief Minister: – says on page 45 – the same page where they have been trying to get us to stick to what it says –

‘The Town Planner will be appointed Chairman of the DPC, while the Minister, as a representative of the people, will retain a seat on the DPC, but will not chair it.’

525

That is our policy –

Hon. J J Bossano: And we are implementing it.

530

Hon. Chief Minister: The people have chosen this policy. Therefore, neither we nor the people, agree with the interpretation of the hon. Member opposite.

535

Hon. P R Caruana: Therefore, Mr Speaker, according to *that* – I do not know if that is a Shakespearean soliloquy or not – but according to the Leader... the Chief Minister, so long as it is in their manifesto, even if it relates to the organisation of public bodies, of public affairs, we are not entitled to question them, because they are just implementing their manifesto.

Look, the Hon. the Chief Minister is going to lose his entirely undeserved reputation for being committed to transparency and reform much more quickly than even we suspected that he would lose it. We will ask questions in this House on any matter to do with public affairs or public policy, whether or not the hon. Members are doing things which are in their manifesto.

540

My question, on a matter of public affairs, to the Hon. Dr Garcia is, if the expert, to quote his name, to quote what Dr Garcia himself said, the technical expert of the Government in planning matters is chairing the decision-making Development and Planning Commission, who will advise the Development and Planning Commission on matters of expertise – that require expertise on planning?

545

Hon. Deputy Chief Minister: Mr Speaker, what we are saying is that we are entitled to *our* policy and they are entitled to *theirs* and if it is different, then so be it.

550

Hon. P R Caruana: I know they are entitled to their policies and because their policies relate to the public affairs of Gibraltar, I am entitled to ask the questions I have asked, even if it is their policy. He can say, ‘Lump it, it is our policy and I am not going to answer your question’, which is, who is going to advise the DPC on expertise requiring matters, given that they have put the expert as Chairman of the very board that would require the expertise?

555

Hon. Deputy Chief Minister: Mr Speaker, the position is as already answered. This is our policy, we respect it, nobody is saying he cannot come here (*Interjections*) and ask questions –

Mr Speaker: That is the answer.

560

Hon. P R Caruana: If the hon. Member is refusing to answer... (*Interjections*)

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the hon. Member should be a bit more –

565 **Mr Speaker:** Order! Order!

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the Leader of the Opposition should keep quiet and listen to the answer.

570 **Hon. Chief Minister:** Hear, hear.

Mr Speaker: That is the answer, we have to accept it.

Hon. P R Caruana: No, it is not an answer, it is a refusal to answer.

575 **Hon. Chief Minister:** It is an answer he does not like.

Mr Speaker: No, that is the answer on the record. We have to accept it for what it is. Comment may be made elsewhere, that is up to whoever it is.

580 **Clerk:** Question –

Hon. P R Caruana: My question was...

585 **Mr Speaker:** I understand the question.

Hon. P R Caruana: Who will advise the Commission? It was not (*Interjections*) – is it the policy of the Government that he should be the Chairman? (*Interjections*) We know that, given that because it is their policy, they have appointed the Town Planner as Chairman of the board, in consequence of the implementation of that policy, who will now advise the Commission on technical matters? That is the question. The answer cannot be, 'It is our policy.'

Mr Speaker: Look, with respect, that is the answer which has been provided on three occasions when the question was posed. It is not for me to direct a particular answer. That is the answer and I have to accept it.

595 **Hon. P R Caruana:** Yes, as do I, Mr Speaker.

At some point I am going to move a motion that the cameras of the GBC be allowed to televise these proceedings as soon as possible and preferably by the next meeting of Parliament. (*Interjections*)

600 **Mr Speaker:** Order! Order!

Hon. Chief Minister: Well, if he does, he will find he will probably have unanimous support, because there could be nothing better...

605 **Hon. P R Caruana:** Well, let us get on with it.

Hon. Chief Minister: Than for the people of Gibraltar to see for themselves the antics that the hon. Gentleman gets up to in this House, his demeanour. The fact that he sometimes stands in front of a camera with his silk tie and pretends to be a nice guy is not the reality day to day in this Parliament, that he is a brute in parliamentary terms that they need to see. (*Interjections*) What was it that you said? (*Interjection*) You got up and said something and I am replying.

610 The hon. Gentleman, Mr Speaker, for all the cameras and for all the viewers, will have to be seen, by the whole of Gibraltar, no longer to have the last word and to see how much it hurts him that he no longer has the last word and how the sour grapes keep coming through every single day and why, because of that, this Parliament is unable to operate as a Parliament.

615 **Hon. P R Caruana:** Mr Speaker, I am very happy for the people of Gibraltar to see that which, of course, they will not. What they will see is the refusal of the hon. Members opposite to answer the questions, the spectacle of a Chief Minister who cannot answer questions and what they will see... If the people of Gibraltar

620 had seen, including my overlong questions, what has happened in this House, during the last day and a half, particularly the performance of the newly elected Government and how it bears no resemblance to what they were served up before the Election as being their policy, Mr Speaker, I tell you that the majority would not, by now, be 250 votes, it would now be no votes at all. So, roll on the cameras!

625 **Hon. Chief Minister:** Actually, what they will see is they will see it once a month, because it was as much in the gift of the previous Chief Minister, as it is in this one, to call the meetings once a month.

What they will see, Mr Speaker, is an attempt to make this place work as a Parliament and what they will see is that the hon. Gentleman just cannot accept what his new role is, that the whole of his political discourse is about trying to say that we already are failing as a Government, that he should have been returned to office, that our majority in votes will be lower next time round, it may be zero already. Mr Speaker, he is in for a big surprise, if he is still around in four years' time, although I see that Cassius has a mean and hungry look and he may not be.

Mr Speaker: Order! Order!

635 **Hon. P R Caruana:** Point of order. I have a point of order.

The hon. Member says that I do not know what my new role is. I do know what my new role is. My new role is to ask questions on behalf of the people of Gibraltar, to hold the Government to account about their public affairs. When I have tried to exercise that right, this morning, by asking a simple question: if the Town Planner is now Chairman of the DPC, who is going to advise the DPC on technical matters, they have refused to answer me.

640 It is, therefore, not that I do not know what my role is, it is that they will not allow us to perform our role, because they refuse to answer straightforward, simple questions about the public affairs of Gibraltar.

Mr Speaker: Order.

645 **Hon. Chief Minister:** I am lost as to what point of order I am answering, other than that the hon. Gentleman wanted to repeat the question *again*, in case, because people have not got the cameras on him, which, obviously, he is dying to have all cameras on him again, they might not have heard it the first time.

650 Mr Speaker, perhaps what we should do in relation to the substance of the question, is read the press releases that we have already issued on the subject and he might find

Mr Speaker: Order.

655 **Hon. Chief Minister:** – himself rather elucidated.

Mr Speaker: Okay. This is not the debate on televising, so I do not think we need to go into that yet. No doubt we will have a chance to debate the issue whenever it happens.

Can we move to the next question please?

660

HEALTH AND THE ENVIRONMENT

Registry of breast implants Support for patients with PIP implants

665

Clerk: Question 72, the Hon. Mrs I M Ellul-Hammond.

670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it is not only lawyers who know how to ask questions!

Mr Speaker: No. The hon. Member has probably misunderstood me. I said, as lawyers, we should know better...

675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Hon. the Minister for Health confirm if the GHA will be setting up a registry of Gibraltar patients who had breast implants fitted through the GHA, including at St Bernard's Hospital; at all UK hospitals, as well as the Royal Marsden Hospital; and at private clinics; and how will women found to have poly implant prosthese (PIP implants) be supported by the GHA?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, it is not only lawyers who can reply to questions.

685 Mr Speaker, no patients have had PIP implants fitted at St Bernard's Hospital or through St Bernard's on referral to the Royal Marsden. If any patient was referred by the GHA to any other NHS hospital for implants, then that patient would be notified by that NHS hospital. If requested, the GHA will make the necessary enquiries for any individual concerned.

690 With regard to Gibraltar residents who have had breast implants fitted privately, they have been advised to check with the hospital, clinic or surgeon who fitted them and, if they have been fitted, they are advised to seek to have them replaced free of charge by that clinic or hospital. This is the same advice that the UK government is giving patients treated privately in the UK.

695 Should any GPMS-entitled Gibraltar resident present to the GHA with a ruptured PIP implant, they will be immediately referred to the visiting plastic surgeon for treatment. If a GPMS-entitled Gibraltar resident presents to the GHA with evidence of having had a PIP implant fitted and if the hospital, clinic, or surgeon that fitted the prosthesis is unavailable, or unwilling, to replace the implant, then the GHA will offer to remove the implant at no cost to the patient.

700 Should that person wish to have the implant replaced, the GHA will provide the service electively through the visiting consultant plastic surgeon. If there is no medical indication to replace the implant – that is, the original reason for the implant was purely cosmetic – the patient will need to pay for the incremental costs of the new implants.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister please clarify what he meant by 'other NHS hospitals will be contacting any patients who have had implants'?

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

We have carried out an exercise immediately to identify all the patients who we have referred to hospitals in the UK, and all those that we have contacted have responded that they have not used those implants. There is always a chance in any system – and I have inherited this system, clearly – that we may have missed one.

710 You never know, this could have happened some time ago and this is purely to say that if there is any NHS hospital that may have fitted a PIP implant to any patient, including a Gibraltarian patient, then that hospital will, in any case, contact the patient. But if any patient in Gibraltar has had an implant in any other hospital and is concerned, then we will make the necessary enquiries to make sure that we get an answer from the relevant hospital.

Hon. Mrs I M Ellul-Hammond: Thank you for that, Minister.

715 Mr Speaker, can the Minister also tell us how far back in the records has the GHA gone, in terms of researching GHA patients who have had implants implanted?

720 **Hon. Dr J E Cortes:** Mr Speaker, I have not got an exact date, but the instruction that I gave, and that has been followed up, leads me to believe that it goes back possibly as far as 10 years. But I would have to confirm that subsequently and I would be happy to provide that information, possibly even by the end of the day.

Hon. Mrs I M Ellul-Hammond: Please, that would be very much appreciated.

725 Also, Mr Speaker, could the Hon. the Minister please let me know how many patients, if possible, have been fitted with breast implants after referral from the GHA, be it as a consequence of breast cancer or for cosmetic purposes?

Hon. Dr J E Cortes: Mr Speaker, obviously that is not information I have with me now, as it was not

originally requested, but I will make that information available.

730

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I would like to go back just to the first part of the question.

If the Hon. the Minister could confirm if the GHA will be setting up a registry of Gibraltar patients which would include private patients, because, in fact, it would be good practice for there to be a registry of all medical devices, as it transpires that, according to the *British Medical Journal*, the very last one, there seem to be few checks and little regulation on medical devices, once they leave the factory floor to just before they are implanted in the patient.

735

Just for the sake of traceability and as future reference, it would be good practice for the GHA to set up such a registry.

740

Hon. Dr J E Cortes: Mr Speaker, the information is available. The question of whether it is in a form that we consider a registry, which nowadays – although this may surprise the Leader of the Opposition – can be done in digital format and not necessarily on paper with the word ‘Registry’ on the front, it is a possibility.

Clearly, if there is not a registry of this nature at the moment, it is because I have not inherited such a registry, but I shall certainly consult the professionals within the Health Authority towards the possibility and we will certainly consider that.

745

Hon. Mrs I M Ellul-Hammond: Thank you very much.

750

**Concern over KGV Hospital
Progress on new mental health hospital**

Clerk: Question 73, the Hon. Mrs I M Ellul-Hammond.

755

Hon. Mrs I M Ellul-Hammond: Mr Speaker, given the Chief Minister’s concern for the KGV Hospital, as relayed in his New Year message, will the hon. Gentleman be expediting the completion of the new mental health hospital at the former Royal Naval Hospital site?

760

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, on coming into office, the Government has become aware that work on the new mental hospital has so far been limited to enabling works. The design for the hospital had not been completed, nor had the staffing needs been identified.

765

As Minister for Health, I have now initiated an urgent process, and I can report that the design is finally virtually complete and work is progressing at last in identifying staffing needs. This will allow work to finally commence in earnest, with a view to a new mental health facility being operational in the shortest possible time.

There is an urgent need, as the facilities at KGV have been neglected throughout the term of the last Government.

770

Hon. Mrs I M Ellul-Hammond: Can the Hon. Minister tell us when the date of completion for the new mental health hospital will be?

775

Hon. Dr J E Cortes: Mr Speaker, I cannot at this stage. The indication that I have been given, following the works as I found them on coming into office was perhaps a year, but I am afraid that because the design had not been completed, I hope to have a completion date very, very soon, and it will be as soon as possible because, as the Members opposite will know, we are giving great priority to the welfare of our mental patients.

780

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, with regard to his New Year message, where the Chief Minister stated that nothing has been spent on the KGV for years that, in fact, a considerable amount had been done and purchased for the KGV these last four years, and that therefore the Chief Minister’s statement is untrue?

785 **Hon. Dr J E Cortes:** Mr Speaker, I have not delved into the annals of the expenditure in specific items in the Health Service of the last administration. What I can say is that if they did spend any amount of money, I could not see the fruits of it; neither could the Chief Minister. Therefore, clearly, that was by no means enough.

790 I am resisting the temptation of commenting further on the state of neglect at KGV Hospital, because that has been evidently clear to the public, so I will say no further at this point.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Opposition welcomes the fact that £70,000 will be spent on the KGV over the next few weeks on painting, new furniture and equipment. Can the Hon. Minister tell us, who will be doing the works on the KGV, seeing that there is little GJBS staff left?

795 **Hon. Dr J E Cortes:** Mr Speaker, the works will partly be carried out by the workforce employed for maintenance by the Health Authority, who are normally based at St Bernard's Hospital and were available over the last four, eight and umpteen years, too, actually working in KGV. They will be deployed and we are looking at sourcing work outside, and that is currently a process that is being undertaken by the relevant department of the GHA.

800

Hon. Mrs I M Ellul-Hammond: Mr Speaker –

Hon. J J Bossano: Mr Speaker, can I – ?

805

Mr Speaker: The Hon. Joe Bossano.

Hon. J J Bossano: Since the Hon. Member opposite has said there is little GJBS staff left, I have to tell her that we have had no notification of any reduction in GJBS in the Employment Service. So, as far as I know –

810

Hon. Mrs I M Ellul-Hammond: I am so sorry – subcontractors to GJBS.

Hon. J J Bossano: Subcontractors.

815

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

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, in fact, if he delves into the annals of the GHA estimates and works that have been done and items that have been purchased that, over the last four years, the steps leading to the entrance of the KGV Hospital were underpinned, the patients' lift was replaced, the building was painted, a new water boiler was installed, a new key locking system was installed, improvements were made to the drainage system, extra sensors for the staff attack system were introduced, seven special mattresses were bought, three special pillows were bought, two blood pressure monitors were purchased, privacy curtains round the beds were installed, dining tables and chairs were bought for the KGV...? A new kitchenette for the acute ward was also installed, Mr Speaker, blinds for the bathrooms were also purchased, a tinted film roll for the patients' smoking room, an ironing board, an iron, a tumble dryer, *(Interjection)* a large industrial pedal bin, large medicine cabinet, dressing waste pedal bin, thermometers, pots, pans, office furniture, dishwasher and so on?

825

So quite a lot, in fact, was purchased, and money was spent on the KGV. Is he aware – *(Interjections)* from delving into the...? *(Interjections)*

830

Is he aware, then, that nothing was spent?

Hon. Dr J E Cortes: I am now aware.

835 But I think the pertinent point is not whether we have underpinned steps and bought ironing boards; I think the case that we have to consider – and I am not here to ask questions of the Opposition – is was that enough, and the answer is clearly not.

It goes further than that. I am not sure when any Member of the Opposition, present or past, last visited KGV, but if they were to visit it today, then they would be embarrassed to run up a list like the list we have just been listening to, because the effect of what they did was certainly nothing to benefit the patients – or

very little to benefit the patients.

840 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I did visit the KGV last year, and the year before that, and several times in the last four years, as a former member of the GHA.

The Opposition does recognise that the KGV needed work done. Is he aware, because of that, a new mental health hospital had been planned for the last four years and is underway?

845 **Hon. Dr J E Cortes:** I am sorry to hear that the hon. Lady did visit and that, despite that – she was not a Member of the Opposition then – and despite her membership of the GHA board, nothing was done, but I –

Hon. Mrs I M Ellul-Hammond: Yes. A lot was done. I have just read to you the list.

850 **Hon. Dr J E Cortes:** Look, it is not a question of whether... alright, I will rephrase that – of whether *anything* was done. Certainly not enough was done. You can ask anybody who saw the pictures and I invite you to come with me again, if you want – anybody who has had or has relatives in KGV, you just cannot justify the present condition of that institution by reading out a list of what was done. The question is not what was done; the question is what was not done. That is the question, Mr Speaker. So I think we have to place
855 that absolutely in context.

The KGV is not in a state that any of us would like any of our relatives to be in. If you do not believe me, ask the relatives. Starting a mental health facility after 15½ years, or 14½ years, if you started it before, is simply not enough.

860 Mr Speaker, I wanted to resist going on and on, but I have to tell you, I was manager of the hospitals in the Health Authority, coincidentally, from 1988. When I was manager in 1988, we completely restored St Bernard's Hospital and gave it 20 more years of life and we restored KGV Hospital. I last visited as manager of the Health Authority in 1991, and when I first visited within days of being elected by the people, I found it in a worse state than I had left it 20 years ago.

865 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that you can never do enough to satisfy need, in any public service? If the hon. Member is going to set himself the benchmark of success of 'doing enough', there is always more that can be done and he is very ungenerous in his analysis, Mr Speaker – does he agree with me – if he takes the view that the question is not what you have done, but what you have not done? Actually, even if he wants to do that, should he not more accurately say 'what you did not get time to do'?

870 Does the hon. Member agree that to point out – which is an obvious reality – that we had embarked on building a new mental hospital but had not finished it, that is true? But, of course, it is not as if we spent the first 15 years doing nothing – surely he recalls that we had introduced a new professional ambulance service when, before, it was done by the Police shift. We had a new primary care centre, we built a new hospital and we have always said that the final piece of the jigsaw was the new mental health hospital and that we were in
875 the process of doing it. Does he acknowledge that, in his analysis of what he has just said?

Mr Speaker, I do not know, in technical terms, what the actual state of the mental health hospital is; but can the Hon. Minister tell me, given that he thinks that the KGV, he has found it in such a shocking state, and even though he was not then a Member of the Opposition, can he tell me how many questions, motions or
880 anything, the previous GSLP Opposition raised, during the last four years, during the last Parliament, about this allegedly shocking state of the mental health hospital because, really, the shocking state did not begin on 8th December?

885 **Hon. Dr J E Cortes:** Mr Speaker, unlike the Members opposite, I have not had the honour of serving in Opposition. Certainly, I cannot answer personally for what the Opposition may or may not have done.

But I can certainly answer personally for what *I* may or may not have done.

Hon. P R Caruana: That is not my question.

890 **Hon. Dr J E Cortes:** I will answer your question, Mr Speaker –

Mr Speaker: Order! The last part of the question was clearly not within the Hon. Minister's ministerial ambit as to what the Opposition did last time.

Carry on.

895

Hon. Dr J E Cortes: What I can say – I will answer him, because it does cast certain aspersions – is that as far back as a public general meeting of the Health Authority at the John Mackintosh Hall at the time that Mr Azopardi was Minister for Health I publicly said that the mental hospital at the KGV had to be restored or replaced, and nothing happened. That must have been in 2002-03. When the new hospital was planned, as a member of the board of the Health Authority before I was removed for perhaps speaking my mind too freely, I constantly mentioned the fact that KGV needed work to be done. So I, personally, have always maintained and have always been very aware of the needs of the KGV Hospital, but as to how much... about being a work in progress, about not having got round yet to having done something at KGV, how much time do you need to spend a basic £70,000 in giving the patients the dignity that they require?

900

The hon. Member opposite authorised spending more than double that on plants that died at Europa Point, Mr Speaker, (*Applause*) so they may have done... new ambulances, a new primary care centre, but they have also done new toilets and a new air terminal, whilst these people, who spend all their lives there, who have nowhere else to go to, are living in conditions where we would not want any of our relatives to be in, with broken down toilets, with broken cupboards and with their property in plastic bags. That, Mr Speaker, is shameful – absolutely shameful.

905

910

I will not go any further because I am very inexperienced here, and I do not know quite how much I can say without getting into trouble!

915

Hon. P R Caruana: Does the hon. Member agree with me, firstly, that the outgoing GSD Government was in the process of building a new mental health hospital? Does he also agree with me that if the situation is as shocking as he is now making out, then his current ministerial colleagues, when in Opposition, were in grave dereliction of duty not to have pointed all of this out? Perhaps they were not aware of it, either!

920

But, certainly, Mr Speaker, to now be faced with the bombardment that we get from Dr Cortes, who has appeared on the scene 15 minutes ago in political terms, and pretending that something is a scandalous shock, when the previous Opposition used to cross-examine the Government on health matters in minute, inquisitorial duty, apparently neither spotted this, nor thought it was so shocking to the extent that no questions have been asked in the last several years, suggests to me that there is more about Dr Cortes in this attack than about his party, because his party did not take this view when he was in Opposition – does he agree with me?

925

Mr Speaker: There were a couple of –

Hon. Dr J E Cortes: I have... Yes... There is one answer that I could certainly give. Do I agree with him? No, sir.

930

I do agree that they were in the process of commencing works on a new mental home – not far enough, not fast enough, and they were nowhere near ready enough. If there was dereliction of duty by the Opposition, how much more dereliction of duty by the last Government and the last Minister whose responsibility it was and who at least would have been allowed into the premises, whereas perhaps the Members of the Opposition may not have been.

935

As to having been here politically for 15 minutes, well, if I am rattling him so much after 15 minutes, just wait till I have been here for a few hours! (*Applause*)

Mr Speaker: The Hon. Daniel Feetham.

940

Hon. D A Feetham: Yes, can the hon. Gentleman explain to this House, who has advised him that this particular project – the mental hospital, I mean – is going to take another year? When we were in office, we were being advised that, in fact, it was going to be completed by June or summer this year.

945

Hon. Dr J E Cortes: Mr Speaker, very soon after coming into office, my colleague, the Hon. Minister for Equality and Social Services and myself both took a great interest in the new RNH site. In fact we called a meeting on 4th January of all the stakeholders both in the new mental home and the new Dementia and Alzheimers' unit, where we discussed and we were able to establish where the project was.

Having spoken to people on works on the site, they suggested that it was just about possible to complete in nine months, but it is likely that that will slip, as construction often does, and therefore the period of a year

was the one that was mooted by the people working on the site.

950

Hon. D A Feetham: So the answer is GJBS.

Hon. Dr J E Cortes: The answer is people working on the site, which include members of GJBS, but obviously it is a team that is working on that.

955

Hon. D A Feetham: Of course, there are a lot of people working on the site. The hon. Gentleman is not suggesting that he has spoken to a labourer, and taken the labourer's view in relation to this; he has spoken to the management of GJBS, and it is the management of GJBS that have told him that it is going to take nine months – or at a push, nine months – or more realistically a year. Is that the case?

960

Hon. Dr J E Cortes: I will have spoken to labourers, because I speak to everybody, but that information would have been provided... The team working there is not just GJBS; there are also project managers and so on. We had about 25 people discussing this subject in a room, and this was the consensus that came out.

I do not know what the point of the question is – maybe if I knew where the hon. Member is getting to, I will know what it is he wants. I do not really understand what the relevance is of who told me or did not.

965

Hon. D A Feetham: It is certainly obvious to all of us on this side as to the reliability of the information that he is actually giving this House – which is at a push, nine months, more realistically, a year – when we had been told, when we were in office, that it would be completed by June, the summer, of this year.

970

With respect to the hon. Member, will he answer the question: is it the management of GJBS? How high has he gone in order to elucidate this information – the information that he has provided to this Parliament and through it to the people of Gibraltar?

Hon. Dr J E Cortes: The discussion held on site included managers from GJBS.

975

Mr Speaker: The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, for the purpose of clarification, the Hon. Dr Cortes mentioned that he had a meeting on the site, I think he said, on 4th January –

980

Hon. Dr J E Cortes: No, sorry, just to correct that, the meeting was not on the site. The meeting was held in the boardroom of the Health Authority.

985

Hon. J J Netto: The Health Authority where, presumably, I think he said, he discussed the completion date proposed for the mental health hospital and for the Alzheimers' and Dementia hospital – is that correct?

990

Hon. Dr J E Cortes: Mr Speaker, the meeting was bringing together all the players in both projects, which included contractors, advisers, consultants, members of staff of both the Care Agency and the Health Authority and was chaired jointly by my colleague, Samantha Sacramento, and myself. It was a lengthy meeting in which we discussed not just the buildings themselves but the whole question of Alzheimers' and the mental health policy for Gibraltar.

995

Hon. J J Netto: Mr Speaker, although there are questions on the Order Paper later on, as far as the completion dates of the Alzheimer's and Dementia hospital, I am only standing up right now in the context that, as far as the Alzheimer's and Dementia hospital is concerned, the completion date that we had was April this year. This is something I will refer to later on.

1000

Hon. Dr J E Cortes: Mr Speaker, I am purely referring to the wing and the other annexes, which are destined to become a mental home or hospital or whatever we want to call it, and I am not referring to all to the Dementia and Alzheimer's wing.

1005

**Gibraltar Health Authority
Possible changes to non-local management**

Clerk: Question 74, the Hon. Mrs I M Ellul-Hammond.

1010

Hon. Mrs I M Ellul-Hammond: Has the Hon. the Minister for Health made any changes to the non-local management of the GHA who they claimed were a hindrance to the GHA staff getting their work done?

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

1015

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no changes have yet been made to the management of the Gibraltar Health Authority.

1020

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health tell us if any changes at all have been made to the management structure of the GHA?

Hon. Dr J E Cortes: No changes have yet been made to the management structure of the Gibraltar Health Authority.

1025

Hon. Mrs I M Ellul-Hammond: Could the Hon. the Minister clarify 'yet been made'? What planned changes does he envisage he will be making?

1030

Hon. Dr J E Cortes: Mr Speaker, I am currently looking at the whole organisation, with a view to making it more functional, effective for, and in the interests of, the patients and, with the support of the staff, I am looking into the organisation, as I say. It is a work in progress. No changes have yet been made – to the actual structure.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health confirm whether the current Chief Executive Officer of the GHA will be replaced by someone else?

1035

Hon. Dr J E Cortes: Mr Speaker, I have not yet made any changes to the management of the GHA, and therefore I cannot answer that question.

1040

**GHA complaints process
Implementation**

Clerk: Question 75, the Hon. Mrs I M Ellul-Hammond.

1045

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health provide details on the GHA complaints process and how it will be implemented?

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

1050

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have been assessing a great many issues during my ongoing process of induction into the Gibraltar Health Authority and the Ministry for Health. No change has yet been made to the complaints process. Once the decision on the process is made, it will be communicated to Parliament.

1055

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the media and in their manifesto policy, their pledge is to change the complaints system and have it taken over by the ombudsman, so therefore some thought must have gone behind including that commitment. Could he enlighten us a little further on the thought behind that pledged policy statement?

1060 **Hon. Dr J E Cortes:** Mr Speaker, as I said, I am looking into many matters, and this includes the complaints procedure.

The manifesto intention is still there, but the detail of how the complaints procedure develops has to be taken after thought and consideration which cannot be put in place until you are actually there doing the job. Therefore, it will happen in discussion with the staff, with the patients, with relatives, as to how we can improve it, as well, of course, as the members of the board of the Gibraltar Health Authority. Therefore the work is progressing and will progress, but I cannot at this stage make any further comment.

1070 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Minister for Health tell us how complaints on issues considered by the GHA to be minor but yet still important to those making the complaint, how they are now dealt with and how he envisages they will be dealt with?

1075 **Hon. Dr J E Cortes:** Mr Speaker, I have a copy of the current complaints procedure, which was put in place by the previous administration. This covers all the different aspects of complaints. It is a large document. I would be happy to make this available to the Opposition, but going through, stage by stage, what the different procedures are, I think would take unnecessary time for this Parliament.

Hon. Mrs I M Ellul-Hammond: That will not be necessary, Mr Speaker, but perhaps he could tell us how he would like to see complaints – these minor complaints – to be dealt with in their new policy.

1080 **Hon. Dr J E Cortes:** Mr Speaker, I think we require a definition of ‘minor complaints’ before I can even attempt to answer that question. What is minor? In the minds of the complainant, it is going to be a major issue; in the eyes of the Authority, perhaps it is not. Perhaps the hon. Member could explain little bit more.

1085 **Hon. Mrs I M Ellul-Hammond:** Informal complaints, Minister.

Hon. Dr J E Cortes: Mr Speaker, clearly this is not directly relevant to the question – but in any case, I will attempt to answer it.

1090 Informal complaints are normally made through the staff of the Health Authority and are contained within that. As I say, it is an intricate system and I am happy to pass this document on. I am not an expert yet on the current complaints procedure, but I have it here in front of me. I can pass it on, and it should be clear there. I do not really know what else I can say at this stage.

1095 **Hon. Mrs I M Ellul-Hammond:** Can the Minister confirm, then, whether this process will be changed as well, as per the manifesto commitment?

Hon. Dr J E Cortes: You mean the process for informal complaints – ?

Hon. Mrs I M Ellul-Hammond: The process for informal complaints and formal complaints.

1100 **Hon. Dr J E Cortes:** Mr Speaker, I like to do things well and I like to consider things thoroughly, and I cannot be rushed here in making a statement to which I will be held accountable for – or for which I will be held accountable, I will get my grammar right! – before I have carried out an extensive exercise, which will include all manner of complaints. When that is done and when the system is changed, in full consultation with staff, patients and relatives, then I will be able to talk about all the complaints and not just the minor complaints.

1110 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just a final supplementary. Will the current complement of staff, Minister, working for the GHA’s complaints department then be transferred to the ombudsman’s office or to alternative employment within the GHA?

Hon. Dr J E Cortes: Mr Speaker, that consideration will have to be part of the process.

1115 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Schools' health and safety audit
Date of commencement and duration**

1120 **Clerk:** Question 25, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the Minister for Education confirm when the health and safety audits of every school in Gibraltar commenced, as per the manifesto commitment of a starting date of January 2012, and how long does he envisage it will take?

1125 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I can confirm that the health and safety audit process for schools has already started. The first site visit will take place in January 2012, as stated in the Government's manifesto commitment. I envisage that the process will take several months.

1135 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. the Minister for Education envisage how much this health and safety audit will cost?

Hon. G H Licudi: Mr Speaker, this is being done using internal officers, therefore it will cost nothing.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Hon. the Minister aware that there is already an Education Health and Safety Policy in place, which all schools abide by, each with their own policy document, which was created in 2010, in consultation with the Gibraltar Teachers' Association?

1145 **Hon. G H Licudi:** Mr Speaker, of course I am aware of that. There is a world of difference between each school having a health and safety policy, which they all have and they all adhere to, and the process we are embarked on, which is a health and safety audit of each school, with a professional coming in from outside and looking at health and safety – auditing the school from a health and safety point of view.

1150 Clearly the policy is there. Clearly, any health and safety issue that arises is dealt with under the policy. The fact that an audit is going to take place, and it will take place over a period of several months, does not mean that nothing is done on health and safety in schools. Those policies are there, those policies are complied with, and this is a new policy which has been introduced, to have a general audit of each school, which will be reported to my colleague, the Minister with responsibility for health and safety, and myself, as Minister with responsibility for Education, and we will see from that audit process what comes out and what needs to be done.

1155 But the individual policy for each school is there and they are complied with.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, so the Minister for Education does not feel this is a repeat exercise? He also mentioned that an expert from the outside will be coming in: surely this would cost money?

1160 **Hon. G H Licudi:** Mr Speaker, I have not said that any expert from outside –

A Member: Yes, you have. (*Interjections*)

Hon. G H Licudi: No, I said an internal expert.

1165 **Hon. D A Feetham:** No, you said professionals from the outside –

Hon. G H Licudi: Not from the outside, Mr Speaker. (*Interjections*) From the inside, an internal expert. The hon. Members were clearly not listening. It is coming from –

1170 **Hon. J J Netto:** You said from the outside!

Hon. G H Licudi: I did not say from the outside. If I did, then – (*Interjections*) I certainly recall saying an internal expert would be conducting this, and that is why it will cost nothing. Of course if it was somebody from outside, then it would have a cost. (*Interjection*)

1175 The hon. Members should perhaps listen to the answer. The experts will be from the Department, from my hon. Colleague, the Minister Balban, and that is why it will cost nothing. It will be done internally.

1180 **Hon. J J Netto:** If I may, Mr Speaker, can the hon. Member confirm – I do not know whether he is listening to the supplementary question – that the audit will be done by the factory inspector?

Hon. G H Licudi: No, sir.

Hon. J J Netto: Can the Minister tell me who then will conduct the audit?

1185 **Hon. G H Licudi:** The health and safety inspector engaged with the Technical Services.

Hon. J J Netto: Can the Minister tell me the range of issues that will cover the audit?

1190 **Hon. G H Licudi:** No, sir. What I have said is that the process has already started.

We are currently considering a document that has to be prepared. It is still not finalised. It will be finalised by next week, and as I have stated in the answer, the first site visit will take place in January 2012. We have started the process which has involved meeting with hon. colleagues, with the technical experts, with the Acting Director of Education, with experts from Technical Services. That is the process that has already been started as a result of that meeting.

1195 Exactly what that document is, which will lead to the audit itself of each school, is something that is currently being finalised and we will certainly be happy to say what that document is when that is finalised.

1200 **Hon. J J Netto:** Mr Speaker, I will rephrase the question. Is the audit being done in order to comply with the management of health and safety?

Hon. G H Licudi: No, Mr Speaker, the audit is being done, because we committed ourselves to carrying out an audit of each school and to identify any issues which require to be redressed.

1205 There is nothing in particular – it is not the case that something has been brought to our attention which says there is a health and safety issue, and some policies are not being complied with. We have simply determined, as a matter of policy, that it is appropriate for each school to have an audit during the course of this year, to identify any issues which ought to be looked at. That is what the audit process is all about.

Hon. P R Caruana: Mr Speaker, is that a one-off audit?

1210 **Hon. G H Licudi:** This is intended to be a yearly audit.

Hon. J J Netto: But in order to comply with the management of health and safety legislation?

1215 **Hon. G H Licudi:** Mr Speaker, we start on the premise that schools already comply with whatever legislation on health and safety exists. There is, as his hon. colleague has already indicated, a health and safety policy which applies to all schools. This is separate from that as an audit process, to identify any issues which ought to be brought to the Government's attention and which may or may not need to be redressed. That is the purpose of the audit.

1220 **Hon. D A Feetham:** Will the Hon. Minister undertake to make the results of the audit public?

Hon. G H Licudi: Yes, sir.

1225 **Clerk:** Question –
Mr Speaker: The Hon. the Leader of the Opposition.

1230 **Hon. P R Caruana:** Implicit in doing an audit, I suppose, is that anything that it shows would have to be done immediately, otherwise the Government would be exposed to any subsequent complaint that they knew that something needed to be done, they did not do it and there was some accident. So implicit in doing annual audits is that, then, the Government commits itself to promptly correcting whatever, if anything, a particular annual audit of a particular school might show. Is that true?

1235 **Hon. G H Licudi:** Mr Speaker, what could be more important than health and safety in schools? The purpose of the audit is to identify any issues which need to be redressed.
Of course, if any issue is identified as needing to be redressed in schools, it will be redressed by this Government!

1240 **Outgoing Director of Education
Replacement**

Clerk: Question 26, the Hon. Mrs I M Ellul-Hammond.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would the Hon. Minister for Education confirm that the outgoing Director of Education will be replaced?

1250 **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): Yes.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education confirm that he will be replaced by someone from the teaching grades, as has been the tradition up to now?

1260 **Hon. G H Licudi:** Mr Speaker, it is not for me to decide who is appointed as Director of Education. There is a process, there will be an advertisement, this is a matter that will go to the PSC and the PSC will decide in accordance with its normal practice.

1265 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps what my colleague is trying to ask is that in the past there has always been an agreement with the Gibraltar Teachers' Association, who have the negotiated rights for that grade, that the conditions for the post... it was open to qualified teachers who, on top of that, had to be graduates, as well. Perhaps that is what we are trying to ascertain – are you keeping to the same condition or are we changing?

Hon. Mrs I M Ellul-Hammond: Sorry, to clarify – not from the clerical grades, but from the teaching grades.

1270 **Hon. G H Licudi:** Mr Speaker, that is not what the original question asked. I have not seen the advertisement myself. I would assume that that is the case. The instructions that I have given, as Minister for Education, immediately upon the appointment of the former Director to the post of Chief Secretary, was that the post should be advertised.

1275 I have simply assumed that that will take its normal course and whatever process needs to be done will be done, the adverts will be issued and the matter will be decided by the PSC.

Hon. E J Reyes: Mr Speaker, all I wanted was clarification that it be advertised on the same terms as in the past.

1280 **Hon. G H Licudi:** Mr Speaker, what I have said is that I assume that that is the case. I have not seen the advert itself. I have given instructions for the post of Director to be replaced and the relevant officials are getting on with that in the same way, I imagine, as has been done in the past.

1285 No specific instructions – if this is what the hon. Member is driving at – have been given to change anything that has happened in the past. The instructions have been that the post of Director of Education should be filled.

**Increased complement of teachers
Measures taken to fill posts**

1290

Clerk: Question 27, the Hon. Mrs I M Ellul-Hammond.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education please explain what measures are being taken to increase the complement by 47 new teaching posts within the Department of Education, by open advertisement or straight from the teaching supply list?

1300 **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 complement of teachers will be increased by 47 and, as usual, this will be undertaken by advertisement.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister tell us how he arrived at the figure of 47?

1310 **Hon. G H Licudi:** Mr Speaker, this was a matter that was considered when we were in Opposition, as to the policy.

It was arrived at, having undergone a process of consultation with professionals, with the GTA. We were aware that there were a significant number of additional teachers that were needed, as a result of information that I have obtained in this House during the course of my time as Opposition Member with responsibility for educational matters.

1315 We set up an Education Committee, before the elections, to look precisely at all education matters, including this one and, having had the necessary feedback from professionals, from the GTA, and having considered the matter in that Committee, a recommendation was made – this is not a Government matter – it was made to the Party at the time, that the figure of 47 would be a sufficient number in order to meet the needs of the profession and our children, in order to carry out the policies that we have identified. As a Government we have adopted that and we will be engaging 47, which will do a number of matters.

1320 First, it will bring to an end the practice which has hitherto been the case of people being permanently on supply, not necessarily the same person, but of particular posts in schools being taken on, year after year, by supply workers: we do not agree that is conducive to good practice and that ought to be replaced, so it will do that.

1325 It will also allow us to comply with our policy of providing additional resources for children with special educational needs and it will also help us in our policy of reduction of class sizes. So after taking all that into account we consider that increase in complement by a figure of 47 was appropriate. That is the policy decision we took and that is what we intend to implement.

1330 **Hon. Mrs I M Ellul-Hammond:** Thank you but, Mr Speaker, can the Minister explain how many, then, of the present supply teachers will form part of the new 47 teaching posts. You have already mentioned some who have been there for a few years filling a post that needed to become permanent and pensionable. What about the *other* supply teachers?

1335 **Hon. G H Licudi:** Well, Mr Speaker, in the original answer I said that this would be undertaken by advertisement so all those members on the supply list, whether they have been working for one year or two, or simply on the supply list and working on an *ad hoc* basis, all those teachers, supply teachers will have the opportunity to apply for specific posts that will be advertised. Then the process – and it will certainly not be up to me to pick individuals and say put this one in this school for this particular subject – the process will be undertaken by advertisement, by interview, and the appropriate candidates will be selected.

1340 What I can say to the hon. Member, that this is a process that will be curriculum led. It will be on the basis of the needs of the curriculum for each school and, therefore, subject specializations for each school – in Secondary I am talking about, because in First and Middle schools teachers tend to teach a broad range of subjects – so subject specializations are at present being considered in terms of which teachers needing which specialization should be advertised as part of the 47 and, once that process has been undertaken and approved by the Director of Education, at the moment the acting Director of Education, in consultation with me, those adverts will go out, all the supply teachers will be able to apply and they will be interviewed and selected by the board. I certainly won't be part of that board.

1350 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, would the Hon. Minister please clarify, would those 47 posts all be posted in schools or would some, perhaps, be used to help increase the advisory service or is an increase in the advisory service going to be something over and above the 47 teaching posts within schools?

1355 **Hon. G H Licudi:** Mr Speaker, it is envisaged that these are teaching posts.

Hon. E J Reyes: Yes Mr Speaker, I would remind the Member, perhaps other colleagues who are qualified teachers and have worked in schools. The advisory service are also qualified teachers.

1360 **Hon. G H Licudi:** But they are not teaching posts. There is a difference between –

Hon. E J Reyes: They certainly are teaching posts Mr Speaker.

1365 **Hon. G H Licudi:** No, no, there is a difference between a teaching post where somebody undertakes teaching in schools and a teacher who happens to have a different post. If the hon. Member were to check the approved estimates which we passed in this House last year, there is a list under Education of the various posts and has the complement of teachers which, as I seem to recall, something like 332/333 and then separately there are different posts – Director of Education, the Senior Education Adviser, the two other Education Advisers – all those happen to be filled by teachers but they are not identified as teaching posts.

1370 The process that is being undertaken at the moment is to identify these specializations, the specific posts that are required to be filled by the 47 so that the applications can be made and everybody knows where those posts, in fact, are.

1375 **Hon. E J Reyes:** Okay, so can I just double check one or two things properly, Mr Speaker. The 47 posts are going to be for teachers working directly within the schools, can I then ask the Hon. Minister, can he confirm that there might be perhaps even an increase, then, in posts within the advisory service?

Hon. G H Licudi: But that is a different exercise Mr Speaker.

1380 What we have also said is, quite apart from this exercise of filling these teaching posts, we need to look at the clerical support that is required, both in schools and in the... if I can finish my answer first... there is a need to identify clerical support and administrative support that is required both in schools and in the Department of Education. The purpose of that is that once a clerical worker is engaged at whatever level – whether it is AO, EO, HEO, whatever level is identified – once that is engaged and they assist either schools, Headmasters, and Deputy Headmasters or in the Department by assisting the, if necessary, the Education Advisers, that will free up time from those persons who are qualified teachers, who will have more time to engage, rather than on the administrative tasks that they undertake at the moment but on the more educational and teaching tasks that they are qualified to undertake.

1385

I am not sure whether that answers the hon. Member's questions, but that is the process we are engaged in.

1390 **Mr Speaker:** The Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Yes, but can the Minister confirm or not whether all schools for all years will be receiving an extra teacher?

1395 **Hon. G H Licudi:** As I have indicated, the process of identifying where those posts are going to be is currently being undertaken by the Department of Education. I did say that that will then be a matter that will clearly have to be considered by the Director of Education in consultation with me. That process has not yet been completed so I certainly have not seen the list of what is proposed because that process is ongoing and has not yet been finalised.

1400 **Hon. Mrs I M Ellul-Hammond:** And as my final supplementary Mr Speaker. Minister, in your press release of 25th November last year you say the increase in permanent posts would not remove the need for real supply teachers to cover occasional demands, as required. Can you please explain what status constitutes 'real supply teachers'?

1405 **Hon. G H Licudi:** Mr Speaker, I can tell the hon. Member, not what may have happened before the 8th December, but what the policy of the Government is.

1410 There is a need to introduce teachers into various schools to fill up posts which actually exist at the moment over and above the complements of the 333 and which are being taken up permanently by supply workers, not necessarily permanently by the same supply workers but, year in year out, many schools have additional numbers of teachers as generally part of the, what may be known as the over complement. That is going to be eradicated. There will clearly also be a need at some point, whenever this exercise is completed, and as from September 2012, where there will be temporary absences from teachers. Teachers may have the flu, may be ill, may be on maternity, so temporary absences will have to be filled from whoever is on the supply list. So this exercise of the 47 is to increase the *permanent* complement of teachers but that will certainly not eradicate the need for temporary provision of supply workers whenever the need arises.

1415 **Hon. Mrs I M Ellul-Hammond:** Thank you for that.

1420 I understand what you are saying but will the status for supply teachers therefore change? Will there be a new arrangement or a new policy on how teachers are registered as supply teachers and their terms and conditions?

1425 **Hon. G H Licudi:** Mr Speaker, the one change that there will be is that those supply teachers who continue to carry out supply work to cover temporary absences, where that temporary absence is for three months or more, the supply teacher will actually get a contract of employment, and therefore it will be a temporary contract of employment for that period that they are carrying out supply, unlike the position at the moment where no contract of employment is actually offered.

1430 **Hon. Mrs I M Ellul-Hammond:** Thank you Minister.

Mr Speaker: The Hon. Edwin Reyes.

1435 **Hon. E J Reyes:** Mr Speaker, just so that we are all clear here. Is the example the Hon. Minister is trying to give, for example a teacher going away on maternity leave, if the period of maternity leave is going to extend over three months then another teacher will be taken on a sort of fixed term contract, and what rights then will that teacher then acquire for the next academic year?

Hon. G H Licudi: Mr Speaker, it is not a question of acquiring rights for the next academic year.

1440 If someone is engaged on a temporary contract of, say, three months or six months, they will have rights as an employee during that period. When the temporary contracts come to an end then whatever needs to happen if the teacher that is part of the complement comes back, then the temporary engagement comes to an end in the normal way, and the teacher, as part of the complement, resumes his or her – well, in the case of maternity, her work.

1445 **Hon. E J Reyes:** So that teacher, then, simply reverts back to the supply list.

Clerk: Question 28 –

1450 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that the House do now adjourn until 5pm this afternoon.

1455 **Mr Speaker:** Is that convenient to all the hon. Members?
This House will adjourn until 5pm this afternoon.

The House adjourned at 11.50 a.m.