



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.35 p.m.

Gibraltar, Monday, 9th July 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Order of the Day

Appropriation Act 2012 Debate continued

Clerk: Budget speeches continue.

Mr Speaker: The Hon. the Minister for Health and the Environment.

5 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, this is my first ever Budget speech before Parliament, and it is an honour for me to be able to present it.

I must start, Mr Speaker, by thanking the people of Gibraltar for the confidence they showed in me at my first ever General Election, even though I had only entered the political arena a matter of weeks before Election day.

10 Election day: the 8th December last was a turning point for the environment in Gibraltar and the 9th brought with it a new dawn of hope for the future. A Government that seemed to groan every time it had to consider the environment was replaced by one which is already today probably the most environmentally progressive in Europe.

15 This is something I take very seriously and I will strive my utmost to gain international recognition of our increasingly green credentials. Literally overnight, Gibraltar had concern and care for our surroundings and for the wellbeing of our people and our planet at the core of its policies and activities.

Mr Speaker, I know better than most how difficult it was under the Government of the Gibraltar so-called Social Democrats to make progress on environmental obligations, let alone initiatives. I know

20 better than most of rejected proposals, forbidden funds, negative reactions, when other players in other areas were getting incentives and funding, right and centre, sadly not left.

I know better than most of non-implemented Directives and the ignoring first and avoiding later of advice. The latter was characterised, for example, by a ban on Government servants engaging directly with environmental NGOs, and the now well-known centralisation of everything and confrontation with everyone who did not tow the line.

25 Mr Speaker, probably the first thing I did, when I attended my first meeting at the Department of the Environment, was to lift the ban on talking and discussion, and to invite Department officials to work together openly with representatives of organisations and contractors. I opened up links to counterparts in Government and Agencies in the UK and encouraged interdepartmental contacts and joined-up thinking within the Gibraltar public service, which was surprisingly and alarmingly lacking.

30 This step, which was a logical extension of the various inter-Ministerial Committees, also opened up the avenues of close communication, which has facilitated the work of the green filter. There is now scarcely a Government activity of significance that does not go through an environmental filter. How things have changed!

35 In practice, not only do environmental civil servants and advisers or contractors get involved in discussion and decision-making, or are appointed to important committees, but many criteria with which such decisions are arrived at have been changed. This is the case, for example, with the new green procurement practices, the subject already of circulars and seminars and with initiatives linked to reduction of emissions and energy efficiency, also already well promoted within the public service.

40 This year will see the revision of the Environmental Action and Management Plan. The revised version will illustrate the Government's green ethos and provide comprehensive targets with dates for the fulfillment of these. A workshop has already been held within the public sector, with presentations given to all Government Authorities, Agencies and Departments. A number of practical steps have been initiated such as the introduction of recycled paper within the service, double-sided printing, the use of central printers to name but a few.

45 The introduction of the Environmental Filter is resulting in greater environmental consideration in the procurement process. The tendering process has seen the introduction of a green procurement policy. This particular issue has also been the subject of a Government seminar.

50 With regards to the tender documents for the purchase of goods or services, the weighting of environmentally friendly products and energy efficient equipment has become much greater, with the aim of making it the principal factor when considering tenders. The Chamber of Commerce and the Gibraltar Federation of Small Businesses have been engaged and are aware that their members have to work towards introducing greener products and services within the local market, as Government will be procuring on that basis whenever possible in the future. They have embraced these principles.

55 All Building Applications are now filtered through the Department of the Environment, who provide comments regarding various aspects relating to the environment. These include the effects developments could have on natural habitats and planted areas. Furthermore, energy efficiency, the provision of appropriate refuse disposal facilities, dust emission during construction, and so on are also considered when relevant.

60 In the next few months, Government will be publishing a tender for the collection of recycling of all small items of waste electrical and electronic equipment (WEEE) and batteries, with the possibility of at last introducing recycling of paper and cardboard from all Government Agencies, Authorities and Departments. There are already arrangements in place for the recycling of small WEEE items, but this new service will ensure that the waste is collected and delivered for transfer to the authorised recycling facility, ultimately producing higher collection rates.

65 The Government is working together with the Environmental Safety Group (ESG) on a wide range of issues, and has opened its doors to the Group, which has met on many occasions with different Ministers and Government Departments, including the Department of the Environment and the Port.

70 This work includes life after the last Government's Epidemiological Study, which was promoted by our predecessors as giving no cause for concern, almost as reason to sit back and do nothing. Even the present Hon. Opposition Spokesperson for Health seemed to find it acceptable, as was widely reported in the press. This Government, like the ESG, considers that it had considerable flaws, and is discussing with the Group ways of taking this theme forward together. Government is committed to improving environmental aspects that can affect human health, whether it is through improving the quality of the air we breathe, or as a result of lifestyle choices.

75 Mr Speaker, one of the earliest and most courageous decisions of this Government was to halt the former Administration's plans for a large diesel-fuelled power station. It was also one of the most sensible ones, from both a financial and environmental perspective, and the history of Gibraltar will judge it as such. This action has opened a wide range of possibilities for Gibraltar, not just in determining the main source of power, but in identifying alternative sources that will help Gibraltar meet and, we hope,

80 exceed the European Union's targets for renewable energy – targets that are punished with heavy fines of millions, if not met.

The failure of the previous Administration to tackle power in a timely manner, already referred to by the Chief Minister, in the 16 years it had to do so, must be condemned, as it has brought us very close to the line on timings. The removal of the existing power generating stations is a top priority for this
85 Government. The OESCO and the former MOD power stations had been allowed to deteriorate unacceptably. This has left us with yet another liability as part of our GSD inheritance.

Government is closely studying various options and short-listing these, with a view to reaching a decision shortly as to what the main source of power for Gibraltar will be. Once this decision is taken, it will move very fast and we are aiming for implementation within this term of office. Government has
90 received numerous proposals for more sustainable forms of energy production, some of which simultaneously deal with waste disposal. These are all being actively considered.

At the same time as providing a secure and reliable source of power, Government is promoting the reduction of energy consumption through a number of initiatives and by example. Government has
95 commenced and will continue with a programme to replace public lighting with solar powered devices and/or LEDs. This example has already been followed in at least one private estate, and I would like to publicly congratulate Vineyards for this.

Another measure that has been introduced is that all refurbishment and repair works to Government buildings must explore and implement options to make changes to lighting systems that are more energy
100 efficient.

Government is very serious in its aims to reduce emissions and to producing a Gibraltar that can be proud of its record in slashing its contribution to the global problem of climate change. It has therefore provided, as promised in the manifesto, £1 million to be used for projects that will assist in achieving the
105 reduction of our carbon footprint. This will include facilitating renewable energy projects.

I must remark that the last Government did nothing whatsoever of any significance in this respect. That is not only shameful but embarrassing and a disgrace, which has done nothing for our international
110 image, as I have been able to ascertain in meetings that I have recently held, in London.

To assist in this work, Government has reconvened the Gibraltar Climate Change Forum, which had not met since 2006, and which has already met twice, and is drafting a new Climate Change Strategy for
115 Gibraltar.

Mr Speaker, as announced earlier by the Chief Minister, there will be a number of import duty changes to promote environmental measures:

- The import duty on biofuels will be zero with immediate effect.
 - Import duty on the importation of hybrid vehicles via a licensed motor dealer in Gibraltar will be reduced to 2%.
 - A £500 cash back will be given to the purchaser of a hybrid vehicle on registration in Gibraltar.
 - Import duty on recycled or approved environmentally friendly or eco paper, from renewable forests, is reduced from 12% to 0% with effect from 1st July.
 - Import duty on stationery made predominantly from recycled materials is reduced from 12% to 0%.
- And more such measures are being looked into.

Mr Speaker, another problem that was not successfully addressed by the past administration was the matter of waste disposal. Once again, there was a report that no-one seemed to know what to do with. This Government has engaged a consultant to assess and advise on the various different options being
120 presented to it, to deal with the sustainable disposal of Gibraltar's waste. The exercise will provide Government with an accurate understanding of Gibraltar's waste arisings, and the best options for our unique circumstances. Any new technologies must comply with our various EU requirements, as well as the Government's green philosophy.

As has already been explained in Parliament, Government is developing a plan with experts far and wide for the management of our macaques. The previous plan did not deliver a satisfactory situation and had not been implemented, despite being ready for over two years. The exercise to develop the new plan
130 should be complete by the end of this summer. It is envisaged that among other things, this year will see the supply of water to Anglian Way, the construction of feeding areas and ponds at many of the sites and the setting-up of interpretation material. In contrast with the situation with the last Government, where Gibraltar was condemned internationally and was the subject of a negative campaign, two international
135 organisations, the International Primate Protection League and the Born Free Foundation, are completely on side and will in fact be contributing with expertise and funding to delivering the plan.

It has already been stated that no culling will be conducted for the purpose of reducing the number of macaques. The possibility of relocating macaques to adequate places abroad will continue to be an option and the use of contraceptive measures will be enhanced. This, together with the new management systems and facilities will go some way towards significantly reducing the nuisance caused by the monkeys in
140 built-up areas, which is one of my main concerns.

The four-year gull population reduction programme with FERA has now been completed. We will now be enhancing local resources to increase the year-long concerted effort that should maintain the numbers of gulls at a satisfactory level, without the need for the continuous and expensive engagement of overseas services.

145 Mr Speaker, when I took over the old Alameda Gardens in 1991, I remember sitting at the edge of one of the beds, looking round, and almost despairing at the magnitude of the task ahead. A similar feeling went through me as I went around the Cemetery, shortly after coming into office. Not only was it in an appalling state, but the conditions of the staff facilities was shocking, and little equipment was available. But the task is not insurmountable.

150 We will this year commence a project of general refurbishment for the Cemetery which will entail the removal of unkempt vaults of more than 50 years, the painting of external walls, the placing of benches and refurbishment of the entrances, as well as improving the management of the planted areas. The Board of Visitors to the Cemetery, which has not functioned for about a decade, is being reconstituted in order to support the hardworking and thoroughly committed Superintendent and his team, in their work.

155 The drive to plant more trees throughout Gibraltar will continue. This will be achieved within new developments and in green areas where they can survive through natural means. Plans continue to be developed to creating new green areas. Design work on Commonwealth Park, for example, is advancing well, and works on the ground are expected to begin shortly after the summer.

160 Consistent with the concept of tidiness and beautification, another body that I have resurrected is the Litter Committee, which has already helped in co-ordinating the resources available to clean up and maintain a cleaner Gibraltar. The Committee's members include official Departments, Agencies, contractors and NGOs, including the 'Wake Up Gibraltar' Facebook Group. I must mention here the work done by cleansing contractors, and by the Environmental Monitoring Team and the brand new Environmental Feedback Section, which have been given new impetus by this Government's initiatives.

165 Refurbishment work to the Upper Rock sites and enhancement works to areas of natural beauty will be carried out, adding to the excellent work already being done by the Upper Rock Team in managing habitats and controlling non-native invasive plant species.

170 Tanks that will provide water for fire-fighting purposes in the Upper Rock will be placed at different locations in consultation with the City Fire Brigade. Works to repair and replace fences in the Upper Rock will also be carried out. Old buildings will be restored and interpretational signs will be erected. This will be the first phase in developing the Upper Rock towards its full potential as an area of beauty, wildlife, and recreation.

175 The Alameda Gardens will be encouraged to continue to develop, beyond its recreational value to the community, as a major player in research and conservation in the region, and to promote Gibraltar internationally in these fields. This year should see the completion of works to the Animal Conservation Park, the development of educational and scientific work and the placing of interpretational and educational material.

180 Gibraltar, Mr Speaker, has important responsibilities in affording protection to wildlife that not only resides here but which passes through Gibraltar and its waters on migration. This projects our importance – and our responsibilities – far beyond the limits of our small territory, as essentially our success or otherwise in wildlife protection could have repercussions in wildlife populations, particularly of birds and marine species, throughout Europe and the Mediterranean. That is why, Mr Speaker, despite allegations to the contrary, the Government takes very seriously its responsibilities under the Habitats and Birds Directives and why it affords protection to its wildlife, both terrestrial and marine.

185 In relation to the Habitats Directive the existing surveillance monitoring programme will be enhanced this year to ensure greater data capture for species of flora and fauna of local and community interest. The results of the monitoring will assist Government in meeting the requirements of the Directive, which include ensuring that the favourable status of our European protected habitats and species is attained or maintained locally.

190 The Rock of Gibraltar Site of Community Interest will shortly be designated as a Special Area of Conservation. To this end, a management scheme is being prepared by the Department of the Environment. This plan will reflect the findings, where applicable, of the current Upper Rock Consultation Process, which should see the rationalisation of all the interests into an organised mechanism which will ensure proper management of all aspects of the Upper Rock.

195 The Government is revising the Southern Waters of Gibraltar Management Scheme, which as existing is weak and inadequate. The protection regime which had been in place until now is therefore being supplemented and will include the regulation of all types of fishing activities in Gibraltar waters amongst other issues affecting Gibraltar's marine resources. Mr Speaker, the clear show of weakness of the Government of 1999, in ignoring technical advice and entering into an agreement tantamount to likewise ignoring Gibraltar's laws, was in my mind the clear trigger for the declaration by Spain of a European SCI within Gibraltar waters. This admission by the then Government of its inability to administer

200

protection of our marine resources will have been mischievously used in a decision to take the law into their own hands and treat our waters as if they were theirs.

205 But this is hardly surprising, if our own Government essentially agreed to Spanish law governing activities in our waters. The best way to tackle this problem, Mr Speaker, is by demonstrating that we are willing and able to offer a protection regime that is scientifically robust and will encourage the recovery of our marine habitats and species and only allow sustainable use of our resources.

210 This will mean that the regulations that we will be introducing, which have been discussed with all relevant stakeholders in our Marine Consultation Process, will require certain restraint and control of activities currently taking place, but in the end will ensure thriving marine life with added possibilities of sustainable use. Mr Speaker, for the avoidance of doubt, let me state that these are regulations that we have been developing since December, to govern activities locally such as angling, diving and spear fishing, to replace the former Government's inadequate and ill-conceived Marine Leisure Act proposals.

215 Mr Speaker, sound conservation science is the overriding principle that drives all our environmental work, be it in relation to local use or in relation to Spanish fishermen. It is imperative that all recognise and accept what the world already knows, that unless we protect what little remains now, there will be nothing left in the future.

220 It really is sad, Mr Speaker, that neither the present Leader of the Opposition realised that in 1999, when he had it in his gift to resolve the issue once and for all, nor the Opposition now can find it within themselves to publicly state that what I am saying is true and that what we are doing is right.

225 Mr Speaker, I have already mentioned the Government's commitment to involving the wider Gibraltar in its work. I have referred to the involvement of the ESG. Similarly, it is maintaining close contact with the Ornithological and Natural History Society through regular meetings and discussions on matters relating in particular to the natural environment. The Government will continue to do so and will assist their work in the rehabilitation and captive breeding of birds of prey, both for release into the wild and for use in gull control.

230 In order to strengthen and widen the quality of scientific advice available to it, Government has restructured the Scientific Authority and the Nature Conservancy Council, which is now encouraged to advise on any matter within its competence that it wishes to, and not simply respond to specific requests as dictated by law.

235 Mr Speaker, this year Government celebrated the eighth anniversary of World Environment Day (WED) on Thursday, 31st May. The purpose of this United Nations Environment Programme Day is to spread awareness of centre stage environmental issues. This year's theme is the 'Green Economy.' Events were centred on the ever-popular performances by school children and parents who were invited to attend. This event was held at the Tercentenary Sports Hall. It was truly inspirational. The work done by children, teachers and parents has to be praised. The message came through loud and clear: they are the future, and the future, if there is to be one, must be green.

240 The Department of the Environment is currently considering the detailed requirements of a purpose built Environment Park that will provide for the ability to dispose of different waste streams. These waste streams will then be transferred to authorised recycling and disposal facilities. Until these facilities are established, businesses and the public are encouraged to take all Waste Electrical and Electronic Equipment (WEEE) to the temporary facility at Europa Advance Road or to any retailer from which it is purchasing a replacement piece of equipment. Promoting awareness of the need for careful disposal of waste has been and will continue to be one of the subjects covered in the Environment Department's promotional material – one of which is the very popular recycling ad featuring 'El Teren', so convincingly portrayed by accomplished actor, Tony Loddo. There is more to come.

245 This type of initiative will help remind members of the public to make use of the recycling facilities that Government has placed and will be placing at its disposal. The provision of proper facilities for the disposal of refuse will continue this year and the project will be implemented in stages.

250 Mr Speaker, the services provided by the existing Gibraltar Air Quality Monitoring Programme has this year been extended with the following improvements:

- The existing website providing air quality monitoring data to the public will be upgraded to improve accessibility, security and user friendliness.
- Rainfall is to be measured to provide valuable data to better elucidate the behaviour of pollutants with respect to meteorological processes.
- Considerable interest and research into black carbon is currently being undertaken throughout Europe, to better understand this pollutant. No measurements of black carbon have ever been made in Gibraltar and monitoring will commence shortly.

260 • There are no data on radon levels in Gibraltar and an initial three month survey will be carried out throughout Gibraltar to characterise radon background levels. Following the results of this survey, a decision will be taken as to whether there will be a need to extend the monitoring period. It is hoped that the data gathered will help answer questions posed within the Gibraltar Epidemiological Study (GES), with respect to radon concentrations in air.

265 • In the light of modelled results that arose from the monitoring stations, further investigation is to be carried out, to provide an indication of the apportionment of sources of chromium in Gibraltar. This highlighted that modelled concentration of trichloroethylene and tetrachloroethylene pose an enhanced risk of certain cancer endpoints. A short measurement study using diffusion tubes will be carried out to determine whether the modelled concentrations from the system are consistent with measured concentrations in ambient air within Gibraltar.

270 • PM10 particulate background concentrations have been obtained in the past from Spanish sources, in order to quantify the apportionment of African dust to our PM10 levels. In order to avoid delays in obtaining the Spanish data, an alternative method will be developed using an open source air quality data analyser called 'Openair'.

275 The Energy Performance of Buildings Programme is now well underway. The current system is being revised with a view to improve the minimum energy performance standards of new and current build. Methods of ensuring that buildings conform to requirements are being developed jointly by the Department of the Environment, Building Control and the Town Planner.

280 The Water Quality Monitoring Programmes carried out by the Department of the Environment and the Environmental Agency continue to be in operation. New requirements under the Water Framework and Marine Strategy Framework Directives are being incorporated into the latter programme. Further developments in relation to the Marine Strategy Framework are expected to take place in the very new future and the Government is committed to meeting and, if possible, expanding upon the requirements.

285 Additionally, *ad hoc* sampling will be conducted by the Department of the Environment, as and when necessary, as part of a new pollution monitoring and enforcement campaign. We will continue to monitor the situation at Western Beach, as at all our beaches, and continue to work towards a long-term solution.

290 Work continues also on a wide range of issues, including the European Floods Directive and the Cartagena Protocol. Much of the work I have mentioned today, and a great deal more that there will not be time to go into, is either run or supported by the Environment Agency, with which my Ministry works very closely and which produces work of the highest calibre. Indeed, work across the boundaries of Agencies and Departments is the hallmark of this Government.

295 As an example, Mr Speaker, I must mention the extreme hard work and efficiency with which two recent oil spills, one in Gibraltar and another in Algeciras were handled by the Port, the Maritime Authority, the Department of the Environment and the Environment Agency. They worked around the clock, deployed all the available resources, and co-ordinated their work in such a way that the environmental impact was minimal.

300 In order to help us in achieving all this, the Environment Department will have two new technical posts at Professional Technical Officer (PTO) grade, and it has created a laboratory which contains specialised equipment for on-site monitoring of soils and waters. This will allow for a greater level of pollution management and polluter enforcement. It will also result in more efficient and proactive working practices within the Department and cut length of waiting time for results, while reducing the costs of sampling.

305 Mr Speaker, the staff of the Ministry and Department of the Environment, the Environment Agencies, and others who I work with, administrative and technical, have found that I have given them a tremendous amount of work in a very short space of time. They have responded admirably to the new challenges they face with the new freedom they enjoy to fulfill their abilities and fully utilise their expertise.

310 You will have seen, Mr Speaker, that the amount of work being carried out in relation to the Environment, not just by the Ministry and the Department, but also by NGOs, professional bodies, contractors and other Government Departments is greater and of higher quality than ever before, and I must add, being done and delivered with correspondingly more enthusiasm and excitement. That, Mr Speaker, may well be because I am excited too.

Mr Speaker, I now turn my attention to the Ministry of Health and the Gibraltar Health Authority.

315 Mr Speaker, despite how tired I was, as you would expect, in the early afternoon of 9th December 2011, after the very moving ceremony at the Convent where I was sworn in as a Minister of Her Majesty's Government of Gibraltar, I went down to St Bernard's Hospital. Mr Speaker, 20 years and six months before, I had left my post of General Manager of the GHA, a post now called Chief Executive Officer, with great sadness. Sadness, not because I regretted returning to work in my profession as a biologist, but because of what I was leaving behind. I left a small, tight unit, which in three years had recovered from years of neglect, through investment into manning and into the fabric and was now functioning well and with spirit and commitment.

320 Years later, during the move to the new Hospital, as a member of the Board of the Authority, and before I had fallen out of favour, for reasons best known to some Members opposite, I made it a point to visit the old hospital, now empty, and, as I remembered all the work that I had done there, with so many friends and colleagues, I wondered whether I would ever work in healthcare again. When, shortly after,

325 my long time appointment on the Board was terminated by the then Minister, it appeared that this would never happen.

My return to St Bernard's, now as soon-to-be Minister for Health, was therefore, as you can imagine, an emotional moment for me, Mr Speaker, particularly when I saw and talked to people I had worked with two decades earlier, and to new, young people, who have made healthcare their career. They welcomed me, and I felt immediately at home.

330 Let me say, right at the start of this part, Mr Speaker, that despite all the problems and pitfalls, I am determined to deliver a health service to be proud of – and the pitfalls are many. The dedication of most of the staff is as strong as ever, but the structures and mechanisms have tremendous gaps in them, which make delivery of the service lacking in many ways.

335 The management structure is awkward and fails in a number of important areas to keep in touch with the organisation and with patients, and in many cases, to deliver their needs. Failure of that structure also means that continuity of patient care is again in many cases lacking, with individuals doing their work well, but without the solid connections required to treat the patient as a complete person.

340 Mr Speaker, so many of the problems that have been brought to me by hundreds of patients, relatives and staff, I have found to have been justified complaints, easily avoided, often simple to resolve. What was lacking in the GHA that led to this?

Mr Speaker, I am still asking myself that question, and as all the different parts of the answer assemble before me, I will take the necessary action to put it right.

345 I can already say what some of the answers are. I have mentioned inadequate structure. I will also mention inaccessibility of the former Minister and the sucking upwards of decision-making towards the office of the former Chief Minister, which led to many things not being done and to his lack of expertise in health matters, making it impossible for him to take informed decisions.

350 Mr Speaker, the executive structure of the GHA, now subject to intense review, by me and by itself, was created, I can only assume, by the old regime in No 6 Convent Place. Contrary to the requirements of the law, the Management Board was done away with and doctors banished from its membership. Directors were personally appointed by the then Chief Minister, and pay scales invented that bore no relativity to those of others. Mr Speaker, the trouble this alone has caused is tremendous.

355 I will insist that this is not the fault of the professionals appointed, but their effectiveness was for a long time tarnished by the manner of their appointment. That was not fair on the organisation and was not fair on them. At the same time, Mr Speaker, the Gibraltar Health Authority itself – by which I mean its Board – ceased to be a meaningful forum, with members not being encouraged to place matters for discussion on the agenda.

Mr Speaker, I will leave the matter of democratic deficit behind me and now address this House in regard to matters arising since I took on this very important area of responsibility.

360 Mr Speaker, on taking up my post, there were a huge number of matters that needed my attention. I will now deal with the most immediate and pressing issues that were critical to restoring the useful operation of the GHA.

365 The first is bed occupancy. Bed Management advised me that they had been attempting to operate the hospital with approximately 50 available beds. This number was barely able to cope with the emergency admissions and really precluded any meaningful inpatient elective surgery. I was briefed on the severe waiting list of over 200 patients in General Surgery and the increasing waiting lists in the other services.

370 Over the Christmas period, there were a number of critical nights with no beds available, patients sleeping in A&E, and the real risk of serious emergencies having to be sent directly to hospitals in Spain. On examination of the problem, I was advised and observed that the bed access problem was related to 24 patients with severe dementia, 12 with such frailty that they could only be cared for in hospital or in Mount Alvernia, and 36 other patients who could not go home, as they were awaiting assessments, housing modifications, active social service input and/or domiciliary care. There were also five patients who could be more effectively cared for in a hospice facility.

375 I took action immediately. With the support of the Chief Minister, who saw the problem for himself, when we visited the new hospital together on New Year's Day, and working with my colleague and friend, the Hon. Minister Sacramento, we mobilised both Ministries to tackle the problem, and by the end of February, we had relieved the pressure. By that time, and with unprecedented co-operation between GHA staff and Care Agency staff, Calpe Ward had been opened, providing service to 18 patients.

380 Domiciliary Care funding was increased and improved co-operation with Housing meant that many of those issues had been addressed. So far, since 1st March, Mr Speaker, bed availability for planned elective services has not been an issue.

I have here to pay tribute to all the staff, in particular the Bed Management team, for constantly monitoring the bed situation and finding solutions that benefit existing and future patients.

385 However, Mr Speaker, these remedies are short term. St Bernard's was not designed for long-stay frail elderly services or dementia services. These patients are prone to outbreaks of flu, Norovirus, MRSA and Clostridium Dificile; they are also at extreme risk of institutionalisation.

390 During this examination, Mr Speaker, Minister Sacramento and I convened a joint Ministry group to look at the planning for the Royal Naval Hospital Site and we found what we had suspected all along: that the design advice of the care professionals who would provide the services in both facilities was being ignored. Minister Sacramento and I were shocked and immediately took their advice and sought additional consultant support. This facility will be dealt with later by the hon. Lady.

395 We established a joint Dementia Strategy Group and their first recommendation, that a Dementia Day Facility be commissioned as soon as possible, is now being seriously considered. That multi-disciplinary and multi-agency group has had its mandate increased to provide a Seniors' Health Strategy for Gibraltar and we are expecting their report in the autumn. Once again Mr. Speaker, what was the previous Government doing? The answer, Mr Speaker, was simply failing to listen to the clinical professionals they employed.

400 Mr Speaker, I am pleased also to announce that the Government has agreed to provide the initial support for the commencement of the activity at the new hospice facility run by the Society for Cancer Relief. The Society aims to establish an inpatient hospice facility for those terminally ill patients to spend their last days in greater comfort, and we are looking at ways to support this aim.

405 In summary, Mr Speaker, the previous Government failed the people of Gibraltar in ignoring the root causes of the bed access problem. Our Government is committed to a Healthy Seniors' Strategy and a true caring approach to those in our community who have given so much to and for Gibraltar.

And that issue was only the first problem.

410 I now talk about nurse staffing, Mr Speaker, instead of addressing the real fundamental problem, the previous Government, once again showing their lack of understanding of the principles of modern health care, decided to reduce the number of surgical wards and to put in extra beds set up on the wards, increasing the false capacity by 15%, *but* not increasing the complement of nurses appropriately. Again, Mr Speaker, this ignored the fundamental signs of the nursing staffing crisis. The signs were:

- complaints about nursing care on the wards, for example: 'the nurses are always too busy', 'nobody answered the call bell', 'my parent was not showered today';

- high rates of sickness and absence;

- extraordinary use of the nurse bank, with nurses working continuously on supply with no rights to leave, sickness and no job security;

- poor quality outcomes;

- real reduction in staff availability as a result of the Agenda for Change contract implementation.

420 The second major remedy provided to the GHA, which is evidenced in the Estimates, is the recruitment of 33 nursing positions – a 10% increase in the Nursing Service, which will help alleviate the quality and occupancy problems. These posts are now filled.

425 Primary care access: Mr Speaker, the system of access to primary care was failing our community. People were queuing at 7.00 in the morning, often in vain attempts to get to see the emergency GP. Changes to the appointments system, generated by staff and clinicians, are in the process of being introduced and assessed.

I must add that I have myself been with the staff dealing with the calls for appointments first thing in the morning and am most impressed at their efficiency and dedication.

Together we are looking at ways of improving the service further. The concerns included: the need for additional GP support in the winter months; the failure to deal with the impact of the GP contract; and the limited value of nurse practitioners in the absence of their ability to prescribe.

430 Mr Speaker, with Cabinet approval, I have now published regulations which permit nurse practitioners to prescribe and issue repeat prescriptions and thus they will be able to reduce the pressure on GP services. The first ever nursing practitioner prescriptions in Gibraltar will be written today, as all the systems are now ready.

In addition, I am considering a wider response to the serious issue of increases in GP workload.

435 To the consultants contract: Mr Speaker, another of the failings of the previous Government was that in 2004, they introduced the pay elements of the consultants' contract, without the terms of the contract being agreed. At the same time, the Government attempted to introduce a contract worded in such a way that the consultants found completely unacceptable, I am told, partly because of the belittling language and the lack of respect demonstrated within it. In spite of GHA management and the consultants coming to agreement later, way back in 2006, the Government of the time refused to sanction its implementation.

440 This Government intends to proceed to negotiate a fair reasonable agreement that places reasonable expectations on the consultants and on the GHA. Contacts have commenced and I expect agreement this year.

445 The Mental Health Service: Mr Speaker, it was but a few days after last 9th December that I went back to KGV after 20 years and six months. Mr Speaker, words can barely describe what I found, when I got there. The condition of the building and facilities, the state of the rooms where these members of our community had to live out their lives, and the conditions that the staff had to put up with were worse than Victorian.

450 The Chief Minister accompanied me on another visit shortly after, and was as moved as I had been. Mr Speaker, I took the unusual step of inviting the press and cameras into KGV with me, because the community had to see the disgrace that the last Government had permitted and by its inaction condoned. Of everything wrong that the GSD had done, and of everything bad that the GSD had left, I will always remember the legacy of KGV.

455 Immediately, and at surprisingly low cost, the new Government – a Government that cares for all of its people – set to work in putting this right, and did so with an enthusiastic response from all involved.

460 There were grave concerns too with the previous Government's direction being given on the new Mental Health facility. Once again, experts were not being heard. I am happy to confirm that I have now approved the detailed plan for the new facility, developed by an in-house team of people who know about these matters. We hope that the works will be completed towards the end of this financial year or the beginning of the next.

Also neglected has been the Community Mental Health Team facility at Coaling Island, and I am pleased to announce that, this year, I plan to invest £100,000 in upgrading that facility, which provides a vital and often unappreciated service to the community.

465 Finally on Mental Health, this year, I will table changes to the grossly outdated mental health legislation which will facilitate a modernisation of the service to our community, in this vital and sadly so far neglected area of health care.

470 Catering Facility and Food Service issues: Mr Speaker, one of the moments of the election campaign that I remember most vividly took place in an otherwise very enjoyable session at the Laguna Social Club. It was an appeal by a member of the hospital catering staff for help and support. She was ashamed of admitting she worked in the hospital kitchen, not because her work was not up to standard, but because no matter how good it was, the system in place meant that the food reached St Bernard's in an unacceptable state.

475 Mr Speaker, what I did not know then was that not only did the plated food system not work, not only did each food trolley cost over £7,000 and each door at least £500 to be replaced, but that the condition of the kitchen was so appalling. Within days of the Election, I visited the kitchen with my friend and colleague, the Hon. Paul Balban who, as you will know, is a trained dietician, and we were both shocked. It was almost like KGV all over again. Well, nothing can be that bad.

480 As Minister responsible for Health and Safety, my colleague initiated an inspection which revealed serious shortcomings that had not been dealt with by the previous Administration. These are in the process of being put right – after years of inaction. You see Mr Speaker, as we have seen and will see, not just from my contribution but from many others by my colleagues, not only did the last Government spend money on unnecessary follies, it also failed to spend money on necessary essentials and left us with a myriad of ticking time bombs, which we have had to set to defusing – at an expense that they should have had, and to the detriment of our own programme. That, Mr Speaker, is tantamount to putting the wellbeing of Gibraltar last.

485 Mr Speaker, I immediately listened to the Catering Department and to users and agreed that the concept of returning the food service preparation to the St Bernard's site be addressed as soon as possible. I am expecting an architectural feasibility of options imminently, with a view to starting work within this financial year.

490 Now the Ambulance Service: Mr Speaker, another area of concern is the Ambulance Service. We are committed to providing proper and larger facilities to the ambulance staff, as well as to improving other aspects of the running of the Ambulance Service and to its professional development. Last week, we took delivery of the three new emergency ambulances, which were finally ordered by the last Government, thanks to the concerns of the staff and to the determination of the then Shadow Member for Health, my hon. and learned friend, Neil Costa. (A Member: Hear, hear.) The tender process for replacing all five transport ambulances is already under way, so that by the end of this financial year, we will have a full set of ambulances less than a year old. My word, what a difference! (A Member: Hear, hear.)

500 Now to our manifesto: Mr Speaker, the above issues represented priorities encountered in the first few months of this forward-looking and progressive, breath-of-fresh-air Administration. Some of these were not explicitly in our manifesto, but nevertheless emerged as top priority and were dealt with. It was evident that the continued theme of the previous Government not listening to or ignoring the GHA's strategic planning process contributed very significantly to the problems I encountered and still have to live with every day.

505 Our manifesto, Mr Speaker, is our commitment to the people of Gibraltar. My mandate from the people who put so much trust in me, and from my colleagues in Cabinet, is to implement this manifesto. However, I will not do it by giving blind instruction, nor without planning and careful consideration. I will ensure that due process is followed, staff are consulted and implementation issues are addressed, using a robust project management approach.

I will now account for the implementation of our commitments.

510 In-vitro fertilisation (IVF): Mr Speaker, the GHA has developed the IVF policy and is now finalising the evaluation of the responses to the tenders and in the next month will announce the successful service provider. The system will be a reality very soon indeed.

515 Transparency in the running of the GHA – open Board meetings: Mr Speaker, based on well researched new Standing Orders and in keeping with our manifesto commitment of ‘transparency in the running of the GHA’, our second meeting of the Authority to be held in public is scheduled for 17th July. I am also planning the annual public meeting for the Board in the autumn, at which time the annual report will be published.

520 Use of the GHA website: Mr Speaker, at the moment, this website is nothing short of an embarrassment. I have asked our IT professionals to prepare proposals for a much improved website later in this year.

Fiscal transparency: Mr Speaker, I am committed for financial progress reports to be provided for each quarterly meeting and to the greater devolution of budgets to front-line managers and appropriate clinicians throughout the GHA.

525 Clinicians at the top: As part of the Management Restructure, Mr Speaker, I have already made proposals and had proposals from the current members of the Executive and have had many discussions with staff throughout the GHA. I intend to include doctors and other senior clinicians, including nurses and representatives of the Allied Health Professionals in the new management structure. I hold regular meetings with GHA doctors and will continue to discuss other elements of engagement of clinicians including conditions and contracts for non-Consultant Hospital Doctors, and the re-establishment of the Medical Advisory Committee.

530 On Objective Standards: Mr Speaker, in consultation with management and with the recently appointed review team, I intend to implement a more rigorous system of accountability for all managers and indeed for the GHA Board. A proper system of Clinical Governance, which is a Board responsibility, will be introduced. To this end, I intend to look for a strategic alliance with an NHS Trust to assist with audit of standards and to implement a system of accreditation suitable for a health service such as ours.

540 GMC Registration: Mr Speaker, I have already had a consultation with the Medical and Dental Registration Board and have heard their frustration with the current legislation and the paucity of their administrative system that precludes effective monitoring of competence for Gibraltar’s doctors and other health professionals. The previous Government’s failure to listen to that Board and the lack of respect shown to its Chairman is incredible. This is a complex matter that requires time to develop an effective implementation plan.

545 Complaints: Mr Speaker, Government will soon be introducing legislation to address this matter. I am already considering proposals and will now complete my discussions with the Ombudsman in respect of the final policy and the complaints management process.

550 Consultant staffing: Mr Speaker, I have already made considerable progress again in this area. The third consultant surgeon will take up his appointment in September of this year and the competition for the third psychiatrist will commence shortly. I am awaiting staffing options in regard to dementia care and will soon examine the commitment to A&E.

555 Public Health and Healthy Living: I expect to receive a comprehensive proposal from the Director of Public Health in regard to the system to meet Government’s needs in this area. We are committed to a permanent Health Education Programme involving healthy children, adults and seniors. I have been advised, Mr Speaker, that the analysis of the Health Survey carried out with great fanfare by the previous Government was never funded and the GHA management has had to fund the analysis indirectly. The previous Government’s commitment to management to fund the essential data analyst was rescinded by them.

I now hope to publish this report by the end of this year. It will be an important tool in charting a course for the health of our people into the future.

560 Public Health – smoking cessation: Mr Speaker, one of the achievements I am most proud of to date is the introduction of the Smoking Cessation Programme and the new legislation banning smoking in public buildings and spaces, already a Command Paper and shortly to come to this House as a Bill.

The legacy of both programmes will be seen as a major turning point in the improvement of the health of Gibraltarians. Our commitment had been noticed by one of our charitable organisations which has indicated its intention to fund additional support for the programme.

565 Indeed, Mr Speaker, I would like to take this opportunity to publicly express my appreciation for the work that charities, large and small, do for the Health Service. Rather than discourage their work and contributions, as was often the case before, I encourage it as adding value to our work and giving ownership to our people. Likewise, I would like to thank the Health Users’ Forum for bringing problems to my notice on a regular basis, allowing us to act on them.

570 On the Sponsored Patients Programme, Mr Speaker, the existing programme is now under review and I hope to implement the necessary changes, following an extended consultation period. In advance of the review’s conclusions, we have announced today that, with effect from 1st July this year, allowances to

disabled patients will be increased by 50%. We are also studying ways in which we can bring new procedures to Gibraltar, to avoid the need for uncomfortable and costly travel to centres elsewhere.

575 Mr Speaker, the Diabetes Strategy is nearing completion and a considerable amount has been achieved. This is one of the programmes that has inadequate support and I plan to examine the strategy and its needs carefully later this year.

580 On Repeat Prescriptions, Mr Speaker, I have been able to confirm that following my consultation with patients, doctors, nurses and the Primary Care staff, this is one of the most important initiatives, and it will take time to see the benefits. As I said earlier, we have already expanded the scope of the nurse practitioners, which will partly address this issue. I am expecting to announce the next stage in the strategy very soon. A consultation is underway with GPs, to consider the most appropriate system and its implementation plan.

585 On computerisation: the Government, Mr Speaker, is fully committed to the GHA's Electronic Health Technology Strategy. I have asked GHA management to conduct a wide ranging consultation with the clinicians and following that, I expect to be able to prepare an implementation plan. We are fully committed to empowering the patients in this innovation and I am really looking forward to a successful implementation. The process to date is following well researched methodology and clinicians have been fully consulted to this point and form the majority of the Steering Committee.

590 Hyperbaric oxygen: Mr Speaker, while not a GHA initiative, it is right that I should mention this at this juncture. Government has delivered its manifesto commitment to make hyperbaric oxygen therapy available to the community. It has therefore provided the Multiple Sclerosis Therapy Centre, a registered charity, with the means to run its facilities and offer its services to Gibraltar entitled patients.

Mr Speaker, over and above our manifesto commitments, the following are just some of the activities and initiatives that we will be embarking on:

595

- A clear separation of GHA activity from Ministry activity.
- Review of the GHA Board, its structure, function and effectiveness.
- Prostate Diseases Clinic: this programme will be initiated in the latter part of this year.
- Colon Cancer Screening Programme which will likely be implemented at the end of this financial year and for which provision of £300,000 has been made in these estimates.

600

- We are increasing provision for patients' appliances, which includes orthopaedic appliances, hearing aids, and insulin pumps, by nearly £20,000 over last year's spending and will be able to provide a better wheelchair service, and add earplugs for children and facial stimulators to the appliances provided.

605

- Medical Equipment Plan: Mr Speaker, I was made aware early on of a major funding deficiency which could have compromised patient care services. The GHA Board had been made aware of this very serious concern about a lack of funding for its orderly replacement plan for essential and expensive medical equipment, which had not been heeded by the previous Administration. This Government, Mr Speaker will rectify this inadequacy.

610 I will add here, Mr Speaker, that the allocation last year for the full range of works and equipment for the Health Authority was just £800,000, when this year we have allocated a total of £3.3 million to these. What more proof do we need of the priority this Government gives to healthcare and to the wellbeing of our people?

615

- On nurse training: Mr Speaker, nurses form the link between all the different aspects of healthcare. They are often the front line, the continuity, the listening ear, the support, and at night, they *are* the hospital. Nurses are very special people and we need them. I am proposing a continuation and expansion of nurse training to meet our needs for nurses at different levels of qualification and to provide an opportunity for nurses who want to further their career without necessarily following the degree route to be able to do so.

620

- On non-Consultant Hospital Doctors: this group of frontline doctors have often been forgotten, and there are issues related to hours of work and the fact that they do not have a secure or consistent contract of employment. We are looking at ways of tackling these problems and of enhancing their involvement and contribution to the service.

• On Community Services, a detailed analysis of the possibilities for medical and nursing services within the community, thus reducing the need for patients to be hospitalised has been carried out.

625

- On Occupational Therapy, Mr Speaker, I have nothing but praise for the Occupational Therapy Department and the way it has assumed a huge increase in demand for their services, from the moment we came into office. They have been called in to assess patients, housing, swimming pools, and much more. I need to have a close look at what we need from OT and how we can help achieve this.

630

- Physiotherapy is increasingly in demand and, once again, we will be looking at how we can best use the resources available.

- One of the gaps in management support relates to the provision of hospital services, including stores and stock. This is a matter that is being addressed. The records, too, in both St Bernard's and Primary Care, are housed in rooms that are too small and that bring with them occupational health hazards.

Although recovery rates are high, the staff cannot be expected to work in such conditions. I am pleased to say that the records area in Primary Care is already being increased and work is imminent in St Bernard's.

635 • Occupational health in general is a matter that went largely ignored by the previous Administration and I will be looking at options there, as well as ways to improve the medical cover provided to the Port, the Prison and to Mount Alvernia.

640 • Mr Speaker, Accident and Emergency is one of the areas that attracts most attention from users. People who attend are often distressed and unwell, and the system, hard as the staff work, is not user-friendly. I am working closely with the staff in question to solve these problems, and changes and improvements will be seen very soon.

• Operating theatres and clinics: the use of clinics and of operating theatres in particular will be reassessed with an emphasis to promoting day surgery.

645 • There are many other services which require attention, and which have got attention over the past seven months. Dietetics, Audiology and Speech Therapy, Ophthalmology, cardiac rehabilitation, Radiology, on-ward procedures such as resuscitation, some of the nurse-led clinics such as Dermatology and Lymphedema care, all require recognition and support.

650 Mr Speaker, the health of our community is not good, and we suffer the effects of many of the illnesses of an affluent Western society. As an example, the state of the dental health of our children is much worse than in many other countries, and obesity is an increasing problem. We have to change the way we live. We have to make important life choices as individuals, and the Health Service has to help and support us in doing so. I will myself be leading in two Ministerial Initiatives, which I will introduce in the autumn.

655 Mr Speaker, the Health Surveys which I mentioned earlier will soon be in the public domain, and some of the results will be summarised at next week's meeting of the Health Authority. Let me advance, though, some of the worrying facts, such as that three quarters of men in Gibraltar over 45 are overweight and 75% of Gibraltarians do not eat at least five portions of fruit and vegetables daily, much worse than in the UK.

660 Therefore, Mr Speaker, the first Ministerial Initiative will be a health promotion initiative, where I intend to bring together representation from the different disciplines to develop a co-ordinated programme in lifestyle change.

665 Mr Speaker, as Minister for Health, I am particularly conscious of the fact that I myself fall into both the above mentioned categories! (*Laughter*) I therefore intend to lead by example and I commit myself now to myself personally reaching a weight and a level of fitness, with the advice of professionals, which will be a reflection of a healthy lifestyle. (**Several Members:** Hear, hear.) (*Applause and laughter*)

The second Ministerial Initiative will be in relation to children's health. I believe a lot can be done to assist the smooth care of sick children, particularly in their transition from primary to secondary care and where unfortunately it is necessary, into tertiary care. I will engage with all the relevant health professionals and with voluntary organisations as necessary, in order to take this forward.

670 Mr Speaker, I would like to pay tribute to the staff of the Health Services, and at this point, mention the sad loss of one of the members of the Executive at a very young age of 45 only last week, Mr Joey Gabay. My condolences and I am sure those of the House go to the family. (*Applause*)

675 So I would like to pay tribute to all the staff of the Health Services and to all the volunteers who work in associated charities. Without them and their dedication, we would be nowhere. I have inherited many excellent professionals, many of whom have stated to me that the new political environment of listening, openness, challenge and transparency is so welcome. Morale has greatly improved and the patients of the Health Service will increasingly be the real beneficiaries. Yes, I will expect them all to work to their utmost to take this forward, and I intend to be there with them, working for them and with them, and supporting them to the end.

680 Mr Speaker, all we have accomplished already and all that we have commenced would not have been possible without the excellent working relationships I have enjoyed with staff and management and of course with the relevant staff groups and trade unions. The first seven months have been at the same time amongst the toughest and the best in my life, and I offer my sincere thanks for their professionalism.

685 Mr Speaker, we are not there yet. I am committed to giving my full attention to my responsibilities in healthcare and the environment. I intend to continue to listen to the people, to the staff, including clinicians, to patients, to the members of the community. I will support the implementation of all change, whether its origin is in our manifesto or indeed in the careful recommendations of patients, clinicians, staff or contracted experts. I will work to use the resources that Parliament votes to the Health Service of Gibraltar more effectively and more efficiently.

690 Mr Speaker, the time for change is now, and I have only just begun.

(*Applause*)

Mr Speaker: The Hon. Selwyn Figueras

695 **Hon. S M Figueras:** Mr Speaker, I know only too much about obesity but since health is not my portfolio, I will limit myself in relation to the comments I make in that regard.

I would like to start by thanking the Hon. Minister himself for showing me the way in relation to giving an Opposition speech – one which I will give now from the Opposition benches.

700 Mr Speaker, it is an honour and a privilege to stand here today and deliver my first Budget speech in this House. I am also honoured and privileged to be a part of this team, to have the opportunity to bring political opposition to this community, the likes of which was long overdue.

I will commend this Government whenever they do well, and happily so. I will also, however, not shy away from telling it like it is and raise those issues I and other concerned individuals consider need airing in this House to effectively hold the new Government to account.

705 On that basis, this is a moment I have been anxiously waiting for, an opportunity to summarise my own personal and this party's views on the present Government's record in these short few months which, thankfully, have flown by. Roll on 2015!

I will be dealing with the portfolios that I shadow where I have considered it appropriate and relevant to comment, with a particular focus, in the first place, on planning and then, the environment and the subheadings relevant to those areas.

710 I will, of course, be dealing with those matters, as far as they are relevant, raised by the Hon. the Chief Minister, the Hon. the Deputy Chief Minister and of course the Hon. Minister for the Environment and Health in the speeches that have preceded mine.

715 In relation to planning and the specific mention in the Deputy Chief Minister's speech as to how bad it had been, the new Government arrived in office, barely, with the promise and on the wings of a commitment to openness and transparency like never before seen in Gibraltar. The Hon. Minister for the Environment and Health himself, had, however, served on the Development and Planning Commission for over 20 years without complaint, or certainly not a complaint which he had felt strongly enough about to resign in protest and yet, for the purposes of the Election, it had all just got a little too much for him. They told the electorate, Mr Speaker that 'there have been many complaints about the secrecy of our planning laws. We are committed to have open meetings of the DPC and to overhaul the whole planning process in order to make it more transparent and user-friendly.' The party that was responsible for the demolition of the North Gate of the dockyard that fateful, and quiet, long weekend, long ago in the dark days of the first GSLP Government, bamboozled the electorate by offering them this all new-fangled openness and transparency and a commitment to put all Government projects through the planning process.

725 The reality so far, Mr Speaker, is somewhat different to the illusion the current Government would like the electorate to fall for, hook, line and sinker, if you will pardon the somewhat depressing pun.

730 What they conveniently omitted to say was when this would happen. They also promised, Mr Speaker, that the DPC would grow to include other representatives of the community and that the chairman of that Commission would be the person they personally considered the best qualified, best candidate for the job – the Town Planner himself. After the slimmest of victories at the polls in December, the Government soon set to work upon ringing in the changes to the planning process which the previous Administration, let us not forget, had created.

735 It was not long however, Mr Speaker, until the cracks began to appear. In fact, it was surprisingly soon that I myself had the opportunity of an exchange with the Hon. the Deputy Chief Minister, in respect of his Government's plans to put Government projects through the full planning process.

740 Mr Speaker, when asked when this would become a reality, the Deputy Chief Minister replied that, at that stage – and I remind the House that this was in January of this year – he explained that it was the policy of this Government to continue with the policy of the previous Administration not to require the approval of the DPC!

745 He then meekly offered that Government projects would, for the time being, be submitted to the Development and Planning Commission for an opinion, for guidance and he stopped short of saying that they would actually be heeding or acting in accordance with the information and the guidance received from the DPC.

When I asked the Hon. the Deputy Chief Minister whether he expected that the Government would be submitting projects for approval to the DPC within this term of office, the answer, Mr Speaker, was, and I quote: 'It's too early to tell...' – although today the Deputy Chief Minister has told us that apparently it will happen during this term. But 'too early to tell', Mr Speaker.

750 This Government came to office on the basis of a very colourful manifesto, replete with commitment after commitment to deliver the sublime and then a generous helping of the ridiculous, to wit the 'guaranteed' job of the future jokes strategy and the rooftop gardens atop Government rental housing. Absurd though it may seem, however, the Hon. the Chief Minister, on a number of occasions has told this House that he is looking forward to delivering every last one of those commitments in that manifesto despite, Mr Speaker, the open door given to him by this party's hon. and learned Leader, when he

755

asserted in this House that manifestos are a statement of a party's intent and a list of those projects which it would like to deliver within the term of office.

760 The Chief Minister, unable to contemplate, far less assimilate, the remotest possibility that anything the Hon. the Leader of the Opposition says may actually be a positive influence on his own judgment, insists that every last one of the manifesto commitments will be delivered – indeed, he looks forward to it. Despite the open door through which he could have stepped to ignore those most ridiculous of commitments in the manifesto, Gibraltar's Chief Minister in 2012 cannot fathom the possibility of not doing that.

765 The approach of his Deputy however, seems to be, by implication, somewhat at odds, or it was until today, with this 'delivery of manifesto commitments at all costs', but it remains to be seen whether in fact Government projects will, during the term, be submitted to the DPC.

770 The Deputy Chief Minister's inability or refusal to commit to a timeline for the delivery of the manifesto commitment on putting Government projects through the planning process within the term, flies in the face of what is, in my opinion, the brash and unremitting focus on delivering manifesto commitments within the four-year term of office. This would be one of those simple, stroke-of-a-pen delivery type commitments, yet the Government is hesitant.

775 The Government has reminded this House in recent weeks and months, as it will no doubt do time and time again, whenever it is convenient to them, that the Opposition is not here to mark or keep time on the delivery of the Government's manifesto. What we are here to do, however inconvenient for them, (*Interjections*) is to pick them up on political dishonesty and lack of integrity, a job they are working hard to make easy for us to do.

780 The Government's commitment to put all its projects through the DPC is unrealistic. Those on this side of the House, with the benefit of a long spell in Government, have known this from the very moment that commitment was first heard. The Government itself probably now understands this too, though they will never admit it. They now understand that that kind of commitment involves relinquishing control and ultimate responsibility for the delivery of essential projects to other unelected and unaccountable individuals who, and community associations which, are not bound by a responsibility and mandate to serve the interests of the local community at large.

785 Governments need to build power stations, airports, hospitals. Governments are responsible to the communities they serve for delivering solutions and services to meet demand. Unchecked, uncontrolled and unhindered consultation and gifted influence results in one thing: paralysis by analysis.

And talking of paralysis by analysis, Mr Speaker, I will be dealing with the power station a little later.

790 The Deputy Chief Minister refers to the new Members of Parliament and the fact that we were not here before 'the worst day.' And that may be the case, but that does not affect our understanding of what went on in this House before our time. The previous Administration accepted its responsibility of Government. It accepted its responsibility as the elected Government of the community, for the community, tasked with taking decisions which might, on occasion, have been difficult, or even unpopular, but decisions which in the wider general interest of the community needed to be taken, whatever the consequences.

795 The GSD was unequivocal. The situation in which the Government find themselves today is that, having had the experience of six months in Government, they realise that, during the Election, they have at once offered openness and transparency, the involvement of a new list of stakeholders in all matters planning in relation to Government projects, as well as the most demanding manifesto of capital and infrastructure commitments of recent times. They realise, Mr Speaker, that these two gifts are at odds with each other, like we have always said they were!

800 They have offered a park in the centre of town and twice the number of free parking spaces that are available today. They have promised to run every policy through an environmental filter, but they have also promised everyone twice the number of car parking spaces – *free* car parking spaces – in the centre of town. They have promised to build and build, notwithstanding the fact that they also told the electorate that we were allegedly broke, Mr Speaker – but never mind, because the public will be able to voice its concerns, raise its objections and block Government projects which it does not like, won't it? Fat chance, Mr Speaker!

810 The Government's realisation that it will be impossible to satisfy all stakeholders relevant in all and any of their initiatives all the time, that their 'all things to all men' style of politics will not last indefinitely, and that at some point, they are going to have to disappoint one or other sectors of the electorate, is dawning on them and it shows, Mr Speaker.

815 I trust that a couple of examples might help make the point. Perhaps the starkest and most ridiculous example of this understanding, and the assumption by the Government of its responsibilities as such, comes in the shape of the debacle that is their destruction of the World War II blast wall at Grand Battery.

In the June session of Parliament, I asked the Government when the World War II blast wall at that location had been demolished and the Hon. Minister for Culture and Heritage told us that it had been demolished on 21st May 2012. I, along with other Members of the Opposition on this side of the House,

820 was stunned to hear confirmation, and frankly I could scarcely believe my luck, that the wall had been demolished before the project had been discussed in an open meeting of the DPC, as set out in the agenda for the meeting of the 24th May, three days after its demolition! It would be funny, if it were not so worrying, Mr Speaker.

825 They had originally said when taking office that they would not be submitting Government projects to the full planning process, but instead, seeking information and guidance from the DPC. In what can only be described as a political blunder, to which they will never admit, the matter of the demolition of the blast wall at Grand Battery somehow made it onto the agenda for the open meeting, even though the approval had already been granted by round-robin, behind closed doors, and the fact that the wall had already been demolished days before the meeting. My stars must have well and truly aligned that day, Mr Speaker, because the Hon. Minister for Culture rose, time and again, repeating this fact over and over, as if it was reinforcing his argument! If the Government had the sincerity and integrity to at least acknowledge that the listing of the wall and its demolition in the agenda of the open meeting was a mistake and should not have happened in the first place, then at least, Mr Speaker, we on this side of the House would be satisfied that they were at least being consistent in respect of one of their policies – namely that of not putting Government projects through the planning process during this term, just like we did. We would, of course, support that policy, despite the fact that they themselves were very critical of a similar position when we were in Government.

835 And, Mr Speaker, it is not just in instances where they have to earn their salaries and take their Government responsibility seriously that we will see the betrayal of the people in the context of openness and transparency. The leopard's spots remain unchanged and the Government of the day has already been unable to resist the temptation to wield the power it yearned for, for such a very long time.

840 The first and practically immediate waving of the magic wand came in respect of the banner erected at Convent Place – and not upon the offices of the Hon. the Chief Minister I might add – the banner erected in celebration of the Her Majesty's Diamond Jubilee, shortly after the GSLP's win at the polls. The DPC's Minor Works Committee which, conveniently for the Government, sits behind closed doors and passes their work on to the full DPC in open meetings for rubber stamping, granted permission for the banner, for reasons undisclosed, on the basis that it was a 'minor works' project. This, Mr Speaker, despite the fact that the DPC had denied permission for a similar, if not identical, banner in a meeting before the 8th December.

845 What a coincidence then, Mr Speaker that following the Election and in tandem with the rumours that the Chief Minister had assured the applicant that the planning permission would be granted in short order, the DPC had a change of heart and was perfectly satisfied with its erection. (*Interjection*)

850 Another example? Well, Mr Speaker, try as I may, I have been unable to find any mention of an application being heard or discussed in the open meetings of the DPC since 9th December, on the website where the agenda and the minutes are published, for the enclosure of part of Eastern Beach by a local bar for its own commercial use. What I can say is that the previous Government had denied an application made by the owners of the establishment, on the basis that that part of the beach now annexed would give the establishment an unfair advantage, in the context of increasing capacity at no cost but, primarily because the beach is a public amenity which was not, and could not, be leased by the Government. (*Interjection*) Despite that, and despite the openness agenda, the establishment has now – certainly at least until the end of this last weekend – taken over and enclosed that part of the beach which it has either chosen to enclose or has, ostensibly, Mr Speaker, been given permission to enclose.

855 Now, Mr Speaker, the party at fault here might not be the business owner, not if the Government has given it permission and, Mr Speaker, in 1996 such an arbitrary grant of permission would have hardly been surprising. The problem for the Government, Mr Speaker, is that they have made a whole lot of noise about their transparency and people are now looking for instances of failure of that policy to hold them to account.

860 The openness and transparency agenda of the 20th century GSLP Government can be summarised thus: have more meetings in public and talk about it lots, but when it comes to decisions that matter, the system will take care of itself. Because is it not the case, Mr Speaker, that the source of most public strife is in the detail? Is it not the case that it is the everyday, 'minor' work type decisions, now taken behind closed doors, which will ultimately add up to form the basis of the case against this Government's continued rule beyond 2015? The case against nepotism, the helping hand, the leg up – that will be their downfall.

865 And, at the other end of the scale, the main events, the big projects, where millions are spent and manifesto commitments for the masses are delivered, the Government projects, Mr Speaker: these have been dispensed with by the current Government with a simple refusal to abide by manifesto commitment – or at least to commit to a specific time limit.

They told the electorate that these would go through planning and now, surprise, surprise, they will not for the foreseeable future. Everything in between the 'minor' projects and the Government projects on

880 the other side of the spectrum, that is what will be put to public scrutiny, but only for as long as it is convenient, Mr Speaker.

They may protest all they like, but we know, as does a growing number of concerned individuals coming to speak to us practically on a daily basis, that cronyism is alive and well. What is different today from the situation in 1996 is that the people will not stand for it. They will not tolerate the deception and, importantly, they will not be fooled and neither will we, Mr Speaker.

885 I now turn my attention to the environment portfolio and will now spend some time dealing with the Government commitments in that regard and, very specifically, in relation to their environmental filter, the much vaunted Commonwealth Park, the environmental concerns stemming from Traffic and Transport, pollution and the management of Gibraltar's wildlife. I will also be dedicating some time to the power station and alternative energy.

890 In a very general sense, Mr Speaker, I wonder whether the Hon. Minister for the Environment and those sat on that side of the House genuinely think that all their talk of an environmental filter for all their policies really does act like some kind of cloaking device, one that hides the real GSLP Government behind it. To wit, Mr Speaker, the Hon. Minister was delivering the speech talking about double-sided printing as a Government policy from a single-sided print of his speech.

895 Do they really think that by just talking about environmental this and environmental that, setting up talking shops, and that by doing this they are going to persuade the electorate that they, as a party, are fully behind the green movement? The party which originally left office in 1996, without so much as a Department for the Environment now wants us to believe that, because they have an environmentalist in their ranks and the now Chief Minister tried to make everything he could politically of the previous Administration's unprecedented success in the management of Gibraltar's environment, they are now the Gibraltar chapter of the Green Party?

900 The Minister has talked about all the work, or at least all the talk that has been going on in Government about the environmental filter. He mentioned the disposal of waste electronic and electric goods – something that was already happening during the GSD Administration. He mentioned the use of LEDs and the facilitation of small scale alternative energy generation and his resurrection of the Litter Committee. Well, Mr Speaker, small scale alternative energy production was something that the GSD Administration had committed to focus on in its manifesto of 2011, as was the use of LED lighting, a technology which only recently is becoming truly affordable.

905 As far as the Litter Committee is concerned, I have no doubt that the GSLP will clean up, but I look forward to hearing what solutions they come up with in relation to these particular issues.

910 It is interesting too, Mr Speaker, that the Minister talks about the practical application of the environmental filter. The presence in the Government's ranks of the Minister for the Environment himself, in my view, does not represent a positive development in the story of Gibraltar generally and in the wider context, despite his undoubted experience and qualifications in science.

915 I say this, Mr Speaker, not because of any animosity towards the man, but genuinely because I do not believe that Gibraltar's environmental concerns and issues represent a microcosm of Gibraltar's wider, more general interest, despite the importance which no doubt needs to be given to the same. I do believe, however, that too sharp a focus on those particular issues may actually be to the detriment of Gibraltar's long-term economic and political well-being – namely, its prosperity, security and stability in a local and international sphere.

920 Moving to talk for a moment about the crown jewel in the GSLP's manifesto, the Commonwealth Park, I think it is important, Mr Speaker, that I highlight a number of observations which serve to illustrate what to my mind, and the mind of many others in the community, is quickly developing into a number of political themes which look set to define this Government's brief, one can hope, tenure in Government. At least they have a new leader –

Chief Minister (Hon. F R Picardo): Did you say 'ten year'?

930 **Hon. S M Figueras:** Oh no, you are committed to eight years!

A Member: Eight years.

935 **Hon. S M Figueras:** The Hon. the Chief Minister confirmed in this House in the last few months that, in relation to the Commonwealth Park, a park which they committed to build, subject to a geotechnical survey – the devil is, Mr Speaker, as always, in the detail – there had not been a geotechnical survey of the area. Contrary to saying that this was due imminently, he told us that other proposals had been received, apparently, from third parties for the car-parking aspect of the project. Why would he do the survey, if other more realistic proposals had already been made to the Government?

940 Does he really think that anyone other than his own fervent supporters actually believes him when he says that the original manifesto commitment of the Commonwealth Park was ever intended to be

delivered in the format in which they originally sold it to the electorate? (A Member: hear, hear.) The truth, Mr Speaker, although he will never acknowledge it, is that he knew, as well as the Minister for the Environment, that a park with two floors of parking sunk beneath it in that location would have left little change from £40 million or even £50 million. The Government are fooling no-one.

945 When they announce the alternative venue for the more than 700 parking spaces that they are committed to provide, they will not be fooling anyone else into believing that they ever intended to build that project in the guise originally promised. When the time comes, Mr Speaker, for the Government to reveal their other proposals for the Commonwealth Park, they will have also revealed the reality behind this particular commitment, which is not going to be same as that which they proposed.

950 Mr Speaker, there is no doubt in my mind that the many right-thinking, moderate and genuinely interested individuals who are listening in or reading about this in the media in the coming days will probably be wondering why on earth any political party would commit itself to a project of this kind in the shape originally offered and then promptly renege on it when taking office. Perhaps, Mr Speaker, I will have a go at illuminating those individuals who, whether they voted for us or for the third party, together represent the majority of Gibraltarians.

955 In order to satisfy their eco-friendly supporters, Mr Speaker, a park in the centre of town was indispensable, as well as an attractive addition to the manifesto, which had the added benefit of bringing many more pictures into its pages and added a green hue to the already very colourful document. Including the park in the manifesto and effectively eradicating the car parking in town, however, was not going to cut it with the approximately 350 car users who depended and depend on the parking spaces available there today, on a daily basis. I can see it now, Mr Speaker: the meeting where they decided that they would just throw in a picture of, you guessed it, a 4x4 into the manifesto, entering the underground car park to allay the fears of those who may have been concerned about where they will park. The electorate would then see that they were thinking of everything.

965 Even the environmentalist Minister for the Environment rose in this very House to defend the idea of doubling the number of car parking spaces in the centre of town, saying – surely with tongue lodged firmly in cheek, every ounce of his body cringing under the weight of the hypocrisy he was about to articulate – that it would not necessarily have a net negative effect on the environment in Gibraltar. Surely he cannot have been serious! He cannot have stood there thinking, ‘Yes, yes, that must be right.’

970 Doubling the car parking space available in the centre of town is only going to encourage twice the number – or more – of people who get in their cars in the morning to go to work. Has he woken up in Gibraltar for the first time this morning? Does he have any idea of the problems we have historically had with the school run and the drive to work? Does he care? Or is this now the exclusive remit of the Minister for Traffic, Paul Balban? So much for the environmental filter!

975 The planning meeting at Watergardens will have continued, Mr Speaker: ‘Never mind the fact that with the presence of the city walls and the water table in that location, that this is going to be astronomically expensive. We’ll just put the parking somewhere else, if we get in and we’ll worry about that if we do.’ ‘If we do get in, we’ll just get someone else to build it for us, or not under the park, but somewhere close by or we’ll build it ourselves – but it’s probably best if we don’t say that right now because we don’t want to alienate any votes during this election process. Besides, don’t the pictures just look fabulous?’

980 Mr Speaker, it comes as no surprise to me, given that they had a full 16 years of experience in Opposition – though I have to say at this juncture, and this was not in the speech, I am quite surprised by the Hon. the Minister for the Environment’s Opposition-style speech – that despite not having been in Opposition for 16 years, they are struggling to get out of that mode. Hopefully, we’ll soon have them sitting, where they feel most comfortable. (*Laughter*)

985 The days when they could be all things to all men with impunity are over. The days when, over coffee or lunch, they could promise Paul that they would take whatever he wanted from Peter and then, at dinner, tell Peter what a scoundrel Paul was and how they would be only too happy to take back from Paul to give it back, are gone. Those days are over and they know it. They are paralysed by the realisation, like rabbits caught in the headlights – well, all 750 pairs in the Commonwealth Park – hesitant to act on anything, because they know that for the first time in a very long time they are going to have to take responsibility, choose a path and stick to it and, by implication they are going to have to let someone down. They do not like the fact that they have become ‘big bad Government’.

995 The park, as a signature commitment, will no doubt go ahead, but the parking will likely not be beneath it. The eco-lobby will be happy about the breath of fresh air in the centre of town, what with the lakes and pools and whatnot, but can they genuinely be happy about the fact that the Government will be providing 750 parking spaces, where there were once 300? Can the eco-lobby genuinely be happy about the Government encouraging car use, contrary to all that has been said over the years about traffic and the school/office run? How much is this all going to cost anyway?

1000 In the same way as opening up Nuffield Pool to the public, when it is available, which is another manifesto commitment, this will be a service/amenity that will attract a recurring cost, surely maintaining

the parking and the park itself is also going to incur one! Were we not *broke*, Mr Speaker, or have I missed something?

1005 These public services all cost money. They always have done and always will do. The GSLP told the electorate, before, during and after the Election, that the public finances were in dire straits. Surely they were not just lying, calculating or saying whatever it took to take back power at all costs, were they?

1010 The way they go on about the cost of this and the cost of that, you would have thought they would have come up with a very different strategy for the Commonwealth Park. If they had genuinely believed their own hype about the public finances and they were genuinely pursuing an environmentally friendly agenda, what they should have done is to create an artist's impression of a bare-bones, multi-storey car park for 750 cars in the same location, committing to charging, at the very least, a nominal fee to contribute to its upkeep.

1015 That, Mr Speaker, would have been a worthwhile project, designed to tackle parking issues. That, Mr Speaker, would cost a fraction of their Commonwealth Park. That, Mr Speaker, might help to put people off using their cars and on to buses, bicycles and their own two feet and that, Mr Speaker, would be the slightly more environmentally friendly solution as, surely, there would be lots of trees built into it, with the Hon. Minister running the show. That, Mr Speaker, would have been the politically honest and right thing to do – but alas, Mr Speaker, that would not have been as colourful. That would not have been as exciting, and that would certainly not have been as big a draw for the crowds at Election time as their Commonwealth Park was.

1020 Perhaps it is true that a change is what the community needed, to realise the true value of what we had. In the context of traffic and transport, and whilst I do not want to take up too much time and rain on my hon. and learned friend's parade, when he addresses you on these issues, I feel it is important to deal with those issues in the environmental context.

1025 This is another issue, Mr Speaker, where the reality of the new Government's approach to the environment manifests itself as something very distinct and very different to what they would like us to believe it is. In addition to so many other issues with an intrinsic 'green' streak, such as alternative energy, the power station, emissions and pollution, transport is one of those areas where the environment and green thinking inevitably come into play.

1030 The Government, for all its talk about the environment, is about little more than just talk. Their transport policy, as set out in their manifesto, is limited to, in essence, a damning generalisation that traffic and gridlock is at its worst ever, particularly after the last four-year term of the Social Democrats. Well, Mr Speaker, that is just utterly ridiculous. This analysis is wrong, inaccurate, flawed and intended to deceive the electorate into believing that, like with the public finances, they had inherited a chaotic state of affairs, which they will now have to resolve, probably at the expense of other, more fanciful, Government manifesto commitments.

1035 This is another example of the new Government setting out to rubbish the previous Administration's unprecedented investment and success in the delivery of traffic and transport solutions, in order to give themselves a fighting chance of persuading the public that the job was not already done.

1040 It further proof were needed that this is the strategy, Mr Speaker, they just were not able to come up with any ideas of their own in that regard. All they could say was, 'We will come up with a comprehensive traffic plan' – more talk, more noise, no action. Well, Mr Speaker they need not have bothered, because we already had a traffic plan and we had already done the lion's share of the work for them.

1045 We had already introduced environmentally friendly measures to promote the use of alternative energy, cleaner and environmentally friendly transport. We had already halved the duty payable on hybrid vehicles, and eradicated it in respect of electric vehicles. Today, the Hon. the Chief Minister has, and I welcome it, announced an enhancement to that initiative, but we had already introduced further tax incentives for the use of alternative energy vehicles. We had already introduced the free bus service, with a system that was not based on residence but on membership.

1050 We had already introduced the urban bicycle rental scheme which, despite the Government's best efforts or otherwise, continues to be a success. (*Laughter and interjections*) (**Several Members:** Hear, hear.) Thank you!

1055 We had abolished duty payable on bicycles to promote cycling, not just because it is good for the environment, but because it was good for traffic and it was good for health. We see an increasing number of cyclists on our roads today – I am one of them. We had recognised that increase in popularity and we were committed to taking steps to make it even easier to cycle in Gibraltar. We were committed to maximising opportunities on our roads for bicycle lanes and we were going to expand the provision of bicycle parking, as well as rolling out the urban bicycle rental system to the rest of Gibraltar, to maximise its potential for a positive impact on our community.

1060 We were committed to giving cycling the best opportunity of becoming an alternative means of transport for Gibraltarians than it had ever been before. We were committed to cycling and to working with non-governmental organisations to help bring about the paradigm shift, which was mentioned so

1065 much during that session. We were committed to the long haul approach to bringing about this change, because we understood that this was not something that was going to happen overnight and it was certainly not going to happen simply because we had spent just £324,000 on the first few months of the urban bicycle rental scheme.

1070 In stark contrast, Gibraltar's new Minister of Transport took all of five months to declare openly in this House that he believed cycling in Gibraltar is dangerous!

The Budget measures in relation to the environment are really quite limited, Mr Speaker. As I have already mentioned, the Hon. the Chief Minister has established a flat rate of 2% for the importation of hybrid vehicles and some other incentive in relation to eco-friendly paper, both of which are of course welcome.

1075 He then counters it with a healthy dose of anti-environmentalism, by announcing a measure to attract – which again, Mr Speaker, is welcome – the world's largest and thirstiest superyachts to Gibraltar! Well Mr Speaker, the Chief Minister seems to be far more balanced about the environment than other more extremist angles in the Cabinet and, for that, I am congratulating him because I am encouraged by it.

1080 We had already undertaken extensive planting in Gibraltar and were committed to continuing to do so, including tree-lined avenues, where practicable. If there is one thing the Hon. the Minister for the Environment has certainly done since taking power as the green-fingered environmentalist Minister for the Environment – I have resisted calling him a tree-hugger – is to plant or direct the planting of many trees.

1085 **A Member:** That's a compliment!

Hon. S M Figueras: Alas, Mr Speaker, there is more shade, which is welcome, but I would be interested to hear the views of hay fever sufferers in Gibraltar or indeed, to enquire in future sessions of Parliament about the instances of broken noses from unsuspecting runners running into trees where there were once none.

1090 But in fact, Mr Speaker, the Minister even before he held office, was talking about trees. I remember his intervention from the audience of a debate in the run-up to the Election campaign in terms of 'That's what they want you to believe', when I was telling those present that the trees from the old Engineer's Lane car park had been removed professionally and would be replanted elsewhere. Upon taking office, the Minister, in this House, had to concede very early on that those trees had, in fact, been taken care of and were and, I believe, still are doing quite well.

1095 As green-fingered and close to the environmental non-governmental organisations as he and his party were before the Election, I was surprised to note the lack of interesting ideas in their manifesto in relation to transport. There was nothing about cycling and much less about GibiBikes. There was nothing about carpooling and little about hybrid vehicles.

1100 In fact, Mr Speaker, there was nothing in there about policies targeting the reduction in use of cars, generally, and the use of the official cars specifically, in respect of which the Minister for the Environment is one of the very worst offenders in the Government. (**Several Members:** Ooh!) One could argue that he is very busy, what with running the Environment and Health portfolios, as well as at least on one occasion running the country as Acting Chief Minister – (*Interjections*)

Mr Speaker: Order! Order!

1110 **Hon. S M Figueras:** It is all very well and good, Mr Speaker, to talk about changing the kind of car the Government uses, but using it less might also have a positive impact on the environment.

1115 It strikes me as odd, Mr Speaker that, when in the happy days of GSLP Opposition, the Members now on that side of the House used to complain about how long things took to get done. Why is it then taking the Government so long to acquire hybrid vehicles? Surely, Mr Speaker, the Chief Minister could have, in the last six months, directed and completed the procurement of at least one hybrid vehicle for himself and maybe another one for the Hon. Minister, because the Hon. the Chief Minister certainly had no issue with spending £16,000 at the drop of a ballot paper to take that first step towards e-government – the one he spoke of this morning – to arm himself and those around him with iPads and other devices, without going out to tender. Why then all this delay and mystery in the acquisition of a single hybrid vehicle from any one of the dealers in Gibraltar, with the relevant products in their lineup, who would surely fall over themselves to see Gibraltar's Chief Minister showing off their latest wares? Even the international press thought he had replaced his car within days of being elected! The Jaguar can't be half bad, can it, Mr Speaker?

1120 And then there are the buses. They are the ones who referred to the buses as ageing, (*Interjection*) they are the ones who had plenty of time to formulate a strategy but, surprise surprise, when asked in this House what they intended to do to replace them, now that they were in power, they were – you guessed it – formulating a strategy!

I now turn my attention to the natural environment and, specifically the issue of pollution at our beaches, and, in particular Western Beach. This is a very important issue, Mr Speaker.

1130 I recall how, in the throes of the Election campaign I nervously squared up to the Hon. Minister and whilst there were issues where I knew his experience and education would make for a challenging debate, there were a couple of issues where I expected that his reasonableness would have come through and on which we would have been able to agree, in a modern, more collaborative atmosphere. I was mistaken, Mr Speaker.

1135 I was mistaken, because in relation to Western Beach, the now Minister proclaimed that the pollution problems at the beach would be fixed by himself personally, if elected into power. I pressed him to determine whether he was certain of this and without pause, he confirmed that he was indeed so. At the first meeting of Parliament, following ‘the worst day’, I sought to elicit whether plans for the ‘invade, repair and retreat’ strategy were now in place. (*Laughter*) I was excited to learn of the daring antics our special forces – though I did not know we had them – would be up to in the weeks following, led by the Hon. Minister. I suspected that he would be unable to tell me, because to tell me would have been to give the game away, to lose the element of surprise – but I asked anyway, Mr Speaker.

1140 I was however disappointed to learn that the Minister, after a few short months in Government and by his own concession, understood, as we have known all along, that the issue with the pollution at Western Beach is one that was and continues, unfortunately, to be out of our hands, as a problem originating on the Spanish side of the border. He soon had to concede, Mr Speaker, that there was no plan for invasion, repair and retreat and that all he could do was, as we had done, to monitor and inform the community, just as we had done, of the situation at the beach on a regular and timely basis.

1145 I recall that the Minister also informed the House that he had passed the matter on to the EU legal team and we await eagerly developments in the area.

1150 The point is, Mr Speaker, that the Minister soon understood that there are some things he can change, things he can control, and many others he simply cannot.

1155 Which conveniently brings me on to the subject of the apes, the seagulls, the feral cats and the Barbary Partridge which, despite the fact that it may sound like the synopsis for a local version of Gerald Durrell’s *My Family and other Animals*, it is in fact a subject which has, in the short time since ‘the new Dawn’, taken up much time in this House.

1160 The macaques have, for a very long time been a source of frustration and concern for both this side of the House and Members opposite and indeed, when roles were reversed not that very long ago. In fact, the now Chief Minister himself spent a not insignificant amount of time both within and outside this House raising awareness of the plight of the apes, as well as his own politically motivated interpretation of the previous administration’s policy on the management of the macaques.

1165 When we were on that side of the House – well, I never would have been, but when this party was and the Social Democrats were in office – this party’s policy in relation to the management of the macaques was clear and unambiguous. This species engenders strong feelings in the community, both positive and negative, and the GSD’s policy in this regard was to manage the population by means of relocation, contraception, exportation and, only as a measure of last resort, the very limited culling of apes.

1170 The GSD ranked the health and safety and continued existence of the Barbary macaque highly, as a feature of our culture, our heritage and as part of a diverse tourist offering, one on which Gibraltar is reliant as one of the pillars of the economy. The GSD, however, put, whilst in Government – and continues today to put – the health and safety of the human population at the top of the list of priorities in the management of the apes, just as it should be.

1175 Some years back, this House saw heated exchanges between the now Chief Minister and the then Minister for the Environment when the Administration of the day took the action it considered necessary, in accordance with advice it received from the experts contracted then, as they still are now by today’s Government, to take decisive and necessary action as a measure of last resort. There was an eager use back then, Mr Speaker, by the Hon. Chief Minister of words like ‘extermination’, ‘decimation’, ‘genocide’ even, but this party stood firm by its policy.

1180 Despite the GSLP’s best efforts to scupper the then Government’s objectives by pursuing what they thought was the populist position in the face of eminent reasonableness and logic, the GSD Government succeeded in keeping the ape population in the region of 200.

1185 Still on the apes, Mr Speaker, this Government swung into office on the back of a stated policy of not culling, no matter what. The Government are not the only ones hanging about either. The apes have been up to their usual mischief – mischief which might be an endearing quality for animal lovers and non-governmental organisations sworn to protect them, but behaviour which, for many, represents a daily threat and imposition in the otherwise quiet, easy life, free from unwanted contact with animals that members of our community are entitled to and demand.

It is not right, Mr Speaker, that members of our community should fret and worry about doing the simple things like popping out to do the shopping, or that those fortunate enough to have gardens in their

homes should be precluded from using them until dusk because, during the day, there are simply not enough sunbeds to go around.

1190 The Minister for the Environment appears to be amused by all this, as he jokingly, even proudly, in answer to questions in March of this year, said that the Barbary macaques might well be members of the GSLP because, since the Election, there have been remarkably few complaints. I suspect, however, Mr Speaker, that this has far less to do with core party support than with the fact that it had, until recently, been nigh on impossible to make the complaint in the first place.

1195 As we discussed in last month's meeting of the House, concerned individuals had reported their frustrations in relation to reporting incidents involving unwanted contact with wildlife, as well as complaints in relation to the seagulls, and, in response, the Minister and I discussed the establishment of a hotline for the reporting of complaints. He explained that what would actually be available was an environmental complaints section which then, by the time of the press release announcing it, had become an environmental feedback unit, which will operate on the back of an answerphone. The net effect of this is that the community, whenever an emergency is in progress, will essentially have to call the Police to manage it.

1200 Perhaps, Mr Speaker, I put it a bit highly when I referred to this feedback unit as a hotline. I am disappointed, as many others in the community will be, that it is not even worthy of being called a luke-warm line. It is almost cold to the touch, and beginning to smell.

1205 As if the Police did not have enough on their plates after the Minister's direction not to direct them to enforcement in respect of the Nature Protection Act, they are now also expected to chase after delinquent macaques – and do what exactly with them? Report them for process? They would have the International Primate Protection League all over them in a flash, wouldn't they, Mr Speaker? But no, no, Mr Speaker, surely the Minister for the Environment would not call the IPPL out on himself, would he? We certainly would not, because we are more interested in protecting the interests of Gibraltar as a community than we are in political capital and international headlines for local consumption.

1210 The Minister himself has lived the difficulties in their management, Mr Speaker, from all his experience in GONHS. He has conceded that negotiations for their exportation takes time, and that management of these animals is complicated business. He tells us that the policy of the Government is based on the Barbary macaque management plan which they had been considering for a considerable time and which, in his view, will mean that they will not have to cull the apes.

1215 I worry, Mr Speaker, though I sincerely hope to be proved wrong, that the strategy is both doomed to failure and, perhaps more worryingly, could lead to real human tragedy in the community in the coming years. This feels almost, Mr Speaker, like the start of an episode of *Casualty*.

1220 I do not pretend to teach the hon. Member to suck eggs, as I am not one to pretend to know everything, but a local enthusiast of all things nature once suggested to me that, in the management of a nature reserve, the authority must be willing to take the most extreme action in the context of the interplay between the variety of species that take up residence within it. In the context of the Barbary Partridge, for example, which the Minister acknowledges as an iconic species in Gibraltar, the issue is that the population of that species is being decimated by the growing population of feral cats in the Upper Rock. When I asked him what plans were in place to deal with this issue, he said that there were none and that the Government was currently considering its options.

1225 I was disappointed, Mr Speaker, as are those other concerned members of the community, who have expressed their worry for the well-being of the Barbary Partridge, and that a simple and definitive answer was not forthcoming. Could it be, Mr Speaker, that the Government, with its zealously defended 'no culling at all costs' policy in respect of the apes are paralysed to act in relation to any other species in Gibraltar? Well, Mr Speaker, if this is the case, then I can assure the Hon. Minister that the acceptance of culling as a measure of last resort by them would not be criticised by Members on this side of the House.

1230 No, Mr Speaker, it would be welcomed and commended by us as a sensible, open and inclusive of all options approach of a mature and sensible Government putting their responsibility to the community and not their own political well-being first.

1235 And this, Mr Speaker, leads me conveniently on to deal with the power station and, I think appropriately, a discussion of alternative sources of energy for Gibraltar.

1240 As of 9th December 2011, work had begun on a new state-of-the-art power station, which all Members in this House understand and acknowledge Gibraltar needs, as it has done for some time now. The power station is one that was beset with difficulty, originally delayed by legal action, and then when that legal action was settled or concluded – however it was concluded – it is then a matter of record that the financial crisis, one that struck far and wide, meant that the finance that had been agreed was no longer there at the disposal of the Government of the day.

1245 I cannot stress enough, as my learned and hon. Leader has, on many occasions and earlier today, the importance to this side of the House, along with the construction of the tunnel under the runway and the provision of badly needed office space, of the delivery of the power station without delay. It was with grave disappointment that we learnt in this House of the Government's cancellation of the project a

1250 couple of months following its election into office. Mr Speaker, I note the Government's statements on the issue and in particular the statement issued on 21st March this year, setting out the reasons why the project did not proceed and the matters which had been and were under review at the time. Importantly, I note that the Government was said to be consulting with the ESG and other concerned NGOs to deliver the best option for Gibraltar.

1255 I know that the hon. Members on this side of the House are not alone when they express dissatisfaction and concern about the delays Gibraltar is experiencing in this field, particularly when set against the backdrop of the continuing and troublesome power outages that we have been experiencing in recent months. The ESG themselves have expressed their concern at the apparent lack of pace visible in the pursuit of a new, safe, reliable and environmentally friendlier solution to meet the community's power needs and I share their particular concerns in respect of the current and ageing network of power generating stations which, for some time, have been in dire need of decommissioning. I wish to impress anew upon the Hon. the Chief Minister and those other Ministers who form part of the working committee established by them, to make this a matter truly of the highest priority.

1260 On the alternative energy front, I recognise the Government's position in respect of the integration of such new technologies with the power generation solution, whatever shape that might take, but I do have additional concerns in this regard which, despite my genuine wish to pursue a spirit of collaboration, understanding the importance of meeting European Community objectives in respect of alternative energy generation, despite that wish to assist I feel it would be remiss of me if I were not to articulate my concerns for the purposes of placing same on record.

1270 Mr Speaker, again my concerns in this area stem, for the most part, from the presence of the Hon. Minister for the Environment on the Cabinet. I would happily concede being proved wrong in future, if such a thing were to happen in this regard. The Hon. Minister has been a feature in the local ornithology and natural history scene for a long time having achieved much of value for the community during that time, including the oversight of the re-discovery of the Alameda Gardens as a valuable amenity and an enhancement to the quality of life of some members of our community – that much is a given, Mr Speaker. Whilst his contribution is noted, so is his passionate and, at times, frankly worrying hard-headedness and his apparently single-minded focus on all things birds, plants and trees. I worry whether the hon. Member's passion for the plants, birds and trees will have the better of him when in office, as I am told it appeared it did, before he assumed the responsibility of office. It simply cannot be, Mr Speaker, that the mere suggestion of the installation of technologies designed to assist in the determination of the suitability of wind turbine technology in a local application should incense the hon. Member in a manner of which I have been informed anecdotally.

1275 It cannot be right, Mr Speaker, that the potential impact – *potential* impact – that the presence of wind turbines in the local environment could have on birds, as an example, should be elevated to such an extent that the mere attempt at exploration of energy solutions we need today, for the benefit of our community, for the benefit of our children and our grandchildren, should invoke an overly defensive, even hostile reaction from the Minister.

1280 Whilst I acknowledge that the issue of alternative energy generation should be considered holistically, in consultation with all stakeholders and considering all relevant issues, including the birds, the plants and the trees, no single environmental concern should, in my view, preclude the ultimate delivery of alternative energy solutions which Gibraltar needs today tomorrow and beyond. The Minister may fret and protest all he wants and complain that my suggested approach, one where the Government takes responsibility, presupposes an outcome, whereas their approach is or will be open and transparent. To this, I would say that the generation of alternative energy is and should be an overriding priority and that, as the alleged party of the environment, the Government should take responsibility and deal with it as such.

1290 In conclusion, Mr Speaker, I believe that during the course of this speech, a number of themes will have become apparent: the first, that the GSLP's 'all things to all men' strategy whilst in Opposition is the only thing about them which is open and transparent, and now that they are in Government, that core policy has become untenable. Their true colours, the colours of their nepotistic, extreme and dangerous nationalist and insincere politics are shining through bright and clear.

1300 Secondly, that they have taken it upon themselves to rubbish the GSD legacy because, if they do not do that, the benchmark for achievement will remain too high for them to even so much as come close to matching it.

1305 Thirdly, that their so-called openness and transparency agenda, the veneer of honesty and integrity they have painted for themselves, is fading away to reveal the good old – or is it bad old? – GSLP of years gone by.

1310 Finally, I believe that the GSLP Government can no longer, in the light of the Budget measures announced here today, continue to pretend that they inherited public finances in a state of ruin and that, therefore, they have shown themselves to have misled the electorate and threatened our community's

international reputation for the sake of their own political interests. The electorate now know who they are dealing with in Government, and they do not like it, Mr Speaker – not one bit.

One thing is for sure: their honeymoon, Mr Speaker, is over.

1315 (Applause)

Hon. Chief Minister: Mr Speaker, in order to enable Members on this side of the House to wake up after that, could we recess for a cup of coffee?

1320 **Mr Speaker:** This House will recess for 10 minutes.

The House adjourned at 4.57 p.m. and resumed its sitting at 5.15 p.m.

1325

**Appropriation Act 2012
Debate continued**

1330 **Mr Speaker:** The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1335 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to present my first Budget speech for responsibilities that form part of my ministerial portfolio.

1340 By way of introduction, Mr Speaker, I would like to say that Gibraltar derives its success from the fact that it does extremely well in a number of specialist areas. The quality of Gibraltar's established professionals across many sectors of our community is second to none and it is something to be proud of. The Government will continue to work with Gibraltar's professionals to ensure that Gibraltar meets the highest standards of practice and regulation, whilst remaining proactive and receptive towards the demands of the business world.

1345 Even in this day and age, against a backdrop of unnerving financial uncertainty beyond our shores, I firmly believe that Gibraltar is set to move into a new era of social and economic prosperity, brought about by a new Government, one which aims to bring about positive change to Gibraltar, in a modern and socially just manner.

That said, Mr Speaker, I now wish to turn to the various areas of responsibility that form part of my ministerial portfolio.

1350 I will start with Education. Education is a top priority for the Government. The Estimates reflect that the amount required in the year ending 31st March 2013 for salaries, wages and expenses is £34,982,000. This can be compared with a forecast outturn for the year ended 31st March 2012 of £28,509,000. The increase this year is £6,473,000 in recurrent expenditure. This represents an increase in the budget of around 23%. This, by any account, is a substantial increase in the budget and confirms the Government's commitment to Education.

1355 Since elected into office, the Government has already made announcements in connection with the extension of mandatory grants for postgraduate students, additional funding for distance learning students, the provision of a dedicated maintenance team for schools and the commencement of a health and safety audit for all schools.

1360 With regard to mandatory scholarships, hon. Members will see a substantial increase in provision this year of £9,507,000 compared to a forecast outturn in 2011-12 of £5,676,000, an increase of almost £4 million.

Part of this is accounted for by the increase in tuition fees by UK universities which Government was committed to fund. However, there is clearly an increase in the requirement for funds under this head as a result of Government's policy decision to extend mandatory grants to postgraduate students.

1365 We have already seen the effect of this. There have been 70 applications this year, compared to 57 last year, for what was previously regarded as discretionary awards. Of these, 49 were considered to fall within the new category of entitlement to a mandatory scholarship in that the request was for a continuation of studies. The result is that these 49 students were entitled to a mandatory scholarship, instead of being considered for a discretionary award. This has resulted in a substantial reduction in those students requiring discretionary awards.

1370 In line with a number of specific commitments on the engagement of additional staff for schools, I have already announced that:

(1) 47 new teachers have been recruited and will start on 1st September 2012. The teacher complement has therefore increased from 333 to 380.

1375 (2) The complement of Classroom Aides will be increased, in effect, by 28, from 51 to 79. This represents a more than 50% increase in the complement. In addition, the Classroom Aide supply list has been re-populated, increasing it from 1 to 39. This will allow cover for temporary absences, as well as the use of supply Classroom Aides whenever specific temporary needs arise;

1380 (3) The complement of school secretaries will be increased from 9½ to 17. This will provide secretarial support for schools during the whole of the school day.

(4) An Executive Officer will be assigned to each of the secondary schools to support teachers in the administration of the schools' public examination system and for general clerical duties.

1385 All this represents an additional investment of around £2 million per year on staffing for schools. This increase is not just significant but, I believe, unprecedented. It shows our commitment to invest in people who will deliver the educational needs of our children. The Government considers that investing in our children's future in the manner that we are doing will allow Gibraltar to reap rewards in years to come.

The recruitment of the new teachers also allows us to eradicate the practice of so-called 'permanent supply', where teachers who were clearly required by our schools were kept for years on supply, without a formal contract of employment and without the rights and certainty that such a contract brings.

1390 In addition to the positions described above, the Government has created one additional post of Educational Psychologist, bringing the complement to two. This corrects an anomaly where a teacher has been carrying out that job for several years, without the post formally existing as part of the Department of Education complement.

Mr Speaker, there are many areas in which the Government is actively working on and making changes where necessary.

1395 Nurseries: the Government is committed to providing 'free optional nursery education' to eligible children. There are currently 365 – either morning or afternoon – places available. This year, 324 applications for places have been received. This means that there is a nursery place for every application, should parents wish to take up the offer they received.

1400 Special Educational Needs (SEN): as part of the Government's commitment to Special Educational Needs, there has already been an increase in resources with respect to Classroom Aides. 16 part-time posts were appointed as full-time Classroom Aides in April. As I have already said, the Classroom Aide supply list was re-populated in May. Financial provision has been made for an increase in the complement of permanent Classroom Aides which will take effect from the next academic year.

1405 This current academic year has seen an increase in the time allocated to the Behaviour Education Support Team (BEST) from a four-day week to a five-day week. There are currently three teachers plus the Assistant Education Adviser providing this support.

1410 In September 2013, these teaching posts will be made permanent, which will provide stability and greater continuity. This provision will be taken from the extra 47 teachers the Government is employing. This enhancement will allow their expertise to further develop and allow them to provide greater support to pupils with social, emotional and behavioural difficulties.

Extra support for pupils having language difficulties will be provided by a peripatetic teacher qualified in teaching English as a foreign language, who will be working in our schools on a 'needs-led' basis.

1415 An extension will be built to Notre Dame School, as I have already announced. Work on this has already started by GJBS with the aim of completing the extension by the start of the next academic year. The extension will provide three classrooms for the Learning Support Facility and two for Special Educational Needs. Government is also working on plans for an extension to St Martin's school.

In addition to the resources and equipment which schools resource from their capitation budget, Government has started a pilot study with the purchase of three iPads for St Martin's school.

1420 14 –19 Developments: Mr Speaker, education is not just about the pursuit of academic excellence; it is about preparing the citizens of tomorrow and maximising their potential, whatever this may be. As such, Government places a high value to a whole range of alternative pathways in education, both vocational and academic.

1425 This year has also seen the arrival of outreach teams from the British Science Museum and Cambridge University to our secondary schools. Students have been exposed to a whole range of 'hands-on' science and mathematics lessons, which they have thoroughly enjoyed.

Moreover, specifically, our students in years 12 and 13 were given a lecture on the famous Enigma machine used during World War II and were also shown the machine and how it encrypted.

1430 These initiatives, sponsored by the Kusuma Trust, serve to enrich lessons and to promote education as a life-long learning process.

The Department of Education will continue to work in partnership with external agencies. A good example of this is the work undertaken by teachers and the Gibraltar Association of Compliance Officers to offer financial courses to students in years 12 and 13, principally on Gibraltar's Financial Services.

1435 Mr Speaker, this year, the Young Enterprise Scheme truly surpassed all expectations, difficult as this
 may seem. The winning team, 'Impulse' went on to compete in the National Championships in the UK. I
 am delighted to say that 'Impulse' won the award for the Best Product, which is a magnificent
 1440 achievement for the company and for Gibraltar, particularly when we consider that more than 26,000
 students with 2,000 companies participated. The hard work put in by our teachers, and indeed by the
 business men and women, who gave up of their time in order to expose young adults to the business
 world, should be commended. The experience for the students will prove invaluable and in the long run
 Gibraltar can only benefit.

1445 Higher Education: Mr Speaker, my Advisory Team have now concluded talks at the three secondary
 institutions, explaining the workings of the scholarship system and, furthermore, clarifying how our
 commitment to higher education will work in practice. It must not be forgotten that the Government will
 meet in full the 200% increase in tuition fees that should come into effect for new students as from
 September 2012, resulting from changes introduced by the UK Government.

The Government will treat as mandatory all requests from students who have just completed their first
 degree and wish to pursue a higher degree or indeed doctoral studies. As such, funding for tuition fees
 and a maintenance grant will be afforded to these students.

1450 Furthermore, the means-testing mechanism for those students enrolled in distance learning
 programmes has been removed, and these students will receive the full amount.

1455 Mr Speaker, as I announced in my answer to a Parliamentary Question posed by the hon. Member
 opposite, Professor Daniella Tilbury is already well underway with a feasibility study commissioned by
 the Government for the development of a Gibraltar University. Different pathways are being explored.
 We are all tremendously excited at the prospect, given the potential for educational and economic
 development that could arise.

1460 Continuing Professional Development: the Department of Education continues to be committed to
 providing opportunities for professional development for all staff. The Leadership and Management
 course for teachers, which is accredited by Durham University, has continued to be subscribed to. In
 September, a number – approximately 25 – will be moving onto Masters Level.

The Advisory Service has provided or facilitated in-service training in the following areas:

1465 (1) Safeguarding Children Tier 1 Training – this is an on-going multi-agency commitment, which
 education forms part of. So far, 67 teachers have completed the Safeguarding (Tier 1) Training course.
 Tier 2 level training is a new initiative which commenced in Academic Year 2011-12. A small number of
 teachers have already attended this course.

(2) Dignified Care and Responsibility Training (Restraint Training) – which the Advisory Service has
 facilitated. This training enhances existing skills which support behaviour management practice in
 schools. Three schools have already availed themselves of the course and it is envisaged that more
 schools will do so in the next academic year.

1470 (3) Gifted Children – an on-going course provided by the Advisory Service. The focus is on Literacy
 and Numeracy. To date, 12 schools have subscribed to the course.

(4) Technology and School Development Planning – provided by the Advisory Service. This
 programme of in-service training has furnished schools with a framework from which to improve and
 expand their use of technology in teaching and learning, as well as a mechanism for managing the
 purchase of hardware over a number of years.

1475 (5) Making Good Teaching Outstanding – provided by the Advisory Service. As part of a rolling
 programme, the First School head teachers have already attended this course. It is envisaged that this
 could be available to the remaining sectors during the next academic year.

1480 (6) First Aid Courses in schools – this is part of a rolling programme facilitated by the Advisory
 Service.

(7) British Sign Language Level 1 Course – facilitated by the Advisory Service in partnership with
 Gibraltar Hearing Impairment and Tinnitus Association (GHITA). A number of teachers have already
 attended this course. All schools have also prepared and delivered their own 'in house' in-service, which
 addresses individual schools priorities, which support school improvement.

1485 Developing Technology in Schools: the Government recognises the importance of technology in the
 21st century and is committed to increasing resources in schools, to support teaching and learning. April
 2012 saw a substantial increase in the number of smart boards in school, with 30 being purchased and
 distributed to schools. During the next academic year, the Department of Education, in conjunction with
 the Government IT and Logistics Department will be looking at ways in which support for computer
 1490 maintenance and repair can be enhanced using centralised Government resources – the technicians and
 expertise.

The feasibility of the incorporation of existing school computer systems into the Government Intranet
 is also being actively explored. It is expected that the eventual centralisation of all our school computer
 systems will be of great benefit educationally and administratively.

1495 The development of a Virtual Learning Environment, whilst still at an embryonic stage, is also being explored by the Advisory Service in conjunction with the IT and Logistics Department for eventual inclusion into the system. It is envisaged that this will provide a framework through which lessons and teachers' notes can be accessed on-line. This will be explored as a pilot scheme using A-level Mathematics, during the course of next academic year.

1500 Increase in Teaching Complement: the start of the 2012-13 academic year will see the existing complement of 333 teachers increase to 380. The 47 recruits have been chosen through interview and will primarily address subject needs in the Secondary Sector and optimum class numbers throughout the Service. The identification of specific needs for each school was achieved by an extensive consultation process with head teachers. The teacher increase will also regularise BEST which will be staffed by three teachers, with additional support from the Advisory Service, as well as make provision for a TEFL teacher, as I have already mentioned.

1505 Health and Safety in Schools: a Health and Safety Audit of schools commenced in January 2012, as part of the Government's commitment to health and safety and the health and safety policy established by the Department of Education. To date, six schools have been audited and it is envisaged that the remaining ones will have undergone this process before the end of the year. This process also includes an Asbestos Audit of all schools. The audit prioritises health and safety issues within the school environment and in doing so, informs the School Maintenance Programme.

1510 Minor Works and Refurbishment in Schools: a new system has been set up to carry out repairs in schools and all educational centres. A GJBS team, consisting of a foreman and eight craftsmen, have been contracted to dedicate themselves to effect repairs. This team will tackle all repairs reported to the Department of Education on a daily basis and it is envisaged that they will eliminate the historical backlog that has existed.

1515 With regard to this backlog, I am pleased to announce that, out of a total of 238 repair jobs which were pending in December 2011, some dating back as far as 2008, a total of 116 have already been tackled and completed and 50 have been cancelled for various reasons. This means that there are only 72 reports pending attention, which we are confident will be completed very soon.

1520 The extension at Westside School, which houses a dance studio and two kitchens and which was commenced during the financial year 2008-09, will be finally completed this year and will be ready for use in September 2012.

1525 A much needed extension will be constructed, as I have said, at Notre Dame School. Preliminary works have commenced and the extension is expected to be ready in time for the start of the academic year, i.e. September 2012. This extension will create a purpose-built Learning Support Facility, two Special Needs Units, and an additional classroom. The expansion of the school will assist in accommodating the growing population of the area, with an expected influx of MOD pupils, once St Christopher's completely closes down.

1530 An extension will also be built to St Martin's School. In addition, the windows of the western façade of St Anne's Middle School will be replaced.

1535 In the financial year ending 31st March 2012, the following works have been carried out. The works to three nursery playgrounds in need of special flooring have been completed. These nurseries are Notre Dame, St Bernard's and St Paul's. In the case of Notre Dame, the playground equipment has also been replaced. The materials used are the same ones as those being used in the public playgrounds around Gibraltar. The total cost has been £41,750.

1540 The perimeter fence of the open playing area at Westside has been replaced, at a cost of £32,960. Unauthorised persons were entering the school via the open playing area, either to cause damage or to use the open playing area as a football pitch. This new fence is of the 'un-climbable' design.

The windows of the eastern façade of St Anne's Middle School have now all been replaced. This has been a two-year programme. These works were necessary as the school was experiencing rainwater ingress via these windows. The cost of replacing them has been £188,305.

1545 One of the blocks of Bishop Fitzgerald Middle School was refurbished at a cost of £32,715. St Joseph's Middle and First Schools have had the ground floors painted internally. The cost was £25,502.

Notre Dame School was painted internally and all windows were replaced. The cost of both works was £64,808.

1550 An extra floor was added to the Hebrew School. This extension consists of three classrooms, an office, storage space and toilets. The school was also refurbished internally, the cost of the refurbishment being £51,346.

The Gibraltar College, St Anne's Middle, St Bernard's First and St Paul's First Schools have had works done relating to water ingress. The bottom floor at Bleak House was also refurbished. The cost was £38,316.

1555 At Governor's Meadow First School, one of the blocks was refurbished and another one was treated internally for water ingress problems. The cost of both works was £11,784.

1560 Mr Speaker, the Government has no doubt that the works which have been carried out, those which are in progress or are planned for this year, the changes – including funding for scholarships – which have been effected and the additional resources which are being allocated to Education, particularly on human resources, will result in an improved education system which will create a highly motivated professional workforce and an enhanced educational experience for all of our students. Our children are Gibraltar’s future. Our investment in education is an investment which provides opportunities for all from which the whole of Gibraltar will benefit.

1565 Mr Speaker, I now turn to other areas of my ministerial portfolio, starting with financial services. Gibraltar is a financial services jurisdiction within Europe and is well placed to seize the opportunities offered by our status, reputation and tax regime. But there is work to do, and challenges ahead. Opportunities need to be seized and converted into real business. Things will not happen by themselves.

1570 In addition to the established markets which remain important to Gibraltar, such as the United Kingdom and Switzerland, the Government intends to explore new emerging markets like the BRIC countries – Brazil, Russia, India, and China – which are enjoying massive economic growth. This is particularly relevant as Gibraltar can offer them an alternative entry point into the single European market.

1575 The Government is very optimistic that, in the years ahead, Gibraltar will consolidate its position as a leading international finance centre within the EU. The financial sector is a key driver in the local economy, as well as one that stimulates other areas of business and generates thousands of jobs and important revenue.

1580 As a business location, Gibraltar has a first rate professional infrastructure that is fully compliant with European standards of regulation. The numerous international trading entities and financial services companies, which already have a base in Gibraltar are testament to this. The financial sector accounts for 14% of total employment and contributes around 20% to GDP. Employment in this sector is mostly in banks and building societies and in activities auxiliary to financial intermediation.

1585 Gibraltar is well regulated but not *over*-regulated, which ensures that business institutions based here can depend on being amongst reputable companies in a respected finance centre. International finance centres like Gibraltar are a vital part of the machinery that contributes towards the prosperity and smooth running of the global economy. Innovation, speed and flexibility are facets that allow a jurisdiction like Gibraltar to compete and distinguish itself against a backdrop of large states which are inherently slower and more complex to do business in.

1590 Growth trends in financial services: Gibraltar’s financial services centre continues to post stable growth in a number of areas, such as insurance, investment management and funds – notably in experienced investor funds, of which there are now approximately 90. It is becoming increasingly apparent that Gibraltar’s future in financial services rests with high-end, high-value added private client business, insurance – both captive and retail – investment management and funds. As reported in the *Financial Times* on 11th May 2012 Gibraltar has set itself the objective of becoming a major player as an EU funds domicile and an EU centre for hedge funds management operations.

1595 Insurance: the number of licensed insurance companies has grown to 65, with approximately a further 40 in licensed protected cell company structures. The critical mass that has been achieved in this sector now makes Gibraltar a mainstream insurance domicile within the European Union, along with long-term players in the markets. Robust but responsive regulation, combined with a strong professional infrastructure, has underpinned the momentum of the insurance sector.

1600 Particularly noteworthy is the fact that Gibraltar was the first EU jurisdiction to offer passporting of insurance services throughout Europe in combination with a protected cell structure. The industry, in partnership with Government, is working hard on the transposition of the forthcoming Solvency II Directive.

1605 Imported pensions: on 11th May 2012, the Government published a Bill to amend the Income Tax Act 2010 in respect of certain pension schemes imported into Gibraltar, generally known as Qualifying Recognised Overseas Pension Schemes (QROPS). The Bill, which had been eagerly awaited by the Gibraltar pensions industry, was passed by Parliament unanimously on 22nd June 2012 and was commenced on publication on 28th June 2012.

1610 This is an important piece of legislation for finance centre practitioners involved in the administration of pension schemes. It opens up a line of business which has previously, in effect, been out of reach for Gibraltar. It will create opportunities for pension scheme administrators and will generate income from taxation for Gibraltar in respect of distributions from the imported pension schemes.

1615 The legislation, which only applies to certain pension schemes established outside Gibraltar which are subsequently imported, imposes requirements, restrictions and taxation on QROPS. In particular, the legislation provides for a maximum commutation of 30% of the pension fund; a minimum retirement age of 55 – except in very specific circumstances relating to chronic ill health; taxation of 2.5% on distributions from the fund to beneficiaries of the imported pension scheme; and requirements to prevent

an imported pension scheme from being transferred to another scheme outside Gibraltar which does not comply with the original requirements.

1620 The legislation also provides for retrospection to 6th April 2006, to enable the small number of pension schemes imported into Gibraltar since that date to comply with the requirements of other jurisdictions which allow exporting of pension funds. These amendments do not affect the rules governing those occupational pension schemes which have been or may be established in Gibraltar, where distributions are taxed at a zero rate.

1625 The Government is satisfied that the amendments made to the Income Tax Act provide a basis that is in consonance with the aims of those other jurisdictions which allow the exporting of pension funds. However, industry practitioners involved in the business of importing pension schemes to Gibraltar remain responsible for ensuring that their activities fall squarely within the rules applying in countries outside Gibraltar as regards pension transfers.

1630 The proposals which are reflected in these amendments were put to the Government shortly after it was elected in December 2011. The Government understands that the industry has been waiting for a considerable period for this legislation, having put the proposals previously to the GSD Administration.

1635 Whatever the reason may be for the failure by the previous Administration to implement these proposals, the swift actions of the Government suggest a responsive and listening disposition by the present Administration, which appears to have been sadly lacking prior to December 2011. (**A Member:** Hear, hear.) (*Applause*)

Experienced investor funds (EIF): Mr Speaker, approximately 90 experienced investor funds have been established in Gibraltar since the Financial Services (Experienced Investor Funds) Regulations 2005 came into effect, with almost half of these having been structured as protected cell companies.

1640 Following a series of proposals submitted to this Government by the Gibraltar Funds & Investments Association (GFIA) designed to make this sector more efficient, the Government introduced new Financial Services (Experienced Investor Funds) Regulations in 2012. Improvements to the original 2005 Regulations included the opportunity for large funds to use reputable and substantial administrators based in jurisdictions of equivalent standing to Gibraltar.

1645 The new Regulations also allow funds to re-domicile to Gibraltar, yet continue to use their existing reputable administrator, representing a significant advantage for funds moving to the EU with, *inter alia*, the advent of the Alternative Investment Funds Managers Directive, due to be implemented by July 2013.

1650 The new Regulations enable experienced investor funds to choose to file for registration ten days before a scheme is established, with automatic registration at the end of that period if no objection is received from the regulator. This provides greater choice, certainty and flexibility for prospective new funds. The new Regulations also provide further disclosures which are required in the offering of documentation to help investors to make an informed decision prior to investing.

1655 Last month, Mr Speaker, I addressed a conference on funds in Monaco organised by GAIM (Global Alternative Investment Management). This is an important conference for the global funds industry with all major players represented. It proved to be the ideal opportunity to explain the opening up of the Gibraltar market as a result of changes introduced by the 2012 Regulations. This will encourage the use of Gibraltar by funds wishing to relocate to an EU territory to take advantage of the new EU Directive.

1660 We have received excellent feedback from delegates which gives us great cause for optimism for the expansion of the Gibraltar funds industry. As with the QROPS legislation, the introduction of the new EIF Regulations shows a Government which is predisposed to listen to and act on proposals from the industry which make sense and which are beneficial to Gibraltar. (**A Member:** Hear, hear.)

1665 Private Clients: the Society of Trust and Estate Practitioners (STEP) has made a number of general representations to the Government for the introduction of new private client structures such as purpose trusts, the extension of the perpetuity period, private trust companies and foundations. The Government agrees in principle that the introduction of legislation on these areas is desirable and has asked STEP to produce detailed proposals, so that these can be evaluated and put into effect. Any such proposals will, naturally, have to comply with OECD transparency requirements and be exchange of information compliant.

1670 The Government is also giving consideration to the recommendations contained in the OECD Phase I Review relating to the elimination of share warrants to bearer and the extension to record-keeping requirements for companies, partnerships and trusts. A consultation paper on this has been issued and the Government is currently reviewing comments made with a view to introducing legislation which gives effect to the recommendations.

1675 International agreements and tax information exchange: Mr Speaker, Gibraltar's successful finance centre is based on the Government's conviction that it must remain squarely within the mainstream of international consensus. In line with its commitment to transparency and effective exchange of information, Gibraltar is on the G20-instigated OECD 'white list'. It has to date negotiated and signed 20 Tax Information Exchange Agreements with OECD/EU Member States and is currently negotiating or concluding similar agreements with several other countries. Of the 20 Agreements signed so far, 18 have

1680 entered into force. Gibraltar is waiting for reciprocal notification for entry into force from Belgium and South Africa.

1685 Double Taxation Agreements (DTA): in keeping with its manifesto commitment to negotiate Double Taxation Agreements with selected jurisdictions, the Government has established a DTA Working Group to study the mechanics of entering into Double Taxation Agreements with relevant countries. Prior to the Group's first meeting on 15th May 2012 the Finance Centre Department had already undertaken preparatory work on this. The Government expects to be in a position to report progress in this area during the course of the current financial year.

1690 International Monetary Fund (IMF) – Mr Speaker, the Government will continue to co-operate fully with the IMF and devise policies when appropriate, in order to ensure that any assessment undertaken by this body meets their assessment criteria. In consonance with the Government's commitment to respond positively to the various international initiatives, the Finance Centre Department continues to compile Gibraltar's portfolio investment position for submission to the IMF, as it has been doing since 2004. Work is also proceeding on the consolidation of anti-money laundering legislation. Progress on the EU driven fourth Anti-Money Laundering Directive is being monitored.

1695 Mr Speaker, I would end my contribution on Financial Services by mentioning the complaint to the EU made by Spain to the corporate tax regime introduced by the Income Tax Act 2010. The Government considers that this is a politically motivated complaint which has no merit whatsoever. The Government therefore firmly believes that it will be able to successfully see off this challenge. (A Member: Hear, hear.)

1700 Mr Speaker, I now turn to Gaming.

The online gaming industry continues to contribute well to the local economy and Gibraltar continues to consolidate its place as one of the world's premier locations of choice for reputable industry leaders. Gibraltar is at the forefront of the global gaming industry and it is important that we keep up with developments and meet the major players, as well as officials from other jurisdictions.

1705 Earlier this year, I attended the ICE Gaming Exhibition in London and the GiGse Totally Gaming Conference in San Francisco. Whilst in the US, I also had several meetings with major players and influential people in Las Vegas, Nevada. I had the privilege of meeting the Governor of Nevada, Brian Sandoval, and the Chairman of the Nevada Gaming Control Board, Mark Liparelli.

1710 We are aware that there are a number of Gibraltar operators interested in branching out by seeking a licence in Nevada. At the same time, various Nevada-based operators are interested in being licensed in Gibraltar. It is therefore in Gibraltar's interest that we have contact with and build a solid relationship with Nevada, as well as other countries and states, at both regulatory and political levels.

1715 That said, Mr Speaker, the Government does not intend to vary the formula that has led to Gibraltar's success in online gaming. It is the Government's firm intention to continue with the policy of selective licensing, coupled with high standards of regulation. Gibraltar sets a high bar to entry and only the world's leading brands are considered for licence.

There are currently 22 remote gambling licensed operators established in Gibraltar and three more applications are currently being processed. They include some of the biggest names in the business. Only reputable companies with a realistic business plan and a proven track record in gaming are licensed.

1720 Five new remote gambling operators were licensed during the course of the financial year 2011-12. As at 29th February 2012, the total number of employees in the gaming industry stood at 2,245. This figure is expected to increase modestly over the next few months, as soon as the three newcomers are established in Gibraltar.

1725 The Government revenue from remote gaming tax for 2011-12 has increased to £10.7 million, from £10.4 million in 2010-11. Remote gaming tax represents 94.5% of the total gaming tax yield of £11.3 million for 2011-12 – the remaining £0.6 million gaming tax being in respect of domestic gaming.

PAYE from remote gambling operators totalled £16 million for the period 1st April 2011 to 31st March 2012, with an additional £0.3 million for domestic operators. Corporate tax from gambling operators for the same period was just over £18 million.

1730 Mr Speaker, before I turn to other matters, it is important that I report to the House on an on-going issue which could have a very significant negative impact on Gibraltar's online gaming industry. Earlier this year, the UK Chancellor announced plans for a UK online gaming 'place of consumption' tax. He revealed that a consultation process was taking place, with the aim of imposing a 15% charge on gross profits based on the location of a player, rather than the location of the business that is providing the service. The UK Treasury has said that it aims to have the necessary arrangements in place by December 2014.

1735 What this means is that the UK seeks to impose a 15% charge on every transaction which is made by a customer in the UK. This, of course, can only be interpreted to be a revenue-generating measure. This measure is also proposed to be accompanied by changes to the UK licensing regime for the sector which the taxation consultation paper indicates will proceed in tandem.

1740

1745 Mr Speaker, the Government does not believe that these measures are designed to ensure the proper protection of consumers in the UK. Gaming companies operating from Gibraltar and their customers are already protected by Gibraltar's strict licensing and supervision. Our regulation is second to none. It is as high, and in some respects higher, than in the UK. (A Member: Hear, hear.) The Government believes that the UK Government's position on this issue is not defensible and the Government has made its opposition to the proposed tax known to the UK Government.

1750 The measure seeks to put UK operators in a position of distinct advantage to those operators based in other jurisdictions like Gibraltar. The Government also considers that the proposals offend basic principles of freedom to provide services and acts as a barrier to trade and entry to the UK markets. Leading figures of Gibraltar's gaming industry have also voiced their strong opposition to the UK proposals.

1755 The Government is aware that there is a real prospect of an industry challenge to the UK Government's proposals, if they persist with the proposed licensing and taxation measures. The Government will naturally continue to support all efforts to defend Gibraltar's well established gaming industry. The Government considers the move by the UK Government to be counterproductive and, in the long run, more harmful to the UK than to the jurisdictions – such as Gibraltar, Isle of Man and Malta – at which the measures are aimed.

1760 The Government has highlighted to the UK Government the serious economic threat that such a move could bring about for Gibraltar given the importance of key income streams this sector generates for our economy. The UK is an important market to some of the companies operating from Gibraltar. This will, therefore, remain a vital issue which needs to be very carefully monitored.

1765 The Government will continue to engage with the UK Government at all levels and will make sure that the UK Government fully understands the harmful effect which its proposals would have on UK customers and on Gibraltar. The Government continues to be hopeful that the UK Government will consider all representations made and be persuaded to retract its proposals.

Mr Speaker, I turn to telecommunications.

1770 Mr Speaker, telecommunications is a dynamic, ever-changing industry and an area which continues to move forward. Telecommunications plays an integral part in all our lives, whether as a business dependent on e-commerce, as an enabler when working in the global environment or for our daily communication needs.

1775 Gibraltar's telecommunications infrastructure is of high quality and good repute. The bigger blue-chip online gaming companies acknowledge this. It is highly praised for the availability of electronic services, its quality of regulation and its resilience. Telecommunications providers continue to invest in fixed network infrastructure which, along with its increasingly diverse international routes, ensures a robust, reliable and quality service.

The continuous investment in essential telecoms and IT technologies is helping to make Gibraltar the attractive jurisdiction to which businesses can look to expand from or to relocate to.

1780 Furthermore, the electronic communications industry was liberalised to primarily enhance investment and competition. The effects of liberalisation have successfully been felt in recent years, since new market entrants have stimulated the industry. As a result, the quality of services has improved and prices have been reduced. The Government views these developments as fundamental for continued growth and development and looks forward to a continuation of these trends.

1785 In today's world, there are various ways a person can access the internet. A household may have a fixed internet connection; Wi-Fi access, if the household in question is covered by an accessible hotspot; WiMax which uses a wireless connection to access a broadband network; or internet access via a mobile network using a smartphone, tablet or Personal Digital Assistant (PDA). The definition used by the EU when calculating broadband penetration rates defines broadband lines as:

1790 'those with a capacity equal or higher than 144 Kbits/s'.

1795 All the various technologies mentioned above are largely covered by this definition and are available in Gibraltar. Broadband penetration *per capita* in Gibraltar currently stands at around 39.6%, which is higher than the EU average of 27.7%. It is estimated that close to 75% of local households now have broadband access, compared to some 55% of EU households.

1800 I have responsibility for certain aspects of the work carried out by the Gibraltar Regulatory Authority (GRA) under the provisions of the Communications Act 2006. The GRA is an independent authority, which regulates the following areas for which I as the Minister for Communications have responsibility: (1) electronic communications, which includes broadcasting networks, radiocommunications and licensing of the radio spectrum; and (2) international co-ordination of satellite networks and licensing.

There are seven companies, Mr Speaker, operating under the regime established by the Communications Act 2006, providing a variety of fixed and mobile networks and services. Currently,

there are two active mobile operators. A third is installing its network with the aim of starting to provide a service this year.

1805 The EU's new electronic communications package was implemented in Gibraltar with the publication on 26th May 2011 in the *Gibraltar Gazette* of five new regulations amending the current legislation on electronic communications. The amendments introduced in the Directives are primarily aimed at: simplifying some of the existing procedures; allowing transfer and leasing of individual rights to radio frequencies; the re-drafting of the provision on co-location of facilities; adjusting some of the definitions, taking into account technological progress; reinforcing provisions on end-users with disabilities; and strengthening of other consumer protection rules.

1810 On 2nd April 2012, number portability between network and service providers for geographic, non-geographic and mobile telephone numbers was introduced. Number portability enables subscribers of publicly available telephone services and mobile services to change their service provider whilst keeping their existing telephone number.

1815 During the financial year 2011-12, the Authority published Public Consultation 02/11 in accordance with the market definition procedure outlined in the Framework Directive 2002/21/EC. Two wholesale markets were analysed in order to examine the state of competition. The wholesale markets that were reviewed were: wholesale call origination on the public telephone network provided at a fixed location; and wholesale call termination on individual public telephone networks provided at a fixed location.

1820 The Satellite Division of the GRA is responsible for representing Gibraltar at international meetings and ensuring that the satellite operators comply with the International Telecommunication Union's (ITU) Radio Regulations and all other international obligations. The Division liaises closely with the UK Administration to submit new filings to the ITU, but the main workload comes from processing the international correspondence for each individual satellite project.

1825 The GRA collects Administrative Charges from providers of electronic communications services and networks, radiocommunications licence fees and other reimbursements. During the 2011-12 financial year, the total collected was £1,479,253.85, which was paid into the Consolidated Fund. This compares to expenditure for all of the GRA's Divisions of £1,412,726.72.

1830 I now turn to the conversion to digital broadcasting, which was touched upon during the speech by the Hon. the Chief Minister. Mr Speaker as recently announced, the GRA has signed a contract, worth around £1 million, with Arqiva in the United Kingdom, to provide a digital broadcasting network in Gibraltar. The network will comprise two digital television multiplexes and two digital radio multiplexes.

1835 On each television multiplex, Gibraltar will be able to transmit up to six distinct programmes. Similarly with digital radio, each multiplex allows for 4 distinct programmes. This means that a greater choice of programmes can be made available and that additional broadcasters could be licensed by the Government. The transmitters will be located at a single site on the Upper Rock, thus minimising the environmental impact of the antennae which will replace the two television broadcasting sites of Signal Hill and O'Hara's Battery.

1840 The digital broadcasting network will be operational by 31st December 2012, allowing Gibraltar to meet its international obligation to close down its analogue television transmissions by that date. Unlike the change-over to digital television, there are no current plans to convert FM radio to digital.

1845 In August of this year, I will attend – and I hope to be accompanied by the Hon. Miss Samantha Sacramento – the Commonwealth e-Accessibility Summit. This is organised by the Commonwealth Telecommunications Organisation and is being held in London. The theme for the Summit this year is accessibility to electronic communications systems for persons with disabilities. As part of the Summit, we will be attending the opening ceremony of the Paralympic Games.

Mr Speaker, I turn to Justice.

1850 I would start my contribution on Justice, Mr Speaker, by congratulating the Chief Justice, Anthony Dudley, who has recently been appointed a Bencher of Middle Temple, which happens to be my own Inn. The appointment is a magnificent personal achievement by the Chief Justice. (*Applause*) It is also a mark of the respect and high standing in which the Gibraltar judiciary is held.

Legislation: in accordance with our electoral commitments and policy of open Government, a number of important changes and innovations have and will be pursued during the course of this year.

1855 Command Papers: the introduction of Command Papers gives the public an opportunity to comment on new laws before the legislation is published as a Bill. A number of draft Bills have already been published in this manner, including draft Bills on Public Interest Disclosure and for a Smoke-Free Environment. More Command Papers will be published as and when drafts become available.

1860 Rehabilitation of Offenders: earlier this year, the Government announced the commencement of the provisions of the Criminal Procedure and Evidence Act 2011, relating to the rehabilitation of offenders. The effect of these provisions is that in certain circumstances, once a conviction is spent, the person may not be asked, or, if asked, is not required to answer questions about that conviction. In this way, offenders are not saddled with their conviction all their lives and can consider themselves rehabilitated in respect of that conviction. This is particularly important where someone is seeking employment.

1865 Work in Progress: Mr Speaker, Government is at present working on several pieces of legislation. They include:

Companies Act – work is proceeding on the drafting of a new Companies Act. Around 150 sections have already been drafted. The Government expects to have a draft ready in the autumn. It will then consult on the draft with relevant stakeholders.

1870 Insolvency Act 2011 – the drafting of the various regulations required to be able to commence the Insolvency Act 2011 has not yet been completed. Once the regulations are fully drafted, these will be circulated for comment by practitioners. The Government is keen, Mr Speaker, to see the new legislation implemented as soon as possible.

1875 Crimes Act 2011 and Criminal Procedure and Evidence Act 2011 – as already announced, Mr Speaker, it is Government's intention to commence these Acts, subject to a number of amendments, on 1st October 2012. The provisions in the Criminal Procedure and Evidence Act 2011 which relate to rehabilitation of offenders and those which permit the appearance in court by defendants by video link, which I will talk about later, have already been commenced.

1880 Government proposes to amend the Criminal Procedure and Evidence Act by removing those provisions which allow inferences to be drawn from silence, either at interview or in court. When the Bill was brought to Parliament by the previous Administration, I argued, during the course of the debate on the Second Reading, that these provisions abolish the right to silence and thereby removed a fundamental right. We opposed these provisions at the time. Further amendments will be required to the disclosure requirements in the Criminal Procedure and Evidence Act 2011, as a result of the repeal of the provisions which would abolish the right to silence.

1885 Mr Speaker, Part 12 of the Crimes Act contains provisions relating to sexual offences. Provisions in Part 12 impact on the age at which a person can lawfully consent to sexual intercourse. The effect of the statutory provisions is that the age of consent is 16. On 8th April 2011, the Supreme Court of Gibraltar made a ruling, following a reference to it by the then Chief Minister, which had the effect, for all practical purposes, of equalling the age of consent at 16 for both heterosexuals and homosexuals. In accordance with the Constitution, the ruling of the Supreme Court and the policy of this Government, the age of consent for both heterosexuals and homosexuals must be and must remain the same.

1890 On 11th April 2012, the Government issued a consultation paper on the age of consent, in line with a long-standing commitment by the GSLP/Liberals, both in Government and in Opposition, to consult the public on what age should be set by statute. The consultation has concluded and I am now today, in a position to give details of the consultation process and of Government's decision.

1895 A total of 12 submissions from individuals and representative bodies were received. Seven supported maintaining the current position of the age of consent at 16. Three supported raising the age of consent to 18. Two supported raising the age to 18, but allowing a near age exemption for sexual activity below this age. A respondent who indicated that the age of consent should be 16, should continue to be 16, had this to say:

1900 'To raise age would be a retrograde step. Young people more sexually aware today than ever before. The idea of an age differential in relations so as not to criminalise under-age relationships could be fraught with uncertainty. Maintaining age of consent at 16 would be in line with majority of EU countries.'

1905 Another respondent said:

'Would be unproductive to increase from 16, as that is well established and the same as the UK.'

1910 One of the respondents who supported raising the age of consent to 18 but with a near age exemption said:

1915 'Recommend sexual activity be criminalised when a participant is 14 or lower and that partners be no more than three years older than the other partner until age of consent is reached.'

1920 The Evangelical Alliance of Gibraltar also made representations. They stated that they believed that sexual intercourse is something which should only be practised between a man and a woman within the context of love and marriage. They nevertheless said that they understood that this was a minority view and that the legislature is tasked with protecting those who are vulnerable and may be taken advantage of. The Alliance suggested raising the age of consent to 18, but with a near age exemption.

A respondent who suggested that the age of consent should be raised to 18 said:

1925 'If a person is not deemed responsible enough to drink alcohol, drive a car, watch a movie rated for adults, nor get married until the age of 18 when you are then considered an adult, the age of consent should also be at least 18. After all, the responsibility of bringing a new life into the world is far more serious than any of the above.'

1930 Mr Speaker, the Gibraltar Women's Association also supported raising the age of consent to 18. They attached to their submission a copy of a petition, said to contain close to 4,000 signatures. These signatures were not, Mr Speaker, however, collected for the purpose of the Government consultation on this issue. The petition was started in 2010 in connection with a case before the Supreme Court.

The petition states:

'We the undersigned agree with the Gibraltar Woman's Association that the age of consent should be equalised at 18.'

1935 Mr Speaker, the question which was before the Supreme Court – which was the issue for which the petition was organised – was, of course, different to that in the public consultation. The Supreme Court considered whether Gibraltar law required the age of consent for both heterosexuals and homosexuals to be equal and, if so, what that age was. The public consultation was not concerned with equalisation of the age of consent – that had already occurred. The issue in the consultation was whether the law should continue to be that the age of consent is 16 or should be raised to a different age.

1940 Mr Speaker, the Government has given serious consideration to all comments and representations made as well as to all issues raised in the public debate that has taken place in Gibraltar since 2010. We have also considered the position not just in the UK but also in other countries.

1945 Having regard to all of that, we have taken the view that it would be wrong to change the law as it currently stands with equalisation having already occurred and the age of consent effectively set at 16. (A **Member:** Hear, hear.) In particular, we are not persuaded that the Government should criminalise behaviour which is currently lawful. In the circumstances, the Government does not intend to make amendments to the provisions in Part 12 of the Crimes Act 2011 whereby the age of consent is set by statute at 16.

1950 CCTV: CCTV can be both an effective deterrent to crime and a useful tool to resolve crimes. The Government has installed CCTV cameras in different parts of Gibraltar at a cost of £138,946.36. They are located at: Casemates Hill; Casemates Square; to the east of Casemates; in the Market Place; covering Waterport Road in both directions; Cornwall's Parade; Castle Steps; Irish Town; and Governor's Street.

1955 The Royal Gibraltar Police has produced CCTV Codes of Practice policy and an Evidential Digital Imaging policy which is Data Protection compliant. These policies include provisions on how the system will be used, how recorded material will be processed and handled and how evidence will be stored or used. A Public CCTV Guideline will also be produced before the system becomes operational.

1960 Law Courts – the Law Courts building: Mr Speaker, the final phase of the building works for the new Gibraltar Law Courts was completed in May of this year. While the pressure on the court system has grown, the courts themselves have had to cope with a shortage of courtrooms and adequate facilities. The new building addresses this fundamental problem and provides new facilities for all court users and the Government of course acknowledges that this project was one which was started by the previous Administration.

1965 Following completion of all the building works, there is of course the separate issue of the running, maintenance and upkeep of the building. The Government is currently considering the available options in this regard.

1970 The Government is also strengthening, Mr Speaker, backroom resources and staffing. New computer systems are being installed. With regard to staffing, I can announce that an additional nine full-time staff members have been approved. The additional staff comprise: a legal adviser; three executive officers; one administrative officer; a personal secretary; a clerk/word processor; and two court ushers/paperkeepers. The recruitment process for these new posts has started, but it has not yet been completed. In addition, trainees will assist in clearing paperwork backlogs.

1975 Mr Speaker, I can also announce today that the Government has approved the creation of a new judicial post – that of Master/Additional Stipendiary. I expect that this post will be filled during the course of the current financial year.

1980 The new resources and staff which the Government is committing to the Court Service will allow the service to function effectively at a time of increased demands, both on the administrative and the judicial side. There have been delays in the administration of justice in the past, which the Government considered unacceptable. The Government's actions will help tackle these delays and will create a modern, properly resourced and efficient service.

Mr Speaker, one of the areas which has suffered from delays in the Supreme Court for a number of years is the dating of applications for hearings. In August 2011, for example, it could take as long as 42 weeks for an application to be dated. That sort of delay was unacceptable to the Government.

1985 I am happy to report that since December 2011, there has been substantial progress in this area and most of the backlog has been cleared. Further, I can announce today that with effect as from this month, the Court Service will operate on the basis that basic applications will be given a hearing date within five working days of filing. (*Applause*) For more complex applications requiring more than a one-day hearing, dates will be set within 10 working days of filing. (*Applause*)

1990 The Government acknowledges that for a number of practical reasons, it may not always be possible to date applications within these set times. The Government has nevertheless set a target of 95% efficiency in dating applications within the required timeframes in any particular month. The result will be that the previous system will have been improved very significantly and both practitioners and the parties to applications will benefit from these changes. (*Applause*) (A Member: Hear, hear.)

1995 New software for the courts: the database systems in the Supreme Court and Magistrates' Court fall far below the requirements of a modern Court Service. They offer little automation of court processes and have limited functionality.

2000 A collaborative project is already underway between the courts, the RGP, the Attorney General's Chambers and the Government IT and Logistics Department to identify a computer system that could meet the wider requirements of the justice system. Such a system could also save time and cost by removing duplication of work within the justice system. The Court Service has requirements for its civil and family jurisdictions, as well as its criminal jurisdiction, and the needs of these areas of court business are also being considered.

2005 Launch of website access to Court Judgments: on 20th February 2012, the Government launched an extension to the Gibraltar Laws website so as to provide access to electronic copies of Supreme Court, Court of Appeal and Privy Council judgments. Online access to these judgments is an important tool for lawyers working in Gibraltar and others who may wish to research decisions of the Gibraltar courts. It is also important for practitioners and professionals outside Gibraltar, who will be able to keep abreast of developments in Gibraltar law and jurisprudence.

2010 The database is under development and will continue to have more judgments added to it. Supreme Court and Court of Appeal judgments between 1980 and 1987 inclusive will be added, as will judgments from 2010 onwards. This website is an important first step in working towards making information on the justice system accessible to all. I am working with the Judiciary and the Court Service with a view to adding more information on Gibraltar Supreme Court sentencing and Judicial Reviews in the future.

2015 Gibraltar Courts website: work on a new website for the Gibraltar Courts Service that will provide more information on the work of the courts has been completed. I can announce that the website will be available to the public as from tomorrow at www.gcs.gov.gi. The website provides a mission statement of the Gibraltar Courts Service and information on the courts, jury service and the justice system. Access to Court Judgments will be available also from this site.

2020 In addition, there will be a picture gallery with two sections: one with pictures of the recent visit to the Law Courts by Their Royal Highnesses the Earl and Countess of Wessex and the other with pictures of the restoration and extension of the Law Courts building.

2025 Video Link: Mr Speaker, a video link has been installed linking the Magistrates' Court to the Prison. The legislation required to allow persons to appear in court via video link has already been enacted and commenced, with the publication in the *Gazette*, on 28th June 2012 of a commencement notice of the relevant provisions of the Criminal Procedure and Evidence Act 2011. The link will be tested for operational use this afternoon for the courts, prison, prosecutors and defence lawyers to test its use. This will be important for the courts and prison to look at the practical handling of defendants and video link hearing.

2030 Subject to this test being successful, I can announce that the video link will be available for use as from tomorrow, Tuesday, 10th July, but it is of course up to the courts to decide whether to use it or not. This link, when used, will remove the need for remand prisoners to be physically taken to court on a weekly basis, and will allow a more efficient use of Prison and RGP resources.

2035 Security for the Courts: the Government is making provision in this Budget for funds to allow the engagement by the Court Service of security guards. A total of £60,000 has been allocated for this purpose. The Court Service felt, and the Government agreed, that the additional number of courtrooms and the demands on the Court Service require additional security arrangements to be put in place.

2040 Attorney General's Chambers: Mr Speaker, the opening of the Magistrates' Court complex has seen an increase in 'second court' hearings. The AG's Chambers now regularly have to commit two lawyers to the Magistrates' Court. Consequently, the complement of Crown Counsel has been increased by one.

The frequency of Supreme Court jury trials has increased with the appointment of a dedicated judge for criminal cases – Mr Justice Black. In 2009, there were 12 jury decisions. In 2010, there were 16 and in 2011 there were nine. In the year to date, there have already been 12. These statistics exclude cases which are stopped by the Judge or where guilty pleas were entered during the course of the trial.

2045 As a result of the increased workload and in order to provide advice and support to the RGP's File Preparation Unit, a Crown Counsel will be working from New Mole House Police Station, assisting the RGP, for three days a week.

HM Prison: Mr Speaker, this year, six female Prison Officers that have worked for many years on a temporary or supply basis will be given contracts of employment as Basic Grade Prison Officers. This is in line with the Government's policy of eradicating the use of supply workers to cover permanent

2050 positions. This, in effect, means that instead of having 38 Basic Grade Prison Officers, the complement will increase to 44.

The new prison can house up to 98 prisoners in 50 cells. The building has five male and one female wings. The female wing can accommodate up to six prisoners at any one time. Although one of the sections on the ground floor was originally earmarked to house juvenile prisoners, this is currently in use for vulnerable prisoners. There are no juvenile prisoners at this time in the prison.

2055 Over the last 12 months, the average number of inmates per month was around 74. The daily average for the female wing is five prisoners. However, for some periods we have had as many as 11 or 12 female prisoners at one time. When faced with this situation, all female prisoners spend the day together in the female wing, workshop, education facility or gymnasium. However, during the silent hours, any number over six have to be accommodated in a male wing which is adjacent to the female wing. At no point do male and female prisoners actually mix in any way.

2060 In addition, Mr Speaker, over the last 24 months a total of 10 juveniles have been held at the prison. Extra measures and precautions are put in place when a juvenile is in prison. These have included the provision of educational classes with a qualified teacher.

2065 Royal Gibraltar Police: during the course of this year, the Royal Gibraltar Police has undergone changes at the very top of its structure. Commissioner Wink has retired and Commissioner Yome has taken over at the helm. I would like once again to record the Government's appreciation for the work done by Commissioner Wink and to acknowledge the vision and new ideas which Commissioner Yome brings to this post. *(Applause)*

2070 Mr Speaker, the Government is fully committed to combating all crime. In doing so, the strategy cannot only focus on identifying crime – work on preventing crime and on building a partnership between the Police and the community is just as important. It is for the Government to ensure that the Royal Gibraltar Police is at all times properly resourced. The RGP, nevertheless, is and will remain operationally independent.

2075 Since elected into Office, the Government has approved a restructure in the establishment of the RGP which has resulted in a number of promotions and new posts being created.

2080 The current police officer complement of the Royal Gibraltar Police is as follows: Commissioner – one; Superintendent – three; Chief Inspector – five; Inspector – 14; one new Inspector post has been created to take over the management of Traffic and the Highway Enforcement Officers who are on secondment – which I will touch upon later; Sergeant – 32.

Seven new Sergeant posts have been created: five deployed to the Custody suite, one to the newly created Child Protection and Vulnerable Adult Unit, one to give effect to the delivery of the Neighbourhood Policing Strategy; Constables – 181; 10 additional PC posts have been recruited for reasons of operational effectiveness.

2085 Mr Speaker, 10 new Constables, seven new Sergeants, one new Inspector, as well as the secondment of 34 HEOs will provide Commissioner Yome and his team with the additional tools needed to deliver the neighbourhood and community policing strategy which they have developed, and to meet the operational challenges which the RGP will no doubt face in the years to come. *(Applause)*

2090 Mr Speaker, today's police officer must be versatile and be prepared to serve the community in all kinds of emergencies. The duties of the Police in protecting people have grown increasingly important in recent years. Nowadays, in addition to taking up the role as a law enforcer, a police officer may be called upon to perform as a first-aider, social worker, counsellor and negotiator, as the occasion demands.

2095 Coinciding with the start of the new Policing Year 2012-13, the RGP launched its Neighbourhood Policing Initiative, which is designed to provide a consistent sustainable problem-solving approach to our community. The delivery strategy revolves around increased community interaction by the augmentation of Neighbourhood Teams, the re-modelling of patrol areas and deployment rosters, all of which are designed to ensure increased community interaction, continuity and resilience.

2100 Criminal Justice IT infrastructure project: Mr Speaker, I have already touched upon this. The RGP is currently engaged together with other Criminal Justice partners and the Government's IT and Logistics Department in scoping a fit for purpose IT infrastructure platform suitable for the whole Criminal Justice System. Such a system would serve to improve service delivery within the whole spectrum of the Criminal Justice System.

2105 Secondment of Highways Enforcement Officers: the Highways Enforcement Officers were seconded to the RGP with effect from 1st June 2012. This will provide a holistic and cohesive approach to the Government's Traffic Plan, whilst also addressing the RGP's responsibilities as contained within the Gibraltar Police Authority's Annual Policing Plan 2012-13.

Before 1st June 2012, the HEOs had a limited role to play on our streets, restricted to dealing mainly with parking issues. The aim now is to maximise their potential within the bounds of their job descriptions to include matters such as litter control, dog fouling and other traffic related duties.

2110 Since their secondment, the HEOs have been used in the following functions: traffic management in conjunction with RGP colleagues at traffic choke points, such as around Sundial; operationally during the recent Royal Visit; traffic management at beaches, jointly with RGP colleagues.

I am happy to report, from feedback I have received, that the interaction between HEOs and RGP officers is good and that both organisations are reaping the benefits of the secondment.

2115 RGP Social Media Project: Mr Speaker, as part of its community engagement strategy, the RGP has launched social media sites on Twitter and shortly on Facebook. This project is designed to provide a user friendly interactive communication channel for our community, increased information to the general public and improved access to policing services.

2120 Professionalism of the Police Service: as part of the RGP's professional development programme, the Police have embarked on an accreditation process for all newly recruited constables, which will result in successful recruits obtaining a National Vocational Qualification (NVQ) following their two years' probationary period in an Edexcel Level 3 Diploma in Policing.

2125 Furthermore, a proportion of RGP's training budget is allocated to provide officers with operational experience through secondments to police services abroad. Additionally, the RGP is looking to provide leadership and management training to its supervisory staff.

During this current financial year, the RGP will also be applying for the Silver Standard of accreditation in Investors in People.

2130 Mr Speaker, in my contribution today to this House, I have talked about policy, ideas, responsibility and dedication. These are the building blocks of the GSLP/Liberal Government. This Government has the drive, ambition and determination to innovate, regenerate and implement the exciting programme of investment which is being announced in this Budget.

We are all excited about Gibraltar and its future. Our best years are ahead of us and we cannot wait to get on with the serious business of making Gibraltar a beacon of excellence, not just in Europe, but globally.

2135 Finally, Mr Speaker, I would like to take this opportunity of thanking my staff and all those that work in the various Departments that form part of my ministerial portfolio for their hard work and support. I am delighted with the way things have progressed in the first seven months of Government and I look forward to meeting the challenges that are ahead of us together.

2140 There is a lot to be done in the next three and a half years or so, and I have every confidence, that by working together, the Government, public service, the private sector, we can make Gibraltar even more prosperous, safer and better than it ever has been before.

Thank you. (*Applause*)

2145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am tempted to just add that it is *hybrid* drive that we have as a Government!

Mr Speaker, given the time, I think it is appropriate for me to move the adjournment now. I would inform the House, for the purposes of those who are listening and those who have to make interventions, it is my intention to adjourn to 9.15 tomorrow morning, to sit until approximately 1.15 p.m. or 1.30 p.m., to come back at about 3.00 p.m. and to then stay until we have finished all the contributions, except the reply, in case that is of use.

2150 So I now beg to move Mr Speaker that the House do now adjourn until 9.15 tomorrow morning.

2155 **Mr Speaker:** Before I put the question, the Hon. the Chief Minister did indicate that the House would recess shortly for quarter to 12, subject to all that...

Hon. Chief Minister: Yes, indeed, subject to the short recess to enable those who wish to attend the Supreme Court –

2160 **Mr Speaker:** For the tributes to our predecessor, Mr J E Triay. That is at 12 o'clock in court tomorrow – probably half an hour.

I now propose the question which is that this House do now adjourn to Tuesday, 10th July 2012 at 9.15 a.m.

2165 I now put the question, which is that this House do now adjourn to Tuesday, 10th July 2012 at 9.15 a.m. Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn to Tuesday, 10th July 2012 at 9.15 a.m.

The House adjourned at 6.35 p.m.