



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 12.50 p.m.

Gibraltar, Wednesday, 20th January 2016

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 20th January 2016.
Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 22nd, 28th and 30th July 2015.

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Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements. (vi) Papers to be laid – the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2014.

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Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Education and Justice & International Exchange of Information.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2015.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

Q1/2016

Gibraltar Music Festival 2015 – Net cost

25 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 1/2016, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please advise the income generated, expense incurred and thus net total cost of the 2015 Gibraltar Music Festival? Please advise to whom payments have been made and any amounts outstanding.

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

35 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, full details of payments and income generated from the 2015 Gibraltar Music Festival have not been finalised. Government will be publishing the details once everything has been finalised.

Hon. R M Clinton: Mr Speaker, does the Minister have any idea as to how long that will take?

40 **Hon. S E Linares:** Mr Speaker, it will definitely be before the estimates are prepared, which should be by April. That means 31st March is the end of the year, so I reckon that by then we should have final figures.

Hon. R M Clinton: Mr Speaker, does the Minister know whether it was over or under budget, or have any idea?

50 **Hon. S E Linares:** Mr Speaker, I would not like to say now, because there are many invoices that are still coming in and revenues to be collected, and therefore it would not be wise – it would be tantamount to misleading the House to give any figures at this stage, since it is still ongoing.

Hon. R M Clinton: Finally, Mr Speaker, with your leave, would income include the amounts remaining on the prepaid club cards or prepaid wristbands?

55 **Hon. S E Linares:** Mr Speaker, the bands are part of the data that we collate from all the Music Festival, and therefore all these things have to be finalised and squared up before we can give any figures.

60 **Hon. R M Clinton:** Would the Minister expect the income from those bands to accrue to the Government? Would the Minister expect the balance on those prepaid wrist bands to accrue to the Government? To be paid to the Government?

65 **Hon. S E Linares:** Yes, of course. All the income comes to the Government. We have a contract with somebody who does the production and all that, but every single penny that is generated from the Gibraltar Music Festival goes to Treasury in Government.

Hon. R M Clinton: So would I be correct in saying that the decision not to refund those prepaid bands was that of the Government?

70 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can assist, the Government is awaiting the information as to what the prepaid wristband amount not spent will be and then will take a decision on what will happen in respect of that money. It is very likely and my inclination is that we will make a donation to a charity in respect of that amount.

75 **Hon. R M Clinton:** Thank you, Mr Speaker, no further questions.

Q2/2016
Gibraltar Sports and Leisure Authority –
Employees by grade

Clerk: Question 2, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details, with a breakdown of grades, of all current employees within the Gibraltar Sports and Leisure Authority?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, some changes have been made to the staff structure of the Gibraltar Sports and Leisure Authority recently, and I hand over to the hon. Member opposite details of the current staff complement at the GSLA as from 1st January 2016.

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Mr Speaker: If the hon. Member is content, we can go on to the next question and he can come back and ask any supplementaries after he has considered the schedule.

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Next question.

PERSONS EMPLOYED BY SPORTS AUTHORITY
AS AT 1 JANUARY 2016

NO.	TITLE	GRADE
1	Chief Executive Officer	1
1	Head of Finance, HR and Administration	2
1	Head of Facilities, Sports Development and Training	2
1	Finance, Marketing, IT and Social Media Manager	3
1	Administration and Resources Manager	3
1	Facilities Manager	3
1	Sports Development and Training Officer	3
1	Asst Sports Development and Training Officer (vacant)	4
1	Asst Facilities Manager	4
1	Asst Administration Manager (vacant)	4
6	Centre Managers (1 post vacant)	5
1	Pool Manager (pth)	5
1	Administrative / Clerk	6
26	Sports and Leisure Officers	8
3	Secretarial / Typist	9
2	Support	11
1	Asst. Pool Manager	11
3	Pool Operatives / Lifeguards	13
1	Cleaner (part-time)	13
1	Sports and Leisure Asst. (40 hr wk)	13
2	Sports and Leisure Asst. (37 hr wk)	13
1	Play and Leisure Officer*	PL1
1	Play and Leisure Attendant*	PL2
1	Play and Leisure Assistant *	PL3

*Supernumerary

Q3/2016

**Gibraltar Sports and Leisure Authority –
Staff vacancies**

Clerk: Question 3, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of any staff vacancies which may currently exist in the Gibraltar Sports and Leisure Authority?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, at present there are three vacant posts in the Gibraltar Sports and Leisure Authority, these being that of Assistant Sports Development and Training Officer, Assistant Administration and Resources Manager, and Centre Manager. These posts have become vacant due to these officers being promoted. The vacancies will be reviewed as part of the current restructure, which is working from top to bottom.

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Mr Speaker: Supplementaries arising from Question 2.

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Hon. E J Reyes: Yes, it is arising, Mr Speaker, from Question 2. In previous sessions, in the previous Parliament, the Minister had told me that he was negotiating with the unions in carrying out the review and so on, and I had somehow or another picked up – I hope it was not erroneously – that the post of Deputy Chief Executive Officer had been advertised and so on. In the schedule submitted in reply to Question 2, there is no post here of Deputy, and in answer to Question 3 the Minister has not mentioned an existing vacancy. Has he now come to the decision that he is going to do away completely with the post of Deputy? Because it is not listed either as a filled-in post or as a vacant post.

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Hon. S E Linares: Well, Mr Speaker, if he sees the schedule, what has happened is that we have a Chief Executive Officer and the Deputy Chief Executive Officer previous used to be a grade 2. Now what we have done is we have substituted the grade 2 – in fact, we have added another grade 2. There is no deputy but there are two, which is Head of Finance and another post. Because as he will see there are two grade 2s in the schedule and therefore ... One is Head of Finance, HR and Administration, and the other is Head of Facilities, Sports Development and Training.

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So what we have done is ... technically, there is no deputy, one deputy, but what there are, are two heads of two different departments within the Gibraltar Sports and Leisure Authority.

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Hon. E J Reyes: Thank you, Mr Speaker, that does help to clarify the position.

The Minister, in answer to Question 3, said that there are three vacancies. Can he confirm that he has reached an agreement with the staff representative side that those three vacancies will be advertised, or are those three vacancies can be vacant but are not necessarily going to be advertised because they are still under the process of negotiation in respect of staffing levels?

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Hon. S E Linares: Yes, Mr Speaker. As I said in the last sentence to my answer, the vacancies will be reviewed as part of the current restructure which is being worked from top to bottom. So there are three vacancies but we are still negotiating how we are going to bring them out, as in probably the name of the post or the type of job description, or whatever. It is part of the restructure.

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Hon. E J Reyes: And would the Minister be able to say by when he hopes to have concluded such an exercise?

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Hon S E Linares: Well, Mr Speaker, I think we have done quite well in starting the restructure and done pretty well from the top and we are working downwards. I cannot say any time as to when we will be finishing all, but we are working hard at trying to do it in a satisfactory manner.

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Hon. E J Reyes: One other small thing, Mr Speaker, with your leave. The last three posts in the schedule that have an asterisk saying that they are actually supernumerary posts, are these short term as far as the Minister is aware, and are they full time or part time? Because I could get the impression from the nomenclature of the title that they may be seasonal in respect of play-and-stay posts and so on. Perhaps the Minister can enlighten us more so that this House is aware of his need for these supernumerary posts.

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Hon. S E Linares: Well, Mr Speaker, they are currently supernumerary and we are hoping that when we present the Budget these will no longer be supernumerary but that employees permanent within the GSLA. It is to do with the three posts that we have opened up and these are the people who maintain all the playgrounds. Therefore, they have come from GCP – and they were there before; I am sure the hon. Member knows who they are and where they come from. What we have done is we have given them permanent employment but they are supernumerary – but we have been able to bring them in so that that they are based within the GSLA. They are employees of the GSLA but they have a specific job, which is to maintain all the playgrounds.

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Hon. E J Reyes: May I conclude, then, on a positive note, Mr Speaker, assuring the Minister that it is very good news to hear the intention in respect of those three ... let's call them, for the moment, supernumerary officers, and he will certainly carry support from my side. If I can help him with any possible measure or means, he just needs to call because I think they would be a great asset to the Sports and Leisure Authority.

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Hon. S E Linares: Thank you, Mr Speaker.

Yes, just to say that they are doing a marvellous job and they are very happy in what they are doing. It can be seen around the playgrounds that everything is being maintained by them and they are taking the job to heart.

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Q4/2016

Special sports and leisure events – Grants re hosting of events

Clerk: Question 4, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of all grants made since 1st October 2015 in respect of hosting special sports and leisure events?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, details of grants awarded for hosting the special sports and events since 1st October 2015 are as follows: Gibraltar Masters Bowling Open, £15,000; G.A.B.B.A. Basketball European C Division Under-18

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Competition, £250; Gibraltar International Backgammon Tournament, £1,249.80; Professional Darts Corporation Gibraltar Darts Open £50,787.12; World Snooker Gibraltar Open, £81,820.85.

185 I now hand over to all the hon. Members a photocopy of this so that they do not need to note them down.

Hon. E J Reyes: May I ask, Mr Speaker ... I know the schedule is coming and I do not want to, at this stage, necessarily go into details. It is my understanding that the Minister, as Chairman of the Sports and Leisure Authority, has a committee, the Sports Advisory Council and so on, who help to advise and formulate policies in respect of grants when local teams play in international competitions and so on. Does the process of granting funding towards special sports and leisure events follow a similar process in consultation with a committee, or is that something that the Minister, not necessarily as Chairman of the Authority but as the Minister himself, handles in some other manner with his own financial advisers?

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Hon. S E Linares: No, Mr Speaker, what the Minister does is that when applications are made by governing bodies, when it is to do with events hosted in Gibraltar or hosted abroad, that is when the Gibraltar Sports and Advisory Council (GSAC) takes charge of how much funding each governing body – as he well knows – gets. But there is also money which the GSLA ... And we do, as a matter of courtesy inform GSAC about what we are doing. For example, the darts is a special event and therefore the Darts Association does not come and ask us to bring in all the world champions and all that. This is a different event that we organise and therefore the funds come from there. We put in the Budget and therefore the funds come through, because we no longer have heads like he used to have, where it was divided into four, the grants. We have put them all together, because as he well knows as well, it used to be split into four, but then it used to be passed on from one head to the other, and therefore, in order to facilitate GSAC and facilitate the Government and the GSLA, in order to take decisions on which event we are going to bring, we have put it as one global sum, and therefore GSAC decides then how much is going to go for either one or the other.

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Hon. E J Reyes: So just to confirm, Mr Speaker – I want to make sure I have got it clear – GSAC is not actually involved in the decision-making of supporting a particular event. These perhaps will come under a more general title, like sports-led tourism type of events, attracting visitors to Gibraltar, and GSAC is therefore involved in the consultation of approving the event and even deciding how much subsidy is going towards it, because in respect of local teams participating internationally, then sometimes GSAC takes the policy whether to fund 30% or 40%, or whatever type of percentage, towards the gross cost of the trip. Does this work on a similar basis, where you decide the percentage, or is it all paid for lock, stock and barrel?

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Hon. S E Linares: Well, it depends on the contract that we do with the entity that brings in the event. It depends on the contract. Some of the contracts differ. They ask for money, who gets the sponsorship money, who pays for what, and that is negotiated and then a contract is signed. What I can tell him is that the system that he said at the end is the system that still continues. That means that governing bodies will still put in their bid and GSAC will then decide the percentage of that event, not with these events.

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But I can assure the hon. Member that we are in very close contact with whichever sport we bring – for example in the snooker or the darts – and that we do involve the local governing body in order ... for things like whether international people are going to come and bring workshops to teach development of the sports, and also in all events you will see that the locals are always involved. Therefore, for example, in the snooker we had four snooker players from Gibraltar participating within the international tournament. That is usually part of the condition of any sport that comes over. Remember, like the hon. Member rightly said, this is events-led tourism, and therefore what we do is we try and engage the local community, and the only way

235 you are going to engage the local community is by engaging the governing body of the sport that comes over. So, for example, again, the darts, I think, have eight darts players from Gibraltar who do all their qualifying competitions within Gibraltar, and then those first eight ranking will go into the one that is either televised and is on stage and all that, so our local community, or the fraternity of darts in this case, will be participating in this international, or whichever we do.

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TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q32/2016

**Care Agency nurses –
Salary, pay and conditions**

Clerk: We now move to Question 32, and these are questions to the Minister for Tourism, Equality, Social Services and Housing.

We commence with Question 32, the Hon. L F Llamas.

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Hon. L F Llamas: Good morning, Mr Speaker.

Do the nurses working within the Care Agency receive the same salary, pay and conditions as those of equal grade working in St Bernard's Hospital?

Thank you.

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as was the case under the former GSD administration, the nurses in the Care Agency continue to receive a salary relevant to their grade and subject to annual pay increments.

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Hon. L F Llamas: Can the Hon. Minister confirm if there is a disparity between the Care Agency nurses and those within the GHA St Bernard's establishment?

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Hon. Miss S J Sacramento: Mr Speaker, if there is any disparity it was created by the GSD. We have continued on the same pay scales that they had.

Hon. L F Llamas: The point I am trying to make ... I am not sure, as I have not been able to gather from the estimates if there is a disparity or not, but my main basis for this question is ultimately if there is a disparity between these establishments this will encourage a migration, which will ultimately affect the continuity of care of those in the worse-off area. If the worse-off area is those within the Care Agency, then there will be an issue for continuity of care. These nurses will obviously have nurtured a rapport with the service users and this rapport is extremely important for those service users themselves.

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I am sure the Minister will appreciate this is a principle that needs to be looked at, if it does exist.

Hon. D A Feetham: Mr Speaker, may I? I think my hon. colleague, Mr Llamas, has been very reasonable in outlining what his concerns are in relation to this particular issue; but, with respect to the hon. Lady, I do not think that the answer is satisfactory. To say, 'Well the position ... if there was a disparity it is a disparity that existed when the GSD was there' is not a sufficient answer. The question was: is there a disparity? Surely the Hon. Minister ought to be able to answer that basic question, if there is a disparity. Nobody wants to get controversial, but we

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280 would like to understand if there is a disparity, because we cannot see it from the financial
information that has been provided.

Hon. Miss S J Sacramento: Mr Speaker, I think that the hon. Member actually answered his
own question. I think that if he looks at the book of approved estimates, the scales are actually
285 there. They are very clearly in the back.

Hon. L F Llamas: Okay, thank you.

Hon. D A Feetham: Mr Speaker, I will look at the estimates again. I do not think that it says as
290 the lady has suggested, because one cannot actually place the actual scales within the particular
areas that we are talking about here, but if it is as the lady says we will not raise it again. If it is
not as the lady says, then we will raise it again next time round, because I think it is important
that we understand whether there is a disparity in relation to pay.

We would not be asking this question if the information was publicly available and we had
295 seen that that is the position as the lady says.

**Q33/2016
Care Agency –
Details of vacant posts**

Clerk: Question 33, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can Government please state if there are any vacant posts
within the Care Agency; if so, for how long has each post been vacant and why?
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Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, all posts within the Agency are covered, and as such there are no vacancies.
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Hon. L F Llamas: Can the Hon. Minister confirm if these are covered by way of substitution, or
are they actually advertised posts and filled posts?

Hon. Miss S J Sacramento: They are covered in various ways, Mr Speaker, but they are
310 covered and none of them are not covered.

Hon. L F Llamas: I am sorry to say that does not answer my question. If they are covered by
way of substitution, then they are still vacant. So, I want to know if there are vacant posts which
are not filled adequately and there are people there with the terms and conditions for that post.
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Hon. Miss S J Sacramento: Mr Speaker, I appreciate that the hon. Member is new to this and
I will, of course, be as helpful as possible as I can to him.

Mr Speaker, unlike the complement in the Civil Service, there is no such thing as a
complement in agencies, and that is the position that was taken by the GSD when they were in
320 Government. So, Mr Speaker, as has been confirmed by another hon. Member, who did so as a
Minister at the time when the GSD were in office, what we are doing is that as and when posts
become available in the Care Agency we are reviewing them and we are looking to see how to
best optimise the money that has been voted to the Agency in order to operate it.

325 Unlike the Civil Service posts, Mr Speaker, a post in an agency is not a fixed post. It may be that a post was relevant at the time, but as an agency, particularly an agency such as this whose services expand, we need to make sure that we optimise the money that has been voted by Parliament to run this service.

330 But in any event, there are not posts that are not covered by anybody, we are just looking at some posts temporarily to see if that is the best post for that service now that it has become vacant, because it is obviously only when posts become vacant that we are able to restructure, if we need to.

Q34/2016
Family Centre –
Details of plans for development

335 **Clerk:** Question 34, the Hon. L F Llamas.

Hon. L F Llamas: Can the Government give details of the plans being made, if any, towards making the Family Centre a reality?

340 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, plans for the development of a Family Centre are presently being finalised to ensure that the centre becomes a reality during the lifetime of this Parliament.

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Hon. L F Llamas: Do you have a set date by when this will become a reality?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman, I think, is the second of the new Members on the other side to speak, and I was remiss earlier not to congratulate Mr Clinton on his first remarks. I do congratulate Mr Llamas now and I look forward to congratulating the others as they make their first remarks during the course of this morning.

350 Mr Speaker, just for the sake of setting out the position clearly in relation to this matter, given that it will be relevant in coming questions too, where the Government has a manifesto commitment to do things, and the Family Centre is one of them, and that commitment does not contain in the manifesto a time by which we will do it, our answer will of course be that we will do it during the lifetime of this Parliament. We are not going to be estimating when we are going to be doing things so that the hon. Members opposite can become timekeepers of the Government in doing things by a particular date that we might estimate, because of course it is difficult in Government not to slip from dates because of other things going on etc.

360 So hon. Members will get the answer in relation to this question that they will get in relation to all the others that they may put now and in the future in relation to non-timed Government commitments in our manifesto: that they will be delivered during the lifetime of this Parliament.

Hon. L F Llamas: I just want to say that the reason why I am asking for details of these plans is with reference to Question 603/2011, where the Hon. Chief Minister now, who at the time was the Leader of the Opposition, asked if the Family Centre was going to take two, three or 15 years. The question posed then is still as relevant today, when we still do not know when the expected date is and it is looking more like it is going to take the actual 15 years if it carries on like this. That is my only remark, thank you.

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Hon. Chief Minister: The hon. Gentleman – and I say this as gently and affectionately as I can – needs to learn that he has to ask a question when he gets up during Question Time. If he wants to make a statement, he can make it at another time.

375 This is a new Parliament. The people of Gibraltar have wiped the slate very, very clean indeed on 26th November and we have a manifesto commitment to deliver in the coming four years. If we do deliver in the coming four years, then it will be well within the 15 years that I posed at the time.

Q35/2016

**UN Convention on the Rights of the Disabled –
Date for transposition**

Clerk: Question 35, the Hon. L F Llamas.

380 **Hon. L F Llamas:** Does Government have a date set to transpose the full UN Convention on the Rights of the Disabled?

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

385 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, prior to the last General Election, the Government published a Command Paper on a draft Bill for an Act to make provision for the betterment of persons with disabilities within society using the UN Convention on the Rights of Persons with Disabilities as a model.

390 Government is in the process of considering the responses to the Command Paper and the Government remains committed to seeking the extension of the Convention to Gibraltar.

Hon. L F Llamas: What assurances are given that it will be effected during this Parliamentary tenure?

395 **Hon. Miss S J Sacramento:** Mr Speaker, I remind the hon. Member of the words of the Chief Minister just now: a manifesto commitment means that something will be delivered during the course of this Parliament.

400 Mr Speaker, and I want to pre-empt the next question, because he is going to remind us that it was in the last manifesto, and as I have said previously in this Parliament, that is what led the Command Paper to be published. As I have said before, this is a very complex piece of legislation and a piece of legislation that affects a lot of people and a lot of Departments. So it is better for everybody that we plan it properly, think it through properly, and when we implement the legislation we will have done it properly and in a responsible manner. Otherwise, Mr Speaker, the consequences could be ... the risk could be that it could have a detrimental effect to people, to businesses and to organisations, and that is what we have been trying to avoid.

405 However, Mr Speaker, during the whole process we have before the drafting of the legislation, we had very in-depth meetings and conversations with the stakeholders. The Command Paper was issued and we had a lot of response from other people, not just the core stakeholders that we were speaking to. As a responsible Government we have been taking all those into account and we are considering all the responses to the Command Paper to ensure that when we deliver this legislation it is the best way that we can.

415 **Hon. D A Feetham:** Mr Speaker, my question is this, but I will prefix it in this way as well – that of course everybody wants to be as thorough as possible, every government, and indeed we wanted to be as thorough as possible in this particular area and we also conducted our own

consultation and left a Bill that was ready in 2011 for transposition. The Government have decided that perhaps they do not want to go with that Bill. So my question is this: will the Government transpose the entirety of the UN Convention on the Rights of the Disabled, or is it part of that Convention that they are planning to transpose to Gibraltar law?

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Hon. Miss S J Sacramento: Mr Speaker, as former Minister for Justice, the hon. Gentleman should know that conventions are not transposed, and the way it operates is that we need to implement domestic legislation in a manner that, in these circumstances, the UN through the UK would consider extending. *(Interjection)* Mr Speaker, I hear mumbles from the Hon. Mr Feetham. I think he should know by now that what we transpose are European Directives and not necessarily UN Conventions, but I do not want to get into semantics here at this stage. What we are doing is preparing a foundation to ensure that we can be in a position so that the UN Convention can be accepted to be extended to Gibraltar. So in answer to that question, yes.

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But he premised his question – *(Interjection)* Yes. He started his question by saying that they had left it full and ready for transposition, Mr Speaker, and I have to say categorically that I asked for that. One of the first things I asked for was whether there had been any foundation work or any drafts on this, and the answer I was given was no. I think they had the opportunity to have done this since 2006, Mr Speaker, which is when the Convention came into force. I do not actually have it before me, but from memory I think it was 2006. So, Mr Speaker, they had from 2006 to 2011 to introduce legislation, to undertake preparatory work, to do foundation work, to set any policies – and they did absolutely nothing, so I do not accept that they left anything ready for us. And in this case I am glad, because we have done it from scratch. We have a very good team advising us on it, we have consulted at length, so I am happy that what we will introduce is a thorough piece of work that we have all worked very hard on.

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Hon. D A Feetham: Mr Speaker, I have to say that the hon. Lady castigates us for not doing something from 2006 to 2011, and they themselves have not done something from 2011 all the way to 2015. So, by parity of reason, she castigates herself because it is exactly the same delay.

But, Mr Speaker, on many occasions my hon. former Member of Parliament and colleague, Jaime Netto, has made it clear that there was a draft. If I can bring that draft to the hon. Lady's attention, will she undertake to withdraw the statement that she has now made that we left absolutely nothing prepared at the point of the 2011 Election?

445

Hon. Miss S J Sacramento: Mr Speaker, we have published a Command Paper, a very detailed Command Paper on quite a long Bill, so how can the hon. Gentleman say that we have not done anything, first and foremost? We have a Bill and the Bill has been out for consultation. We have been working with the stakeholders, who are very happy with the way that we have undertaken the Bill and the process, so I do not accept for one moment that we have not done what we set out to do. That is number one, and whether Mr Netto has a draft or does not have a draft is neither here nor there, because I should not have to call Mr Netto and ask him if he has got something at the back of a drawer somewhere.

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I called the Department responsible with drafting legislation, the Government officials tasked with this, and they all told me that they had nothing. It is the officials, it is the lawyers in what was previously called the LSU, so it was them at the time who told me that they had nothing. So Mr Netto may have it but it is neither here nor there. I was the Minister at the time, I asked if there was anything available, I was told that there was nothing and that there had been no instructions. If there had been, then I would have welcomed it and I would have considered it. If I had agreed with it, I would have proceeded; if I had not agreed with it, then I would have started from scratch. All I am conveying is what I have been told by the officials, and that is my position.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I may, can I just take the point that the hon. Gentleman has made and say that I am very surprised indeed at his suggestion that Mr Netto may have removed from a Government office a document which belongs to the Government and which cannot now be found by the Government. If, in fact, he has, can I urge him please to ensure that he and all other ex-GSD Ministers who may similarly have removed documentation from Government offices please return that as soon as possible so it can be put in the appropriate Government file.

Hon. D A Feetham: Yes, Mr Speaker. Mr Speaker, this is not the first time that in fact ... Well, first of all, can I say that I have not suggested that Mr Netto has removed a Bill from his Department. What I have suggested, and indeed it is not the first time that it has been suggested – Mr Netto has said so in a speech in this House during the course of his own Budget speech – that he left a Bill prepared in his Department, in the Social Services Agency, dealing with the transposition of the UN Convention of the Rights of the Disabled. Indeed, the hon. Member may recall that during the course of our debate, questions and answers in the John Mackintosh Hall, we were asked this particular question by members of the public. That is precisely the point that I made, repeating the point that has been made by Mr Netto in this House on many occasions. So I have to say that it comes as a surprise to me in this session of the House, because it is the first time that anybody on that side has said, ‘Well, actually, what are you talking about? There has never been a Bill.’

I will go back to Mr Netto and ask him, and he may well be able to then identify where precisely he left it. It is very surprising that Mr Netto, who is the Minister concerned, basically stands up in this House and says, ‘I left a Bill that was prepared.’ Indeed, I have to say myself that I remember, actually as Minister for Justice, seeing a Bill, a draft, that he sent me in order so that I could consider it before it went to Sir Peter Caruana, or Peter Caruana as he then was. So there was a Bill, a draft at the very least, because I have actually seen it; but I will go back to Mr Netto and see, because it is in the interests of everybody – the work has been done – that it is there.

But I have to say what baffles me is that it is the first time that I hear this point being made, because Mr Netto has made the point on many occasions in this House about having drafted a Bill.

Hon. Miss S J Sacramento: Mr Speaker, there was not actually a question there, but I want to make the point that I do not understand how the hon. Member can be so baffled and how this can come as such a surprise, because on each occasion that Mr Netto has stated in this Parliament that he left a Bill ready I always replied with the same reply that I have replied with now: that there was nothing there when I got in.

But Mr Speaker, maybe we can move on from this point. We have a Bill, we have a Command Paper – we have worked on it very hard, we are progressing on it, we want to progress on it, they had between 2006 to 2011 to do it. We issued the Command Paper before the 2015 General Election. We are ready to go with it, we are keen to go with it, and perhaps, Mr Speaker, we can move on.

Thank you.

Q36/2016
Gibraltar International Airport –
Flight information display screens

Clerk: Question 36, the Hon. L F Llamas.

Hon. L F Llamas: Can the Government give reasons as to why the information monitors at Gibraltar International Airport are not continuously updated?

515 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the information monitors, correctly known as flight information display screens (FIDS), are continuously updated by the air terminal information personnel on receipt of flight information from the ground handling agent.
520

Hon. L F Llamas: Mr Speaker, I would not normally pick up complaints being made on social media, point blank. I read about this early in December and I actually had the opportunity of experiencing this for myself when flying to the UK on a delayed flight during late December. I was actually being kept informed about the delay on my flight via e-mail from the actual airline, whilst revised departure times were still not updated on the FIDS screens.
525

I believe the Airport is one of the shop windows of Gibraltar and it is important that initial impressions are positive. Fine details such as this cannot be overlooked. I hope the hon. Member will trust my word and the word of those on social media who have experienced this at first hand and I hope you take it on board and look into it as soon as possible.
530

Hon. Miss S J Sacramento: Yes, Mr Speaker, I understand the hon. Member is asking us to run the Government on the basis of comments on social media.

Mr Speaker, the Gibraltar Airport is very conscious of how important it is to ensure that these screens are updated. It may be that from time to time there are issues with information that we may get, but this is rare. It may be that on the occasional point that it happened Mr Llamas happened to be at the airport, but I am assured that this is not something that happens regularly and there is absolutely no need, I think, for me to give an assurance, because the Airport have already given me the assurance that they are very, very conscious to ensure that this is updated, of course regularly and every time it needs to be changed. That there may be technical hitches on a one-off, well that is unfortunate and no one wants it to happen, but of course it is not something that is intentional and it is not something that we accept should happen. But if it happens, it happens as a one-off and sometimes technology may give you problems.
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Thank you for pointing it out, because of course the minute I asked the question I asked what could have happened, and I was told that there was something on Facebook just before Christmas, but it was a one-off. These things happen, but certainly our standards are the highest that we always strive to have, Mr Speaker.
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Thank you.

Q37/2016
Gibraltar Literary Festival 2015 –
Total net cost

550 **Clerk:** Question 37, the Hon. E J Reyes.

Hon. E J Reyes: Can the Government provide full details of the breakdown of all income generated, expenses incurred, and thus net total cost of the 2015 Gibraltar Literary Festival?

555 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the breakdown of payments to date is as follows: income generated, revenue received, £267,381; expenses incurred, £362,103; and the net cost, £94,722.

560 **Hon. E J Reyes:** I hope it does not sound a silly question, Mr Speaker, but is that now the finalised accounts? Because on several occasions, and I have had personal experiences, one believes you are more or less concluded but there may be one or two items pending. Perhaps the Minister wants to update me on that matter.

565 **Hon. Miss S J Sacramento:** Mr Speaker, as I said, these are the payments to date. There are one or two items pending but they are not that significant in number. I do not think it will vary that much, but I did ask and I think there are a couple of payments that are pending but they are not huge.

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Q38/2016
Refurbishment of Government housing estates –
Estimated completion dates

Clerk: Question 38, the Hon. E J Reyes.

575 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of estimated completion dates, for the different stages of all current refurbishment works at Government housing estates?

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

580 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the estimated completion dates for Laguna Estate is as follows: Phase 1 – September 2016; Phase 2 – February 2017; Phase 3 – April 2017.

Estimated completion date for Glacis Estate is September 2016 and estimated completion for Moorish Castle Estate is December 2016.

585

Hon. E J Reyes: Yes thank you for that, and may I ask in respect of completions and so on, I know the Minister will probably have her own employees from housing work agencies and other matters, but will there be some sort of opportunity for the tenants themselves there to be able to carry out like a snagging like one does when perhaps you purchase your own flat?

590 This is in respect of a collective estate. Does the Government intend to enter an exercise whereby they will ask residents of that particular estate to help participate in snagging to ensure that we have had the best possible final result?

595 **Hon. Miss S J Sacramento:** We do that already, Mr Speaker. We have representative committees from every estate that meet with the officials, and in fact they meet with myself as well from time to time. So we do get issues raised by us and they are involved in the process.

Q39/2016

**Refurbishment of Government housing estates –
Details of empty flats**

Clerk: Question 39, the Hon. E J Reyes.

600 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of the number of empty flats awaiting refurbishment and/or cleaning, showing the rooms composition of said flats?

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

605

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): There are ten empty flats awaiting refurbishment and these are 2, 3 and 4 RKB.

610 **Hon. E J Reyes:** Sorry Mr Speaker, I am trying to update myself on what the Government publishes on the website which is Table H31, which was last updated on 1st December 2015 and obviously just provides information up to 30th November.

The Minister has provided me with an overall figure of ten empty flats and she has alluded to the sizes but if one looks at the table, the Government volunteers information saying so many are of 1 RKB, so many are of 2 RKB. Has the Minister been furnished with that information?

615

Hon. Miss S J Sacramento: Yes, Mr Speaker. There are two 2 RKBs; five 3 RKBs and three 4RKBs.

Q40-41/2016

**Mons Calpe Mews and Beach View Terraces co-ownership homes –
Estimated completion/allocation dates; reallocation of Government rental homes**

Clerk: Question 40, the Hon. E J Reyes.

620 **Hon. E J Reyes:** Can the Minister for Housing provide revised and updated completion dates and allocation dates in respect of the different phases pertaining to both Mons Calpe Mews and Beach View Terraces co-ownership homes?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 41.

Clerk: Question 41, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing say how many Government rental homes will be returned and subsequently become available for reallocation upon completion of purchases at both Mons Calpe Mews and Beach View Terraces?

635

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 40, Beach View Terraces and Mons Calpe Mews were allocated between April and November 2014. Beach View Terraces completion date for phase 1 was on 8th January 2016 and phase 2 on 22nd January 2016. Mons Calpe Mews completion date for phase 3 will be 22nd January 2016, phase 2 will be 1st March 2016 and phase 3, 5th May 2016.

In answer to Question 41, there will be 21.

Hon. E J Reyes: Sorry, Mr Speaker, I did not hear properly. I do have my hearing aid currently undergoing a service in the same way as people send cars to be serviced! *(Laughter)* I do apologise for that. I know Mr Speaker and I often speak behind the Chair, we express our mutual hearing problems.

What was the figure the Minister said for Question 41? Did I hear correctly, was it 21 or something? *(Interjection)* Yes. I do hope, Mr Speaker, that I will be able to hear a bit better by next time round.

Thank you.

Q42/2016

Government rental homes – Vacancies and reallocation

Clerk: Question 42, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how many Government rental homes are currently vacant, providing details in chronological order showing the dates from which such homes have been unoccupied, stating how many of these are pre-war or post-war, together with reasons for their continued non-occupancy or allocation, as well as indicating estimated dates when these will be ready for reallocation?

660

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are 143 rental homes which are currently vacant, of which 142 are pre-war and one is post-war.

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I now hand the hon. Member a list showing the dates since when these flats have been unoccupied.

Mr Speaker: Which suggests that as usual we go on to the next question and the hon. Member can assimilate the information provided in the schedule and come back to it.

670

Answer to Question 42

Beyond Economical Repair	
2003	2
2004	21
2005	1
2006	4
2007	1
2008	3
2009	0
2010	2
2011	3
2012	1
2013	7
2014	11
2015	10

Possible sale/tender	
2011	1
2012	15
2013	9
2014	32
2015	20

Q43/2016

**Government rental homes –
Allocation other than on advice of Housing Allocation Committee**

675 **Clerk:** Question 43, the Hon. E J Reyes.

Hon. E J Reyes: Can Government state how many rental homes have been allocated and/or assigned to applicants other than on the direct advice of the Housing Allocation Committee, from 1st July 2015 to date, stating on whose authority these allocations and/or assignments were made?
680

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
685 Mr Speaker, none.

Hon. E J Reyes: Mr Speaker, when I wrote this question I put down as of 1st July 2015 because I had looked on my previous notes referring to my previous questions in Parliament. After having handed in the notice of questions here in Parliament, I was then able to find Table H22 on the Government website that has information that takes us right up to, statistics provided to 30th November 2015 and it says 'number of Government flats allocated to applicants by the Housing Authority other than on the advice of the Housing Allocation Committee' and from July onwards it gives a total of I think 19 or so. That figure does not coincide now with the answer the Minister has provided in reply to the oral question.
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Hon. Miss S J Sacramento: Mr Speaker, he is right and I will check the website but certainly being the Minister, I can say that the answer is none.

700 **Hon. E J Reyes:** So then Mr Speaker, I understand that the hon. Lady has to go back and check. Will we at some stage during the course of this Parliamentary session be able to give the Lady a brief moment so that we can – ?

705 **Mr Speaker:** You have raised a matter in that supplementary about which she is not fully informed. She will check the facts ... and then we can continue with supplementaries this afternoon or tomorrow. No problem.

710 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that my answer is correct. What I am suggesting is that the website is not correct and I will check why the website is not correct. But I can certainly confirm to Parliament that my answer to the Parliament is correct.

Mr Speaker: Do you have any supplementaries from the ...

Hon. E J Reyes: No, Mr Speaker.

Q44/2016
Government rental homes –
Applicants on housing pre-list

715 **Clerk:** Question 44, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of the number of applicants on the housing pre-list?

720 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are 538 applicants on the Housing Department pre-list.

725 **Hon. E J Reyes:** And, Mr Speaker, would the hon. Lady have any information that coincides with the way they present the statistics which only gives information up to 30th November 2015 as found in Table H2?

730 What Government has done on the website is provided a breakdown of, for example this time, how many of these 538 would be under the column as 1RKB, 2RKB, and so on. Does she have that available?

Hon. Miss S J Sacramento: Mr Speaker, I do have the information. However, I am now a little bit confused as to ... The information on the website is a couple of weeks old so there may be variances, but it cannot be as important as ...

735 Mr Speaker, in the whole scheme of things we may be off by one or two flats. I do have the breakdown but it cannot be that different to what is on the website. It may be of course as you can understand, we require resources to be updating the website as often as we can, and we do, do that as soon as possible, when the information on the website is a week or two old.

740 Mr Speaker, I can go through the list with the hon. Gentleman if he wishes but it is not that dissimilar to what is on the website.

In fact, Mr Speaker, the majority of the questions that I have been asked now, the statistical questions are in fact on the website. It is just that the information may be a week or two old but it is not that dissimilar. And while of course we will endeavour to have the information updated

745 for Parliament sittings, but I do also beg the indulgence of the hon. Member because it is only a week or two old, Mr Speaker, in the whole scheme of things.

But if he does insist, I can go through the list with him now.

750 **Hon. E J Reyes:** Yes, Mr Speaker, I am conscious that it does take a few days and so on and one can easily empathise with the Minister's words or explanation that it may be two weeks off. The reason why I have asked this on for this occasion is that looking at the website, the last available information is at 30th November so hence since the election onwards, there has not been any information provided.

755 If the hon. Lady, and I think she was hinting at that, if within the next few days, a week or so, the next set of statistics which is at 30th December is going to be provided then I am quite happy and content, Mr Speaker, it is not a matter of great urgency, it is not a matter of national security, and so on. I can wait for that.

760 Shall we by mutual consent agree that I will wait for that, on the understanding that the hon. Lady will try and get that information through and then if anything happens, Mr Speaker will give me leave and I can pose a question next month and not waste this Chamber's time. Shall we proceed with that, if the Hon. Minister agrees?

Q45/2016

**Government rental homes –
Applicants on housing waiting list**

Clerk: Question 45, the Hon. E J Reyes.

765 **Hon. E J Reyes:** Can the Minister for Housing provide the updated details in respect of the number of applicants on the housing waiting list, inclusive of a separate breakdown for the medical and social lists, showing the dates when they joined any of the three said lists?

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

770 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 1,713 applicants on the waiting list of which 146 are also on the medical and/or social lists.

I am now handing the hon. Member a schedule containing the information requested.

Answer to Question 45

Waiting List

1994	1
2000	4
2001	3
2002	10
2003	5
2004	10
2005	12
2006	17
2007	40
2008	30
2009	61
2010	61
2011	159
2012	244
2013	281
2014	744
2015	31

Medical

2004	1
2006	2
2007	1
2008	3
2009	3
2010	2
2011	20
2012	15
2013	25
2014	14

Social

2008	2
2009	4
2010	4
2011	7
2012	13
2013	13
2014	13
2015	4

Q46-47/2016
Government rental homes –
Arrears and write-offs on unpaid rents

775 **Clerk:** Question 46, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes giving a monthly breakdown since November 2015?

780

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 47.

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Clerk: Question 47, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes in this current financial year?

790

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, arrears of unpaid rents since November 2015 are as follows: November, £5,805,150.58; December £6,019,854.68.

795

The answer to Question 47 is nil.

Hon. E J Reyes: Mr Speaker, sorry again, the answer in reply to Question – the unpaid rents, would the hon. Lady for my medical reason, £6 million, £19 thousand and ... I missed the other figures. *(Interjection)*

800

Mr Speaker: £6,019,854.68.

Hon. E J Reyes: I am grateful Mr Speaker; we seem to have a three way team here, of everyone helping me on that. I am so grateful to everyone concerned. *(Interjections and laughter)*

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Q48/2016
Government rental homes –
Legal costs for eviction of squatters

Clerk: Question 48, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since 1st July 2015, providing a breakdown showing the number of homes involved and to whom payments were made?

810

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 1st July 2015 a total of £3,050 has been paid to Triay and Triay in respect of two eviction proceedings.

Q49/2016
Government rental homes –
Tenants requiring urgent decanting

Clerk: Question 49, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since 1st July 2015, indicating the reason why, the date when said decanting became necessary and the dates when the tenants were able to return to their home?

820

825

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since July 2015 four tenants have required urgent decanting from their homes. There were two in July, one in November; and one in December. These were due to works, disinfestation and a leak.

Tenants returned in July, August, December and January.

Q50/2016

**Government rental homes –
Expenditure on refurbishing empty homes**

Clerk: Question 50, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details in respect of all expenditure incurred in this current financial year in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, my answer is a bit long. I wonder if it may assist the hon. Gentleman if I just forward him a copy. It is not a schedule; it is just a spare copy that I have?

Mr Speaker: Could I suggest to the Hon. Minister that she uses that procedure in future too as much as she can. She has been doing that, a schedule. Now, in this case it is not really a schedule; it is the answer to the question but it makes for better procedural business if she uses it as a schedule and I would commend that.

It is ultimately a matter for her really to decide what she wants to do, but it is a complex answer and it would be very time consuming to give all this information across the floor.

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

Mr Speaker: I will give the hon. Member an opportunity to come back if he wants to arising from those details and we will proceed with questions from the Hon. Mr Phillips.

ANSWER

865

THE HON THE MINISTER FOR TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Mr Speaker,

CRJN was paid £5,121.00 in relation to works to one property

Kaysam was paid £8,040.00 in relation to works to one property

Joaquim Pacheco Da Cruz was paid £11,784.00 in relation to works to one property

Sarah Jane Construction was paid £9,641.00 in relation to works to two properties

AJEC was paid £43,065.00 in relation to works to four properties

Avanti was paid £63,785.50 in relation to works to four properties

A.L Wood Works was paid £14,794.00 in relation to works to one property

Limatron Ltd was paid £10,130.00 in relation to works to one property

501 Construction was paid £57,969.00 in relation to works to four properties

Aureliabo Marciano was paid £4,795.00 in relation to works to one property

ACE Plumbing was paid £ 18,525.50 in relation to works to one property

N & S Services was paid £26,733.00 in relation to works to two properties

Jl Construction was paid £24,601.00 in relation to works to one property

J.S. Buildings Ltd was paid £17,100.00 in relation to works to one property

Ceprano Ltd was paid £9,980.00 in relation to works to one property

Accoria was paid £5,650.00 in relation to works to one property

Omega was paid £8,350.00 in relation to works to one property

Liberty General Construction Ltd was paid £7,600.00 in relation to works to one property

The works carried out by these companies were all general refurbishment works such as plastering walls and ceilings, taking down walls, painting, replacing floor tiles, doors, plumbing, electrical works etc.

Q51/2016

**Same-sex marriage –
Government position**

870 **Clerk:** Question 51, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what is the Government's position on same-sex marriage?

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

875

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government had a manifesto commitment to publish a Command Paper for the

consultation on amendments to the Marriage Act to legalise civil marriage between same sex couples.

880 In compliance with this commitment the Command Paper was published on 22nd December 2015, the closing date for comments has been extended to 29th January 2016 and the Government looks forward to considering the views of the public.

885 **Hon. Mr E J Phillips:** I am grateful for the response but clearly, given the Government's position i.e. that they have said in their manifesto quite clearly that they do not consider it is right for the State to discriminate between people on the grounds of their sexual orientation, surely it is right for the Government now to state what its position is on same-sex marriage.

890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I congratulate the hon. Member on his first words uttered in Parliament (*Laughter*) as I have on others.

Mr Speaker, if you are in the process of carrying out a consultation in order to inform your thinking, what is the point of saying what you think before the consultation is over. Of course it makes sense that we should allow that consultation process to come to a conclusion, consider the responses that are provided in the consultation and then take a decision on how it is that we are going to progress in respect of the issue that has been the subject of consultation.

895 The Government is the one that has issued the Command Paper and has sought the responses on the consultation. Therefore there is in my view, no alternative but for us to see through that process of consultation, before as a Government coming out with a position on the issue on which we have sought the views of the general public.

900 **Hon. D A Feetham:** Mr Speaker, just so that I understand further Government's thinking in relation to this, is the Government's position that if sufficient members of the public in Gibraltar were against gay marriage, that irrespective of what the Government's, or individuals' within the Government's, position is as to whether the current state of affairs is discriminatory, that they would go with the majority of those who were effectively consulted at the expense of what is the principle of equality that they have outlined and subscribed to in their manifesto?

905 **Hon. Chief Minister:** Mr Speaker, the position is very clear and I know exactly what sort of mischief the hon. Gentleman is trying to make in political terms – it is obvious and I am surprised that he appears surprised that I put it that way. We are out for consultation, we want to take the views of people that have taken the time to provide feedback in respect of that consultation, and I think it is right and respectful that we should therefore have the opportunity to consider those views.

910 I have made my personal views clear, others have made their personal views clear, but the question is to the Government. The Government has been elected on the basis of a manifesto commitment and has acted entirely in keeping with that manifesto commitment by setting out in a Command Paper which is a draft Bill that amends an existing Act in order to make equal marriage a reality so that we can take those views.

915 Look, since when are consultations simply exercises in weighing up those who say yay and those who say no. If you want to do that sort of consultation you call a referendum, something which the Government is not intending to do in respect of this matter.

920 So Mr Speaker, the position I think could not be clearer. I know that recently he has stated what his position is, it is not the position that was in their ... well, I hesitate to call it manifesto – in the document which they issued in which they gave an indication of what their policies might be if they were ever to complete a manifesto in time for the General Election.

925 So Mr Speaker, I think our position is clear.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to ask the Chief Minister why it is that you feel like you need the validation of the wider community on a basic issue of human rights,

930 especially when it was your Government that instated a Ministry for Equality. If it is not basic
equality why do you need such validation?

Hon. Chief Minister: I think that is the penultimate one that I am going to have to
congratulate this morning on uttering her first words in this House in this particular instance
935 with her family history of the man who stood here for so many years. So many congratulations.

Mr Speaker, look it is very simple, we have had almost seven out of ten Gibraltarians support
a policy set out in a manifesto which we are now giving effect to and that policy is to publish a
Bill which amends an Act in the form of a Command Paper and to take the views of the public.

I do not need that validation for my views. I have now very clear views on this subject, views
940 which have evolved over time and I think that it is fair that personal views should evolve over
time. Human beings are not, at least this one admits, born knowing everything.

So what we are seeking are the views of the general public. Not the whole of the general
public agrees with us. When we created the Ministry of Equality it was because there was a
manifesto commitment to do so and it was my pleasure to be able to appoint Samantha
945 Sacramento to that post as soon as we issued the first particulars of direction under the
Constitution, after the glorious election of 2011 under our New Dawn manifesto.

There, we also committed ourselves to do Command Papers and so with Command Papers,
we published our Bill then, it was a Bill for civil partnerships and not the whole of Gibraltar was
favourable to that Bill. We published it, we took views, we made certain amendments to the Bill
950 in order to give effect to the consultation – views which I think improved the Bill.

For example in Gibraltar, same-sex couples are not the only ones who can enter into civil
partnerships. Heterosexual couples, opposite-sex couples, can also enter into civil partnerships
and I believe that was not the case in the United Kingdom at the time but have the United
Kingdom changed since then? (*Interjections*) Well, they were considering it but they decided not
955 to, so I think we have a better Civil Partnerships Bill in Gibraltar – in fact it is a better Civil
Partnerships Act as a result of the consultation we went through, to the Bill which we had
published. We did not need validation for that. We had the support of the general public in the
General Election in order to do that and we had a policy in the party to do it.

So this is not about validation, especially when it comes to something which I feel is about
960 more than just human rights; this is about something even more important, metaphysical and
intangible than human rights. This is about human love.

And so, Mr Speaker, taking views does not necessarily mean that what we are taking views
on is in any way going to be made to disappear if there is a large number of people who might
write in to be against, or that it is simply going to be published as it was as a Command Paper, it
965 could actually be entirely improved and I believe that there are views and abilities in this
community, outside of this Parliament, which can improve the work of this Parliament and the
process of consultation to improve perhaps the Bill that has been published so that when it
comes as a Government Bill to this House, if that is the conclusion of the consultation, I think it is
a very positive thing.

970 The hon. Lady will see and experience in the next four years that my style in this House is not
to seek anybody's validation, other than that of my own conscience.

Thank you.

Hon. D A Feetham: Mr Speaker, I associate myself with some of what the hon. Gentleman
975 has said. I agree that on something like this, I think it is not necessarily bad that people's views
evolve. You may have been – not himself, but we as in generically – there may have been
somebody who may have been against it and then views evolve and they are now in favour and
we must never have a closed mind to something as important as this, but at the end of a
particular process, look at what the arguments are and then decide on the basis of what the
980 arguments are.

I think the difference you see and the questions that we are getting at is this: when a Government publishes a Command Paper, a Government publishes a Command Paper with a Bill because it says to people 'this is our policy, this is the Bill that we intend to introduce, we are going out to consultation on how that Bill can be improved.' And the hon. Gentleman indeed, 985 much of what he has said has been directed at that, and I accept that. You go out to consultation on a Command Paper and there may be views from the public that help the Government in improving a Bill.

What we are asking is, is there a conceivable way in which depending on the views of the public to that Command Paper, that the Government will say actually, we are not going to be 990 introducing legislation on gay marriage, or is it that the Government's views are firm, we believe we have got to do it and all we are asking for are views on how this can be improved. Because there is a difference between a consultation exercise as to whether the Government does something and a consultation exercise as to how something can be improved, in this case a draft Bill that has been published.

I would just like the hon. Gentleman to perhaps address that point and also I note the comment that he has made earlier about the referendum, can he also confirm that the Government is not going to be undertaking a referendum on this particular issue? 995

Hon. Chief Minister: Mr Speaker, I sometimes find it difficult to pin down where the priorities of Members Opposite are. Because of course given the importance that they appear to give to 1000 this matter and his statements in respect of this matter in his broadcast earlier in the week, one would have thought that this would have been a lynch pin of not just the manifesto, perhaps even a pamphlet as a precursor to a manifesto.

But look, Mr Speaker, standing in this Parliament as one of the two political leaders – Dr Garcia as leader of the Liberal Party and myself as leader of the GSLP – who had the issue of 1005 equal marriage in their manifesto, answering the leader of the political party that did not have the matter of equal marriage in their manifesto, I can tell him with confidence that our position is as set out in the manifesto, namely that we are acting to produce a draft to amend an Act which the community looks at and we take the feedback of the community in respect of that, in 1010 a way that we are then able to consider and to then move on from, with the view, I hope, that the whole community can embrace this change in a positive way.

And this debate to which the hon. Members – if they will allow me to say so – come late for that reason, because it was not in their manifesto, is one which is moving people to think very 1015 carefully about their views on this subject in a way that challenges perhaps their earlier prejudices.

And we have to understand, as human beings, our socialisation process imbues us with prejudices and we have to challenge those prejudices if we want to be progressive. I am very happy to see that people are challenging those prejudices in themselves and trying to understand why they may, at times when they have considered these issues before, been 1020 against this matter and now when they are carefully addressing it, taking the view that they might be in favour of this.

So my call is for, in the process of this Command Paper the consultation to result in a real soul searching in this community of what the issues are. Look, because I am the Leader of the House and the representative of Her Majesty's Government of Gibraltar, the Government is 1025 embarked in a process of consultation. The Government is not going to give a conclusion now to what that process of consultation could be.

I am quite happy to tell him Fabian Picardo's view. Fabian Picardo's view is that there should not be a referendum, and Fabian Picardo's view is that we should make this Bill an Act. That is Fabian Picardo's view. The Government of Gibraltar has gone out to consultation and I know 1030 that the hon. Gentleman is trying to put me into a corner in order to get me not to say that there will not be a referendum and to leave this place and say the Chief Minister has not ruled this out or has not ruled that out.

1035 Can I ask him please, on this subject on which he has made a declaration in his New Year message recently, not to play politics because we have got a community that has to challenge its prejudices, has to understand them and has to move forward progressively. And on this and on disability, the challenge is there for us in this House to work together and produce the best result for this community going forward so that this nation, whether it is a rainbow nation or not, just does not have any pocket of discrimination affecting people's ability to love each other in the way they wish and without the State seeing them in any way that may be different.

1040

Hon. D A Feetham: Mr Speaker, believe me, no-one is trying to play politics in relation to this issue.

1045 Let me tell the hon. Gentleman that our position is that the GSD, as a party, does not have a positive policy in relation to gay marriage. We are not telling the community, 'Look, our policy collectively as a party, is that we are in favour of gay marriage', because we recognise that in fact, there are huge divisions and people with different views in relation to this in the GSD itself and there are many people, that for religious reasons – indeed they were probably former members of Parliament in my parliamentary team – that may have had difficulty with this particular issue on religious grounds.

1050

And indeed that is a perfectly, perfectly valid position to hold and no-one, certainly not from this side of the House, is going to get criticised for saying, 'I do not believe in gay marriage because of my religious conviction.' That is not what we are about and indeed I came out in my New Year's message and I made it absolutely clear that my support for the principle of gay marriage is my own personal support, pursuant to a very long held policy going back decades in the GSD of allowing members to vote their conscience on this particular issue.

1055

That we now have a parliamentary team where all of us here happen to agree with the principle of gay marriage, well that is another matter, but nobody is trying to play politics; we are just trying to understand what the Government's thinking is in relation to it. At the end of the day he won the election, he is there to answer questions on Government policy. We are trying to understand that.

1060

And in relation to the question that I asked about the referendum, the hon. Gentleman was the person who mentioned the referendum and it came as a surprise to me. That is why I have asked him to clarify the point about the referendum.

1065

But my question is this: could it be possible that the Government comes to this House for example, even within its own ranks, and says 'Look, this is a matter of conscience and we are allowing a free vote on the Government's side which is the position that he took two years ago when I, I think asked him the question across the floor of this House. On that occasion he said he was against gay marriage and I accept, and I am not criticising him for it, that he is perfectly entitled to change his view in relation to this, but he did say that this was a matter of conscience.

1070

Would that also be a possibility on the Government's side as to its approach in relation to this?

Mr Speaker: Whilst allowing that supplementary, I think I should warn the House given that this is a matter of serious fundamental importance, worthy of a debate here in the House, there is a debate going on outside and I am allowing these exchanges to take place today in pursuance of the question on the Order Paper.

1075

But I think there is a danger, and I want to warn the House that we should not get involved in a debate at this juncture. It is perfectly proper at the next meeting of the House or whenever that there should be a full debate but I hope that it should not happen under the guise of supplementaries arising from the question.

1080

Hon. Chief Minister: Well, Mr Speaker, there would be a debate on this matter if the Bill were to make its way into the House in the context of the debate on the Bill.

1085 Mr Speaker, I just told them earlier on that we are not going to accept them trying to get a date from us when something will be done so that they can time keep in the four years if there is not a specific commitment in the manifesto. But in this respect, there is a specific commitment in the manifesto. What we have said we will do is that the result of the responses will be published by June this year. It says 'next year' in the manifesto, but now by June this year.

1090 So we are going to actually not just sit and look at this ourselves; we have said we are going to publish the responses to the Command Paper and that is what the public have chosen should be the route to this matter.

I have also said, Mr Speaker, on a number of occasions, the hon. Gentleman is right that this is an issue of conscience. I have said it in the context of the things that I have said this morning. Our manifesto – and I want to quote a particular sentence – also says this:

We are totally committed both to ensuring that religious denominations are not forced to change their practices, beliefs or sacraments in any way and to the principle that the State must not discriminate between individuals based on the grounds of sexual orientation.

1100 Now, Mr Speaker, the issue of beliefs is one that can affect people in this Parliament too. Now, what he cannot do is ask me to clarify whether this will be a matter that goes on the basis of what you might laughingly call a Government Whip or a matter of conscience, before we have had the conclusions of the consultation paper and before the Cabinet has considered how it wants to progress.

But I will tell him this: nobody on this side would ever vote for or against something simply because I told them to. Because what I demand from the ten people sitting here, from the nine people sitting here with me, is that they should always vote their consciences. So whether it is about animals and birds, or whether it is about anything else, then the simple issue is that people come here to vote in the best interest of Gibraltar. They come here and we publish Bills together because we meet every Monday and we decide what the Government should do to act in a particular matter, or we implement a manifesto commitment, and we come here to give effect to that.

1110 So look, if the Bill comes to the Parliament – and I hope it is *when*, but *if* the Bill comes to the Parliament – people will be able to vote in respect of that Bill on my side of the Parliament as they consider appropriate, as they do in respect of every single Bill. But the hon. Gentleman needs to understand, he is asking me – and I am not asking that the question be ruled inadmissible on the grounds of it being hypothetical because I think this debate is important – but he is asking me what will the Government do after the consultation has been concluded?

1115 Well look, it is hypothetical. The consultation has not been concluded, we will then take a view and we will either bring a Bill or not. I think it is fair for us to say that we are the first movers on this. We put it in our manifesto, we took the issue to the public in the General Election, we have a mandate to do what we are doing, we are going to pursue that mandate and once we have finished that consultation and published its results in June, the hon. Gentleman will see how we act and we can then, if he likes, he can ask me questions about what it is that we are doing and why we are doing it in that way or not doing it in another.

1125 But I would really, sincerely seek that this be an issue that be dealt with if possible on the basis of all parties moving together. This is an important progressive matter on which our community needs to not see itself as divided, but see itself as united in dealing with an issue, which for some people, in sexuality and sexual orientation, for some people, is very hard indeed. Not for those who might be against those who have a sexual orientation doing a particular thing, like marriage, but for those of a sexual orientation which is not what one might have called the established traditional mainstream in the old days.

1130 These are very hard issues which affect people's lives and in this Parliament we need to be working together to make sure that the State is in a place where it does not discriminate against people and understand how we can best do that and carry the community with us. And I think all the advocates of equal marriage and all those who are advocating their concerns in respect of

1135 equal marriage deserve that respect from this Parliament and they deserve that we do this
consultation process in a proper way and bring the *best possible law*, I hope – that is Fabian
Picardo – bring the best possible law to this Parliament to deal with the issue of equal marriage
in the best possible way going forward.

1140 **Hon. E J Phillips:** Mr Speaker, I note your warning, as it were, in relation to starting a debate,
but I agree this is an extremely sensitive issue for our community. It is a sensitive issue for all
politicians in this Chamber, but this is a Government that has trail-blazed, in its own words in its
manifesto, and in my view the debate should be had but it is also for the Chief Minister and his
colleagues to set out their position.

1145 People expect leadership, people expect vision on this question but if the community has an
internal debate on it, they expect the Government of the day to show their leadership in my
view.

Would you not agree?

Hon. Chief Minister: I assumed that was the question that he was putting.

1150 Well look Mr Speaker, I have just told him what my position is. I have told him, so I do not
know why it is that he thinks I have not. Sorry? (*Interjection by Hon. E J Phillips*) Well, but the
Government's ... I mean Mr Phillips needs to understand, Mr Speaker, that we have trail-blazed
in so many different areas. One in particular, which is that we are probably one of the few
Governments in the history of Gibraltar and indeed probably one of the few Governments in the
1155 history of Europe, that has delivered against a manifesto almost bang point by point, and where
we have not, explained why we have not been able to – really ensured that the commitments
that we have entered into with the people in a General Election are seen by those who have
formed Government as a sacred obligation of delivery.

1160 And so he needs to go to page 96 of our 'Strongest Foundations' manifesto, read the part
about trail-blazing and then go on to read what it says we would do. Now, what it says we would
do is to start that consultation through the process of a Command Paper and publish the results
of that consultation in June. Of course in July he will be entitled to say to me, 'Well, you carried
out the consultation, what do you think?'

1165 But what I think is not legitimate, and he needs to understand that I am saying it not in
political terms but in terms of *logic*, is when the process of consultation is ongoing, 'Tell me,
what are you going to do?'

1170 Well, I have told him what *I* feel and I have told him *why* I feel it. Now look, I am the Leader of
the House so when I feel something, it is very likely I am going to want to carry opinion with me,
especially of those who are sitting with me on this side of the House. But that does not mean
that as Chief Minister I can simply turn my back on the fact that there is an ongoing process of
consultation and say that as Leader of the Government that is consulting, this is the
Government's position because it would be disrespectful to those who are in the process of
providing their views in the context of that consultation, and I am not going to do that. I am
going to continue to trail blaze by demonstrating that I stick to what I tell people in the General
Election.

1175

Mr Speaker: Next question.

Q52-55/2016

**Bruce's Farm and the Drugs and Alcohol Service –
Composition, refurbishment and expansion**

1180 **Clerk:** Question 52, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the current composition of Bruce's Farm and the Drugs and Alcohol Service?

1185

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 53 to 55.

1190

Clerk: Question 53, the Hon. E J Phillips.

Hon. E J Phillips: The Government is committed to a full refurbishment of Bruce's Farm and its expansion of its facilities and services. Can the Government set out in detail its plans, including the estimated costs of the proposed full refurbishment?

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Clerk: Question 54, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the detail of the proposal to increase the capacity of the Scud Hill Aftercare facility?

1200

Clerk: Question 55, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether specialist addiction counsellors will be engaged to work along the existing Drugs and Alcohol Service?

1205

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

1210

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, if the hon. Gentleman is asking about the staff composition at Bruce's Farm, as opposed to the physical composition of the building, then it is as it appears in the approved estimates of expenditure.

The counsellors who currently work in the Drugs and Alcohol Service are specialist addiction counsellors and there is no current need for further counsellors as it currently meets the demands upon the service.

1215

Insofar as the refurbishment of Bruce's Farm and the expansion of its facilities and services and the aftercare facility, this is presently being planned with input being sought from professionals, and it will take place during the lifetime of this Parliament.

1220

Hon. E J Phillips: I am certainly grateful for the answer to Question 53 in respect of the full refurbishment of Bruce's Farm. I understand the comments in relation to when this will happen in terms of the lifetime of Parliament, but answer this question and help me with this if you can:

The Minister has stated in her public Budget Speech in 2014, some 18 months ago, and I will read from that and quote:

This past year has seen considerable investment into the fabric of Bruce's Farm Rehabilitation Centre. The facilities have already seen a significant transformation which has enhanced the safe and comfortable therapeutic environment to create for persons suffering from various forms of addiction.

1225

In light of 18 months ago a *considerable* – using her own words – investment, and *significant* transformation into Bruce's Farm, can the Minister set out why there is a need and what need there is for the... now another significant investment into Bruce's Farm and how to bring up to date those facilities?

1230 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know from that supplementary whether the hon. Gentleman wants us to continue, wants us not to do it, but let me explain to him so that I can put into context why in my Budget Speech of 2012, I had to make reference and why a refurbishment was required at Bruce's Farm.

1235 When I first went to Bruce's Farm, Mr Speaker, there is a communal area on the ground floor of one of the houses and Mr Speaker, the state of that place was more reminiscent of a crack house than a rehab centre. (*Interjection by Hon. E J Phillips*) Yes, yes, yes. The hon. Member may think but Mr Speaker, we had sofas which were filthy, had springs coming out of them! Walls which were filthy, that place did not have cleaners and had never had a refurbishment since it opened.

1240 Mr Speaker, that is the impression that I got. When I walked into Bruce's Farm, I was shocked and horrified, Mr Speaker, because that is the impression that it gave me. And I thought how on earth can you welcome someone to a drug rehabilitation facility when it looks like this? And then the answer, when I looked at the statistics, was clear: there was no-one there, Mr Speaker.

1245 In the days of the GSD Mr Speaker, we were paying for a rehabilitation facility which was empty, Mr Speaker. At the time, there may have been one person undergoing treatment, at most two. A lot of them never completed the treatment, Mr Speaker, so one of the first things that I had to do was roll up my sleeves and work with the people from Bruce's Farm to make it into the rehabilitation centre that it deserved to be and that the community of Gibraltar deserved it to be.

1250 But there is still work to be done, Mr Speaker, it is a rehab centre that is up the Rock so we need to continue to refurbish. It is exposed to the elements in ways that other places are not. We have undertaken a refurbishment, but more refurbishment needs to be done. And like everything else, Mr Speaker, where you have people coming in and out, there is wear and tear and refurbishment needs to continue.

So that is the answer, Mr Speaker.

1255 **Hon. E J Phillips:** Well, thank you for the history lesson but I do not think the question has been answered. I put it to the Minister that there have been serious, considerable investment in the fabric of Bruce's Farm, that there was significant transformation to make it an enhanced, safe and comfortable environment.

We now hear from her commitment in the manifesto at page 94:

A GSLP/Liberal Government is therefore committed to a full refurbishment of Bruce's Farm and the expansion of its facilities and services.

1260 So in 18 months – and I will just finish my question before you rise – in 18 months there has been a serious deterioration in the unit, or not, in order for a full refurbishment to take place?

1265 **Hon. Miss S J Sacramento:** Mr Speaker, I do not think that the hon. Gentleman in his eagerness, I think – I do not know whether it is to make his mark on his first appearance in this Parliament – I do not think he has actually understood what I have said, Mr Speaker.

But let me put it into context. I am grateful that he is grateful for the history lesson so maybe, Mr Speaker, let me indulge in another very short history lesson.

1270 In the days of the GSD, (*Interjections*) Mr Speaker, in the days of the GSD, priority and investment was given to buildings. In our Government we would rather prioritise investing in buildings and in infrastructure which will have a direct impact and which will result in the betterment of people, and particularly those people who are vulnerable in our community.

People who are service users of Bruce's Farm are people who have addiction issues and addiction problems, and if we get Bruce's Farm right, which we have, Mr Speaker, it means that we are helping those people have another chance at life.

1275 If you have a facility that does not attract people, a facility that looks shabby, that looks old,
that stinks – because that is what it was, Mr Speaker, it was not dirty; it was *filthy* – and as a
result it was empty. So we have been refurbishing it but refurbishment is a process.
Refurbishment is planned. When you start a refurbishment, and particularly when you start a
1280 refurbishment of a building that is old, has been neglected and is in disrepair, you prioritise with
urgent things that need to be refurbished immediately.

But then, we are planning a continuous refurbishment and a refurbishment which will be
planned for the lifetime of this Parliament. It is a refurbishment that is necessary at Bruce's
Farm. It will not be a refurbishment, to use that word that the GSD so much loves – *state of the*
1285 *art*, Mr Speaker. It does not mean that we will be refurbishing the toilets at Bruce's Farm with
marble and gold-plated taps. It will be consistent with what is needed and a refurbishment is
just that, Mr Speaker. It is a refurbishment.

And, Mr Speaker, what troubles me is that from the tone of the hon. Gentleman it just
appears that they appear to be against it, Mr Speaker! This is an investment in a refurbishment
which will have a direct and proportionate effect on the service users for whom it is intended to
1290 benefit, to make sure that it is a safe, clean, comfortable environment in order to maximise the
therapy and the treatment which those undertaking it so need.

Hon. E J Phillips: I could not agree more with the Hon. Minister in relation to her assessment
of whether we all want a full functioning Bruce's Farm that meets the needs of our community.
1295 Absolutely, that goes without saying.

What I would say, though, is that the people are entitled to know what the estimated costs
are of a full refurbishment, in her own words. I think people are entitled to know that.

Hon. Miss S J Sacramento: Mr Speaker, seven out of ten Gibraltarians have already voted on
that commitment in our manifesto, so seven out of ten people agree that we should refurbish
1300 Bruce's Farm in the lifetime of this Parliament. And insofar as figures and insofar as the Budget,
Mr Speaker, that will be available at the appropriate time when we look at the figures set out in
the Appropriation Bill.

I am not suggesting that the whole expenditure will be made in the first financial year. Indeed
1305 we have been planning this and every year there will be different priorities for refurbishing
different parts. Bruce's Farm is not just a building. It is not like just getting a building where you
saying 'Oh, the carpet has got wear and tear, let us replace it.' Bruce's Farm is an area up the
Rock. There are external areas that we need to look at. Because it is on the Upper Rock it may be
that we need to do some stabilisation works. There are a lot of things that we need to do, but
1310 we will plan it in an effective, efficient and particularly cost-effective manner during the next
four years.

Hon. E J Phillips: With respect to specialist addiction counsellors, can the Government
confirm how many in particular? You refer to counsellors, but my understanding is that there is
1315 only one specialist addiction counsellor available.

Hon. Miss S J Sacramento: No, Mr Speaker that is not the case. All the counsellors are
specialist addiction counsellors. All of them, as per the first part of my answer – all of them as
you can see set out in the approved expenditure estimates. They are all... Not only are they all
1320 approved accredited but we invest in continuous training of them.

And I should add to that, we now do, Mr Speaker.

Q56-57/2016
Drugs Advisory Council –
Number of meetings; composition

1325

Clerk: Question 56, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not the Drugs Advisory Council has conducted meetings and if so, how many?

1330

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 57.

1335

Clerk: Question 57, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the current composition of the Drugs Advisory Council?

1340

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Drugs Advisory Council has met on many occasions, and formally twice.

1345

The Drugs Advisory Council is composed as follows: the Head of Drugs Services and Probation, the Commissioner of Police, Collector of Customs, Director of Education, Director of Public Health from the Gibraltar Health Authority, the Head Pharmacist from the Gibraltar Health Authority, the Head of Dentistry from the Gibraltar Health Authority, the Principal Youth Officer, the Chief Executive of the Care Agency and the Superintendent of the Prison.

1350

Hon. E J Phillips: Mr Speaker, so that is twice formally in four years?

Hon. Miss S J Sacramento: Mr Speaker, twice formally as the Council, but on countless occasions over four years as sub-committees of that Council.

1355

So technically under statute not as the Council, but there have been almost monthly meetings between Social Services and the Police or the Customs and we have in fact travelled to various drugs conferences together, and there have been lots and lots of meetings.

And I know my hon. Friend may not like my history lessons, but I would like to remind him that prior to us coming into Government, the Drugs Advisory Council had not met since 2005.

1360

(Laughter)

Hon. E J Phillips: The reason, Mr Speaker why I ask about composition is because I have seen the recent move for Drugs and Rehabilitation to the Chief Minister's Office, and I believe that was before with Minister Linares, and now it is back to you. Some clarification as to the composition would be welcome.

1365

Chief Minister (Hon. F R Picardo): Mr Speaker, the change of Ministerial Portfolios which will be something that hon. Members will see the effects of in coming months, does not mean that in relation to questions some of which are, if I may say so, despite his clear indignation at having been given a history lesson, are historical because they are asking what happened in the past, cannot be answered by the Minister who has had responsibility for these matters until now and has done an excellent job in the time that I have asked her to discharge these responsibilities.

1370

1375 I will be saying a lot more about what attitude I am going to be taking to the issue of drugs
and meeting with a large number of people that is being composed at the moment, but I think it
is appropriate for the hon. Lady to continue her work in respect of some aspects of this given the
close interaction between the fabulous work she also does in the Social Services Department
with the excellent team that she has reporting to her.

1380 Because of course this issues creates victims, not just of the individual who is addicted to a
particular substance and who therefore engages the Police, the Courts and the Health Authority
and sometimes the rehabilitation facilities, but also of course of the families of those individuals
who very often engage with social services who are left, if I may use a sort of shorthand, to pick
up the pieces. There is going to be a lot of interaction therefore between what the hon. Lady
does and what I am going to be doing in relation to this matter and indeed, what it is that the
Hon. Minister for Health does in respect of this matter and what the Hon. Minister for Justice
1385 does in this matter.

What I think he needs to be alert to is that there is likely to be a lot more inter-ministerial co-
operation in these matters and I intend to bring and inter-ministerial committee, something
which for the purposes of the history books, is something I created after the last election – inter-
ministerial committees which are very successful – and that will help us in my view, to deal with
1390 these problems. Both the scourge of importation, the sale, addiction and the difficulties for the
wider community, particularly the family members, of dealing with an individual who has such
an addiction in the family.

Q58/2016
Drugs Advisory Council –
Number of meetings; composition

Clerk: Question 58, the Hon. E J Phillips.

1395

Hon. E J Phillips: Can the Government confirm what arrangements are currently in place for
allocating housing for those who have completed drug rehabilitation programmes?

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

1400

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): In
cases where people undergoing a drug rehabilitation programme are experiencing housing
difficulties, they are eligible for Government housing. These are referred to the Housing
Department as part of their treatment plans before the completion of their treatment.

1405

Hon. E J Phillips: Thank you for the answer to that question. I think that the Hon. Minister will
agree with me that one of the difficulties that people have when they go through rehabilitation
programmes and need to get back into the community is housing. That is one of the critical
issues that affect people who have had addiction problems, not only to drugs and alcohol but
1410 other forms of addictions.

1410

And I would like to put this question, in that do you believe that there should be special
arrangements to be put in place for people that can access housing, can access ... which leads on
to another question later on, I will not try to step on employment or any aspect of that, but in
relation to housing particularly – that we should think about or the Government should think
1415 about special arrangements for those who have gone through a period of rehabilitation?

Because as the hon. Member will no doubt also agree with me, it is extremely difficult when
someone has gone through that process, and it takes some time for them to fully recover from
their addiction, that that level of support should be afforded for people and their families?

1420 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, I entirely understand and this is why these mechanisms have already been put into place. They are not mechanisms that existed before, but they are mechanisms that we have introduced. As Minister with responsibility for this in the first three years, particular mechanisms and new initiatives were put into place. And as the hon. Member also knows, I am the Minister for Housing so we ensure that the whole process is one that benefits everybody who is vulnerable as much as possible.

1425 Because we have to be careful that we help people who are vulnerable and people who are in need but it also has to be balanced out with everybody else who has a need so it is about helping but not necessarily a priority over and above everybody else and it is about having the matrix that makes sure that it is fair to everybody and that resources are available to assist everybody going forward, but certainly the connection between the Care Agency and the
1430 Housing Department has been established, that was something that actually never existed in any of the other Government Departments before. This is why it flows more seamlessly now.

That is certainly the intention and is something that has already been done so I am sure that the hon. Member will find comfort in this.

1435 **Hon. E J Reyes:** Yes, Mr Speaker, in the Minister's reply to that, in helping any user of the Bruce's Farm facilities and trying to help them in respect of their housing needs, would that person by becoming an applicant necessarily have to go to the pre-list which still has not been done away with. I am sure that is an ongoing matter on the Minister's desk or would those
1440 people then benefit and have the provision of having to have that qualifying period of a year, having to wait on the pre-list? Does the Minister know or perhaps she wants to look into it and come back to us on that one?

Hon. Miss S J Sacramento: The pre-list is not a separate distinction as such. We look at the whole matrix and we make sure that when we consider it that it is done in a manner that is fair.
1445 Usually the pre-list is actually not an issue, the issues are different. It does not usually affect people. The pre-list usually is not a bar; the problems in relation to housing are usually other kinds of problems.

1450

Q32/2016
Care Agency nurses –
Further supplementary questions

Hon. D A Feetham: Mr Speaker, is it possible to go back to Question 32 about the nurses and the issue that arose in relation to the context of the Estimates of Revenue and Expenditure where the hon. Lady said the answer was to be found in the estimates. Can we please go back to
1455 that?

The question was, Mr Speaker, by the Hon. Mr Llamas:

Do the nurses working within the Care Agency receive the same salary, pay and conditions as those of equal grade working in St Bernard's Hospital?

I think part of the answer from the hon. Lady was 'refer to the Estimates of Revenue and Expenditure.'

I said, 'Well, we have looked at that and the answer does not quite arise from that.'

1460 I have looked at it again and the Estimates of Revenue and Expenditure, at the very end, refer to nurse practitioners within the Care Agency and registered general nurses within the GHA, so there is a difference in the nomenclature. But there is a very substantial difference in pay.

1465 Now can the hon. Lady confirm, and I am prepared to give her notice of this question, that we are talking about effectively the same grades despite the fact that they are described in a different way, which is a question that my hon. Friend asked earlier on in the session?

1470 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the book in front of me so I am loathe to give an answer which may not be the correct one, so I do not know what precise scales he is referring to, Mr Speaker. So I am not in a position to answer it now.

Hon. D A Feetham: And, Mr Speaker, just a further question and here I do have to apologise to the hon. Lady because in relation to this particular type of nurse, I would have thought that it is precisely the same grade because it is called exactly the same under both the GHA and also in relation to the Care Agency. So we are probably talking about the same grade.

1475 But there is the description of 'enrolled nurse' within the Care Agency and also 'enrolled nurse' within the GHA. Now, the difference in pay is £2,000. Can the hon. Lady explain why there is a difference in pay between both nurses? I would doubt whether they are different grades bearing in mind they are called exactly the same in the Estimates Book.

1480 **Hon. Miss S J Sacramento:** Mr Speaker, that point does not apply to the nurses in the Learning Disability Service because there are no enrolled nurses.

Now, if there is a disparity in different scales in the enrolled nurses, there should not be a disparity and that might be a mistake in the book because there are no enrolled nurses in that service. So it may be a historic line that maybe has not been changed, Mr Speaker.

1485 **Hon. D A Feetham:** Thank you very much that was very helpful, Mr Speaker, and I or Mr Llamas will ask next time round the question about the difference in pay between registered general nurses and nurse practitioners.

But thank you very much.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q59/2016

Upper Town escalator – Occasions of unserviceability

1490 **Clerk:** Question 59, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, if I may just anticipate the Chief Minister's congratulations and thank him for them!

1495 And Mr Speaker, going on to my question, regarding the Upper Town escalator (*Interjection and laughter*) would the Minister with responsibility for this escalator provide figures for 2015 showing the amount of time it was unserviceable and the reasons for the unserviceability?

1500 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, during the year 2015 the escalators have been inoperative on 72 different occasions. Please note that of these, 58 were due to 'members of the public', mainly young school children, deliberately stopping the escalator. The other stops resulted in callouts to the Schindler maintenance team as the escalators were not operating and the guards could not reset them.

1505 On one occasion a heavy downpour resulted in escalator malfunction and breakdown.

Clerk: Question 60, the Hon. T N Hammond.

1510 **Hon. D A Feetham:** Mr Speaker, yes, I should have, before the hon. Lady ... and she is not in this House so perhaps I will ask it later on. She did provide an answer to a question of schedule, a long schedule about allocations in the context of the housing waiting list and I would like to come back to that at some stage during the session.

1515 **Hon. T N Hammond:** If I may ask one supplementary on Question 59. Could I ask how the Hon. Minister knows that it was school children who stopped the lift from functioning and is that presumably an automatic safety feature of the lift, that it can be stopped with that facility?

1520 **Hon. P J Balban:** Mr Speaker, the CCTV cameras I believe have led us to the fact that it is mainly school children who love to play with the buttons. Now what we did was, because there is a safety function, a stop function should anything happen, anyone getting caught or if there is a problem, you can very quickly switch off the escalator for safety reasons. But clearly that leads to abuse and children have kicked it or pressed the button leading it to stop. Once it has stopped, then we have to call in the technicians to restart the system again.

1525 **Hon. T N Hammond:** And Mr Speaker, may I just ask, in a circumstance where it is stopped for that reason, how long it would take to re-establish the facility?

1530 **Hon. P J Balban:** Mainly these problems are fixed within the day, so if it is a question that the button has been stopped ... In fact I need to come back to you on that one, I believe that the system, if I am not mistaken, can be restarted on a number of occasions by our security team and then after it has been stopped on a number of occasions – I think it is after the third time – then I think it will need the operators Schindler to come and restart them, because the escalator will assume that it could be something more serious involved, leading to a stoppage of the escalator.

1535

Hon. D A Feetham: Mr Speaker, bearing in mind that we are talking about quite a lot of occasions in which the escalator is out of service and mostly he has said, it is because of the actions of children with this escalator, has there been any attempt to identify the children concerned and perhaps have a word with them, if it is a repeat of the same children basically playing with the escalator? Because the Hon. Minister will appreciate that of course it then causes quite a lot of inconvenience, particularly to elderly people living in the area.

1540

Hon. P J Balban: Mr Speaker, yes the RGP are informed and we catch children causing malfunction to the escalators because they abuse the stop button. The police do actually then go down to the schools and they engage with these minors, and that is as much as the RGP apparently can do in that respect.

1545

We have a protective device, because obviously Government finds that this is also unacceptable that the escalator keeps on breaking down for this reason, and what used to be a stop button which was clearly available, at the reach of most people, had a protective device placed over it, so now it is actually harder. You cannot just kick the button for it to stop working, you have to physically ... I think there is a protective cover that goes over it, so it is even worse than that.

1550

But yes, the police are informed when we catch the culprits and they engage in their own ways.

1555

Hon. T N Hammond: Mr Speaker, just on that last point, assuming a design change was effected to the safety feature of the lift, was an assessment conducted to ensure that that design change is appropriate and that the lift is still safe to be operated?

1560 **Hon. P J Balban:** Mr Speaker, Schindler is the operator and the manufacturer and they are the persons who service the escalators, and they would then recommend what is done to the escalator. So I am pretty sure that all requirements were looked at in that respect, but I would need to check whether any particular tests were done on the device itself.

1565 **Hon. T N Hammond:** Was a safety report produced?

Hon. P J Balban: Mr Speaker, I would need to find out whether an actual safety report was produced.

Q60-64/2016

**Sustainable traffic, transport and parking developments –
New road to south; safety of cyclists and pedestrians; roundabout; publication of Plan**

1570 **Clerk:** Question 60 the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, according the Strategic Traffic, Transport and Parking Plan, an additional road to the south would be of significant benefit and yet the idea of creating such through New Harbours has only marginal benefit as it would be one way.

1575 The Government manifesto states that the GSLP Liberals will continue to explore ways of opening new arteries to the south, can the Minister with responsibility for Transport, describe what other options may have been examined or are being explored?

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

1580 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 61 to 64/2016.

Clerk: Question 61, the Hon. T N Hammond.

1585 **Hon. T N Hammond:** Mr Speaker, in their manifesto, the Government say that they will introduce road safety measures to keep cyclists safe. Will the Minister advise what they had in mind when they made this commitment and what measures they are planning to introduce?

Clerk: Question 62, the Hon. T N Hammond.

1590 **Hon. T N Hammond:** Mr Speaker, would the Minister with responsibility for Traffic advise whether a decision has been made to make the temporary roundabout on Glacis Road permanent?

1595 **Clerk:** Question 63, the Hon. T N Hammond.

1600 **Hon. T N Hammond:** Mr Speaker, the Strategic Traffic, Transport and Parking Plan states that the pedestrian experience should be made safer and more pleasurable. This statement is endorsed by the Government's manifesto. What measures have been examined or are under review to achieve this objective.

Clerk: Question 64, the Hon. T N Hammond.

1605 **Hon. T N Hammond:** Mr Speaker, can the Minister for Traffic say when the final version of the Sustainable Traffic, Transport and Parking Plan will be published?

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

1610 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Technical Services Department is currently exploring whether an alternative route to the south can be accommodated in such a way as to maximise usage and cause less disruption and land take in the area of New Harbours. This work is still at a very early stage and further feasibility studies still need to be developed to determine whether a road to the south will indeed provide a good, cost-effective solution.

1615 Mr Speaker, in reply to Question 61, the Government is keen to promote and encourage more cycling activity and has begun to develop a cycle route network as part of the wider STTPP process. In the long term, the aim is to establish a core cycle route extending from the Frontier to the town centre to the southern end of town by the Saluting Battery where possible.

1620 This will be delivered in phases using the old city walls to reduce the interaction between cyclists and general traffic. Our roads are narrow but consideration will be given to shared space routes which will aim to reduce the level of vehicular traffic and speeds and reallocate road space to create a more attractive and safe environment for cyclists.

1625 Mr Speaker, in reply to Question 62, the Glacis Road/Bayside Road roundabout is one of our many initiatives towards improving traffic flow and local access in this particular case. The highways engineers of the Technical Services Department have been collecting data and analysing the traffic patterns in the area since the implementation of the pilot scheme.

We are pleased to state that the data has shown that the roundabout has been beneficial towards improving traffic flow in the area and increasing the number of options available to drivers.

1630 We are planning to make this new roundabout permanent to coincide with the new proposed development in the area of the old Mediterranean Rowing Club which was recently approved by the DPC.

1635 Mr Speaker, in reply to Question 63, I am happy to answer as follows. During the consultation work on the STTPP, comments were received on the need to improve crossing facilities on key pedestrian routes. In response to this, a number of new pedestrian crossing schemes have recently been introduced, including a new pelican crossing on Ragged Staff to provide a safe crossing point for pedestrians wishing to access Grand Parade and the cable car from the Town Centre.

1640 Similarly, a new pedestrian crossing has also been commissioned by the Trafalgar Roundabouts to improve facilities for pedestrians at this busy junction. We will also be using the city walls to provide good connections throughout Gibraltar for both pedestrians and cyclists. Work is currently being undertaken to implement improvements to the city walls by Wellington Front including the reconstruction of the walls. The establishment of a new pedestrian route will form part of a larger scheme to open up the historical city walls as a pedestrian and cycle route.

1645 In addition to these improvements busy pedestrian routes are currently being reviewed to determine whether it will be possible to implement additional footpaths or widen existing ones to enhance pedestrian safety.

1650 Finally, in conclusion Mr Speaker and in reply to Question 64, the Sustainable Traffic, Transport and Parking Plan Report is now nearing completion. We hope to be in a position to be able to publish the final document shortly.

1655 **Mr T N Hammond:** Mr Speaker, can I just confirm that one of the arteries to the south that is being explored, despite the words in the Sustainable Traffic, Transport and Parking Plan, is a route through New Harbours and that you are examining the possibility of that being a two-way route?

Hon. P J Balban: Mr Speaker, the road to the south route, because of the way the buildings are structured, because of the industrial park, because of Gibdock and because of the land available in that area, it is impossible to have a two-way route along that road. Otherwise that would have perhaps made the road to the south something which would have been reasonable to consider and we would have taken further.

The fact that this road would only provide one-way traffic and depending on the time of day, very much depends on where the flow traffic is going to, so it would need ... I mean if things were to work as they should, traffic is greatest heading north in the mornings and then the reverse happens in the evenings. So you have to have a system where the direction of the road would have to be changed depending on the time of day. So that is not a possibility.

Now should there be any other change within the area, if ever there was a possibility of gaining more ground, then it is something which could be considered. We have had as part of the Plan, feedback from people, especially the users of the industrial park and people who have their commercial businesses there. On a busy day, that is an area which is very congested, to actually have a road going through there is something which is seen as not indicated and would perhaps cause more obstruction.

So in short, the reply to the question is at the moment we cannot consider a two-way road running along that same route.

Hon. T N Hammond: Mr Speaker, sorry, I may have misheard the original answer because it was lumped in with a lot of other answers, and I thought may be contradictory to what the Minister has just said.

Could he just confirm then that at the moment no present routes are being explored by Technical Services?

Hon. P J Balban: Mr Speaker, the route itself is constantly ... part of the Traffic Plan means that we are constantly reviewing the situation. There was another proposal made which is something which would be very contentious and again is not indicated, but there is another proposal for another road to the south running along a different route, but that is not considered. It is an option that we are looking at, but again it is unlikely.

We are very limited unfortunately because of the geography and Gibraltar's space to be able to provide that second access road which would be ... The Traffic Plan has stated clearly that it would be beneficial to the traffic flow, but unfortunately we do not seem to be able to provide ... It will not be possible yet but we are still exploring, the Technical Services are still looking at other ways of going about it, but it is still in a very early stage.

Hon. T N Hammond: Just one last one on that particular road then, Mr Speaker: so I can confirm that Government continues to explore but that no route has been identified?

Hon. P J Balban: Mr Speaker, we are always looking at different options, we are always looking at different ways that we can perhaps look at the same thing from different angles and although both routes have been explored at present, they do not seem to be beneficial – especially the one that we looked at initially which was via the estate. That is not viable.

Hon. T N Hammond: Mr Speaker, with reference to Question 62, and the temporary roundabout, can I ask the Minister that while I appreciate that it may be developed as part of what I think will be Ocean Spa Plaza, that the roundabout will be put in place prior to the completion of that development, because the road state in that area is pretty poor right now – or at least, if it is not made a permanent roundabout, until the completion of that project, that the roads are fixed in that area because at the moment they do represent something of a hazard?

1710 **Hon. P J Balban:** Technical Services have actually filled some of the potholes there because as you rightly say, there is an issue there with the road. We do not want to complete a massive resurfacing plan in the area, plus remodelling the new roundabout, because of the development which is pending. There are going to be a lot of HGV vehicles and a lot of vehicles carrying a lot of equipment and materials for the site so it would not be beneficial to complete the roundabout or fix the area permanently until we are through with the building process.

1715 But we will continue monitoring the roundabout itself and we have different junctions. We have actually covered up certain potholes as they appear. But I do agree that at certain times that roundabout can be unsafe and as I say, Technical Services are constantly looking and covering holes when necessary.

1720 **Hon. T N Hammond:** Mr Speaker, I am very pleased that the Hon. Minister acknowledges that the roundabout as it is at times is unsafe and I would point out that I would consider it to be unsafe, certainly if you are on a motor bike or a bicycle at the moment, because of the depth and number of potholes in that area.

1725 **Hon. P J Balban:** So the question is?

Hon. T N Hammond: The question would be: would the Minister please advise Technical Services or ask Technical Services if they could re-examine the temporary maintenance that might be conducted and ensure that the roundabout is in a safe condition for use.

1730 **Hon. P J Balban:** Mr Speaker, Technical Services Highways team of inspectors are actually out on the roads daily, picking up these sorts of things. Apart from that remove, users are free to call into the Department and let us know. As I said, roads are fixed and sometimes when it rains, sometimes when heavy vehicles go over it, it can upset the road surface because it is a temporary surface. We need to completely resurface it, but it is not the right time at the moment. But we will keep our eyes on that.

1740 **Hon. T N Hammond:** Mr Speaker, therefore one presumes that if the area is going to be traversed by a larger number of heavy goods vehicles because of the works, that close monitoring will continue and that regular maintenance will be conducted to prevent accidents in that area.

1745 **Hon. P J Balban:** Mr Speaker, Technical Services would not allow hazards on our roads. If there is a report or one of my inspectors picks up the fact that there is a pothole, then everything possible will be done to cover the pothole.

Hon. E J Reyes: May I ask, Mr Speaker, for perhaps a little explanation. In his answer just a short while ago he was saying, I think it was in connection with the cyclist route, that they would be constructing on the city walls. Can he amplify on that?

1750 I know that there are refurbishments taking place because he used the terminology 'constructing', I think it needs a bit of clarification for the benefit of this House.

1755 **Hon. P J Balban:** Mr Speaker, yes. The word 'constructing' perhaps is not the best word to use, I suppose. It does not mean that we will be pulling up the walls or breaking the walls in any way to produce a cycle lane. What is happening as part of the refurbishment of the walls, especially the area in question which was Wellington Front which has been refurbished, there will be a cycle lane running along that wall so that it is part of the project for Wellington Front. That will segregate bicycle users from the public and from roads, providing another safer channel for both pedestrians and cyclists in the future.

Q65-66/2016

**Parked vehicles on Bayside Road and Waterport Road –
Pedestrian crossing safety concerns**

1760

Clerk: Question 65, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, on behalf of a constituent who approached me directly to ask this question, I would like to raise their concern at the manner in which vehicles park on Bayside Road and in particular in the vicinity of the crossing between Bayside School and Victoria Stadium, the manner of the parking obscuring the crossing.

1765

Would Government give an undertaking that they will examine this area to see what measures might be taken to improve the situation and enhance safety?

1770

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 66/2016.

1775

Clerk: Question 66, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in a similar vein and on behalf of the constituent, I would like to highlight their concern at the propensity of certain inconsiderate road users to jump red lights and the negative impact this can have on road, and in particular pedestrian safety.

1780

Does the Government have any plans to introduce measures... *(Interjections)*

Mr Speaker, there seems to have been some confusion on the numbering of the questions.

On behalf of a constituent, I would like to highlight their concern at the constant double parking on Waterport Road outside Water Gardens and the potential impact of this on road and pedestrian safety. Would the Government give an undertaking that they will examine this area to see what measures might be taken to improve the situation and to enhance the safety?

1785

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, as part of the Sustainable Traffic, Transport and Parking Plan extensive surveys were conducted. These surveys identified a number of key areas that needed improvements. We are looking at the issues in these areas in question in the wider context of the Plan, which are considered policing matters and are exploring possible ways of addressing these problems.

1790

Q67/2016

**Road users jumping red lights –
Safety concerns**

1795

Clerk: Question 67, the Hon. T N Hammond.

Hon. T N Hammond: On behalf of a constituent, I would like to highlight their concerns of the propensity of certain inconsiderate road users to jump red lights and the negative impact this can have on road safety and in particular, pedestrian safety.

1800

Does the Government have any plans to introduce measures to curb this activity as part of their wider manifesto commitment to improve road safety and make the experience of the pedestrian both safer and more pleasurable?

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

1805 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, it is a well-known fact that there are road users that jump red lights, a traffic offence which is punishable in law. However, this is strictly a policing matter.

Government has no immediate intention of introducing any specific measures for this particular offence at the moment, apart from proposing a rigorous policing campaign with
1810 Operation Road Watch and the display of posters at pelican crossings to advise motorists of the correct procedure at crossings, which is what is happening at the moment, led by the RGP.

The cost to set up preventative measures would appear to far outweigh the extent of the problem as it exists today. Most road users are responsible people and it is only a small minority that commit these offences to the detriment of the safety of others.

Q68-70/2016
Bus service –
Replacement of vehicles

1815

Clerk: Question 68, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, could the Minister with responsibility for Transport advise if there is any cost associated with the buyback of the red bus fleet as per their contract and if
1820 so, what this cost will be?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will
1825 answer this question together with Questions 69 and 70.

Clerk: Question 69, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister with responsibility for Transport assure
1830 this House that they have learned the lessons of history with respect to the purchase of vehicles for public transport and will consult with users of the bus service to ensure that the replacement buses are fit for purpose and do serve the needs of all users?

Clerk: Question 70, the Hon. T N Hammond.

1835

Hon. T N Hammond: Mr Speaker, having acknowledged that the red buses purchased during their last term are not fit for purpose nor do they serve the needs of many in this community, can the Minister with responsibility for Transport, advise when they will exercise the buy-back clause and commence fleet replacement?

1840

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I can
1845 assure this Parliament that no lessons of history need to be learned, neither has Government stated that these buses are not fit for purpose.

The buses have been in use for over a year and we are happy with the reliable service that they are providing the public. They have ample seating capacity including tip-up seats and extra

space for one wheelchair which makes these purpose built vehicles suitable for our requirements.

1850 Furthermore all the buses are fully compliant with all the legal provisions applicable to all public service vehicles throughout Europe. Evidence of this is that the buses are type approved and have been delivered with European Certificates of Conformity. This certificate can only be granted to vehicles that are fully compliant with the required European specifications of technical and safety standards.

1855 Gibraltar is very limited as regards space and its topography does not allow for any or all types of buses. Therefore when we set out to procure new buses we need to consider the challenges faced by finding an aptly sized bus that will fit our narrow streets, which are powerful enough to tackle our steep hills, whilst being able to provide a comfortable and cool environment within.

1860 Therefore choosing an adequate bus for our specific and stringent needs is a difficult task given the very limited choice of vehicle design available on the market. The bus buy-back or repurchase agreement as it is known is still under negotiation. Once the repurchase agreement is concluded, Government will be better placed to assess the situation and come to a decision. The idea of the buy-back clause is to always keep our buses as modern and accessible as possible
1865 in the future.

Hon. T N Hammond: Mr Speaker, can I confirm whether or not the Government anticipated having to enact that buy-back clause within a year of the initial purchase of the buses?

1870 **Hon. P J Balban:** Mr Speaker, as part of any diligent procurement of buses and forward thinking as to what we do with buses, we would much rather have a bus that after x amount of years has some value, retains some value where someone will take it back from us in exchange or part exchange for a newer fleet. Obviously as time goes by we could in the future find that engines will develop, they will perhaps become smaller and any of those details will change etc.

1875 So I think it is not something which you anticipate a year after. I think it was anticipated from the on-set something that any diligent sort of Government would think, I would assume.

Hon. T N Hammond: So, Mr Speaker, is the Minister saying they anticipate having to replace the bus fleet or intend to replace the bus fleet on an annual basis?

1880 **Hon. P J Balban:** No, Mr Speaker that is not what I am saying. I am saying that just like the previous buses lasted, how many years they lasted ... I mean, these buses have a limited lifetime so when that time comes along then we will be in a position to be able to use this buy-back agreement to be able to purchase the next set of buses, whereby the current set of buses will be
1885 used elsewhere, the company will rebuy them and give us some credit for them for future purchases.

Hon. T N Hammond: But, Mr Speaker, the Government have said they are going to effect the buy-back clause within a year of having purchased the buses, so there is slight confusion on my
1890 part here as to what their plans are. Are they intending to replace the buses this year or is this something... ? The blue buses lasted considerably longer than that period. Is that buy-back not going to be enacted for some years to come?

Hon. P J Balban: Mr Speaker, I do not know where the hon. Gentleman has picked up the one
1895 year. These buses are extremely good, these buses are providing extremely good transport for persons, they are very reliable, and there is absolutely nothing wrong with these buses. There is no reason why we would effect a buy-back after one year. That would be an enormous waste of Taxpayers' money to exchange buses on a yearly basis.

1900 I suppose if we did that we would have the best fleet in the whole world. I would presume.
But I do not think it is reasonable to and we have never said we would effect a buy-back within
one year.

1905 **Hon. T N Hammond:** Mr Speaker, I think there is no doubt that the Government has stated
that they are intending to enact the buy-back clause, which is the reason for the question. And
my question is when, (*Interjections*) precisely when? During the Election campaign.

1910 **Hon. P J Balban:** Mr Speaker, you need to tell us where the hon. Gentleman has read that or
where he has picked that up from because from this side of the House, no one has said that we
would effect this buy-back after a year.

1915 **Hon. D A Feetham:** Well, I will have to go back and see what the Hon. the Chief Minister said.
My recollection is – and indeed it was interpreted as such by a number of associations here in
Gibraltar – my recollection is that during the course of the radio questions and answers when we
were at the Leisure Centre, both myself and the Hon. the Chief Minister, he actually said that the
Government was going to be exercising the buy-back clause within the contract in order to
replace them.

1920 Now the implication of that was that they were going to exercise the buy-back clause now,
not in three years' time because there is no point in mentioning a buy-back clause (*Laughter*) in
the context of a question that ... 'would the Government agree that they were not fit for
purpose etc.?' That is the question that was asked there, it was asked of me and of him. That is
where we get it from.

1925 **Chief Minister (Hon. F R Picardo):** There is a clear position in page 36 of the manifesto which
is exactly what I said during the course of that programme. I know he did not hear what I said
because he was in another room, unable to hear what I said, as I would have been if he had gone
first so that we were not 'infected' by each other's answers or might have had an argument
about our particular ranking as lawyers as we tend to do when we are on the same stage.
(*Laughter*)

1930 What I said was, Mr Speaker, was that when we exercise the buy-back the issues that have
been of concern would also be issues which would be taken into consideration. There was no
question of exercising the buy-back within one year.

And dare I say it, Mr Speaker, I think the buses are already older than a year; they are already
about a year and a half old.

1935 **Hon. T N Hammond:** So, Mr Speaker, if I may then confirm that it is not the intention of
Government to exercise the buy-back clause in the next 12 months and that the Chief Minister
has acknowledged that there have been public concerns about the use of the buses and their
fitness for purpose.

1940 **Hon. Chief Minister:** Mr Speaker, if members of the public say things about the bus that are
amounting to a concern expressed by an individual and that individual's view about fitness for
purpose, of course the Government has as a matter of fact to accept that that happened and
that is what the hon. Gentleman has asked us.

1945 Does the Government acknowledge that that happened? Yes, it happened. People expressed
that view. That is to ask us about a fact.

But do we share those views? Well, of the numbers of people who use the bus, perhaps four
or five wrote.

1950 **Hon. D A Feetham:** Mr Speaker, may I just read him what the hon. parties opposite said in
their manifesto and then ask a question? It says this:

When we acquired the new red EURO6 buses that are in circulation, we had a guaranteed buy back.

And then it says:

We will exercise that guaranteed buy back so that we can once again acquire new buses that will be more accessible and useable by the elderly and disabled.

Does that not indicate that what the Government is really saying is 'Well look, we accept that they were not as accessible as we would have liked them and the community would have liked them to have been, both for elderly and also the disabled and we are going to be exercising that guaranteed buy-back'?

1955

Because quite frankly I have seen many, many comments on social media, I think there was some correspondence as well in the written press about this, where the Government were congratulated for basically coming forward and saying, 'We are going to be exercising this buy-back because we recognise there has been a problem and we are going to now get buses that are more accessible for both the elderly and the disabled.' I mean at the very least it is misleading the way that they have put their manifesto commitment, if that was not the point that they were making. But it is certainly interpreted by the community as such.

1960

Hon. Chief Minister: Mr Speaker, I think we are better able to interpret what the community feels because the election results demonstrate that we are more in tune with the community than others.

1965

But, Mr Speaker, let us be very clear. We are going to exercise the buy-back. When we exercise the buy-back, (*Interjection*) the buses that we purchased – not that these are not accessible and useable by the elderly and the disabled; they certainly are and very much so – the ones we purchase will be *more* accessible and useable by the elderly and disabled. So how can anybody be misled?

1970

We have set out in the manifesto exactly what we are going to do and that is exactly what we are committed to doing and I am confirming will do. Nobody can have been misled, very clear words used in the English language in a way that we will comply with.

1975

Hon. D A Feetham: Mr Speaker, when does the Government expect to exercise this particular buy-back because I do not want anybody to be misled or rather I want everybody to be clear, listening to these exchanges that what the Government is not doing is, it is not saying we are going to be exercising that buy-back now or during the course of this year, the Government is going to be exercising that buy-back clause in the future. And I am asking the Government, when does the Government envisage it will be exercising that buy-back clause?

1980

Hon. Chief Minister: Mr Speaker, when it is appropriate to do so. Now when we do, we will make an announcement, it will be clear that we are doing so in keeping with the manifesto commitment, the terms of the buy-back can then be clearly set out for the community to understand and until then, Mr Speaker, this community will have to make the huge sacrifice of enjoying brand new EURO6 buses which are accessible to the elderly and the disabled for no fee whatsoever.

1985

Now, Mr Speaker, I think in most other European and developed western nations, the Government that achieved that with these buses would be congratulated as I know, with their votes, 68% of the people of Gibraltar wanted to. (*Banging on desks*)

1990

Hon. T N Hammond: Indeed, Mr Speaker, there is no doubt that the introduction of a free bus service, which I believe was conducted by the previous GSD Government, is a fantastic facility.

1995

But it remains a fact that the new red buses are a challenge for certain users. Indeed it was proposed that most of the buses would be refitted to accommodate those users because the

steps were too large. I do not believe that refit was completed throughout the fleet and there is no question that the manifesto commitment is not clear, it is ambiguous and all we are asking is for some clarity on that position.

2000

I think the expectation of the electorate was that the buy-back would be exercised quite soon after an election and that appears not to be the case. *(Interjections)*

Hon. D A Feetham: The Government is not under – *(Interjections)*

2005

Hon. P J Balban: Mr Speaker, all buses actually, or the steps leading to the rear of the buses, were modified, not because they were illegal or did not conform to EU specifications. As I said earlier, all buses had a certificate of conformity so we are not providing a step which is ‘that high’; it has got to be to a certain standard and as set out in legislation.

2010

But to try to assist even further, what we did on all of the buses we made an extra step so if there were two steps they became three. But they did not sell us a bus which was a bus that did not conform to standards; it conformed totally to EU standards.

Now these buses are brand new vehicles, they are extremely accessible, extremely accessible for wheelchairs and tests were carried out at the time to see exactly how accessible they are. Not only do they lean but the ramps deploy and they are extremely accessible in that respect and also for parents with prams. The only problem is when you have one wheelchair and two prams you cannot expect all prams to be open and wheelchairs open too, otherwise everyone would have to get off the bus.

2015

Because as I say we are limited by Gibraltar. If all Gibraltar’s roads were as they are at the bottom between the Frontier and say Market Place, then we could have the longer type buses which are also buses which are available and in that case you would have a lot more ground floor seating and the engines would not be such bulky engines, which would make such a difference, and then you could perhaps put three wheelchairs in and 20 buggies in as well and then everyone would be happy.

2020

But unfortunately in Gibraltar we are limited to our size and our stringent needs. So the old buses, for example – EURO3 I presume they were, or even less than that – were four cylinder engines, they were smaller engines this is why they did not do so well with time. And what happened was those buses would perform well at the bottom part of Gibraltar but these buses have to climb Europa Road. They have to endure hills, so what happened was when that bus is full of passengers or even half full with air conditioning running, it just has not got the torque and the power to be able to push up those hills.

2025

So when we are purchasing buses, we have to weigh up the weight of the bus for our roads, the size of the bus for our roads, the seating capacity for the population, the population’s needs, whether we want to fit one wheelchair in, three wheelchairs in, but we are limited. In an ideal world everything would be at the bottom but that is not possible.

2030

So it is a happy marriage between what is available. These buses are actually made to measure, you cannot buy these buses off the shelf and for this actual size, this size bus has to be produced for you because in other countries they have bigger roads. So it is the best purchase possible, there is driver comfort, passenger comfort, but yes, there have been complaints and you will get that no matter what bus you buy.

2035

2040

Hon. T N Hammond: Mr Speaker, I ought to state that nobody is challenging whether or not the buses comply with EU regulation. Of course we expect that to be the case. I am pleased the Hon. Minister has acknowledged that the refits were necessary in order to make the buses fit for purpose because there is no question – *(Interjections)*

2045

Mr Speaker: We are now beginning to debate the suitability of these buses, which is not the supplementary question at issue. The supplementary question at issue was in respect of clarification of what it was that the GSLP Government meant by the statement which they have

2050 in the manifesto regarding buy-back. That is what the Opposition were asking for, clarification on that.

I think the Chief Minister has given clarification. He has made clear that it is the intention to buy back at some stage. He has not made clear exactly when, but at some stage that will be exercised.

2055 Now I think we are beginning to debate the adequacy of the buses, whether one step or two prams or three prams – that is a separate issue altogether. Let us come back to the question. If the Opposition are not satisfied with the answer that has been given by the Chief Minister, they can try another supplementary by all means for further clarification, but let us not widen the ambit of that particular supplementary.

2060

Hon. P J Balban: Mr Speaker, may I at least reply to the statement that was made that because what the hon. Gentleman has said is that we fitted an extra step to go beyond what is necessary, that is not an admission that the bus is not fit for purpose. *(Interjection)* That is exactly what the hon. Gentleman has said. The buses conform to EU standards and as I said, steps are a certain size. They are not the steps of the Mediterranean Steps. They are the normal size. Now because we have chosen to add an extra step just to help people even further, but is no admission that the buses are not fit for purpose in any way.

2065

Hon. N F Costa: Mr Speaker, if I may just help, just for assistance – *(Interjection)* it is just to assist. The hon. Gentleman should know that when Mr Figueras was asking me questions on transport, and if he goes to *Hansard*, there will be reams of pages on questions and supplementaries where we explained the reasons why we bought the buses that were bought. That may assist to elucidate the hon. Gentleman on the wider issues that have arisen and the reasons why the Government was convinced then, as it is today, that the buses on our roads today were certainly the best buses for Gibraltar's roads.

2070

2075

Hon. T N Hammond: Mr Speaker, yes, we will obviously have to agree to disagree, but respecting your position reference the supplementary question, can I ask whether or not the Government is currently in negotiation with the manufacturer or any other party with respect to the buy-back clause?

2080

Hon. P J Balban: Mr Speaker, I said in my answer, I said that ... and I will go back to restate what I said. I said the bus buy-back, or repurchase agreement as it is known, is still under negotiation. Once the repurchase agreement is concluded, Government will be better placed to assess the situation and come to a decision.

2085

Hon. D A Feetham: But with respect, and we are not trying ... this is not about raising a controversy. It is really trying to understand the Government's position and the answer is confusing, it is certainly confusing me.

2090

What I want to know, having established that the Government at the Election was not giving a commitment that it was going to be immediately, or within a reasonable period of time, basically buying back those buses, but that the buy-back clause is there, what we want to know is: is the Government currently in negotiations with the providers of these buses to basically replace them?

2095

In other words, are they in negotiation now or is it something that might happen in a year's time? Because he is talking about negotiations, about the clause. We are not talking about the clause: we want to know whether the Government is in negotiation to exercise the buy-back now or not. That is the simple point and nothing else.

2100

Hon. P J Balban: Mr Speaker, the simple reply to answer the hon. Gentleman is basically no, we are not in negotiation with them.

2105 **Hon. R M Clinton:** Mr Speaker, option clauses are something that I am well familiar with in my previous guise as a banker. I would find it highly unusual that the option clause should be negotiated at this stage, I would have thought that would have been dried and dusted at the point of purchase of the buses.

2110 If that is not the case I find that strange, but in any case in order to perhaps assist the general public in their interpretation of the manifesto, where you say that you will exercise the buy-back clause, can the Government perhaps explain or clarify under what period can that buy-back clause be exercised, what notice you would have to give and when would that buy-back clause lapse? Thank you, Mr Speaker.

2115 **Hon. Chief Minister:** Mr Speaker, I too am very familiar with option clauses from my previous practice as a lawyer, and the hon. Gentleman perhaps as a banker is not aware of the fact that some clauses actually continue to be negotiated after contracts have been entered into and that this is very common indeed. In fact in the context that we are referring to, what we are seeking is an improvement of what is already an excellent clause, but for the purposes of always pursuing the best value for the Taxpayer, we never give up in seeking to improve things further.

2120 He has asked very specific questions for which he should give specific notice and he will then have the answers.

2125 **Hon. D A Feetham:** Mr Speaker, may I ask this question arising out of something that the hon. my colleague Mr Clinton has said, but I think it does arise from the question asked by Mr Hammond. Did the buy-back clause exist at the point at which the contract was signed with the providers of these red buses?

2130 **Hon. P J Balban:** Mr Speaker, yes it did.

2135 **Hon. D A Feetham:** And so what the Government is now trying to do is renegotiate aspects of that buy-back clause, is that what the Government is trying to do? Because that appears to be the indication for something that the hon. Gentleman, the way that the hon. Gentleman answered the question when it was originally asked.

2140 **Hon. Chief Minister:** No, Mr Speaker, what we are doing is seeking to ensure that we do something called forward planning. In other words, that in terms of the exercise of the clause, where we think there could be some improvements which would assist in fact the Taxpayer and the provider to plan better for the purposes of the exercise of that clause which was negotiated at the time, talking about how that can be worked into the manner in which we exercise those clauses when they fall due and when we believe that they should be exercised in a way that ensures that Gibraltar always has the best buses available.

2145 Mr Speaker, can I move that the House do now ... not adjourn, but **(Mr Speaker: Recess.)** recess until 3.15 this afternoon.

Mr Speaker: The House will now recess until 3.15 p.m. this afternoon.

The House recessed at 12.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.21 p.m. – 7.37 p.m.

Gibraltar, Wednesday, 20th January 2016

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The Gibraltar Parliament

The Parliament resumed at 3.15 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Q35/2016

UN Convention on the Rights of the Disabled – Further supplementary questions

5 **Clerk:** Questions continued. We continue with Question 71/2016, the Hon. T N Hammond.

Mr Speaker: Before we proceed, the Hon. Leader of the Opposition wishes to raise a matter.

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

10 This morning there was an exchange between myself and the hon. Lady in relation to the UN Convention on the Disabled, where I said that the GSD Government had left a draft already prepared at the time that it lost the 2011 election. The hon. Lady said that she had caused investigations to be made and the public servants had told her that they knew nothing about a draft Bill.

15 I have spoken to my former colleague, Jaime Netto. He identified the individuals that form part of the working group that helped him with the drafting of this particular Bill. I am not going to identify all of them – it would not be fair across the floor of the House to identify the public servants concerned – but I did telephone one of those people, Mathew Turnock, who was kind enough to then send me by email a copy of the draft Bill, which I now have. It is actually in draft
20 Gazette form, dated 2011, and it is a complete Bill of 38 pages, which happens to also accord with my recollection of events, which is that I, in my capacity as Minister for Justice, had seen this particular Bill.

Because I have asked him to send me also the emails circulating this particular Bill ... when I
25 have that, I will forward both the draft Bill and also the emails to the hon. Lady identifying the public servants that formed part of the working group and that, therefore, received this draft Bill.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr
30 Speaker, if I may, in my response to the Question this morning, I can only comment on my position. I asked and the answer that I was given was that. I have never ever seen a draft of the UN Convention prepared by the GSD when they were in office. So, Mr Speaker, it may well be that it existed but if it is not brought to me then I have no idea that it existed and it is not the first time that I have told this Parliament that I have been informed that there was no draft.

35 But, in any event, Mr Speaker, we move forward. A draft Bill has been prepared. I had never seen a draft before because I was told that there was not one, but anyway, Mr Speaker, one has been drafted and it has already been published as a Command Paper. The consultation period has finalised and we are looking into the responses.

Had it been there, then of course I would have considered it. It is not really a contentious matter. If it existed I would have of course have considered it, but my position is, Mr Speaker, that I asked for it and I was told it was not there. I have never seen it before.

Hon. D A Feetham: Mr Speaker, I accept the hon. Lady has not seen it. This goes to the question of the existence of this particular Bill.

As I say, when I receive the emails showing to whom the Bill was circulated in the public servants, then of course that will also be brought to the attention of the hon. Lady because no doubt she will then wish to investigate the matter further, because if the hon. Lady has been elected and, as any reasonable Minister would do, would make enquiries into something like this, as to whether work that the previous administration has undertaken can be used to take a particular project forward and she has been told there is no work, that is a matter of regret, to say the least, when there are public servants who have been involved and are in the email circulating this particular Bill.

That is why I intend to forward that to the hon. Lady.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q71/2016

Traffic plan –

Value-for-money highways enforcement

Clerk: Question 71/2016, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in the manifesto, the Government have said that their traffic plan, without adequate enforcement, will not work and that different options for value-for-money enforcement have been considered. Would the Minister with responsibility for traffic provide some details on what options are being considered to provide value-for-money enforcement?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the highways enforcement set-up, as implemented by the previous administration, was not value for money and has been discontinued. In fact, had we continued to roll out the procedure as set out originally by our predecessors we would have had to double the resources at great cost to the Taxpayer.

Parking enforcement has always been part of the greater ambit of responsibilities of the RGP. The officers have now been transferred or are in the process of being transferred to other departments/agencies and the RGP will continue with parking enforcement duties until all factors can be considered or a final decision is taken with regard to the future of parking enforcement in Gibraltar.

We are currently looking at options to provide an efficient and cost-effective form of enforcement in conjunction with the STTPP and this may not exclude the possibility of outsourcing this function.

Hon. T N Hammond: Mr Speaker, could I confirm then that the HEOs, therefore, are in the process of being transferred and may I ask which Departments they are being transferred to?

80 **Hon. P J Balban:** Mr Speaker, most of the HEOs have been transferred to Borders and Coastguard. That is where most have been ... Some will remain as tow truck drivers – a very limited number – and others will be transferred to become transport inspectors.

85 **Hon. T N Hammond:** May I ask, bearing in mind that the function of the HEOs is still required and you have suggested that it has been taken up now by the RGP, is that likely to mean that there is a less efficient service in terms of, bearing in mind RGP resources ... that the ability to control parking in Gibraltar will be affected detrimentally?

90 **Hon. P J Balban:** It very much depends on the importance that RGP gives to parking enforcement in Gibraltar. Parking enforcement is something which has always been done by the RGP. It was not until 2011 – I believe it would be in 2011 – that the HEOs were actually set up and then the responsibility for parking became that of the HEOs, although the Police would still find vehicles occasionally.

95 So, in answer to your question, it very much depends on what the RGP's priorities are. It is a policing matter. It has always been a policing matter. Having said that, we are looking at possibilities because if you look at the way the UK works, for example, the UK predominantly outsources parking enforcement duties to outside companies and that provides us a very cost-effective means of providing parking enforcement by way of wardens.

100 So we are also exploring those avenues which would make parking enforcement a much more cost-effective means of enforcement for the taxpayer. That is where we are at the moment.

Hon. T N Hammond: But would the Minister agree that at present there is, effectively, a lessening of resources, because clearly the RGP are not gaining additional resources to provide this service and the HEOs are not there, therefore there is a shortage in the resource available?

110 **Hon. P J Balban:** Mr Speaker, I would not agree that there is any lack of resources than expected; it depends on what the policing priorities are. The Police have more resources than they have had in the past with this administration. So it very much depends on what the focus of the RGP is. The RGP will dictate for themselves, will decide where they wish to deploy their resources to and they do so as they consider fit.

115 But parking enforcement is something which, obviously, personally I think is important and fines are being placed on vehicles. But obviously there is room for improvement. This is why we are, as a Government, looking at other strategies and other ways where we can enrich this parking enforcement without providing financial burden on the taxpayer and on the Government, because what was created was a set up that was extremely expensive with a lot of resources and it is something which was not viable or cost effective.

120 **Hon. T N Hammond:** Could I just obviously confirm with the Minister, if all the HEOs have simply been moved to other Departments, that would mean the financial burden remains on Government regardless of how they are being deployed?

125 **Hon. P J Balban:** No, because they are filled in vacancies which were there, so it is not as if they have taken jobs in other Departments where they are needed. So we have not had to employ externally so we have ... The Government uses resources the way it feels fit and it moves people to where they feel they have use for them.

130 **Hon. T N Hammond:** So that has not lessened the financial burden. What you have done is taken the opportunity to fill vacancies in other Departments, which is fair enough, but the financial burden is still there. The overall cost remains the same?

Hon. P J Balban: No, we have used resources more equitably. We have used resources where we feel they are most needed.

135 **Hon. D A Feetham:** I am having difficulty understanding. Is he saying this: that, yes, you have got these individuals, highways enforcement officers, you have moved them into vacancies in other Departments; therefore you do not have to fill those vacancies, so therefore the burden overall does come down because effectively you are using the highways enforcement officers to fill in those vacancies rather than advertise externally? That is the position?

140 **Hon. P J Balban:** That is correct.

Hon. T N Hammond: Just one further question, moving slightly. Understanding that you are exploring the possibility of outsourcing the facility, that would obviously involve a tendering process, I presume, or not? Can the Minister confirm, I recognise that the experience in the UK can be that such agencies develop an overzealous attitude equally towards parking; is that something that the Government will just bear in mind in any future legislation or any requirements placed upon such a private company?

150 **Hon. P J Balban:** Mr Speaker, it is either we have too much parking enforcement or not enough parking enforcement. I think we have to strike a happy medium. Yes, of course we have to strike a happy medium. It very much depends how you carry this out, because there are different ways. You could, for example, force or oblige officers to deliver certain amounts of fines a day. I do not think that is particularly a good way of doing it. Or we can use obtuse discretion.

155 When the HEOs started off in 2011, the level of discretion was pretty low. We had complaints from people living, especially in the Laguna area, where they could not even pop in to drop a plate of food at their mum's ... and they get caught. They were very on the ball. I mean they feared the 'red caps', as they used to call them, and they were very proactive in that respect.

160 Towards the latter part of their existence they showed more discretion. With the RGP they showed a lot more discretion. I think it is having to find a happy balance. Parking enforcement means trying to dissuade people from parking illegally, persuading people to be reasonable ... where they park. If you do that and people respect ... then obviously you expect the amount of traffic offences to drop. So it is trying to find a happy medium. We have to be clear what we want; do we want more enforcement or do we want less enforcement?

Q72-73/2016
New buses –
Service in Upper Town

Clerk: Question 72/2016, the Hon. T N Hammond.

Hon. T N Hammond: According to the Government's manifesto, they were expecting receipt of new buses for the Upper Town towards the end of last year. Can the Minister with responsibility for Transport provide an update on when residents of the Upper Town can expect this service to commence?

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

175 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with 73/2016.

Clerk: Question 73/2016, the Hon. T N Hammond.

180 **Hon. T N Hammond:** Mr Speaker, according to the Government's manifesto, they were expecting receipt of new buses for the Upper Town towards the end of last year. Can the Minister with responsibility for Transport tell this House if these were received as anticipated?

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

185 **The Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, six buses were ordered in early October last year to service the Upper Town and Mount Alvernia routes. Three of these units arrived in Gibraltar on 13th January. It is expected that the three remaining units will be arriving shortly and are intended to be put to operational use as soon as possible.

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Hon. T N Hammond: So the answer to the first question, presumably, is as soon as possible, yes? Has any work been done in detail on planning out those routes?

195 **Hon. P J Balban:** Mr Speaker, the buses will be carrying out the routes which are there at present, so the buses will be doing route number 1, which is the Upper Town – that is what most of them will be busy doing – and the other route is route number 7, which is the Mount Alvernia route. So they will just fit in into the present routes.

200 **Hon. T N Hammond:** Could I ask a question associated with the bus routes, to whether there is any consideration to have any kind of bus service serving residents of the Upper Rock?

Hon. P J Balban: Mr Speaker, not at present.

205 **Hon. D A Feetham:** Mr Speaker, I have to declare an interest because I live in the Upper Rock, but is that something that the Government has received some representations about? Because there are about 20-something families up there, all told, with Devil's Gap area and also further down in the Bruce's Farm area, and obviously a small bus providing a service in that area would be beneficial to those people, particularly some elderly people who also live up there. Is that something that anybody has raised with the hon. Member or the Government?

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Hon. P J Balban: I would have to check whether that is something that has been brought to the attention as part of the traffic plan surveys. It has not come to my attention. No one has complained to me personally. I do not think the amount of residents up there really – those are 26 houses, as you have just said ... to have a route running up the Rock, especially during the daytime hours, which would mean it going all the way through the Rock because it cannot come the other way during the daytime, I do not think would provide much of a service.

Remember we have to look at our resources and where best to deploy them, and the routes that we have at the moment are working extremely, actually well – within reason. There are things that we want to change but the main routes are fine.

220 To actually provide a new service to the Upper Rock for 26 families – I have not received the feedback in respect of people wishing to have a service up there.

225 **Hon. D A Feetham:** Of course, remember that these small buses start the service in the Calpe area ... the small service, whereas, for example, you could have a service very early in the morning and a service perhaps late in the afternoon starting at Bruce's Farm, which is just slightly, as the crow flies, above the area where they now start – in the Calpe area.

As I say, Mr Speaker, obviously he is in a better position to know what the demand is and also the additional cost that something like this would entail. Though I personally think that in terms

230 of additional cost there would not be much additional cost, bearing in mind we are talking about
a small bus starting, not at Calpe but at the Bruce's Farm area, and also perhaps in the mornings
during school time and then in the afternoon.

Hon. P J Balban: Bruce's Farm – I am struggling to find the actual location. I think that Bruce's
235 Farm cannot be accessed during the day via the Calpe area. The bus would have to come all the
way round and you would have to start from there and you would not be able to get it going...
you can bring it all the way back as well.

I do not feel the demand is there to merit a bus just for that small population. We have had
requests, for example, that people wish the bus to go to Her Majesty's Prison. Again, I do not
240 think there is that much ... there is no demand. People, if they visit prisoners, normally go in
their car. There is ample parking available.

Remember if we make the bus routes too long, they become inconvenient for users. What
we want people to do is to jump on a bus and get to their destination as quickly as possible. The
more winding the routes are, the longer they take to complete, the worse and less efficient a
245 bus service becomes.

To extend route number 1 to Bruce's Farm would mean an extra length of route and that
might not be effective. I do not think there is debate at the moment for a bus in Upper Town,
but if all 26 residents were to come and say, 'We will use it every single day and we do not
because it is not available', then obviously we would have to reconsider it. But I do not think the
26 residents will use it much at all.

Q74/2016
New rental bicycle scheme –
Cost

250 **Clerk:** Question 74/2016, the Hon. T N Hammond.

Hon. T N Hammond: During the election the Government announced the introduction of a
new scheme for rental bicycles. How much, if anything, has this cost the Taxpayer so far?

255 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, Her
Majesty's Government of Gibraltar announced recently the launch of a totally new bicycle hire
scheme. A small amount of infrastructural works to allow for the installation of the bike stations
260 at the different locations has already been undertaken at a cost to the taxpayer of £14,224. The
bicycles and stations have been fully subsidised by a sponsor.

Hon. T N Hammond: Just so I understand, that includes the bicycles themselves or just the
stations?
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Hon. P J Balban: Mr Speaker, the bicycles and the stations have been fully subsidised by a
sponsor, and the software surrounding the scheme.

Q75/2016
Green vehicles –
Incentives to owners

Clerk: Question 75/2016, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, in their manifesto, the Government say that they will try and incentivise the purchase of green vehicles. Could the Minister with responsibility for Traffic offer some examples of the ideas the Government has in order to achieve this?

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

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Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Government has already taken steps to incentivise the purchase of green vehicles. At present, any client purchasing a hybrid or electric vehicle will receive a £1,000 cashback upon registration. In addition, any person purchasing a 100% electric vehicle will not pay import duty and Government have also installed electrical charging points at various multi-storey car parks in anticipation of these vehicles.

Hybrids currently attract 0% duty if imported by a licenced trader.

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As cars are developed, Government will continue to find ways to incentivise the purchase of these cars by providing, if necessary, further vehicle charging points should the need arise. Furthermore, the possibility of providing preferential parking for these vehicles may be explored in the future.

290

The Government has also put in place a Vehicle Fleet Replacement Policy Plan for its own vehicles. All new official staff cars that have been procured within the past four years are hybrid, with the exception of the G1 which is 100% electric.

Q76/2016
Disabled parking –
Fairness of current scheme

Clerk: Question 76/2016, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, in their manifesto, the Government say in respect of disabled parking bays that the Sustainable Traffic, Transport and Parking Plan will make the scheme fairer while addressing the needs of this sector. Could the Minister for Transport tell this House what is unfair about the scheme at present?

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

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Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the STTPP has found that the concessions being provided by the blue badge scheme are open to misuse. Misuse affects other users. The present blue badge scheme is constantly under review in an attempt to tackle misuse and improve it for all of its users. It has been seen that some blue badge holders use blue bays for extended periods of time, for days and even weeks on end. Others consider these bays as their own allocated parking space.

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Clearly, this restricts the value of the scheme to regular users and visitors alike. The circulation of counterfeit blue badges is also an unfortunate reality, as is the use of these badges, and hence privilege, by persons who are not entitled to the benefits of a blue badge – for example, family members and friends.

Q77-78/2016

**Infectious disease on board a vessel –
Notification procedures**

310 **Clerk:** Question 77/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, what procedures are in place for a vessel to notify the Gibraltar Port Authority of a crew member/passenger confirmed or suspected of suffering from an infectious disease?

315

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Question 78/2016.

320

Clerk: Question 78/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Minister for Transport and Traffic confirm that the Filipino seaman on the night of the Capitan Vassilis incident had a notice pinned to him saying 'infectious' or 'diseased'?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, Gibraltar Port Authority and the GHA protocols are underpinned by the Quarantine Act 1935. In practice, this requires that a ship must notify the Gibraltar Port Authority of any person on board suffering with a health problem – not only infections. It is mandatory for the ship's master or its agent to alert the Port Authority and file a statutory declaration of health. In particular, the agent acting on behalf of the vessel must gain prior approval from the Gibraltar Port Authority, under the guidance of a doctor and/or the Gibraltar Health Authority, for the disembarkation of any medical cases.

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We can confirm that there was no notice pinned to the Filipino seaman. The Gibraltar Port Authority is carrying out its own internal investigation on this matter which is still ongoing and therefore we are not in a position to divulge any further information at this stage.

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Hon. Ms M D Hassan Nahon: So, Mr Speaker, the Minister cannot confirm or deny whether he is satisfied or not whether procedures had been or had not been adhered to on the night of the incident – is that right?

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Hon. P J Balban: Mr Speaker, that is correct at the moment. Because the investigation is ongoing, we are unable to comment any further at this stage.

Hon. T N Hammond: Can I just ask the Minister whether the results of that investigation –

350

Mr Speaker: Supplementary – ?

Hon. T N Hammond: A supplementary to Marlene's question, yes.

If I may ask whether the results of that investigation or any recommendations coming from it will be made available to the public or at least to the Opposition benches?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think this is a point of general public importance and I think the conclusions on what it is that this investigation may determine is something that the Government should inform the whole of the community about.

360 I think Gibraltar is a small place. When these things happen word spreads quickly that something is going on and people need to have the confidence that the procedures stand up to scrutiny when they are applied and that they are actually applied; and if they are not then we need to understand, if that is the case, what has happened and why, or that they have been applied and give people the confidence that that is the case.

365 **Hon. T N Hammond:** Just one final question from me on that particular issue. Is there any idea at the moment on the timeline for the investigation? Are we likely to see it in a month, three months? Or what would the Minister consider a reasonable period for such an investigation?

370 **Hon. P J Balban:** Mr Speaker, the investigation will be carried out as soon as possible because it is obviously in the interest of the Government that people are informed what the state of affairs is. There has been a lot of public interest to do with this case, so it is our intention to publish the findings of this investigation as soon as possible. I am not in a position to be able to state whether it is going to be a week, a month or so forth.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q5/2016

Dog park – Cost, design and contract

375 **Clerk:** We now return to Question 5/2016, and the questioner is the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government please provide details of the cost, designer and contractor of the 'dog park' at the Alameda Gardens?

380 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, before I start, Members will have noticed that I have a cold and quite a bad cough, so if I find I have a coughing fit in the middle of my responses and I have to leave the Chamber, I would be grateful if you would just consider the fact that it is for no reason other than I do not want to contaminate the Chamber with whatever germs are causing it, and I do apologise.

385 Mr Speaker, to answer this Question, the first phase of the dog park has cost £25,005.71. The Government has used its in-house design team and Koala Construction is the contractor.

390 **Hon. L F Llamas:** Can I ask the Hon. Minister: does Government have any plans to review the design of the park? I have been there to visit the area myself. The first thing you see as you enter the area is a 'No dogs allowed' sign, which is obviously incompatible with what ... I am sure you appreciate that and you have seen it.

395 Also I believe that the fundamental ingredients of a dog park have been overlooked. The fact that it has no fence or gate should be a priority to enable people to take their dogs off the leash and not cause any problems with traffic passing by or to the animals themselves.

400 Additionally, the idea of a dog park is to provide stimulation within the area. Also, the surface needs to be adequate. The surface at the moment is adequate for big dogs, but smaller dogs will probably struggle. I also believe that things like access to potable water should be made available to the users.

Thank you.

405 **Hon. Dr J E Cortes:** Yes, indeed, Mr Speaker, I have no quarrel with any of what has been said, other than the sign should have been removed a long time ago.

These points have not been overlooked. As I said before, this is a first phase and this is an area which I know, from my many years in the Alameda Gardens, was regularly used by dog owners in any case, even though the law actually forbid it.

410 We carried out this first phase, of which in fact the majority of the cost has gone into shoring up the upper path, which was collapsing in some areas, and the retaining wall behind it, which was also dangerous and that had to be done before we could really declare a dog park. Members will have realised that we have not done a formal opening, or anything like that, because the phase is not complete, or rather the dog park is not complete. There was a decision to be made – should we amend the law and allow people who are using the area for dogs
415 anyway to do so within the law, or should we wait until the whole thing is ready – and the decision was taken that, as people were keen to use the area and have done for many years for dogs, that it should be opened. But we do realise that there are still changes and improvements to be made. These are within the plans and certainly it is our intention to rectify this during the course of the coming year.

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Hon. L F Llamas: Also, I would like to ask. It is demoralising to see how people take such little pride and feel they can allow their dogs to defecate in an area and not pick it up. Does Government have any plans to introduce CCTV to ensure offenders disrespecting a purposely created area for dogs are dealt with?

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Hon. D A Feetham: Hear, hear, hear.

Hon. Dr J E Cortes: Yes, Mr Speaker, indeed I share the hon. Member's concern for those relatively few members of the public who are antisocial and who do not make our job easy. We
430 have introduced CCTV cameras in other parts of Gibraltar with considerable results, although people are always trying to get out of range of the camera, but the plan is that this should be incorporated in this area as well.

Hon. L F Llamas: And finally, the last point I want to raise in regard to the dog park: have any
435 steps been taken to treat the area against caterpillars? The Alameda Gardens is notoriously known for its caterpillars and it is extremely dangerous for dogs: they can cause severe extensive tissue damage with minimum contact.

Hon. Dr J E Cortes: Yes, Mr Speaker, indeed, I have great experience of these caterpillars.
440 There is an ongoing programme of treatment for caterpillars using pheromone traps, which will catch the moths while they are active in the summer before they lay their eggs, which then emerge, round about now. This is a real problem. In fact, it is a problem for the gardeners where they are working. One of the biggest problems that the staff used to have, and I am sure still have, is the itchiness when they are digging in areas where caterpillars have been.

445 So the treatment will continue and will be enhanced in this area. I do repeat, though, that dog owners have been happy to take the dogs there in the past. Now they can do it legally. And remember that it is not just the upper path that is open to dogs; it is also the lower, wider area, where we do not have such concerns about the substance on the ground and so on. But yes, the intention is that we will redouble our efforts to reduce the number of caterpillars.

450 **Hon. L F Llamas:** This is not a question, I just would like the Hon. Minister to take this on board, perhaps: if in the meantime perhaps we could warn owners of the risk of caterpillars in the area by putting up a sign? It is just –

455 **Hon. Dr J E Cortes:** Mr Speaker, I thought the hon. Member was going to congratulate us for having the first area designated for dogs in Gibraltar, but there we go. I know we are still short of what we need to do.

Mr Speaker, this happens regularly, and every year at around ... Well, a little bit later on, in a few weeks' time, around February time, signs are put up throughout the gardens warning all users to keep them away from caterpillars. As dogs were not allowed, it did not particularly specify dogs, but we will make sure that in that particular area that that reference is made as well – but this is done every year. *(Interjection)*

460

Q6/2016

Pensioners' Water and Electricity Credit – Confirmation of payment

Clerk: Question 6, the Hon. L F Llamas.

465 **Hon. L F Llamas:** Can the Government confirm whether the 2015 Pensioners' Water and Electricity Credit has been made?

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

470 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, all applications have been processed and the credits entered into the respective accounts.

475 **Hon. L F Llamas:** Can the Hon. Minister specify when this has occurred? Thank you.

Hon. Dr J E Cortes: Mr Speaker, this was done very recently – I believe earlier this month. The problem had been that, with the change of format in the bill which we introduced last year, the programme had to be changed and there was a timeline between the introduction of the new bill and the programme that generated these queries was sorted out. The programmes were delivered and they had to be tested to verify that they worked and the reports had been modified, and that was achieved during the last working week of December, so the first credits were processed on 5th January, and my information is that they are now up to date. That was the reason for the delay.

480

Q7/2016

Renewable energy and micro-generation – Measures to encourage energy production

485 **Clerk:** Question 7, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in their manifesto the Government made a commitment to upgrade the electricity grid to be able to accept renewable energy and micro-generation,

thereby encouraging the production of energy. Could the Minister advise what measures he had in mind, when formulating policy, to encourage these forms of energy production?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Electricity Authority has a rolling replacement programme for the distribution network, which commenced three years ago.

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The technical specifications for the replacement take into account the use of renewables and micro-generation if the substations being replaced are in a location where renewables may be installed in the future.

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In addition to the replacement programme, the Government, as the Member opposite will know, is encouraging private entities to develop renewable initiatives. One such example is the wave-generating project which Government has facilitated by providing the necessary infrastructure already to allow the power that is generated by the wave generator to be evacuated into the network.

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The GEA last year appointed a renewables engineer to lead on all of this work.

Hon. T N Hammond: Can I ask the Minister: you mentioned substations possibly being a bar to certain areas – is it ultimately the intention that all areas will be able to produce, or all households may be able to produce, energy in some form which may be fed back into the system?

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Hon. Dr J E Cortes: Yes, Mr Speaker, this is something that we want to encourage. Clearly, there will be some areas which are more suitable for renewables – maybe they have more flat roof space, maybe they are in areas where some other kind of, for example, small wind generators may be provided – but the intention is that this will be done in all substations except those where it is clear, for one reason or another, that renewables are not a possibility. I do not have a likely scenario for that, but obviously the decision would be taken on a case-by-case basis.

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The emphasis of the Government will be to encourage this kind of renewable generation. We have a target of producing 20% of energy with renewables, keeping to EU targets, and therefore the more we produce the better.

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Q8/2016
Waste treatment plant –
Award of tender

Clerk: Question 8, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 449 of July 2015, where the Minister stated that the award of a tender for the waste treatment plant was imminent, can the Minister update the House as to whether a tender has been awarded; and if not, when we might expect such an announcement?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the tender for the waste plant is awaiting the final technical and financial assessments. I am hopeful that an announcement will be made in the first quarter of this year.

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Hon. D A Feetham: Mr Speaker, when the Hon. Minister talks about a financial assessment, does he mean ways in which the plant will be funded – either by way of further debt or by way of some form of leaseback by the providers of this, the people who are going to be building this particular plant?

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Hon. Dr J E Cortes: No, Mr Speaker, that is not the consideration that I am referring to. I am referring to the costs per tonne, or whatever, of the dealing of the waste. That is the kind of assessment that I am referring to in this question.

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Hon. D A Feetham: Mr Speaker, in relation to the cost of this particular plant, has the Government made a decision in relation to how it is proposing to fund it: either directly through debt, now that the Government is going to be increasing the debt limits; or is it the Government's thinking of some kind of PFI arrangement; or, for example, some kind of hire agreement with the builders of the plant? Perhaps if the Government can give us some indication of its thinking in relation to this.

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Chief Minister (Hon. F R Picardo): Mr Speaker, a number of different options are proposed to the Government and the Government has not yet taken the decision how to proceed. We will obviously choose the one that is most attractive to the taxpayer.

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Hon. T N Hammond: Can I just ask whether any of the tenders at this point may include the capability for the waste treatment plant to produce energy to feed back into the grid?

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Hon. Dr J E Cortes: The requirements of the tender – and I am using memory now – require either that or the production of something that could then later be used for generation, like bio-diesel. So the intention is that we should get some energy out of it in one way or another.

Q9/2016

Real-time air quality monitoring – Timeline for introduction

Clerk: Question 9, the Hon. T N Hammond.

Hon. T N Hammond: I recognise before asking this question that the Chief Minister made reference earlier on to timelines in manifestos, so I am to some extent anticipating the response, but I will ask the question anyway because I think it is of interest to the people of Gibraltar.

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The Government state in their manifesto that real-time air quality monitoring will be introduced in the northern part of Gibraltar. Will the Minister with responsibility for the environment provide a timeline as to when this will be introduced?

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am going to disappoint the Hon. Member because I am not going to give that answer.

570

The introduction of real-time air quality monitoring in the northern part of Gibraltar is linked to the closure of the power stations in the south district and the commencement of operations of the new power station at the North Mole.

575 We have virtually stopped operation of all the power stations in the south district and currently only use the skid-mounted generators in the area. We are continuing to monitor air quality in the south district in order to verify that this has resulted in the expected impact upon nitrogen-dioxide levels. Once we are satisfied of this, we will consider whether the air monitoring station at Witham's Road will be moved to the north district or a new one provided.

580 **Hon. T N Hammond:** Would there not be greater value in just providing a new one – from an environmental perspective, obviously, not necessarily from a financial perspective?

Hon. Dr J E Cortes: Not really, Mr Speaker, because there are two in very close proximity: there is one in Witham's Road and there is one in Rosia Road. The one in Witham's Road – and this was done by the previous GSD administration, although I was, in my environmental work, somewhat involved in that – was put there specifically to monitor the emissions from the two south district power stations, the former MOD and the former OESCO plant, and therefore that was the purpose.

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595 There are more air monitors in Gibraltar, because of its size, than would be required by the EU, so we already provide quite a lot of information, but that is no reason why we should reduce the number. But because the one at Witham's Road was specifically to monitor two power stations which would likely be completely ... well, which *will* be completely closed down, it probably will become redundant, and if it becomes redundant ... And this is why we are comparing that one with Rosia Road. If it is just mirroring the results of one just a few hundred metres down the road, it would make economical sense to move that onto another location than to keep two monitoring virtually the same area. That is the decision we have to take, and we have not taken it yet.

Q10/2016
Gibdock –
Complaints re emissions and noise

Clerk: Question 10, the Hon. T N Hammond.

600 **Hon. T N Hammond:** Will the Government provide statistics on the number of complaints that have been received about emissions and noise emanating from Gibdock, by year, since 2011?

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

605 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the statistics for the number of complaints regarding emissions and noise from Gibdock for the period 2011-15 are in the schedule which I now hand over.

610 I might add, Mr Speaker, that residents of the area are now encouraged to report any concerns to the Environmental Agency and the Department of Environment and Climate Change, so that we can closely monitor activity.

Answer to Question 10 of 2016.

		2011	2012	2013	2014	2015
Nature of Complaint	Emissions	2	19	18	11	7
	Noise	3	5	19	13	8

615 **Hon. D A Feetham:** Mr Speaker, we have received a number of complaints and concerns expressed to us by residents in the area about emissions from Gibdock – in particular, actually metal particles that emanate from Gibdock, and we have heard stories from constituents who are coming to us that they apply, for example, a magnet to windowsills and there are a huge number of particles that actually come up from the windowsills onto those magnets. There is obviously concern for the health of children and for themselves who live in the area.

620 One of the things that has been suggested to me, and I do not know whether the Government has explored this, if at all, with the operators of Gibdock, is that in the same way as the smaller dock in Gibdock has a cover, perhaps the larger dock might also have a cover that would then protect residents against those kinds of emissions that must be detrimental to the health of those living in the area. I just wonder whether the Minister would like to comment on that and provide his perspective.

625 **Hon. Dr J E Cortes:** Mr Speaker, I could actually spend quite a long time talking about this. Clearly, the problem did not start in December 2011 and it is a longer-lasting one. I have figures going back to 2000. The number of complaints in 2006 were higher than they have been over the last two years. In 2009, they were also quite high and that was before Cumberland Terraces were occupied. So now, with Cumberland Terraces, you would expect a higher number and yet the numbers went slightly high ... It was occupied in 2011, so we started to get higher complaints in 2012-13 and then they started to go down again. Why is this?

630 Mr Speaker, I personally, and my Department and the Environmental Agency, take a great deal of interest in this problem. I have spoken to residents. I have met with residents. We now have encouraged the Agency and residents to meet on a regular basis and to meet with Gibdock and we have explored a number of ways of improving the situation.

640 My information is that the covering of the whole of the dock is well-nigh impossible because of the size of some of the ships, but quite recently – I think it was about six months or so, but I stand to be corrected ... What Gibdock is now doing is they have developed a covering like a tent, which goes over the parts which are being occupied and moved around as the ship is being treated, so that even though you are not covering the whole of the dock, the area which is being treated – either blasted or painted – is in fact covered. I am told by the Environmental Agency that there seems to have been a positive response in the sense that the number of incidents has decreased.

645 So we are monitoring the situation and will continue to do so, because it is a problem that I feel has to be monitored and we have to ensure that the residents of the area are as safe as we can ensure. Sadly, it was an area which has now become more populated as a result of Cumberland Terraces, and therefore we have to ensure that we do what we can, but we are regularly in contact with both Gibdock and the residents.

650 **Hon. T N Hammond:** Could I just ask, as it appears to be recognised that metal particulates may be an issue in this area, is any kind of survey being conducted? Obviously, the air quality monitoring will not pick up on this. Is there any other way we can understand how severe a problem and what kind of particulates are being spread around the area?

655 **Hon. Dr J E Cortes:** Mr Speaker, the Environmental Agency does monitor, and in fact they actually go on site whenever any reports are received or when their own officers do so. I do not

have details of that, but if the hon. Member would write to me I will ask the Environmental Agency to provide me with details and I would be very happy to share them with him.

660

Clerk: Question 11, the Hon. –

Hon. E J Reyes: Sorry, Mr Speaker. I just wanted to ask, on the off-chance that the Minister did have the information with him: in the schedule, the nature of the complaint referring to noise, does the Minister have any information? Were these complaints made because the noise seemed to be emanating, shall we call it after working hours, when people would expect to have a quieter time? Or does he not have a time factor involved in respect of the noise?

665

Hon. Dr J E Cortes: Mr Speaker, I do not have the information. It was not specifically asked for, therefore I did not ask for the time. There are some occasions on which, even though it appears as emissions of noise ... There was one complainant who was complaining about emission of noise. I suspect that most of the complaints about noise will have been after hours, and we are very strict on Gibdock and ask them to keep anything except for absolute emergency activity to during normal hours, but we are ... I am not able to give him a breakdown. Again, I could find it if he specifically asked. I am sure the Agency has that information.

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Hon. E J Reyes: I can well understand ... Just for the sake ... and I know the Minister, it does not matter what side of the House he sits on, he is always interested in monitoring situations. Perhaps he could ask the data collators for future just to note a rough idea of the question of timing, so that in future, as we monitor over the coming months and so on, we are able to see whether they are acceptable levels at least during working time – I am thinking of not only residents, but perhaps educational establishments in the area, and so on, – or whether it is just a night-time pattern, and that is easier to negotiate with the Gibdock area in respect of urgent works, as the Minister was just alluding to.

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Hon. Dr J E Cortes: Mr Speaker, I am sure that information is available. I just do not have it here, and I will ask for it.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, I have dealt with this matter now on both sides of the House and the pattern has consistently been of noise pollution in the silent hours, but the yard works on a 24-hour cycle in order to hit a deadline to deliver a ship, and very often you find that these complaints come on a particular day when they are doing a particular job. You have got them by year, but it may be that some complaints all came in on the same night because something was happening overnight. I think, frankly, it is unacceptable. We have heavy industrial activity in an area which is now residential, where people are trying to live their lives with their children, and you have to comply with the standards that we require in this community.

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In relation to metal particulates, for example, the hon. Gentleman opposite may not know, or may have forgotten, that at the time I was in opposition I had cause to take up the fact that a mountain of this metal particulate had been created and was in fact becoming a reclamation outside the South Mole. The then Minister with responsibility – Mr Holliday, I think – kindly, as a result of my question, took up the matter with Gibdock. I think that was removed and it has not been allowed to accrue again.

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Q11/2016
Alameda Gardens –
Bicentenary of opening

Clerk: Question 11, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please advise what plans the Government has to mark the bicentenary of the opening of the Alameda Gardens in April 1816?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am answering this question because the gardens are part of my ministerial responsibility in my Environment portfolio.

715

A number of events will mark the bicentenary of the Alameda Gardens. Central to the bicentenary celebration will be the inauguration of a new glasshouse that has been developed specifically to mark the Alameda's bicentenary. This glasshouse will house plants from arid and tropical environments that cannot be displayed outdoors and will form an important educational asset within the Alameda. A flower bed with a special 200th anniversary display is also being developed. The Botanic Gardens run an increasingly successful children's education programme and the theme of the bicentenary is being integrated in the next series of events, which commences in April. A series of commemorative stamps is being prepared. Special guided walks of the gardens will be organised to highlight their history and flora. The Government has been approached to host the International Garden Photographer of the Year display in the Alameda and is currently in negotiations regarding this. The display is held at Kew Gardens on an annual basis and it is possible that Gibraltar could welcome the exhibition to the Alameda on its bicentenary. The management of the Botanic Gardens are also exploring other ideas for the summer period.

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These events will be accompanied by a series of articles in the press, which will summarise the history of the Alameda, the role of plants and botanic gardens, and explain the varied horticultural, educational and biological work that the Gibraltar Botanic Gardens at the Alameda now perform.

730

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for his response and I look forward to the events in due course.

735

Can I ask him a supplementary on the plans to create a trust fund for the Alameda Gardens to ensure their future enjoyment for generations to come?

Hon. Dr J E Cortes: Mr Speaker, not at the moment. This is an idea that I had when I was director, and in fact I am sure we discussed it at the time and it did not happen for a number of reasons, including the fact that there was another Chief Minister in place. It is not something that I have been approached about by the management and it is something that could be a possibility for the future, but at this point in time there are no such plans.

740

Hon. R M Clinton: I thank the Member opposite. I was hoping to address the Minister for Heritage and just to remind him perhaps ... This is not a question, but just to remind him that next year will be the 200th anniversary of this House's foundation stone being laid in April 1817 ... and we should obviously mark that event as well.

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Mr Speaker: May I say that, as Speaker, I am very much aware of the fact that next year we are celebrating the bicentenary of this building. The Clerk will vouch for the fact that I have

spoken to him on a number of occasions, and by the middle of the year I shall be putting one or two ideas to the Government as to how we can celebrate the event.

755 It is, I think, pertinent to point out that we shall be hosting a Commonwealth Parliamentary Association conference next year, so that will be a very useful way of marking the occasion.

Another idea that I should mention: if hon. Members will care to look on the table, that mace leaves a lot to be desired. I am seeing whether we can obtain a new one, whether Parliament will vote the necessary funds for a new mace to mark the occasion. I commend my idea to hon. Members.

760

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, we have had occasion to have this discussion on a number of occasions and, as I have told you, it is something that, in my view, is entirely appropriate. I think there is an important anniversary coming up, in respect not just of the House but also of the mace, which would give us a great opportunity to have a new mace in place, and I sincerely hope that at least that part of the estimate of expenditure this year will have a fairer wind through this House than I expect some of the others might. *(Interjection)*

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Hon. R M Clinton: Mr Speaker, if for any reason the estimates do not cover the cost of the mace, I do know where the original time capsule is buried in this building – we might be able to dig it up and cover the costs! *(Laughter)*

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Q12/2016
Patients in Spanish hospitals –
Post-op collection by ambulance

Clerk: Question 12, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Hon. the Minister for Health explain what is the criteria for deciding whether an ambulance collects a patient from any Spanish hospital after an operation?

775

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, when any patient is discharged from a Spanish hospital, the discharging consultant in Spain will make the recommendations on the form of transport required, based on the patient's condition.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I would just like to bring up the issue that there seems to be a lack of communication here and I would like to make the hon. Member, the Minister for Health, aware that I have received a few reports of people who have been told one minute to the next they are to take a taxi.

785

Firstly, this causes them a lot of uncertainty and confusion; and secondly, on a practical level, they are actually not ready because many patients do not even take cash with them – so they find themselves without having informed family, that they could have informed to pick them up. They find themselves a bit lost and confused; they find themselves not having the cash to pay and having to cross the border on their own. I would like to make the Minister aware of this lack of communication which seems to be resulting in poor care and causing them some anxiety ... and if he could perhaps enhance this level of communication for the good of the patient.

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I would also like to suggest the possibility, seeing as we seem to have a lot of interaction with the hospitals in Spain, of the possibility perhaps of even like a shuttle or a carpool service that would pile some of the patients in and make things swifter, for the experience.

Thank you.

800

Hon. Dr J E Cortes: Mr Speaker, I am grateful for the comments, I will certainly look into any specific cases.

805

Clearly there could be changes in condition, there could be lack of information perhaps in certain cases perhaps when somebody has gone away urgently and they have not been informed of the possibilities that they may have to pay for taxis, or whatever. I will certainly take that up.

The question of a shuttle, this has been considered. It is very difficult because even though there are regular movements it is not predictable, and no given time will be predictable. So even if we have a shuttle there are going to be people who are going to be outside of that time.

810

We are looking at shuttles possibly for some of the more regular appointments like, for example, Clínica Radon in Algeciras, where we do have *some* kind of control of where they go. But it is not as simple as just providing a shuttle because we are not going to be able to satisfy everybody.

But I am grateful for the comments and I will certainly look into them.

815

Chief Minister (Hon. F R Picardo): If I may say so, Mr Speaker, in respect of this matter, this is an issue which has affected my family on a number of occasions – both, or after I have been elected and before I had been elected as Chief Minister; and in respect of which the hon. Gentleman and I are approached, probably as often as the hon. Lady will, by other families. There is an operational disconnect sometimes on this issue.

820

And can I associate myself and the Government with the remarks that she has made about how this can affect individuals who are already ill, and the last thing they need is to be told either that they are going to be moved, when they are then not going to be moved, or that they *can* move but that transport cannot be provided.

825

This is something which we have to get right, because people do not need that angst once they are already ill and their families are concerned about them. And she can be assured that this is something which will have our greatest consideration.

**Q13/2016
Xanit Hospital –
GHA professionals' interest**

Clerk: Question 13/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, do any of the GHA professionals have a commercial, financial or business interest in the new venture between Xanit Hospital in Spain and the GHA, or in Xanit Hospital?

Thank you.

835

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): No, Mr Speaker.

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Q14/2016

Children sponsored patients –
Carer entitlement

Clerk: Question 14/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, will the Government not consider the current
845 policy whereby children sponsored patients in London, or abroad in general, are only financially
entitled to one carer during their stay in London? Was the original question, but I mean in
general terms.

Thank you.

Clerk: Answer the Hon. the Minister for Health, the Environment, Energy and Climate
850 Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, this is already the case. The improvements to the sponsored patient policy
855 introduced last year – and indeed we had done this on an *ad hoc* basis before that – allow for
two carers to accompany children during the time away from Gibraltar in London, or elsewhere.

In fact, this can sometimes apply to very dependent elderly people and we have on some
occasions allowed two carers to accompany them.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am afraid to inform the hon. Member, the
860 Minister for Health, that this is not the case – at least not in the cases of a couple of parents I
have spoken to with children who are gravely ill in London. I can provide him details in
confidential later, but I know of one case in particular with a child who is suffering in London at
the moment with cancer – a five-year-old child – where only one parent is entitled to care. And
865 of course, as you can imagine, both parents want to and need to be there with the child, and this
is causing them huge financial strain.

And not only the financial strain ... because the father... I mean, obviously the mother is
normally the one parent who is with the child, but also the emotional and psychological strain
for the one parent who is there who cannot even take a ten-minute coffee break, because the
870 child wants to be with that one parent all the time. So it just shows that both parents really need
to be there; and it is not the case that both parents are being subsidised.

And considering the fact that thankfully, the statistics must be pretty low of children who are
outside Gibraltar, I would think that the added cost of ensuring that two carers are there would
be minimal.

875 Thank you.

Hon. Dr J E Cortes: Mr Speaker, I would definitely want to know the details because the
policy is clear that children under 18 – and depending on conditions we are sometimes flexible
even there – are allowed to have both parents as carers, and sometimes it is a parent and
880 another family member or other close relative.

So it is possible, Mr Speaker, that it is not a question that the GHA has not allowed, so to
speak, the second carer, but that the employer of one of the carers may not have given them
leave to attend. In the case of employees in the public sector, general orders allow for special
leave to accompany ... and because both carers would be official escorts, both employees – if
885 they were Government employees – would be given leave to attend.

Some employers may not be so considerate in that respect, but certainly the policy ... and, as
I say, even before we formalised this in the policy last year when we revised the allowances,
cases like that that came to me were always approved for the *very reason* that the hon. Member
has explained. We have families with young children who are concerned ... a great deal of

890 turmoil and a great deal of stress – and as many people who have come to see me in my office know, they are always given maximum attention and we always try to help as much as possible.

So this must be the exception and if it is not I really want to know the details, because this is something that we have to put right; and we would contact the family concerned and make sure that we put it right.

895

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for your response; and just to clarify, the second parent is actually unemployed so there is no doubt that it is not an issue about the employer.

But thank you, I will forward you the details.

900

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, just in relation to this matter?

These questions were posed over five days ago. If the hon. Lady has this sort of issue brought to her attention again in the future, she must not allow seven days to pass before this issue is dealt with. She should feel free to get in touch with any of us on this side of the House – I know that the hon. Gentleman will be easily accessible to her, as would any other Member, and we would look into it straight away.

905

The question can then be put whenever it is time to put it, and it can be dealt with in this Parliament – or not. But the resolution can come much sooner for the family in question if this is a case where, despite the fact that the policy has been changed some time ago, someone has applied a different policy on the ground.

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Hon. Ms M D Hassan Nahon: Thank you, Chief Minister, but as I took it as a matter of policy, I thought it was something to bring up in Parliament; but I am grateful for the humanity in this.

Thank you.

Q15/2016

Low income sponsored patients – Availability of added financial aid

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Clerk: Question 15/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Would the Government reveal what added financial aid, if any, is available to low-income earners who are sponsored patients?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the system is means-tested so that low-income earners will receive the maximum allowance.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for that and I know about the means-testing – we introduced it a while back; and we were on the other side of the House being told to abolish it. But it seems to have been working and continues to work very well and no-one wants to abolish it now.

930

But what I would like to say is that even the *maximum* level of means-testing does not appear to be enough for some patients at the bottom end of the economic scale and if they are finding it difficult to survive abroad. So I was simply asking if there was an added framework to help those in more severe need, out of the box of the usual means-testing spectrum.

935 Thank you.

Hon. Dr J E Cortes: Mr Speaker, there are a number of things that I think may be relevant here.

940 One of them is that, again, following our review of the policy last year we are now able to arrange in those hospitals – and increasingly we are using hospitals where they have their own in-house accommodation – we actually take over the cost of the accommodation and pay an allowance for food and so on. So that will be an assistance.

945 Also the Gibraltar Community Association, with whom we meet regularly and with which the Sponsored Patient Department meets regularly, also has a fund to assist low earners when they are in difficulty.

But I will add one more thing ... and, again, I regularly attend to patients and families who have particular concerns and in as far as it is possible, my office will always do whatever it can in genuine cases to support them, and help people who are going through these difficult times.

950 So, once again, if there is any particular case that comes to her, or anybody else's, attention that needs special consideration, I would be only too happy to meet with them, see them and see how we can assist.

**Q16/2016
Complaints against GHA –
Number and breakdown**

Clerk: Question 16/2016, the Hon. Ms M D Hassan Nahon.

955 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health provide details of how many complaints have been lodged against the GHA in 2015, giving a breakdown by department, month and resolution, if any? Thank you.

960 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, following Government policy – this was part of our 2011 manifesto – the handling of complaints in relation to the Gibraltar Health Authority were received and dealt with by the Complaints Handling Scheme, the CHS, under the auspices of the Public Services Ombudsman ...
965 we amended the law last year in order to allow this.

The figures available to the CHS are from its start date – 1st April 2015 – and are contained in the schedule I now hand over.

970 I will just explain, Mr Speaker, that the January to March figures were received by the GHA complaints office, so the schedule will give the breakdown from April onwards; but because of the different way in which the information was compiled, the total number of complaints – which is sub-section (i) – includes the first three months, but the breakdown does *not* include the first three months.

975 It will be possible to obtain that information, but it is going to take a little bit more time. But I think the information given would probably be sufficient for the purposes of this question.

Mr Speaker: May I explain to the hon. Lady that the procedure that I try to follow when a lengthy schedule is involved, is that in order to give her time to study it closely we move on with other questions, but reserve her right to come back at any stage during the course of this

980 meeting with whatever detailed supplementary she has. (Hon. Ms M D Hassan Nahon: Thank you.)

Okay?

So we will call the next question.

Schedule to Question 16 of 2016

(i) NUMBER OF COMPLAINTS AND ENQUIRIES FOR 2015

Complaints received	177
Enquiries	99

(ii) LIST OF COMPLAINTS AND ENQUIRIES BY DEPARTMENT:

DEPARTMENT	COMPLAINTS/ENQUIRIES	DEPARTMENT	COMPLAINTS/ENQUIRIES
Primary Care Centre	33	Radiology	6
Orthopaedic	29	Maternity Ward	5
Surgical Unit	23	ICU	4
A & E	22	Rainbow Ward	4
Medical Investigations Unit	21	John Mac Ward	4
Ophthalmology	16	Diabetic Clinic	3
Sponsored Patients	8	CEO	3
Gynaecology	7	Paediatrics	2
Dental	7	Spinal Clinic	2
ENT	7	Facilities	2
Dudley Toomey Ward	7	Pain Clinic	2
Records	7	Others	13
Outpatients	6		

(iii) LIST OF COMPLAINTS AND ENQUIRIES BY MONTH:

The Complaints Handling Scheme – Health Office has received 164 complaints and 79 enquiries since it opened its doors to the public (1st July 2015 to 31st December 2015). The busiest months were April 2015 (when the office opened) and November 2015. The average number of complaints received per month for 2015 is 18.

Table 1 – GHA Complaints and Enquiries received by month (1st January 15 to 31st December 15)

MONTH	COMPLAINTS	ENQUIRIES	ITEMS TOTAL
January 2015	2	8	10
February 2015	6	5	11
March 2015	5	7	12
April 2015	25	5	30
May 2015	15	4	19
June 2015	21	7	28
July 2015	11	16	27
August 2015	22	14	36
September 2015	13	4	17
October 2015	19	8	27
November 2015	25	11	36
December 2015	13	10	23

Q17/2016
Dental service –
Added subsidy plans

Clerk: Question 17/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the Minister for Health provide any information as to whether there are any plans for Government to look into providing added subsidy in the dental service?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Government's manifesto includes a commitment to provide subsidised dental checks to the elderly and exempt patients.

1000

Hon. Ms M D Hassan Nahon: Are there no plans to extend this to the average working civilian who might actually forego appointments because they cannot make the payments? And in the end, thinking about the long term, they could actually prove more costly for the GHA because more complex treatments have to be made in the end, and it is a bit of a domino effect costing more in the long term?

But, of course, the main issue here is to facilitate the average person who finds it difficult to make these payments.

1005

Hon. Dr J E Cortes: Mr Speaker, dental services have never been included in the Health Service and in order to provide a full dental service there would have to be a very detailed study – and the cost implications would be considerable.

1010

Therefore, what we are intending to do at this stage – and this is our commitment for now – is to look at the more vulnerable and to look at those who could greatly benefit. We are starting with looking at the elderly and exempt patients; there may be one or two other categories where such support could be given, but at this point in time it is not the Government's intention to open a dental service for the whole of the community – and that could not be done without a very detailed survey of what the implications would be and what the cost would be to the taxpayer.

Q18/2016
Orthodontic waiting time –
Plans to decrease

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Clerk: Question 18/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the hon. Gentleman, the Minister for Health, provide any information as to whether Government has any plans to decrease the current, and increasing, orthodontic waiting time of about three to five years?

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

1025 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, at present there is no waiting list for severe, interceptive or urgent orthodontic cases. An international grading system is used to allocate cases into five groups, with group 5 being allocated for immediate start and group 1 not being severe enough to warrant any treatment.

1030 Grade 5 is the one that is dealt with immediately and there is no waiting time for that; grades 2, 3 and 4 are placed on the waiting list.

Mr Speaker, the waiting list is long-standing. When the latest addition to the orthodontic complement commenced in 2008, there were cases waiting from 2001 – and that was seven years at the time and although inroads have been made, the waiting list has not been cleared.

1035 Patients wait approximately 13 weeks for an appointment to see an orthodontist. The GHA management is working with the dental department to develop a strategy to reduce the waiting list further.

Hon. Ms M D Hassan Nahon: Mr Speaker, from my research into the statistics the waiting list was increasing – I was not as aware as he was, on the different grades of priority.

I accept his answer, but just to let him know that from what I can see in the statistics the list is actually increasing in terms of waiting time. But I take his response on board.

Thank you.

1045 **Hon. Dr J E Cortes:** Mr Speaker, the information I have is that the list in 2008 was longer than it is now, but whether it has gone up and down and so on I could not say, as I have not got any more details. But I am grateful that the hon. Member has accepted the explanation, and I do repeat that this is something we are working on with the dental department.

1050 The crucial thing is that the critical cases, the ones that score 5 are dealt with *very, very* quickly.

Q19-20/2016

PCC appointment system – Appointment details; choice of GP

Clerk: Question 19/2016, the Hon. Ms M D Hassan Nahon.

1055 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to the new PCC appointment system, can the Minister for Health please provide information as to how many appointments per GP are being released, and how patients get to see the GP of their choice in the new system?

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

1060 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I will answer this with the next question. My script has the wrong number, I think the next question is 20, so I will answer this with Question 20. (*Interjection*)

Not 109, obviously a typing error, and I was for a moment worried that I had skipped about 100 questions!

1065

Clerk: Question 20/2016, the Hon. Ms M D Hassan Nahon.

1070 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health reveal how many patients are being turned away daily, unable to make an appointment; and what guarantee he can give the house that this will not be a regular problem and, if so, what is the contingency?

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

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the appointments for on-the-day appointments are released in the morning at 8.15 a.m. Last prescription appointments are booked over a three-month cycle.

Review appointments are booked as per GP requests in accordance to the medical need, that is, the doctor needs to see the patient at a predetermined time in the future.

1080 Advance bookings are released every day to cover a 48-hour period, with these being released at 12 midday.

Critical illness slots are booked after triage by the nurses so that there is never a problem with extremely ill patients having access to their GP. This is also a new system and part of the new appointments review.

1085 It will be more difficult to see the more popular doctors than it will be to see the less popular ones. If I may add, that if you happen to have one of the more popular doctors then he is not always going to be available, particularly if they may be sick or on leave.

1090 No patients are being turned away at the counter. Patients who have turned up to the counter and have waited have all been given appointments; and in fact at the counter we have still had appointments left by the time the queue has dissipated. Some patients, however, have walked away and given their tickets back, the reason being that they do not want to wait, that there was no longer any appointments with their chosen doctor, or that the doctor they want to see is not working that day. This is clearly patient choice and not operational deficiency.

1095 To improve matters further we are increasing the number of on-the-day appointments as from 1st February. It is of course possible that patients at the counter may, on a given date, exceed the availability for that day. This has not so far occurred since we changed the system on 4th January.

1100 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am wondering whether the hon. Gentleman has read some of the comments on social media of people recounting their stories of how they do feel like they have been turned away. Other people who have run out of credit on their mobile phones whilst waiting for almost hours – if not almost 50 minutes to an hour – to speak to somebody.

1105 Does the hon. Gentleman think that this is a good system that he has put in place? That it is a better system than the one that we had before? Is he satisfied that he has improved the communication and the overall care in the Primary Care Centre with this new system?

1110 **Hon. Dr J E Cortes:** Mr Speaker, the question of the phone is not related to the question that I have answered – so, I was answering in relation to people turning up and being turned away at the queue. So I was not replying to that one.

1115 As to the system, yes, I think it is a better system. The comments on social media were at the height, clearly, in the week after we changed the system ... and this is always going to happen with a new system, when people turn up and may not understand it. I think that things have settled down a little bit – and the staff there are working very hard in order to accommodate the changes.

I think, clearly, it is a new system and we need to give it a little bit of time to settle. With the increase in on-the-day appointments on 1st February I think it will settle further, and at least it did prevent the long queues on the first of the month at 6 a.m.; and this did not happen this month on 4th January, and I was there to see for myself.

1120 So I think we are improving. It is always going to be difficult because there will be days when there are so many people who want to see a doctor – and there may be doctors who are themselves sick; so it is always going to be difficult.

1125 What I would ask the hon. Member opposite is to give this a little bit of time and let's talk again in a month or two and see whether things have settled. If not, we would be very happy to review it again because this is something that we want to improve for the benefit of service users.

Hon. Ms M D Hassan Nahon: Thank you, I appreciate that.

1130 Just to recap, the hon. Member believes that a month or two is more or less the correct time for him to decipher whether this system is a workable system? Is that more or less the amount of time – or six months, or a year?

What are we looking at until we feel that this system is a working system that is viable for our community?

1135 **Hon. Dr J E Cortes:** I do not know, we are developing it all as we go along and we are try different things ... well we... the management there, are working very hard on this and it is all the professionals working together.

1140 It might mean that it needs a little bit more time; but I would be very uncomfortable if, two months after a new system, the system is clearly not working. So I would like to think that I believe that the system is better. I believe it needs more time and might need a bit of tweaking, so I think we should review it in a couple of months' time and see how we are going.

Q21/2016

Alzheimer's and Dementia Care Unit – Completion date

Clerk: Question 21/2016, the Hon. Ms M D Hassan Nahon.

1145 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health state when the Government expects to complete the Alzheimer's and Dementia Care Unit?

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

1150 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, works are virtually completed. Furniture and equipment are being ordered and the workforce contracts are about to be awarded.

The Unit should open during the first half of this year.

Q22-31/2016

Dealing with infectious diseases – Death of Filipino seaman from crew of *Capetan Vassilis*

Clerk: Question 22/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: This question has already been advertised in the press but I will repeat it anyway.

1160 Can the Minister for Health confirm of what causes did the Filipino national who had been part of the crew of the *Capetan Vassilis* die of on the way to St Bernard's Hospital on Sunday, 10th January?

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

1165 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 23 to 31.

Clerk: Question 23/2016, the Hon. Ms M D Hassan Nahon.

1170 **Hon. Ms M D Hassan Nahon:** Mr Speaker, what measures has the GHA got in place for the transportation of biological substances to protect from contamination and does the GHA comply with IATA regulations?

Clerk: Question 24/2016, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Mr Speaker, at what point, if any, was Ebola written off as a potential threat on examining the Filipino seaman?

Clerk: Question 25/2016, the Hon. Ms M D Hassan .Nahon.

1180 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health demonstrate or explain the GHA's Infectious Disease Protocol, and whether this was activated partially or in its entirety in connection with the case of the Filipino seaman, explaining to what level they were put in place?

1185 **Clerk:** Question 26/2016, the Hon. Ms M D Hassan Nahon.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is it correct to say that the infectious disease room kitted out during the Ebola crisis has been decommissioned to give way for a bigger rehab gymnasium, and that therefore there is currently no dedicated infectious disease reception facility at St Bernard's with self-contained air-conditioning, special brackish water collection facilities, pressurised air-locks for entry and exit, and staff decontamination areas; and not just for Ebola but for any infectious disease requiring quarantine?

Clerk: Question 27/2016, the Hon. Ms M D Hassan Nahon.

1195 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Minister for Health confirm whether the hospital staff that received short training on Ebola during the global crisis, felt confident on the night to handle the crisis of the Filipino seaman, or whether instead they hesitated to treat him?

1200 **Clerk:** Question 28/2016, the Hon. Ms M D Hassan Nahon.

1205 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Minister for Health confirm whether there has been a programme of continuous training for emergency staff dealing with infectious diseases since the Ebola crisis first hit a couple of years ago?

Clerk: Question 29/2016, the Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health confirm whether there was cross contamination among the ambulance crew through blood which the Filipino seaman had vomited, or other fluids?

Clerk: Question 30/2016, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true or not true that the ambulance crew were walking in and out of A&E without being properly decontaminated first?

Clerk: Question 31/2016, the Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true that the duty anaesthetist who was on duty and lives in Spain actually checked himself into a hotel away from his family awaiting results of the dead seaman?

1225 **Clerk:** Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, before I answer, I think I should clarify a point. The hon. Member has alluded to a public statement made which in part answered her first question in this series.

1230 I think I should say two points. The press release was issued on Thursday 14th. I got verbal communication over the phone in the evening of the Wednesday from the Director of Public Health, Doctor Kumar, as soon as he had verbal confirmation as well that the illness was in fact Malaria and not one of the viral hemorrhagic fevers, which some people were suggesting it could have been.

1235 I informed the Chief Minister immediately and we decided almost immediately too that it was in the public interest – because of the concerns that were going round in some sectors of the community, not least in those who may have had contact with this unfortunate young Filipino seaman – that we should allay fears by stating that it was Malaria and therefore nothing major to worry about.

1240 It is also likely – and my exact recollection may fail me now – but I suspect that I had not yet seen the questions, because they would have been handed in on the Wednesday and I may not have seen them until 24 hours later. So, if our statement has caused offence I am sorry that that is the case, but in any case we felt justified in issuing this in the public interest.

1245 So, Mr Speaker, to answer the question: test results indicate that this was from Malaria, possibly Cerebral Malaria. The GHA has longstanding protocols to harvest, transport and store potentially hazardous samples within its premises. The majority of pathology staff have received training in the safe handling and packaging of hazardous substances, and only these staff deal with hazardous samples. The GHA contracts with couriers who have due compliance in transporting hazardous substances. The airline carrying the sample is aware of the nature of the sample and transports it in compliance with IATA regulations.

1250 Ebola was written-off almost immediately, as soon as the ship's itinerary was known. The World Health Organisation has declared all the affected countries of West Africa free from Ebola virus disease. In any case, Ebola has not been reported in any of the points visited by the ship in the preceding two months.

1255 Given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First responders were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol would be applied in subsequent stages. In the

1260 case of the seaman, as a diagnosis was never established before he sadly passed away, the full protocol remained operational throughout, until his death.

All staff directly involved in the case of the seaman continued to be monitored as if he had had a serious infectious disease in line with PHE – that is Public Health England – protocol until the results became available late on Thursday evening. I believe that should read ‘Wednesday evening’. I may be wrong. I think it was 14th, so that probably was Thursday.

1265 St Bernard’s Hospital has several isolation rooms to manage infectious cases. These are found in John Ward, Victoria Ward and in the Critical Care Unit. In the specific case of Ebola or the Ebola crisis, a decision was taken to set up a separate temporary facility converting one of the rehabilitation gyms into a dedicated isolation unit for the management of potential Ebola cases. This is the first time ever that such a facility has existed in St Bernard’s hospital.

1270 Once the WHO declared the Ebola crisis over, the decision to dismantle the temporary facility was taken and reverted to its former use. However, additionally the Government and GHA has invested in the following: a Patient Isolator Pod which assists with the safe transport and transfer of infectious cases. A Trexlor Isolator Tent: this is a mobile unit which can be used in any of the isolation rooms providing additional protection, negative pressure and appropriate filtration systems. And conversion of one of the ambulances into a so-called ‘Dirty Ambulance’ for the safe use of infectious cases and indeed radiation contamination.

1275 The GHA requires all its staff to receive basic training on personal protection, universal precautions and safe infection prevention procedures. These, if applied correctly, should protect against Ebola and other infectious diseases. Some staff also had additional training specific to Ebola. In addition, two infection control practitioners were physically present to train, guide and supervise staff in the Emergency Department. Given this level of training and support, staff should be confident.

1280 Ebola specific training was delivered to 527 personnel. These included all ambulance staff; all Critical Care Unit staff and over 80% of emergency room staff. In addition *ad hoc* training was delivered throughout the year at different locations including A&E. This specific training supplements the mandatory training received by GHA staff covering personal protection, universal precautions and safe inspection practice which protects against Ebola and other diseases. Such training will continue.

1290 Mr Speaker, hesitation in dealing with dangerous cases is natural, even for the most seasoned professional and may have been the case in some individuals. More credit to all who fulfilled the professional duties as effectively as ever.

All ambulance personnel wore full protective equipment, as recommended by Public Health England, and therefore contamination of the personnel did not occur. Given that it was Malaria in the end, it could not have occurred either. Ambulance staff did not enter A&E.

1295 Finally, Mr Speaker, I am not aware of where the anaesthetist spent the night.

1300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to thank the hon. Gentleman, Minister Cortes, for explaining the timeline of the results versus my question and I thank him for the details and I understand. Of course it is a matter of public interest and in the interests of the population, this goes above any parliamentary procedure. I understand that.

A couple of questions: firstly, how could the Minister say that Ebola was written off when the results were not in? It would have been anybody’s game. I believe that, in general terms, it is a fortunate coincidence that it was Malaria and not Ebola. It could have been anything until we knew the results.

1305 The next thing I would like to draw him to a couple of articles from the World Health Organisation that state – one on 13th and one on the 15th January – stating that Ebola is still prevalent and they are still in the fight against Ebola. There is a new case in Sierra Leone and a briefing by the UN General Assembly on Ebola stating very clearly that Ebola has not yet been eradicated. Of course I am sure I do not need to remind him that, Gibraltar being a maritime
1310 motorway junction where we have seamen and all sorts of individuals, organisations coming in

from the North Sea, from the South Sea, from the Mediterranean, Bay of Biscay, all over the world. We would have to step up any and all protocols in order to ensure that this junction of ours is kept very much as healthy and decontaminated as possible.

The issue of the anaesthetist: I would just like to draw to him, for his own –

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Mr Speaker: I think it is best that we deal with one issue at a time. Let the Minister answer about the first one: Ebola. Then we will go on.

Hon. Ms M D Hassan Nahon: Yes. Thank you.

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Hon. Dr J E Cortes: Mr Speaker, protocols were stepped up when the Ebola crisis was announced and there were numerous meetings held, multidisciplinary, between the Port Department, the Police, the Fire Services, the GHA and the protocol was introduced. The Viral Hemorrhagic Fever Policy of the GHA was widely circulated and part of the training that I have explained to 527 members of related services who did deal with this and with increased awareness and that continues.

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Ebola was written off by the Director of Public Health – I might say in his professional capacity, not by me as a politician – because the ship had not called in any country where Ebola was present, regardless of whether the epidemic was considered a dangerous one at the level that the WHO considered at the time. So it was not possible to pick up Ebola in the countries or in the ports where this ship had called and that is when it was written-off.

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Nevertheless, the protocols followed – as I have explained in my answer – were those for a serious infectious disease. So the risk was not taken by the Director of Public Health, even though he reassured me – and in conversation, again, with the Chief Minister who was kept informed, I reassured him – that the indication was that Ebola was not possible. Nevertheless, the precautions were taken. In the end the results clearly showed – I would not say that it was a ‘fortunate coincidence’, because a person did lose his life as a result of the Malaria. But in effect there were tests carried out for: Dengue, Rift Valley Fever, Ebola, Lassa Fever, Congo Fever, Leptospirosis, all sorts of other diseases. I am pleased to say all of those proved negative and only Malaria proved positive. So precautions were taken. As I have explained we have a number of isolation rooms within the hospital and also these pods and tents which will create the negative pressure which will isolate the patient.

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At this point of time, I think I have covered most of the points that the hon. Lady has raised in this part of her supplementaries.

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Hon. Ms M D Hassan Nahon: Thank you.

Can I just make it very clear that when I say ‘fortunate coincidence’... I know, I just want to put it on record that there is nothing fortunate about a loss of life. I was talking in terms of an epidemic for a population versus one individual; speaking very coldly in terms of statistics.

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When you say that part of deciphering whether it was Ebola or not, because of where the boat was coming from and so and so forth, I respectfully want to tell the Minister for Health that I think that is a weak argument, because we cannot be on top of where vessels are coming from and judging them in that way.

The fact is that there is a very serious epidemic which is still prevalent in the world and we do not know where boats are coming from; who came off what boat and who goes on. We have to have a protocol in general terms that applies across the board.

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The issue about the anaesthetist going into quarantine, I would just –

Hon. Dr J E Cortes: Would the hon. Member give way on that particular point.

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Mr Speaker: Yes, but for an answer.

Hon. Dr J E Cortes: I just want to say, the point was made specifically about this ship and we did know where the ship had been on this particular occasion. That is why it was written off.

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Chief Minister (Hon. F R Picardo): I fear we are straying in a direction which has nothing to do with this case. But can I just clarify that – one of the Ministers for the Port can come in and say this – one of the things that is essential in the maritime world is that you know exactly where a ship has been.

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The hon. Lady can go onto the Lloyd's website, for example – not the Lloyd's Register Energy website; she does not need to concern herself with that issue today. The Lloyd's List website, for example: that will tell her exactly where that vessel has been; at what times it has left the dock, etc. Part of the control that the Maritime Authority applies is to know exactly where a vessel has been and different determinations – aside from the issue that she is raising – about how a ship is dealt with. It can come, not just from a place where there might be an infectious disease, it can come from a place which is subject to sanctions for a particular issue. We often have to deal – for example before the arrangements with Iran were entered into – with vessels that might be coming from Iran and whether the oil that they have is subject to sanctions or not.

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Can I just ask her to focus her question in relation to the issue of why Ebola was discovered without concerning herself that one does not know where a ship comes from? One knows exactly where a ship comes from. Whether or not that is a good enough reason to discard Ebola or not, I think is the issue that she is getting at. But the simple fact: whether or not you know and whether you have to check, that is in a moment the person at the VTS at the Port can show her the history of where that vessel has been for years.

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Hon. Ms M D Hassan Nahon: Thank you.

Hon. A J Isola: Mr Speaker, may I just also add...?

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Mr Speaker: Further information?

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, on the same point. There is an established protocol which is run by the Port Department, the VTS operators. Ships do not just turn up, they have to report many, many hours before – normally 24 hours – before they come into British Gibraltar territorial waters. They need to report and answer a whole series of questions about where they have come from, what they are having, what they are doing, the purpose of the visit. So it is not a sporadic, they just happen to turn up; it is pre-programmed and everyone here knows exactly who, what and why. So there is not just an open sea out there – if that helps.

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Hon. Ms M D Hasan Nahon: Thank you, but we might know the whereabouts of the ship, but we do not know the whereabouts of the individuals. You do not know when that seaman jumped on the boat; where he was. Nobody is microchipped, you know. So (*Interjection*) it is not about the ship. The ship does not carry the disease. It is the individual, as well as where the trajectory of that vessel. It can be one or the other.

1405

Anyway, the other point I wanted to make, given that I am putting to the hon. Member the situation or the reports that I have about the anaesthetist checking himself into quarantine, and from what I understand some of the GHA staff who did not go to work the next day and were also allegedly recommended to stay home. If you have a clinical expert who voluntarily decides to stay home for fear of contamination, is that enough of a reason for the hon. Gentleman to review protocols, taking the cue of a clinical expert who might be scared himself on the events of the evening and the way that things went? Perhaps he was not satisfied with the way that things were developing and the way that protocols were adhered to.

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1415 **Hon. Dr J E Cortes:** Mr Speaker, I will give way to the Hon. Mr Costa who wants to make a comment, no doubt due to his previous responsibilities for the port.

Hon. D A Feetham: Mr Speaker, *is he* answering the question?

1420 **Hon. N F Costa:** Mr Speaker, on the point –

Mr Speaker: My understanding is he is providing additional information regarding the movement of ships and the crews.

1425 **Hon. N F Costa:** Mr Speaker, the Hon. the Chief Minister and my hon. colleague have already explained to the House that when a ship arrives in port, the port knows exactly at which port that ship has called from; where it has sailed and its trajectory and even its intended trajectory. For those reasons, therefore, the port knows exactly where the ship has been and where it will go.

1430 The hon. Lady then stood up to say that whereas that may well be the case, the information that the port will have does not detail the information on individual crew members, but that is also incorrect. The port will have at its disposal and immediately on request a crew manifest. That crew manifest will detail absolutely everything: where the crew member has been; at which point of port did they embark, etc. It will also contain very detailed medical history, precisely for
1435 the reason that, if there is a reason to come on shore because they need medical attention, the first thing that the port operator will ask for is that crew's medical history.

So she can rest assured that in respect of procedures to validate where a person has been, the port staff will have all of that information available to it immediately.

1440 **Hon. Ms M D Hassan Nahon:** So the hon. Gentleman says that all the medical history is available, yet they say that he did not have a chain saying diseased or infected when he was and eventually died. So where are we at with that?

Hon. Dr J E Cortes: Mr Speaker, I think that comment, that question is in relation to an earlier
1445 question when we were informed that it is a subject of an investigation. So I am not going to go against what has already been agreed: that we have to await the investigation.

If I may answer the other points, I think I have to repeat that the Director of Public Health professionally reassured me that because of the itinerary Ebola was not the disease in consideration, but nevertheless did activate the full serious infectious diseases protocol. So even
1450 though he discarded Ebola, there are other diseases it could have been.

Fortunately, clearly I take the point that there was not any disrespectful implication earlier, but fortunately it was Malaria – again I use it in the same context that the hon. Lady used the expression earlier – but the protocols were in place.

Regarding the decision of one particular clinician to not go home, if in fact he did not: I have
1455 not got direct information, but no doubt I will ask him next time I bump into him in the corridor – that is his own personal choice. He may have felt that he was exposed or he had been exposed. He may have been worried for whatever reason. I do not know what other things might have caused him to spend the night in a hotel. But there are clinical (*Laughter*) experts in all sorts of different disciplines. There we go. (*Interjection*) Yes. I think it has been a good meeting so far today.
1460

The clinical expertise is different. The person we are talking about is an anaesthetist. We were following advice from the Director of Public Health. I would not for one moment place myself in an operation under Dr Vijay Kumar as an anaesthetist. So I am not sure whether we can compare the clinical knowledge of each other. But, as I say, that was personal choice.

1465 In the end, I think clearly lessons have to be learned in every kind of situation like this. Clearly there has been at least one multi-disciplinary meeting within the GHA to look at the case in

detail and to see what lessons can be learned. If we need to change anything we certainly will and I would be very happy to advise the Member opposite as and when we do that.

1470 **Hon. D A Feetham:** Mr Speaker, may I?

Mr Speaker: Yes.

1475 **Hon. D A Feetham:** Yes, Mr Speaker, bearing in mind the answer that Mr Costa gave a few moments ago, which is that the port is provided with a list of crew members: where they have come from, where they have come on board, etc. and also with any medical condition that those crew members may have – and by ‘medical condition’ I mean whether they are ill or not ill, because of course it is very difficult to diagnose, on transit, medical conditions. Were the
1480 authorities here in Gibraltar told that there was a seaman on board this particular ship that was gravely ill before this particular seaman was effectively placed quayside and left there for the authorities, to be picked up?

Hon. Chief Minister: Mr Speaker, this is not a GHA matter. This is the issue which is the subject of the investigation that we referred to earlier in respect of which I think there was
1485 broad agreement that this is something that has to be determined; all of the facts here have to be determined: what really happened versus what people are saying happened, etc. in order to ensure that the events of that day are properly scrutinised and understood.

As the hon. Gentleman said in respect of the GHA, but also in respect of the Port Authority and all instruments of Government, that any lessons which have to be learned are learned. But I
1490 think the hon. Gentleman will accept that until that investigation is complete, it would be remiss of us to make comment and assert anything as fact without having a very clear final view of what happened.

Hon. D A Feetham: Yes, Mr Speaker, I accept that this is obviously a difficult area. The
1495 Government is conducting an investigation. I accept nobody would wish to prejudice the investigation. I also accept that one would wish to get to the bottom of the facts and have all the facts available and then draw appropriate conclusions. But of course we are also, on this side of the House, charged obviously in our own way with investigating these matters to ensure that the Government and the authorities – because this is really not political. The Chief Minister does not
1500 himself make a decision as to whether a seaman is allowed onto the dock or is not allowed onto the dock, but nonetheless it is our job also to test the resilience of any protocols.

Therefore, we are well within our rights to ask questions about what exactly happened in relation to the facts, so that we can then test that as against the protocols that have been outlined by the hon. Member. Because I am certainly quite concerned about – and I know that
1505 he must be very concerned – about how a seaman with a disease which has been undiagnosed basically is left quayside whilst the ship leaves.

I have also been told that the first on the scene were the Gibraltar Fire and Rescue Service ambulance who then took the view, they did not want to get involved because they were not equipped to deal with contagious diseases and they left, and then the GHA ambulance ...

1510 Now, the Hon. the Chief Minister said, when we were talking about this earlier on when the Minister for Transport was dealing with this, he said that the conclusions of the report will be made available. Now, in the light of what I have said: that we have got a job here to test the resilience of those protocols as against the facts, can I invite the Chief Minister – and then I will sit down and we will not ask further questions in relation to this – not to limit the disclosure of
1515 the report to just simply the conclusions but also the entirety of the report, so that we can actually see the facts and what actually happened here. And if there are any questions that need to be asked of the Government in relation to those protocols and the application, that we can come to this House and ask them in the future?

1520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asserted things as fact; the things
that he has heard. Well, look, Mr Speaker, I have heard all of those things and others. Some of
the things I have heard conflict with some of those things and other things I have heard
corroborate those things. So that is why it is hugely important in a situation such as this, where
there could have been a danger to the population of Gibraltar, we determine exactly what
happened and whether there was ever any danger; whether protocols were properly followed.
1525 Now in doing that there is an investigation. The hon. Gentleman has said, 'We have a duty to
investigate.' Well, look, your investigation has resulted in an enquiry, which has resulted in an
answer, which has told you that there is an investigation. Allow that investigation to come to a
conclusion.

1530 There is already a commitment on the part of the Government to put into the public domain
the conclusions of that investigation. I am not going to say more at this stage. I think that should
be satisfactory for everybody in our community, because if the conclusions of the investigations
say that there were no issue in respect of the protocols, then that is it. If it says that there is an
issue, then we will have to look into what those issues are. But I am committed to publishing
whatever those conclusions may be because I believe that this is an issue of general public
1535 importance.

As the hon. Gentleman has said, this is not an issue that reflects on the Government. I must
tell him, I was as concerned as he would have been when I received the telephone call informing
me of what had happened. We are all in this community in it together, in particular if something
happens which creates the opportunity for an infectious disease to spread in our community.

1540 I will tell him this much. It is not in the nature of the great men who make up the Gibraltar
Fire and Rescue Service to simply turn their backs on someone. My understanding of that aspect
of this is that they did not simply turn tail and leave the matter for others to deal with simply
because they were unable to deal with it. The good men ... I do not add women because there
are no women in the Gibraltar Fire and Rescue Service. That is perhaps an issue for another day.
1545 The good men of the Gibraltar Fire and Rescue Service did not simply turn tail and run when
they think a situation is too difficult for them.

But we must let this investigation run its course. It is too important for this issue to become a
political football. So I would urge the hon. Gentleman simply to leave it there and with our
commitment that we will publish the conclusions of that investigation.

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Hon D A Feetham: Mr Speaker, no one has suggested that the Fire and Rescue Service
'turned tail and ran', which is a phrase that the Hon. the Chief Minister has used. What I said was
that we have been told... The information that we have – and certainly the Hon. the Chief
Minister appears to be confirming they were the first on the scene – that they took the view
1555 when they were first on the scene that they were not equipped to deal with a potentially
contagious disease. It was then that the GHA ambulance came along. So I just want to clarify
that nobody on this side of the House is suggesting that this was inappropriately dealt with by
the Gibraltar Fire and Rescue Service or that they turned tail and that they ran.

1560 Mr Speaker, I will sit back, not ask any further questions. I know that my friend, Mr
Hammond, has one further question. I will look at the conclusions in relation to this investigation
and then we will take a position in relation to whether we seek the disclosure from the
Government of the rest of the report. But I emphasise, nobody is trying to make politics in
relation to this, but no one can say that in a democratic system of Government and opposition,
particularly in a small community like this one, that the opposition is not entitled to scrutinise
1565 how an event of this nature is tested as against the protocols that are in place to ensure that the
people of Gibraltar are kept safe and these things are being dealt with appropriately, whatever
the Chief Minister may say about the appropriateness of how it is being dealt with on this
particular occasion or on any occasions.

1570 **Hon. Chief Minister:** Mr Speaker, I do sometimes think that the hon. Gentleman and I could even argue about the desirability of winning a lottery, because it appears that he is able to pick a quarrel with me on just any subject.

I am not saying or confirming that the GFRS were the first to attend. I am confirming absolutely nothing because there is an investigation ongoing. I have told him that I have heard the same things that he has heard and others in terms of what is out there and happening. But there is an investigation now ongoing and I want to leave it entirely at that.

1580 Neither has anybody suggested for one moment that an opposition in a democratic system such as ours is not able to stand up and ask questions. They have and there is absolutely no difficulty with that. Neither can anybody for one moment suggest that the Government in a democratic system such as ours, especially one recently re-elected, is not able to get up and say we are carrying out an investigation; please let us reach the conclusions which we will make public. I think what one's role in a democracy is has little to do with the very serious issue that we are trying to ensure we get to the bottom of in respect of what happened on that day in respect of this ill-fated individual and the potential consequences for Gibraltar. That is what we have to be concentrating on and he can ask as many questions as he likes because this is the Parliament and he can get up and the person who will determine what questions he can ask is not me; it is the Speaker.

1590 **Mr Speaker:** The Hon. Trevor Hammond.

Hon. T N Hammond: Thank you, Mr Speaker.

Just with respect to the scope of the investigation that is underway – and we very much look forward to seeing the conclusions of that investigation – can I ask the Minister for Health whether the activity within the GHA on the night forms part of that investigation or whether a separate investigation is being conducted to provide the assurance.

1595 I recognise you gave a very complete narrative of the events of the night, but of course there is a lot of lesson-learning to be done, still no doubt, as is always the case with unusual events such as these, and I cannot believe it will be possible for that lesson-learning to have been concluded mere days after the event, particularly appreciating the timelines involved with most investigations. Will that element of this incident be separately investigated and will similar conclusions be made available?

1600 **Hon. Dr J E Cortes:** Mr Speaker, there may be some overlap but the main investigation that my Hon. Friend, Minister Balban, is referring to relates to the arrival of this unfortunate gentleman to Gibraltar and that immediate effect, and what led to that.

1605 The GHA is carrying out its own internal review of the case. There have been, as I have said – I am not sure how many but – a number of meetings and I am expecting a report and recommendations very very soon, but as I say there could well be overlap and there could be things that that investigation will enquire of the GHA's internal investigations. But at the moment GHA is carrying out its own assessment of how things were done and whether we can learn and make any further improvements to the way we do it.

1610 I must insist that – I said it earlier but I must not forget – the work done by the actual professionals in very difficult circumstances is something worthy of praise, but I have said so. *(Banging on desks)*

1615 **Mr Speaker:** I think this is an appropriate moment to have a recess of about 20 minutes.

When we return we will be dealing with Questions to the Hon. the Minister for Education and Justice.

1620 **Hon. D A Feetham:** Mr Speaker, I would like to question the Hon. the Minister for Health further in relation to this and I will just give the Hon. the Minister heads up in relation to this.

You see, when the Hon. the Chief Minister stood up and he has talked about an investigation and, 'We need to allow that investigation to run its course and we will publish conclusions,' the Hon. the Minister is indicating that that investigation is about how the patient is left quayside ...
1625 or somebody with a serious disease comes to Gibraltar, is left quayside and then the ship leaves.

I am interested, that is very important, but I am also interested in testing how the protocols are then handled from there, all the way to this individual getting to the Accident & Emergency, which is equally as important in the context of how you protect individuals; because if this person had been suffering from Ebola – God forbid! – or some other contagious disease, that is
1630 equally as important or even more important.

I mean how one tested against ... and that is what I am interested in and that is what my questions were directed ... the questions that I was going to ask about the Fire and Rescue Service, the questions about the GHA Ambulance and how that interacts with Accident & Emergency. Because with something like this – where you have not diagnosed that person with,
1635 or you have not ruled out that he has got a contagious disease – an individual like this being brought to Accident & Emergency, potentially when he goes into Accident & Emergency, there leads to a contagion of that area of the Hospital and potentially, through the air conditioning unit, others. So that is what really concerns me.

1640 **Hon. Dr J E Cortes:** Mr Speaker, obviously let's finish this, with your leave, before we recess.

I think I have given a fairly lengthy account of what happened and of the protocols that are in place. There are protocols; there are policies to deal with these infectious diseases. I have actually mentioned them before in Parliament when I was questioned about Ebola some time ago, by the Hon. Isobel Ellul-Hammond. So there are protocols in place and those protocols can
1645 be shared – there is absolutely no problem at all.

As I say, the GHA is looking at how it carried out its procedures. The big questions, I think, are the ones we have already referred to. But the protocols are in place and I think I have given a very full answer.

1650 **Hon. D A Feetham:** But, Mr Speaker, it is not about...the protocols may be in place and nobody disputes that there are protocols that have been in place; what I am trying to test is, in this particular instance, where we did not know until later – indeed, we did not know until Wednesday or Thursday of last week – that this gentleman was suffering from malaria, which as I understand is non-contagious, rather than a contagious disease – how the protocols were
1655 applied in this particular case; because it strikes me that if we have a situation ... That is why I did not want to go ... I was agreeing, not going to go into the facts if there was an investigation.

But how does one effectively take a patient that one does not know is contagious to the Accident & Emergency; he is put into the Accident & Emergency in circumstances where it could lead to contagious – (*Interjection*) Well, that is what I want to ask the Hon. Minister about and I
1660 was prepared not to ask it because there was going to be an investigation.

1665 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to the answers that are given. The Hon. the Minister for Health gave a very full answer about exactly what happened and the hon. Gentleman needs to look at what was said or at least remember what was said by the Hon. Minister.

He said, given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First respondents were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol will be applied in subsequent
1670 stages. Mr Speaker, as there was no diagnosis ever established, a full protocol remained operational throughout until his death. That is what the hon. Gentleman has explained in detail.

So we are concerned that issues may not have been dealt with appropriately in respect of the arrival of this seaman to the dockside in Gibraltar and that is the subject of an investigation. We

1675 are happy that the GHA dealt with that instance, which could manifest in different ways ... I
mean an aircraft could bring somebody with an infectious disease or somebody could turn up
through the frontier with an infectious disease, right, and what do you do then? You deal with it
in the way the GHA properly and rightly dealt with it this time. That is not the subject of the
investigation because we are satisfied that that went well.

1680 The issue is that the fellow with the infection arrived in Gibraltar and was brought into
Gibraltar and there something may or may not – and that is why it is an investigation – have
fallen down, but not at the GHA level!

Hon. D A Feetham: Where was this individual, if he was not taken to Accident & Emergency,
which is the information that I have been provided with, and there was a discussion between
1685 Dr Kumar and people at the Accident & Emergency about whether the patient would be treated
at the Accident & Emergency or not?

Where was this particular patient treated if he was not in the Accident & Emergency?

Hon. Dr J E Cortes: Mr Speaker, preparations were being made to receive the patient in one
1690 area of St Bernard's Hospital. The patient was receiving treatment in the ambulance and passed
away in the ambulance; he did not actually get into Accident & Emergency.

Mr Speaker: We will now recess for 20 minutes.

The House recessed at 5.28 p.m. and resumed its sitting at 5.50 p.m.

Procedural

Clerk: Question 79/2016, the Hon. T N Hammond.
1695

Hon. Ms M D Hassan Nahon: Excuse me, Mr Speaker, there were a couple of
supplementaries that I wanted to add before the break. (**Mr Speaker:** Go ahead.) I know the
Minister for Health is not here –

1700 **Mr Speaker:** Go ahead. Oh, he is not here?

Hon. Ms M D Hassan Nahon: – and neither is the Chief Minister, who may have been able to
take them.

1705 **Mr Speaker:** We will come back to them.

Hon. Ms M D Hassan Nahon: Okay, thank you.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q79/2016

Festive fireworks – Plans to curb antisocial behaviour

Clerk: Question 79/2016, the Hon. T N Hammond.
1710

1715 **Hon. T N Hammond:** Mr Speaker, numerous constituents have approached me recently raising concerns at the incessant use of fireworks, and in particular those designed solely for the purpose of producing a loud noise, causing distress to many people and indeed their pets. Does the Government intend to put any plans in place to curb this unsociable behaviour and ensure the majority can enjoy a more peaceful festive season next year?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1720 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Government supports the celebration of the festive season, particularly during prominent festive events, such as New Year, and believes that this should be done in a safe, legal and responsible way.

1725 H.M. Customs, the Royal Gibraltar Police and the Gibraltar Fire and Rescue Service jointly produced this year a pamphlet shortly before New Year's Eve, making it clear that fireworks are prohibited imports except under licence granted by the Collector of Customs, warning about the possible criminal offences concerning the use and possession of fireworks in certain circumstances, and setting out the Firework Code for the safe handling and use of fireworks. This was part of a campaign which also included interviews with local media and social media releases.

1730 Flyers have been circulated by the GFRS fire prevention officers, with posters warning of the dangers. Her Majesty's Customs have been enforcing the relevant legislation at the land frontier and this has been augmented by RGP officers who have this year specifically trained a search dog to detect fireworks grade powder. This has served as a valuable deterrent in respect of illegal importation of fireworks.

1735 The Government proposes to continue in future years to promote similar campaigns which are designed to prevent illegal importations and to promote, as I have said, the safe, legal and responsible use of fireworks.

1740 **Hon. T N Hammond:** If I may ask the Minister: was anyone actually caught or prosecuted with respect to the use of these illegal fireworks over the festive season; and also, bearing in mind the use of these fireworks really commenced from the beginning of December, if not late November, does he not think it is a bit late to issue pamphlets just before the New Year?

1745 **Hon. G H Licudi:** Mr Speaker, I am not sure exactly the date when the pamphlet and the campaign started, but certainly fireworks are generally imported and used in the run up, and in fact on New Year's Eve itself, so it is important to have the campaign at the time.

1750 If the issue is whether the campaign should have started earlier then that is something that certainly we would be prepared to consider and discuss with Customs, Gibraltar Fire & Rescue Service and the Royal Gibraltar Police, if it is felt that not enough time was given in respect of the campaign.

1755 The hon. Member asked whether anybody was arrested or cautioned in respect of possession of fireworks; I am told that three juveniles were arrested for being in possession of a prohibited import – that is a firework – during the Christmas period; and there was also one report of a firework being thrown into a residence and one report of a fire at a bin store which may have been caused by a firework, although this could not be confirmed.

1760 As I have said, the enforcement measures that have been taken, particularly this year, has in our view led to a significant, not just deterrent but reduction in the amount of illegal fireworks. I certainly remember not so many years ago prevalence of what we commonly call '*cohete de caña*' those... certainly – I have not seen any this year, and it is certainly felt by the law enforcement agencies that celebrations have been more responsible and quieter than in the

previous year. I also remember the sort of celebrations that we used to see on Christmas Eve and on New Year's Eve, and certainly this year has been quieter than in previous years.

1765 So our view is that what is needed is a continuation of the promotion of safe, legal and responsible use of fireworks through campaigns and we are certainly happy to look at the campaign that was mounted this year, and if we can improve and expand on the campaign, that is certainly what we should be doing for next year.

1770 **Hon. T N Hammond:** Mr Speaker, I, in general, welcome the comments of the Minister. I do have to disagree with him that it was perhaps a quieter year. I think obviously that is a subjective opinion, but it was also the opinion of those who expressed the concerns to me, and the period over which the nuisances were being caused seems to be extended. As Christmas seems to be extended every year earlier and earlier, it seemed to be the case with the fireworks.

1775 So, as I say, I am content with the response and will ask no further questions, but I would just like to make the point that it is certainly subjective as to whether it was a quieter year or not.

1780 **Hon. G H Licudi:** Mr Speaker, it is not subjective; it is the view that has been expressed to me by the relevant authorities, particularly in relation to the illegal importation and the substantial drop in that, and the type of fireworks that were imported illegally, which are no longer, and which were fireworks solely designed to cause noise – the example that I gave.

So it is not my subjective evaluation of me sitting at home and wondering whether a bang is going off now in half an hour. This is the assessment that has been made by the authorities.

1785 **Hon. T N Hammond:** But the assessment is still subjective, unless there is some evidence to support otherwise, surely.

Q80-81/2016
Small Boats Marina –
Expenditure; Completion date and number of berths

Clerk: Question 80/2016, the Hon. E J Reyes.

1790 **Hon. E J Reyes:** Can Government provide a breakdown with details of all expenditure already incurred in respect of the Small Boats Marina, together with details of any other pending and/or estimated forthcoming expenditure?

Clerk: Answer the Hon. the Minister for Education and Justice & International Exchange of Information.

1795 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Question 81/2016.

Clerk: Question 81/2016, the Hon. E J Reyes.

1800 **Hon. E J Reyes:** Can Government state the estimated completion date for the Small Boats Marina, together with details of the number of berths which will become available?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1805

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the estimated completion date for the Small Boats Marina is 14th February 2016.

1810 There will be 700 berths available, as has previously been announced. The cost of the Small Boats Marina to 18th January 2016, is £23,510,003.32 with an estimated balance to complete of £772,733.09. This will result in an estimated total project cost of £24,282,736.41.

1815 **Hon. T N Hammond:** If I may, Mr Speaker, could I just ask: does the Government know at this point what the rental – I do not know what the correct phrase is for an individual berth... (**A Member:** Berthing fees.) berthing fees will be set at, at this time?

1820 **Hon. G H Licudi:** Mr Speaker, berthing fees are the subject of final discussions within the Government, and the Port Authority in particular. What we intend to do is to publish regulations, in fact by way of amendment to the Small Boats Mooring Regulations, which will set out the rules in relation to the marina which set out the initial fees that will be payable and which will set out also the allocation criteria for the Small Boats Marina so there is absolutely no doubt by anyone; in fact it will be set out in law and therefore it will be clear to everyone exactly what has been done and why.

1825 **Hon. E J Reyes:** I welcome that, Mr Speaker, and this whole set of measures will be taken, including, what the Minister has just said, the allocation criteria and so on – will that be handled by the Port department or any particular authority set out for the purpose? I do not know if the Minister has any additional information in that respect?

1830 **Hon. G H Licudi:** Mr Speaker, the rules, in fact – and I have a draft with me – is the Small Vessels (Mooring Controls) Rules 1990, so all this will be done by way of amendment to those rules and the schedules, including the constitution of the new club and the allocation process with. All of this clearly comes under the Port and primarily under the responsibility of the Captain of the Port.

1835 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: has any thought gone into how Government might recover the £24 million spent on the small boats marina? Is there any thinking, for example, to reclaim land where the existing small boats marina is and receive a premium for that land?

1840 **Hon. G H Licudi:** Mr Speaker, I am not sure what existing small boats marina the hon. Member is referring to, but if he is suggesting – and particularly if he is saying it is the GSD's view – that another small boats marina somewhere else should be removed and reclaimed so that those boats are removed from their current moorings, that is certainly not the current Government's thinking.

1845 So I am not sure where the hon. Member is coming from, but in terms of the cost this is clearly a very substantial investment that the Government has made into this area; and it is an investment that the Government has made because it was felt there was a dire need for a facility such as this. It was, in fact, included as one of ... I would not say one of the main issues, but certainly a prominent manifesto commitment of our 2011 manifesto – the building of a marina for 700 small boats.

1850 That was because for some time we have felt that there has been a loss of access to the sea and many people who wanted to have the facility of being able to enjoy a small vessel for fishing and recreational facilities have not been able to do that. For many, many years there has been a constraint in people being able to buy a small boat and being able to enjoy pleasurable activities such as this; and we felt that we could make very very significant inroads into that by building a facility of 700 berths.

1860 It is in fact quite a facility – as hon. Members hopefully will be able to enjoy very soon, once it is inaugurated in the next month or so. I would not call it a marvel of engineering work, but it is a very, very substantial marine engineering project, of the like that I am told has not been seen even in the Mediterranean for many many years. So this is a very very significant project.

1865 The project involves two aspects, essentially: one is the wharf side with close to 600 metres of additional wharfing space or wharfage available to the Captain of the Port; and then the interior – the marina side. So the cost is not entirely attributed to the marina itself but the infrastructure that has gone to creating a vertical wharf which is going to be enjoyed. And all that...There is the public highway and the wharf, and all that will be available to the Port department for commercial activity; and we envisage that that is going to be something which is going to generate some income, particularly for the Port, in the category primarily of the super yacht marina and the big yacht category.

1870 As far as the marina itself, it is, as I have explained, an investment in recreational activities for the local population. There will be, clearly, an obligation for the marina to be run on the basis that it does not cost the Government any additional amounts. So there will be, clearly, berthing fees which will be collected, which must be sufficient to cover not just the maintenance costs but also the replacement costs of the marina in something... I forget the time, but something like 1875 20 or 25 years. That is the extent of the guarantee of the pontoons by the manufacturer and the marina area and, therefore, there will have to be a kitty built up over time so that that replacement cost is not something that would be met by the Government but would build up over time through the berthing fees that will be collected on an annual basis by the association, by the club that runs the marina.

1880 Certainly from the Port's point of view – and I would be happy to defer to my colleagues who have responsibilities for the Port – it is considered that this is going to be a very valuable facility for the Port. It is the first time that Gibraltar has created additional commercial wharfage of this nature, particularly around 600 metres of commercial wharfage which is going to be a very significant addition to what the Port has to offer and which will be exploited from a commercial point of view. 1885

1890 **Hon. R M Clinton:** From the Hon. Minister's answer, I take it then that there is no intention whatsoever to move the boat owners in the existing Coaling Island facility and that facility will continue as is and that land is not going to be reclaimed?

1895 **Hon. G H Licudi:** Absolutely, Mr Speaker. There has never been any indication or intention... I am very surprised by the suggestion implicit in the question, almost urging the Government to take that back and reclaim the land in order to recover the cost of this marina. There has never ever been any intention of taking that back. That is subject to, I understand, licence and lease arrangements with the club and they will continue to be able to enjoy those facilities for as long as they want to.

Q82/2016
Prison population –
Numbers and details of inmates

Clerk: Question 82/2016, the Hon. E J Phillips.

1900 **Hon. E J Phillips:** Can the Government confirm the current prison population by number, age, gender, type of offence and length of custodial sentence?

Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member is set out in a schedule that I now hand to him.

1905

Schedule to Q82/2016

The current prison population as at Thursday 14th January 2016 are as follows:

TOTAL POPULATION: 58

BREAKDOWN BY AGE

UNDER 18: 0
18-20: 4
21-25: 9
26-50: 35
51 AND OVER: 10

BREAKDOWN BY GENDER

MALE: 55
FEMALE: 3

BREAKDOWN BY TYPE OF OFFENCE

VIOLENCE RELATED: 9
SEXUAL OFFENCES: 4
THEFT/ROBBERY/BURGLARY: 14
DRUG RELATED: 21
FRAUD: 4
TOBACCO RELATED: 1
IMMIGRATION: 5

BREAKDOWN BY LENGTH OF SENTENCE

LESS THAN 6 MONTHS: 7
6 MONTHS TO 1 YEAR: 5
OVER 1 YEAR TO 4 YEARS: 13
OVER 4 YEARS TO 8 YEARS: 14
OVER 8 YEARS TO 15 YEARS: 1
OVER 15 YEARS TO LIFE: 3
REMANDS: 11
DETENTION AND REMOVAL ORDERS: 4

**Q83/2016
Prison population –
Number of re-offenders**

Clerk: Question 83/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm what percentage of the current prison population are re-offenders?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I was not sure whether the hon. Member, by 're-offenders' intended to mean simply previous convictions or having previously served a custodial sentence and, not being sure, I am going to give him both figures.

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Mr Speaker, on 14th January 2016, 58% of inmates had previous convictions and 46% had previously served a custodial sentence.

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Hon. E J Phillips: I am grateful for the response.

Does the Minister for Justice agree with me that the key to reducing re-offending is getting people back into work and gainful employment?

1925

Hon. G H Licudi: That certainly is one of the key elements of a rehabilitation system and being able to do that. I understand that there is another question in the Order Paper which will be answered by my colleague, Minister Bossano, which deals specifically with that issue and the efforts that are being made for assistance to people who have been in prison once they leave prison.

Q84-85/2016

**Community sentences –
Categories and numbers**

1930

Clerk: Question 84/2016, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Justice confirm what each category of community sentences are currently available to the Courts and what plans the Government have to widen the scope of community sentences available?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information
(Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Question 85/2016.

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Clerk: Question 85/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm the number of individuals currently engaged in community sentences by reference to each category of community sentence?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1950

**Minister for Education and Justice & International Exchange of Information
(Hon. G H Licudi):** Mr Speaker, the categories of community sentences available to the Courts are set out in sections 521 and 522 of the Criminal Procedure and Evidence Act. Ordinarily I would leave the first part of the Question to that, but because I am feeling in a very helpful mood, I will set out some further information about what the sections contain.

1955

Mr Speaker, section 521 deals with the community orders in respect of adults convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the following requirements: (a) an unpaid work requirement, (b) an activity requirement, (c) a programme requirement, (d) a prohibited activity requirement, (e) a curfew requirement, (f) an exclusion requirement, (g) a residence requirement, (h) a mental health treatment requirement, (i) a drug rehabilitation requirement, (j) an alcohol treatment requirement, and (k) a supervision requirement.

1960

1965 Mr Speaker, section 522 deals with youth rehabilitation orders in respect of juveniles convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the requirements I have already referred to which apply to section 521, save that in respect of an unpaid work requirement that can only be imposed if the offender is age 16 or 17 at the time of conviction, and an alcohol treatment requirement is replaced, in the case of a youth offender, by an intoxicating substance treatment requirement. There are no current plans to widen the scope of the community sentences available to the courts.

1970 There are currently 31 individuals subject to community sentences. Of these, 26 are subject to unpaid work requirements; three are subject to unpaid work requirement youth rehabilitation orders; and two are subject to supervision orders.

1975 **Hon. E J Phillips:** Mr Speaker, I take it from that answer that the overwhelming majority of those are unpaid work requirements: 26 plus 3 are 29 out of the 31.

1980 **Hon. G H Licudi:** Yes. If what the hon. Member wants to say is that 29 out of the 31 subject to community sentences are subject to unpaid work requirements, that would have been what the courts had determined was the most appropriate requirement to impose in respect of those particular individuals in the particular case.

Q86/2016
Probation Service –
Current composition

Clerk: Question 86/2016, the Hon. E J Phillips.

1985 **Hon. E J Phillips:** Can the Minister for Justice confirm the current composition of the Probation Service?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Probation Service currently consists of a Head of Probation and two Probation Officers.

Q87/2016
Prisoners –
Activities available

1990 **Clerk:** Question 87/2016, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Justice confirm what activities outside academic and vocational training are available to male, female and juvenile prisoners?

1995 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, activities outside academic and vocational training available to male, female and juvenile prisoners are: (1) counselling with a psychologist, including group sessions; (2) substance abuse – there is something called a 12-step programme; (3) general counselling with a counsellor; (4) aerobic training at the gymnasium; (5) weight training at the gymnasium; (6) football; (7) basketball; (8) Narcotics Anonymous meetings; (9) religious services in the multi-denominational room; (10) religious education, whether Catholic, Jewish or Muslim; and (11) engaging with external volunteer groups, such as St Vincent de Paul, Legion of Mary, or Co-Workers of Blessed Mother Teresa.

**Q88-90/2016
HMP Windmill Hill –
CPT recommendations; juvenile offenders**

Clerk: Question 88/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, as a result of its visit to Gibraltar on 13th to 17th November 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that as long as juveniles are kept at Windmill Hill Prison additional efforts must be made to provide them with a full range of purposeful activities and socio-educative support. In its response, the Government stated that a full-time teacher should be available as well as greater involvement from social services professionals. Can the Government confirm what steps it has taken in order to implement the CPT recommendation? That is at paragraph 40 of the Government's response to that report.

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 89/2016 and 90/2016.

Clerk: Question 89, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, the executive summary to the CPT report stated that Windmill Hill Prison 'is not a suitable place to accommodate children'. Can the Government confirm the Government's position with regard to the establishment of a small secure detention unit for juvenile offenders?

Clerk: Question 90, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, the executive summary to the CPT stated that HMP Windmill Hill (1) had no specific rules for managing juveniles; and (2) staff were not trained specifically to work with juveniles. Can the Government confirm what the Government's position is with regard to the training of all prison staff to manage juvenile offenders?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the position with regard to the accommodation of juveniles, how juveniles are dealt with and support provided to juveniles at HM Prison was set out in my replies to Questions 322/2014 and 675/2014.

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In addition, a number of Government Departments and Agencies have been working together and also within their own spheres on particular aspects of how best to cater for the needs of juveniles, particularly those who have had a brush with delinquency.

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The Department of Education is working closely with the prison authorities and arrangements are in place for a teacher to be available for juveniles on a needs basis. The Care Agency provides support to any looked-after children who receive a custodial sentence. Care plans for these children identify issues of health, education, leisure/recreation, contact with family or significant persons, and how to meet the needs of the child whilst in custody. These include arrangements in relation to the child's education, as well as visits from his or her social worker and key workers over and above the weekly visits from family and friends.

2055

With regard to the training of prison staff specifically tailored to working with juveniles, discussions have taken place between the Care Agency and the Prison Service. Arrangements are in hand to deliver multi-agency child protection training to prison staff. The Government expects that this will result in a significant improvement in the provision of training for prison officers working with juveniles, including safeguarding, mental health, substance abuse and behaviour management.

2060

Mr Speaker, can I just add that these are additional measures. Clearly, all prison staff receive training on induction when they are made prison officers, and clearly they also receive on-the-job training, so there is training which goes on, on a constant basis. What I have identified here is specifically in relation to training tailored to meet the needs of juveniles, and the arrangements that are in hand are those specifically to do with that area over and above the normal training that the prison officers receive and the on-the-job training that is constant and happening all the time.

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Hon. E J Phillips: I am grateful for the Hon. Minister's response, but I would like to know what the Government's position is insofar as the comment made by the CPT report in that Windmill Hill Prison is not a suitable place to accommodate children. I would like to know what the Government's position is in respect of that statement that was made.

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Hon. G H Licudi: Mr Speaker, I have indicated that the position of the Government in relation to the accommodation of juveniles, which is obviously what the hon. Member is referring to, was set out already in my replies to previous questions, so I would urge the hon. Member to look at *Hansard* and see the relevant questions.

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Mr Speaker: I suggest, to the hon. Member, for guidance – given that obviously he was not a Member of Parliament at the time and therefore he may not have in his possession the relevant *Hansards* – that he can ask for the *Hansards*, read them up, and then pursue the matter at a subsequent meeting.

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Hon. E J Phillips: The difficulty with that, Mr Speaker, is the report was published after the meeting of Parliament, and therefore my question is pertinent to the extent that CPT has made a statement to which the Government has replied in its report after that meeting of Parliament, and I just want to know what the Government's position is in relation to that comment.

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Hon. G H Licudi: I have just said so, Mr Speaker. The position is as stated previously in those answers.

If the hon. Member wants to know whether we take the view that juveniles should not be there at all, which is the thrust, we do not agree with that statement and neither does the GSD.

2095 Does the hon. Member not know that the Leader of the Opposition was the Minister for Justice when the Prison was built? And does the hon. Member not know that the Prison was built under the supervision of the current Leader of the Opposition? Does the hon. Member not know that the plans included provisions for a juvenile wing, and it was the Leader of the Opposition who specifically decided that this should not happen and that juveniles should be accommodated in a different way?

2100 I would urge the hon. Member to look at my reply specifically to Question 322/2104, which sets out exactly how juveniles are accommodated and are dealt with, and which we consider still amounts to an adequate way, subject to the discussions that are currently taking place within Government Departments in order to see whether the system can be approved, and if there is a need at some point to have a very specific secure detention facility, then that is something that we are willing to consider and move on, as I stated in answer to Question 322/2014.

Hon. D A Feetham: Mr Speaker, the Leader of the Opposition does know, because the Leader of the Opposition, as he rightly says, was Minister for Justice when he and also the hon. Member, Minister Costa used to ask me questions, and in particular questions of Minister Netto, as to how on earth we could allow a situation to prevail of offenders being imprisoned in Windmill Prison, and this was very degrading – (*Interjection*) No, and that one as well too, absolutely, because there was a controversy one particular year, with one individual who was up there, and many of the questions that have been asked by the hon. Member, Mr Phillips ... Obviously, he is asking in the context of this new report, but many of the questions about the teachers etc. Those were the same questions that I was fielding then, and I was saying that our position was it is perfectly adequate, and in Gibraltar, where you have limited resources etc. we feel that this deals with the situation adequately.

2115 But of course they did not think that it was adequate, because they were badgering us, when we were in Government, to actually provide different accommodation. So obviously the position has changed from when they were in Opposition.

2120 Does the Government have no plans at all ...? Does the Government have no plans at all because from recollection of the answers that he gave last time round, I think they did not rule out the construction of a secure unit for juveniles at some point in the future. Therefore, the question is: well, you, know, how soon will the Government deploy those plans, so that juveniles do not have to be locked up, so to speak, at Windmill Hill Prison?

Hon. G H Licudi: Mr Speaker, I am happy to just read part of it, because the hon. Member is right in his recollection that we did not rule anything out, and I did say at the time ... I am quoting from *Hansard*, Mr Speaker. I said ‘there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.’

2130 When I refer back to that question, that is still the position. There are no immediate plans – as in today. I cannot say today we have plans to do x or do y, which is different, but it is something that we are actively considering, actively looking at. There are multi-agency meetings looking at, as I mentioned in the original answer, the whole question of juveniles – in particular, those who have a brush with delinquency – and how it is best that those should be dealt with.

2135 There is a multi-agency approach to this issue and clearly one of the matters that needs to be considered is whether, as the hon. Member has indicated, in a small place like Gibraltar, where ... I have given the hon. Member, in answer to a previous question, a list of the inmates, and as I recall – and the hon. Member may have it there – the number of juveniles there stated is zero at the moment, so cases are few and far between. Sometimes you have one, sometimes you have more than one, so is it justified to have a separate secure detention facility just for that odd occasion, or are the arrangements that are currently in place ... which we consider may be improved upon, certainly, but certainly work in respect of the detention of juveniles for the facilities that we have.

2145 So, it is something that we are not putting out of our minds, it is something that we are not discarding; it is something that we are constantly reviewing and it is something that is currently being discussed on that multi-agency basis.

2150 **Hon. D A Feetham:** Mr Speaker, may I take a moment? Mr Speaker he has provided me with almost a carbon copy of the type of answers that I think that I used to provide (*Interjection*) – yes – which was, it is not an ideal situation to have a juvenile in Windmill Hill Prison, that we have got to take into account costs and we have got to take into account the size of the community, and that the Government obviously is always reviewing the situation because inherently it feels uncomfortable, and no doubt the hon. Gentleman feels uncomfortable with
2155 the situation that a juvenile ought to be in prison with adults at Windmill Hill Prison.

But I think that what my learned and hon. Friend, Mr Phillips, is getting at is that there is a different situation now, in the sense that there is now a report from an international organisation that is condemning the current situation, that there are now reputational issues involved as well, and does that therefore alter the Government's thinking in terms of the urgency, for example, in reviewing this kind of situation?
2160

It appears, really, from the answers that the hon. Gentleman has given is, that no, it has not really altered the Government's thinking. The Government really was reviewing it in 2014, it is reviewing it now – but, reading between the lines, really this is not one of the priorities the Government has and certainly not one of the priorities in his Ministry.
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Hon. G H Licudi: Mr Speaker, no, that would not be a fair reflection of the current position.

Let me just mention first, when the hon. Member talks of juveniles 'with adults' in the prison, as I set out, I do not want the impression being given that they are just mixed together and not treated differently in any way. In fact, the legislation provides for different treatment in respect
2170 of juveniles. It also provides that they should not be unduly left without contact with other people, so if there is only one juvenile, it is not fair to keep that person almost as if he was in solitary confinement just because you segregate, so there is supervised contact in some way. But certainly there is a separate wing which is set aside whenever there is a juvenile and that wing is used essentially as a juvenile wing as if it was a separate detention facility, with the other
2175 facilities that are available – like the classroom, like the workshop and the gym – also available to the juvenile.

The hon. Member uses a word in relation to the report, that this 'condemns' the Government. I am not sure that the report ... Yes, 'condemning' – that is the word that the hon. Member used. I would disagree that that is a phrase either that has been used or that it is
2180 intended to be used. There are recommendations, and there are views set out in that report.

The position certainly has moved on since 2014. That is why, apart from referring to 2014, I said 'in addition, these things are being considered', and I did talk of the multi-agency approach and there is active consideration about all these issues and we are awaiting consideration of proposals, possibly from this group, as to whether we should move in that direction or not – and
2185 then the Government will have to take a policy decision, because although it might seem on paper to be desirable, there are all the other factors that the hon. Member has highlighted in terms of proportionality and the effectiveness of the current regime in respect of juveniles that was to be considered when it comes to Government taking a policy decision on that.

This is something that is being actively considered. It was being considered at the time. It has
2190 been ... I would not say 'reactivated' but certainly it is something that is very much on the agenda in terms of consideration, particularly as a result of the report and the review and the discussions we had with the gentleman who came over in terms of the committee to review the facilities – not just at Windmill Hill but also in the police station and the other facilities that were reviewed. So yes, this is something that is under active consideration now, so the position
2195 certainly has moved on from 2014.

2200 **Hon. Ms M D Hassan Nahon:** May I raise a very basic point? Mr Speaker, from what I understand, the juvenile wing is only a door apart from the convicted paedophile wing, with a small space in between. So I would ask the Minister to reconsider the logistics of the spacing of these two sets of offenders. It might be worth looking at.

Thank you.

2205 **Hon. G H Licudi:** Mr Speaker, I do not know the exact logistics. Certainly there is a wing where, as the hon. Member will know, where vulnerable, or, so-called considered vulnerable prisoners, which would include sex offenders ... I would not call it, certainly, any paedophile wing; that is not terminology that is being used either by us or the prison authorities, or would have been used by the former Minister for Justice, now the Leader of the Opposition.

2210 But separate wings are separate wings – whether they are separated by a door or a corridor, they are separate wings – and as long as the arrangements are adequate to keep juveniles separate and adequately supervised, those are arrangements for the Prison Superintendent to make and judgements for the Prison Superintendent to make, and I am satisfied that those arrangements are in place and are adequate in respect of the separation of juveniles.

2215 **Hon. D A Feetham:** Is the hon. Member ... I beg your pardon. I will give way, if you ...
No, it is just that as information flows, my recollection of the scheme of this comes back to me. One of the issues ... I recall the schematics of it. You had the women's section and then there was a space, then there is this section that is used for juveniles when there are juveniles, then there is a small space, and then there is a further area where one would place prisoners that are at risk – for example, sexual offenders and paedophiles. Most people out there would call them paedophiles: that is what it is and we should not be ashamed of calling them such. (Interjection) But it is not a paedophile wing. I understand it is not a paedophile wing. It is a wing for those who are vulnerable, from potentially, to attack from other prisoners.

2220 One of the problems, as I recall, was that of course when you have a prison population that starts going up and space starts obviously becoming scarce within the prison, that then you have a situation where even these areas would then need to be used. Is the Hon. Minister aware of whether that has happened over the recent past, where this particular area which is reserved for juveniles has had to be used for the purposes of other prisoners because of the increase in the prison population, or spikes in the prison population at any particular time? That is what really causes ... and that you see was my concern at the time. My concern at the time, we built a prison, we have actually planned ahead, it has increased capacity hugely, but if the prison population continues to rise and rise, at some stage you have a situation where even these two spaces for the vulnerable prisoners and also for juveniles starts getting used by the general prison population.

2235 **Hon. G H Licudi:** Mr Speaker, as I understand it – and I am speaking just from recollection – the prison can cater for something like 96 or 98 prisoners. In the last couple of years numbers have come down. Although we had a spike reaching 80-odd, numbers have come down and stabilised in the order of 50 to 60 inmates, so in that context making room available is not a problem. The hon. Member is right: if we had 98 adult prisoners ... well, we would have a problem in accommodating the 99th or the 100th adult prisoner, so it is not just a question of the at-risk or vulnerable prisoners and juveniles. That would be a problem in itself. It is not a problem that we have had, certainly, I recall, in the last couple of years where those numbers are stabilised.

2245 The effort must be made and must continue to be made in the other area that the hon. Member was talking about: reducing reoffending rates, reducing rates at which prisoners end up in prison on a second or third occasion. The efforts that the Government has been making – and I do not want to go into the other question, which will be answered, I imagine, tomorrow – the efforts that the Government has been making in respect of counselling facilities and the

2250 assistance in respect of employment we believe is the right way forward and the right way to
reduce that kind of reoffending to the point that people not just reoffend but end up having
further custodial sentences.

2255 So this does not involve just looking at numbers – the number of beds, how many people do
we have; it involves looking at the criminal justice system across the board and seeing in what
ways those who do offend can be assisted to become again good citizens and good members of
society that make a valid contribution. That is the effort that the Government is making.

2260 **Hon. E J Phillips:** I am grateful for the lengthy response to that question. I just have one
further question: I would like, hopefully, a very simple answer to the question. The report from
the European Committee has stated, and I repeated this statement: it is not a suitable place to
accommodate children. All I want to know is whether the Government's position is: do they
agree or disagree with that proposition put forward in the executive summary? That is all.

2265 **Hon. G H Licudi:** Mr Speaker, if we agreed, we would not have juveniles in that prison. So we
agree that adequate arrangements can be made for the keeping of juveniles, but we are keeping
our options open and actively considering alternative arrangements.

Q91/2016
HMP Windmill Hill –
Admission of prison visitors

Clerk: Question 91/2016, the Hon. E J Phillips.

2270 **Hon. E J Phillips:** Mr Speaker, section 13 of the Prison Act provides that the rules and
guidance of the Prison Board govern the admission of prison visitors. Can the Government
confirm that all religious leaders, irrespective of religious affiliation, are afforded equality of
access to HMP Windmill Hill?

2275 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of
Information.

Minister for Education and Justice & International Exchange of Information
(Hon. G H Licudi): Mr Speaker, all ministers of religion, irrespective of religious affiliation, are
afforded equality of access to HM Prison.

Q92/2016
Arrest referral workers –
Allocation of additional resources

Clerk: Question 92/ 2016, the Hon. E J Phillips.

2280 **Hon. E J Phillips:** Mr Speaker, Her Majesty's Government has committed to the
implementation of Arrest Referral Workers and the relevant protocol. Can the Government
confirm what additional resources are being allocated to Her Majesty's Court Service and the
Royal Gibraltar Police to ensure that those persons who come into contact with the criminal
2285 justice system can access Arrest Referral Workers?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2290 **Minister for Education and Justice & International Exchange of Information**
(Hon. G H Licudi): Mr Speaker, the Government has not made any commitment in relation to
Arrest Referral Workers as the question suggests. The Government's commitment is as set out in
page 93 of our manifesto, namely to introduce arrest referral protocols throughout law
enforcement agencies to facilitate the process of dealing with detainees who are suffering from
2295 addictions.

To repeat what the Hon. the Chief Minister said this morning, as with other manifesto
commitments that do not have a specific date for implementation, this will be introduced within
this term of office.

2300 **Hon. E J Phillips:** In relation to Arrest Referral Workers, the whole purpose of these protocols
and procedures and the engaging of individuals to work within the criminal justice system is that
so that when someone presents at the court, or indeed at New Mole House themselves ... When
they present with a difficulty with addiction or substance abuse, then someone, an individual,
can be approached, an arrest referral worker ... Under a protocol they can be approached in
2305 order to deal with the situation, to tackle drug addiction at the very start of the process. That is
the question I was getting at: does the Government, insofar as protocols are concerned ... ?

And I would point the Minister to the Scottish executive example of arrest protocols, where
they introduced them and they set out a detailed pilot scheme within which they looked at
arrest referral protocols, and they said in their report that there should be that interaction
2310 between the criminal justice system at the detainee level and at the court service, where
individuals will need their own space at the court service and at the police station in order to
deal with someone who presents with an addiction problem from the outset.

Hon. G H Licudi: Mr Speaker, fortunately for us, it is for the Government to set the policy and
the agenda, and not for the hon. Member.
2315

When the hon. Member says 'the whole purpose of this', I am not sure whether he is trying
to interpret our manifesto and saying, 'The whole purpose of what you intended, was this.' We
will be the judges of what we intend to do, as we set out in our manifesto.

2320 What we have identified is that there is a referral process to somebody who is identified as
the person to whom that person with an addiction should be referred. How it is done and what
it involves is a matter that the hon. Member will have to wait and see. As I have indicated, we
have this term of office to do it.

Hon. E J Phillips: Just for the record, I was referring to, yes, page 93 of your manifesto, in
2325 which you state:

Arrest referral protocols throughout the law enforcement agencies to facilitate the process of dealing with
detainees who are suffering from addictions;

2330 What I am suggesting to you is that when someone presents at New Mole House and is
detained and arrested, that you will have to refer him to an individual who has expertise in
addiction so that that can be dealt with. It follows that you will have to engage arrest referral
workers to deal with this issue when someone presents at New Mole House, or indeed the court
service.

Hon. G H Licudi: No, Mr Speaker, it does not follow at all. It may be what the hon. Member
might like to see, but it does not follow at all. All that we need to do is make sure that we know
who is a person who can deal with addictions, and as long as we know that ... because the hon.

2335 Member has assumed that this necessarily has to do with workers and it is going to involve additional resources. Well, we will have to wait and see, once we decide how we are going to implement the manifesto commitment; and the hon. Member has read the manifesto commitment which is exactly in the terms of the answer that I gave him. (*Interjection*)

2340 So, if he wants to continue to read our manifesto and let everyone know the wonderful range of ideas (**Several Members:** Hear, hear.) (*Banging on desks*) that we have set out, which ... Let me try and recollect, was it seven out of 10? Almost seven out of 10 have voted for, so it must contain some very very good ideas and we will be very proud of implementing our manifesto during the next term of office – as we did in the last term of office and we were applauded back into office!

2345

Several Members: Hear, hear! (*Banging on desks*)

Hon. E J Phillips: With respect, my learned and hon. Friend finds it quite difficult to answer the question that I am putting to him.

2350 We are dealing with a very serious issue about addiction and people that interact with the criminal justice system at New Mole House and the court service. I am asking a very very simple question: how does the Government intend to deal with people that present at New Mole House and at the courts, that have deep addiction problems and who are committing crimes?

2355 It is all well and good having an arrest warrant protocol but you need the people to back up the system. And that is the question I am asking: what are the plans that the Government have in place to deal with that situation? At the moment you have said, in response to my previous question, that you are not going to engage workers. Well, I am just trying to dig down on what you actually mean by the protocol, and what you are going to do about it?

2360 **Hon. G H Licudi:** Mr Speaker, I have not said that we are not going to *engage* workers. I may have implied that it does not necessarily *lead* to that, but how we do it is a matter that we will have to consider. And as we will be saying again and again and again– because it seems that this is going to be a constant issue between us in this term – manifesto commitments will be fulfilled during this term of office.

2365

Hon. D A Feetham: Mr Speaker, there is a distinction, does he not agree, between saying a manifesto commitment is going to be dealt with over a period of two, or three or four years ... ? You have got four years and you refuse to give us a timescale.

2370 My learned Friend's question is about the *policy*; it is not about the timescale. What he is getting at is, 'Look, you have got a manifesto commitment, how are you intending to fulfil that manifesto commitment?'

He has suggested that logically, to fulfil this manifesto commitment, what you would have to do is engage these types of workers. Now, the Hon. Minister has said, 'Well, not necessarily.'

2375 Can he give us, at the very least, a flavour of the type of options that the Government is currently considering, so that we can assess that? Because you see, otherwise we are left with a situation where we do not know what the Government is planning to do.

All it has – with respect to the Hon. Minister – is a vague manifesto commitment. And until the day that the Hon. Minister makes an announcement – two, three, four years, or indeed a year from now ... But actually, part of the democratic process – (*Interjections*)

2380 Shall I sit down, or is he listening? (*Interjections*)

Part of the democratic process –

Mr Speaker: I know we have had a tiring day and Members, when they get tired, begin to lose their control. (*Laughter*)

2385

Hon. D A Feetham: Thank you very much, Mr Speaker.

2390 Part of the democratic process, the to-ing and fro-ing, is also input from the Opposition – and it may well be that the Opposition could provide some constructive input in relation to those plans, in order to improve them. Because at the end of the day, we have all got a vested interest in ensuring that people are dealt with at an early juncture so they do not re-offend. (*Banging on desks*)

2395 **Hon. G H Licudi:** Mr Speaker, the hon. Member (*Interjection*) makes an extraordinary statement talking of ‘vague manifesto commitments’. Well, at least we had a manifesto – they did not even *have* a manifesto for this election!

And the commitment is not vague at all – *at all!* It makes it clear: we are going to introduce arrest referral protocol throughout law enforcement agencies to facilitate the process of dealing with detainees who are suffering from addiction. The question is, does it necessarily lead to engagement of more people?

2400 But we may already have people, whether it is in the drug unit, the drug rehabilitation workers, who deal with people with addictions, who work at Bruce’s Farm and who know about these things. And all they need, perhaps, is a protocol as to notification to appropriately identified people – not necessarily newly engaged workers – but appropriately-identified people to whom a referral would be made, when someone is presented with the sort of addiction that the hon. Member has referred to, and which is clearly set out in the manifesto.

2405 So the position is simple: there will be a referral system to people who will be able to deal and assist that person, in respect of that addiction, whether it involves the engagement of one or two workers, or the use of existing workers who have expertise in that area. That is a matter that the Government will have to consider when it introduces the policy and the protocols.

2410 **Mr Speaker:** Having aired Justice, we will now go on to Education.
Next question.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q22-31/2016

Dealing with infectious diseases – Further supplementary questions

Clerk: Question 93/2016, the Hon. Ms M D Hassan Nahon.

2415 **Hon. Ms M D Hassan Nahon:** May I first finish on a question regarding the incident on Health, before we went for the break, please?

I just want to take this opportunity to extend my thanks as Shadow Minister for Health – and the rest of the Opposition Members – to the GFRS and the staff at the GHA for their bravery and professionalism on the night of the incident. It must have been a very challenging and scary time for them, and we thank them. And just to make it very clear that we have not questioned their professionalism in any way; we have just been asking questions about procedures and protocols in order to maintain standards.

2420 Can I just ask the Minister for Health, Mr Speaker: when the investigations that are being carried out, when we can expect a conclusion, please?

2425 Thank you.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I cannot speak for the Port investigation which is a primary investigation.

2430 The internal discussions within the GHA: I do not have a date but I expect to have a full report within the next couple of weeks; but I am not aware of the Port's.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, if I may assist, as I think my colleague mentioned before –

2435 **Hon. D A Feetham:** Mr Speaker, the question was not about –

Hon. A J Isola: Do you want the information?

Hon. D A Feetham: No, the Port –

2440

Hon. A J Isola: Ah no, just Health?

Hon. D A Feetham: Just Health. We are talking about Health and I just have one further question in relation to this.

2445 The Hon. Minister has talked about internal discussion: I assume we are talking about an internal investigation conducted by the GHA. Who is conducting the internal investigation on behalf of the GHA? Can the Hon. Minister perhaps supply some information about that?

2450 **Hon. Dr J E Cortes:** Mr Speaker, I do not know how we can go back now, after we had finished matters on that question. The hon. Lady raised a few –

Mr Speaker: What happened was that immediately after the recess, the hon. Lady would have wished to have pursued one or two supplementaries. But you were not in the Chamber at the time, so I suggested –

2455

Hon. Dr J E Cortes: Ah, ok. Well I am happy to answer it.

This is an internal review of what happened. Whenever there is anything that happens which is out of the ordinary – and this clearly was out of the ordinary – the Health Authority and its different departments get together and discuss what lessons can be learned, what was done right and what could have been done better. And this is general in any organisation.

2460

So it is internal and, as I said, I expect to have a report within the next couple of weeks.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, can I thank the hon. Lady for the remarks she has made in respect of the professionalism of the GHA staff and the staff of the Gibraltar Fire and Rescue Service. They are there always to provide that assistance that anybody may need, and in this instance to ensure that even though others might have failed in the way that they dealt with these issues, they properly applied their professional skills to ensure that all of those issues were dealt with in the appropriate way; hence the confidence that we were able to express in the way that they had dealt with this matter, in this House, to reassure the community as we had done previously.

2465

2470

May I also extend that vote of thanks on behalf of the community to the staff of the Gibraltar Port Authority who obviously also did a *very* very important job on the day, even though it is important to ensure that all of the steps followed on that day were adequately dealt with. And I am sure that she would also wish to extend her thanks on behalf of the community, as I do to them also.

2475

Mr Speaker: Can we proceed to Question 93?

Q93-95, 97-98/2016
University of Gibraltar –
Enrolment; employees; volunteers; costs; courses

Clerk: Question 93/2016, the Hon. Ms M D Hassan Nahon.

2480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide information on how many students have been enrolled at the University since its opening in 2015, providing a breakdown by subject matter, age and nationality?

2485 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 94, 95, 97 and 98 of 2016.

2490 **Clerk:** Question 94/2016, the Hon. Ms M D Hassan Nahon.

2495 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide a list of all the employees of the University, giving a breakdown of salary, including bonuses and added benefits, personal and financial?

Clerk: Question 95/2016, the Hon. Ms M D Hassan Nahon.

2500 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide a list of non-salaried volunteer positions within the University?

Clerk: Question 97/2016, the Hon. Ms M D Hassan Nahon.

2505 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the running and recurrent costs of the University? (*Interjections*)
Number 97, you asked me to omit 96. Thank you.

Clerk: Question 98/2016, the Hon. Ms M D Hassan Nahon.

2510 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the format of the Gibraltar Law course offered at the University to qualified barristers, including the number of lectures in the course, how many exams need taking in order to pass the course, how spaced out those exams are from each other, and how many exams is a student allowed to fail but yet passing the course overall?

2515 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2520 **The Hon. the Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the University is an independent statutory body established under the University of Gibraltar Act. The matters raised in these questions are therefore for the University and not for the Government.

2525 I would just add, Mr Speaker, that some of the information which is requested including, for example, the format of the Gibraltar Law course, I understand may be available on the University's website. And just to correct, by way of assistance: when Question 98 talks about

Gibraltar Law course offered to qualified barristers, there is no limitation, as I understand it, in the course – certainly none was intended when we set up the course, that it was only available to qualified barristers. It is available to anyone who might want to undertake the course on Gibraltar Law.

2530

Hon. Ms M D Hassan Nahon: I was asking the question because, from what I understand, it is qualified barristers who are under the requirement and the stipulation to take this course in order for them to be able to practise in Gibraltar. That is why I was trying to gather some more information about how they have to qualify for this course in order to continue practising in Gibraltar.

2535

Thank you.

Hon. G H Licudi: Mr Speaker, just on that course: that provision that the hon. Lady refers to is actually provided, I seem to recall, under the Supreme Court Act. The new training requirements that we introduced, which had an academic element, which was going to be met by doing this particular course. That is certainly a requirement, but it is not just for barristers – it is for barristers and solicitors. *(Interjections)*

2540

Hon. D A Feetham: Mr Speaker, the Hon. the Minister for Education has effectively refused to answer the question on the basis that it is not a matter for which the Government is responsible, and it is a matter which should be directed to the University.

2545

But with respect to the Minister, for example Question 93 which is, ‘How many students have enrolled at the University?’ you are talking about a university that is being funded at taxpayers’ expense. Surely the Hon. Minister can see that it is a perfectly legitimate question to ask how many students have been enrolled at a University for which the taxpayer is basically paying £10 million – that is what we voted for.

2550

Everybody wants this University to succeed, for example, but how do we on this side of the House, or the public in general, then find out how many students are there? You could have an empty university. I am not suggesting that this is the case, I am just setting a stark example in order to test the proposition.

2555

You could have a university that has no students, it is being funded to the tune of £10 million by the taxpayer and the Hon. Minister says, ‘Well, it is nothing to do with me; it is to do with the University.’ That surely cannot be right.

Therefore, I would urge the Hon. Minister to rethink the answer that he has given because I certainly believe that that is a perfectly legitimate question to ask.

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Hon. G H Licudi: No, Mr Speaker, it is not a perfectly legitimate question to ask. The issue is: for what is the Government *answerable* and *accountable* to the people of Gibraltar in this Parliament? That is, surely, the question.

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I can certainly act as a post-box and I can receive a question like this, and I can ask the University, ‘How many students have you got enrolled now; and give me a breakdown?’ And I can come here and give the information, but I would just be acting as a post-box. And if the hon. Member thinks that Government Ministers should simply act as a post-box, I think he has got the wrong end of the stick. *(Interjections)*

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But in relation to the importance of the independence of the University ... and it is not that the Government is refusing to answer. This is not information which is available to the Government. It is information that is available to an independent statutory body and I can *ask*, but I cannot force them to provide me with that information; and I cannot be accountable for that information.

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Hon. Members will recall that they placed a lot of importance in the University being established as an independent institution. Or does the hon. Member not recall asking Question 540/2014 which stated:

Mr Speaker, when will the Government grant the Gibraltar University a charter guaranteeing its independence and befitting its status as a University?

If it is independent, it is independent.

2580 And does the hon. Member not recall also the statements made during the Second Reading of the Bill on the University, in particular by the person who was then the hon. the backbencher, Sir Peter Caruana, who set out the statutory provisions in relation to lack of external interference and freedom of enquiry and research? And he had this to say, and I quote:

So that is the statutory statement of the desired level of independence and autonomy that the Government, in my view rightly, wants for this institution.

2585 So if it is independent, it is independent. And I can certainly ask, but the hon. Members can also ask; and I do not see why the hon. Members cannot write to the University –

Mr Speaker: This is a point that I precisely wanted to raise, as Speaker: can the hon. Members of the Opposition obtain this information from the University?

2590 You see, the position which I, as Speaker, find myself in: here are a number of questions which I could have disallowed, say, on the basis that in the House of Commons, Mr Speaker Bercow would have disallowed them. No Member of Parliament can stand and ask the Government in the House of Commons to provide information about the number of students that have been taken on by the University of Leicester, say.

2595 But the position is different because the University of Leicester is probably not funded at all from public funds; but this University of Gibraltar is. Therefore what I am saying is that, hon. Members, Parliament needs to arrive at a considered position as to what is the reality.

2600 Now, if the Hon. the Minister for Education is saying that if hon. Members of the Opposition ask the University, the Vice-Chancellor, for this information, it is readily available, then surely they do not have a problem because they would have that information at a time when the estimates of expenditure are discussed, when there could be a sub-head providing further funding for the University.

So I think it is something that needs to be considered.

2605 **Hon. Ms M D Hassan Nahon:** At what point does the Government subsidise a venture like the University and then wash its hands of it, in the same way as ... ?

A Member: Nobody is washing their hands.

Hon. Ms M D Hassan Nahon: Who will take ownership in the end, to answer these questions?

2610 On the Board of Governors, are there civil servants involved? At what point do you separate yourself from providing information about something that you have proudly built and been so proud of? (*Interjection*)

2615 **Hon. G H Licudi:** Mr Speaker, it is an institution to be proud of and the Government is very proud to have inaugurated the University on 21st September! (*Banging on desks*) And so are the 2,300 people who visited the University on the immediately-preceding weekend and were all marvelled at the University. (*Interjection*)

2620 It is not a question about whether I can or cannot answer questions on the University. It is a question as to whether the Government and Government Ministers are *answerable* in this Parliament for these issues.

If I were to ask for the information – which I can do, get the information and pass it on – and if the question is then, ‘Why have they done this? Why have they engaged so-and-so? Why have

they created this position?' (*Interjection*) Well, that is not an answer that I am prepared or *able* to give.

2625 Mr Speaker raises two issues: one is about public funding of universities. My understanding is that most universities in the UK do receive a large element of public funding, (*Interjection*) and that is precisely why fees are capped. They were capped at £3,000 until a few years ago and they are now capped at £9,000. That is clearly not the cost–

2630 **Mr Speaker:** But having said that, I cannot envisage a similar question being asked in the House of Commons.

Hon. G H Licudi: Of course not, no!

2635 **Mr Speaker:** It would not happen.

Hon. G H Licudi: Even though there is a great amount of public founding, there are one or two (*Interjection*) so-called private institutions, like I understand Buckinghamshire is a purely private university – but most universities in the UK are publicly funded to a great extent.

2640 Mr Speaker asked whether the information would be readily available from the University. I cannot answer for the University itself, but I do not see why not. I would encourage the hon. Members to write to the University and if there are further issues that they would like me to take up as Minister for Education, I am happy to do so.

2645 **Mr Speaker:** Is the University required to produce something akin to an annual report?

Hon. G H Licudi: Mr Speaker, I cannot recall off-hand whether that was a provision in the Act – I would have to look at it.

2650 **Hon. D A Feetham:** Mr Speaker, this places everybody – certainly on this side of the House – in an invidious position. You have a situation, and this is really what it amounts to, where the Government could in future come and say to this House, 'We want funding for this University' – a University which is funded at the moment solely from public funds; and at the same time we are not being provided with information in this House – (*Interjection*) in this House.

2655 It is funded and approved by this House and we are not being provided with information as to how this University ... basically, whether it is good value for money for the Taxpayer, or it is not good value for money for the Taxpayer.

I do not want anybody out there to come out with the impression, from these exchanges, that we do not want the University to succeed and we do not want it to be a huge success. Of course we do! But a question like, 'How many students have been enrolled at the University?' is the type of question that I would have *thought* that the hon. Gentleman would have provided an answer.

I can understand when he then gets into a situation where there are supplementaries about the mechanics of the University, that is a different kettle of fish. But of course, let's assume for one moment that in two years' time there were 50 students, and this Parliament is funding it to the tune of millions of pounds of taxpayers' money. If I go to the University and say to the University, 'How many students are enrolled at your University?', and the University says, 'I am not going to provide you with that information', look we are, then left with a situation of then not approving funding, because we do not have the information to see whether it is cost-effective or it is not cost-effective.

2670 It really could be dealt with on a very common-sense basis where perhaps the Minister would say, 'Look, I have a concern here: it is a separate statutory body, I do not want to get myself involved in answering day-to-day questions about this University, it would not be right, therefore I am setting a marker but I am providing some basic information.'

2675 Because it seems quite basic to me, the information that the hon. Lady has sought from the Hon. Minister.

Mr Speaker: Yes, but I would also comment that it would not be sustainable for the University to refuse to answer the sort of information, 'How many students have been enrolled?'

I mean, if the University were not to provide that information – (*Interjections*) it would be very difficult for them to justify as to why they should not.

Hon. G H Licudi: And, Mr Speaker, particularly in the context of the public funding which the hon. Member has indicated. Clearly, the hon. Members opposite did not think about the effect of this independence when they were championing the University as an independent body, and the question is ... The hon. Member says we are refusing to answer; I am not refusing to answer, the answer is I do not know. It is not information that I have available myself. I can *ask*, but in the same way that *I* can ask and can oblige, the hon. Members can ask.

Mr Speaker: Looking at Question 93: '... providing a breakdown by subject matter, age and nationality ...' that kind of information might even be subject to data protection. That kind of information. Can a body like the University put into the public domain information of that nature? I am not sure. (*Interjections*)

I do not know, but it is something that has to be given some thought to.

Chief Minister (Hon. F R Picardo): If I can try and assist the House on this matter, look, think the issue is a simple one. At Question Time the Government provides information *it has* on the questions of the Opposition. If the Government does not have the information – and that means the wider Government, the Departments, the Agencies, the Authorities, etc – well, then, the Government is not able to provide the information.

In the context of this particular example, the seed capital is provided by the public in a Bill which is brought to the Parliament to create the University, and a vote of money. If hon. Members would like to think of it this way: if they were to write to the Gibraltar Health Authority, to the Care Agency, to the Head of the Civil Service, and seek the sort of information that they are seeking in these questions, the answer will be, 'Please ask in the Parliament so that the Government provides the information.'

If they write to the University, the answer will be whatever the University likes – where they can address it to the Chancellor, the Vice Chancellor, the board, or whoever they like. But it will not be, 'Ask the Government in Parliament'. We have *created* the University, but as the Hon. Minister rightly says, if we are challenged on any item that these questions could have been on, and then follow up on, because it is independent we would not be able to deal with the issue. And I think that is the dichotomy that we have to have – that is not to wash our hands of it, that is not to be not accountable for the money, that is not for us to want to see something continue which is not flourishing.

But let's be clear: Question Time is about Government information. This is *not* Government information and for that reason is not susceptible to this sort of question.

I think Mr Speaker has indicated to the House why it was that he thought the question should be allowed in this case – because of the issues he has alerted us to – but I think in the context now of these answers ... Nobody is saying to the Opposition, 'You should not have that information.' But this is not information in the possession, custody, or power of the Government.

Hon. R M Clinton: Mr Speaker, if I may, I have in front of me what I believe is the final version of the University of Gibraltar Act 2015 and I am reading, with interest, section 19(1) regarding the composition of the Board of Governors which it says can be:

... up to seven members,
(a) the chancellor,
(b) the vice-chancellor,
(c) the Director,
(d) up to four persons appointed by the Minister.

Now the Minister can appoint the majority of the board, and therefore *de facto* has control of the Board of Governors. (*Interjection*) He can then *de facto* ask for the information.

2730 How does he reconcile the independence of the institution (*Interjections*) versus his ability to control the Board?

Hon. G H Licudi: Mr Speaker, that is an extraordinary statement. Just because there is a power to appoint members to an independent statutory body, the hon. Member is suggesting that the Government (*Interjections*) *de facto* controls that statutory body, and that they do what I tell them. Nothing could be further from the truth. (*Interjections*)

2735 Just as an example, the Chairman of the Board has been announced as Jose Julio Pisharello. One of the members of the Board is Peter Montegriffo. They have been appointed by me, but they now have duties in accordance with the Act. They are certainly not controlled by me in any way in the manner that is suggested by the hon. Member.

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A Member: Totally independent – totally!

Hon. Chief Minister: Mr Speaker, if I might just also, to deal with that point: the hon. Gentleman is remiss not to read to the House section 5 of the Act, which says this:

Institutional autonomy.

5. The university, its board and its other constituent bodies shall be free from interference from all external bodies, ...

2745 – as we are –

authorities or agencies in the exercise of the powers conferred by this Act, including as regards the following ...

And then it sets out three particular rights that it will be independent of.

But it is a blanket independence. So even the question from the Minister – ‘Give me ...’ rather than ‘Would you give me ...’ – ‘Give me the information because it has to go to Parliament,’ would be in breach of section 5.

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Hon. D A Feetham: Mr Speaker, the question of what a Government has a responsibility to answer is dealt with in Standing Order 15 and it says:

Any question addressed to the Chief Minister or a Minister shall relate to the public affairs with which he is officially connected ...

That is one limb, and the second limb is:

... or to a matter of administration for which the Government is responsible.

So there are two limbs: ‘relate to the public affairs with which he is officially connected ...’

2755 Now, there is no doubt that in this particular case, he is officially connected, the public affairs with which he is officially connected is the University of Gibraltar, in respect of which he has brought a Bill to this Parliament in order to officially constitute it as a legal body, but has also come to this House in order to seek funding in order to fund this particular University. Now, so in my respectful view it would fall within clause 15.

2760 But can I ask him this: has the Hon. the Minister for Education not asked the University, in his capacity as a Government Minister – I would be surprised if he had not – how many students

2765 have enrolled at the University since its opening in 2015? Because if I were Minister for Education – bearing in mind that this is a flagship project, not only for the Government but also for Gibraltar; I mean, it is a flagship for all of us – one of the things that I would be doing is asking the Chancellor, ‘Well, how many students do you have enrolled?’

Because you see, if he has asked that information and that information has been provided to the Hon. Minister, then I just cannot see why he should not be providing it to this House. But maybe the Hon. Minister has not sought that information.

2770 **Mr Speaker:** The Hon. the Leader of the Opposition has quoted, has read out, Rule 15. I have to pose an issue: ‘shall relate to the public affairs with which he is officially connected’ – is information about subject matter, age, nationality and so on, of students of the University, public affairs? I do not know. I cannot make a ruling immediately. I do not know. One might have to take advice on whether it is.

2775 But I think what hon. Members have to realise is that we are treading on new ground here. We have a new situation, but a situation that is not dissimilar to a body like the Gibraltar Broadcasting Corporation. *(Interjection)* No, it is not dissimilar alright. That is a statutory body and we have long experience of the Gibraltar Broadcasting Corporation, but we do not have long experience of a University which has just been created. Therefore, we need to treat warily; we have to consider ...

2780 It is fine the questions were brought here; they are *bona fide* questions. I said we have allowed them for the reason that we have, but we now need to go away from here and rethink, perhaps give some thought and reflect what is the exact position; do a little bit of homework. What exactly is the position of the University *vis-à-vis* this Parliament, *vis-à-vis* the responsibilities of Ministers and the legitimate function which hon. Members have of trying to get information in order to precisely justify public expenditure?

2785 These are matters that I think we need to reflect on and perhaps if nothing is concluded today ... We do not have to come to conclusions today. We give the matter some thought for the future.

2790 **Hon. Chief Minister:** Mr Speaker, can I just be very clear in the attitude that we are taking to this, because I think sometimes we have a discussion which becomes an argument. It is not that we do not want them to have this information. It is that we do not have it to give them. But it may be that this issue can be very simply resolved, because the information can be provided to them directly by the University.

2795 In the analysis I did before, you know whilst the Department and agency or authority would not give the information and would refer them to the procedure established, the University may give the information. Then with that information they may wish to bring a motion in the House, all the rest of it. But that, in my view, is where we need to look to see what procedure we establish. It may be that the Board of the University does not feel comfortable simply answering a list of questions from the Opposition on a periodic basis and then they might take a different view. But it is for – *(Interjection)* exactly, but it is a matter for the Board to decide.

2800 When people are appointed to boards, Mr Speaker, by the Government – and there are many boards to which the Government makes appointments – the people who are appointed to boards are asked, certainly by this Government and I assume – I will give them the benefit of the doubt – by every other Government before to bring their independent decision-making capability to the board, not simply to be appointed in order to do what the Government says at any particular time.

2805 Should there be any residual concern in that respect, I say here publicly the Government would expect – even those members that we have appointed to the Board – in respect of this matter – as we do in respect of every other – to bring their own independent mind to whether they would wish to provide the Opposition or any other individual with the sort of information that is being sought today. The answer may be yes.

2815 **Hon. D A Feetham:** Mr Speaker, you see, there is a broader principle and Mr Speaker's
analysis was a very fair analysis and indeed reflects my thinking you know as these exchanges
have transpired. Because of course it is all very well for us to engage with the University directly
– we may well do that – but again what is the difference between this University and GBC, for
example? Is there an obligation for the Government – as we believe there is an obligation on the
2820 Government – to provide certain information about the University before this House? Not all not
all, the information, because I accept that it would not be proper for the Opposition to be asking
questions about the day-to-day running of the University.

Indeed, when I have asked the supplementary question that I have asked – that the Hon.
Minister has not answered – I do not know whether he has the information or he does not have
the information. I repeat the supplementary. I have narrowed down the supplementary, not to a
2825 question of subject matter, age or nationality. I have said how many students has the University
enrolled? Because that is something that I would have expected a Government Minister,
certainly a Minister for Education in relation to this flagship project, to have sought from the
University.

If he has sought that, I think that he does have an obligation to provide it to this House, even
2830 if he says, 'Look, I do not have the information in relation to subject matter, age and nationality.
I do not believe that it is appropriate' – even though we disagree. But if he does have the
information about the students being enrolled and how many students the University has, he
ought to provide it.

2835 **Hon. G H Licudi:** Mr Speaker, I can tell him that I am aware that over 200 students have
enrolled, but that is not information that I have obtained in respect of specific courses, as a
result of this question, I have gone and asked in order to be able to provide this information. Of
course I have enquired over time in my discussions with Board members, 'How is enrolment
going and how many people have enrolled?' I have been to the University myself and I have seen
2840 the evening classes taking place; but that is very different to 'the Government' having an
obligation to answer questions.

The Hon. the Chief Minister mentioned previously – I believe it was section 5, which is the
guarantee of independence. That was one of the clauses that the Hon. Sir Peter Caruana
referred to when during the Second Reading of the Bill, when it talked about:

... free from interference from all external bodies ...

2845 And he added:

In which I am certain the Minister would wish to include himself as an external authority and agency.

So there was a recognition there, certainly by Sir Peter Caruana, that that degree of
independence was independent of the Minister. We now have a constituent body, within the,
established under the Act and working in practice, which is the Board of Governors. These
decisions are for the Board of Governors. We may agree or disagree with any decision that the
2850 Board of Governors make.

So the hon. Member may ask and there may be a certain decision and we may agree or
disagree whether that decision was right or wrong. But if the hon. Members want information
which they believe they should have in relation to the University, I would urge them to write to
the University itself through the Board of Governors. Then they can make an assessment as to
2855 whether the Board is providing the information that they want or not.

Hon. D A Feetham: Mr Speaker, just one question. Mr Speaker, section 45 of the Act provides
as follows:

At the request of the Minister, the University shall provide the Minister with reports and any other information that the Minister considers necessary to carry out the Minister's responsibilities in relation to the University.

Has the Minister sought any such report from the University since the University was created?

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Hon. G H Licudi: No, sir, and that specifically refers to the *Minister's* responsibilities under the Act. It certainly does not refer to seeking information and seeking reports in relation to the questions that are being asked, but I have not asked for any section 45 report – (**A Member:** 43.) or 43! Any section 43 report yet. I may do so next week or next month or at the end of the academic year, but as of today I have not asked for that report.

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Mr Speaker: Before we proceed with Question 96, where the Government are able to provide information, there is another matter that Members should keep in mind. Information about the activities of the University will over a period of time come into the public domain. It is inevitable. In respect of undergraduate students, it might take three years before there is a convocation where degrees are awarded, but when that happens it will be in the public domain as to how many degrees have been awarded.

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In respect of graduate courses, that can happen sooner because a graduate course can be a year or two years. So over a period of time it is inevitable that we will all get to know how many students are being successful at the University and what courses they are pursuing.

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Hon. G H Licudi: Mr Speaker, not just that, there is an obligation on the University to provide an annual report to the Minister.

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Mr Speaker: I thought I had asked you that.

Hon. G H Licudi: No, I thought the question was whether there was an obligation to lay the report before Parliament. (*Mr Speaker: No, no, an annual report*)

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There is no obligation to lay the report before Parliament. There is an obligation to provide an annual report to the Minister and, of course, if the Minister has that information after receipt of the annual report, it is right and proper that the hon. Members can ask, because that is then information that is in the possession of the Government. (*Interjection*) I can make a statement here in Government as to the affairs of the University following receipt of that annual report. I am happy to do so, of course.

Q96/2016
University of Gibraltar –
Cost of construction

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Clerk: Question 96/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education provide the exact cost of the construction of the University?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the University was a Government project. Therefore, the Government was in control of the project and has the relevant details.

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Mr Speaker, the cost of construction of the University was £4,736,808.86. Good value for money, if I may say so myself.

Q99/2016
A-level subjects –
Available exclusively at Bayside or Westside Schools

Clerk: Question 99, the Hon. Ms M D Hassan Nahon.

2905 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education please provide a list of A-level subjects which are only available in either Bayside or Westside School? Thanks.

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, Sociology, Product Design, Italian and Further Mathematics are only available at Bayside. Economics and History of Art are only available at Westside. The offering of these subjects only at Bayside or Westside is determined by the availability of subject specialists to teach these at A-level and also to an extent by demand.

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It is the Government's policy that all students, irrespective of whether they are a boy or a girl, should have access to all subjects which are offered at A-level, irrespective of whether that subject is offered only at Bayside or only at Westside. This is of course subject to timetable constraints and the student satisfying the subject's entry criteria, in the same way as would apply, for example, to a Bayside student choosing subjects which are available completely at Bayside.

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Although some strides have been made in the implementation of this policy – for example, we have girls this year doing Further Mathematics and Sociology at Bayside; and not just this year, I understand this has happened in previous years as well – there has been no formal structure in place to make sure that the choice of all subjects is available to all students. Such a formal structure will be in place as from September 2016. This will mean that, subject to the constraints that I have already mentioned on timetable and entry criteria, subject to that, all students will be offered a full choice of subjects which are available at both Bayside and Westside.

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The result of certain choices could mean that a number of boys could become Westside students and a number of girls could become Bayside students. As an example, a girl wishing to do Sociology, French and Spanish can do so at Bayside and a boy wishing to do Economics, Physics and Maths can do so at Westside.

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The effect of the Government's policy is that no student will in the future be denied the opportunity of opting for a particular subject at A-level solely because that subject is not available in the school in which they are due to attend. Students will in the future have a full choice of all subjects offered at A-level across both secondary schools.

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I trust that this policy will be welcomed across both sides of the House.

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Hon. Ms M D Hassan Nahon: It certainly will.

Mr Speaker, considering the response – which I am grateful for – by the Minister for Education, doesn't this effectively express the desire, the appetite or the need to in fact merge the co-education issue that you know we were all discussing during the election campaign? Some were pro and some were against. Isn't this *de facto* evidence here that there is a case for

2945 co-education just by virtue of the fact that these subjects ... ? There is a demand by both schools and it would make sense to merge them.

Mr Speaker: I can allow a short answer, but no debate on the question of co-education at this stage.

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Hon. G H Licudi: Yes, Mr Speaker. Although I would be happy to have a debate, I am sure this is not the time or the place for it.

The effect of this is not that overnight we are going to have co-education in the sixth form. We are not going to have an integrated sixth form because we are going to have a sixth form at Bayside and a sixth form at Westside and in some cases some subjects offered in one and some subjects offered in another, for the reasons I have explained, particularly availability of subject specialists to teach that particular subject at A-level, which makes it unfeasible. Also due to numbers and demand may make it unfeasible to offer the two subjects in both schools.

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But the result of this is that there will be, over time – possibly as from September 2016 but certainly over time – an integration of boys and girls. So we will see an element if not full co-education at sixth form level, more by default than by design.

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This policy has not been designed or thought of in order to bring about co-education, because co-education is the ultimate aim. This policy has been thought of and introduced simply for the purpose of allowing a full choice to all students, and by default somebody who chooses subjects which are available in one school will attend that school. If there are timetable possibilities of attending only one particular subject, that is also a possibility, but certainly this will start at least at sixth form level.

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It is a different matter – and I do not want to go into the debate on co-education generally in the secondary sector. That is a wider debate which I understand certainly the Chief Minister answered some questions recently about this. This would be subject to careful thought and even a consultation process, because there are arguments for and against; there are educational issues that need to be considered.

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But the question solely relates to the sixth form or rather as they are now, years 12 and 13 at both Bayside and Westside. So yes, we will see inroads in that direction.

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Hon. E J Reyes: May I, Mr Speaker, very briefly just to ask the Minister ... ? He may already have it in his sort of forward planning.

In welcoming the news of greater choice of subjects at A levels in respect of our male and female students and so on at present, again there is some sort of arrangement whereby students on a certain particular subject area – Psychology comes to mind – have within timetabling constraints and so on, have an ability or a concession to be able to attend that class at the College of Further Education. Will the Minister at least be able to guarantee the young students that he will try and keep that option available? Because in gaining a lot of, of a greater scope in the choice of A-levels, we would not like to see the loss out of what we already have in that sort of backdoor type of unofficial consortium that does exist in many areas. It has for many years, and across the House we are all supportive of the principle that the Minister is aiming for.

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Hon. G H Licudi: Mr Speaker, the hon. Member is right. This is intended to widen choice, certainly not to limit choice in any way. So whatever choices are available now, will continue to exist in the future in addition to these provisions. The example the hon. Member raises, for example in Psychology – and IT is another example which is offered at the College – that is a consortium subject which is offered in a particular institution but is as a consortium of the three second schools in the secondary sector. This is not intended to dent in any way ... In other words it supplements and enhances the work done at consortium level by the three schools in the secondary sector and introduces a formal structure whereby all students will be given a choice.

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3000 You will no longer have a student at Bayside getting three columns or four columns saying, 'Choose one from each' and 'These are the subjects offered at Bayside'. There will be full choice across the board, whether the subject is offered at Bayside or is offered at Westside. Then administrative arrangements will be made to make sure that that student is able – subject again to timetable constraints and entry criteria, as the Hon Member will know – the administrative arrangements will be made so that student will be able to attend those classes, even if it means becoming a student of the other school.

3005 That to an extent has already happened in some areas and I mentioned Further Mathematics. Further Mathematics is a case in point because that is offered usually – certainly in the last few years – in Bayside and students doing Further Mathematics at A Level clearly also did Mathematics at A-level. Girls would do that at Bayside. In some cases, we have had, for timetabling reasons, those girls doing Further Mathematics and Mathematics – that they had to do in Bayside – if they chose Further Mathematics also doing the third subject at Bayside, because it was not compatible with them being in Westside. So this has already been introduced in some way and that is why I said that there had been some inroads already being made into this. But this is now a formal structure of all choice being given to all students.

3010 **Hon. E J Reyes:** May I invite the Minister – and I hope he says yes – when this is achieved by September 2016, we can together with Mr Speaker, as an ex-teacher, we can all go out together and have a celebratory drink and toast to the students' health!

Q100/2016
Educational standards and school performance –
Assessment

Clerk: Question 100/2016, the Hon. Ms M D Hassan Nahon.

3020 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I ask the hon. Member, the Minister for Education, are there any plans to review the possibility of establishing an independent unit or contract an independent unit to assess educational standards and school performance?

3025 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, there are currently no plans to set up or contract an independent body to assess educational standards and school performance and I would emphasise the word 'currently'. What I am saying is *today* I do not have plans to do this, but this is something that I am keen to discuss with professionals at the Department of Education and the position may change when a decision in a different direction may be made.

3030 But, if the question is, '*Today*, do I intend to set up an independent body or contract somebody to do it now?', the answer is *currently* we have no plans to do that.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do therefore now (*Interjections*) adjourn until 3 p.m. tomorrow afternoon, when we will deal with my questions first and then with those remaining on the Order Paper.

3035 **Mr Speaker:** The House will now adjourn until tomorrow at three o'clock.

The House adjourned at 7.37 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 5.23 p.m.

Gibraltar, Thursday, 21st January 2016

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q116/2016

**Eastern Beach tunnel –
Completion date**

Clerk: We continue with questions to the Chief Minister.
Question 116, the Hon. T N Hammond.

5 **Hon. T N Hammond:** Mr Speaker, could the Government provide an estimate as to when it expects the tunnel at Eastern Beach under the runway to be completed?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is expected that the tunnel and road under the runway will be completed during the lifetime of this Parliament.

15 **Hon D A Feetham:** Mr Speaker, can the Hon. the Chief Minister help us with this: is the tunnel under the runway going to be completed by GJBS, which was the intention of the previous administration – I think the hon. Gentleman made statements to the effect that that policy was going to be continued; or is it going to be completed and the works undertaken by some other company?

20 **Hon. Chief Minister:** Mr Speaker, an announcement will be made by the Government when the works are underway in respect of any part of the works which are not currently being finished by GJBS.

25 The hon. Gentleman knows GJBS have done an excellent job already of finishing the roundabout in the area of Beach View Terraces, the southern access road in that area, and have started the dewatering of the tunnel. If anybody else is going to become involved in any other aspect of the works an announcement will be made.

Hon. D A Feetham: Yes, Mr Speaker, but can the Hon. the Chief Minister provide some further details and be a little bit more helpful in relation to this? Because, of course, if the works go to somebody else then one would expect – unless of course the works are going to be undertaken, for example, by OHL, I merely speculate in relation to this, which was a previous contractor, in relation to which the Government has these proceedings in London – that it would go out to tender. And therefore, if it goes out to tender, then we are talking about a process that is going to take longer than certainly could be done within the term of this Parliament, but it would take longer than just simply continuing the works when GJBS finish the works that they are presently undertaking.

30

Hon. Chief Minister: Mr Speaker, I do not envisage any eventuality which would make my original answer in any way incorrect.

Hon. T N Hammond: Mr Speaker, if I could just ask then, for absolute clarity, obviously, within the term of the next Parliament, the Hon. the Chief Minister has given an assurance that the tunnel will be completed within the next four years?

40

Hon. Chief Minister: Well, Mr Speaker, I think the hon. Member needs to look at the legislation. I understand an election would be due within 90 days of this Parliament having been sworn in, and so the maximum lifetime of this Parliament is probably just over four years.

45

Q117/2016
Bluewater project –
Update

Clerk: Question 117, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Inwards Investment please give an update on the Bluewater project and whether the £83 million premium has been or is likely to be paid by Camoren Holdings Ltd?

50

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as at the date that the question was received, the £83 million premium is not due.

55

Discussions are still ongoing with Camoren in order to finalise arrangements which would lead to the payment of the premium agreed.

Hon. R M Clinton: Mr Speaker, could the hon. Member please give an indication to those members of the public who registered interest in affordable housing as to when they might expect a response?

60

Hon. Chief Minister: Mr Speaker, that is a question that does not arise, in my view, from the question that has been asked.

65

Mr Speaker: I did not hear the supplementary.

Hon. Chief Minister: I have been asked, Mr Speaker, when those who have registered an interest in respect of some of the affordable housing on the Eastside may expect a response.

70 This is not a question, in my view, that arises, but I am quite happy to say very shortly, I understand.

Hon. R M Clinton: Thank you very much. And if the hon. Member would indulge me, in his Budget speech in 2015 he also mentioned another project at Coaling Island. Can he give us any
75 details on that?

Hon. Chief Minister: Mr Speaker, that is really quite a distance from the Eastside. I have absolutely no difficulty in continuing with this debate, but it would really be something that is not the sort of discipline we need to be getting into in respect of these questions.
80

Mr Speaker: I suggest to the hon. Member that he puts the relevant question on the agenda for the next meeting.

Hon. R M Clinton: Thank you.

85 I will continue on the Eastside project. Can the hon. Member give an indication as to when he might expect to complete negotiations? I see in today's *New People* they have been described as intense, but given that this project was announced back in June last year I would have expected the negotiations to be less intense by now. Can he give an indication as to at what point the intensity will reach a climax so that either he gets the £83 million or he decides to go with
90 another developer?

Hon. Chief Minister: Well, Mr Speaker, I do not like to go into the detail of the sort of intensity that the hon. Gentleman is talking about, but he can be assured that the climax is coming. *(Laughter)*
95

Hon. R M Clinton: I will look forward to that climax with baited breath! *(Laughter)*

Hon. Chief Minister: Mr Speaker, he can be assured that I will enjoy it very much indeed.

Q118/2016
Calpe House –
Government contribution to restoration and relocation

Clerk: Question 118, the Hon. Ms M D Hassan Nahon.
100

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Government reveal what financial contribution it is making towards the restoration and relocation of Calpe House?

Clerk: Answer, the Hon. the Chief Minister.
105

Chief Minister (Hon. F R Picardo): Mr Speaker, the amount donated by Government towards Calpe House in respect of the relocation and restoration of Calpe House is £144,245.

Q119/2016
GFA national stadium –
Government funding

Clerk: Question 119, the Hon. D A Feetham.

110 **Hon. D A Feetham:** Mr Speaker, can the Government please state what money has been paid either directly or indirectly by the Government, a Government-owned company, authority or agency, whether by way of gift, loan or otherwise, to the GFA or anyone else in respect of the proposed GFA national stadium project either at Europa Point or elsewhere?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, after discussions with the GFA and UEFA, a temporary advance of £929,176 has been made to the GFA, which is due to be repaid with the funding agreed between the GFA and UEFA.

120

Hon. D A Feetham: Does the Chief Minister have a timeline as to when he expects that £929,000 to be repaid?

Hon. Chief Minister: Mr Speaker, during the course of the development of the new stadium.

125

Hon. D A Feetham: Mr Speaker, but this must be a matter of contract and there must be a trigger date for the repayment of the £929,000. The course of the development is likely to take two years, three years – it might even take four years. Can he be more specific in terms of the repayment of this loan of £929,000?

130

Hon. Chief Minister: Mr Speaker, I am sure I can be, but can I ask him to give me notice of the question and I will bring the details of the agreement entered into with the GFA.

135 **Hon. D A Feetham:** Mr Speaker, this really is a supplementary that the hon. Gentleman should have expected because it arises out of the original question, but nonetheless I will ask the question again next time round.

What about in terms of interest? Is this an interest-free loan that is provided to the GFA, or is there interest accruing to the Government, and obviously the taxpayer, on this £929,000?

140 **Hon. Chief Minister:** Mr Speaker, I did not anticipate I was going to be asked the details of the loan. I was asked what amount had been lent; I was not anticipating to be asked this level of detail, but I can tell him it is not an interest-free loan.

145 **Hon. E J Reyes:** Mr Speaker, if I recall correctly, I had once asked the Chief or asked the Government what expenses had been incurred, if any, in respect of the original development of the football stadium at Europa Point and I cannot remember the exact number – I know it was a very low figure he said. Does the Minister happen to recall if there has been no further expenses, or does he require further notice? I think I can deduce from the answer he has given me, because it is just a loan to the GFA, that there have been no other expenses; but if he is not certain, perhaps he could indicate that I should propose a question next time round.

150

Hon. Chief Minister: He is absolutely right, there are no other expenses.

155 **Hon. L F Llamas:** Can the Hon. Chief Minister please give details of with whom the contract is made with the GFA: is it directly with Government, or a Government-owned company?

Hon. Chief Minister: If the hon. Member gives me notice of the question I will be able to.

160 **Hon. D A Feetham:** Mr Speaker, I do not mind, because I really do not want controversy in
the first session of Parliament after the General Election, which they won with 6.8 out of 10
people walking up and down Main Street. But, Mr Speaker, it does actually say 'by way of gift,
loan or otherwise', it says 'directly or indirectly by the Government, a Government-owned
company, authority or agency'. I would have thought that it arises out of one of those, and it is
165 certainly an answer that I would have expected to have been provided in the original answer to
the question, or indeed you know for the Chief Minister to come prepared to answer a
supplementary, because it really is something that arises out of it. But, Mr Speaker, I will give
notice nonetheless, because I do not want –

170 **Mr Speaker:** Given the main question, 'what money has been paid either directly or indirectly
by the Government, a Government-owned company, authority or agency, whether by way of
gift, loan or otherwise', and the answer that the Chief Minister gave is that a temporary advance
of £929,176 has been made. The Chief Minister has not said which entity has made that
advance. I do not know whether he has that information or whether he does not, or whether at
this stage he does not want to release it.

175 **Hon. Chief Minister:** Mr Speaker, I do not have that information because the question asks
me *what money* has been paid. It does not ask me *by whom* the money has been paid, it asks me
what money has been paid, and that is why the answer that has been prepared is the answer
that has been given.

180 But, look, Mr Speaker, I am delighted that at least it is sinking that almost seven out of 10
people voted for us at the last Election – at least that is a positive outcome from today's
Question Time.

Q120-122/2016

Naturalised and nationalised British in Gibraltar – Numbers; housing waiting list

Clerk: Question 120, the Hon. D A Feetham.

185 **Hon. D A Feetham:** Mr Speaker, how many people have been naturalised British in Gibraltar
since 1st December 2011 and how many of those (a) qualify to apply to join the housing waiting
list and (b) have applied to join that list?

Clerk: Answer, the Hon. the Chief Minister.

190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this together with Questions 121
and 122.

Clerk: Question 121, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, when, if they have not already done so, do each of those
who have been naturalised British in Gibraltar since December 2011 qualify to apply to join the
housing waiting list?

Clerk: Question 122, the Hon. D A Feetham.

200

Hon. D A Feetham: Mr Speaker, how many non-British relatives of those nationalised British in Gibraltar between December 2011 and December 2015 were (a) in possession of a residency permit in Gibraltar before their relative was nationalised British and (b) were granted residency permits in Gibraltar after their relatives were nationalised British?

205

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, since 1st December 2011 a total of 1,090 people have been naturalised. Of these, 737 qualify to apply to join the housing waiting list and 208 have applied to join. All applicants naturalised who wish to join the housing waiting list are required to provide 10 years' proof of continuous residence and to meet the requirements, of course, of the housing scheme.

210

Seventy-two non-British relatives of those nationalised British in Gibraltar between December 2011 and December 2015 were in possession of a residency permit before their relative was nationalised British; 179 were granted residency permits in Gibraltar after their relatives were nationalised British.

215

Q123/2016

Substituted public service posts – Number longer than three months

Clerk: Question 123, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide details of all those posts within the public service that are currently being substituted for longer than three months?

220

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the question is answered in the attached schedule.

225

Mr Speaker: The schedule amounts to two pages, so could I suggest we move on to Question 124 and the Leader of the Opposition can come back and ask any supplementaries that may arise from the schedule.

Answer to Question No 123/2016

Civil Service

<u>Department</u>	<u>Grade</u>	<u>WEF</u>
<u>Culture (Ministerial Office)</u>	Senior Executive Officer (Ex GDC Officer)	May-12
<u>Department of Education</u>		
Gibraltar College	TLR 1B - IT Co-ordinator	Sep-15
	TLR 2B - Assistant to Senior Teacher	Sep-15
	TLR 2B - Language Co-ordinator	Sep-15
Westside Comprehensive School	TLR 1B - Design Co-ordinator	Sep-15
	TLR 1B - Head of Spanish	Sep-15
	TLR 1B - Head of English	Sep-15
	TLR 2B - Head of Social Sciences	Sep-15
St Paul's First School	TLR 2C - ICT Co-ordinator	Sep-15
Bishop Fitzgerald Middle School	TLR 2D - Foundation Subject	Sep-15
St Joseph's Middle	TLR 2B - Year Co-ordinator & FSL	Sep-15
St Bernard's Middle School	TLR 2D - Foundation Subject	Sep-15
<u>Driver & Vehicle Licensing</u>	Administrative Officer	Sep-15
<u>Economic Development</u>	Administrative Officer	Apr-15
Training	Instructional Officer	Oct-13
Invest Gibraltar	Executive Officer	May-15
<u>Employment</u>	Health & Safety Officer Grade 3	Dec-12
	EO (GDC Ring-fenced)	Mar-15
<u>Environment Ministerial Office</u>	Personal Secretary	Apr-14
<u>Finance Centre</u>	Senior Finance Centre Executive (Financial Services)	Dec-14
		Contd.....

Contd answer to Question 123 of 2016

<u>Gibraltar Audit Office</u>	Audit Manager	Jun-15
<u>Gibraltar Courts Service</u>	Senior Executive Officer	Apr-15
<u>Gibraltar Health Authority</u>	Administrative Officer	May-15
<u>Housing Department</u>	Principal Housing Officer	Dec-12
<u>Human Resources Department</u>	Human Resources Manager	Nov-12
	Senior Executive Officer	Jan-15
	Human Resources Officer (Ex GDC Ring Fenced)	Sep-14
	Higher Executive Officer	Sep-15
<u>Income Tax</u>	Commissioner of Income Tax	May-12
<u>Justice Ministry</u>	Executive Officer	Apr-15
	Personal Secretary	Mar-14
<u>Ministry for Tourism, Housing, Equality and Social Services.</u>	Higher Executive Officer	Feb-15
<u>No 6 Convent Place</u>	Administrative Officer	May-13
<u>Technical Services</u>		
Ministerial Office	Executive Officer	Mar-15
Engineering & Design	SPTO	Feb-15
	PTO	
Highways	SPTO	May-08
Sewer	HPTO	Oct-15
<u>Treasury Department</u>	Executive Officer	Mar-15

Q124/2016

No. 6 Convent Place –

Cost of refurbishment, restoration and construction works

Clerk: Question 124, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what has been the cost of all refurbishment, restoration and construction work done to No. 6 Convent Place from
235 9th December 2011 to 31st December 2015?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the total cost of the refurbishment, restoration and construction works at No. 6 Convent Place from 9th December 2011 to
240 31st December 2015 – the new annexe and the existing building – is £6,526,163.89.

Q125/2016

Airport VIP lounges –

Use by Ministers

Clerk: Question 125, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, on how many occasions from 9th December 2011 to 31st
245 December 2015 did the Chief Minister or any other Minister use the VIP lounge at Gatwick or Heathrow Airports; and what was the total cost per annum of such use?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am advised that the information sought by
250 the hon. Gentleman is public information which is available on the Government website and is updated shortly after each of my trips.

Hon. D A Feetham: Mr Speaker, the information is provided in the website. What there is not
255 on the website is a breakdown in relation to what relates to the VIP lounge in Heathrow and the VIP lounge in Gatwick. Does the hon. Gentleman have that information, and can he please provide it?

Hon. Chief Minister: I certainly do not have that information. If he wants it to be broken
260 down further, not only will it be provided but I will make sure that it is added to the Government website as a column so that the hon. Gentleman knows which of the two it is in the future.

Hon. D A Feetham: Mr Speaker, since 2012 there has been a considerable use by the hon.
265 Gentleman of the VIP lounge in London. We do not know whether it is the VIP lounge in Gatwick or Heathrow – it is probably a combination of both. In 2012 he used the VIP lounge on two occasions and in 2013 he used the VIP lounge on seven occasions, with a cost of £480 to £1200. He used the VIP lounge on three occasions in 2014, with a cost of £600 to £1,380; and he used the VIP lounge last year on four occasions, with a cost to the taxpayer of between £1,200 and £2,700.

Hon. D A Feetham: In the light of the fact that the hon. Gentleman used to examine the use of the two VIP
270 lounges by Sir Peter Caruana, or Peter Caruana as he then was, with the minute detail of a

forensic accountant examining accounts, and indeed the criticisms of that use that he used to level at his predecessor, how does he justify that use of the VIP lounge which he used to criticise when he was Leader of the Opposition?

275

Hon. Chief Minister: Mr Speaker, the hon. Gentleman obviously knew that the information he was asking about was public information when he asked this question, because he was ready with it for his supplementary.

280

But let me tell him that I have flown, in the times that he has asked about, on 62 occasions and that I have not used the VIP lounge on 41 occasions by his reckoning, given the numbers of times he has said I have used it, and that between the period 7th June – he might want to make a note of this – 2006 and 18th October 2011, Sir Peter Caruana, then Peter Caruana, used the lounge on 78 occasions at a cost of £42,000 to the taxpayer, although the fees were then considerably lower.

285

So, Mr Speaker, it seems to me that I am using the VIP lounge must less than my predecessor used it, following exactly the rules that I indicated I would follow – which are that I would only use it when it was absolutely necessary and that I would not use it just not to go through security – and in fact the hon. Gentleman should know that most of the occasions when we use it are when we are travelling transatlantic and we need to connect and we would not connect if it were not for the VIP lounge.

290

I would also tell him that the Gatwick lounge, which is the one which was used many years ago when there was just a link to Gatwick, has the crest of Gibraltar there from the time that it was used by many of my predecessors as one of the entitled users.

295

So the ratio of use is exactly as it should be. Because I was very critical of the former administration using it all the time, I will not use it all the time, I have not used it all the time. The basic math tells him that I have used it a third of the times I have travelled. (*Banging on desks*)

300

Hon. D A Feetham: Well, in actual fact, I must apologise to the hon. Gentleman because I actually made a mistake. In actual fact, the figures that I quoted were the figures for the use of the VIP lounge - the Gatwick and the Heathrow we do not know – just for visits to London, not transatlantic. So, indeed, when you actually take the transatlantic and you add it to the London ones you are talking about double the number that I quoted and the number that he so self-satisfyingly quoted back at me with the comparison.

305

But, Mr Speaker, I have asked him because this is what I am concerned about and this is what I am charged to do. I am here to ask questions about Government policy, and the policy of the then Opposition when he was leading it was not to spend money on these VIP lounges because they were an expense to the taxpayer that was not justified. And, low and behold, he becomes the Chief Minister of Gibraltar and he seamlessly slips into exactly the same mode, which he criticised, of his predecessor. Now how does he justify the change of policy?

310

Hon. Chief Minister: Mr Speaker, he was here for a lot of that time, so I am surprised he does not remember what the debates were about. The debates were about the fact that this lounge was used *all the time*.

315

He cannot get out of the fact that I have given him the statistics and in five years – in fact, just barely five years, almost, four years – when their party was in Government they used the lounge 78 times. In more or less the same period of time I have used it 26, although I have travelled 62. Now, Mr Speaker I think that demonstrates that we are keeping to our view that this lounge should not be used frivolously, We use it when we have to: we use it because we have got very tight connection times; I have used it because I have had meetings at the airport and I would not have been able to do that otherwise. Two thirds of the time I travel I do not use it.

320

325 He needs to understand that when they were here and what he used to defend was that it should be used *all the time*. All the time. I did not accept that, I did not think that was the right use of taxpayers' money, and I therefore make sure that it is only used when it is necessary.

I know it is very difficult for the hon. Gentleman to realise that we actually do what we say, that we demonstrate that we care about people's money and that we would only use this facility when it is necessary for the purposes of conducting Government business; *not* as the former Chief Minister said, because he did not like to show his toes at security.

330 Mr Speaker, I do not mind walking around in my socks like every other passenger has to do in order to comply with the exigencies of today's security requirements at airports. That is not what it is about. We use it when we have to, we do not use it frivolously, and the hon. Gentleman cannot get off that hook.

335 **Hon. D A Feetham:** Mr Speaker, I have more supplementaries?

Mr Speaker: You have some more! Yes. Absolutely.

340 **Hon. D A Feetham:** Yes. Well, Mr Speaker, let me read to him what he said in his supplementary to Question 336/2011. He said this to the Hon. Peter Caruana, Chief Minister:

I accept that Mr Speaker, and I accept, of course, that the cost of the hon Gentleman not having to take off his shoes and show us his toothpaste is not included today.

– I am not going to ask about shoes or toothpaste today –

But having now had an opportunity to glance at the schedule, can I commend to the hon Gentleman, and would he agree with me, that he should really, in my view, stop using this lounge

– not 'use it for when it is necessary or essential': 'stop using this lounge' –

but if he does, can I prevail upon him to at least ensure he goes to Heathrow as often as possible because the cost of the Gatwick Lounge is £793 per trip, whilst the cost of the suite at Heathrow is £470, and, although I think, that he does not agree, that £470 is already too much to pay, is it not at least better that the hon Gentleman should pay that and not the £790 ...

And, of course, if you look at the actual schedule, you are talking about £2,700 at times that the Hon. ... Indeed, by no means is it out of the ordinary that he has been paying that amount of money in relation to these particular lounges – and that is the point, Mr Speaker.

345 At the time that he was Leader of the Opposition he was saying, 'Don't use it; it's costing too much money,' when it was only £470 and £790; and yet now, when it is costing £2,700, it is essential for Gibraltar business that the Chief Minister of Gibraltar uses it. Now, does he justify that shift in position from when he was Leader of the Opposition to now that he is the Chief Minister of Gibraltar, whether he takes his shoes off or he does not take his shoes off at the lounge?

350

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not factor into any of those calculations the savings that Gibraltar often makes because we do not have to stay overnight in London because we are able to make connections which we would not otherwise make by the use of the lounge, and sometimes there may be six of us travelling, or seven of us travelling, or eight of us travelling, and the cost of us staying overnight in London would be higher than using the lounge.

355

But given that he wants to talk about pounds, shillings and pence, then let us do the comparison. Does he know that the amounts spent from the moment that charging was introduced when I told him it was, in 2006, by the Chief Minister, whom he defended, *at those*

360 *lower rates*, at those lower rates, was £43,000 – *forty-three thousand pounds*; and at the higher rates, because we use it much less, the total has been £33,000?

So, Mr Speaker, I am perfectly comfortable, because I know that I am doing what I need to do to ensure that we save taxpayers' money, that we use a resource that is there sparingly, that we ensure we use it when we need to and that it is not about, as the former Chief Minister said in
365 answer to an earlier question, which is what led to my remarks in that supplementary, that he used it because he simply could not be fussed standing at security with everybody else and taking off his shoes.

Mr Speaker, that is what being responsible is about, that is what we demonstrate, we ensure we look after taxpayers' money, and we use this resource sparingly and when required.

370 But I do remember, Mr Speaker, his face of adulation looking at Sir Peter – then simple Peter – clapping and banging the table every time he defended the use of that lounge. Well, that is when Sir Peter was not telling him to shut up and sit down.

Hon. D A Feetham: Well, Mr Speaker, I can see the rueful grin of the Father of the House
375 when I am actually going through all these figures and the amount of money that the man that he has placed at No. 6 Convent Place is spending all this taxpayers' money, when quite frankly, and in fairness to him, the Father of the House, he would never have dreamt for one moment, being the socialist that of course he is, of spending £2,700 on a lounge in Heathrow and Gatwick.

380 But, Mr Speaker, you see, there is an inconsistency here. Not only did he criticise the previous Government in relation to this and now he does exactly the same, but in 2013 he told me, 'Well, I'm only using it for transatlantic flights, really as when there is a stopover,' which is part of the answer that he has given me today. But I look through this schedule and I see:

March 2013, Oxford Literary Festival with Mr G Flower
Oxford Literary Festival address, 'Deconstructing Self-determination' at Christchurch College, Oxford
Attended reception, University College Oxford
Dinner at Christchurch Oxford

I then look at further along the list and I see:

Meetings in London
Meetings with senior officials of the Foreign and Commonwealth Office
Conservative Party Conference

385 These are not transatlantic, because if you actually compare it with the dates that we know that the hon. Gentleman is going to be on transatlantic flights, they are not: they are just simple visits to London. So it just simply does not stack up, does it, that he is using these lounges just simply for transatlantic flights.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is referring to information which I have
390 made public. It is not that he has discovered something and matched it up to something else. The schedule of what is on the website tells him when I have used it for transatlantic flights and when I have used it for another reason, and if I have used it for the purposes of travel which keeps me in the UK, there must have been a very good reason. In other words, I must have needed to get somewhere at a particular time, which I would not have been able to do other
395 than by using the lounge. That is what he is not getting. It is very simple.

The socialist sitting next to me, Mr Speaker – who is, in effect, sitting between two other socialists, I would have him know, and among seven socialists and three liberals – would be very happy to spend £2,000 if he was saving £3,000, £4,000 or £5,000 as a result.

400 So, Mr Speaker, it does not seem to be that the hon. Member gets it. Well, look, I will tell him this: he says that I am the person that Joe Bossano has *placed* at No. 6 Convent Place. Then he also says, when it suits him, that I am the Machiavelli who manipulated Joe Bossano into not

giving him the crown of the GSLP and giving it to me. Well, Mr Speaker, Machiavelli or *marioneta*, but not both: he has to make up his mind!

405 **Hon. T N Hammond:** First of all, I really must commend the Hon. the Chief Minister on the depth of knowledge he has on this subject, when he was unable earlier to answer a question earlier on the GFA loan as simple as –

Mr Speaker: No, that ... I am sorry, I am not – (*Interjections*)

410

Hon. T N Hammond: I do have a question, of course.

Mr Speaker: Ask your question, but do not make a remark of that nature.

415 **Hon. T N Hammond:** Okay, I do have a question. The question is fairly straightforward: bearing in mind the intent of the use of the VIP lounge appears to be to save taxpayers' money, would those on the Government benches travelling in normal economy class when travelling British Airways, rather than in club class, to save further money, certainly on short haul flights?

420 **Hon. Chief Minister:** Mr Speaker, we very often do. The hon. Gentleman, perhaps from his vantage point at the tower, may have seen that we do not often board the plane with the blue and red insignia; we very often go on the orange plane, and on the orange plane nobody yet has been able to find the club class section.

425 **Mr Speaker:** Any other supplementary on this matter?

Hon. E J Phillips: When the Chief Minister and other Ministers fly British Airways, is it not possible to use the fairly normal lounges that many people are accustomed to? I am certainly not accustomed to using the usual galleries at British Airways, but there are opportunities for that to happen rather than use VIP lounges. Unfortunately, I am not accustomed to the specific VIP lounges that you are referring to in this Chamber, but possibly maybe one day I will be.

What other lounges are there available that are low cost that include the price of the ticket or the price that you paying for?

I am grateful, thank you – a general enquiry.

430

Hon. Chief Minister: Mr Speaker, for some time since I was a partner of Hassans I have enjoyed the benefits of a gold card with British Airways, and so therefore I am lucky enough to be able to enjoy the galleries lounge at any of the airports which offer them, and sometimes I am even able to wag my way into the first-class lounge by blagging about the fact that it is a gold card – and it is perfectly adequate, and that is why on two thirds of the occasions on which I have travelled I have used those lounges and not the other lounges.

435

I am delighted to hear him say that he hopes that perhaps one day he might be able to use the VIP lounge that I am referring to here today, because therefore he obviously (a) believes it should continue to be used and (b) has the intention of moving from that chair to the central chair at least on the other side and from there to here, because it is only used by the Chief Minister. There's another challenge on your hands! (*Laughter and banging on desks*)

440

Hon. E J Phillips: I am grateful for the Chief Minister's comment in relation to ... I really wanted to know what the VIP lounge was. Normal people are clearly not used to knowing what a VIP lounge is and I am grateful that the Chief Minister has now confirmed that only the Chief Minister is allowed to use the VIP lounge at Gatwick or Heathrow. I am grateful. Thank you for the response. (*Interjection*)

445

Hon. D A Feetham: Mr Speaker, just on that note, so that people understand what we are
450 talking about – because perhaps people confuse the VIP lounge with the club lounge at
Heathrow and also at Gatwick – can the Hon. the Chief Minister provide some information, just
for the purposes of listeners and viewers, in relation to what the VIP lounge is used for? Apart
from simply sitting in the VIP lounge, also working in the VIP lounge, obviously, it is also a fast
455 track as well in relation to how you move around the airport, and perhaps the Hon. the Chief
Minister can explain for the purposes of viewers and listeners to this exchange.

Hon. Chief Minister: Well, Mr Speaker, I am very grateful for the opportunity to do that. In
fact, there is an element about the VIP lounge which is not very VIP at all, which is that there is
460 no food available in the VIP lounge, so the galleries and first-class experience of British Airways is
much better in that respect. There is absolutely no shopping, so if you have got to the airport
and have not bought anything for your wife or children you are really then in a very difficult
position indeed and have to make the best of what is on the aircraft.

It is all about actually getting around the airport more quickly and it is about being collected
at the aircraft and being able to get to your car and get out of Heathrow or Gatwick within 10 or
465 15 minutes of the aircraft landing, and about being moved from one aircraft to another without
having to check in again, because they will come with your boarding passes. Therefore, it is for
that reason and without, in particular at Heathrow, the issues about arriving at the airport at a
particular time. The hon. Gentleman may know that one is now not allowed through into
470 Heathrow at Terminal 5, even from the check-in area, if you do not at least have I think it is an
hour and 10 minutes, because they reckon you will not be able to make it to the gates.

Very often our connecting times are shorter than that, and what the lounge does is not to
allow us to lounge at all – all it does is take us from the aircraft to a car that takes us to the other
475 aircraft and brings us home to Gibraltar or takes us to the United States or wherever it is that we
may be going.

So it is not about lounging, it is not about more luxury; it is actually about the ability to work
475 harder for Gibraltar when we use this lounge and to get the best out of every penny that we
spend.

Hon. D A Feetham: Mr Speaker, I have used the lounge myself and I can assure the listeners
480 that we are not exactly slumming it when you use the VIP lounge.

Hon. Chief Minister: Mr Speaker, I am grateful for that indication.

Given that the hon. Gentleman has said that, I should just clarify that the rule that only the
485 Chief Minister can use this lounge – or engage the use of it, because there are other Ministers
who may be travelling with him – is not my rule; it is the rule that was there before. It was the
only rule that seemed to be sensible to keep, because the other rule was ‘book it every time we
go to London’. That one I did away with; the one that it was only the Chief Minister who should
use it I kept – with the full support of the 10 people who sit with me on this side of the House.

490 **Mr Speaker:** Right, I suggest we move away from the VIP lounges back to Parliament.

Q126/2015
Debts owed to Government –
Details; Credit Finance Company Ltd loans

Mr Speaker: Question 126.

Clerk: Question 126, the Hon. D A Feetham.

495 **Hon. D A Feetham:** Yes, I used it with the former Chief Minister as well.

Mr Speaker, can the Government state how many companies, partnerships or entities owed the Government a cumulative amount of more than £50,000 in arrears in each of the financial years since 2011-12, providing a breakdown by reference to (a) PAYE, (b) Social Insurance and (c) other Government debts?

500

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 127.

505

Clerk: Question 127, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state how many companies, partnerships or entities that owed the Government a cumulative amount of more than £50,000 in arrears in each of the financial years since 2011-12 have been provided with loans by Credit Finance Company Ltd?

510

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the information as requested is not presently available, as there is one database for tax and Social Insurance and another for Government debts.

515

The response therefore provides the number of companies, partnerships and entities with cumulative arrears for tax and Social Insurance in excess of £50,000; and separately, those companies, partnerships and entities with arrears of other debts in excess of £50,000.

It may well be that there are other entities when you add (a), (b) and (c) above which exceed the £50,000 limit. However, it is not possible to provide this information in that form. I will give it as follows.

520

In respect of PAYE and Social Insurance: in financial year 2011-12, 63; in financial year 2012-13, 74; in financial year 2013-14, 53; and in financial year 2014-15, 43.

In respect of other Government debts: in financial year 2011-12, 23; in financial year 2012-13, 29; in financial year 2013-14, 28; and in financial year 2014-15, 29.

525

Throughout the period of 2012-15, one such company has had arrears in excess of £50,000, in respect of Question 127 – in other words, those with loans from Credit Finance.

Clerk: That concludes questions to the Chief Minister.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q101/2016

Midtown coach/car park –
Source of investment

530 **Clerk:** We now move to Question 101, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please advise which Government-owned entity or agency has paid or committed to pay £17½ million for the Midtown coach/car park project, seeing as this amount does not appear as a capital project in the Improvement and Development Fund?

535

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

540 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**
Mr Speaker, following the method that was introduced by the previous administration in respect of the car parks constructed in previous years, the car park company will be investing in the Midtown car park.

545 **Hon. R M Clinton:** I presume it is the Government-owned Gibraltar Car Parks Ltd: and will it own 100% of that facility?

550 **Hon. J J Bossano:** It will own the part that has been agreed with the contractor and which has not been put on sale. There are spaces that have been sold to members of the public and those clearly will not be part of it. The financing of the construction reflects the amount of car parkings that will belong to the car park company.

555 **Hon. R M Clinton:** Would I be correct in saying that the car parks sold to the general public ... that money does not accrue to the Government? And if perhaps the hon. Member could give some information as to how the remainder has been financed by the Government?

560 **Hon. J J Bossano:** The money that comes in from the sale of a car park goes to finance the building that is not financed by the car park company. The final account will be that the car park company will be paying for the one that it remains with, because they are not being sold to the public and therefore if those are rented they will produce a revenue.

In all the previous car parks that have been financed in this way, it has been the revenue from the rental that has serviced the cost of the investment. The same model is being used now.

Q102-104/2016
Public finance debt –
Breakdown of figures

Clerk: Question 102, the Hon. R M Clinton.

565 **Hon. R M Clinton:** Can the Minister for Public Finance please supply the total gross debt, cash reserves and net debt figures for public debts for each of the following month ends, namely: July 2015, August 2015, September 2015, October 2015, November 2015 and December 2015?

570 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Mr Speaker, I will answer this question with Question 103.

575 **Clerk:** Question 103.

580 **Hon. R M Clinton:** Can the Minister for Public Finance confirm that there have been no breaches of the net debt limits or debt service ratio as set in the Public Finance (Borrowing Powers) Act 2008 at any time in the period from December 2011 to December 2015 inclusive?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
585 Mr Speaker, the gross debt at the end of each month from July to November 2015 has been
£447.7 million. In other words, it has not changed.

The cash reserves in the same months have been £27 million, £30.7 million, £13.6 million,
£34.6 million and £16.6 million.

The net debt for the same month has been £420 million, £417 million, £434.1 million,
590 £413.1 million and £431 million.

As regards the breach mentioned in the question, no such breach of the limits of ratio has
taken place at any time in the period December 2011 to December 2015.

Hon. R M Clinton: Thank you.

595 I seem to have numbers for five months there, rather than six. Could the hon. Member please
clarify or check?

Hon. J J Bossano: Yes, Mr Speaker, whenever we have answered questions previously we
600 made the point that the figures are not accurate unless they are a month in arrears, and
therefore this is the figure at the 1st December, which is the end of November.

Hon. R M Clinton: Just to clarify then, we do not have the end of December number, which
will be de facto 1st January, if I understand the Member correctly.

605 **Hon. J J Bossano:** The end of December will be 1st of January, and that is true of all the
questions, as he will see in the other questions he has put.

Hon. R M Clinton: Thank you.

610 **Clerk:** Question 104, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance advise if the Principal Auditor has
sought clarification on any points from the Attorney General under the Public Finance (Control
and Audit) Act section 56(1)(e) in the period from December 2011 to December 2015 inclusive?
615

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the
GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
620 Mr Speaker, I am informed by the Attorney General that no such clarification has been sought by
the Principal Auditor in the period mentioned in the question.

Hon. R M Clinton: Mr Speaker, would it be in order for me to ask whether the Financial
Secretary has asked for similar advice from the Attorney General?
625

Hon. J J Bossano: Well, Mr Speaker, he can ask it but he is not going to get the answer,
because I asked the Attorney General and not the Financial Secretary, because that is what he
asked in the original question.

Q105-106/2016

**GSBA Ltd –
Purpose**

630 **Clerk:** Question 105, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please advise the purpose of GSBA Ltd, whose £11 million of issued ordinary share capital is 100% held by the Gibraltar Savings Bank?

635 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Mr Speaker, I will answer with Question 106.

640 **Clerk:** Question 106, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please advise with whom Credit Finance Company Ltd and Gibraltar Investment (Holdings) Ltd bank?

645 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
650 Mr Speaker, the purpose of GSBA is principally to hold real assets.

Credit Finance and Gibraltar Investment Holdings bank with the Government, since the former GSD administration established that Government companies are dealt with collectively in their cash transactions by the Treasury.

655 **Hon. R M Clinton:** Could the hon. Member please clarify what it means by 'real assets': is that real estates, physical assets, gold bullion? Some indication perhaps would be helpful.

In terms of the second question, by banking with the Government, which obviously is not a bank, I presume he means the savings bank?

660 **Hon. J J Bossano:** If I answer the second one, by Government I mean that the companies that he has mentioned and others do not have separate bank accounts, but collectively all the cash is dealt with by the Treasury. That was the system introduced previously and the system has not changed since 2011.

665 As regards the assets, the biggest single asset in that is in fact the building of the savings bank, the main street building. The others are not real assets, because if you consider the way the accounts of the savings bank are done, which are really the accounts of the special fund, there has never been a provision there showing anything other than the investments that the fund has made externally, as it were, with other people. It is not like a company account that shows the assets undepreciated. By putting things like the building or any other real asset in
670 there, we will be able to reduce the value over time, if there is a need for it, and produce therefore a more accurate reflection in the accounts. There is no other way of doing it other than by having it in a company.

Hon. R M Clinton: Thank you. I will try to deal with each point separately.

675 From my reading – and maybe the hon. Member can correct me – of the Principal Auditor's report in terms of Government cash reserves, would he agree with me that the majority of the

Government's cash reserves, which I can only take to mean the Treasury, are actually held with the Gibraltar Savings Bank?

680 **Hon. J J Bossano:** The cash reserves of the Government are held in the Savings Bank, but the cash reserves can in fact – and have been, if the hon. Member looks in previous years – sometimes be less than the Government technically owns because part of it is owed to the Government by companies, or sometimes more than the Government technically owns because the cash surplus of a company is in fact included with the Government.

685 So in fact it is simply that there is one single pot of cash which covers Government Departments, authorities, agencies and companies.

Hon. R M Clinton: So my understanding, again if I am correct, is that the Treasury has a pool of money which collects in from Government agencies or Government companies. The Treasury and how the money, or the Government total cash reserves which would include the money it holds on behalf of companies, will be shown in the Principal Auditor's report in terms of the total cash reserves and how those cash reserves are invested. And if I have read the Principal Auditor's report for 2014 correctly, would the Member agree with me that the majority of that is invested in the Savings Bank?

695

Hon. J J Bossano: Mr Speaker, the Government does not have to put it in the Savings Bank. It generally does, but in fact there is nothing to stop the Government, for example, having a direct bank account with NatWest or Barclays. What I am telling him is that it is the Government that opens those accounts and not the companies.

700

Hon. R M Clinton: No, I understand that.

If I may come back to the investment by GSBA, again if I understand the Hon. Member correctly what he is saying effectively is that there is a fixed asset, which is the building in which the Savings Bank is housed. Could he explain to me how he reconciles that with the requirement to match the maturity profile of deposits?

705

Hon. J J Bossano: Well, because in fact the £11 million is less than the money that belongs to the Savings Bank as its reserves. That is to say the Savings Bank has more than £11 million, which it does not have to match to anything or anybody because it is its own money.

710

Hon. R M Clinton: So, Mr Speaker, by that logic I take it the hon. Member would accept that he has to keep at least the value of the investment, of £11 million, in reserves and that he cannot move that much out from the Savings Bank if he so chose.

715 **Hon. J J Bossano:** Mr Speaker, it is not the case that it has to be kept; it is the case that, as a matter of policy, the Government intends to keep the profits of the bank in the Savings Bank. The Savings Bank could have rented the property and had it part of recurrent expenses; instead, it chose to buy it and hold it in a company, and therefore that is reflected in the profitability of the Savings Bank.

720

Hon. R M Clinton: I understand that, but that was not my question. My question was the Savings Bank Act specifically provides – and directs, in fact – the Financial Secretary to ensure that investments match as closely as possible to its maturity profile.

725

Now, obviously a fixed asset does not have a maturity date and, as you have just said, you have more profits in the bank than you have deposits and therefore it is not an issue. But by extension of that argument we would have to agree that you have to keep those reserves to cover that fixed asset.

730 **Hon. J J Bossano:** Mr Speaker, as the hon. Member knows, the Savings Bank is programmed, as part of Government policy, to keep on increasing its reserves and retaining it and not distributing it to the shareholder, which is the Government. Therefore, what the maturity dates are about is the matching of the maturity of the external investments with the repayment of the debentures to the public.

735 The hon. Member is talking as if the Savings Bank tomorrow, for example ... in the month of December we had over £40 million maturing, and that has been repaid because we have had investments that have matured on the same date to enable ... It is not as if the position was that that £11 million represented maturing debentures and consequently the Government and the bank had to sell the baby to be able to pay of the debentures. That is surplus to the amount, because it is in excess of what is, if you like, owed to savers.

740 **Hon. R M Clinton:** Mr Speaker, I fully understand that. What I am saying is that the hon. Member could not, as is currently allowed under the Savings Bank Act, actually, as it were, pay a dividend to the Government that would eliminate the reserves such that they reduce below the cost of that fixed asset, £11 million; otherwise, he would not have a matching maturing amount.

745 **Mr Speaker:** May I say that the hon. Gentlemen should be careful that they are beginning now to debate. That was expressing a point of view. It was not framed as a question. It can be framed perhaps as a question – does the Hon. Minister agree with me that so and so – and then it becomes a question; otherwise you are making a statement.

750 Could I suggest that you rephrase it slightly, and then you are covered perfectly by the rules.

Hon. J J Bossano: Very good advice, Mr Speaker, because if he asks me if I agree with him the answer is going to be no – so just for the record! I am trying to satisfy his curiosity. I do not mind doing it and I do not think I am arguing with him or debating. I get on quite well with the Member.

755 The point is, of course, the choice was open to the Savings Bank not to invest in the building, for example, which, as I have told you, is the biggest element, and instead the building would have been owned by somebody else or some other company and there would have been a rental payment. Therefore, that would have been a reduction in the annual surplus.

760 The view was taken that, given the returns that we get, the return on the building would have been better if there was no rent, and therefore the asset had to be shown in some way. The only way that we can show the asset in the balance sheet, if the hon. Member looks at how special funds work, is that there really is no way of dealing with a building other than saying there is a company, the company owns the building and the value of the company reflects the value of the underlying assets into which the Savings Bank fund has in fact invested some of its reserves.

765 We do it, and we have done it, frankly, because we have done an exercise that shows that if, instead of doing it that way, we had not spent our own money, as it were, and invested in that, it would have been a less favourable return, so it was just a question of being intelligent about investing money.

770 **Hon. R M Clinton:** I thank the hon. Member for his indulgence. I think I have satisfied myself on the points on GSBA.

775 If I may return to the question of banking and Credit Finance and Gibraltar Investment Holdings, would the hon. Member agree with me that if Credit Finance, for example, or Gibraltar Investment Holdings, for example, have any surplus cash that they then deposit with the Treasury, that the Treasury in turn would deposit that cash with the Gibraltar Savings Bank, certainly given the profile as reported by the Principal Auditor for March 2014, when it would appear that the bulk of the Government's cash is in the Savings Bank?

780 **Hon. J J Bossano:** It is true that the bulk of the Government's cash and the cash of the companies is in the Savings Bank, because it makes more sense to have it there than to have it with another bank and not get any interest. Instead, it serves to maintain the liquidity in the Savings Bank.

785 The whole point of the question, as I understand it, is that the hon. Member wanted to know whether there were separate bank accounts, and the answer is no.

Hon. R M Clinton: Mr Speaker, I do not know if you will allow this further final supplementary. Would the hon. Member agree, or perhaps he will disagree, that it is entirely possible to increase the deposit base of the Savings Bank by causing the Savings Bank to make an investment in a Government company, that Government company in turn depositing surplus cash with Treasury, who in turn deposits it with the Savings Bank?

790
795 **Hon. J J Bossano:** Well, it is theoretically possible to do that if one had nothing more worthwhile to do than do it. I can assure him that has not been done since 2011 and I do not know whether it was being done before 2011, but I think that the proportion of the Government money in the Savings Bank in 2011 was higher than it is now.

Q107/2016
Shell land lease –
Financial terms

Clerk: Question 107, the Hon. R M Clinton.

800 **Hon. R M Clinton:** Can the Minister for Public Finance please advise the financial terms upon which Shell is to be granted a lease on the land upon which the LNG storage tanks are to be situated?

805 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, this matter is currently part of the ongoing negotiations with the company.

810 **Hon. R M Clinton:** Mr Speaker, would the hon. Member cast his mind back to the Chief Minister's Budget address of 2015, where, if I may quote the Chief Minister:

Another great driver of economic growth for our future, Mr Speaker, will be the establishment of an entirely safe Liquefied Natural Gas storage, re-gasification and bunkering facility.
The Government's discussions with interested parties suggest that the facility is likely to be financed entirely by third parties, giving the Government the option to invest in such a facility but not requiring us to do so.

815 Could the hon. Member advise whether the Government is taking up any such option, or whether the land is seen to be payment for some type of facility to participate in the LNG operation?

Hon. J J Bossano: I can tell him that there will be an investment by the Government; what I cannot tell him is the nature of that investment because those negotiations have not finished.

Q108/2016
Power station –
Total cost and financing

820 **Clerk:** Question 108, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please advise the total anticipated cost of the power station project and how this amount is to be financed, given that only £1,000 is provided for in the estimates for 2015-16?

825

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
830 Mr Speaker, the new power station is a design-and-build contract. As such, the precise cost changes with variations to the design, which, as Members will appreciate, is an iterative process. At present it is projected to cost around £73 million. Ongoing negotiations are underway to finance the majority of the cost through a Government-owned company.

835 **Hon. D A Feetham:** Mr Speaker, in relation to the cost of the power station, have the costs that are ancillary to the power station. For example, the land reclamation – we now know that part of the power station is being built on the land reclamation – has that already been paid, or does it have to be paid?

840 **Hon. J J Bossano:** I cannot tell the hon. Member what has been paid until now unless he tells me information he wants and I ask the people who are doing it. All I can tell him is that the negotiations for the funding are still ongoing and there are things that have happened already but that does not mean that the invoices that have arrived have been paid or not ... without the hon. Member putting a direct question, for which I can then get a specific answer on a specific date.
845

Hon. D A Feetham: Does he accept that– in the light of the answer that he gave to Question 102 in relation to, for example, reserves, which stand at £16.6 million as at the end of December 2015, and indeed net debt stood at £431 million, very close to the £457 million debt limit – that
850 really the Government, as the law stands today, does not have the cash reserves, nor does it have the borrowing capacity in order to pay for the power station and the cost of £73 million?

Hon. J J Bossano: I only accept that that is accurate to the same extent that it was when he was in Government when they produced a list of projects of £1 billion and at the time they did
855 not have £1 billion. The reality of it is that of course the Government has got targets that it publishes ahead of time and we work to achieve the target by the date of that target. The hon. Member will see how these things fluctuate. In fact, if you ask me for one day's figures, then the following day it could be higher or it could be lower, because it is all about whether bills are being paid on a particular date or receipts arrive on a particular date. But the reserves of the
860 Government are not relevant to this, because I have already told him it will be done through a company.

Hon. D A Feetham: Yes, Mr Speaker, but it will be done by a company either capitalised by the Government through cash that the Government holds, ergo – the word that the hon.
865 Gentleman does not like us to pronounce – ergo, it is either from cash reserves of the Government or, alternatively, that company may borrow itself and may then effectively pay for it but from borrowing that the Government-owned company basically undertakes.

870 So, and at some stage, of course, the Government then has to step in, and unless that company is a profit-making company, the Government would have to step in or the Government would have to be some kind of guarantor in order to pay for that loan, I mean £73 million, a Government owned company... Unless that Government-owned company is producing some very serious profits it is very difficult to see or conceive of a situation where that Government-owned company is going to be able to pay £73 million to build this particular power station.

875 **Hon. J J Bossano:** Well I think the hon. Member, Mr Speaker, appears to have forgotten the system that they invented, which did not exist prior to the GSD being in government, which was in fact, as was explained at the time by the then Chief Minister, the greatest ever living Gibraltarian ... The position is that when this is done with a company there is a supposed higher element of risk that the lender is taking, precisely because it is not Government debt, and that
880 was said about, for example, the money that was raised for the car parks and the money that was raised for the hospital purchase and for the refurbishment of the building in Europort when that was converted into a hospital.

What the Government then explained in fact was that the agreements entered into by a company with a local bank, for example, which involved 20 years where there was an annual
885 payment and it involved a reducing element of interest on the balance of the loan because it was really like a repayment mortgage, where every year they paid off part of the original cost ... and therefore the £60 million of the hospital had been paid off like that. The car parks have been using that same system. Those systems were introduced as an alternative to public debt by the previous Government and it was explained in this Parliament, to questions that I put, that in
890 those cases there was a slightly higher element paid because in fact there was not a Government guarantee attached to that. That still is the system that is in place, the one they came up with.

Hon. D A Feetham: So, effectively what we are talking about is incorporation of a
895 Government-owned company that enters into some kind of lease arrangements in relation to the power station, whereby the power station is paid ... There are lease payments, for example, every single month or every six months or whatever, and over 20 years then the sum of £73 million will be paid over twenty years... the £73 million pounds. Is that what the hon. Gentleman is envisaging, the way that this is going to be funded?

900 **Hon. J J Bossano:** This is the nature of the funding model that is being looked at, that is still not 100% certain, because it is only one possibility – but it is the most likely one. That would be related to the assets – that is the real assets – that are being purchased. It will not cover everything, because there are certain things that are not covered by this kind of agreement, and
905 the same has been done with other things where there has been an element of things that are real assets, like construction, but other things that are not included and are not possible to include. But we are looking at using the mechanism that we found when we got there.

Hon. D A Feetham: I understand, and indeed we have had exchanges, he and I, in relation to
910 PFI arrangements, now for the last, I think its, 13 years. He may recall that in 2003, when the then GSD Government funded the hospital using a PFI arrangement, the public debt then was £78 million and the legal borrowing limit was £100 million. One of the points that I was making was that, actually, if you look at this PFI arrangement it is a way in which you can circumvent the legal borrowing limit, because if you had to borrow directly you would be over the £100 million.
915 At the time, he and the Hon. the Chief Minister were at idem – he was Leader of the Opposition – in relation to this. But you see the difference, then with now, is that then although there were commentators who were commenting adversely on the use of PFI arrangements because it is a form of hidden debt and were recommending that PFI arrangements be brought onto the balance sheet so that you can have a realistic debate on the real state of what the indebtedness

920 of the community of the nation is – and there were one or two, me included, even though I did not understand matters then as the hon. Gentleman – now the United Kingdom, for example, includes PFI arrangements as part of the calculation of public debt. Is the Government intending to go down the route of the United Kingdom and do that as well?

925 **Hon. J J Bossano:** Well I do not know whether it falls into the definition of a PFI arrangement or not, because in fact the former Chief Minister used to argue that what we did in our previous term in office with the incinerator had been a PFI arrangement without us knowing that it was a PFI arrangement, where somebody came in, built something and ran it.

I do not think that leasing assets, where there is a payment over the life of the asset which involves interest and repayment of the original sum, is necessarily the same as a PFI arrangement. But in any event I do not accept that it is part of the public debt and I am not sure that it is right in saying that things like this in the United Kingdom are included in the public debt. But even if they are, they are certainly not included in the public debt of everybody else in Europe. And in any event, even if we were to include this in the public debt, it would be nowhere near the 75% of GDP that the UK has or, for example, the ratio of debt to GDP that the third biggest economy on the planet has, which is 240% of GDP in Japan.

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935 So these things, from my perspective ... As the hon. Member knows, I view it on the basis that if you raise money, for example, to invest in a car park – which was the argument that was used by the Government when they did it the first time – and that, in effect, produces an income stream, then really this is not money that you are raising in order to produce a public service; this is ... Whether the Government should be in the business of running car parks or running other things is a different issue, but the nature of that transaction is that it would be no different if it was a private investor raising money to build a car park and then use the money that is produced by the utilisation of an asset to repay the cost of the asset.

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945 From an economic point of view, whether it is a public entity or a private entity that is doing the transaction does not alter the nature of the transaction. Therefore, there are assets that have got an effect on the economy and on the output of the economy and it is not an unreasonable way to do it. I think the real use of public debt is when you are doing things like schools or things like that, which, at the end of the day, are assets that you create, which, after they have been created, do not produce income; all they produce is additional cost. There is no way, therefore, of amortising that asset and saying, 'Well, I am going to pay it out of the income that it produces.'

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955 So you know I do not accept the analysis and the logic of the analysis, but I accept that he has that view and is entitled to have it, and he used to have it when he used to criticise the GSD in 2003. At the time, he criticised me for agreeing with the GSD; and now he is criticising me for disagreeing with the GSD – now that he is a GSD.

Hon. D A Feetham: Mr Speaker, when he talks about all these countries having a huge debt, of course – sorry, large percentages to GDP in terms of debt; he has quoted the United Kingdom – it is not comparable. We have, for example, Bermuda, which is an Overseas Territory that has 36% debt to GDP, are in financial difficulty, because at the end of the day one also has to look at different factors, not just simply ratio of debt to economy – we have also got to look at income and other issues like that.

960 But just examining a little bit further how the model that is going to be used in relation to this particular power station, are we, is the Government exploring that the power station is going to be owned by the French company over the 20-year period and the French company perhaps is going to be selling electricity, or is it going to be just simply a straightforward lease? Can he give us some more information in relation to that?

970 **Hon. J J Bossano:** No, Mr Speaker, when it is ready to run there is an initial period where the French company will be involved, because there is a period of warranty and a period when our

975 people from the old generating station will be working alongside theirs, but I think there is a maximum of a year and then, after that, they go and we take over. So the whole issue is that the operation will be run by the Gibraltar Electricity Authority, and once the thing is completed it will be owned by the Gibraltar Electricity Authority to the extent that, like anything else, if tomorrow we buy in the old station a generating set and that generating set is financed by an arrangement where we are paying, if you like, in instalments, technically the engine is mortgaged in support of that facility, but that is the only element.

Q109/2016

**Urban wastewater treatment plant –
Total cost and financing**

Clerk: Question 109, the Hon. R M Clinton.

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Hon. R M Clinton: Can the Minister for Public Finance please advise the total anticipated cost of the urban wastewater treatment plant project and how this amount is to be financed, given that only £1,000 was provided for in the estimates for 2015-16?

985

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, there is no anticipated cost in respect of this project in the current financial year.

990

Hon. R M Clinton: Would I be correct in assuming then that what the Hon. Minister is saying is that that project will not proceed in the financial year 2015-16?

995

Hon. J J Bossano: Mr Speaker, the hon. Member's original question is how are we going to finance it in the current financial year with £1,000, and the answer is we are not even going to spend the £1,000 in the current financial year. He will have to wait until he sees next year's Budget to see what will happen after 1st April.

1000

Hon. R M Clinton: That may be the case. I understand what the hon. Member is saying, but does he have an indication of what the cost might be?

1005

Hon. J J Bossano: Mr Speaker, he is asking me how am I going to pay it if there is only £1,000 in the estimates for this year, and the answer to his original question is the way I am going to pay it is that the £1,000 in this financial year, approved by Parliament at last year's estimate, is not going to be spent.

1010

If he wants to know how we are going to do it next year, then I am afraid he has to wait for the estimates for next year, which have not yet been prepared because the submissions come in at the end of January and then it has got to be looked at by the Treasury, and then that exercise finishes with a figure which will, if there is a figure, will be there when he gets the book in April, and that is when he can ask me the question.

Hon. R M Clinton: Thank you, but hon. Member, if I recall correctly, at the last election the contracts for this treatment plant were imminent to be signed. Surely he must have an idea. If you read my question carefully, it is divided in two parts:

Please advise the total anticipated cost of the waste treatment plant project

– pause –

and how this amount is to be financed, given ...

1015 So there really are two elements to that question. My first element is: how much do you think it is going to cost? Simple as that.

1020 **Hon. J J Bossano:** Well, I do not think there are two questions, but if there were, given that he has put so many different questions in other subjects, he should have put this one in two, because, as far as I am concerned, he is curious to see how I am going to meet what he expects to be an anticipated cost of £x-thousand more than £1,000, since I have only got £1,000. And given that he is as minded as I am to spend as little as possible, I would have thought he would be glad that we are not even going to spend the £1,000.

1025 **Hon. R M Clinton:** Well, of course I will ask this question in the next financial year. Thank you.

Q110/2016
Maritime Cadet Training Scheme –
Government-sponsored students

Clerk: Question 110, the Hon. E J Reyes.

1030 **Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any Government-sponsored students currently participating in the Maritime Cadet Training Scheme, indicating at what stage they are in with their training and estimated completion date together with qualifications aimed to be attained?

1035 **Clerk:** Answer the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, there are currently no students participating in this Scheme.

1040 **Hon. E J Reyes:** Mr Speaker, the last time I asked this question was probably a year and a half or so ago. Minister Costa did answer me at the time that they were at a drafting stage and about to place out an advert to see whether there were any takers into the Scheme. Does the Minister have any information on whether anybody took on that offer – and has probably left the Scheme, because his factual answer is that there are none at the moment, but maybe since the time I asked the question to now, some did engage and are no longer in training courses. Is he aware of any of those statistics?

1045

1050 **Hon. J J Bossano:** As far as I am aware, there has not been any interest from anybody expressed in the Scheme. The Scheme, as the hon. Member knows, is not funded by the Government – it is funded by the industry.

Hon. E J Reyes: One other one, Mr Speaker – a supplementary, he may know: does the Government intend, perhaps in the short-term future, to advertise again to see if there will be any interest arising from potential students?

1055 **Hon. J J Bossano:** It is not that there has been any change of policy. I think the people who
are involved in running this put out an advert when they think an advert has to be put out, or
they test the interest in some other way. All I can tell the hon. Member is that I have asked the
question from those concerned that he is asking me, and the answer that I am giving him is the
1060 answer that they gave me. But it is not that there has been a decision to discontinue this or to
discourage anybody.

Hon. E J Reyes: Mr Speaker, I hope the hon. Member agrees that I periodically, perhaps once
a year, ask this type of question because it would even enable him, when he meets with those
1065 who have traditionally been contributors to the funding of this Scheme, to make them aware
that there is supposedly, from what I hear from some youngsters, there is some type of interest.
And it would be great, when one thinks really long-term plan ... In the same way that Gibraltar
now boasts very proudly of having a Gibraltarian as Captain of the Port, if one wants him to be
succeeded by yet another Gibraltarian we need to ensure that we do have the right people with
1070 the right qualifications in that particular area. He and I sing from the same hymn sheet when we
like to make sure that our people are trained and attain as high a qualification within their areas
of professional expertise as possible.

Hon. J J Bossano: I will make further enquiries in this and let the hon. Member know, and
also perhaps what has happened to those who were last in it.
1075

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

Q111-113/2016

Current and ex-prisoners and persons completing drug rehabilitation – Access to education, employment and housing

Clerk: Question 111, the Hon. E J Phillips.

1080 **Hon. E J Phillips:** Can the Government confirm what academic and vocational or skills-based
training courses/programmes are available to those persons currently serving custodial
sentences at HMP Windmill Hill and to those who have completed a term of imprisonment?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the
GSB.
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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Mr Speaker, I will answer with Questions 112 and 113.

1090 **Clerk:** Question 112, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what support is available to those persons
who have completed drug rehabilitation and are in need of remunerated employment?

Clerk: Question 113, the Hon. E J Phillips.
1095

Hon. E J Phillips: Can the Government confirm what support is available to those persons
who have recently completed a term of imprisonment to access housing, employment and
education opportunities?

1100 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the
GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
1105 Mr Speaker, persons serving sentences at HM Prison receive regular counselling from a
professional qualified counsellor provided by the training company and are followed up by visits
on release.

As part of the process they are encouraged to take up training for employment that is
available and for which they are suitable on release. Whilst they are at Her Majesty's Prison,
1110 training is offered with a course currently delivered on carpentry, which can lead to the Level 1
City & Guilds Certificate on maintenance operations. Additionally, there are English, maths and
Spanish courses up to GCSE standards delivered to those who are willing to undertake them.

Those who have completed their term of imprisonment are encouraged to participate in the
training programmes for the construction industry, which would involve them actually being
taken on and paid the minimum wage.

1115 Persons who complete the drug rehabilitation programme in Bruce's Farm and register with
the Employment Service are, on registration, referred by the Employment Service to the EDEC
training section. They are then interviewed to explore past employment history, employment
experience and future employment expectations. Daily vacancies are identified as suitable and
individuals sent to those vacancies. Some are additionally supported by the in-house counsellor,
1120 who is also serving the Prison, as they may have been previously serving custodial sentences.
Sometimes you get a connection between the drug and the custodial sentence.

As regards access to housing, it does not follow that because a person has recently
completed a term of imprisonment his housing situation has changed. Any person entitled to
apply for Government housing is treated according to his or her requirements irrespective of
1125 whether they have served a prison sentence or not. If the person is homeless, the procedure for
dealing with homeless persons would apply, again without discrimination.

Hon. E J Phillips: Can the hon. Gentleman confirm what educational opportunities ... I think
he answered the question in respect of housing in relation to Question 113, but not in relation
1130 to the educational opportunities.

Hon. J J Bossano: Well I do not know whether one can say that learning a craft is not an
educational opportunity, but I think the educational opportunity is covered by the reference that
I made to English, maths and Spanish classes up to GCSE level, which does not prepare you
1135 specifically for a particular trade but it improves the literacy and numeracy skills, and that is also
available but it is not something that a lot of people want to take up, to be quite honest.

Hon. E J Phillips: Thank you for the hon. Gentleman's answer to those three questions.
If we go back to yesterday, when Mr Licudi, the Minister for Justice, answered the question
1140 when I put it to him that, as part of getting people back into work after they have had significant
problems with either offending or reoffending, the key to this is getting people back into work,
would the hon. Gentleman agree with me that we need to be doing more than just encouraging
people back into work? Offering English, maths and Spanish is a good thing – of course it is a
good thing – but surely we should be doing much much more than just offering skills in
1145 carpentry. There must be other forms of ... IT ... Given the advances in the world in technology,
that we should be offering further types of courses that are able to engage people and get them
back into work, rather than looking simplistically at issues such as carpentry or language-based
skills.

Would the hon. Gentleman agree with me that we need to look at other ways to encourage
1150 people back into work with different types of courses that target the need for our community to
resource other work places?

Thank you.

1155 **Hon. J J Bossano:** As the hon. Member may know, the focus in training has been, from 2011,
that the training is driven by an analysis of the labour market on the basis that, frankly, people
expect that they have got a better chance of getting a job if they get training than if they do not;
and if you train them for something for which there is no work, then at the end of the day they
come back and say, 'Why have you trained me?' In effect, it is by analysing the skills shortages in
1160 the market and analysing the frequency of vacancies that are open in certain areas that the
numbers of places offered in different trades is designed.

Everybody who comes out of serving a custodial sentence is given the same opportunity as
somebody who has not been in prison. It is not that you get better treatment for having been in
prison than you would, because otherwise the guy who does not go to prison will say, 'Do I have
1165 to go to prison to get better treatment?' But people should not be discriminated against, and of
course we make a particular point of offering them training while they are still in prison so that,
if they are willing to take on training, there is no gap between the release and the employment
because the training company will offer employment to them immediately they come out if they
are prepared to do it as part of a training programme.

In addition, we generally are prepared to give a longer period of time for trainees who come
1170 out of prison, on the basis that they have got greater difficulty because normally employers will
be more reluctant; and therefore, in order to provide a more attractive incentive to the
employer, we would normally negotiate with an employer that we would help to finance the
training period longer if we want to encourage him to take somebody who has come out.

I think the most important thing, from the perspective of what we are trying to do to help
1175 stop people falling back into and finishing up in prison, is that during the counselling period we
do everything we can to persuade them that the best way is for them, immediately they come
out, to come to us and we see what we can do to get them employed as soon as possible after
they come out – because we feel that it is the gap between the coming out and the getting a job
that is when they are most vulnerable to getting into bad habits.

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Hon. E J Phillips: Thank you to the hon. Gentleman for the answer to that question – a
lengthy answer to that question.

I would just like to explore in a bit more detail certain aspects of that, because the Minister
for Justice talked about, statistically, yesterday, that 58% of people currently at the Prison are
1185 reoffenders. When you contrast that with the many thousands of people – and I do not say that
in any way to criticise him, because it is a very difficult process given that we have a number of
building projects undergoing in Gibraltar, but if one reconciles the fact that there are over
12,000 people moving each day through the Frontier to work in our jurisdiction, is it not right
that we should consider analysing those jobs that those people are filling to try to see whether
1190 those people that are coming out of prison, or people that are in prison, and are in need of those
skills ... that we do much much more to facilitate them going into those jobs? What I mean is,
the hon. Gentleman is looking at the skills that are within the community. I think it is right to say,
and I think it was reported recently in the press, that many thousands more people are crossing
the Frontier to access opportunities in Gibraltar. I think it is right also to confirm that every
1195 opportunity should be open to everyone, irrespective of whether someone has completed a
custodial sentence or not. But what attempt has the Government made to increase the
possibilities and give them better opportunities for getting back to stop the cycle of crime?

1200 **Hon. J J Bossano:** Well I have always felt, Mr Speaker, that in fact our people are
discriminated against when it comes to competing in the labour market, because we have got
you know, people – not just who are born in the hinterland but born anywhere in Europe –
whose background we know nothing about and therefore that when they come here they start

with a clean sheet; whereas if you are a local everybody knows your life history, and that counts against you because you know you get stigmatised and branded.

1205 What we try to do, to compensate for that, is basically encourage people, to try to get them started in a job on the minimum wage, which is what we pay for trainees, which in a way is really, if you analyse it, the most we can pay. I mean there are 9,000 people on the minimum wage in Gibraltar – you could hardly be paying people more than the minimum wage while they are training and then say to them, ‘When you finish your training you will get a wage cut because the employer will only pay you the minimum wage.’

1210 But by trying to persuade them to go straight in I think is the best way of, in effect, getting them into that job before that job goes to an outsider, but there is a problem of resistance on the part of prospective employers and there is no getting away from that. The only thing we can do is try to change that attitude on the part of the employers and accept that everybody has got to be given an opportunity when they have settled their debt with society, and have an opportunity of building up their lives again. Certainly, as far as we are concerned, the money we invest in doing that is money well invested.

Hon. E J Phillips: I could not agree more in relation to putting in our resources where people can get back into work after a long period of offending, or at least a term of imprisonment.

1220 The reason why I asked the question insofar as access to the housing, employment and education opportunities, of course everyone should be afforded, if they have the need, to access housing.

1225 I declare an interest that I have had recent experience with a number of individuals who have gone through rehab successfully and have entered the aftercare facility successfully, but it is the issue of obtaining housing, employment opportunity and education opportunity as well which is increasingly, I find from my experience, and certainly I have declared my interest in it from clients I have had in my professional capacity ... that it is difficult for them to access those three, and that is why I raised the question.

1230 Insofar as housing opportunities, I asked the Minister for Housing yesterday as to whether there is any way in which we can encourage or at least give some special treatment. I understand that is not going to be the case at the present time, but I would just highlight the problem that I have experienced, and people have said to me that coming out of prison is a difficult process. They want to get back into a life free of crime and reoffending, and that is why I raise the point that surely the Government should now be looking at more of a joined-up approach in relation to accessing those opportunities and those services which they will certainly need for them and their families.

Hon. J J Bossano: Well, I do not think there is any political difference between us as to what the objectives should be, and however much we want to be doing now there are always ways of improving it. But it is a difficult issue, because people sometimes say, ‘Well, look, if somebody comes out of prison they seem to be getting more attention than somebody who did not go to prison, so if you are a law-abiding citizen and therefore you have to wait in a queue longer than somebody else.’

1245 In the area of training we do not have that problem because the training that is provided is provided in anticipation of people getting employment because the jobs have already been identified; therefore it is not that if somebody from prison has been given training, somebody else that has not been to prison will be discriminated against and not get the training. The training is based on the availability of people and the availability of jobs, and there are more jobs than people – otherwise we would not have any frontier workers.

1250 I think in housing it is a different issue, because it would be a very difficult thing, I think, to ... There is already a provision for treating social cases and treating homeless people, and the category of homeless and social cases cannot then be subdivided with a higher priority given to ex-prisoners I think without creating, in my view, other problems.

1255 Certainly I take note of the views of the hon. Member, and if there are ways in which we can do more than we are doing already the hon. Member can rest assured that it will be done.

1260 **Hon. E J Reyes:** May I, Mr Speaker, because I am very interested in the answers that the Father of the House has provided. At the very beginning of his answer he mentioned that there was counselling provided through the training company, and I am not certain whether that was applicable to persons who have completed drug rehabilitation or those who have completed a term of imprisonment. My confusion, if I throw it in now, was further exaggerated on my part when later on he spoke about an in-house counsellor. Perhaps the hon. Member can clarify that for me so I have a clearer vision.

1265

Hon. J J Bossano: The Economic Development and Employment Company has had a counsellor working at the prison part time, and that counsellor, in addition to visiting people while they are serving a sentence, continues to maintain contact with them, visit them, or they come and see him at our premises, after they have been released.

1270 The people who have been in Bruce's Farm and then come and register as unemployed and are referred to us for training opportunities also have the opportunity of having the support and the advice of the counsellor that is there, because the counsellor sees people on the premises and in the Prison, but he does not see the people at Bruce's Farm because they have got their own in-house situation. So the in-house counsellor that I am talking about is only just one person, who is a part timer.

1275

Hon. E J Reyes: Yes, that has clarified that.

1280 Mr Speaker, really it is just sort of an update and a continuation of ... Perhaps the Minister may or may not be able to confirm to me. I know we used to have a counsellor within the Employment Services: are we talking about the same person, or are we talking about an additional counsellor? Because the counsellor who was inside the Employment Services was also very keen and very able in helping people prepare even their CV and prepare them for the job application process. Are we talking of a completely different system or just an enhancement?

1285 **Hon. J J Bossano:** This is the person that was actually doing voluntary work before – perhaps in the time of the hon. Member. People get help with their CVs but they do not get help from the counsellor; it is done as a normal routine thing every time somebody registers as unemployed and comes to us from the training point of view and gets interviewed. We help to prepare the CV because that enables us to evaluate what vacancies he is likely to be suited for.

1290 The way that this works is that when employers are contacted about a vacancy they are offered a selection of three, four or five individuals, depending on the kind of vacancy it is and on the supply of labour that we have got, on the basis that if they find one of those people suitable then they will get financial support as an inducement to take them on and in the knowledge that initially there is a period when the employee is not as productive as if he would be if he had been doing the job for a longer period of time.

1295

1300 So that the employer is, if you like, encouraged to take a less experienced employee as opposed to a more experienced one coming from outside. We try to balance the cost to the employer by agreeing the period of training that is required, and if there are people you know, with problems that make it more likely that the time they will need will be longer, then that serves a dual purpose. We agree a longer period, taking into account that perhaps somebody else might be able to gain the level of experience in a shorter time than somebody who has come out from drug rehabilitation or whatever, might need longer to do it, and the employer would then be, if you like, inclined not to take somebody would be, if you like, less productive over a longer period of time.

1305

So the assessment that is done by the evaluation of the counsellor and by helping people with their CVs helps us to try and match the skills and availability with the requirements of the

employer. In that exercise we are using somebody that is a highly experienced and qualified person and who does the work for us by getting an hourly fee on a part-time basis.

1310 **Hon. E J Phillips:** Mr Speaker, just a very short question off the back of that.

One of the questions, which was 112, was in relation to what support is offered in relation to persons who had completed drug rehabilitation and the need to get them back into work. I think the counselling that the hon. Gentleman is referring to is the type of counselling that gives people who have served a custodial sentence and those prisoners an insight into their
1315 criminality, an understanding of why they have committed those criminal offences, and therefore how to make reparation and remedy that situation so they can get work and get a job in the future. I think, that is the type of counselling, for the avoidance of doubt, that is the type of counselling I think the hon. Gentleman is referring to. Is that right?

1320 **Hon. J J Bossano:** I can tell the hon. Member that the counsellor that we have provides what he is saying while they are in prison and continues to provide a follow-up, which is more helping them to adjust having come out of prison, and that if the people who have come out from drug rehabilitation feel that it would be helpful to them to also sit down and talk to the counsellor, since the counsellor is in the premises, we do not say to them, 'Well, no, you cannot see the
1325 counsellor because you have not been to prison.' The system is predominantly, and has been predominantly introduced, with a view to helping the reinsertion into a normal working life of people who have served a custodial sentence, but when people who come out from drug rehabilitation come to us, then given that that facility exists, if they want to have access to it and make use of it, then they are given the opportunity to do it. The point that I also made was in
1330 fact that it is quite often the case that people who come out of prison have also had drug problems.

I am just giving him a broad outline of how the thing works, basically.

1335 **Hon. E J Phillips:** Again, I am grateful for the answer to the question and I am familiar with the process in terms of counselling and the good work that that counsellor does insofar as trying to bring that individual back into society so they do not reoffend.

I am just more interested in the support and the services available to people that commit criminal offences and then back into the community. It is quite clear from page 77 of the hon. Gentleman's manifesto that the measures that are in place to get people back into work are
1340 going to be further enhanced, and that is the commitment that the Government has made in respect of reintegrating individuals back into work.

If the hon. Gentleman can ... I am not too sure whether he has the information available, but if he can explain what enhanced measures, which are referred to in the manifesto, will be made available to do that, to get people reintegrated back into work. I am grateful.

1345 **Hon. J J Bossano:** Mr Speaker, when we went into the Election we were not expecting to complete the manifesto in the first two months.

In effect, what I am saying to him is that by providing the service we have been providing, there is also a process where we ourselves learn what more can be done.

1350 The hon. Member has referred to the numbers that are reoffending. I do not know what would be the nature of the answer that was provided before, but I think one needs to see whether there has been, over a period of time, an improvement in that ratio. That would be the kind of thing that ... If we are investing money and investing resources and we see that this is not delivering the kind of improvement we all want to see, then we need to say, 'Well, look, maybe
1355 we need to go back and put our thinking caps on and see where else we could be doing things that we are not doing which might be producing a more positive result than we have had to date.'

That is the kind of enhancement. The enhancement would be, in effect, by examining our own success rate compared to what was happening perhaps before we had the counsellor.

1360

Q114/2016
GDP calculation for last 10 years –
Breakdown by component

Clerk: Question 114, the Hon. D A Feetham.

1365 **Hon. D A Feetham:** Mr Speaker, can the Government please provide a breakdown by component of the GDP calculation for the last 10 available years, as performed by the Statistics Office?

1370 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the final figures for GDP calculated by the income method for the last 10 years, eight of which were when the hon. questioner's party was in Government, are as follows.

1375 The GDP for 2003-04 was £560.39 million. Of this, the income from employment accounted for £322.21 million, income from self-employment was £51.61 million, gross trading profits of companies was £90.91 million, gross trading surplus of Government enterprises was £6.94 million –

1380 **Hon. D A Feetham:** Will the hon. Gentleman give way?

Mr Speaker, if he goes through the income method and the expenditure method, and bearing in mind that under the income method he has already got to gross trading, there is still rent, and then on the expenditure method there are about 10 sub-categories for 10 years, it is going to be a considerable amount of information that is going to be provided and read out to the House.

1385 Can I invite the hon. Gentleman to provide it by way of the schedule – just simply the answer that he already has, which we can take as a schedule and then analyse it at a later stage? There are not going to be any supplementaries arising out of this.

1390 **Mr Speaker:** We can move on to the next question while the answer is photocopied and provided as a schedule. (*Interjection by Hon. D A Feetham*) The only thing is that [*inaudible*].

1395 **Hon. J J Bossano:** Well, Mr Speaker, you know my view, that if the Member opposite says the question is for oral answer, being as well behaved as I am in this Parliament, I try to do what he asks me to do, which is to give him an oral answer. And since we have had a multitude of questions for written answer, I have to assume that he does not want a written answer. That is why I read it to him, because I think that is what he is expecting me to do and that is why he says he wants an oral answer. And, as you know, I think that handing a piece of paper is not conducive to anybody that is in the audience, although not many, or listening or watching us, to know what is going on if all we do is say, 'Mr Speaker, I now hand over a piece of paper,' and that is the answer to every question.

1400

Mr Speaker: I have the answer here – it is not excessively long.

Hon. J J Bossano: Thank you, Mr Speaker.

1405 Mr Speaker, I have only produced the income calculation because it is in fact ... Both
calculations come with the same result, but it has always been considered that the more
1410 accurate figure and more reliable figure, frankly, is the income side, because what happens with
the expenditure side is that the figures are, sort of, rounded off in order to make sure that the
two results are the same on the premise that GDP assumptions are that every income is
matched by the expenditure and the two ... and the net result of the GDP has to be the same
where it is calculated by the expenditure method or by the income method. So, in fact, it is only
half as long, but if he wants to have the expenditure I can get that sent to him. But this is the
more accurate system.

I had got as far as Government enterprises, as the hon. Member correctly says. The next item
1415 therefore is rent, which was £89.84 million in 2003-04, and therefore the total domestic income
was £561.51 million and stock depreciation was minus £1.12 million, giving us the £560.39
million.

This increased in 2004-05 to £599.74 million. This was the result of income from employment
going up to £338.58 million, self-employment increasing slightly to £52.79 million, gross trading
1420 profit showing a more substantial increase to £111.77 million, gross rated surplus of
Government enterprises was down, in fact, in that year to £3.3 million and rent up to £94.5
million, and the adjustment to the figure was £1.15 million in depreciation.

In 2005-06 the GDP increased to £656.51 million, the income from employment rose to
1425 £384.81 million, from self-employment income went up to £56.77 million, trading profits rose to
£113.77 million and Government enterprise surpluses were £3.72 million – a slight increase on
the £3.3 million of the previous year, rent was up to £98.62 million, and again the adjustment in
appreciation was minus £1.18 million.

In 2006-07 income from employment reached £440.57 million, self-employment rose to
1430 £61.69 million, trading profits of companies came to £128.11 million, gross trading surpluses for
Government enterprise was down to £3.28 million, and rent up to £107.63 million. The
adjustment for that year was minus £1.21 million.

In 2007-08 income from employment was £495 million; self-employment increased to
1435 £66.83 million; trading profits went slightly down to £127.74 million, just under £100 million;
Government enterprises were up £4.68 million; and rent was up to £113.07 million. The
adjustment was slightly up at minus £1.25 million.

In 2008-09 the total increased by nearly £90 million to £898.7 million, income from
employment grew to £526.93 million, self-employment was down to £51.93 million, trading
1440 profits up to £197.89 million, Government enterprise surpluses up to £5.48 million, and rent up
to £117.76 million. The adjustment by depreciation was £1.29 million.

In 2009-10 the total went above the £1 billion mark for the first time – it was £1,012.58
million, of which employment contributed £542.42 million; self-employment, £58.24 million;
trading profits, £274.79 million; trading surpluses of the Government enterprises was £4 million;
and rent was up at £134.46 million. The adjustment for depreciation was £1.33 million.

2010-11 saw the GDP grow to £1,082.19 million. The employment contribution grew by
1445 £40 million to £582.11 million, self-employment was down from £58 million to £35.31 million,
trading profits of companies was up to £310.44 million, there was a slight increase in the surplus
of Government enterprises from £4 million to £4.77 million, rent was up at £150.94 million, and
the depreciation adjustment was minus £1.38 million.

In 2011-12 it was £1,201.31 million, of which employment contributed over half –
1450 £652.33 million; self-employment, £35.73 million; company profits, £349.61 million; trading
surpluses of the Government enterprises, £6.76 million; and rent, £158.3 million. The
adjustment for depreciation was minus £1.42 million.

And the last year for which we have the final figure, which is 2012-13, the total is
1455 £1,317.06 million – that is £1.3 billion; employment contribution was slightly up at
£661.24 million; self-employment was £48.34 million; company profits was £444.08 million;

Government trading surpluses was £6.35 million; rent, £158.5 million; and the adjustment for depreciation was minus £1.45 million.

1460 **Hon. D A Feetham:** Mr Speaker, I said there were no supplementaries – I had assumed, actually, that the last figure would be the figure for the end of 2014. I say that because when I asked for the GDP figures for the end of 2014, I think at the beginning of last year, I was told that those were going to be computed and calculated by November 2015, which is the usual practice.

1465 When will that figure for the end of 2014 be available, so that I do not have to ask this question again and I ask at the appropriate juncture? Because last time, I was told November 2015.

1470 **Hon. J J Bossano:** Mr Speaker, I asked the Statistics Office to provide me with the final figures so that they would not be subject to any further adjustment. I do not know how close we are to closing the 2013-14, but I can send it to him if he wants me to send it to him without him having to ask the question as soon as it is ready.

Hon. D A Feetham: I would be very grateful if he did that. Thank you very much.

1475 **Hon. R M Clinton:** If I may, Mr Speaker – possibly it is only the hon. Gentleman and myself in this room who find these numbers exciting – could I ask him to perhaps, if he can, explain the source for the company profits numbers? Certainly the last one – 2012-13, £444.08 million – is that a number that comes from Companies House? How is it derived, does he know?

1480 **Hon. J J Bossano:** This is the figure that is compiled by the Statistics Office and it is a figure that gets adjusted, and this is why it is sometimes quite a long time before they are closed because when they do the first estimate, for example, if they have received 70% of the returns of company accounts ... I am not sure how the company accounts reach the statistics, whether it comes from the Tax Office or some other source ... It is not that the companies are asked to submit them to the Statistics Office, so it must be from some other department, and the most obvious and logical one would be tax returns by companies. What happens then is that at a certain point in time when something like 70% or 75% of the known companies that are trading have made their returns, the figure is then adjusted by an estimate in respect of the 25% that still have not done it. When those 25% start coming in, you then get a situation where, in some cases, the estimated figure is too high and it means a drop, and in other cases the estimated figure is too low and it means an increase, because in effect it is an arbitrary estimation – they just say, 'Well, if there are 100 companies and 75 have made so much profit, you just assume that the remaining quarter on average will make the same profit as the first 75.' There is no logical reason why that should be so. By and large it is not very far out because the ones that come in higher tend to cancel out the ones that come in lower. But it does mean, in fact, that the final figure can sometimes be revised downwards as well as upwards when they finally decide to call it a day in terms of revising the figure.

1495 **Hon. R M Clinton:** If I may just ask one further supplementary on that: in terms of the profits, would these, in his view, be taxable profit to these companies, or is it just profits of all companies registered in Gibraltar?

1500 **Hon. J J Bossano:** I do not think it is taxable profits, because a company may in fact have other things which reduce its tax liability, but if one were to reduce the profits that they have made, in effect you would be understating the output of the economy. The output of the economy is the income received by companies predominantly. If the hon. Member analyses the figures, for example, for the last year, out of the £1.3 billion, £440 million is companies and £660 million is employees, so you have got £1.1 million out of the £1.3 million, i.e. the income of

workers or the income of the employers of the workers. The fact is that it does not necessarily mean that the £444 million was tax, because they might have had offsetting allowances or development aid, or depreciation or whatever, but the output of the economy is made of the money that people are making either as owners of capital or as owners of labour. That is the essence of what the GDP is all about.

The treatment of offshore companies is not reflected 100% here – that is what used to be offshore companies. So in fact, there is a... otherwise, what we have done with doing away with tax-exempt companies and having everybody paying tax now would have produced a huge increase in GDP calculations, because before they were not included. So I think what has happened is that the Statistics Office has ignored that change and, in effect, the companies that have been brought into the onshore field that were offshore before continue to be treated as to their income by giving more or less the same percentage reflected here that they were getting before. If that had not been done, then the year of the change would have seen a massive increase.

Hon. R M Clinton: I am grateful to the hon. Member for that clarification. That is exactly what I was trying to understand. Thank you very much.

Hon. D A Feetham: Mr Speaker, may I just ask one, because I too am finding this quite interesting. There are two questions.

First of all, are we calculating GDP here in the same way as, for example, the United Kingdom would calculate GDP in the United Kingdom?

And, just curiously – and this is where my interest has been piqued in the explanation that he has given – isn't there an element of double accounting, in the sense that if you count the income of companies basically before tax, so that it is just the gross income of the companies, and you calculate the gross income of the workers, surely that cannot be the output into the economy because there is an element of income of the workers that is coming from some of those companies. Does the hon. Gentleman follow? That is what has sort of piqued my curiosity in relation to this.

Hon. J J Bossano: Well, if it was the income of the company he would be right, but it is not the income of the company, it is the profit of the company, (**Hon. D A Feetham:** Of course, yes.) and therefore the income of the company is the sales. So this is not that Gibraltar had sales of £4.4 million; it is that Gibraltar made ... £4.44 million, you know, four hundred and forty four hundred million pounds was the profits made on would could be a turnover of £4 billion or £5 billion, (**Hon. D A Feetham:** Yes.) and of course the profit is after meeting workers' wages, electricity, water, the cost of the things that the business uses. So the answer is that the hon. Member would be right if this was the turnover of the company, but it is not.

Hon. D A Feetham: And is it calculated the same way as in the UK?

Hon. J J Bossano: As far as I am aware, yes, I mean, it is the same code as the UK Blue Book, which is available on the internet, and the Blue Book has always been the bible that the Statistics officers use – with certain adjustments because of the nature of the economy. I mean for example, there is no agriculture in Gibraltar, so, in fact, our economy has got less diversity than the UK. The UK is a much more complex exercise, because you get GDP collectively and then you get, for example, regional GDPs and you also get figures on the output of certain industries or the agricultural industry, or the service or the city. We do not do any of those things, so what is a massive exercise over there is a much more limited exercise here. But the principle of how you arrive at the elements really is quite simple, because at the end, what we are saying is, this is the £1 billion is the amount of money that collectively our community earned.

Q115/2016
Parliament building –
Installation of lift

Clerk: Question 115, the Hon. T N Hammond.

1560

Hon. T N Hammond: Mr Speaker, considering that this House has not met since last July and the reasons for not having sat in September and October was that it would enable works to proceed on the installation of a lift to facilitate access to this House, and as no work seems to have taken place in the period since last July, is it still the intention of Government to have this lift installed; and if so, when can the works be expected to commence?

1565

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, it remains the policy of the Government to provide lift access to persons with reduced mobility into the Parliament Chamber. The design and the location of the lift have both been studied in detail and exploratory works have been carried out. The project is expected to commence in the new financial year.

1570

Hon. T N Hammond: That is understood and thank you very much for that response.

Is it likely to cause disruption to this House during the works, as it was forecast to do last year?

1575

Hon. Dr J J Garcia: Mr Speaker, the exploratory works have already been done. Really, before the project commences it needs to go to DPC again because it is substantially different to the project that was originally envisaged and which went to DPC some time ago.

1580

So it will be a different project. Once, at the technical level, it has been approved, then we will be able to understand the kind of disruption that will be envisaged. What they were looking at in September and October was an internal lift, so obviously that would have been far more noisy and disruptive than if the lift turns out to be external at the end of all this.

1585

Hon. T N Hammond: Just one last question: so the current proposal would seem to be a reversion perhaps to the original concept of an external lift?

Hon. Dr J J Garcia: Yes, Mr Speaker. The issues really have been, first of all, the type of lift – whether it was internal or whether it was external. I think the Heritage Trust wanted to be satisfied that an internal stair lift, a platform lift ... whether it was possible to do this internally rather than externally. We have now established that it is not.

1590

The other issue was the location of the lift, and in that even the Heritage log itself was divided as to whether if it was going to be external then should it be on the Piazza side of the building or should it be on the Main Street side of the building.

1595

The design was obviously another issue, in terms of you know, what the structure would actually look like, and the heritage considerations obviously take into account that this is a listed building.

1600

So all those factors have been in the melting pot over the last few months and it is finally an agreed design that will go to the DPC.

Hon. T N Hammond: I appreciate that it still has to go to DPC, but has the Heritage Trust indicated that they are already happy with the design or satisfied with it?

1605

1610 **Hon. Dr J J Garcia:** Yes, Mr Speaker, there has been very close consultation between the project manager, the Government, the Heritage Trust and the Heritage department. Although there are perhaps I would say divisions or differences of opinion between those who would not prefer a lift at all and those who would, depending on the option or the structure, the design and what it looks like, in the final analysis it is going forward in full consultation with all affected parties, and also the Trust, as you know, has a voice in the DPC, and whatever final conclusion they come to I am sure will be expressed there in public for everybody to hear.

1615

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I expect not to see any Member of this House in that lift unless they have a problem with their legs. It is being done for a specific purpose: for people who have accessibility issues.

Mr Speaker, I have the honour to table the answers to Written Questions numbered W1/2016 to W24/2016 inclusive.

ADJOURNMENT

1625 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until tomorrow at 3 p.m. when we shall consider a number of Bills.

Mr Speaker: The House will now adjourn until tomorrow at 3 p.m.

The House adjourned at 5.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 5.36 p.m.

Gibraltar, Friday, 22nd January 2016

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The Gibraltar Parliament

The Parliament met at 3.07 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

BILLS

FIRST AND SECOND READING

European Union (Referendum) Bill 2016 – First Reading approved

Clerk: Order of the Day – Bills – First and Second Reading

A Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto including amending primary legislation by subsidiary legislation as the circumstances require.

Mr Speaker: Before we proceed with this Bill I want to make it clear that I have received, as is a requirement, notification from the Chief Minister that this is a Bill with a certain urgency and that is why we are proceeding with it without the normal six-week period.

Clerk: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require, be read a first time.

Mr Speaker: I now put the question which is that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters concerned thereto including amending primary legislation by subsidiary legislation as the circumstances require, be read a first time.

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

Clerk: The European Union (Referendum) Act 2016.

**European Union (Referendum) Bill 2016 –
Second Reading approved**

30 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, a Bill of the same name was introduced into the House of Commons on 28th May 2015 in order to provide the basis for the Referendum on whether the United Kingdom would remain in the European Union.

35 That Bill was presented by the Conservative Government in fulfilment of its manifesto commitment at the last General Election in the United Kingdom. The Bill was passed by the UK Parliament and received Royal Assent on 17th December 2015. There are three general points in that Act that are worth addressing individually.

40 The first is concerned with the timing of the Referendum. Section 1(3)(a) of the Act provides the dates by which the Referendum must be held. That date is no later than 31st December 2017.

Hon. Members will no doubt be aware that the Prime Minister has not disclosed possible dates for holding the referendum. What he has said is that he will not set the dates until after the conclusion of negotiations on the changes that are being sought from the European Union.

45 The UK's position on the changes were set out in a letter to Council President Donald Tusk dated 10th November 2015, which is publicly available and which I will paraphrase. In that letter, the Prime Minister sets out four areas for reform: one, economic governance; second, competitiveness; third, sovereignty; and fourth, immigration. I will look at each of them in turn.

Economic governance:

What we seek ...

– said the Prime Minister –

50 ... are legally binding principles that safeguard the operation of the Union for all 28 Member States – and a safeguard mechanism to ensure that these principles are respected and enforced. Those principles should include recognition that: the EU has more than one currency; there should be no discrimination and no disadvantage for any business on the basis of the currency of their country; the integrity of the Single Market must be protected; any changes that the Eurozone decides to make, such as the creation of a banking union, must be voluntary for non-Euro countries, never compulsory; taxpayers in non-Euro countries should never be financially liable for operations to support the Eurozone as a currency; just as financial stability and supervision has become a key area of competence for Eurozone institutions like the ECB, so financial stability under supervision is a key area of competence for national institutions like the Bank of England for non-Euro members; and any issues that affect all Member States must be discussed and decided by all Member States.

Point Two was a question of competitiveness. On this question he said that:

... the United Kingdom would like to see a target to cut the total burden on business. that EU should also do more to fulfil its commitment to the free flow of capital, goods and services. The United Kingdom ...

– said the Prime Minister –

... believes it should bring together all the different proposals, promises and agreements on the Single Market, on trade, and on cutting regulation into a clear long-term commitment to boost the competitiveness and productivity of the European Union and to drive growth and jobs for all.

The third point was that of sovereignty. On sovereignty the Prime Minister said that he wants to work to:

... end Britain's obligation to work together towards an 'ever closer union' as set out in the Treaty ... in a formal, legally-binding and irreversible way.

55

He wanted:

... a new agreement where groups of national parliaments, acting together, could stop unwanted legislative proposals ... [from Brussels].

He wanted:

... to see the EU's commitments to subsidiarity fully implemented, with a clear proposal to achieve that.

The aim was to get at what:

... the Dutch have said, the ambition should be which is, 'Europe where necessary, national where possible.'

Mr Cameron said that:

... the UK will need confirmation that the EU institutions will fully respect the purpose behind the JHA Protocols in any future proposals dealing with Justice and Home Affairs ... in particular to preserve the UK's ability to choose to participate. National security ...

60 – he explained –

... was – and must remain – the sole responsibility of Member States, while recognising the benefits of working together on issues that affect the security of all of them.

The fourth point, Mr Speaker, was immigration. The Prime Minister said that:

The UK believes in an open economy. But has got to be able to cope with all the pressures that free movement can bring – on ... schools, ... hospitals and ... public services. Right now...

– he claimed in the letter –

... the pressures are too great.

He wanted to:

... find arrangements to allow a Member State like the UK to restore a sense of fairness to the immigration system and to reduce the current very high level of population flows from within the EU into the UK.

The Prime Minister argued that it was possible to:

... reduce that flow of people coming from within the EU by reducing the draw that the welfare system exerts across Europe.

65 He proposed that people entering to, 'from the EU must live in the UK and contribute for four years before they qualified for in-work benefits or social housing.' There was also a need to, 'end the practice of sending child benefit overseas'.

70 Mr Speaker, these were the four areas for reform on which the Prime Minister sought agreement. At the start of a 10-week period which ends with the Referendum itself, the Foreign Secretary must publish a report on the outcome of those negotiations between the UK and the EU. The report must also include the opinion of the Government of the UK on what has been agreed.

75 In the same timeframe, a second report must be published which contains information about the rights and obligations that arise under European Union law as a result of the UK's membership of the EU. This report should also contain examples of countries that do not have membership of the European Union but which have other arrangements. A description of such arrangements for each country must also be given.

Both reports must be laid before the UK Parliament. They will be available electronically as factual information to voters in the United Kingdom and in Gibraltar. The Referendum would then follow at the end of that final 10-week period.

Mr Speaker, having covered the background in the first general points, I move on to the second one, which is the actual question to be put at the Referendum. The UK Bill, when first printed, provided that the question should be, 'Should the United Kingdom remain a Member of the European Union?'

However, the Electoral Commission was concerned with the balance of the question which is considered as being potentially biased towards producing a stay in Europe results. The wording of the question was subsequently changed to, 'Should the United Kingdom remain a Member of the European Union or leave the European Union?' The alternative answers to that question, as they will appear in the ballot paper, are (1) remain a Member of the European Union, or (2) leave the European Union.

The third general point, Mr Speaker – and it is the point that most directly concerns this House – is that the Act makes provision for the enfranchisement of Gibraltar.

The United Kingdom went to the polls on 7th May 2015 and the outcome was a majority Conservative Government. This meant that the EU Referendum passed from being the policy of the Conservative Party to the policy of the UK Government and, as such, officials could commence to engage on the subject. It therefore became clear that the UK Referendum on EU Membership was going to be taken forward.

Mr Speaker, no effort was spared on our part to lobby for the inclusion of Gibraltar in the franchise. My hon. Friend, the Chief Minister, raised this matter with London a number of times. The argument that the outcome of the in-out Referendum would have a considerable impact on Gibraltar proved to be a compelling argument. The United Kingdom agreed to the inclusion of Gibraltar in their Referendum.

The Chief Minister asked me to Chair a working group of officials and the first such substantive meeting between the UK and Gibraltar Governments took place by secure video link on 2nd June of last year – under a month after the UK Election.

There have been several meetings in London which included officials from both Governments. I am sure that we will have a further debate on the merits, but at this stage I wish to limit myself to stating that the Government is very pleased that Gibraltar has been enfranchised in such a clear and unequivocal basis for which we must thank the Prime Minister, David Cameron, and the Minister for Europe, David Lidington.

Mr Speaker, I now move on to the mechanics of the enfranchisement itself. The House will know by now that, as is the case with European Parliamentary Elections, voters in the Referendum will be allocated two regions and, in the case of Gibraltar, a vote will be taken into consideration alongside the votes in the south-west region of England.

As an aside, during the passage of the Bill in the House of Lords, in particular the age of voting at the Referendum became an issue. Without wishing to enter into that debate here as well, it should be noted that the age for voting at the Referendum is now set at 18. In the European Parliamentary Elections legislative package, Gibraltar's legislation is effectively limited to the provision of the Gibraltar Register. On this occasion, HMGOG has not only been consulted but they have actively participated in the drafting process both at a political and at a technical level.

To that end, our drafting team has, over the last few months provided advice and feedback on the provisions in the UK Bill relating to Gibraltar. Similarly, the Bill before this House today has been produced in close consultation and co-operation with the UK team. The Government is grateful for the access that has been given to our officials. Given the positive feedback we have had from the UK, we hope that should similar circumstances arise in the future, HMG will engage with Gibraltar and with our officials in the same positive manner.

It was a pleasure to detect a genuine and positive desire to assist the enfranchisement of Gibraltar on behalf of officials of Her Majesty's Government in the United Kingdom once a

130 political direction had been given. Mr Speaker, it is not always the case that proposed legislation emanating from the Westminster Parliament that has a bearing on life in Gibraltar is the subject of such close consultation.

The UK side included the Foreign and Commonwealth Office, which was and is the lead Department, and the Cabinet Office. Mr Speaker, I also want to place on record the
135 Government's thanks to the Gibraltar team, in particular to the Attorney General, Michael Llamas, whose expertise on such matters is well known to all of us in this House and to Paul Peralta and Nadia Sisarello-Parody who coped tirelessly with drafting work, with interminable meetings and voluminous email correspondence, all of which against a background of considerable pressure from tight deadlines.

140 In our discussions with HMG one of the matters that we agreed was to mirror the UK's legislative framework and timetable. As far as the timetable is concerned, with amendments being moved in Westminster up until the very final moments, our drafters have had a very tight window in which to operate. It is for that reason that the earliest opportunity that the Government had in which to publish this Bill was December 24th. The decision by my hon.
145 Friend, the Chief Minister, to abridge the amount of time in which the Bill could be taken by this House, is a direct result of the requirement to meet the deadlines and the timetable set in the United Kingdom.

Mr Speaker, from an early stage, I am aware that those timings are always going to be tight. One of the earliest policy decisions that had to be taken was whether to create a new register
150 for the EU Referendum or to use an existing one. Whilst the prospect of a General Election in late 2015 provided for an up-to-date register, the terms of the franchise of our own elections and the terms of the franchise for the EU Referendum are both different.

Our European Parliamentary Elections Register, however, contained the majority of the eligible persons, including the Irish nationals to whom the UK Government extended voting
155 rights. We therefore took the policy decision to use the European Parliamentary Elections Register as a basis for registration for this Referendum.

Turning now, Mr Speaker, to the specifics of the Bill, clauses 1 and 2 provide for the usual introductory matters. Clause 3 is a purpose clause which, as the heading suggests, sets out the context in which the Bill is to be construed. Clause 3 (1) formally sets out some of the detail
160 which I have already alluded to, namely that Her Majesty's Government of Gibraltar agree to participation in the UK's Referendum and to the mechanism to make such participation possible. Sub-clause 2 explains the legal framework which is being applied – and perhaps I can explain it better again in less technical legal terms.

Mr Speaker, the basis upon which persons in Gibraltar will be able to vote in the Referendum
165 is set out in the UK's Act. That Act requires that a person be registered in the Gibraltar Register for European Parliamentary Elections. There is a test that needs to be met in order to be eligible. That test is that the person registered in the register is either a Commonwealth citizen or a citizen of the Republic of Ireland.

By relying on the European Parliamentary Elections Register, Gibraltar's European
170 Parliamentary Elections Act of 2004 is engaged. In the circumstances, the Bill provides for the adaptation of the framework to accommodate the EU Referendum.

Clause 5 provides a power for the making of subsidiary legislation. This power is required in order to give the Government the tools with which to respond in legislative terms to any
circumstances which may arise.

175 If the Act is passed by our Parliament, it is our intention to invoke these powers to make subsidiary legislation to provide for some procedural matters. These have adopted the working title 'the Conduct Rules' and, like for the European Parliamentary Elections, the Gibraltar and UK Governments agreed that Gibraltar would also be passing this legislation.

The kind of issues that fall under the Conduct Rules relate to matters such as: notices that will
180 be published in connection with the poll; the official mark to be used; the issue of poll cards; the provision of polling stations; absent and postal voting; and accounts.

185 Clause 6, Mr Speaker, as I have already explained, the UK Referendum Act 2015 requires that a person be registered in the Gibraltar European Parliamentary Elections Register. Given that reliance on the European Parliamentary Elections Register on that framework, Clause 6 borrows the European Parliamentary Elections Act 2004 for the purposes of the Referendum.

This borrowing, therefore, requires that certain aspects of the 2004 Act be modified. This is necessarily a complicated process, although we have attempted to bring as much clarity as is possible by inserting the amendments in the first schedule and then actually setting out the legislation as amended in the second schedule.

190 Mr Speaker, I have given notice that at Committee Stage I will be moving a number of amendments and this includes the removal of Clause 7. Clause 7 had been inserted at the specific request of the UK Government's legal team but they have since asked for it to be removed.

195 Clause 8 is required because the European Parliamentary Elections Act 2004 is being borrowed and therefore an offence committed under that Act as amended is to be treated as an offence under the Bill and not under the European Parliamentary Elections Act of 2004.

Clause 9 confirms jurisdiction in Gibraltar where an offence is committed as a result of a breach of a UK enactment which has been specifically applied to Gibraltar for the purposes of the Referendum.

200 Clause 10 provides for the application of Section 3 of the Criminal Procedure and Evidence Act 2011 in cases where there is a breach of both Gibraltar and UK legislation. Section 3 sets out the procedure to be followed where there is a contravention of two or more Acts and this clause ensures that the UK Act falls within this procedure.

205 Mr Speaker, Clauses 11 to 37 are a series of offences and procedural matters that are set out in the UK's Representation of the Peoples Act 1983. That Act does not apply to Gibraltar in the context of the European Parliamentary Elections. Since it is relied upon by the UK and modified by them for Referendum purposes, we have reproduced the relevant provisions as a matter of Gibraltar law, and in compliance with our commitment to mirror UK procedures and UK law.

210 The nature of the offences are those which are commonly found in elections. Indeed, most are included within the corpus of our own domestic election laws. Offences under the clauses include voting more than once, tampering with the ballot paper, issuing imitation poll cards, publication of exit polls before the poll closes and breaches of secrecy.

215 Mr Speaker, I have given notice of a further amendment that I will be moving at Committee Stage that entails the insertion of a new clause, 27(a). Discussions with London have continued after publication of the Bill and in this instance, we have been asked to insert this clause which is aimed and broadcast from outside Gibraltar and the UK which seek to influence the vote in Gibraltar.

Clause 38 is what is referred to as a 'sunset clause'.

220 **Clerk:** Mr Speaker.

Mr Speaker: Let us hope that after this short unavoidable recess we are able to conclude our business this afternoon as expeditiously as possible.

The Hon. Dr Joseph Garcia had the floor.

225 **Hon. Dr J J Garcia:** Thank you, Mr Speaker.

Okay, so I mentioned clauses 11 and 37 and the offences and procedural matters which were laid out there, so I move on to ... I will go over that again because I am not sure what has been recorded for the purposes of *Hansard* and what has not. So I will start again.

230 Mr Speaker, clauses 11 to 37 are a series of offences and procedural matters that are set out in the UK's Representation of the Peoples Act 1983. That Act does not apply to Gibraltar in the context of the European Parliamentary Elections. Since it is relied upon by the UK and modified

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245 Clause 38 is what is referred to as a 'sunset clause'. As far as Gibraltar is concerned, the Act will be spent once the Referendum is over and this clause causes the Act to be repealed 12 months after the Referendum. In other words, the Act will repeal itself. In the unlikely event that there are any proceedings or any rights that are enforceable at the time of repeal, those proceedings or right shall subsist.

250 Mr Speaker, I have already referred to the first schedule and simply would restate that the purpose of it is to amend the application of the European Parliamentary Elections Act 2004 for the purposes of the referendum. The second schedule reproduces the entire European Parliamentary Elections Act 2004 as per the amendments affected by the first schedule and should be of practical value to any reader.

255 Mr Speaker, before I commend the Bill to the Parliament, I would like to say that this Bill is important because of the implications for Gibraltar that attend to the outcome of the Referendum. It is extremely positive and a reflection of the level of regard that Her Majesty's Government in the UK has for the rights of the people of Gibraltar that they have been included in what is the United Kingdom's Referendum, even though we are not a part of the United Kingdom. The Bill also reflects the level of detailed and close co-operation that can and should exist between officials from both Governments.

260 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

265 The Hon. Mr Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

I have the honour to speak for this side of the House having consulted closely with my hon. colleague, Mr Daniel Feetham, and also with Mr Elliott Phillips, both professional lawyers, as to the principle of the Bill.

270 I think, speaking generally, from this side of the House we obviously welcome Gibraltar's inclusion in the UK Referendum Act on what is – as reported in today's *Chronicle*, the UK Prime Minister, in Davos, said – is going to be a massively important generational question for Britain and for Europe and obviously no less for Gibraltar.

275 The hon. Member opposite has gone through the reasoning for the Referendum of the UK's seeking and the questions that the UK Prime Minister is seeking, I suppose concessions is not the right word, but amendments or changes to the UK's relationship with Europe on those four areas.

280 Obviously, in Gibraltar it is important that we participate in this Referendum and that we get our view across as well. I am conscious that a lot of work has gone into this, both by the Members opposite and obviously the legal drafting team and various individuals assisting. We, however, on this side of the House obviously have had limited notice, but we appreciate the importance of it and will do everything we can on our side to expedite the process.

285 If I may, just talking about the Bill itself, what perhaps is unusual for me, having spent many years examining legislation – certainly local legislation – is obviously the interaction between the UK legislation and local legislation; and the Clerk to Parliament kindly printed out for me earlier this week the actual UK European Referendum Act 2015 and also the explanatory notes that go with it.

290 Now, I am also conscious that the amendment that has been brought to this House – or rather the Bill that has been brought to this House – is really to facilitate the mechanics of the Referendum or the actual account of how the Referendum will be held. Obviously, I am happy to be corrected if I am wrong in that assertion.

295 What I would like to raise, or perhaps put up for discussion, is that there are matters in the UK Act which, as it were, precede our Act or may still be there but we may not be aware or conscious of them in Gibraltar because they form part of UK legislation and not our domestic legislation.

300 If I can give, just by way of example, the idea of the Electoral Commission and their role in determining who are permitted participants in the Referendum, I notice in the explanatory notes, schedule 1 just on campaigning and financial, paragraph 2 says that Gibraltar established political parties which are not recognised in the UK and therefore do not fall in the section 54.2(a)(c), including Gibraltar Social Democrats, Gibraltar Socialist Labour Party, Liberal Party of Gibraltar are eligible to become permitted participants by virtue of section 54.2(a)(g) of the 2000 Act.

305 Now, these are obviously technical clauses but, whereas we are looking at in the Bill the mechanics of the Referendum as applied in Gibraltar, my concern is that we should not lose sight that there is obviously the UK Referendum Act and how that will interact with us in Gibraltar and how it will affect us.

310 This may be beyond the remit of this discussion – and again I am happy to be corrected – but, for example, the elements where the report of the Secretary of State is required to be tabled in the UK Parliament, obviously this Bill will not cover that, nor necessarily – and perhaps this will come as the Conduct Rules; which will be done by subsidiary legislation – how people in Gibraltar would go about either setting up their own ‘yes or no’ campaign or how they would go about becoming permitted participants for the purposes of the Electoral Commission; how are the rules of funding to be applied in Gibraltar – again maybe that will be covered by the Conduct Rules – and various other matters.

315 So, as I said at the beginning here, we are happy to work with the Government on this Bill to make it a good piece of legislation. I am grateful to the hon. Member for having had a discussion on one or two clauses we had concerns with, but perhaps he could add some colour to how he would envisage not just the actual undertaking of the Referendum but the period leading up to the Referendum and the putting of the question and how we in Gibraltar will be kept abreast of what is said in the UK Parliament, tabling of papers and other matters, so that people in Gibraltar are properly prepared when it comes to considering the question.

Mr Speaker: Does any other hon. Member wish to contribute at this stage?

The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, this Bill deals with what is of course, as we all recognise in this House, a seminal issue for our community. A seminal issue that calls for a decision once the British Prime Minister calls a Referendum in which we are to also vote with the rest of the British people.

330 The hon. Member opposite is right, the Prime Minister said yesterday that this is a generational decision. In fact, it is exactly how I described it on Tuesday when we received His Excellency the Governor in this House.

Mr Speaker, it is such a generational decision, it is such a seminal decision for this community that it is almost a *sine qua non* that most Gibraltarians feel intrinsically that Gibraltar and the

335 United Kingdom should remain a part of the European Union because of the importance that the European Union plays in our lives.

Hon. Members may or may not know that one of the most compelling arguments put in the case of Matthews in the Court of Human Rights when Gibraltarians won – because we were not given it by Britain – won the vote in European Parliamentary Elections, was that the amount of
340 legislation which Gibraltar had to pass into law and which originated in Brussels and in particular then, already making its way through the European Parliament that was to become, as a result of the Matthews case, in legal terms, a legislature, was growing by the day.

Indeed, today this House very often deals with European directives that are becoming law or the amendment of existing Gibraltar legislation which requires change because of European laws
345 requiring those changes, sometimes even updating earlier European laws.

The Prime Minister said something else yesterday in Davos at the World Economic Forum. Asked by a French journalist whether he felt European, Mr Cameron said that he felt ‘deeply European’ and that in his view ‘Britain has a European destiny’. Well, Mr Speaker, I think everyone in this House too would associate with those words in terms of feeling deeply
350 European and believing that Gibraltar, with Britain, has a European destiny.

Mr Speaker, but when the time comes for a decision in that respect, Gibraltar must form part of that decision-making process and from the moment that it was mooted that there might be, as part of the Conservative Party’s policy at the last British General Election, the possibility of a Referendum on the United Kingdom remaining or exiting the European Union, the political
355 machinery of the Government moved into high gear to ensure that Gibraltar would form part of that moment of decision.

Mr Speaker, what many might have thought was going to be a battle for enfranchisement was absolutely nothing of the sort. It was no battle at all, because instinctively the Prime Minister knew and felt that Gibraltarians should also vote in that Referendum; and his
360 commitment and the commitment of David Lidington, even before they had won the General Election in the United Kingdom in May last year, was that Gibraltar should form part of the franchise when the time came.

And, true to their words, no sooner had the United Kingdom seen a majority Conservative Government take over the reins in Westminster, that we were following this issue up and the Prime Minister and David Lidington were being true to their commitment to the Government
365 and people of Gibraltar that we would vote in any such Referendum.

Mr Speaker, in my view, that is evidence of the very strong relationship of partnership that today Gibraltar enjoys with the United Kingdom at a Government level as a result of the very hard work we have done to ensure that there are strong personal relationships with politicians
370 and with officials in the United Kingdom who work with the Government of Gibraltar; and, Mr Speaker, very often working together in the best interests of Gibraltar and to give effect to the wishes of the people of Gibraltar in consonance with wider British foreign policy interests.

Mr Speaker, this Bill is a complex piece of work. It is a complex piece of work that interfaces with a very complex British Act. The House in its previous session saw that we produced a Referendum Act which was part of the manifesto commitment of the parties then and now
375 sitting on this side of the House, to ensure that any future national referendum organised in Gibraltar could not be attacked as our last one had been, as a referendum which did not have legal cover.

Intellectual enemies of Gibraltar have sought to challenge both our previous referenda on that basis; they will not be able to challenge future referenda on any such basis. This Referendum is different though. This is not just a Referendum in Gibraltar; this will be a Referendum in Gibraltar at the same time as a Referendum in the United Kingdom. The Referendum here will be part of the Referendum organised by the United Kingdom. The votes of Gibraltar will be counted with the votes of the United Kingdom.

385 Mr Speaker, if the United Kingdom is on a knife edge, who is to say that 22,000 or more votes might not tip it in one direction or another? Sometimes in European Parliamentary Elections,

because of proportional representation, the number of people voting in Gibraltar can mean that extra seat for one party or another.

390 We may not hold the balance of decision in respect of the result of this Referendum but, Mr Speaker, we will participate in it and the method and manner of our participation is that which is now set out in this Bill which the Deputy Chief Minister has been working on with the team that he and I put together. All credit to the Deputy Chief Minister for what has been an intense piece of work over an electoral period, Mr Speaker.

395 Very often members of the public do not see that whilst politicians are out campaigning, those that campaign from the Government benches continue to work on Government business. And I know that this was a Bill that was occupying the Deputy Chief Minister even whilst he was also out energetically campaigning and also, before and after the General Election campaign, energetically dealing with all the other matters that are on his desk. He has steered the detail and policy with me in a manner that I think Gibraltar can be proud of and can realise how lucky
400 we are to have available that sort of talent that Dr Garcia brings to this Parliament.

I want to add Dr Garcia's remarks of thanks to the Head of the Government's Legal Office drafting team, Paul Peralta who is in Parliament today to assist Members in any queries they may have during the Committee Stage, and the hard and excellent work that I have seen first-hand of Nadia Sisarello-Parody – all of it, Mr Speaker, under the close scrutiny of the Attorney
405 General who, before taking that post, was the Government's chief legal advisor and is principally the man who understands European law best in Gibraltar. Gibraltar could not have been better served than with the team that I was happy to be able to put together to deal with this matter.

Mr Speaker, my commitment to the Prime Minister and to the Minister for Europe has repeatedly been that Gibraltar would not stand in the way of David Cameron being free to call a
410 Referendum at the time of his choosing when he felt it was most appropriate, because Gibraltar might not have complied with the requirements of having in place the legislation necessary to do the very complex exercise we are going to do which is to be holding a vote in two different places at the same time and with different laws governing those two different places.

So we need to put our laws entirely on the same page for that moment when the people of
415 Gibraltar and the people of the United Kingdom together are going to be free to express their will in respect of the continued membership of the United Kingdom of the European Union.

So, Mr Speaker, we have had to be fleet of foot, the United Kingdom Act became law in December and we had to be ready then, having seen the United Kingdom crystalize its views. Hon. Members who have been following the debate on this matter will have seen that there has
420 been a lot of politics in the United Kingdom about this Bill; there have been issues in the Lords and then there have been issues back in the Commons, and there is now a British Act of Parliament, a UK Act of Parliament, which we can now dovetail from.

We will now therefore, Mr Speaker, be ready, as a result of having certified this Bill as urgent, in January with an Act, if this House passes this Bill, that will enable us to say to the United
425 Kingdom, subject to what other administrative arrangements may have to be put in place, and such other regulations and subsidiary legislation as may be necessary; and perhaps even, Mr Speaker, potentially reserving the fact that we might have to come back and even amend the legislation, although there is a power to do so already by subsidiary legislation.

We will be ready, should the Prime Minister decide to call that Referendum. The Prime
430 Minister, in Davos yesterday, also said that he was not in a hurry to do a deal in February 2017 but if he does, Mr Speaker, and if he believes that this is the right time to call the Referendum then Gibraltar will not be found wanting for not having done the work we needed to do in the time that we had to do it, to bring the Bill to this Parliament.

Mr Speaker, I welcome the fact that Mr Clinton has said from the Opposition benches that he
435 will work with the Government to produce a good piece of legislation. If I may say so, Mr Speaker, I think this is already a very good piece of legislation that does what it needs to do to ensure that the people of Gibraltar can have the vote they need to have to express their will in respect of this seminal generational issue.

440 How are the people of Gibraltar going to be kept informed of what is happening in the United Kingdom? What is going to happen on the ground here, these are all the issues, Mr Speaker, on which we need to ensure that the politics that is now ongoing in the UK are reflected somehow in Gibraltar so that people understand the choices that they have to make.

445 I believe from what I have seen so far, Mr Speaker, that all political parties in Gibraltar will be campaigning for Gibraltar to remain within the European Union. But the people of Gibraltar, Mr Speaker, today have access to many news sources; they are very well informed indeed and I believe, Mr Speaker, they know what is at stake and exactly what it is that they have to choose between.

450 Therefore, Mr Speaker, I have no doubt that with the instrument in place for them to express their will in the Referendum with the United Kingdom, they will, when the time comes, express the view that the United Kingdom, and with it Gibraltar, should remain within the European Union.

Mr Speaker, I think the Hon. Deputy Chief Minister is absolutely right to commend the Bill to the House. (*Banging on Desks*)

455 **Mr Speaker:** The Hon. the Leader of the Opposition.

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

460 Mr Speaker, the Prime Minister, as has been noted in this House, has described the Referendum on Europe as a generational decision. I think for Gibraltar it is a generational decision, but it is much more than just a generational decision.

For many areas of business, being in Europe is existential, it is an existential issue. For parts of the Finance Centre, being outside Europe would have a devastating effect and therefore a knock-on effect for revenue that comes into the Government.

465 And although it was inevitable that a debate in the United Kingdom would occur about whether the United Kingdom stays in or out of Europe and that this Referendum could be seen as being something that was inevitable for some time because of that debate that was ongoing for many years as to whether the United Kingdom wanted to remain in or out and in many parties, in the Labour Party, in the Conservative Party, there were large parts of those parties that were Eurosceptic in nature, to a lesser or a greater extent.

470 There has never been a debate in Gibraltar about whether Gibraltar wants to remain in Europe, as to whether Gibraltar wants to redefine its relationship in Europe, Gibraltar has always wanted to be at the heart of Europe and therefore, whilst, yes it is a generational decision, it is a decision nonetheless that Gibraltarians would have preferred to have done without, because we would have preferred to have done without this debate and this Referendum because Europe is of paramount importance to this community.

475 Although there may be some who may say that it would have been both unjustified and unjust for the United Kingdom and for David Cameron to have left Gibraltar out of the Referendum that is going to be taking place in the United Kingdom, I think it is appropriate that everybody should thank the commitment that the Prime Minister in the United Kingdom and also the Minister for Europe has shown to Gibraltar, not only in the decision that he has made to include Gibraltar in the Referendum but also in the commitments that his Government, both now and also as part of the coalition with the Liberals, have shown Gibraltar over the last five years.

480 And it has to be said, it contrasts sharply with the inherently colonial views that were expressed by the Leader of the Labour Party recently, Jeremy Corbyn, in relation to Gibraltar. And although, as somebody that was a member of the Labour Party in the United Kingdom – who never voted Conservative, always voted Labour, when I was in the United Kingdom as a student and also as a barrister – I feel absolutely justified that since I returned to Gibraltar in 2000, I have always supported the Conservative Party because the Conservative Party, over the
490 last 16 years, has always supported Gibraltar.

At the end of the day, for Gibraltarians, it is not about ideology when it comes to Europe and our relationship with political parties in the United Kingdom. Certainly the way I see it, it is about how those political parties react in relation to Gibraltar, defend Gibraltar and stand up for the rights of the people of Gibraltar.

495 That is why it is also right that in our own way – and all the political parties in Gibraltar have tried to do so – establish strong personal relationships with individuals within political parties in the United Kingdom; and we have, over a number of years, done that with the Conservative Party in the United Kingdom that has so supported Gibraltar; and both myself and also my friend, Elliott Phillips, have attended the Conservative Party Conference on a number of

500 occasions.

I end by also recognising the hard work that has gone into this Bill, not because it is particularly complex or it is one of the largest Bills that we have seen presented before this Parliament, but because of the complexity of the subject and also the timeframe as well that this piece of legislation has had to be produced. The United Kingdom has had far, far more time to produce legislation, to then debate it; it has taken six months from the time that the Bill was presented in the House of Commons to the time that it received Assent. The hon. Gentleman said, I think, 17th December of last year, and this has been produced in a far, far shorter timeframe. Therefore, I too, on behalf of Her Majesty's Opposition, wish to congratulate the Gibraltar team and in particular, Paul Peralta who I know very well from the time that I was

505 Minister for Justice and the very good quality work that he produced when I was heading that Department as the Minister, and also Nadia Sisarello-Parody whom the hon. the Minister also mentioned.

So I have absolutely no hesitation, as indeed has already been said by my hon. colleague, Mr Roy Clinton, in supporting this Bill. (*Banging on desks*)

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Mr Speaker: Does anybody else wish to participate in the Second Reading of the Bill?

I will call upon the mover to reply, the Hon. Dr Joseph Garcia.

Hon. Dr J J Garcia: Yes, Mr Speaker, first of all I would like to, on behalf of the Government, as it were welcome the support of the Opposition for the Bill.

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It was very useful also to have met up with the Hon. Mr Clinton and to have discussed some of the issues which he will see reflected in some of the amendments when those are presented and discussed during Committee Stage.

The hon. Member referred to the fact that a number of these issues are contained in UK legislation and he is correct, indeed they are. The reason for that is that it is a UK Referendum; it is not a joint Referendum, it is a UK Referendum and it is one in which we are very grateful to be able to take part and to have our votes counted.

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The guidance will be provided by the Electoral Commission. They will publish detailed guidance in relation to almost every aspect of the Referendum, but the Public Liaison and Information role will fall on the Clerk in his capacity as, I think it is, Presiding Officer or Counting Officer in the Referendum for Gibraltar. So the public information notices and adverts will be issued through the Clerk.

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Also, as my hon. Friend, the Chief Minister, mentioned, this is a top media issue in the United Kingdom, so anybody switching on *Sky News* or *BBC* or whatever will be well informed of the details of things as they develop. And, indeed, the local media as well obviously will pick that up.

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In relation to the comments made by the hon. Member, the Leader of the Opposition, certainly he is correct. I mean there are no debates, I think, in Gibraltar as to whether we should be in the European Union or not. I think the results obtained by UKIP in Gibraltar locally during European Parliamentary Elections have shown that and people here tend to want to belong to Europe. Obviously, I think our argument is more about ensuring that Europe allows us to belong with the same rules and on the same level playing field as everybody else and I think that is

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probably where we have the debate. Can I – ? I will just give way to my hon. Friend, the Chief Minister.

545 **Hon. Chief Minister:** Mr Speaker, I am grateful for that, at that moment where the hon. Gentleman is dealing with the words of the Member opposite. If I can just deal with one or two issues that the hon. Gentleman alluded to. He said this was more than just a generational decision. He said it was existential for some businesses.

550 Look I understand that. I think it can be a very difficult economic model for some businesses if Gibraltar is not within the European Union, because of the way that business models are determined today because we have access to the single market and therefore of course that is an opportunity that people are pursuing.

555 But as we start the process of having this debate and expressing views in this respect, can I counsel that we do not pretend that the United Kingdom exiting the European Union would be existential for Gibraltar.

560 Now, I wrote an article for a publication, the editors of which decided that they should title it almost in those terms and I took great exception at that, because we should not for one moment give our enemies the succour that if the United Kingdom were to make a decision which is contrary to that which we all seem to be expressing we would like to see the United Kingdom take, that Gibraltar might somehow be in a position where we were having to consider our very existence.

565 There would be a recasting of the economic model; there would have to be very serious thought given to what relationship we could have with the European Union, even if the United Kingdom had a different one; our relationship with the United Kingdom might have to be different, hence why it is important to start considering now constitutionally what those relationships might be and not wait for any such decision to give effect.

570 But let us not allow anyone to think – and I am not suggesting the hon. Member opposite has said this, he said this about some businesses ... but let nobody go away from this place thinking that our survival, economic, cultural or social is dependent on membership of the European Union. Our current economic model is ... and we would have to work very hard to find a different economic model and it would be very challenging, but if there is one thing that the people of Gibraltar are good at doing it is dealing with the worst adversity and turning it into a triumph. Evacuation, closed frontier, point of consumption tax – you name it, Mr Speaker, this community works together and ensures that we not just survive, we thrive; and nobody should think that any different is going to happen in respect of membership of the European Union through the United Kingdom or otherwise.

580 Mr Speaker, the hon. Gentleman said there had been no debate in Gibraltar about Europe. Well, Mr Speaker, we kicked off a debate in Gibraltar on this subject. I know that he felt it was just a gimmick but we kicked it off and we are working very hard on a review of the economic model and whether or not membership of the Common Customs Union and the Excise Union – something which was rejected in 1972 for entry on 1st January 1973 – whether that decision is still the right one today.

585 I think those who made the decision in 1972 made absolutely the right decision and the success of Gibraltar and our thriving economy is of course, in great measure, down to the benefits that the past – I can never forget how long it was – 43 almost 44 years since then, because they made the right decision. But going forward –

590 **Mr Speaker:** Would it help the Chief Minister if I were to tell him that that decision was revealed subsequently on at least two other occasions over the years when the AACR were in Government.

Hon. Chief Minister: Thank you, Mr Speaker, I am very grateful. I have seen the papers and they are very informative and have led some of my thinking of the work that we have been

595 doing to ensure that we review trying to use, where applicable, the same criteria so that we are measuring economic apples with economic apples.

But, Mr Speaker, today we need to ensure – and Brexit may have been a catalyst to this but it is not the only issue – that the Europe we choose is the Europe that is the right Europe for the next 30 to 40 years. And, Mr Speaker, the material available in respect of accession discloses that when those derogations were agreed, it was envisaged that Gibraltar would eventually form part of even those areas from which Gibraltar had derogated. On the basis that Gibraltar then, just to give people a flavour of some of the logic, Gibraltar then would have been a European economic community as it then was – island at the bottom of the Iberian Peninsula – with the European Union commencing again at the Pyrenees, but that eventually people thought Spain would become democratic, would join, etc. and when we were part of a Europe which was all in the EEC, Gibraltar would join.

605 Well, in fact Gibraltar has not chosen to join and has been right not to choose to join, and that is part of the prosperity that we enjoy today; but we still have to continue to review those issues.

The hon. Gentleman made some remarks about the Leader of the Labour Party, Mr Jeremy Corbyn –

Hon. D A Feetham: Will he give way please?

Hon. Chief Minister: In relation to those points?

615 **Hon. D A Feetham:** In relation to those points, yes ... Mr Speaker, just to say to the Hon. the Chief Minister, I am very glad, listening to him, that he is outlining the issues that he has been considering in relation to in the last three years. I would have expected him to have done so and I am very glad, certainly on behalf of the Opposition that he is doing so.

620 Could I also invite him that perhaps, at some stage when his itinerary allows, that perhaps he could have a meeting with me in order to brief myself and perhaps one Member of my team in relation to those issues in a little bit more detail than perhaps he could in this Parliament because it may involve issues that perhaps he may not want to canvass openly.

625 I would invite him to do so. There is a motion in this House that calls upon us to basically work together in relation to this and I would be even grateful if the Hon. the Chief Minister could brief us at some stage.

Hon. Chief Minister: Mr Speaker, I will have no difficulty in doing so but this is a work in progress and there is very little to brief on at this stage. And I must tell him, Mr Speaker, I do look forward to working with him when the time comes on these issues, but he must not think that things which are existential, generational and seminal suddenly are fixed: if I meet with him, I take his views and then I get the answers; I do not think it quite works that way but I shall take that invitation to treat as a genuine one and I will look forward to our meeting.

635 Mr Speaker, the hon. Gentleman referred to remarks imputed to Jeremy Corbyn on Gibraltar which he said were very colonialist views. Mr Speaker, he and I will have different opinions of UK politics and of different UK Politicians, this one in particular. But can I put it to him, Mr Speaker, in fact, that Mr Corbyn has not made any remarks about Gibraltar. Mr Corbyn's remarks, unfortunate as they were – and I associate myself with everything he has said about Mr Corbyn's remarks – were about the Falklands, and I associate myself with him in respect of the Falklands.

640 But this is a very, very important issue: Mr Corbyn has not said *anything* about Gibraltar.

What happened, Mr Speaker, was that Miss Emily Thornbury asked a few minutes later about the remarks that Mr Corbyn had made reflected her own views, not Mr Corbyn's, in a way that was a little more acceptable than what Mr Corbyn had said about the Falklands, but certainly not the standard that one would expect in respect of a modern politician in a democracy like the

645 United Kingdom, reflecting on the rights of people like the people of Gibraltar and the people of the Falklands.

Mr Speaker, the relationship I am speaking of – because it is a relationship that I have nurtured in Government – with the Prime Minister and with David Lidington is of course, therefore, a relationship with Conservative politicians and the strength of the relationship that Gibraltar enjoys today, it enjoys with Conservative politicians and we have nurtured those relationships, regardless of political label or ideology, in the best way that we could leverage for Gibraltar; and not just as might have been done before but probably in a way that has not been done – *has not been done* – for 30 years, Mr Speaker, and I think those are therefore very useful indeed.

655 But I would say this, Mr Speaker – because he has brought into the debate, the issue of Labour or Conservative; I do not know that it was necessary to do so, but he has brought it into the debate – I believe the Labour Party has acted shamefully in relation to Gibraltar, in particular in relation to the joint sovereignty issues in the early part of the new millennium and in other instances; but has acted absolutely properly and better than any other previous Government, when it has given us the double lock which Sir Peter Caruana was able to negotiate with Labour Ministers.

I believe the Conservative Party has acted honourably and as it should in relation to this matter and in relation to other matters but that it acted shamefully with Gibraltar in relation to the Brussels Agreement and in relation to the Airport Agreement. Mr Speaker, swings and roundabouts! I think labels matter little, people matter more and I praise the commitment of Prime Minister David Cameron to the people of Gibraltar in relation to this matter, in relation to the issues we had with the *Partido Popular Administration* in the Year 2012, 2013 and 2014 and the way that, when it has come time to stand up for Gibraltar, he has stood up for Gibraltar, in the same way as Geoffrey Hoon stood up and was counted when the time came and the double lock was agreed. So, Mr Speaker, I wanted to make those points because I think they were important.

670 Can I just end by saying I found it slightly churlish of him to simply congratulate two out of a team of four, but I will assume that he wishes to extend his congratulations also to the Deputy Chief Minister for the fine work he has done and to the Attorney General.

675 **Mr Speaker:** Does the hon. mover wish to continue with exercising his right to reply?

Hon. Dr J J Garcia: Mr Speaker, only to say finally that I think the issues that will drive the Referendum debates in the – (*Interjection*) Is he flashing, sorry? (*Laughter and interjections*)

680 **Hon. D A Feetham:** Yes I am flashing I am afraid! (*Laughter and Interjection*) Yes, I am flashing. Yes, lest anybody think that I am being churlish in any way, shape or form, and bearing in mind the convivial way in which these proceedings have been conducted over the last few days and no doubt over the next few years, I have absolutely no hesitation, as I said, that I congratulate the entire Gibraltar team – and that of course includes the hon. Gentleman. (*Banging on desks*)

Hon. Dr J J Garcia: Mr Speaker, thank you for that and in the absence of anymore flashing lights, (*Laughter*) let me now conclude –

690 **A Member:** Or flashers!

Hon. Dr J J Garcia: – by saying that I think the issues that will drive the debate in the Referendum in the UK, which is the Prime Minister's renegotiating criteria and the four points I mentioned earlier, and those that will drive the debate and discussions in Gibraltar may well be very different. Whereas here we have issues with Spain and the border, in the UK the debate is

likely to be centred around the Prime Minister's own renegotiation and perhaps that will not be the case here.

So, Mr Speaker, that concludes my contribution. (*Banging on desks*)

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Mr Speaker: If the new hon. Members care to read the rules, I am sure they will discover how liberal I have been in interpreting the rules where the question of giving way is concerned, but I thought it was very appropriate that I should do so today.

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I now put the question, which is that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require, be read a second time.

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

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Clerk: The European Union (Referendum) Act 2016.

**European Union (Referendum) Act 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Deputy Chief Minister (Hon. Dr J J Garcia): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

**Animals and Birds (Amendment) Act 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Animal and Birds Act.

The Hon. the Minister for Health, the Environment, Energy and Climate Change.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act to be read a first time.

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

Clerk: The Animals and Birds (Amendment) Act 2016.

**Animals and Birds (Amendment) Act 2016 –
Second Reading approved**

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, from determining the political future of millions to microchipping the dogs of a few, Parliament is so diverse. Mr Speaker, I have the honour to move this Bill to which I have added after some discussions that I had yesterday and the day before with the Hon. Mr Llamas, an amendment which I will refer to later by way of letter.

735 The main purpose of the Bill is to require all dogs in Gibraltar to be microchipped. This is something that happens in other countries. In fact, in the UK it will become law in April. We were going to beat them to it but because we ran out of parliamentary time when the Election was called, we had to publish again so now we will not be ahead of them.

740 The permanent identification of dogs through microchipping has a number of benefits. First of all, it is the most effective means of reuniting strays or stolen dogs with owners as quickly as possible. Secondly, it will be much easier to identify the owner of a dog that has been abandoned by that owner and thereby to ensure that the owner takes responsibility for his or her dog. And, of course, microchipping also facilitates the cross border and international travel of dogs.

745 The advantage of a microchip over a collar in these scenarios is, of course, that a collar and tag are often left off or slip off and collars can also easily be removed from stolen dogs. Permanent identification through microchipping is effective at all times and is virtually impossible to alter or remove.

750 It is important to note that a dog will no longer be able to be registered or licensed unless it has been implanted with a microchip. This restriction is already in place for vaccinations. In the case of microchipping, however, we have provided for a grace period until 1st September, in order to give time to owners whose dogs are not already microchipped to ensure that they are. We have also provided for a permanent exemption from the requirement of microchipping where a veterinary surgeon certifies that the implanting of a microchip in a dog will harm it.

755 Mr Speaker, I also want to point out that this Bill provides for the implantation of microchips to be undertaken only by competent individuals and here is where, in discussions with the hon. Gentleman opposite, we have both extended the individuals from a veterinary surgeon exclusively to also a veterinary nurse acting under the direction of a surgeon, but also tightened it to ensure that anybody who has received instruction on implanting microchips will have done so from a veterinary surgeon and is acting under the direction of a veterinary surgeon and we felt that that was a tighter resolution to the matter.

760 Lastly, Mr Speaker, we have taken the opportunity in this Bill to tidy up and update some of the existing language in this part of the Act regarding Licensing Officers – for example, by pluralising where appropriate and *vice versa* – and we had some discussion about the implications of that and I think we resolved that and by strengthening the powers to compel the vaccination of a dog by an owner.

765 Mr Speaker, I commend this Bill to the House and I want to express my gratitude to Mr Llamas, the Hon. Mr Llamas for his collaboration in this and certainly in other plans we have to improve a legislation appertaining to dogs.

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Several Members: Hear, hear. (*Banging on desks*)

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

775 The Hon. Mr Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I am grateful for the opportunity to say a few words in respect of the amendments to this Bill later today.

780 Compulsory microchipping of dogs is already a common practice in most countries. Therefore, the principle of this Bill is in line with domestic legislation being introduced by other EU countries. It is also already an EU regulation to have dogs microchipped and vaccinated

against rabies in order to travel with pets – that means dogs, cats and ferrets – between Member States under the EU Passport Scheme.

785 So the effect of this amendment will be to ensure that all dogs, regardless of whether they intend to travel within Member States or not, are microchipped and vaccinated against rabies by virtue of their residency in Gibraltar.

I am pleased to say that this side of the House shall be happy to support the amendments of this Bill as currently amended and I hereby thank the hon. Member, Dr Cortes, for the opportunity of working together for the good of this Bill and the purpose it serves.

790 Thank you. (*Banging on desks*)

Mr Speaker: Perhaps it is appropriate at this stage that we should congratulate not just the Hon. Mr Llamas, but the Hon. Mr Roy Clinton, for their first interventions during a debate in Parliament and what could be regarded as their maiden speeches. (*Banging on desks*)

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Mr Speaker: Does any other hon. Member wish to speak on this Bill?
I will call upon the mover to reply.

Hon. Dr J E Cortes: Mr Speaker, just to reiterate that it is a pleasure to have other animal lovers having joined this Parliament after the last election and I now put it to you that I commend the Bill to the House.

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Mr Speaker: I will now put the question which is that a Bill for an Act to amend the Animals and Birds Act be read a second time.

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

Clerk: The Animals and Birds (Amendment) Act 2016.

**Animals and Birds (Amendment) Act 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Judicial Service (Amendment) Act 2015 –
First Reading approved**

Clerk: A Bill for an Act to amend the Judicial Service Act 2007.

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The Hon. the Minister for Education, Justice & International Exchange of Information.

Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Judicial Service Act 2007 be read a first time.

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Mr Speaker: I now put the question which is that a Bill for an Act to amend the Judicial Service Act 2007 be read a first time.

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

825 **Clerk:** The Judicial Service (Amendment) Act 2015.

**Judicial Service (Amendment) Act 2015 –
Second Reading approved**

Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I beg to move that a Bill for an Act to amend the Judicial Service Act 2007 be read a second time.

830 A version of this Bill was first published as Bill 31 of 2015 on 27th August 2015. Due to the timings of Parliament and the General Election, it was not possible to bring this Bill before Parliament and, as such, it lapsed before the Parliament's dissolution. The Bill was then republished as the current Bill 35 of 2015 on 10th December 2015 in identical terms.

835 This Bill has two separate purposes. The first is to make provision for the Chief Justice to be the Head of the Judiciary in Gibraltar. These amendments will fulfil the commitment contained in the 2011 GSLP/ Liberal manifesto where we stated:

“Our view is that the head of the judiciary in Gibraltar should be the Chief Justice, as has always been the case, irrespective of who the post-holder may be.”

These amendments have been the subject of consultation with the Chief Justice and the previous President of the Court of Appeal, Sir Paul Kennedy, who had no objection to these changes being made. Sir Paul, of course, was a President until October 2015 and was, therefore, the President of the Court of Appeal when the Bill was drafted and first published.

840 The main amendment is the substitution of the current section 6 of the Judicial Service Act 2007 with a new section 6. The changes made therein are consequential to the change in the title from President of the Courts of Gibraltar to Head of the Judiciary, and reflect that the post will be held by the Chief Justice.

845 There are consequential changes to the Judicial Service Act where reference is made to the President of the Court of Gibraltar. The changes to sections 24 and 32 contained therein still contain a consultative role for the President of the Court of Appeal in certain circumstances. The change to section 37 simply changes the reference to the President of the Courts of Gibraltar regarding disciplinary powers to a reference to the President of the Court of Appeal. This reflects the constitutional role of the President of the Court of Appeal in such matters.

850 A second set of amendments contained in the Bill deal with the disciplinary provisions of the Judicial Service Act 2007 and in particular regarding the suspension of judicial officers. These amendments have been recommended by the Judicial Service Commission following a detailed analysis by them of the issues they had encountered and may encounter in undertaking disciplinary proceedings against judicial officers. Her Majesty's Government has accepted these recommendations.

855 The amendment contained in sub-clause 2(a) brings the language of sub-section 33(2) of the Act in line with that of the Constitution and ensures that it is not only the behaviour of holders of Judicial Office – that is Stipendiary Magistrate, Justice of the Peace and Registrar of the Supreme Court – that may be examined, but also their inability to discharge the functions of
860 office. The amendment in sub-clause 2(b) sets out the power to make a recommendation to suspend such an officer pending the outcome of the proceedings and the amendment in sub-clause 3 allows for the Governor to make such interim suspension.

Finally, the amendment contained in sub-clause 4 ensures that the power of the Judicial Service Commission to make regulations under the Act include a power to make regulations regarding suspensions from office.

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Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

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The Hon. Mr Elliott Phillips.

Hon. E J Phillips: Mr Speaker, the Bill to amend the Judicial Services Act 2007 appears to me to have been brought by the Government in short to amend section 6 of the Act to create the office of the Head of the Judiciary and to make further necessary consequential amendments, as the Minister for Justice has described.

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It is proposed by the hon. Gentleman, the Minister for Justice, that the Chief Justice shall be the Head of the Judiciary. Furthermore, the hon. Gentleman proposes amendments to Section 33 and 37 of the Act which deal, as he stated, with the discipline of junior judicial office holders.

Before I set out the position of the Opposition, I think it is helpful to pause and reflect on what the Opposition's position was whilst in Government as promoters of the Judicial Services Bill in then 2007. The Judicial Services Act in its current form was debated in this House and it is fair to say that it arrived on the table during a controversial time in our judicial history. I do not intend to make further comment on that, save to flag the context.

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There was a lengthy debate in this House between the Opposition spokesman for Justice, the Hon. Mr Picardo, and the Chief Minister, Mr Caruana, as they both then were. The nub of the issue at the time was the creation of the office of the President of the Courts of Gibraltar. The rationale of the Chief Minister, Sir Peter Caruana, at the time was that the President of the Court of Appeal was the most senior judge in the most senior court of Gibraltar's own judiciary and therefore it was, in his view at the time, therefore entirely appropriate that a President should hold the office of presidency of the courts generally.

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The Bill before the House at the time underwent considerable consultation with all stakeholders, particularly the Bar Council, Judges of the Supreme Court, the Chief Justice and the Judges of the Court of Appeal. After the consultation process, the GSD Government accepted the advice of the consultees, which suggested that the day-to-day management and administration of the justice the administration in Gibraltar would be retained by the Chief Justice – eminently sensible in my view.

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The Chief Minister at the time helpfully reminded the House that although section 3(a) gave the President of the Courts of Gibraltar, namely the President of the Court of Appeal, an overall responsibility for representing the views of the judiciary to Parliament. Section 5 also made provision for the right of both the Chief Justice and the President of the Court of Appeal to make representations to the Minister for Justice and the Government on matters that appear to them to be matters of importance to the judiciary or otherwise to the Administration of Justice in Gibraltar.

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Mr Speaker, it is fair to say that the Bill enjoyed overwhelming support from stakeholders, save for the Members opposite who declined to support the Bill, ultimately because they felt that the GSD Government at the time were – to use the words of Mr Picardo's Opposition spokesman for Justice – 'exporting the headship of our judiciary to a non-resident'. It was accepted in the debate by the Hon. Mr Picardo at the time that neither the 1969 Constitution nor the 2006 Constitution designated the Chief Justice as Head of the Judiciary.

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Be that as it may, Mr Speaker, and without wanting to reopen a nine-year-old debate, this side of the House will not oppose the Bill to amend section 6 of the Judicial Services Act and, in fact, on behalf of the Opposition, we will support the Bill for one simple reason, and it is this: that the Bill reflects reality and what is going on on the ground. The Chief Justice deals with the day to day Administration of Justice and there are excellent working relationships between the

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915 Hon. Mr Justice Dudley and the judges of the Court of Appeal, and there is a strong open channel of communication between all of our judges which has served our community well and our judiciary is a credit to our community.

One point that I would like to give way to the Minister for Justice on, is in relation to the point that he makes on section 37(3). In fact I would like to seek clarification once I ... I will just mention that. My understanding from the amendments that is out on page 865 of the paper ... states that the Judicial Services Act which provides a mechanism for suspension of a junior judicial office holder in the context of maintaining confidence in judiciary; if the Minister for Justice can just explain the rationale for that deletion in relation to maintaining confidence in the judiciary.

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Hon. D A Feetham: Just give way.

Hon. E J Phillips: Can I give way on that point?

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Hon. D A Feetham: Mr Speaker, he can give way because he has got other points that he –

Hon. E J Phillips: I only have two –

Hon. G H Licudi: I have not asked him to give way.

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Hon. D A Feetham: No, no. He is giving way to you so that he can then continue with his speech, because otherwise he obviously ... I beg your pardon.

If there is an issue that he needs clarifying so that he can comment further, because he may not know what it actually means, there is a procedure long...going back many, many years where you give way, he explains and then he continues. Otherwise if he finishes his speech he cannot continue.

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Mr Speaker: This is something that I am aware happened during the time when I was not a Member of the House. It has become an increasing practice. I have no serious objection to it.

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What it does mean of course is that when we go into Committee and for each clause, there is an opportunity to debate/discuss the matter *ad nauseum*, that does not happen; it can happen then repeatedly without any problem.

Now, the other thing is, of course, that the hon. mover is going to exercise his right to reply and it is the practice at that stage for the mover to try to answer any points that have been raised by other Members on the general principles and merits of the Bill.

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Hon. E J Phillips: I am grateful for the intervention by you, Mr Speaker, and clearly Mr Licudi, the Minister for Justice, does not want to accommodate that, but we will continue.

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Finally, given that we are debating the Chief Justice as Head of the Judiciary, I am sure this whole House will join me in expressing the great sense of pride that one of our own jurists holds the office of Chief Justice and that he will now be the *de jure* Head of the Judiciary and not just the *de facto* Head of Judiciary.

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On a personal note, and as someone who has appeared regularly before Mr Justice Dudley, I am sure the whole House will share the confidence, the respect and admiration that this side of the House has for Mr Justice Dudley as the first Gibraltarian Chief Justice. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: Again, before I call on any other person to contribute to the debate, may I congratulate the Hon. Elliott Phillips on his maiden speech.

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Does any other hon. Member wish to contribute to the Second Reading of the Bill before I call upon the mover to reply?

The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, I just want to very briefly say this. There are occasions, Mr
970 Speaker, when in politics one takes a position, and one listens to the arguments on one side and
the arguments on the other side, and the arguments are very finely balanced. We took a
decision in 2006-07 on the grounds that the Hon. Member, Mr Elliott, has outlined, to have the
President of the Courts, the most senior judge of the most senior court in Gibraltar as effectively
975 the Head of the Judiciary here in Gibraltar and they took the view that it should be the Chief
Justice who was the most senior resident judge here in Gibraltar.

And, quite frankly, I see the arguments on both sides. I think that what has certainly
persuaded me that we should be voting in favour of these amendments, is that it would not be
right, Mr Speaker, for the Opposition, knowing that the Government is actually, because of its
majority, going to get these amendments through this House, of having a situation where we do
980 not support the Chief Justice of the day in becoming Head of the Judiciary going forward. I think
it sends the wrong kind of signal; and bearing in mind that you are talking about very finely
based decisions here, we think certainly that we should support this particular Bill, despite the
fact that we took a different position in 2006, so that there is absolutely no mixed signals going
forwards about our support for the Chief Justice and the work that he is doing which is
985 absolutely first rate in relation to the judiciary here in Gibraltar.

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo) Mr Speaker, can I associate myself with those remarks
990 about the Hon. the Chief Justice?

The Rules of Procedure of this House say that we should not call into question the conduct of
any one of Her Majesty's Judges, but I assume that when we do in order to praise them, then
the rules do not affect us in such a way because it is absolutely right and proper that we should
reflect on the fact that Anthony Dudley has reached judicial heights that no Gibraltarian has ever
995 reached before and that must be a source of huge pride for the whole of this community; not
just that he has reached those heights but how he discharges his office in the context of those
lofty achievements in the judiciary.

But, Mr Speaker, what we cannot do is re-write history and what we cannot say is that today
we support a measure in this House unanimously because not to support a Chief Justice of the
1000 day sends the wrong signal, when in fact that is exactly what happened in 2006. And the
reasoning behind what was happening in 2006 was absolutely and utterly transparent. Mr
Speaker, whether one agrees or disagrees with an individual, in the constitutional architecture
of Gibraltar, it is not a good reason to move responsibilities from one or another.

1005 It may be a good reason to seek to remove an individual; it may be a good reason to ensure
that less responsibility appertains to that individual in respect of the things which he is doing on
day to day, but not necessarily, Mr Speaker, to change the structure of the Administration of
Justice simply because of issues between one individual or another in the hierarchy of
Government.

Mr Speaker, that was wrong. That is why I spoke out against it at the time and that is why
1010 now, in the context of this Bill, we will be changing that. We did not do it at the first available
opportunity, although we were ready to but, Mr Speaker, we had a President of the Court of
Appeal who himself did not deserve to be removed from the job that he was doing because he
was doing a very fine job, because this move is not to criticise Sir Murray or Sir Paul Kennedy for
the work that they have done which has served Gibraltar well indeed.

1015 But, Mr Speaker, it is about putting the legal order back where it was, back where it should
be and because no Chief Minister should ever say again of a Chief Justice, 'This town was not big
enough for both of us,' as my predecessor said of the then Chief Justice. *(Banging on desks)*

1020 **Mr Speaker:** The Hon. the Minister for Education, Justice & International Exchange of Information.

1025 **Hon. G H Licudi:** Mr Speaker, just on the question of timing, the Hon. the Chief Minister has alluded to this, this was of course, as I have explained, a manifesto commitment from 2011 and we clearly became aware that Sir Paul Kennedy was going to retire as President of the Court of Appeal, and consequently as President of the Courts of Gibraltar, in October of last year.

1030 That is why the Bill was published in August to bring it in, as it were, to make the change over to Head of Judiciary being the Chief Justice of Gibraltar when that actually happened. As it happened, we did not have Parliament at the time and therefore it was not possible to bring in that Bill. That is why we are bringing it now, even though there has been a new President appointed since then. But the intention at all times was to make it effective as from October, following the retirement of Sir Paul Kennedy from office.

1035 And as I indicated, although it is true the hon. Member has given us a little bit of history of the Act and having said why they changed it in the way they changed it – the GSD Government changed it at the time – he then goes on to say, well, they will now be supporting this particular change for the reasons that they have set out.

1040 But in doing so, the hon. Member talked of consultation with relevant stakeholders. I already mentioned it seems to us that it is particularly relevant that at the time of the drafting and at the time of the publication of the Bill, there was consultation, not just with the Chief Justice who clearly has an interest, but also with Sir Paul Kennedy who was the President not just of the Court of Appeal but the President of the Courts of Gibraltar at the time, and who had no objection to that Bill.

1045 But it was, in any event and it is in any event, the fulfilment of a manifesto commitment. It was a manifesto commitment we gave in 2011 which had the support of the people of Gibraltar and therefore we felt that it was right.

1050 Not only that, as has been mentioned, the Chief Justice of Gibraltar we certainly consider to be not just an able Chief Justice, but certainly a very able candidate to lead the Judiciary as Head of the Judiciary, as in fact had been the case prior to the Judicial Service Act which was introduced by the previous Administration.

1055 The only other thing, Mr Speaker, I would say on the Bill is in relation to the point raised by the hon. Member about section 37, which is the second limb of this Bill. The second purpose of this Bill is not, as I explained, just to make the Chief Justice Head of the Judiciary, but to bring in additional provisions following recommendations of the Judicial Service Commission in relation to disciplinary powers and proceedings concerning junior judicial officers in particular.

1060 As I mentioned during the course of my first intervention, Mr Speaker, these amendments actually follow the advice that has been given to us by the Judicial Service Commission and it is advice in relation to which we have clearly consulted the Chief Justice who is happy with these provisions and it involves also, the deletion of that last paragraph in section 37(1)(2) which talks about: that the suspension is necessary for the maintaining of the judiciary.

1065 It is important to note that what the section provides is that the Governor *may* in certain circumstances suspend a person from a junior judicial office. So it is a discretion and it is also acting on the advice of the Commission.

1070 There are certain things that have to be shown because one of the three items in (a), (b) or (c) have to apply – criminal proceedings, serving a sentence and convicted of a criminal offence, any of those – and as it is currently drafted it says, and in any of those circumstances, in addition there has to be, it is considered necessary for maintaining the confidence of the judiciary.

That is felt to be simply a constraint on the exercise of the discretion, because we have the various steps that have to be taken. Firstly, the Commission has to consider the matter and they should be free to consider all the circumstances and all the relevant matters, which may include question of confidence, but they should not be necessarily limited or constrained by that particular wording. So they will certainly consider everything in the round and when they do that

they have to tender advice to the Governor who in turn may suspend the person from judicial office and again, in doing that, will consider the advice and will consider no doubt everything in the round.

1075 So we have taken the recommendation of the Judicial Service Commission, we have agreed with their recommendation and, therefore, we have set out the amendments that we propose for that particular purpose.

I commend the Bill to the House, Mr Speaker.

1080 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Judicial Service Act 2007 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Judicial Service (Amendment) Act 2015.

**Judicial Service (Amendment) Act 2015 –
Committee Stage and Third Reading to be taken at this sitting**

1085 **Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today if all hon. Members agree.

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

COMMITTEE STAGE

**European Union (Referendum) Bill 2016;
Animals and Birds (Amendment) Bill 2016;
Judicial Service (Amendment) Bill 2015**

1090 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

1095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I join you in congratulating all of those on the Opposite side who have made their maiden speeches in debate today and have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause, namely the European Union (Referendum) Bill 2016; the Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2015.

1100 **Mr Speaker:** There are two matters which I think I want to explain. First of all, to reiterate that hon. Members may speak more than once on each individual clause if they so wish.

Secondly, that we have been adopting the practice of late that where a number of amendments are going to be made, some of which are lengthy, and provided sufficient notice has been given of these amendments, we do not read them out fully in Committee for each relevant clause, but we take them as having been read.

1105 That does not mean, however, that hon. Members are not free to intervene at that stage and express a view or ask the question for clarification if they so wish.

In Committee of the whole Parliament

**European Union (Referendum) Bill 2016 –
Clauses considered and approved**

1110 **Clerk:** A Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require.
Clause 1.

Mr Chairman: Stands part of the Bill.

1115 **Clerk:** Clause 2 as amended.

Mr Chairman: There is a small amendment to Clause 2. Do all hon. Members agree that it should be incorporated into the Clause?

1120 **Members:** Aye.

Mr Chairman: Clause 2 as amended stands part of the Bill.

1125 **Clerk:** Clause 3.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 4 as amended.

1130 **Mr Chairman:** There is a more substantial amendment to this clause. Do all Members support the amendment?

Members: Aye.

1135 **Mr Chairman:** Clause 4 as amended stands part of the Bill.

Clerk: Clause 5.

1140 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 6 as amended.

Mr Chairman: Clause 6, if hon. Members agree, as amended stands part of the Bill.

1145 **Clerk:** Clause 7 as amended.

Mr Chairman: Clause 7 – there is a very minor amendment – stands part of the Bill. Clause 7 as amended stands part of the Bill.

1150 **Clerk:** Clause 8 as amended.

Mr Chairman: Likewise a very minor amendment. Clause 8 as amended stands part of the Bill.

1155 **Clerk:** Clauses 9 to 11.

Mr Chairman: Clauses 9 to 11 stand part of the Bill.

Clerk: Clause 12 as amended.

1160

Mr Chairman: Clause 12 as amended stands part of the Bill.

Clerk: Clause 13.

1165

Mr Chairman: Clause 13 stands part of the Bill.

Clerk: Clause 14 as amended.

Mr Chairman: Clause 14 as amended stands part of the Bill.

1170

Clerk: Clause 15 as amended.

Mr Chairman: Clause 15 as amended stands part of the Bill.

1175

Clerk: Clause 16 as amended.

Mr Chairman: Clause 16 as amended stands part of the Bill.

Clerk: Clauses 17 to 19.

1180

Mr Chairman: Clauses 17 to 19 stand part of the Bill.

Clerk: Clause 20 as amended.

1185

Mr Chairman: Clause 20 as amended stands part of the Bill.

Clerk: Clauses 21 to 29.

Mr Chairman: I have an indication that at Clause 27 a new clause is inserted.
Insert the following clause after Clause 27: Broadcasting from outside Gibraltar.

1190

Clerk: I beg your pardon, yes.

Mr Chairman: Correct?

1195

Clerk: Yes. Clauses 21 to 26.

Mr Chairman: Call the clauses up to 26.
Clauses 21 to 26 stand part of the Bill. Now Clause 27 –

1200

Clerk: Clause 27 as amended.

Mr Chairman: There is a substantial amendment. All Members agreed?

Members: Aye.

1205

Mr Chairman: Clause 27 as amended stands part of the Bill.

Clerk: Clauses 28 to 29.

1210

Mr Chairman: Clauses 28 and 29 stand part of the Bill.

Clerk: Clause 30 as amended.

Mr Chairman: Clause 30 as amended stands part of the Bill.

1215

Clerk: Clauses 31 to 33

Mr Chairman: Clauses 31 to 33 stand part of the Bill.

1220

Clerk: Clause 34 as amended.

Mr Chairman: Clause 34, which is just clearing up 2016, as amended stands part of the Bill.

Clerk: Clauses 35 and 36.

1225

Mr Chairman: Clauses 35 and 36 stand part of the Bill.

Clerk: Clause 37 as amended.

1230

Mr Chairman: Clause 37, which is inserting 2016 after the word 'regulations', stands part of the Bill as amended.

Clerk: Clause 38.

1235

Mr Chairman: Clause 38 stands part of the Bill.

Clerk: The first schedule as amended.

1240

Mr Chairman: There is a whole page of amendments to the first schedule. The first schedule as amended stands part of the Bill.

Clerk: Second schedule as amended.

1245

The Chairman: The second schedule as amended stands part of the Bill.

Clerk: The long title.

The Chairman: The long title also stands part of the Bill.

**Animals and Birds (Amendment) Bill 2016 –
Clauses considered and approved**

1250 **Clerk:** A Bill for an Act to amend the Animals and Birds Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

1255 **Clerk:** Clause 2 as amended.

Mr Chairman: Clause 2 as amended stands part of the Bill.

Clerk: The long title.

1260 **Mr Chairman:** The long title stands part of the Bill.

**Judicial Service (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Judicial Service Act 2007.
Clause 1.

1265 **Mr Chairman:** Stands part of the Bill. (*Interjection*)

Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):
Mr Chairman, may I amend Clause 1 by replacing 2015 with 2016 so that the Act may be cited as
the Judicial Service Amendment Act 2016.

1270 **Mr Chairman:** Clause 1 as amended stands part of the Bill.

Clerk: Clauses 2 and 3.

1275 **Mr Chairman:** Clauses 2 and 3 stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILLS FOR THIRD READING

1280 **European Union (Referendum) Bill 2016;
Animals and Birds (Amendment) Bill 2016;
Judicial Service (Amendment) Bill 2016 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

1285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the European Union (Referendum) Bill 2016; the Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2016 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1290 **Mr Speaker:** I now put the question which is that the European Union (Referendum) Bill 2016; The Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2016 be read a third time and passed.

I am going to put the three of them to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBER'S MOTION

Publication of Parliamentary and Ministerial Allowances – Debate commenced

Clerk: Private Member's Motion. The Hon. R M Clinton.

1295 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows: this House believes that it is in the public interest that the details of Members', Ministers' and office holders' allowances be published immediately on the parliamentary website and listed by way of annexe in the annual estimates and income and expenditure when presented in all future Budget sessions.

1300 Mr Speaker, in bringing this motion to the House, I am conscious of the sacrifice that our predecessors have made both in personal and financial terms for us to have the privilege to sit in this House today. (**Hon D A Feetham:** Hear, hear.) It was in 1911 that Lloyd George, as Liberal Chancellor, introduced Member's Allowances in the mother of all parliaments in the United Kingdom.

1305 At that time he stated that the money, a measly £400, was and I quote:

"... not a remuneration, it is not a recompense, it is not even a salary. It is just an allowance to enable us to open the door to great and honourable public service ..."

However, 100 years later after the UK MPs' expenses scandal, Dominic Sandbrook, writing in the *Mail Online* in 2011 wrote, and I quote:

"... MPs need to remember that they are servants of the people, never the masters."

1310 Mr Speaker, I was reminded of this shortly after the election when a member of the public stopped me down Main Street and urged me never to forget that my parliamentary salary was now partly paid by taxes deducted from the lowest paid employees in Gibraltar amongst others who could ill afford it.

1315 Mr Speaker, I may be new to this House but I am not new to the world of finance and the need for financial disclosure and transparency. I found it incredible that details of the allowance we each receive, funded by the taxpayer, are not readily available on the parliamentary website, as is the case in the United Kingdom.

Erskine May, in the book of Parliamentary Practice, discloses this information as regards the UK Parliament as a matter of course. You can see this on page 23 onwards of the 23rd edition.

1320 Mr Speaker, my motion is in no way a criticism of this or any previous Government. My motion is not in any way meant to be malicious or have any hidden intent. Mr Speaker, my motion is simply that this Parliament should resolve that details of MPs' and office holders'

allowances be published regularly on its website, available for all to see, without the need for journalistic or parliamentary questions.

1325 Mr Speaker, my motion is also meant to ensure the full detailed disclosure is made in the annual Estimates Book every year and not just the totals of parliamentary allowances for Members. I ask: how can it be right that anyone can look up the salary of the Chief Secretary – £123,000, the Chief Justice – £132,000, the Financial Secretary – £123,000, in this the annual Estimates Book and yet the salary of the Chief Minister or MPs is not made public in the same way.

1330 Mr Speaker, those, put simply, are the reasons for my motion in requesting immediate full and transparent disclosure; not by this or any future Government as its whim, but by conscious resolution of this House requiring mandatory publication on this Parliament's website and disclosure in full feature annual estimates.

1335 Mr Speaker, this is not a matter for the Select Committee on Parliamentary Reform but a matter of good governance and common sense as parliamentarians in fulfilling our duty to taxpayers and the electorate.

I trust the Members opposite will have no problem in supporting my motion which, I say again, is directed solely at Parliament as a body and not at the Government or its Ministers.

Mr Speaker, with your leave, I hereby commend my motion to the House. (*Banging on desks*)

1340 **Hon D A Feetham:** Hear, hear. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. R M Clinton. Does any hon. Member wish to speak on the motion?

The Chief Minister.

1345

Chief Minister (Hon. F R Picardo): Yes, and can I thank the hon. Member for the way in which he has put his speech. I am grateful that he has indicated that this is not in any attempt, as it could not be, an attempt to attack this Government.

1350 But, Mr Speaker, can I just make clear for those who may be listening and for the purposes of the record, that the salaries today are salaries fixed by a formula which was approved by the Government majority then made up of Members opposite in a motion of 17th December 1998.

1355 The hon. Gentleman knows that when he gave notice of his motion, the Government immediately acceded to the spirit of it and has now published on the website of the Government – not of the Parliament, of the Government – the details of the parliamentary salaries. I have no objection, once the IT Department are able to find time to do so, to also link from the Parliament website to that part of the Government website which sets out the details of those salaries.

1360 But can I just suggest to the hon. Gentleman that he might wish in future, if he wants to move a motion like this – it is a matter entirely for him – to get in touch with the Government, because the Government would have been very receptive to a proposal from him, which would have resulted in exactly the same resolution just as quickly in the posting of the relevant information on an easily accessible Government website.

1365 What we have done, Mr Speaker, is we have provided the salaries as they are today, we have provided the salaries since 1996, showing how they have risen, we have provided the formula. I think we have set out the details of the *Hansard* where the motion is, which is 17th December 1998, and the motion itself, so that everybody can see in what way the calculations are carried out and I think it is easy for people to also read the motion which was passed at the time which sets out that it was, in fact, the Government at the time, not the House, that carried the day on that subject.

1370 Mr Speaker, the 'servants of the people' is a phrase oft used in politics, not just from 2011. Andrew Rawnsley's excellent analysis of the New Labour Government was called *Servants of the People* and the phrase comes from even earlier than that. It would be a fool who forgot that they are here servants of the people. It would in fact be a fool in any part of our public sector

1375 who forgot that their salaries are paid by the taxpayer and that they must act always in
contenance with their obligations to deliver not just value for money but also to do so in a way
which is commensurate with the remuneration they receive and their obligations to ensure that
that service is provided properly.

1380 In this House, in particular, we have a golden trust with the people who put us here to ensure
that the work we do is in the best interests of this whole community, Mr Speaker. Speaking for
Members on this side of the House we never see ourselves as the masters, we see ourselves
always as the servants.

In fact, Mr Speaker, I always remind people who refer to the number plate of the Chief
Minister's car as G1 that that is not the number plate of the first Gibraltarian, it is the number
plate of the Gibraltarian elected to serve all 30,000; the person who works for the benefit of
those 30,000 and a more fitting number plate might actually be 30,001!

1385

Mr Speaker: Does any other hon. Member wish to speak on the motion?

1390 **Hon. Chief Minister:** Mr Speaker, before I sit down, as a result of all that, (*Laughter*) see how
useful it is to have somebody of the ability to have attention to detail as the Deputy Chief
Minister. I would move the following amendment to the motion, namely Mr Speaker – I will read
the whole motion as we propose it to be, instead of just reading the amendments – that the
motion should read as follows:

*The House welcomes that the Government has listed the details of Members, Ministers and
Office Holders allowances immediately on the Government ...*

– in fact just take out the word 'immediately' as well –

*... on the Government website and listed by way of annexe in the annual estimates of income
and expenditure when presented in all future Budget sessions which will accurately reflect the
position today.*

1395 Mr Speaker, Members can have a photocopy of the written notice, I now give, of that
amendment. Mr Speaker, the amendment is proposed in order to reflect the position as it is
today.

The hon. Member's motion is on the Order Paper because he filed it and the House today
need not pass that motion because it has already been given effect to, the House today can pass
the motion that reflects the reality, which is that this information is now on the website.

1400

1405 **Hon. R M Clinton:** Mr Speaker, I thank the Hon. the Chief Minister for his remarks. As regards
the amendment to the motion, my original motion was directed to this House and not at the
Government. Therefore, to welcome the fact that the Government has put it on their website is
not really addressing my motion. My motion is directed at this House, so this House should
resolve that as a body we consider that this information should be in the parliamentary website
and not at the discretion of the Government.

So I am not quite sure that his amendment really reflects the spirit of what it was that I
intended.

1410 **Mr Speaker:** Having now received what the motion would look like if approved, I have to
formulate what the actual amendment is. I am going to do that and the Chief Minister's
amendment consists of the deletion ... it would delete the Chief Minister's amendment – and
this is the amendment that he has proposed and which I will now put to the House.

1415 The amendment deletes after the word 'House', the words, 'believes that it is in the public
interest'. It also deletes in the second line the words, 'be published immediately' and the word

'Parliamentary' and after deleting the word 'Parliamentary' that the word 'Government' should be substituted therefore.

1420 So the amendment is that the words 'believes that in the public interest' be deleted and substituted by the words 'welcomes that the Government has listed the details', the words 'be published immediately' be deleted, the word 'Parliament' be deleted and substituted by the word 'Government'.

1425 Therefore the motion would then read, 'This House welcomes that the Government has listed the details of Members', Ministers' and office holders' allowances on the Government website and listed by way of annexe in the annual estimates of income and expenditure when presented in all future Budget sessions.'

Does any other hon. Member wish to speak on the amendment first?

The Hon. Mr Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

1430 As I said before, the purpose of my motion is directed to Parliament, not at the Government, for this House to welcome the fact that the Government has actually published details on its website does not really address my original motion.

1435 Perhaps we could find a form of wording that this House welcomes that the Government has published on its website but, however, believes that it is in the public interest that these allowances be also published immediately on the parliamentary website and listed by way of annexe and that then becomes an amendment to the amendment.

Mr Speaker: Does any other hon. Member wish to speak on the Chief Minister's amendment?

1440 I will then call upon the Chief Minister to exercise his right to reply on his amendment.

1445 **Hon. Chief Minister:** Mr Speaker, I think this is actually a better way of ensuring that the House records the position as it is today and, therefore, that is why I have made this proposal. The House is always the party resolving, it is the party that is making the determination, but the House, in effect, is making a decision today to say something which is not necessary because the information has already been listed and that is why I propose the amendment and I wish to now proceed with it, Mr Speaker, if you would put it to the vote.

1450 **Mr Speaker:** I will now put the amendment moved by the Chief Minister to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

So the motion as amended now reads as I have read it previously; I am not going to read it again. All hon. Members may speak now to the motion as amended, other than the Chief Minister; and of course the Hon. Mr Roy Clinton still has his right to reply at the end of it all.

1455 **Hon. R M Clinton:** Mr Speaker, I beg your indulgence here, as I now face an amended motion, I do not know if I can now propose an amendment to this amendment.

A Member: Yes, he could.

1460 **Mr Speaker:** I am sorry I missed that.

Hon. R M Clinton: I said I beg your indulgence, but as I am now faced with an amendment to my original motion, I do not know if I can propose an amendment to the amended motion.

1465 **Hon. D A Feetham:** Yes, he can.

Hon. D A Feetham: The answer, Mr Speaker, is that he can propose an amendment to the amendment. Yes, he can.

1470 **Mr Speaker:** No, because he has already spoken on the amendment. Did he speak on the amendment? No. *(Interjections)*

Hon. Chief Minister: Mr Speaker, he spoke on the amendment, he can make another amendment if he wishes. Any individual can get up and make another amendment.

1475 **Mr Speaker:** The Chief Minister's motion can be further amended and then we will have the amendment to the amendment. If I am to do my job properly, really I should have the amendments in writing, unless it is a very simple case of amending just one word or two.

1480 **Hon. D A Feetham:** Yes, Mr Speaker, that is absolutely right. But of course in a situation where the Government amends without notice our motion, we do not know what the Government –

Mr Speaker: I am not asking for notice I am just asking to see it.

1485 **Hon. D A Feetham:** Absolutely, but what I am saying is that, because we do not know what the Government is going to be saying or amending the motion until we actually see it during the course of the debate, it has not been possible to produce something on the spot.

1490 But I am just discussing it with my hon. Colleague, Mr Clinton, because I do genuinely want this to go through by unanimous decision of the Parliament and I do hear what Mr Clinton has to say, which is a very valid point which is –

Hon. Chief Minister: No, no, no. Mr Speaker, if he is going to start speaking on the substance of issues then we are going to get ourselves into all sorts of knots about who can speak and who cannot speak. *(Interjection)*

1495 Is he now speaking to the amended motion? He will not be able to speak again.

1500 **Hon. D A Feetham:** Well, Mr Speaker, I am not going to be speaking on the motion and I do not want to entertain any controversy at this stage. All I want, Mr Speaker, is just a moment to confer with my colleague, Mr Clinton, in order to find a form of words that might be acceptable to the Government; because, as I say, I think it is in the interest of everybody for this to be going through on the basis of consent.

It is just the question that concerns us, it is just a question of parliamentary ... it is a matter of Parliament rather than a matter for the Government. That is our substantive position.

1505 **Mr Speaker:** Would hon. Members like a short recess of a few minutes? Yes, we will recess for a few minutes whilst the amendment is being formulated.

The House recessed at 5.24 p.m. and resumed its sitting at 5.34 p.m.

**Publication of Parliamentary and Ministerial Allowances –
Debate continued –
Amended motion carried**

Clerk: Mr Speaker.

1510 **Mr Speaker:** Am I correct in saying that the amendment to the amendment proposed by the Hon. Mr Roy Clinton adds a few words?

Hon. R M Clinton: Yes, that would be correct.

1515 **Mr Speaker:** And after the word 'website' the motion be amended by introducing after the word 'website' the following words: 'and resolves that it should also be listed in the parliamentary website.'

Hon. R M Clinton: On the Parliamentary website.

1520

Mr Speaker: On. That it should also be listed *on* the parliamentary website.
I will now put the amendment –

1525 **Hon. Chief Minister:** Before you do, Mr Speaker, and in order to avoid having to move an amendment to the amendment, would the hon. Gentleman agree to move that the amendment should say 'and resolves that they' because it is not an '*it*'.

Hon. R M Clinton: Absolutely, yes, agreed.

1530 **Mr Speaker:** ... instead of '*it*'. The amendment proposed is that after the word 'website' the following words should be inserted: 'and resolves that they should also be listed on the parliamentary website.'

I will now put the amendment to the amendment to the House.

All in favour? (**Members:** Aye.) The amendment is agreed.

1535 Does any hon. Member now wish to speak on the motion before the House as amended? If not I will call the hon. mover to reply.

The Hon. Mr Clinton to reply.

1540 **Hon. R M Clinton:** Mr Speaker, thank you very much for what has been a very productive motion debate. I am grateful to the Members opposite for having accepted my motion in the spirit it was intended. Being new to this House, this is something which I will no doubt learn more about, but I would now, without any further ado – I will read my briefing notes! – put the motion to the House.

1545 **Mr Speaker:** I will now put the motion to the House in the terms of the original motion moved by the Hon. Mr Clinton as amended by the Chief Minister and as further amended by Mr Clinton.

All in favour? (**Members:** Aye.) All agreed. Carried

ADJOURNMENT

1550 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, after a very convivial first 72 hours of parliamentary business, and having now found out – because I think it is true that most people did not know what the parliamentary salaries were – who has got the best part-time jobs in Gibraltar, I move that the House do now adjourn *sine die*. (*Laughter*)

1555 **Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*. I now put the question that this House should now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

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

This House will adjourn *sine die*.

The House adjourned at 5.36 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.10 p.m.

Gibraltar, Thursday, 25th February 2016

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<i>The House adjourned at 7.10 p.m.</i>	74

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday 25th February 2016 – Order of Proceedings.
Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on
20th, 21st and 22nd January 2016.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to
be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the
Consolidated Fund Supplementary Funding – Statement No. 2 of 2014/2015; and the Audited
Accounts of the Gibraltar Regulatory Authority for the year ended March 2015.

15

Mr Speaker: Ordered to lie.

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

CHIEF MINISTER

Q252-254/2016

Naval Ground car park – Details

20 **Clerk:** We commence with Questions to the Chief Minister.
Question 252/2016, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Questions 688/2014 and 75/2015, can the
25 Government advise what the cost of the construction of the car park at the Naval Ground is?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with
30 Questions 253 and 254.

Clerk: Question 253, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government advise how many of the parking spaces at the
35 Naval Ground car park are, or will be, available to the public and whether this is free parking or
paid parking?

Clerk: Question 254, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government advise how many charging points for electric cars
40 will be made available at the Naval Ground car park?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government is not building the car park at the Naval
45 Ground. This is being constructed by a private company, Midtown Coach and Car Park Holdings
Ltd.

The Government through one of its companies established by the former GSD
Administration, namely Gibraltar Car Parks Ltd, will acquire the coach and car park once this is
complete.

50 The coach and car park is expected to be completed for a cost of £21.3 million.

It is envisaged that there will be free day parking for residents using the new ID card and paid
parking for non-residents, as well as overnight covered parking for taxis and local coaches.

A fuller statement will be made in due course as to the exact nature of the arrangements for
parking at this excellent facility which will be very welcome by the whole community no doubt,
55 in particular, people living in the town area and those wishing to visit our city centre and the
traders who depend on them.

There are a total of 45 charging points for electric cars in Midtown parking. More can be
added in the future.

60 **Hon. T N Hammond:** Mr Speaker, if I could just ask the Chief Minister whether those electric charging points are metred and paid for or whether they are freely available to members of the public who may own electric cars?

65 **Hon. Chief Minister:** Well, Mr Speaker, he and I and everybody else who is listening, are the only owners of an electric car in Gibraltar. The Taxpayer owns the Tesla P85 G1 vehicle, which is the only electric car in Gibraltar at the moment. The hon. Member will be able to see that from statistics he was given at the last meeting of the House. So G1 could be charged there and any other vehicle could be charged there in the future.

70 Whether we will be charging for the electricity, or not charging, is a point the Government is considering to see whether that might encourage people to continue to purchase electric vehicles, as the Government has demonstrated is a very positive and possible way of running a car like G1.

Q255/2016
Marriott Hotel plans –
Commencement of works

75 **Clerk:** Question 255, the Hon. L F Llamas.

Hon. L F Llamas: Can Government confirm if the Marriott Hotel plans approved by the Development Planning Commission back in March 2014 are still going ahead; if so, when are the works scheduled to commence?

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

Chief Minister (Hon. F R Picardo) Well, Mr Speaker, this is not a Government project. It is a private sector project for which planning permission has been obtained. The Government continues in discussion with developers in respect of this and other ongoing hotel projects.

85 **Clerk:** Question 256, the Hon. R M –

Mr Speaker: Yes, the Hon. the Leader of the Opposition.

90 **Hon. D A Feetham:** Mr Speaker, just in relation to that – and if the information is already in the public domain, my apologies – but it would be helpful if the Hon. the Chief Minister were to also inform this House as to whether the land on which the Marriott Hotel is to be built is owned by the Government and whether that has already been sold and that sale has already gone ahead. If it has, what is the consideration for the sale?

95 **Hon. Chief Minister:** Mr Speaker, the sale has not yet been finalised.

Hon. D A Feetham: And is there a consideration that has been agreed, even though the sale has not been finalised?

100

Hon. Chief Minister: Mr Speaker, as I understand it, the consideration was agreed by the former administration.

105 **Hon. D A Feetham:** That may be so, but the Hon. the Chief Minister must have the information available to him, and I would appreciate it if he would provide the information. What is the consideration for the sale of this particular piece of land?

110 **Hon. Chief Minister:** Mr Speaker, I have from memory so I will not be held to it, the figure of £5 million having been agreed by the former administration of which he was a Member, so I am surprised he is asking me for that information.

Q256/2016
Coaling Island development and reclamation project –
Details

Clerk: Question 256, the Hon. R M Clinton.

115 **Hon. R M Clinton:** Mr Speaker, can the Chief Minister please advise details of the proposed Coaling Island development and reclamation project mentioned in his 2015 Budget Speech, including the size of any likely premium?

Clerk: Answer, the Hon. the Chief Minister.

120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will make a statement in respect of this project in due course.

125 **Hon. R M Clinton:** Mr Speaker, that is a very short and precise answer, but does he have any idea of what the nature of what the project entails, what side of the Coaling Island the reclamation is meant to be?

Hon. Chief Minister: Yes, Mr Speaker, and I will make a statement about that in due course.

130 **Hon. R M Clinton:** Could the hon. Member perhaps expand on what he means by due course? Are we talking about weeks or months?

135 **Hon. Chief Minister:** Well, Mr Speaker, as the hon. the politician formerly known as Sir Peter Caruana, until he became known as the greatest Gibraltarian of all time in the lexicon of the Members opposite, indicated to us in the context of parliamentary debates, in this place 'soon' means when the Government is able to do it and 'in due course' means when the Government does it.

140 **Hon. R M Clinton:** From that statement, Mr Speaker, I take it that we are not going to see any money this side of the financial year?

Hon. Chief Minister: Well, Mr Speaker, he might think so. I could not possibly comment.

Q257/2016
Rooke development proposals–
Details

Clerk: Question 257, the Hon. R M Clinton.

145 **Hon. R M Clinton:** Mr Speaker, could the Chief Minister please advise details of the proposed Rooke development and the size of any likely premium?

Clerk: Answer, the Hon. the Chief Minister.

150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has issued a number of press statements in respect of the proposed redevelopment of Rooke already. Further details will be announced in due course.

Q258/2016
Eastside 'Bluewater' project –
Whether going ahead

Clerk: Question 258, the Hon. R M Clinton.

155 **Hon. R M Clinton:** Mr Speaker, can the Minister for Inwards Investment, please advise if the Eastside 'Bluewater' project is still going ahead with the chosen developer, Camoren Holdings Ltd?

Clerk: Answer, the Hon. the Chief Minister.

160

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer remains as set out in answer to Question 117/2016.

165 **Hon. R M Clinton:** Mr Speaker, I am sure we all remember that exchange last month, in which an announcement was imminent and would be reaching a climax in due course. I would be grateful if the Chief Minister could perhaps enlighten us as to whether this project is indeed going ahead or not. There are people who have put their names down for affordable housing and they would like some indication.

170 **Hon. Chief Minister:** Well, Mr Speaker, the people who have put their names down for the affordable housing which was announced by the GSLP/Liberal Government will be very happy to know that they are going to be able to purchase properties in very short order and that those affordable housing projects are going to continue to be of the standard that has been developed by my Government in its first term in office, which by all accounts, is one with which everybody is very happy, given that people are already moving into the development at what used to be known as the Aerial Farm and will soon be moving in to the magnificent development in the area known as Mons Calpe Mews.

175 But, Mr Speaker, I do not think that I am going to be persuaded to give the hon. Gentleman a blow-by-blow account of what is happening in the negotiations with Camoren.

180

Hon. R M Clinton: Mr Speaker, that is a shame. Perhaps he could tell us if he has had the £83 million premium, yes or no?

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

Hon. R M Clinton: Mr Speaker, I take that to be no.

190 **Hon. Chief Minister:** Well, Mr Speaker, if he can read, he can go back and read what the answer to Question 117/2016 was and he will then be able to work out whether the answer is yes or no. I am not here to answer questions on the basis of yes or no, or in any other terms that the hon. Gentleman might wish me to answer. I will answer them in the way that I wish to answer.

195 **Hon. R M Clinton:** Well, Mr Speaker, I am afraid I do not have the answer to that question in front of me, but as I recall he said that at this moment in time the premium has not been paid. Does he stand by that statement?

200 **Hon. Chief Minister:** I do not, Mr Speaker, because that is not what I said. If he is going to ask questions which follow up on earlier questions, he should check what he was told then. I told him that the premium was not yet due.

205 **Hon. R M Clinton:** Thank you, Mr Speaker. From that statement I take it that it has not been paid.

Hon. Chief Minister: Mr Speaker, playing ping-pong from one side of Parliament to the other is not edifying and Mr Speaker, if that is what the hon. Gentleman wants to do, I am quite happy to carry on serving him volleys.

210 It is very simple. If a premium is not due in answer to Question 117/2016 and the answer remains as it was in respect of 117/2016, it is still not due now. He can make of that answer what he likes, as I am sure he will.

Q259-260/2016
Public finance and public debt –
Written advice

Clerk: Question 259, the Hon. R M Clinton.

215 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please provide details of any written or verbal guidance or recommendations given by the Foreign Office or any other UK Government Agency to Her Majesty's Government of Gibraltar, in respect of the management of Gibraltar's public finance or public debt?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 260.

225 **Clerk:** Question 260, the Hon. R M Clinton.

230 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please confirm that the Financial Secretary is in agreement with the proposed removal of the reference to a recurrent revenue limit in the Public Finance (Borrowing Powers) Act and that he has issued a written advice to that effect?

Clerk: Answer, the Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, neither the Foreign & Commonwealth Office nor anyone else has tried to tell us how to manage Gibraltar's public finances or Gibraltar's public debt.

Mr Speaker, no Government has ever kept the Opposition informed of what instruction it gives or does not give, or what advice it seeks or is offered by the Financial Secretary or any other civil servant as to what needs to be done or not done to give effect to Government policies.

240 That said, and given that the Member opposite is asking about the proposed Borrowing Powers Bill, in anticipation of a debate on another item on the Order Paper, I feel I should put his mind at rest.

245 I want it to be clearly understood that the Financial Secretary has not felt any need to give any views that suggest that the proposed change should not be made. In fact, it would have been surprising if he had, given that *he* suggested that the change in question should be made.

Having said this, I also want to make clear that this is not a precedent nor a change in the policy of all previous governments and administrations not to share advice referred to Ministers by civil servants or advisors in confidence.

250 I have answered today simply to put the record straight and so that further false information is not propagated by the Members opposite outside this House.

Hon. R M Clinton: Mr Speaker, I do not know whether this may be in or out of order, but could the Chief Minister elaborate what he means by 'false information'?

255

Hon. Chief Minister: Mr Speaker, outside this House, Members opposite have made statements about the state of Gibraltar's public finances which are, in the view of the Government, false and we believe that this question was designed to try and bolster that series of falsehoods.

260

Hon. R M Clinton: Mr Speaker, I can only deny whatever the Chief Minister imagines, but I thank him for his answer.

265 **Hon. Chief Minister:** Well, Mr Speaker, I will make my own assessments as to his denials, but I am grateful that he acknowledges that I have answered his question.

Q261-262/2016

Drug Rehabilitation and Justice –

Opportunity for site visits for shadow Opposition Members

Clerk: Question 261, the Hon. E J Phillips.

270 **Hon. E J Phillips:** Mr Speaker, can the Minister for Drug Rehabilitation confirm that the Opposition Member of Parliament with shadow responsibility for Drug Rehabilitation will be afforded an opportunity in the next month to have a familiarisation visit to Bruce's Farm Rehabilitation and Gladys Perez Centres?

Clerk: Answer, the Hon. the Chief Minister.

275

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question with Question 262.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm that the Opposition Member of Parliament with shadow responsibilities for Justice will be afforded an opportunity to

280 have a familiarisation visit to Her Majesty's Prison Windmill Hill, during the course of the next month?

Clerk: Answer, the Hon. the Chief Minister.

285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no sir. The Hon. Member is not the Governor and we are too busy working to do organised tours.

Hon. E J Phillips: Well, that is an unhelpful reply to the question, *(Laughter and interjections)* I think he will agree with me, but since we have had a number of them this morning, I would like
290 to ask the Chief Minister this question. Does he not think it is helpful that someone who is serving this community should be able to visit some of our institutions which would allow him to look at the issues that are involved in Bruce's Farm and also the Prison?

Does he not think it helpful that someone who, although does not have 70% as he likes to keep pointing out to us, still represents a number of people in this community that would like
295 him to visit the state of the Prison and Bruce's Farm to ascertain for himself whether there is any need for improvements?

Hon. Chief Minister: Well, Mr Speaker, he likes to ask questions he knows the answers to. I suppose that is the training of the advocate, because you are always taught not to ask a
300 question unless you know the answer, because the obvious answer to that question is no, given the first answer that I gave him.

Now, Mr Speaker, it is not no because we are trying to be unhelpful – although it would be helpful if he told me where it was that he was getting answers this morning, and so that I might
305 find out why it is that he thought we were being unhelpful this morning. I thought we were being quite helpful this afternoon, the hon. Gentleman sitting next to him has just thanked me for answering his question.

Mr Speaker, the facilities that he is talking about are not a zoo. They are not there for him to visit and see and for us to organise a tour for him, Mr Speaker. Look, if he wants to see a facility
310 which is open to the public then he is able to access that facility. If he wants to see a facility which is a working Government facility, well, Mr Speaker, the position has been of successive administrations that you are not able as a Member of Parliament who is not in Government, to visit a Government facility.

Mr Speaker, if he thinks I am being unhelpful, then he needs to ask himself whether he is sitting with the right party, because when the GSD was in office and I was elected as a young
315 whipper snapper on the opposite side, *(Laughter)* I asked to spend a night on patrol with the RGP and a night with the Fire Service to understand the challenges that they face. This is the very helpful reply, Mr Speaker, I was then provided with by Mr Ernest Montado, the excellent Chief Secretary of the time, fondly remembered by anyone who has had the chance of working with him, and I have had an opportunity of working with him professionally. Mr Speaker, he said
320 this:

'Dear Fabian, I am sorry it has taken me so long to reply to your letter of 5th October 2004 which in turn referred to correspondence with the Commissioner of Police and the Chief Fire Officer going back to 30th August 2004. I hope you will understand that I have been heavily engaged on other matters these past few months involving extensive travelling which has resulted inevitably in a backlog of correspondence in the office.'

And, Mr Speaker, only Ernest would be as polite and elegant in dealing with a newly elected MP's letter.

'I should explain that it is normal procedure for Heads of Department to refer to me requests to visit Government Departments which have been received from persons or organisations outside of Government. Having regard to the nature and purpose of your proposed visits as set out in your letters, I have to say it would not be appropriate to accede to your request.'

This is the head of the administration, not a politician.

'It would not be acceptable for an Opposition politician to spend time with public officers, let alone officers in the essential services whilst they are engaged during working hours in carrying out their duties. You are at liberty of course to raise issues concerning the workings of Departments or terms and conditions of employment of staff directly with the Minister responsible, either by approaching him/her directly or by raising questions in the [then] House of Assembly. Moreover, it is open to you also to raise such issues with the relevant trade unions or staff associations and/or their staff representatives directly.

I trust that this clarifies the position.'

Mr Speaker, I trust that this clarifies the position.

325

Hon. E J Phillips: Mr Speaker, I am glad to see then that nothing has clearly changed with the New Dawn Government.

I refer the Chief Minister to a statement in the manifesto of 2000 in which his Deputy Chief Minister said:

'We will be absolutely implacable in the pursuit of changing the political system.'

330

Is it right then if you are happy to change the system, implacable in changing the system, that you should be offering me the opportunity to go and visit our institutions to assist our community in understanding what is done there, what effective treatments are being offered at Bruce's Farm? (*Interjection*)

Have you finished?

335

Hon. Chief Minister: Have you finished?

Hon. E J Phillips: No, not yet I was just being rudely interrupted, I would like to know. (*Interjection*)

340

I have the floor?

Mr Speaker: Let me make one thing clear. There are occasions when comments are made on both sides of the House, and they may or may not constitute an interruption. It is for me in the final analysis to decide whether it is an interruption or not, and whether it is out of order or not.

345

So please continue.

Hon. E J Phillips: I am grateful, Mr Speaker. That is my question.

350

Hon. Chief Minister: Well, Mr Speaker, I am grateful that he reminds us of the provision set out in our New Dawn manifesto. It was a manifesto that seven out of ten people in the last General Election believe we had delivered with such vigour and so magnificently that they returned us to Government with a renewed and stronger mandate, under a manifesto to strengthen the foundations of this community.

355

We were in fact, Mr Speaker, implacable in the pursuit of change; or is it that the hon. Gentleman does not know of all the changes that we implemented to the way our democracy works? He himself was able to write to the Chief Secretary and to have access to the civil servants in the 90 days before the last General Election, something which I was denied, Mr Speaker – I have the letter here – on 25th October 2011 by the former Chief Secretary, because the previous administration, the one that he represents – he needs to be reminded of that, I think – did not think that that was appropriate.

360

So, Mr Speaker, many things that the GSD were doing, we have changed. Some we have not changed. Some of them, Mr Speaker, are just constitutionally as they were and will be. The ten people on this side are Ministers; the seven people on that side are Opposition Members. Mr Speaker, they have a role to play. That role is not to visit Government facilities and inspect them

365 in order to ask us questions about them. It is to receive the concerns of people who may use those facilities, as was so eruditely set out in the letter from Ernest Montado

But, Mr Speaker, not implacable in change, not a New Dawn administration. Well, Mr Speaker, he is on television today because of the New Dawn administration. He gets to ask us questions once a month except for the Easter break and the summer break because of the New Dawn administration. I wonder what he would have made of the GSD administration that called three meetings a year, sometimes two meetings a year? Oh hang on! He opposed them too, he was in a different party! (*Laughter*) He was making the same argument we were making. It is only now that he sits under the same initials of those he used to criticise that he believes that he should defend what they used to do in Government. (*Banging on desks*)

375 **Hon. E J Phillips:** Mr Speaker, we welcome the institutional changes and the cosmetic changes to Parliament. I have something else to say about that, but that can wait until the Freedom of information Bill is presented.

Mr Speaker, I think it is right that a shadow representative in relation to the Prisons and in relation to Justice and in relation to rehabilitation of offenders is afforded an opportunity to visit these facilities. I take it from his answer that he is refusing. His Government is refusing me access to those two places.

385 **Hon. Chief Minister:** No, Mr Speaker, that is not right. If he wants me to arrange for an extended stay in the prison facility, I will talk to the Minister for Justice and see what we can do!

I am only joking, I am not pretending to incarcerate the hon. Member, I would miss out on all my fun in Parliament.

Mr Speaker, the Opposition remains, as has been the case in respect of all previous administrations – in other words, Government facilities which are not open to the public are not open to Members of the Opposition. It has ever been thus, it is not a question of change for the sake of change that we believe in. We believe in change for the purposes of ensuring transparency and accountability to our people, so that people can see what is going on in the heart of Government.

395 Look, a prison and a facility like Bruce's Farm are not a place, Mr Speaker, where we can, and I say organise tours; this is a place where people are either receiving treatment or it is a place of incarceration where people can have an element of shame because they are there. Mr Speaker, even when I have visited and I *am* in Government, I have visited once, I have been very careful. It has caused logistical problems for the prison staff because they need to ensure I am able to see areas and prisoners are moved etc.

400 Look, this is a small community, I know people who are there. I may have acted for them, I may know them in another way – it is very embarrassing for them. Others might welcome the contact; not all of them would.

And so, Mr Speaker, this is not a frivolous no. This is a well thought out, careful no. And Mr Speaker, believe me, I examine my conscience before I give these answers, I remembered the letter from Ernest, I checked the letter from Ernest, I tried to understand the issues in the letter from Ernest, which I had accepted at the time I must say, and I checked once again with the Chief Secretary. He gave me the same conclusion that the former Chief Secretary had given to me when he wrote to me, Mr Speaker.

410 This is about ensuring that those facilities are able to continue providing the service that they provide, and look Mr Speaker, it is not as if this is a place where if there is a problem in the Prison or in Bruce's Farm, he is not going to be told by someone who is going to go and tell him, 'Look, I have been up at Bruce's Farm and they have not changed the duvets for 15 years.' He is going to find out those issues. This is not a community where he needs to come and carry out an inspection.

415 For those reasons, Mr Speaker, having thought it through very carefully, we stand by the position set out in the letter of the then Chief Secretary of 9th November 2001. I am quite happy to give him a copy if he wishes.

Hon. E J Phillips: I am grateful for the answer to that question. I only have one further question and that relates to an issue that has arisen in this exchange relating to contact with civil servants. The Chief Minister is aware that, as he said in one of his answers, the candidates were allowed the opportunity to contact civil servants, have a discussion with them about certain policy areas to help the civil servants in the event of a change in Government.

I did also follow that up very shortly after the election with a letter to the Chief Secretary, to ask whether we could review the position, or the Government would review the position, in relation to contact at pre-election time. I still have not yet had a response to that letter to the Chief Secretary, but I understand that he is in regular contact with you about this issue. As the Chief Minister will be aware, in the United Kingdom the length of time for contact varies from six to twelve months before a general election. I wonder whether we can have a commitment from the Chief Minister that he will review that with a view to increasing the time period allowable to candidates in general elections so they can have contact with civil servants. I am sure he will find that will be a helpful suggestion to those standing for election so that they can have that contact with civil servants.

Mr Speaker: I am only allowing that supplementary because of course the Chief Minister himself raised the issue of the contact period before a general election, otherwise it would not be relevant to the original question.

Hon. Chief Minister: I am grateful, Mr Speaker, and I am happy to answer the question. Mr Speaker, this is something I feel very strongly about. I introduced the issue when I was Leader of the Opposition and I followed through as Chief Minister to ensure that the contact was possible.

Mr Speaker, as I understand it, the convention in the United Kingdom is 90 days, I do not think it is longer. But, Mr Speaker, there needs to be an appreciation that in Gibraltar we tend not to have candidates for election 90 days before a general election, let alone a year before. In the United Kingdom, the position is that constituencies will, for parties, elect a person who is going to be *the candidate*, sometimes up to a year before and that person will be a *candidate* notionally. You could have political parties doing the same thing here but you do not have candidates for a general election in Gibraltar until 21 days before the poll. There are not candidates in the general election until 21 days before the poll.

And so therefore, Mr Speaker, we have to be very careful how we deal with this issue because anybody could say 90 days before a general election – I am not suggesting the hon. Members would. They are a political party, we are a political party or two and we are established, but anybody could say, ‘Well, I intend to be a candidate in the next general election, I would like to sit down with this civil servant and discuss something with him’, and that person might not have any intention whatsoever of being a candidate because it is not until the ink crystallises 24 hours after you have signed on here, as you know, that you become a candidate in the general election.

I do not know if the hon. Gentleman is a veteran, he has lost one or two in the past, but he knows what the process is, and therefore we have to be very careful how we calibrate that. I believe it is right that if you have got people standing for election, the judgement in a general election is made by the public, people in the run-up to the election should be able to speak to members of the Civil Service, test their policies, discuss with them what they would do if they were elected etc; but the period, which I understand is 90 days in the United Kingdom, is not in my view one that should be changing.

The hon. Gentleman has said it fluctuates and up to a year in the UK. I have not seen any evidence of that. If he writes to me, I am quite happy to investigate whether there have been further reforms in the United Kingdom in that respect. This is a practice in the United Kingdom that dates from the late 1960s. I know that the Blair Government made some amendments to it, I believe those amendments were simply about how the contact was established, but that the period was still 90 days.

Answering his question, I understand that the Chief Secretary wants my input in respect of the answer to his letter. He has not yet formally sought it, although I know he is going to send me a memorandum asking me for a policy decision in respect of one part of his letter which requires a policy decision.

Hon. E J Phillips: I am grateful for the answer to that question. Just to be helpful, the background to this in the International Commission document that is attached to my letter would be helpful to the Chief Minister. The Chief Secretary has all that already, so there is no reason to write to the Chief Minister formally, but I will just refer to that letter.

I am grateful.

Hon. Chief Minister: Is the hon. Gentleman happy that the Chief Secretary should show me his letter? I mean usually the Chief Secretary would simply refer to me any part of a letter that requires a policy input. He would not share with me a piece of correspondence with an Opposition Member unless there was a good reason to do so.

Hon. E J Phillips: I am very happy for the Chief Secretary to share that letter with the Chief Minister.

But I would just like to pick up on one single point that he raised. I had a contact visit with the Social Services Department, Mr Bruzon, Mr Montegriffo, and the Chief Secretary himself, in relation to the rehabilitation of offenders and that only came two or three days before the General Election. I am very grateful to them to organise that at very short notice but in terms of testing our policies it is very, very difficult.

I am sure that the Chief Minister will agree that two or three days before the General Election was insufficient time for me to have a thorough meeting with them insofar as communicating our policy and that is why I raised the issue with the Chief Secretary, not to criticise the process because I welcomed the process that was introduced to have that month period, but I was simply asking for a longer period so that we could test those policies, as you referred to.

Hon. Chief Minister: Well, Mr Speaker, I detect in there the fact that the hon. Gentleman realises that this is a change we made which is a change for the better. The first time it operated was during the last General Election. It may be that it needs to be improved. I know that for the Civil Service in Gibraltar it was a new thing. I think that guidance was sought from the Cabinet Office in the United Kingdom as to how they should handle the matter and I think it is something that can only improve.

The political pendulum swings, it is not all that it should and we might be sitting on the other side at some stage in the next 100 years, and we might need access to the civil servants before a General Election.

Mr Speaker: The hon. Member may derive some consolation from the fact, if I inform him, that back in 1972, the Minister with responsibility for the Prison could not, according to the Superintendent of the Prison, visit the Prison unless there was permission given by the Deputy Governor and after clearance with the Head of Special Branch.

Needless to say that by 1981 the matter had been put right. *(Laughter)*

Hon. Chief Minister: I am surprised Special Branch agreed that you should visit, Mr Speaker!

520 Can I just make one final point to try and be helpful, Mr Speaker, as the hon. Lady has reminded me? When someone is admitted to Bruce's Farm for therapy, they are guaranteed anonymity. That is why we do not tend to visit Bruce's Farm. It is a facility that is always in use and they are guaranteed anonymity. We meet with people who have responsibility for Bruce's Farm, we are shown photographs of what needs to be repaired etc. but the hon. Lady goes when she is able to visit and not affect that guarantee of anonymity.

525 So this is not something which is, as we say in Spanish, *coser y cantar*. This is not just sew and sing; it is actually a very complex thing to organise.

Q276/2016
Drugs crime –
Prevention measures

Clerk: We move to Question 276, the questioner is the Hon. E J Phillips.

530 **Hon. E J Phillips:** Can the Minister for Justice confirm what measures the Government will introduce to keep Gibraltar as drug free as possible and take the toughest possible action against drug pushers?

Clerk: Answer, the Hon. the Chief Minister.

535 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the fight against drugs is a serious community concern and, as such, figures prominently in the RGP's Strategy Document 2015-18 and in the Gibraltar Police Authority's Annual Police Plan every year.

540 To deal with the drug problem, the RGP operates a three pronged approach encompassing education awareness and enforcement. The school liaison officers deliver talks in school supported by Drug Squad colleagues and, importantly, by reformed addicts. There are numerous awareness campaigns throughout the calendar year with the flagship event being the Mini-Olympiad.

545 From an enforcement perspective, the targeting of drug trafficking offences is a key performance indicator. Dedicated resources in the form of Drug Squad officers are permanently allocated to this duty. The fight against drugs is a force-wide task and as such, all officers are charged with dealing with this community concern. Law enforcement in this area is intelligence led, targeting identified hot spots and individuals.

550 Additionally, the Government has now commenced the Proceeds of Crime Act, which enables the seizure and confiscation of assets arising from criminal conduct, even where no criminal proceedings are brought against an individual. This builds upon the provisions for drug-crime-related confiscation that existed before and is part of this Government's commitment to hit criminals where it hurts.

555 From a Customs perspective, enforcement controls have been increased. Her Majesty's Customs are in the process of setting up a dedicated flexible team to tackle the illicit importation of drugs. In this sense, the employment of 60 additional Customs officers will no doubt be very welcome by the community, despite some criticising the growth in the public sector; as are the new marine assets purchased by the Government for Customs which provides them with resources they did not previously have at their disposal.

560 Indeed, Mr Speaker, it is worth repeating that until we were elected into Government, the RGP and the Customs department had only vessels confiscated from drug traffickers with which to do their jobs. That changed after our election and with the important investment we made in safe and faster vessels for both of these law enforcement agencies, despite the repeated

complaints by some who do not seem to want to see us invest public money in our public servants.

565 Another important factor is the work done by the Drug Rehabilitation Services. Their work is focused on continually addressing all the different facets of drugs misuse within our community. This includes ensuring that all students from middle school onwards receive drug education. This involves joint presentations from the Care Agency and the Royal Gibraltar Police. For older pupils, recovering addicts also deliver very powerful first-hand testimonies on the dangers of
570 drug abuse. Over the past year alone, they have delivered awareness programmes in such diverse settings from youth clubs to all new Her Majesty's Customs and Royal Gibraltar Police recruits. Only this past week the service has conducted three of these presentations. We must thank the recovering addicts for bravely doing this work for the community.

575 Additionally Drug Rehabilitation Services conduct various drug and alcohol awareness campaigns during key times of the year, such as during National Week and over the Christmas season. On the rehabilitation side since 2011, the service has witnessed the highest occupancy rates at Bruce's Farm over the past decade. Drug awareness programmes have been extended to Her Majesty's Prison where any inmate wishing to undertake a rehabilitation programme can see a counsellor who will work with them whilst in custody and beyond release.

580 The service also provides support for the families who have to contend with the consequences of addiction of a loved one. In short, they provide the network of support to ensure that anybody who needs help can readily access the service.

The Probation Service also works closely with the courts to ensure that any drug offenders given community services are dealt with in a manner that both deters them from further
585 offending and supports them to maintain drug-free lifestyles.

To this effect, the courts have recourse to impose Drug Treatment Requirements, among a range of other community services. The Probation Service also regularly supervises convicted drug offenders released on parole. This ensures that any risk these may pose to the community is kept to a minimum.

590 I recently supported the 'stay clean' campaign together with Minister Sacramento at a public fund-raising event at the Piazza. I look forward to the work I will be doing with that fantastic and brave group of people.

But this is only the beginning of a strategy that the Government is developing in this field to further improve the work done in this area. That is why I am taking responsibility for the Drug
595 Abuse Control Prevention and Cure aspects to No. 6 Convent Place. Mr Speaker, the fight against the illicit trade in drugs and their abuse is a multi-faceted, multi-agency one. I want to thank all those involved at every level in this pernicious battle.

I want to highlight in particular the work of our lead agencies, the Royal Gibraltar Police and Customs. Only this week they have once again thwarted the drug traffickers out of £5 million of
600 drugs in street value terms and the work of the agencies that deal with addicts is no less important. The GHA is often the first point of contact. The Care Agency is usually the authority to which addicts are referred to its Drug Rehabilitation Services and if necessary, families. A sincere thank you from all our community to all of these agencies for their hard work. I look forward to working with them in developing even further how we can join our strategies and do more.

Q263/2016
ID cards –
Printing and distribution

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Clerk: We now move back to Question 263, the Hon. Ms M D Hassan Nahon.

610 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, can Government confirm whether there have been any issues with the printing or distribution of ID cards within the last couple of months, and if so, why?

Clerk: Answer, the Hon. the Chief Minister.

615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in the last two months there has only been an issue with one of the printers. This was resolved within a week.

620 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, I wish to inform the hon. Gentleman, the Chief Minister that I have received many complaints from people living in Gibraltar, international, possibly many high net worth individuals who contribute a lot to the local economy, and they are complaining of months and months and months of back log.

So I would just like to make him aware, I would not like Gibraltar's image to be tarnished over such a basic administrative fault that, like the hon. Gentleman has said, can be fixed quite easily and is likely to give us a bad name.

625 Thank you.

Hon. Chief Minister: Mr Speaker, I am very grateful for the hon. Lady telling me that. If she indicates to me who it is that has been waiting for months, I will personally ensure that I look into the issue.

630 I certainly do not understand that that is the case and I will tell her why. At the time that I was elected, I had received many tens of complaints from category 2 individuals and from run-of-the-mill Gibraltarians like she and me, that the process of ID card renewal was taking very long and for category 2 individuals, it was taking very long for the cards to be issued.

635 I looked into it, I ensured that that particular section had the support it needed and the problem had gone away. If it has come back I want to know how it is that it has come back and when it has come back so that I can address it immediately.

I believed then, that this was an issue that had to be dealt with and if it is happening now, I have not changed my mind in that it has to be dealt with. If the hon. Lady is able to do so, I look forward to having a discussion with her and she can point me in the direction of those who might have had this problem so I can fix it.

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Hon. Ms. M D Hassan Nahon: Thank you, I am grateful for that. I will let you know on a confidential basis.

Thank you.

Q264-265/2016

Gibraltar Entertainment Network; Gibraltar Broadcasting Corporation – Board members; independence

645 **Clerk:** Question 264, the Hon. Ms. M D Hassan Nahon.

Hon. Ms. M D Hassan Nahon: Mr Speaker, does the Gibraltar Entertainment Network still exist and are its board members still those who were constituted in 2011?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 265.

Clerk: Question 265, the Hon. Ms. M D Hassan Nahon.

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Hon. Ms. M D Hassan Nahon: Is GBC ever going to be as financially independent as was promised in 2011?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, the answer remains as set out in answer to Question 185/2015.

Q266/2016
MOD workers' safety net –
Kings Lines Oil Fuel Depot

Clerk: Question 266, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please confirm that their manifesto commitment in respect of the safety net guarantees to MOD workers or workers of companies working for the MOD, extends to those employees of the Kings Lines Oil Fuel 'Depot'?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I think it is 'Depot'. We do not intend to deport any of them!

Mr Speaker, yes sir, as the gentlemen who work at the Kings Lines Oil Fuel Depot know.

Q267-272/2016
Public sector posts –
Recruitment; retirement; substitutions; agency workers

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Clerk: Question 267, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies currently exist in the public sector and since when have they been vacant?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 268 to 272.

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Clerk: Questions 268, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, Government advertised AA vacancies in June 2015: please disclose at what stage of recruitment they currently are, how many candidates have been interviewed and found suitable for the jobs and whether successful candidates, if any, were already working in the public sector via a recruitment agency or company, giving details of the recruitment agency or company.

Clerk: Question, 269, the Hon. D A Feetham.

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Hon. D A Feetham: Can Government please provide details of how many workers since December 2011, working within the Civil Service structure, have been re-engaged after having retired, giving details of post or job description being undertaken, terms and conditions, salary, date retired and post retired from, reasons for re-engagement or contract given, dates re-hired by way of employment or contract?

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Clerk: Question 270, the Hon. D A Feetham.

Hon. D A Feetham: Can Government provide explanations as to the long-term substitution circumstances in relation to the following Heads of Department posts: Human Resources Manager; Commissioner of Income Tax; Director of Employment; and Principal Housing Officer; and what measures, if any, are in place to ensure these posts are eventually occupied on a permanent basis?

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Clerk: Question 271, the Hon. D A Feetham.

Hon. D A Feetham: Can Government explain the long-term substitution of the following posts: Senior Executive Officer, Culture; Instructional Officer, Economic Development; Health and Safety Officer Grade 3, Employment; Personal Secretary, Environment Ministerial Office; Senior Finance Centre Executive (Financial Services), Finance Centre; Senior Executive Officer, Human Resources Department; Human Resources Officer, Human Resources Department; Personal Secretary, Justice Office; Administrative Officer, Number 6; SPTO, Technical Services?

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Clerk: Question 272, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, do workers from recruitment agencies or companies working within the public sector sign the Officials Secrets Act declaration?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the vacant posts within the Civil Service are those set out in the schedule with the information requested.

The vacancies for Administrative Assistant were advertised simultaneously both within the public sector and to the general public. The internal public sector recruitment process was undertaken in September 2015, whereby applications were invited throughout the Civil Service in all Government Agencies, Authorities and Government-owned companies. A total of 31 applicants were interviewed of which 24 were successful and have already taken up appointment.

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The external recruitment process is ongoing.

I now hand the hon. Member a schedule with the information requested in respect of re-engaged civil servants.

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The vacant Head of Department posts to which the hon. Member is referring to, with the exception of the post of Commissioner of Income Tax which is not vacant, have remained vacant as a result of planned or ongoing Departmental reviews.

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The post of Personal Secretary in the Environment Ministerial Office has been regraded to an Administrative Officer post and has been filled. The post of Senior Finance Centre Executive has been abolished.

The following posts – namely, Senior Executive Officer, Culture and Heritage; Senior Executive Officer and Human Resources Officer, Human Resources Department; Personal Secretary, Justice Office; Administrative Officer, No. 6 Convent Place; and Senior Professional

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and Technology Officer, Technical Services Department – are all vacant as part of a process of ongoing Departmental reviews.

In respect of an Instructional Officer, Economic Development, these posts are vacant due to officers covering for the vacant post while in the process of obtaining the required qualifications.

750 In respect of the Health and Safety Officer in the Employment Department, there is already an ongoing recruitment process.

Finally, Mr Speaker, I can confirm that all employees from our recruitment agencies or companies working within the public sector sign the Official Secrets Act declaration.

ANSWER TO QUESTION 272/2016

Answer to Question No 267/2016

Civil Service

<u>Number of Vacant Posts</u>	<u>With Effect From</u>
1	01/08/2006
1	01/11/2007
1	01/03/2009
1	03/08/2010
1	11/02/2011
2	01/04/2012
1	29/06/2012
1	02/07/2012
1	26/11/2012
1	01/09/2013
1	27/10/2013
1	07/12/2013
1	25/02/2014
1	26/02/2014
1	01/04/2014
2	30/04/2014
1	06/09/2014
1	14/11/2014
2	19/11/2014
1	11/12/2014
1	31/12/2014
2	04/01/2015
2	05/01/2015
1	13/01/2015
1	19/01/2015
1	21/01/2015
1	02/02/2015
1	18/02/2015
1	26/03/2015
1	30/03/2015
6	01/04/2015
1	17/04/2015
1	01/05/2015
1	13/05/2015

<u>Number of Vacant Posts</u>	<u>With Effect From</u>
2	27/05/2015
1	16/06/2015
1	02/08/2015
1	11/09/2015
1	15/09/2015
1	20/09/2015
2	30/09/2015
1	01/10/2015
1	02/10/2015
1	05/10/2015
1	15/10/2015
1	20/10/2015
2	21/10/2015
1	26/10/2015
1	01/11/2015
1	12/11/2015
8	18/11/2015
2	24/11/2015
2	30/11/2015
1	04/12/2015
1	07/12/2015
5	14/12/2015
1	17/12/2015
1	26/12/2015
9	04/01/2016
1	05/01/2016
1	12/01/2016
2	14/01/2016
1	17/01/2016
1	21/01/2016
1	26/01/2016
1	05/02/2016
1	08/02/2016
1	16/02/2016

GIBRALTAR PARLIAMENT, THURSDAY, 25th FEBRUARY 2016

ANSWER TO QUESTION 272/2016

Answer to Question 269/2016

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Status
1	Consultant	£75,964	31/08/2012	Specialist in Public Finance	To assist the department	Contract	01/09/2012	
2	Administrative Officer	£28,042	21/08/2014	Administrative	To complete an exercise which she had originally started (Widows and Orphans Pensions)	Contract	03/09/2014	
3	Clinic Manager	£30 per day	30/06/2013	Specialist	To set up the Hepatitis 'B' Clinic	Contract	17/03/2014	
4	Part-time Handyman	£18,256	01/01/2012	Handyman	To assist the department	Contract	02/01/2012	
5	Supply Driving & Vehicle Examiner	£33,558	17/10/2006	Technical	To assist with the demands of the department	Supply Contract	23/04/2014	
6	Supply Driving & Vehicle Examiner	£33,558	30/06/2013	Technical	To assist with the demands of the department	Supply Contract	23/04/2014	
7	Supply Teacher	£33,980	06/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
8	Supply Teacher	£33,980	02/09/2011	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	09/03/2012	Resigned
9	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	
10	Supply Teacher	£33,980	01/09/2007	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
11	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
12	Supply Teacher	£33,980	06/01/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2013	
13	Supply Teacher	£33,980	07/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Remarks
14	Supply Teacher	£33,980	01/09/2004	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/03/2015	Resigned
15	Supply Teacher	£33,980	02/09/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	18/03/2015	
16	Supply Teacher	£33,980	30/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	03/03/2015	
17	Supply Teacher	£33,980	14/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	23/03/2015	
18	Supply Teacher	£33,980	01/09/2005	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	10/03/2015	
19	Supply Teacher	£33,980	07/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/03/2015	
20	Supply Teacher	£33,980	01/09/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
21	Supply Teacher	£33,980	06/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	27/02/2015	
22	Supply Teacher	£33,980	14/10/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
23	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	
24	Supply Teacher	£33,980	06/01/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Remarks
25	Supply Teacher	£33,980	02/09/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
26	Supply Teacher	£33,980	01/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	08/04/2015	
27	Supply Teacher	£33,980	09/01/2011	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	03/09/2012	
28	Supply Teacher	£33,980	07/01/2016	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
29	Supply Teacher	£33,980	06/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
30	Supply Teacher	£33,980	01/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	18/03/2015	
31	Supply Teacher	£33,980	31/05/2010	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	16/03/2015	
32	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	

Mr Speaker: The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, if I may just ask the Hon. the Chief Minister when those Departmental reviews which are currently underway are likely to be concluded?

Hon. Chief Minister: As soon as possible, Mr Speaker. This is a process that involves the administration, the political Government and the unions.

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Hon. D A Feetham: Mr Speaker, just on Question 267, to start off with – and, Mr Speaker, there is a lot of information here that the Opposition is going to have to digest and it may well be that we ask questions next time round in a month's time, because the schedules are very lengthy.

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But in relation to Question 267 and the schedule that the hon. Gentleman has provided in relation to that question, I see that there are vacancies that go back to the GSD administration 2006. Indeed, there is a vacancy in 2006; there is a vacancy as from 2007; there is a vacancy from 2009; another one from 2010; another one from 2011; there are about five from 2012; three from 2013; and about ten from 2014; and a considerable number from last year.

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Now, Mr Speaker, how can the hon. Gentleman explain those vacancies going back that length of time, in the light of page 13 of the 2011 discussion document that the hon. Gentleman circulated with the Civil Service, which read and I quote:

'We believe that all posts that become vacant should be filled as soon as possible'

Hon. Chief Minister: Well, Mr Speaker, I trust the hon. Gentleman is not asking me to justify what happened between 2006 and 2011, and why they did not fill the post of Health and Safety Officer Grade 3 in the Employment Ministry from that date, or any of the others that go back. For example, the Senior Professional and Technology Officer in the Technical Services Department that goes back to 2007; or the Industrial that goes back to 2009. I assume that he is asking me about vacancies that have arisen since 2011.

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But of course, Mr Speaker, the information that he has asked for is about vacant posts. He does not have the information – and in fact, Mr Speaker, he may have asked for it before, he may wish to ask for it next time, it may be in fact very, very voluminous indeed – about all the vacancies that have been *filled* since 2011. Because you see, Mr Speaker, one of the problems that I have with the question that he is asking today is that the thrust of his criticism usually is

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785 that we have employed *too many* people in the Civil Service and in the public sector. Today he seems to be asking me why we have not employed more!

I suppose today, Mr Speaker, he is told the Chamber of Commerce and the GFSB not to tune in and he has told a union to tune in. I do not understand the dichotomy in approach, but so be it.

790 Mr Speaker, where there have not been vacancies filled since 2011, it is very likely that this is part of the reviews that we are undertaking with each of the Departments in order to try and understand how certain Departments should change and how they should evolve.

And therefore, Mr Speaker, in terms of what we said in 2011 and how we delivered in respect of our relationship, not just with the Civil Service but with the public sector as a whole, Mr Speaker, I think the fact is that we have worked very hard indeed on the review of the Civil Service that we have undertaken. That has not been something that we have been able to do in the time that we thought it could be done. It is a very complex issue involving more than one union and involving difficult assessment by the administration of how things are changing in terms of e-Government etc. and for that reason, in some instances vacancies have not been filled. But very, very, *very* many vacancies have been filled, many more than have not been filled.

800 But, Mr Speaker, he was in Government between 2007 and 2011. Can he explain to me why they did not employ a Health and Safety Officer Grade 3 in the Employment Department?

805 **Mr Speaker:** The Hon. the Leader of the Opposition does not have to answer that question. *(Laughter)*

Hon. D A Feetham: Yes well, Mr Speaker, I was about to suggest that this is going to turn into the famous Monty Python exchange about the dead parrot, and I certainly do not want that to happen!

810 Mr Speaker, does the hon. Gentleman not recognise that he has been in Government, as he delights in reminding certainly those on this side of the House, since 2011 – that he has now had six years – **(Mr Speaker: Five.)** five years, I beg your pardon Mr Speaker, yes of course, five years – in order to examine the reasons why there are vacancies going back to 2006 that have not been filled, and it is simply not acceptable for the Hon. the Chief Minister to give me a reply saying, ‘Well, why were those vacancies vacant from the period 2006 to 2011?’

Surely the Chief Minister ought to take responsibility for his five years that he has been in office.

820 **Hon. Chief Minister:** Four years and three months, Mr Speaker. **(Mr Speaker: Correct.)** Four years and three months – not six, not five, but four years and three months.

But, Mr Speaker, I commend to the hon. Gentleman the *whole* series of the *Flying Circus* *(Laughter)* because every time he refers to Monty Python, he always refers to the same sketch, the dead parrot sketch. There is a whole wealth, Mr Speaker, of sketches that he should be watching, especially Mr Speaker, the Ministry for Funny Walks, as the Hon. Mr Linares, the Minister for the performing arts has reminded me!

825 Look, Mr Speaker, the hon. Gentleman says it is not acceptable. Well, not acceptable to who exactly, Mr Speaker? Not acceptable to him? Well, Mr Speaker, it may not be. Is it acceptable to the people who are working in the Employment Ministry and who are working with us in the review of that Ministry? Well, clearly it is, Mr Speaker, so I am going to continue working with the people who are doing the hard work of reviewing the public sector in Gibraltar with us.

830 The unions that are relevant, members of the administration that are relevant, the Members of my Government that are relevant with all our good faith in order to ensure that we have a public sector that is the size and shape it should be going forward, and not take any lessons from people who when in Government allowed the number of vacant posts to grow far beyond the amounts that they are looking at now – *far beyond* the amounts that they are looking at now –

and especially given the number of posts that we *have* filled in the past four years and three months, Mr Speaker.

840 So frankly it is not acceptable, Mr Speaker, that he should come here to quiz us on issues like this when they have such a bad record in Government themselves.

Not acceptable to who? Well, not acceptable to me, in the same way as I suppose my statements are just not acceptable to him.

845 **Hon. D A Feetham:** Yes, Mr Speaker, it *does* remind me of the dead parrot sketch because I am saying it is a dead parrot and he is saying it is a live one, when clearly it is dead, Mr Speaker!

Mr Speaker, the policy that was described by his party to the Civil Service in the 2011 discussion – and I will quote again – was:

‘We believe that all posts, *all posts* that become vacant should be filled as soon as possible.’

And there are vacancies that go back to 2006. There are vacancies that go back to 2007, vacancies that go back to 2009, 2010, 2011 and 2012.

850 Does he feel comfortable, in the light of that, that he is honouring that very clear commitment that he gave to the Civil Service in 2011?

855 **Hon. Chief Minister:** The other very good sketch, Mr Speaker, is the one about that book, *Ethel the Aardvark Goes Quantity Surveying*. Mr Speaker, I think the hon. Gentleman has embarked on the search for that book, *Ethel the Aardvark Goes Quantity Surveying* – the book that they could not find, Mr Speaker, in that particular sketch.

But I do fear, Mr Speaker, that he is caught in that other sketch about whether the office the gentleman had walked into was the Office for Arguments, and immediately to be told by the person behind the desk, it was not, to which he reposted that it was, and the argument ensued.

860 I do not want the argument to ensue, Mr Speaker. I have told him already we are working with the unions, we are working with the administration and with the good faith of the Government in order to continue the review that the same document he is looking at says we will undertake. If we have not been able to finalise it, it is not because we were not able to finalise it because of our good will, but because of other reasons, Mr Speaker.

865 Because you know this is a complex process and, Mr Speaker, is it not incredible that he is the only one raising these issues, because the unions are not raising these issues with us; the unions are *working* with us on these issues. In terms of the vacancies that there were, Mr Speaker, that we promised to fill, I put it to him, Mr Speaker, that we probably filled them all and that is why he could only spot three or four that date from their time, some of them going back five years even in their time, Mr Speaker.

870 So, Mr Speaker, obviously he is not going to agree with me. I do not think that is a good reason for us to continue to just have an argument about this, and we want to continue with the work of delivering a public sector that is as it should be for this community in this century, Mr Speaker. He spends his time criticising us for having grown the public sector. Today he seems to be criticising us for not having grown it enough. Well look, Mr Speaker, just do not stone me every time I say ‘Civil Service’.

880 **Hon. D A Feetham:** Well, Mr Speaker, can he just confirm that in fact there are 21 vacancies that remain unfilled that date back to at least 2014?

Hon. Chief Minister: Well, Mr Speaker, I assume that figure comes from his counting when he was in a sedentary position or one of his colleagues counting. I have given him the numbers, I am not going to accept his addition or anybody else’s. The numbers are set out in the schedule.

885 If that is the number, Mr Speaker, then I would be very proud indeed if that were all it was because when we were elected, I can guarantee him that it was very, *very* many more. So I will take it as a backhanded compliment for the excellent work that we have done.

Hon. D A Feetham: And indeed, Mr Speaker, that there are 68 vacancies that remain to be filled overall.

890 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago and I will also take that as a backhanded compliment; but I do not know which of the compliments he is trying to pay me.

895 Is he trying to pay me the compliment of having filled many more vacancies than they used to fill; or is he trying to pay me the compliment of not having filled them when he puts on his hat of wanting to reduce the size of the public sector?

Mr Speaker, I just do not know because with him it is always one day left, one day right, one day yes, one day no, one day GSLP, one day Labour Party, one day GSD.

900 **Hon. D A Feetham:** Mr Speaker, he seems to forget that he has his roots in the Liberal Party and went to the GSLP partially via the Labour Party, and he and I know what the private story in relation to that is.

905 But Mr Speaker, turning to Question 268, Mr Speaker, the question asked about people working within the public sector and recruited via a recruitment agency or company and I have said, 'giving details of the recruitment agency or company'.

910 Now, he has bunched a number of answers together and the answer he gave me in relation to that was that there had been 31 applications and 24 had been successful. But what he did not give me was how many of the successful ones related to a recruitment agency or company and which recruitment agency and company, which is the question that was posed.

Hon. Chief Minister: Well, Mr Speaker, it is not such a private story any more is it, what happened at the time. But let us just be very clear, I am switching lanes in the dual carriageway that is the relationship between the socialists and liberal parties –

915 **Hon. D A Feetham:** Ah, is that what you call it!

Hon. Chief Minister: Yes, and he is doing a U-turn, Mr Speaker! He is doing a U-turn from facing left to facing right. That is the difference between our positions, Mr Speaker.

920 And on the question, Mr Speaker, on the question that he has posed, the answer is there, Mr Speaker, I will just read it to him again. The internal private sector recruitment process was undertaken in September 2015 whereby applications were invited throughout the Civil Service and all Government agencies, authorities and Government-owned companies *only*, Mr Speaker – and 31 applicants from those, not from any recruitment agency etc. applied and 24 were successful.

925 **Hon. L F Llamas:** Mr Speaker, I would just like to pick up on one thing back from 2011 and that was basically that the GSLP did say that they would not allow people to fester in acting posts. Looking through the list we got last month, there seems to be a lot of people there being allowed to fester into these posts. Does the Chief Minister accept that there has been festering in posts, so much so that people are retiring from these posts and even people who may have been wait-listed to certain grades are not being given the opportunity of getting the vacant posts whilst the process and the review is being undertaken?

935 **Hon. Chief Minister:** No, Mr Speaker, I do not accept that. I do not accept that for one minute because the number of people who are waiting to take up a post is not what it used to

be. We are not having to extend those lists in the way that the hon. Members used to have to do when they were in Government. People are able to move, perhaps not on the day that they get their promotion but within a reasonable period of time.

940 People who are acting sometimes are acting for a good reason and they are acting because there are reviews ongoing and they want to act, Mr Speaker. I do not want people to act for longer than they have to act, but I have to respect the fact that we are trying to work together to produce a better Civil Service, a reviewed Civil Service and in many instances, Mr Speaker that means that people are acting. And in many instances, Mr Speaker, the hon. Gentleman needs to also understand that people are happy to act.

945 **Hon. D A Feetham:** Well, Mr Speaker, people may be happy to act but it was their policy not to have long-term substitutions, not to have long-term acting within the Civil Service, and there is a plethora of statements that they made from 2011, in fact continuing through their administration, and I can quote them but I am not going to do so.

950 But, Mr Speaker, in relation to the Commissioner of Income Tax, he said that the Commissioner of Income Tax, there was no substitution in relation to that particular post, but there is somebody that is acting as Commissioner of Income Tax whilst the Commissioner of Income Tax is at No. 6 Convent Place. Can he explain the situation there?

955 **Hon. Chief Minister:** Mr Speaker, the position is that the Commissioner of Income Tax post is not vacant. Mr Carreras, as he knows, is at No. 6 Convent Place but the position is not vacant. That is why there is somebody acting in his post but it is not a vacant post. He has moved to No. 6 Convent Place to do a particular role but he is still the Commissioner of Income Tax and somebody is assisting him and acting in his post.

960 **Hon. D A Feetham:** Mr Speaker, how long does the Government envisage that that situation is likely to prevail? Because inherent in the answer is that Mr Carreras, who is the current Commissioner of Income Tax, spends most of his time at No. 6 Convent Place on his duties at No. 6 Convent Place, not on his duties in relation to Commissioner of Income Tax that somebody is acting there and of course, it is not fair for the person who is acting, who may be long-term acting without any prospect of actually taking the job on a permanent basis. I wonder whether he can provide some information as to how long he envisages that situation to continue.

970 **Hon. Chief Minister:** Mr Speaker, I think it is very unfair that we are talking about an individual in Parliament. I think it is very unfair that we are talking about a post which has been filled. The hon. Gentleman had said the individual who is acting in that post, Mr Speaker, and I think it is very unfair to be talking about that individual or any other.

975 Mr Speaker, the Government believes that this is something that will be resolved in the next six months.

Hon. D A Feetham: Mr Speaker, there is a lot of information here. We have got to analyse it and then we will come back next month.

Mr Speaker: Next question.

Q273/2016
Public sector post/service –
Recruited or contracted without advertising

980 **Clerk:** Question 273, the Hon. D A Feetham.

985 **Hon. D A Feetham:** Mr Speaker, can the Government please provide details of any person or entity who has been recruited, promoted or contracted to provide services for over £2,000 within the public sector since December 2011, without the post or service having been advertised?

Clerk: Answer, the Hon. the Chief Minister.

990 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, this question is insufficiently precise for Government to provide an answer as no range is set for the £2,000 benchmark, making it impossible for an answer to be provided.

995 **Hon. D A Feetham:** Mr Speaker, I do not agree. I think the question is sufficiently precise. But why can't he answer for example, rather than the service part of it, the post part of the question and post within the public sector that has been filled without that job or post having been advertised. I mean surely he must have the information, knowing as I do how Civil Service operates at Question Time; the Chief Minister should have that information available to him in order to be able to answer proper supplementaries, as this one is.

1000 **Hon. Chief Minister:** Well, Mr Speaker, I do not, for the simple reason that his question is one that is really at large.

Look, Mr Speaker, the answer to him could be every single person in the public sector. Because every single person in the public sector, in the period since December 2011, has very likely had pay rises between now and then in excess of £2,000 and those have not been advertised, Mr Speaker. So they will have had an increase in their remuneration, Mr Speaker, or promotions which could involve in excess of £2,000.

1010 So, Mr Speaker, the advice that I have from the civil servants who very carefully prepare answers and read them very carefully in order to prepare Ministers is that this question is incapable of being answered. And, Mr Speaker, I can understand why because if you say £2,000 but you do not say £2,000 a year – you just say £2,000 in the context of the past five years, Mr Speaker, or four years and three months as we worked out that it is, Mr Speaker – somebody who might have had very little money indeed in the past 50-odd months would come within this range, Mr Speaker.

1015 So, Mr Speaker, I am advised it is impossible to answer. I am quite happy for the hon. Gentleman to rephrase it and let us have it again next month, but he needs to understand that we are trying to answer his questions but when they are this 'at large' it is just not possible to do so.

1020 **Hon. D A Feetham:** Mr Speaker, I just simply do not accept it and I am going to re-read the question, so that those listening understand it.

1025 Can the Government please provide details of any person or entity who has been recruited (1), promoted (2), or contracted to provide a service for over £2,000. The service relates to the £2,000. We are talking about people who have been promoted, recruited or have had contracts for over £2,000 within the public sector and they have not been advertised. That is what it is about.

1030 Now, I could have understood, and I have to say I could have understood him coming and saying there are an awful lot of people and I came prepared to receive this answer. I have given him the benefit of the doubt, there are an awful lot of people that have provided contracted services for over £2,000 without being advertised, since December 2011. Why does he not increase the threshold of £2,000 and then perhaps we can reduce the numbers? But surely he can provide the answer as to how many people have been recruited or promoted within the public service – certainly recruited, there is absolutely no excuse for that – since December 2011

without the post having been advertised! And at least part of this question, there is absolutely no excuse for the hon. Gentleman not answering it.

1035

Hon. Chief Minister: Mr Speaker, when the hon. Gentleman gets in a hole and he makes a mistake, what he does is continue to dig. He does not simply say, 'Well look, fair enough, I understand the issue I will try and be more precise in what I am asking and then the civil servants will be able to prepare an answer for you.'

1040

Mr Speaker, recruited: look you can understand that recruited is a particular thread of this question, but he does not just ask about 'recruited'. He asks about 'recruited, promoted or contracted', Mr Speaker, in a period of 48 months.

1045

Now, Mr Speaker, 48 months means very little money per month in that period. That is in four years. It is longer. It is 53 or 51 months, Mr Speaker. It is therefore almost impossible to answer because people may have got promotions and, Mr Speaker, when there are promotions, things are not advertised. They are advertised internally but they are not advertised externally so what does 'advertised' mean?

Several Members: Oh, come on!

1050

Hon. Chief Minister: Well, Mr Speaker, come on, no. Read the question that you put, Mr Speaker. Read the question.

1055

Does a bulletin mean either internal or external? Well, Mr Speaker, this does not say internal or external. Is a bulletin of circulars inviting applications for promotions something that has been advertised? The hon. Gentleman is going to say to me, that is not an advertisement. These days, Mr Speaker, the bulletin of circulars is an e-mail and a memo that goes round. So has that been advertised, Mr Speaker?

1060

This is just an impossible question to answer. Look, he knows what my position is, so can he just come back with a more precise question and we will answer it, but he needs to be precise in what he is saying.

1065

Is he saying who has received an extra ... I don't know, £50 a month in the past 53 months, which would get us to the £2,000? Does he mean £2,000 a year? Does he mean £2,000 a month? If he tells us what he means, if he is humble enough to read and stop digging, he might actually get the answer to the question that he wants answered.

1070

Hon. D A Feetham: Mr Speaker, the only person who needs to stop digging is the hon. Gentleman and this is precisely, Mr Speaker, why we do not accept for a moment his assertions that things have become more democratic during his time as Chief Minister. Because there is no point in having more meetings of the House if he continues to behave in the opaque way that has become his trademark over the last four years and two months, as he reminded me, that he has been in office.

1075

But, Mr Speaker, you can see from this question, when you are talking about recruitment, it means somebody like for an example ... I will give him an example of a post that has been recruited without having been advertised, Senior Administrator. I am told a post at £90,000 was not advertised and there are more that I have listed here. That is one of the areas that I am interested in.

1080

Now, if he wants me to just simply ask him the question because this is disjunctive – in other words it is separate, each one is separate, it is disjunctive: 'recruitment', comma, 'promoted', then there is the use of the word 'or' – that is disjunctive as well – 'contracted to provide services', so three items here. If the hon. Gentleman wants me to separate it item by item in three separate questions so that he can then come back and tell me who has been recruited within the public service without that post being advertised, internal or external – 'advertised' is an ordinary English word, Mr Speaker – then I will do so.

1085 But I repeat, if he has any information there, well perhaps he can provide me with some information so that we can then get on with it, and then we can move on to something else.

1090 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has the ability to demonstrate what in Spanish is known as his *prepotencia* every time that he gets up, Mr Speaker. His lecture on what disjunctive means is not one that is necessary on this side. Perhaps that is how he lectures his fellow members of Parliament as to how they should put questions. But, Mr Speaker, I must say they are the ones who should lecture him. They have put better questions than him and many of them have just been elected.

1095 Does he not understand, Mr Speaker, that it is because 'recruited, promoted or contracted' is disjunctive that I explained to him that that was one thread, Mr Speaker? But has he not done the maths, Mr Speaker? Because I will do it for him. It is not four years and two months; it is four years and three months, Mr Speaker. That is 51 months, Mr Speaker. If he divides £2,000 by 51 – I am not going to do it like he did the disjunctive bit, I am not going to say 'two, zero, zero, zero divided by 51', I do not think he needs to be spoken to like that, although he thinks he should speak to me like that, Mr Speaker – the answer is £39.

1100 His question in effect is whether anybody has had £39 a month without that being advertised because he has not said a range. The £2,000 could be over the whole five years as he said – sorry four years and three months, 51 months. That is what makes it impossible to answer, or does he not understand it, Mr Speaker? I do not think I have to speak to him like he tries to speak to me because he seems to think I have such a low IQ that he has to speak to me in that way.

1105 Well look, Mr Speaker, it is clear that he has a view about my IQ, I have my views about his.

Mr Speaker: Next question.

Q274/2016
Gibraltar Football Association –
Loan provided

1110 **Clerk:** Question 274, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker.

1115 Mr Speaker, further to Question 119/2016, can Government provide details of the terms of the loan or loans provided to the GFA of £929,176 including the terms of repayment, interest, the term of the loan, the identity of the borrower if not the GFA and any other salient term?

Clerk: Answer, the Hon. the Chief Minister.

1120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a temporary advance of £929,176 has been provided by Government from the Consolidated Fund to the GFA. The purpose of the loan was for the GFA to meet preliminary expenses in connection with the proposed new national football stadium.

1125 The term of the loan is for a maximum repayment period of 10 years, commencing October 2016, which is when the repayment starts. Interest is charged at the rate of 6.5%. The borrower, as I indicated, is the GFA itself.

Q275/2016

**Government commitments for next four years –
Those not included in the GSLP/Liberal manifesto for 2015**

Clerk: Question 275, the Hon. D A Feetham.

1130 **Hon. D A Feetham:** Mr Speaker, can the Government provide details of their commitments for the next four years not included in the GSLP/Liberal manifesto for 2015 but which were promises made in public or private letters from the Hon. the Chief Minister to members of the public; for example, letters to private and Government estates and some teachers in respect of their pensions?

1135 **Clerk:** Answer, the Hon. the Chief Minister.

1140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Chief Minister made no promises in private or in public letters to members of the public, in private or Government estates or to any teachers – disjunctive. (*Laughter*) The letters the Leader of the Opposition refers to were from the Leader of the GSLP.

Hon. D A Feetham: I am sorry if he has got upset about my disjunctive comment, it was not my intention to upset him this afternoon!

1145 But, Mr Speaker, well, I know the hon. Gentleman is answerable in his capacity as Chief Minister and not leader of the political party, but the importance of the question is that of course he is now elected, he is now the Chief Minister of Gibraltar, he in his capacity as Leader of the GSLP/Liberals had a manifesto and then had these side letters that were issued to various people in Gibraltar, and therefore presumably, those side letters have become Government policy, and I want to know what of those promises and those side letters have actually become
1150 Government policy and we can expect the fruits of within the next three years – and I think it is in his calculation – nine months?

1155 **Hon. Chief Minister:** No, Mr Speaker, because he obviously does not know the Parliament Act well enough to know that that is not how you calculate the lifetime of the Parliament, it is actually longer.

But, Mr Speaker, he does not upset me. I mean there is nothing I enjoy more than seeing him perform in Parliament, believe me. That is why, Mr Speaker, I wish him to remain Leader of the GSD for as long as possible. I am sorry to disappoint the others around him, but they shall not be receiving my backing.

1160 Mr Speaker, let us be very clear. These are not *side letters*, Mr Speaker. These are not side letters, these are not agreements with side letters. These are commitments of the political party that I represent outside of this House in respect of issues of policy that are put to me much as they are put to him.

1165 Mr Speaker, I saw some *side e-mails* from Members opposite in relation to the premises for the darts club. I mean I am not going to refer to those as side letters – those are commitments which they are acquiring in the context of a General Election campaign and those commitments are delivered in Government, Mr Speaker. And as we have demonstrated, we deliver in Government the commitments that we enter into with the general public in our General Election campaigns in a way that I think is admirable.

1170 Mr Speaker, seven out of ten people at the last General Election agreed (*Laughter*) and I have no doubt, Mr Speaker, that at least when it comes to delivering on our commitments, when it comes time for the next General Election, people will see that we deliver on all of them whether contained in a side letter, a manifesto or even a personal commitment given verbally to any

1175 particular member of this community, whether or not they are a voter, Mr Speaker, because that is not the issue.

So, Mr Speaker, he can expect the fruits as he described it, of our policies to be delivered in respect of all the commitments we entered into as a political party.

1180 **Hon. D A Feetham:** Mr Speaker, the day that this party wins a General Election with me as Leader, his entire world is going to collapse around his ears, Mr Speaker, because he seems to have quite a concern about that.

1185 But, Mr Speaker, returning to the matter at hand, can he at the very least tell us how many of these side letters the hon. Gentleman wrote to people in Gibraltar, giving commitments that were not in the manifesto? And it is a serious point and it is an important point. Mr Speaker, the hon. Gentleman has been quite willing to answer questions about manifesto commitments, despite the fact that those manifesto commitments have been provided in his capacity as the leader of a political party and he now is Chief Minister of Gibraltar, and if one bears in mind that surely those side letters must also be of equal force, because he is not going to be making promises without an intention of not fulfilling them, well then, he cannot be reticent of answering questions about those letters as well as he is not reticent of answering questions in relation to the manifesto.

1190 At the very least can he tell me how many of those side letters the hon. Gentleman issued at the last election? (*Interjection*) For the avoidance of doubt, Mr Speaker, I am not talking about letters to every single household; I am talking about how many individual letters that went out, individual promises – the promise he has made that was not in the manifesto.

Hon. Chief Minister: At the moment after he sees the party he presently leads win the General Election, he will wake up!

1200 Mr Speaker, look, this is very simple. I sent out approximately 13,000 letters, Mr Speaker, setting out my position in respect of certain issues to individuals in estates etc. in my capacity as the Leader of the GSLP. I have no doubt the hon. Member has copies of each of them, I assume he has got at least one supporter in each estate and therefore he knows what they say and he can ask me about them in respect of the position of the Government. But I am not going to list for him what letters I have sent because some of the people I have sent them to might not like him to know, Mr Speaker.

1205 But I will deliver in respect of each of those commitments, because they are now, as he rightly says, the policy of the Government. And as we deliver, he will know what our commitments are. But if what he is saying to me is 'recite your policies', I am going to sit here and read him my manifesto, Mr Speaker. I am not going to recite policies, he will realise that we are delivering on our commitments, whether contained in our manifesto, whether contained in letters, whether contained in verbal undertakings or whether we acquire commitments after the General Election to do things.

That is how we do Government, Mr Speaker. We deliver.

1215 **Hon. D A Feetham:** Mr Speaker, the question itself refers to promises made to some teachers in respect of their pensions. Now as I understand it, I have not got any correspondence to wave in front of the hon. Gentleman so to speak to tell the hon. Gentleman, 'Look, this is the promise that you made', but my understanding is, and I would like him to confirm that, that certain promises were made to school teachers that were recruited post-2011, who were the teachers who had been working on supply pre-2011, in relation to their pensions – that they were effectively promised that they were going to be put on the final salary pension scheme as it was prior to 2011, many civil servants are obviously still on that pension scheme, rather than the contributory pension scheme that everybody was put on post-2011.

1225 **Hon. Chief Minister:** Yes, we will be talking a lot about pensions in the coming meeting, Mr Speaker. There are no such letters, Mr Speaker. There is a letter to the Gibraltar Teachers' Association dealing with that issue. There is also a letter to the GGCA dealing with a similar issue which does not relate to teachers.

1230 **Hon. D A Feetham:** Yes, well in relation to that, that is helpful and if I can pull at that particular thread and ask the hon. Gentleman what is that particular promise in relation to those teachers and their pensions? I take from the answer that he has given me that he agrees with the supposition on which my question is based, that we are dealing with those 45 teachers, I think it was, that they promised to make permanent prior to the 2011 election, because they
1235 had been on supply prior to 2011 and they were made permanent after 2011 and therefore the Party opposite promised that should they be elected, that those teachers would be placed on final salary pension schemes rather than the contributory pension scheme, despite the fact that they were only made permanent and pensionable after 2011.

1240 **Hon. Chief Minister:** No, Mr Speaker, that is not how the issue is played out. There is a claim from the Gibraltar Teachers' Association for some time, Mr Speaker, in respect of those who have been employed before 2012 – *before* 2012 – because they were on permanent supply.

In other words, the hon. Members opposite when they were in Government had people employed doing the contradictory 'permanent supply' in a number of areas and one of them
1245 being the teaching profession. Those who had therefore begun work before the closure of the final salary scheme would be in the final salary scheme because it would be terribly unfair for people in fact who have started going to work each morning in 2009 and be dealt with as if they had first been employed in September 2012.

The same is true, Mr Speaker, not just of teachers but of people who were employed as civil
1250 servants but whose probationary year was up after 31st December 2011. And I took the view, Mr Speaker, after taking representations from the unions about two years into our first administration, but we had not been able to resolve it by the end and that is why as Leader of the Party, I wanted them to know that we continue that consideration and it would be a positive one.

1255 That it would be grossly unfair for somebody to start work on, say, 2nd January 2011 to then hear the Chief Minister of Gibraltar get up in March or May 2011, I cannot quite remember the date and say that 'As from 1st January 2012, it is the end of the final salary scheme and you have been working for three months already. You signed up as a Government employee, there is a probationary year but there is an assumption that you are going to be able to continue and you
1260 are not going to get the final salary scheme.' Well, Mr Speaker, it would be grossly unfair for that to have happened and that is why we took the view that it should not continue.

Of course, Mr Speaker, people who after 1st January 2012 enter into public service know that that is going to be the position and I would be very surprised if anybody were to ask me to
1265 continue for public servants the final salary scheme in respect of public servants who started after 1st January 2012.

But I have come to expect everything in this life.

1270 **Hon. D A Feetham:** Mr Speaker, no I have absolutely no qualms with the hon. Gentleman's promise in that regard and indeed I am very grateful to the hon. Gentleman for explaining his rationale in relation to why he thought it was inappropriate to apply the contributory pension scheme retrospectively. No doubt it is something that the Government will bear in mind in the future in dealing with anybody else whose rights are going to be affected in that way.

1275 **Hon. Chief Minister:** Yes, indeed Mr Speaker, that is why we must move quickly to ensure that in the same way as those civil servants were being dealt with and others, that they should be able to contribute very quickly indeed to a contributory scheme and some people may even

1280 find, Mr Speaker, that instead of having to wait, for example 90 months for a pension to vest, they will have a pension vest immediately and that they will not have to do a period of service as extended as that in order to have a small nest egg for their service between the period that they start employment and that they are going to not continue in the public service.

But I have no doubt, Mr Speaker, that there will be no-one so bold as to ask me to continue a final salary scheme when it has been undone for everybody else in the public sector.

Clerk: That concludes questions to the Chief Minister.

BUSINESS AND EMPLOYMENT

Q128/2016 Unemployment figures – Numbers registered

1285

Clerk: We now return to Question 128, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Employment confirm the number of people registered unemployed as of 18th February 2016?

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Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the hon. Gentleman may not be aware that it is the practice of successive Employment Ministers to relay unemployment figures on a quarterly average basis.

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In accordance therefore with this established practice, I am happy to note that the quarterly average for registered unemployed at the end of December 2015 was 255.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q129/2016 Central Police Station in Irish Town – Development plans

1300

Clerk: Question 129, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please advise what are the latest plans for development of the Central Police Station in Irish Town?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, expressions of interest were invited for the development of the Central Police Station. HM Government is in negotiations with the preferred bidder but plans have not been finalised.

Q130/2016
Northern Defences –
Stoppage of works

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Clerk: Question 130, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please confirm if works have been stopped on the Northern Defences by the chosen contractor and if so, why?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the first phase of the Northern Defences project has been completed and therefore works have ceased until Her Majesty's Government takes a view on access and management. Further phases will focus on areas such as the King's and Queen's Lines.

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We would like to take this opportunity to thank the Royal Engineers who have once again assisted in cleaning out the Queen's Lines this month.

The Government would also wish to thank the Heritage Trust, for their volunteers who continue to provide excellent walking tours of the completed works despite the weather.

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These works are something the Government is justly proud of, having brought to life an area which had been abandoned for years. No doubt the hon. Member will want to congratulate the Government on this magnificent work.

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Hon. R M Clinton: Mr Speaker, could the hon. Member please advise if the second and third phases that he mentions would be undertaken by the same contractor?

Hon. S E Linares: Mr Speaker, the second and third phases have not yet been concluded and therefore I am not in a position to say whether it will be done with the same contractor or any other contractor.

1335

Q131/2016
Gibraltar Music Festival –
Money from pre-paid wristbands

Clerk: Question 131, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Chief Minister advise the amount of money retained on the Gibraltar Music Festival pre-paid wristbands and whether the Government has made a decision to refund, retain or donate the money to charity; and if a donation is to be made to charity, how is that charity to be chosen?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1345

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the amounts retained on the pre-paid wristbands at the Gibraltar Music Festival is £23,250.67.

Government is considering which charity or charities should receive all or parts of this amount. An announcement will be made in due course.

1350

Q132/2016
Gibraltar Music Festival 2015–
Total costs

Clerk: Question 132, the Hon. R M Clinton.

1355 **Hon. R M Clinton:** Mr Speaker, further to Oral Question 1/2016, is the Minister for Public Finance now in a position to advise the income generated, expense incurred and thus a total net cost of the 2015 Gibraltar Music Festival?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1360 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to this question remains the same as that to the answer to Question 1/2016.

1365 **Hon. R M Clinton:** Mr Speaker, does the Member opposite find it acceptable that given the time that has elapsed since the Music Festival, which I believe was in September last year, although we know the income and expenditure of the Literary Festival which was in November, we still do not know the income and expenditure of the Music Festival in September?

Chief Minister (Hon. F R Picardo): Mr Speaker, the size of the Music Festival is very different to the size of the Literary Festival.

1370 Mr Speaker, the hon. Gentleman has in effect asked a question which is the same question that he asked last month and, Mr Speaker, we are not going to be able to answer the same question every month.

1375 There is a rule that you should not ask the same question every six months for more...without an interval of at least six months. Mr Speaker has allowed the question because I am sure it was not an identical question, but the purpose of the rule is so that there is –

1380 **Mr Speaker:** On the other hand, just adding the words ‘further to Oral Question number so and so’ does not change the fact that it might be an identical question. I mean the addition of those words does not alter the question in substance.

1385 **Hon. Chief Minister:** Indeed, Mr Speaker, and what I want to say to the hon. Gentleman is that we are not always going to insist that something be asked only after every six months. It is the rule in Gibraltar and in the United Kingdom because there may be an issue of general public importance and we can agree with Mr Speaker that something be put although it has not been put before.

But in this case, Mr Speaker, the hon. Gentleman knows that accounts take time to be prepared. This is a very big event, Mr Speaker, and he will be surprised to hear that there are still bills coming in. So it is not as if the Government is not able to account for things; it is that the Government knows and is in contact with people who are still sending us bills.

1390 Artists are notoriously difficult and their management companies are notoriously difficult and so, Mr Speaker, he will understand that it is one thing to account for a Literary Festival, it is quite another to account for an event that involves 13,000 to 14,000 people at the Victoria Stadium and all the logistics that that involves.

1395 Therefore, Mr Speaker, we are perfectly comfortable with the fact that it is taking time to prepare these accounts.

Hon. R M Clinton: Mr Speaker, first of all I am grateful for your guidance, but I would make the point that if in answer to any general question the answer is ‘not yet’, and the answer to

1400 that question in following up is still 'not yet', at what point do we get an answer? Are we to effectively be satisfied with 'not yet' as an answer? Is that even an answer, Mr Speaker?

Mr Speaker: For guidance, I would say that if a question is answered and the answer is 'this information is not yet available', it is legitimate to ask some time later, and not necessarily wait for six months to ask 'is the Government now in a position to provide such an answer?' I would allow that because it is the same subject matter but the 'not yet' is elastic and therefore I think we do not have to wait six months for a Member of the Opposition to try to pursue the matter.

1405 But just the addition of those words 'further to' does not change it of course. But if the answer was an interim reply that he received, I think an hon. Member of the Opposition is entitled within those six months to try and pursue the matter. That is a ruling that I would give.

1410 **Hon. Chief Minister:** I am grateful, Mr Speaker, not that you have been asked for a ruling but if you had been asked for a ruling, it would have been a ruling sought on an unfair and incorrect premise. Because the *Hansard* of the proceedings, Mr Speaker, demonstrates that the answer was not 'not yet'; the answer was actually a much fuller answer, Mr Speaker.

1415 The hon. Gentleman was told this:

Mr Speaker, full details of payments and income generated from the 2015 Music Festival have not been finalised. Government will be publishing the details once everything has been finalised.

So the hon. Gentleman (a) was not told 'not yet', he was given a full answer; (b) he was told that they would be published when the time came, Mr Speaker.

1420 The hon. Gentleman asked again 'does the Minister have any idea as to how long that will take?' and there was a further answer, Mr Speaker, which I thought was a very helpful one where it said:

Mr Speaker, it will definitely be before the estimates are prepared, which should be by April. That means by 31st March which is the end of the year, so I reckon that by then we should have final figures.

and the exchange continued.

1425 And so, Mr Speaker, it is not correct for the hon. Gentleman to characterise the answer in the way that he did or to suggest that his question was being kicked into the long grass. He knew by when we expected to have the final accounts prepared and he also knew that we expect to publish that when it was prepared.

I hope that is helpful, Mr Speaker.

Hon. R M Clinton: Mr Speaker, thank you very much for your ruling, whether it is a ruling or not, and I will obviously in future, where I do not feel I have had an answer to a question, I will run it by you first for guidance as to whether that would fall within the six-month rule or not.

1430 But coming back to the question of the accounts, Mr Speaker, I find it somewhat incredible that the Chief Minister characterises Gibraltar Music Festival as a matter of great complexity requiring great financial engineering in order to arrive at a P&L. I trust he has better luck at running the finances of the Gibraltar Government as a whole before the financial year, where the numbers are substantially bigger. *(Laughter)*

1435 Mr Speaker, in relation to the Principal Auditor's Report from last year 2014, the Principal Auditor says the original estimates for 2014 were £300,000, the outcome was £1.4 million. That is, Mr Speaker, where I am coming from: we need to get a sense of whether they are on budget or not, but obviously Mr Speaker, they will not answer that question.

1440 **Hon. Chief Minister:** Mr Speaker, delighted to answer that question – even with what appeared to be an attempt at humour at the beginning, Mr Speaker. I heard some 'Snickers' on

the opposite benches, I wonder whether they are being recalled like Mars Bars or not, Mr Speaker. *(Laughter)*

1445 Look, Mr Speaker, we are very proud of the Gibraltar Music Festival. We think it is an excellent event, it attracts many tourists to Gibraltar and the value of it is well beyond the balance sheet, something perhaps the hon. Gentleman might not understand. It attracts also many businesses to Gibraltar who may have head offices here who bring many of their people from around the world to have meetings in Gibraltar at the time of the Gibraltar Music Festival.

1450 And, Mr Speaker, you know what? Given the performance of the Gibraltar economy in the past four years, I think that we as a whole have done quite well with the P&L accounts of the Government of Gibraltar. We have done quite well with the promotion of Gibraltar internationally. We have done quite well with the growth in our economy and I think that a little dig from somebody who has been a banker until a few months ago is not really going to hurt.

1455

Hon. R M Clinton: Mr Speaker, I am glad we are not causing any offence and I trust the P&L of the Music Festival will be as impressive as he suggests.

Hon. Chief Minister: I have no doubt it will be, Mr Speaker, but I did not detect a question there and in this House, at this stage, we are here to hear questions from the other side.

1460

Q133-134/2016
Lift components –
Adequate storage near Retrenchment Block

Clerk: Question 133, the Hon. E J Reyes.

1465 **Hon. E J Reyes:** Mr Speaker, can Government give details of the circumstances which led to the storage of lifts' parts/components in the vicinity of the Retrenchment Block together with details of which project these lifts' parts/components pertain to?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1470 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 134.

Clerk: Question 134, the Hon. E J Reyes.

1475 **Hon. E J Reyes:** Can Government provide details of what measures have been taken to ensure and guarantee that lifts' parts/components recently stored in the vicinity of the Retrenchment Block are fit for purpose and not suffering from corrosion or other possible defects due to their exposure to the elements of inclement weather before installation?

1480 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, on a temporary basis the contractors were given authorisation to store the lift components at the facility of the Retrenchment Block. These components appertain to the Government Estates' beautification projects of Moorish Castle Estate and Laguna Estate.

1485

The measures to ensure and guarantee the lifts' parts/components are the responsibility of the contractor. On installation, the Government's technical staff, along with a specialist consultant will examine and evaluate each part and works prior to its commissioning. If defects

1490 are identified, it is the responsibility of the contractor to put these right at no cost to the Government.

Hon. E J Reyes: Mr Speaker, would the Hon. Minister happen to know who the contractor is, the one who was given permission to store these in the vicinity of the Retrenchment Block?

1495 **Hon. S E Linares:** Mr Speaker, I understand it was GJBS.

Hon. E J Reyes: Mr Speaker, one further question in my non-expert construction thing. The purpose of my question is to allay fears among the residents of the estates. Now we know it is Moorish Castle and Laguna where these lifts are going to be installed, but in my preliminary sort of pre-empting the Ministers answer, my preliminary explanation to this constituent, I said 'Yes, but surely I know that before a project is handed over, the Government will have their own people who go and check on the parts and see that it is properly done and so on.'

1500 This concerned resident has come up with further concerns and saying, 'Yes, if these are metal parts that are the ones that suffer from rust as a result of their exposure to the weather elements and so on, and are then encased within what is traditionally a brick or concrete casing, who is going to be able to see the amount of rust that is there, even before the lift has been installed?'

1505 Is the Minister aware, given the circumstances of the unfortunate exposure to the elements whether inspections are taking place even before they are completely encased in the building that will house the lift? Is there an extra measure, an extra that we can give?

At the end of the day the Minister and I should both share at heart that what we want to do is give as big an assurance as possible to the residents of these estates.

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker yes, and the residents can be *fully* reassured because, Mr Speaker, you see it would be really quite nonsensical for the check of the lift to be after the lift has been installed, for the Government's expert to go into the lift to say that it looks very nice indeed and that it is very clean. That is not how we do the checking.

1520 Mr Speaker, there is a 75-point checklist in respect of every lift installed under this administration in respect of these refurbished estates. The 75-point checklist deals with every part that is installed, as it is being installed, so long before it is encased in concrete. Mr Speaker, that checklist is provided not just to GJBS; it is also provided to the Housing Authority which is the entity that has contracted GJBS to do this work.

1525 So it is very, very thorough indeed and we would be dealing with issues that affect the structural integrity of the lift as well as every other aspect of the working of the lift. Now, Mr Speaker, in respect of these particular lifts, they are going to transform people's lives in many areas. They are very difficult to install in some areas. In some instances the issue with installation relates to the requirement for three-phase electricity and that is why a delay has been occasioned in the installation.

1530 But, Mr Speaker, the hon. Member can go back with confidence and tell the person who raised the concern with him that there is a 75-point checklist and it is all carried out long before anything is encased in concrete.

Hon. E J Reyes: Mr Speaker, the Chief Minister's addition to the supplementary certainly goes a long way to allay fears and so on.

1535 I may or may not have come to the wrong conclusion: I think the Chief Minister was also referring to something that could be an online list or something. Is there a place online that residents may look at to refer to these 75 points or is that something that is private between the contractor and so on?

1540 **Hon. Chief Minister:** Well no, Mr Speaker, the next thing the hon. Gentleman opposite is going to ask me, is there a camera in my office, and next in my bedroom!

1545 Mr Speaker, this is a mechanical engineering report which is provided to the Government – well, which is provided to the contractor which provides it to the Housing Department that is the contracting authority. It is a mechanical engineering report; we receive many reports in respect of each different area of expertise. It is not online and is not the sort of thing that would ever be put online by any administration.

1550 **Hon. E J Reyes:** Mr Speaker, may I just add to clarify on a point, I would like the Chief Minister in future to interpret my questions in the spirit in which they are meant. That was to allay fears on behalf of the residents of that area, not because they are particularly interested nor would I certainly not entertain putting a camera into the Chief Minister's office, nor even ask him what brand of soap, whether it is liquid or a bar of soap, he uses in his bathroom.

1555 **Hon. Chief Minister:** Well, Mr Speaker, unfortunately Head and Shoulders because I am getting old – and he can have that information, I am quite happy to provide it.

But, Mr Speaker, I fully understand the spirit in which he asks questions, despite the dulcet tones in which he asks them – put it that way.

1560 **Mr Speaker:** Next question.

Hon. T N Hammond: Mr Speaker, if I may?

Mr Speaker: Yes – the Hon. Mr Hammond.

1565 **Hon. T N Hammond:** Mr Speaker if I just may take a slightly different tack with the storage of the lift materials in the area of the Retrenchment Block. It is the case that these materials have been stored there for quite some time now – six months, probably more. I do realise there is turnover in the material, but a lot of the packaging is plastic, a lot of it has already broken up and it is in very close proximity to nature reserves in that area and indeed those plastics, being a generally very windy area as Windmill Hill is, are contaminating those areas.

1570 Is there any move on the part of Government to ensure that the contractor involved, GJBS as I understand it, will make sure that the area is properly cleaned up?

1575 **Hon. Chief Minister:** Yes indeed and something that concerns us as much as it concerns the hon. Gentleman, and I thank him for the opportunity to clarify the position.

So much so, Mr Speaker, that it is something that is being pursued by the Government even now, because we have great concerns about that area, Mr Speaker, in particular should anybody ever have the opportunity to create a power station with three huge chimneys, which would completely destroy that area and the nature reserve adjacent to it.

1580 **Hon. T N Hammond:** Sorry, I did not quite get the...out of the ... The answer is then yes, that GJBS will be taking responsibility for cleaning up the area, regardless of what its future intended use may be – power station, football pitch, obviously?

1585 **Hon. Chief Minister:** Yes, Mr Speaker, the answer is yes, GJBS will be fully taking responsibility for that. We are already asking them to do so because we really value the area and we want it to remain an area which can continue to complement the nature reserve, not detract from it, as would have been the case – and this is the bit that I was trying to emphasise to the hon. Gentleman – as would have been the case, if they had, perish the thought, won the election and erected a power station with three stacks pushing out grimy, smelly diesel into the nature reserve, killing our partridges and all the other wildlife in the area.

1590

I am surprised, Mr Speaker, and very disappointed indeed that since Mr Netto left the Opposition benches, we have not been asked about the Barbary Partridge, (*Laughter*) but he should know that it is doing remarkably well.

1595

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: Next question.

Q135/2016

**Gibraltar Sports and Leisure Authority –
Three staff vacancies**

1600 **Clerk:** Question 135, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of the three staff vacancies which are currently being reviewed within the Gibraltar Sports and Leisure Authority as stated in answer to Question 3/2016?

1605

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the vacancies remain the same as per the answer provided in Question 3/2016.

Q136/2016

**Hosting sports and leisure events –
Grants provided**

1610

Clerk: Question 136, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of all grants made since the answer to Question 4/2016 in respect of hosting of special sports and leisure events?

1615

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, grants awarded for the hosting of special sports and leisure events since my answer to Question 4/2016 are: Tradewise Chess Festival, £185,000; Gibraltar International Snooker Open, £15,868.21; Gibraltar Backgammon Championship, £25,000; Gibraltar Darts Trophy, £170.

1620

The GSLA's website is currently undergoing reconstruction works. While this is being finalised, all this information will be available on a monthly basis on the GSLA home page.

1625

Mr Speaker: Perhaps it might help new Members if I were to give a little bit of guidance as to why this question is perfectly alright, even though the hon. Member originally asked the same question last month.

The view that I have always taken, even before I was Speaker, was that the answer is not the same. He is trying to find out updated information in respect of a particular item, so 'can the Minister provide details of how much has been given in respect of such and such?' – but the answer is not the same if there has been further progress.

1630

Therefore I take a liberal view, because I think hon. Members of the Opposition have a job to do, that that question is perfectly legitimate.

1635

Q137/2016

**Gibraltar Open Chess Championship and Backgammon Tournament –
Grants provided**

1640

Clerk: Question 137, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of all grants made in favour of the recently held Gibraltar Open Chess Championship and Backgammon Tournament?

1645

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1650

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, in respect of grants made in favour of the recently held Gibraltar Open Chess Championship and Backgammon Tournament, I can confirm that the Gibraltar Open Chess Championship received a grant of £185,000, which I have just mentioned.

The Gibraltar Backgammon Tournament has received a total grant, which is different to what I have just said because it is the update, of £51,249.80. This includes assistance provided to the Gibraltar Backgammon Association in securing full membership to the European Backgammon Federation.

1655

Hon. E J Reyes: Yes. Thank you Mr Speaker, just for my own satisfaction and clarity, the £51,249.80 for the Backgammon, is that inclusive of or in addition to the £21,000 that comes under the subhead of Special Sports and Leisure Events. Just for the sake of clarity due to my still ineffective hearing.

1660

Hon. S E Linares: Well no, as Mr Speaker stated, that is why the question is different because what you asked in the previous question was an update, which is what I gave you. That is why the figures are different. But in this question you are asking for the total, as in the cost of the whole tournament. So you can assume that something was paid before, then the addition of what you asked in the next question adds up to what I have answered just now, if that is clear.

1665

Q138/2016

**Chess in Gibraltar –
Mr Stuart Conquest**

Clerk: Question 138, the Hon. Ms M D Hassan Nahon.

1670

Hon. Ms M D Hassan Nahon: Can the Minister for Education reveal what is the nature of the contract between the Government and Stuart Conquest?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1675

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there is no contract between Mr Stuart Conquest and the Government.

1680 **Hon. Ms M D Hassan Nahon:** Could I ask, if it was my understanding that he was a Government employee, where is he receiving his remuneration? Because from what I understand he was contracted to help with chess in Gibraltar. Could you point me in the right direction, perhaps?

Thank you.

1685 **Hon. S E Linares:** Well, Mr Speaker, what happens is usually sports have officers themselves who they send into schools – I can give you an example, cricket. The Cricket Association pays someone to go into schools and then the Department of Education, as the previous Minister for Sports knows, there are many associations that have different officers who would go and tap into, go into schools helping children or helping the teachers to teach children on particular sports.

1690 We have got a case with hockey, a case with rugby, with cricket and this is the case with chess, where Mr Stuart Conquest goes to school to help with the development of chess.

Q139-141/2016
Converted to written questions

Clerk: Questions 139 to 141 have, at the request of the Hon. T N Hammond, been converted to written questions.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q142/2016
Life plans for the disabled –
Assessment of individuals

1695 **Clerk:** So we now move to Question 142, by the Hon. L F Llamas.

1700 **Hon. L F Llamas:** With regard to individual life plans for the disabled, can Government provide details of those individuals who have been assessed since December 2011, giving details such as sex, age, condition/conditions and date of assessment and those waiting to be assessed, detailing sex, age, condition/conditions and expected date of assessment?

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

1705 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as answered in Question 372/2015, the Disability Action Plan will outline a holistic approach to life planning for people with disabilities and will contain the following features: education; employment; income; health and wellbeing; choice and control; and inclusive communities.

1710 **Hon. L F Llamas:** Therefore, does the Minister confirm that no person has yet been assessed?

1715 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman is assuming that there will be separate assessments for this purpose.

Hon. L F Llamas: Well, I am actually going by what was in the 2011 manifesto, that is that a programme will be made for the life planning of disabled persons. When I assume life planning, I presume that this would be for each individual person and not for a group, as each person is completely separate and a different case to any other.

1720

Hon. Miss S J Sacramento: Mr Speaker, the point is – and I am afraid it is lost on the hon. Gentleman, I have answered the question and of course there is a reference in the manifesto to life planning – but the point is, that the departments themselves will communicate to each other, Mr Speaker, so that when a person is assessed with a disability, then he will have the relevant departments at their disposal. It is not a question of having one central register for the purposes of the Disability Action Plan. It is to ensure that the resources, the policies and the strategies are available in the relevant departments, because not all departments will be relevant as part of the Disability Action Plan. It is just making sure that the availability is there. One person may not necessarily go to every department but every department will have the strategy as part of its policy.

1725

1730

Hon. L F Llamas: Is there a timeline set to commence with these assessments?

Hon. Miss S J Sacramento: Mr Speaker, I have not said that there will be assessments. The hon. Gentleman, I said, is assuming that there will be assessments. It is not a question of an assessment for the purposes of the Disability Action Plan; it is a question of having the policies and the resources in place, Mr Speaker.

1735

It is not about assessments. He has it in his mind that there will be assessments and I am telling him there will not be an assessment for the purposes of the Disability Action Plan. It is about having the resources available, Mr Speaker.

1740

Q143-144/2016
People with disabilities –
Assessment details

Clerk: Question 143, the Hon. L F Llamas.

Hon. L F Llamas: How many people have been assessed as being disabled, although not born disabled, since December 2011, providing details of sex, age, condition/s?

1745

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 144.

1750

Clerk: Question 144, the Hon. L F Llamas.

Hon. L F Llamas: What is the process to assess people as to whether or not they are disabled, providing details of people who are involved during the process?

1755

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the premise of the hon. Gentleman's question is impossible to understand and specifically in what context he is referring to.

1760

Hon. L F Llamas: Well, I am asking to know how many people have been assessed as being disabled, I think the question is quite clear, although not having been born disabled. Have there been any people assessed? I think the question is quite clear.

1765 And then the second question is, what is the process to assess these people and who are the people involved during the process?

Hon. Miss S J Sacramento: 'These people' as he puts it, Mr Speaker, I am assuming are people with disabilities, but he...again Mr Speaker, the premise –

1770

Several Members: Oh! (*Interjections*)

Hon. Miss S J Sacramento: No, Mr Speaker...!

1775 **A Member:** Who are they?

Hon. Miss S J Sacramento: Who are they? Mr Speaker, it is the respect to which I deal with people with disabilities, Mr Speaker – it is not '*these people*'. It is people with a need, Mr Speaker.

1780 But the point I am getting at, Mr Speaker, is that the question is so broad and so wide that I just do not understand it. If the hon. Gentleman could be a bit more specific, because people are not assessed as disabled because people may require certain facilities or assistance on account of their disability. But there is not a place where people go and say, 'Hello, I want to be assessed as disabled.' The GHA will assess people as disabled for certain things, other Government
1785 Departments may assess people so that we can help for their needs.

But what I am saying, Mr Speaker, is that the way that these questions are phrased and are worded are so wide, so vague, so ambiguous that I am unable to provide an answer because I cannot understand what the hon. Gentleman is getting at.

1790 If he could elaborate ... well not elaborate, in fact if he could make his question more concise and more specific, I may be able to answer it but certainly not in the way that it has been asked because it is just simply too vague. There is not one mechanism for assessing someone as disabled. There is not a central register where people go to be assessed as disabled. There is a collection of all the registers of people who are disabled, but 'disabled' will have different definitions, different tests, different results, depending on the individual, and that is what I am
1795 trying to explain to the hon. Gentleman.

Mr Speaker: In order to enable me to monitor the exchanges a little bit more closely, could I ask the Hon. Minister a question myself.

1800 Is the term 'disabled' actually being used, or in medical circles that is no longer used and disability is the term that is in fact, is used?

Hon. Miss S J Sacramento: Mr Speaker, you are entirely right. The actual correct reference is to 'people with disabilities'. In fact it may go further to people with learning disabilities, to people with physical disabilities but that is the more appropriate definition.

1805 Certainly not 'these people', Mr Speaker.

Hon. L F Llamas: Mr Speaker, if I may, is it possible to bring this question back on the next session in a far more detailed manner?

1810 **Mr Speaker:** Absolutely, and if the hon. Member wishes to have any assistance from the Clerk or myself, we are always only too happy to assist in any way that we can, okay?

Q145-147/2016
Care Agency and Social Services–
Training for workers

Clerk: Question 145, the Hon. L F Llamas.

1815 **Hon. L F Llamas:** How many workers are currently undertaking, or have successfully undertaken since December 2011, the NVQ course in Health and Social Care, giving details of the Department the worker is from, the post held by the worker, together with the date commenced and completed?

1820 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 146 and 147.

1825 **Clerk:** Question 146, the Hon. L F Llamas.

Hon. L F Llamas: What training is available to care staff in Social Services?

Clerk: Question 147, the Hon. L F Llamas.

1830

Hon. L F Llamas: What level of training is received by recruitment agency company workers working within the Social Services umbrella?

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

1835

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 2011, 13 care workers from the Social Services Department of the Care Agency have completed the NVQ.

1840 There are two types of training delivered to staff in Social Services, these are mandatory training and needs led training and they are in addition to each other, they are not in substitution of. We do the mandatory training first and then the needs training.

The Care Agency is not responsible for the training of staff it does not employ, but it is satisfied that anyone who is contracted to provide a service has received mandatory training, Mr Speaker.

1845

Hon. L F Llamas: Are there any mechanisms in place to ensure that these workers have undertaken the appropriate training prior to working for Government in effect?

1850 **Hon. Miss S J Sacramento:** Mr Speaker, when people are sub-contracted to provide services for the Government, we of course have policy documentation and contractual requirements with the employer of these workers to ensure that people provided to undertake the service are of a satisfactory standard and of course, they need to be vetted etc. So it is the responsibility of the employer but notwithstanding, what we do is, we do undertake quality assurance and spot checks on a very regular basis, to ensure that the standard of care being provided by employees of the sub-contracted agency are of course of a safe and satisfactory standard.

1855

Q148-149/2016
Social Services workers –
Details of contracts and posts

Clerk: Question 148, the Hon. L F Llamas.

1860 **Hon. L F Llamas:** Can Government provide details of workers, since December 2011, working under the Social Services umbrella, giving details of date commenced and date terminated, where applicable, area/department assigned, with a break-up of, for example, Care Agency into Dr Giraldi Home, Tangier View etc?

1865 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 149.

1870 **Clerk:** Question 149, the Hon. L F Llamas.

1875 **Hon. L F Llamas:** Can Government provide a detailed organisational chart of people employed by Social Services as at 31st December 2010, 31st December 2011, 31st December 2012, 31st December 2013, 31st December 2014, 31st December 2015 detailing the sections and detailed post held by each employee?

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

1880 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, between December 2011 and February 2016, those who worked within the Social Services departments of the Care Agency are as follows: 27 in Social Services; 62 in Disabilities; 16 in Children's Residential; and 3 in Rehabilitation.

Between this period, between December 2011 and February 2016, the following have finished: 9 in Social Services; 14 in Disabilities; 11 in Children's Residential; and 1 in Rehabilitation.

1885 In answer to Question 149, Mr Speaker, no. The complement of staff is as it appears in the Estimates Book of Revenue and Expenditure.

Q150/2016
Care Agency and Social Services–
Contracts with recruitment agencies

Clerk: Question 150, the Hon. L F Llamas.

1890 **Hon. L F Llamas:** Can Government provide a copy of the contract/s signed for the service of workers provided by recruitment agencies to Social Services, including the Care Agency?

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

1895 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, no.

Hon. L F Llamas: Can I ask the reason why you cannot provide this information?

1900 **Hon. Miss S J Sacramento:** Mr Speaker, first and foremost, these are internal documents and of course they may be commercially sensitive and it is therefore inappropriate for these to be disclosed.

1905 **Hon. L F Llamas:** If they are internal documents which may be sensitive, I could understand when Government has not done this in the past, but if Government has done this in the past like the Financial Secretary's memo on the Domsday, why cannot we see this internal document?

1910 **Hon. Miss S J Sacramento:** Mr Speaker, I think the comparison is completely inappropriate because it is completely different, we are comparing apples and pears here, Mr Speaker. And in fact I am taking the same line that has been taken in relation to other questions, in relation to commercial documents, Mr Speaker. The answer is no. *(Interjection)*

1915 Yes, Mr Speaker and I remind the hon. Gentleman that of course the Domsday memo can only be sensitive to the GSD, Mr Speaker, because it embarrassed them but it is not the same kind of document, Mr Speaker. We are talking about contractual documents which are in fact confidential to begin with, but in any event, it would not be appropriate to disclose, Mr Speaker, because of commercial sensitivities.

Q151/2016
Care Agency –
Permanent and pensionable posts/positions

Clerk: Question 151, the Hon. L F Llamas.

1920 **Hon. L F Llamas:** Within the Care Agency, can Government confirm whether the employees are permanent and pensionable in the post or position they are undertaking; if not, provide details of the post/position each employee is permanent and pensionable in and what post/position the employee is currently undertaking, since when and for how long is this situation expected to continue?

1925 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there is no such thing as permanent and pensionable posts in the Care Agency.

Q152/2016
Care Agency –
Independent review

1930 **Clerk:** Question 152, the Hon. L F Llamas.

Hon. L F Llamas: Has the independent review of the Care Agency been conducted as stated in the GSLP/Liberal Manifesto in 2011? If so, will it be published in full?

1935 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, independent reviews have been conducted on different areas of the Care Agency. These are ongoing and will not be published, Mr Speaker – not at the present time.

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Hon. T N Hammond: Sorry, Mr Speaker, then to confirm as described in the manifesto these reviews will be conducted presumably at some point in the last term of office, those reviews have not then been completed during that period of time and are still ongoing. Is that correct?

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Hon. Miss S J Sacramento: No, Mr Speaker, I said independent reviews, there are more than one. Some have been conducted, others are ongoing. There are different types of reviews, reviews in relation to standards, reviews in relation to working practices, reviews in relation to employment conditions. There are all sorts of reviews going on in parallel. Some are self-contained, very easy to undertake and are on very nett issues which we have done and have done very quickly.

1950

But it is a question of, Mr Speaker, certainly what I embarked on was a complete review of the service with a view to improving it. So yes it continues and no matter how many reviews we undertake, we always have to continuously have reviews in services such as these, services which are always expanding and services in which the area is always progressing and for which there will always be room for improvement as we become more and more professional, Mr Speaker.

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Hon. T N Hammond I absolutely agree that obviously reviews in all sorts of areas, and particular in services as sensitive as these should be ongoing, should be continuous.

1960

Understanding that perhaps the detail of every review cannot and indeed should not be published because there may be sensitive information contained therein, would it be possible to at least have recommendations that come from these reviews published in some form so that the public or those members of the public particularly interested in these services, can assess what improvements may be targeted, what goals are being set and indeed, if those goals are being met?

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Hon. Miss S J Sacramento: Mr Speaker, certainly at this stage I do not think that would be appropriate. It may be that at a later stage it would be, but certainly not in relation to the reviews that have been conducted so far.

1970

Hon. T N Hammond Mr Speaker, I cannot understand why it would not be appropriate to publish recommendations. There is no other way for the public or any Member on this side of the House or indeed anywhere in Gibraltar, there is no way for people to understand what good work is no doubt being done, what targets are being set, what we are trying to achieve through these services and it would be a very normal practice to at least publish objectives, recommendations, an agenda that we are heading towards, we are trying to achieve to improve these services.

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It strikes me as odd that the answer should simply be a straightforward 'no, it would be inappropriate.'

1980

Hon. Miss S J Sacramento: Mr Speaker, there are various reasons for the decision as to not to publish. In fact, Mr Speaker, I could even take the opportunity of the reviews and the recommendations to make a lot of political capital, because certainly a lot of what was done initially was in fact very, very damning of the service which we inherited from the GSD.

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But there are various reasons not to make that public and it will continue to be an internal document, not least because of criticisms that have been made of staff, of internal practices and things which probably if they were to be made public would probably have more of a

detrimental effect on the service and people who work within the service than the value that it would have for it to be made public.

1990 But the irony is, Mr Speaker, that if I wanted I could make a lot of political points as a result of it but it is not something that I want to do because my focus, Mr Speaker, is on the future as it has been from day one. It is not about looking backwards, it is about going forwards and it is about improving the service, a service which was very, very lacking in 2011, a service which was everybody, I think, referred to as the Cinderella of all the services because of the lack of investment and the lack of focus that there was.

1995 We are moving forward. We are improving, we are improving continuously and I think we have improved significantly, Mr Speaker and the position remains, Mr Speaker, that reviews that have been undertaken so far will continue to be internal documents for our own internal purposes, so that the professionals can continue to implement these and look at recommendations and review the Departments themselves.

2000 And all reviews are ongoing. It may be that it might be appropriate for some of the reviews once completed to be made public. It may be, Mr Speaker that at the end there can be a wholesale summary of all the reviews that have been undertaken. I am not categorically saying no to the future, I am saying no in relation to the answer to this supplementary and no at this stage. That is my answer, Mr Speaker.

Hon. T N Hammond: Mr Speaker, if I may, I think it is important to point out that no-one on these benches has tried to make any political capital out of this issue; it is very much trying to understand the developing situation and how the services are being improved. I am sure the services are being improved and that is why we would appreciate greater visibility of the reviews that are being undertaken. I understand if that is not to be made public, that is fair enough.

2010 If it is not to be made public, can the Minister say whether there are any other external audit processes which would look at these reviews and therefore hold those who are required to deliver recommendations of such reviews to account?

2015 **Hon. Miss S J Sacramento:** Mr Speaker, I think that yes, the hon. Gentleman I think makes a valid point and I would be very happy to make an announcement each and every time there is an improvement in the service, so I will bear that in mind and I am happy to make a public announcement every time that we make a change – and obviously when we make a change we think that it is for the better and that it is an improvement.

2020 Sometimes we make announcements of what we do. I think more often than not, we are actually so caught up in the day to day running of this service which is so acute, Mr Speaker, unfortunately it is one where professionals are incredibly busy that I think that too often they forget to sit back and actually reflect on the good work that they do.

2025 So I will take that on board and I will ask all my Heads of Department within Social Services to prepare for me when appropriate, and obviously not referring to individuals, announcements each time that we have a benchmark improvement.

Hon. T N Hammond Mr Speaker, that was not actually the supplementary question. I am well aware that the Government is impeccable in its ability of publicising all the good work it does – we see that every day in the *Chronicle*.

2030 However, my question was, due to the fact that the information that is being put out by these reviews, the recommendations put out by these reviews is not in the public domain, are there other audit mechanisms, ISO 9001 standards, whatever may be appropriate to ensure, still, that those responsible, including the Minister, for delivering what recommendations may come from these reviews are being delivered and that there is a record of that, rather than just the Minister's say-so where we do not get an answer one way or the other of either what the recommendations are or whether they have been delivered?

2040 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure what the hon. Gentleman is alluding to but we certainly engage with our relevant stakeholders, as it were, whether it is by way of employees or service users or their families, and they are certainly kept up to date in terms of developments and improvements.

2045 We are where we are, Mr Speaker, if the hon. Gentleman is referring to external bodies to which the organisation as an organisation is accountable to, then the answer is no, it does not exist. It has never existed in Gibraltar and in fact it was much less transparent and accountable in days gone by, Mr Speaker. But I do not want to look back and I am moving forward.

2050 In terms of this there is a statutory responsibility for a third party to oversee these organisations, no, not in Gibraltar and that is not something that has ever existed. Whether there is a need for it going forward, it may be something that we have to consider, but certainly in-house we have a Department which is dedicated to clinical standards which is somewhat separate to the clinical practitioners in the service and that person is at a very senior level and oversees the clinical standards of the Departments and ensures that quality assurance is undertaken.

2055 So in a way, while that post and that Department is internal to the agency, it is quite a big statutory body and the structure of the way that is set up is that in a way everybody, all the managers, have to report to that person and that person is independent of all the other heads of service. So in a way, within the organisation everybody has got to report to a particular person in addition to the Chief Executive Officer which of course is the person who oversees the smooth running and the quality assurance of all the services that we provide.

2060 **Hon. T N Hammond** Mr Speaker, quality assurance aside and obviously that is a very important element of the provision of services, the more human side of the services still may need or may be up for some kind of auditing. It is certainly something I would invite the Government to consider. Obviously that can be done on a completely confidential basis. There is no need for that information to be made public, but at least it would provide the Government a means by which it can have a service independently assessed, not necessarily by those providing the services. Not that those providing the services are not necessarily providing those services in the most excellent way possible, but having that done independently rather than internally, can certainly provide assurances that that is the case or otherwise.

2070 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman – there was no question there, so shall we carry on?

Q153/2016

Learning Disability Services Multi-Disciplinary Team – Details

2075 **Clerk:** Question 153, the Hon. L F Llamas.

2080 **Hon. L F Llamas:** According to Government Press Release 65/2015 dated 5th February 2015, a multi-disciplinary team had been established. Can Government provide details of who forms part of this team and how many times has the team met, detailing dates and minutes of each meeting?

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

2085 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a specialist Learning Disability Services Multi-Disciplinary Team, and let's call it MDT for

short, was established and consists of the following professionals: a consultant psychiatrist, a learning disability nurse, the Head of Disability Services who is a nurse, the occupational therapist, nurse and a social worker.

It formally met 22 times in 2014 and 29 times in 2015.

2090 It would not be appropriate for me to share the specific minutes due to their sensitive and confidential nature.

Q154/2016
Care Agency –
Chief Executive Officer

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Clerk: Question 154, the Hon. L F Llamas.

Hon. L F Llamas: Who is the Chief Executive Officer of the Care Agency and when was that person appointed?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Chief Executive Officer of the Care Agency has been substituting in that post since 14th December 2015. As is the practice adopted in the past, it would not be appropriate to name the individual in Parliament.

Hon. L F Llamas: I was not suggesting that the actual person be named, I am just trying to create a style, learning bit by bit how the Minister would want her questions.

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I would like to know what is the actual plan in advertising this post or in actually is it under review or is this person going to continue substituting for an extensive period of time?

2115

Hon. Miss S J Sacramento: Mr Speaker, before I get to the substance of my reply to the supplementary, the question clearly asked *who* the Chief Executive Officer of the Care Agency is and I cannot see that there can be any other interpretation other than asking me for the name of the person who is currently substituting.

2120

As I informed the hon. Gentleman in an answer to a question last month, in relation to vacancies in the Care Agency, I informed him that we review posts as and when vacancies arise as to the optimum structure that we should have in place and whether the post, because of course restructures cannot take place until posts are vacant, and what we do is we take the opportunity once posts are vacant to see whether they should remain the same or whether they should be somehow approved or amended with a view to improving the structure.

2125

At the moment the substitution of the post at the Care Agency has been for a very short period, in fact it has only been just over two months and I am working very closely with the Senior Management Team to see how we can best restructure this organisation to benefit the running of it and ultimately its service users and of course its staff, going forward.

Q155/2016
Team Leader of the Disability Team–
Recruitment to post

Clerk: Question 155, the Hon. L F Llamas.

2130 **Hon. L F Llamas:** What has been the reason for the delay in recruitment to the post of Team Leader of the Disability Team within the Care Agency?

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

2135 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there has been no delay in the recruitment of this post.

Clerk: Question 156, the Hon. L F Llamas.

2140 **Hon. D A Feetham:** Mr Speaker, may I come back to that please.

Mr Speaker: Yes.

2145 **Hon. D A Feetham:** Just for the avoidance of doubt, is the hon. lady saying that this post has already been recruited – or the person has been recruited for this post, I should say?

Hon. Miss S J Sacramento: No, Mr Speaker.

2150 **Hon. D A Feetham:** Does the hon. Lady have the exact date since when this post has actually been vacant?

2155 **Hon. Miss S J Sacramento:** I do not, Mr Speaker. I do not have the exact date since it has been vacant. But, Mr Speaker, someone has been acting in this post for a considerable period but that is not to say, Mr Speaker, that there has been a delay in recruitment because there was a conscious decision, because of the high turnover and particularly because of the problems that the Disability Services within the Care Agency were suffering, when we took office in 2011, and in fact they were acute, the person who was covering this post in fact retired, I think at some point in 2011 before we took office, and the post had not been covered. It was not being covered; it was being rotated with people acting up. *(Interjection)*

2160 Mr Speaker, I think I know my service and certainly I have a duty to Parliament when I say that it was not being covered substantively at the time. When the incumbent retired at some point in 2011, someone was asked to cover for a defined period of a couple of months and thereafter, people were rotating and acting up and covering for this post *ad hoc*.

2165 When I took responsibility for this service in 2011 we took the decision – I took the decision with the senior management team – that we needed some stability in this service which had suffered so much criticism for a long time and because no-one from within the service wanted to act up in this post, someone was seconded to it to help us review the post and stabilise the whole service, which in fact has been achieved and has been accomplished.

2170 I have to thank and congratulate the person who has done it because the service, the Disability Service in particular I think has been turned around in a way that is now unrecognisable to what it was four years ago. But that person was only coming in to assist, was seconded for a specific period and that period has elapsed. When the individual informed me that he no longer wanted to continue in the secondment then the post was advertised and the recruitment has been ongoing for a while.

2175 Of course, Mr Speaker, these posts are very specialist posts and it is one of those which for the time being, we have already recruited internally and we have already recruited locally and we have not really had an interest in these posts which is why we need to recruit from the UK. And because it is such a delicate post and such an important post, we are undertaking the recruitment process very, very carefully.

2180 But that is different to say that the recruitment process has been delayed. We have had someone seconded to the post for a specific period of time and we are now in the process of recruiting for it, now that that person will no longer be acting in the post.

2185 **Hon. D A Feetham:** So just so that I absolutely understand it, the hon. Gentleman has asked what have been the reasons for the delay in recruitment to the post of team leader. The answer from the hon. Lady is that there has been no delay to the recruitment. We were about to leave it, I stand up and I say, 'Well, has this particular post been filled?' and we find out that that post has been filled on a secondment, on an acting basis, for four years – correct? (*Interjection by Hon. Miss S J Sacramento*)

2190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not correct because this is not a court room and he is not here to cross examine. What is correct is what the hon. Lady has set out. The very careful process has been undertaken to ensure that the service has a person in post for all the reasons that she has dealt with, which indicate that it would not have been appropriate to simply fill the post overnight in a way that would have been not to fulfil the requirements of the
2195 role.

And she has detailed exactly what the Government has done in order to ensure that there has been *no vacancy* in the post, that we have been able to work with the professionals in the field to ensure that we do the right thing about a future incumbent in the post having the necessary qualifications and that therefore this is not a question of any delay in recruitment.

2200 That is what has happened, Mr Speaker, that is what has been said.

Hon. D A Feetham: Mr Speaker, it is a very simple question. Can the hon. Lady confirm that this post has been filled on an acting basis for four years, or just over four years?

2205 **Hon. Miss S J Sacramento:** Mr Speaker, for all the reasons that I have explained, this post has been vacant for over four years because it was first vacant when the incumbent retired, I cannot remember precisely but I think it was in May 2011, so it was when the GSD were in office.

2210 But, Mr Speaker, because of their lack in succession planning, this person retired and everybody knew this person was going to retire, but nobody took any steps to have the appropriate training for the person who would take over for this person.

So lo and behold, this person retired in May 2011, in what is probably the most important and most delicate service of the Care Agency, with no-one to cover. Someone acted up in that post for a few weeks, I think, or maybe a few months, I do not know because that was before my time and then people were rotating in the acting post.

2215 So yes, the post has been vacant since 2011, but for some four years now, possibly under four years, I cannot remember the exact date when the current incumbent commenced ... In fact when the current incumbent was seconded to this post, the intention was that he would not be there for so long but the difference that he has made to the service and the improvements that he has made and in fact the positive feedback that we have had from absolutely everybody, not just people from inside the Care Agency but also the service users and their families, that the position has been reviewed periodically and it was decided to extend this period.

2220 The specific question, Mr Speaker, was whether there has been any delay in the recruitment of the post. The recruitment of the post commenced a couple of months ago, Mr Speaker, and it is ongoing. Mr Speaker, as you know in the public sector when someone is recruited for a post, there are various procedures which we must follow. First of all the post is advertised internally, then the post is advertised locally, and then if it is not successful then we have to recruit from elsewhere.

2225 So therefore, Mr Speaker, the minute that senior management and I decided to recruit for the vacancy in this post, the procedures have been followed and therefore there has been no

2230 delay, Mr Speaker, hence my reply to the question. A question was put to me and my reply has been on the basis of the question.

Had a different question been put to me, then the reply would have been different, Mr Speaker. But of course there are always opportunities to ask supplementaries, to which of course answers have now been provided. But it is about answers to the questions being posed.

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Hon. D A Feetham: Mr Speaker, I am surprised that the Hon. the Chief Minister chastises me for asking questions as if I am cross-examining the Hon. the Minister, when she answers questions with the technicality of a legal contract. Because what she really is doing is she is not looking at the spirit of the question, she is looking at the precise question, 'Let us see from a legal point of view how I can possibly get out of this.'

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This is the problem here and this is why I have actually risen when she gave the answer, to make absolutely certain, because the hon. Lady has done it before.

Now the hon. Lady said that there were people acting on a rotating basis. Does this mean that for the period of four years, is more than one person that was acting in this particular post, or have I misunderstood the hon. Lady?

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Hon. Miss S J Sacramento: Mr Speaker, I am not sure whether I should apologise for my technical approach to things when I answer. I do have a very good memory, Mr Speaker, and I do know and care for my Department a lot, Mr Speaker, which is why I know the information in the depth and detail to which I know it. And if I should apologise for having such an in-depth knowledge for my Department, I do not know if the hon. Gentleman expects any less of me, but I think he knows me well enough to know that I take my job very seriously.

2250

I think that he has misunderstood my reply when I explained the acting. Initially – this is as I think it was because this was before my time, Mr Speaker – the previous incumbent retired at some point I think it was in May 2011, there was no succession planning and people were just covering on an *ad hoc* basis, on a rotational basis.

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Then someone was seconded in to cover for that, for a period of I think it may have been six weeks, it may have been two months, but again this was in 2011 and it was before my time.

After that, it was being rotated on an *ad hoc* basis, just acting up I think by other Heads of Department from other services or possibly other social workers acting up.

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So when I took office, we took office in 2011, a few months in I realised that I had inherited quite an acute problem in the management of this very important service and the decision was taken, initially to second someone in for a shorter period in which they have been in.

So initially, I cannot remember the exact date when this person started, it was in 2011 – *(Interjection)* Sorry 2012 and I cannot remember whether it was March, whether it was May, I cannot remember when in 2012 it was. It was not immediately, it was not January and it was not February but it was somewhere I think towards the middle of the year and that person has been ... his secondment has continued since that date.

2265

Initially we intended it to be for six months for the Department to settle down, but because, for continuity, I think that because he was doing so well in the job and actually took the service to another level because of the way that the whole Department was professionalised and because of the positive feedback, then we decided to extend the secondment to ensure that there was continuity in management, to ensure that the Departments within the service settled down and we are left in a way where he could walk away feeling satisfied that he left a safe and a functioning Department which his successor could inherit properly.

2275

Because we felt we were at that stage last year, last year we commenced the recruitment for that post. Insofar as the recruitment, we have recruited as quickly as we can. But we are recruiting.

Q156/2016
Care Agency –
Out-of-hours workers

2280 **Clerk:** Question 156, the Hon. L F Llamas.

Hon. L F Llamas: How are out-of-hours workers in the Care Agency remunerated and what are their terms and conditions when working out of hours?

2285 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, out-of-hours workers in the Care Agency are remunerated by the payment of the hours that they work.

2290 Staff salaries are shown in the Estimates Book of revenue and expenditure, and the rate of remuneration remains as it was prior to December 2011, with of course the benefit of public sector pay increases for Government employees.

2295 **Hon. L F Llamas:** Can the Minister simply expand a little bit more on the actual terms and conditions in the sense of whether they work one week on, one week off – the actual terms and conditions on which they work out of hours?

2300 **Hon. S J Sacramento:** Mr Speaker, I have to confess that I am a bit confused with actually initially the question and certainly that supplementary. The Care Agency runs a couple of services which are 24-hour services, and therefore people are remunerated accordingly if they are working at various hours of the day beyond the nine to five.

If the hon. Gentleman has a specific question, then I would be grateful if he could be a bit more specific because it is a very big service, and I just do not understand what information it is that he is asking for.

Q157/2016
Men in need –
Resources available

2305 **Clerk:** Question 157, the Hon. L F Llamas.

Hon. L F Llamas: What additional resources have been made available to men in need since December 2011 and what plans does Government have to expand this area?

2310 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2315 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I was waiting for a specific question as a supplementary to the previous question, but it seems like I will not have one.

But in answer to this question, Mr Speaker, we have a manifesto commitment to provide a half-way house for men. This will happen during this term in office. And since 2011 and before then, men in need who have become homeless have been housed in the Government hostel, as well as in flats which women in need have at their disposal from Government.

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2325 **Hon. L F Llamas:** Can I just ask, from what I have been told by my predecessors, there was actually a facility being built for men in need in Gibraltar before the 2011 General Election and that was apparently stopped. Now you recognise that this is a sorely needed facility and can you be a bit more specific as to the timeline, apart from saying this will happen in the next four years. Is there a premises identified, you know just expand on it in general, please?

2330 **Hon. Miss S J Sacramento:** Mr Speaker, I am so sorry to burst the hon. Gentleman's bubble if he thinks that something was being built because it was not, Mr Speaker. And if he can identify a building that he knows was being built, perhaps he can show us, but certainly – (*Interjection*)

2335 Mr Speaker, I know from when I took office that there was talk of plans being planned, but as I recall there were not even plans, let alone a thought process or a building. And I do not know how the hon. Gentleman jumps from one thing to the other and the assumption that he has made that we recognise this and we recognise that. Mr Speaker, we do recognise that Gibraltar is a community where people are vulnerable and people need help and as and when people need help, we help them, Mr Speaker.

2340 I have answered the question that has been asked to me, Mr Speaker, whether we will help men in need. Of course we will help men in need. We will help men in need, we will help women in need and we will help children in need and people who are in need generally. We have short-term plans, medium-term plans and long-term plans but of course it is a manifesto commitment and like all our manifesto commitments, these will be delivered in this term of office. And I am surprised that after the submission made by the Chief Minister in Parliament last month, that the hon. Gentleman is asking me for a timeline.

2345 So for the avoidance of doubt and in case he did not hear the Chief Minister last month, all our manifesto commitments will be delivered in this term of office. Unless they are timed, the timeline is they will be delivered in this term of office.

In fact, Mr Speaker, if I could have a second so that we can check whether this was a specific manifesto commitment of theirs, if it was a manifesto, Mr Speaker –

2350 **Mr Speaker:** A pamphlet commitment.

Hon. Miss S J Sacramento: A pamphlet commitment, yes Mr Speaker, as I recall, I cannot remember.

Q158/2016
Women in need –
Properties identified

2355 **Clerk:** Question 158, the Hon. L F Llamas.

Hon. L F Llamas: Can Government disclose how many properties have been identified for women in need and what is the expected timeline in handing over these properties?

2360 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, we continue in discussions with Women in Need in identifying additional properties which are being considered as and when they become available.

2365 **Hon. L F Llamas:** I am not going to ask for a time line. I am just going to ask if any have actually been identified as of today.

Hon. Miss S J Sacramento: Yes, Mr Speaker, from memory I recall there has been one recently and I know that as Minister for Housing I am aware of that one, so I can certainly confirm that there has been at least one.

Q159, 163-164, 169 & 183/2016
Government debtors –
Unpaid debts and rents

2370

Clerk: Question 159, the Hon. L F Llamas.

Hon. L F Llamas: In relation to Mid-Harbours Small Boats Marina, can the Government confirm that debtors have to pay their debts in full and not just enter into repayment agreements with Government, Government-owned companies, authorities and/or agencies?

2375

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 163, 164, 169 and 183.

2380

Clerk: Question 163, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation (*Interjection*) – Sorry 163, my apologies. In fact I do have a point on that other question but that can come later.

2385

Can the Minister for Housing confirm what legislation it intends to bring before the House to extend the limitation period in order to recover rental arrears that are older than six years?

2390

Clerk: Question 164, the Hon. E J Phillips.

Hon. E J Phillips: Just for the benefit of the laughter opposite, Mr Speaker, this question was put before the hon. Lady issued a press release in relation to the amendment –

2395

Mr Speaker: There are five related questions which she is going to answer together and therefore, unfortunately we are not dealing with just one Member of the Opposition questioning, but more than one.

So this one 164, and then there is 169 and 183 as well.

2400

Hon. E J Phillips: Understood.

Mr Speaker: So read out 164.

Hon. E J Phillips: Can the Minister for Housing confirm what measures are currently in place to recover rental arrears from Government tenants?

2405

Clerk: Question 169, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer given to Question 47/2016?

2410

Clerk: Question 183, the Hon. D A Feetham.

2415 **Hon. D A Feetham:** Mr Speaker, can the Government please state how many tenants of Government housing stock currently owe the Government more than three months in arrears of rent?

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

2420

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, before I commence to answer this question, in relation to the previous question I am very grateful for the Chief Minister who has looked through the policy leaflet brochure that the GSD had for the last General Election and there is no mention here of any commitment for helping men in need, so I just wanted to remind the hon. Gentleman of their non-commitment in this respect. *(Interjection)* So see who it is now who has discovered to help men in need but in any event, Mr Speaker, two bubbles burst this afternoon.

2425

But in relation to the answer to Question 159, no berths will be allocated to anyone who is in arrears with the Government, Government-owned companies, authorities or agencies.

2430

In relation to Questions 163 and 164, the Government has established a Central Arrears Unit to prioritise the collection of all debts owed. In addition to the standard notification by the Housing Department of debts, all those who owe arrears of rent shall receive official notification from the Central Arrears Unit which will pursue all options open to us.

2435

A Bill to amend the Limitation Act is already in the public domain and the Limitation Act was published on 18th February 2016, the contents of which is public information and this will remove the time limit as a defence to the payment of debts to the Government.

Entering into arrears agreements is essential for those who are unable to pay the full sum owed. A new arrears agreement has been prepared and debtors are now required to enter agreements and make payments. In addition, we have been working on updating all our systems with current information so as to enable recovery of rent arrears faster and more accurately.

2440

We have also changed working practices and introduced a new billing format which highlights all rent arrears. Insofar as public sector employees are concerned, we shall deduct arrears at source.

Of course we shall implement all legal mechanisms available to recover arrears in the cases of those who do not wish to pay as opposed to those who cannot pay.

2445

Finally, people who are in arrears will not be able to avail themselves of the following advantages: of course, applications for berths at the new small boats marina, but also for parking permits and sheds offered by the Government of Gibraltar, exchanges, inclusions and exclusions on housing tenancies and non-essential repair works.

2450

Other measures are also being considered and further announcements will be made in the future in this respect.

In answer to Question 169, the answer is none. In respect of Question 183, 981 tenants of the Government housing stock currently owe the Government more than three months arrears in rent.

2455

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, can I just add one matter just for clarification purposes, because the hon. Lady has referred to the Limitation Bill which was published on 18th February. Just for clarification there was a Bill published on 18th February, that contained an error and that Bill was in fact withdrawn and the Bill was re-published on 19th February, so the one on the Order Paper is the one that was published actually on 19th February.

2460

I just thought I would clarify that small point.

2465 **Hon. D A Feetham:** Mr Speaker, the hon. Lady has very kindly given us the figure of tenants who are in arrears for more than three months and I have to say it is a staggering 981 tenants.

Can the hon. Lady confirm that that is just under a quarter of all Government tenants? My understanding is that there is about 4,000 Government tenants. If the hon. Lady says 5,000 then it is a fifth. But does she not agree with me ... ?

2470 Well, first of all, what is her understanding of the amount, the number of Government tenants? Does she not agree with me that that is a staggering proportion of all people who are currently on Government tenancies?

2475 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, it is a staggering proportion and what is even more staggering, Mr Speaker, is that some people have owed rent for almost 20 years, Mr Speaker.

2480 But, I have some very good news, Mr Speaker. Since we started our new strategy at the beginning of the year, we have already had 100 people react to, just in relation to the new billing format alone, (*Banging on desks*) and my Department, who are delighted actually to be able to now have the ability to recover these rent arrears, because they are very hard working people in my Department, Mr Speaker, who since I think 2002 were not really allowed to vigorously pursue arrears of anybody and therefore, Mr Speaker, unfortunately the systems in place just fell away, the information was not there, the information in the computers was not really up to date, so the mechanisms were not there.

2485 But we have been working on it, Mr Speaker, I certainly made it one of my priorities when I was reshuffled into this portfolio just over a year ago. (*Laughter*) Yes, reshuffled – at the great reshuffle, Mr Speaker, where I had the bonus of the two additional portfolios, two very important additional portfolios which I am very happy to hold. And I am grateful to my predecessors, both Ministers for Housing who prioritised the acute problems that Gibraltar Housing had and the Housing Department had, which was of course the shortage of housing and because they had already dealt with these problems, when I came in, I was able to prioritise the remaining issue, which was the recovery of the arrears. It has taken us about a year to have the systems in place and have the new letters and documents and computer systems and we were able to really kick off in earnest in January. Since then, and in the last month, people in my Department have been extremely busy seeing people who are coming forward wanting to pay their arrears. People have paid them in full, people who cannot have entered into arrears agreements – our new arrears agreements – and now we have been contacted by 100 people and that is only in a month, Mr Speaker.

2490 So yes of course the amount of people who owe rent is very high but in only one month of our new strategy, Mr Speaker, we have already had 100 people come forward. Just imagine, Mr Speaker, if the mechanism had not been stopped in 2002, we surely would not have had 900 people today and yes, we have 900 people today and I am sure we will not have 900 people in the next six months, and less so in the next year. We certainly will not let it fester for 16 years, like others allowed it to do, Mr Speaker. (*Banging on desks*)

2505 **Several Members:** Hear, hear.

Hon. D A Feetham: Mr Speaker! I mean I have to say, Mr Speaker, the hon. Lady provides value and entertainment this afternoon, Mr Speaker. (*Laughter*)

2510 Mr Speaker, we have gone from “blame the GSD” to “blame Minister Balban”, Mr Speaker! Because in her answer she said when she had been reshuffled she found that the systems that were in place were so awful that she had to change them, but of course the systems in place were there three years into – (*Interjections*) Mr Speaker –

2515 **Hon. Miss S J Sacramento:** Point of order.

Hon. D A Feetham: Point of order – no, no I will sit down. The hon. Lady feels she needs to make a point of order, I will sit down and allow it.

Hon. Miss S J Sacramento: Mr Speaker, that is certainly not what I said.

2520 We inherited these systems that did not exist. *(Banging on desks)* We inherited them, Mr Speaker. And because the Hon. Mr Balban and the Hon. Mr Bruzon before him first of all prioritised the acute needs that Gibraltar had, which were the huge housing problems that we had, the huge problems that we had in relation to maintenance of Government stock, all the pending works that we had in Government stock, all those empty flats that were all over
2525 Gibraltar creating the housing problem that we had, it is thanks to the Government, this Government, that we have repaired all those flats that have had outstanding works for so long, made so many flats for elderly people accessible. Because how many pending works were there from bath to shower conversions? I forget now but I think there were over 200 works pending, which means that there were over 200 elderly people suffering. But we dealt with all that, Mr
2530 Speaker, so it is thanks to the work that was prioritised by my friend, my colleagues, the Hon. Mr Balban and the Hon. Mr Bruzon, because they dealt with that, because they had to deal with that first because it was right that they deal with that first.

Of course, the first thing we had to do was set off and build the houses that we have built and completed in record time, Mr Speaker, we have just seen people receiving the keys to their
2535 new flats at Beach View Terraces, Mr Speaker. We have built more houses in four years than the GSD ever did in 16 years, Mr Speaker. So that is why we prioritised that, and thanks to that hard work, Mr Speaker, I was then able to deal with what was left.

Mr Speaker: Will the Hon. Minister come back to the point, instead of delivering a – The General Election was last December, please come back to the business in hand. *(Interjections)*
2540

Hon. D A Feetham: Mr Speaker, that was all extremely, extremely, *extremely* interesting I have to say. But I thought there was going to be a point of order in all that and I have not heard a point of order. I have courteously sat down, *(Interjection)* tried to listen for a point of order in
2545 order to respond and the hon. Minister has been a Member of this House for four years and must know that a point of order, when she calls for it, must follow. *(Interjection and laughter)*

But I must attribute–

Mr Speaker: Order, order!
2550

Hon. D A Feetham: Mr Speaker, I must attribute that to her obvious nervousness at being probed about this particular issue.

Mr Speaker, if they inherited a problem, Mr Speaker, they have been in Government for four years. Is it not the case that the hon. Lady could have, if these procedures were so awful and that they inherited in 2011, could easily have dealt with them earlier than they did and therefore
2555 the problem must be at least partly of their making, Mr Speaker, and not of the GSD's making, which is what they delight in suggesting at every single opportunity.

And when she answers that, I have got another more important supplementary really, because she is leading me to ask her this, when I really want to probe the hon. Lady on something far more important than that.
2560

Chief Minister (Hon. F R Picardo): Mr Speaker, what the hon. Gentleman did and what the hon. Lady dealt with in her point of order, was entirely mischaracterised what she had said as if she had blamed the Hon. Minister Balban for the time that he had been in Housing for the arrears.
2565

Only, Mr Speaker, a person with complete political short-sightedness could stand up and make that point, because of course to suggest that the arrears are down to the person who spent a year in post would be absolutely and utterly ridiculous.

2570 And when the hon. Gentleman says that the hon. Lady is getting excited because she is nervous and says that she is entertaining, I suppose Mr Speaker, he is just doing that which the proverb I am often reminded of by a good Jewish friend of mine says, which is that you see in others your own sins and you reflect them onto others in what you say about others. Because there is absolutely no nervousness on this side, Mr Speaker, and no desire to provide anything which is akin to entertainment. This is a very, very serious issue.

2575 The arrears of rent that have accumulated, which amounted to an increase of 600% in the 16 years that they were in Government, must be recovered, Mr Speaker. They *must* be recovered because those who pay do not deserve that those who do not pay be tolerated. (*Banging on desks*) (**Several Members:** Hear, hear.) And in all areas...And in all areas where we inherited this sort of neglect, we are working, Mr Speaker.

2580 In Housing, and these are housing arrears, Mr Speaker, the first thing we had to deal with was the very long housing waiting list and the lack of affordable housing that we had to provide. That is what the first order of business was when Charles Bruzon, may he rest in the peace that he deserves, arrived at that Ministry for Housing and started work on. And the work started, Mr Speaker, on those estates when Paul Balban was Minister for Housing and shortly before the
2585 General Election, Samantha Sacramento took over and we were dealing with a whole list of works to be done on people's houses, on existing tenants houses and this was an important issue, Mr Speaker, which we did not get round to dealing with in our first term.

But to attribute the arrears to us, Mr Speaker, is just absolute mathematical *nonsense*! To say that we did not deal with it in the first four years, absolutely right. The retort is: because you left us such a mess of a housing list, of people without affordable homes, of homes that required work that we had to deal with it first.
2590

But now that we are dealing with it and having said that they want to support us on it, to come to this House to try and pretend to score political points on this fundamentally important issue, which as far as the Government is concerned goes to the fundamental fairness of people paying their way when everybody else does, is absolutely incredible, Mr Speaker.
2595

The only person who is entitled to say that they have constantly been highlighting this is the Principal Auditor, who dutifully has put it in his report every year. And we have been dealing with issues in the Principal Auditor's report and this one we have not dealt with. And there are some others that we also have not dealt with, Mr Speaker, like, for example, an issue which I have flagged up to deal with, that the loan which the Government gave and the Principal Auditor is still trying to have information on, and it is a loan given at the time when they were in office and has been marked as unpaid.
2600

And I myself am pursuing exactly what the information is behind that loan which they gave when they were in Government and was not paid, and it is not the OEM loan because they have not just lost £4 million of Taxpayers' moneys on bad loans and they have not failed to recover £4 million in rent. There are other loans which we are still looking into that they gave when they were in Government and the party that they all represent gave when they were in Government, which have been impaired and which have not been paid. That, Mr Speaker – those secret loans, because I found out about them reading about it in the Principal Auditor's report – will all be brought to light and the arrears will be paid, Mr Speaker, because we are putting in place a strategy which in effect goes back to the strategy that they dismantled in 2002, when they dismantled the Central Arrears Unit.
2610

Now, Mr Speaker, if in months to come – in fact, I think they have got to be a little bit more generous than that – they are going to pursue where we are with the arrears, that is very welcome, that is part of their job and if we fail to get the arrears down, then Mr Speaker, we shall have to be accountable for that. But to try and blame us for the accrual of the arrears is frankly, Mr Speaker, something that beggars political belief.
2615

2620 And what the hon. Lady is doing is not providing entertainment; she is doing the hard work that the Members opposite, or at least the Government that they represent with the initials of their party failed to do and in so doing failed this community.

So what the hon. Lady deserves is respect and support for the work that she is doing and she has it from all of her ministerial colleagues, and I trust she will have it across the floor of the House. *(Banging on desks)*

2625 **Several Members:** Hear, hear.

Mr Speaker: Of course, may I draw attention of hon. Members that they are now debating. These exchanges are not questions and answers, this is a debate.

2630 **Hon. D A Feetham:** Mr Speaker.

Mr Speaker: I am going to allow the Leader of the Opposition to make a short exchange unless he has a supplementary on any of the other questions because we are dealing with five of them. Otherwise we are moving on.

2635 **Hon. D A Feetham:** Yes, Mr Speaker, thank you very much.

I do thank the Hon. the Chief Minister for that very long political speech and excuse as to why the arrears of rent went up from £3.6 million in 2011 when they first came into office to £6 million, £6 million today, Mr Speaker. *(Banging on desks)* Now I know that mathematics and the public finances of Gibraltar are not his forte, hence the state of public finances today, but Mr Speaker, even he ought to understand that he and his Government must be partially to blame, which is the word that I used, for the increase in arrears from £3.6 million to £6 million.

2645 Now, Mr Speaker, if I can get to the question that I was going to ask. The hon. Lady spoke about the Central Arrears Unit and indeed the Hon. the Chief Minister has also decried the dis-assembly of the Central Arrears Unit when we were in Government. Now, when was the Central Arrears Unit set up by the hon. Lady's Government and why wasn't it set up earlier, given the importance attributed to it by the Hon. the Chief Minister?

2650 **Hon. Chief Minister:** Mr Speaker, I shall repeat my political speech which is not an excuse; it is an explanation of what happened and I shall do some mathematics with him, because in the same way as he tried to explain to us the meaning of a word before, and I said that when I was doing the mathematics, I did not think I had to explain the division to him, I will unfortunately have to do it for him. Or does he not realise, Mr Speaker that they presided over an increasing rent arrears of £3.6 million, whilst the amount that we are responsible for, without considering that part of it may be interest on the amount that they accrued, is £2.4 million, Mr Speaker. *(Interjection by Hon. D A Feetham)*

2655 Mr Speaker, look and do they not understand, Mr Speaker that this amount is a cumulative amount that is increasing all the time and it is going to increase more in one year now than it did in one year before, Mr Speaker.

2660 But to say that we are making excuses and to ask us the question that he is asked again is simply to demonstrate that what they have alighted on, they think, is a point where they can make political capital and all they are interested in doing is pretending that they now have an interest in doing that which they were not doing. Well, I will tell him again what happened, that we inherited a housing ministry where the principal issue had to be dealing with –

2665 **Mr Speaker:** Now, now I must –

Hon. Chief Minister: He has asked a question, Mr Speaker, you should give him the answer.

2670 **Mr Speaker:** Well there was a specific supplementary. The specific supplementary was referring to the Central Arrears Unit. He made a comment that rent arrears had increased from £3.6 million to £6 million. The Chief Minister can answer that comment if he so wishes. Then he asked a supplementary regarding the Central Arrears Unit – the dates.

2675 **Hon. D A Feetham:** Yes, Mr Speaker.

Hon. Chief Minister: No, Mr Speaker, he did not ask for a date. What he asked was – *(Interjection by Hon. D A Feetham)* No, Mr Speaker. Mr Speaker, what he asked for was why –

2680 **Hon. D A Feetham:** Point of order!

Hon. Chief Minister: No, Mr Speaker, it is not a point of order, I am dealing with the question that he asked. *(Interjections)*

Mr Speaker: Will the hon. Members please sit down, both of you!
2685 Now, my understanding is that a question was asked. When was the Central Arrears Unit – that is what I heard.

Hon. D A Feetham: Yes I did, I did.

2690 **Mr Speaker:** That is what I heard.

Hon. Chief Minister: Mr Speaker, as *Hansard* will show, because thankfully we have something that records what is said, what he asked was ‘why was it not set up earlier?’

2695 **Hon. D A Feetham:** Two – I asked for two things.

Hon. Chief Minister: Well I will answer the first one. I will answer the first one.

Hon. D A Feetham: Mr Speaker –

2700 **Hon. Chief Minister:** Mr Speaker, if he asks a supplementary which has two limbs, it is surely up to me to decide which limb I answer first.

Hon. D A Feetham: Perhaps the Chief Minister did not understand the question that I asked
2705 and you know, I accept that and it sometimes happens. I have been in court the whole week –

Mr Speaker: Repeat it please.

Hon. D A Feetham: I am going to repeat the question.
2710 When was the Central Arrears Unit set up and, given the importance that the Government attributes to the Central Arrears Unit, why wasn’t it set up earlier?
That was the question.

Hon. Chief Minister: Exactly, Mr Speaker, exactly. Why wasn’t it set up earlier?
2715 Because when we were elected, the Minister for Housing had a priority which was the huge housing waiting list that we inherited. The second priority therefore was the creation of affordable homes. The third priority: the repairs to Government tenancies which were in their thousands, Mr Speaker, in their *thousands* – thousands of jobs that had not been done, and Mr Speaker, because the Principal Auditor is rightly pointing it out, now the collection of arrears.

2720 When was it done, Mr Speaker? It was done in this term of office, we have been in office for less than 100 days and we have already started the process of collecting these arrears and we have set up the Central Arrears Unit. That is why it did not happen before and that is how it has happened, Mr Speaker, since we were elected this time.

2725 But I will let the hon. Gentleman know this: we were looking at this for some time before the General Election and the hon. Gentleman cannot pretend that he does not know that, for the simple reason we have been debating in this Parliament whether or not it is possible to collect rents which are older than six years. We have been debating in this Parliament the said creation of a Central Arrears Unit in the last six months before the General Election and it is there in *Hansard*.

2730 So he cannot pretend that we were not dealing with it and he cannot now simply look at the Principal Auditor's report and say 'You failed to do something about it', without at least saying, Mr Speaker, without at least saying we are responsible for it. We disbanded the Central Arrears Unit and we allowed the rental roll to become a debt to the Government of £3.6 million – although, Mr Speaker, I have to tell him that I do not accept that the differentiation is exactly that because I would have to check what the amount was on the day that we took over because
2735 the Principal Auditor's report for 2012 will reflect the picture for that year or perhaps the year before. So even that I am going to check to make sure that we know what amount we are responsible for and what amount we are not responsible for.

2740 But in any event, the amounts that we are responsible for are within the six-year limitation period and they can be recovered, even without a change in the law. To recover the amounts they allowed to accrue, we are going to have to change the law.

Hon. D A Feetham: No, Mr Speaker, that was going to be my last supplementary but I cannot allow the Chief Minister to get away with that.

2745 No, Mr Speaker, how can the Chief Minister know that the debts that have been incurred during his time in office have not been statute barred during his time in Office? He cannot possibly know that because he cannot possibly have the knowledge in respect of every single one of these debts.

2750 Mr Speaker, he must know – he is a lawyer. He must know that you can have a debt outstanding, for example, for three years in our term in office and three years in his term in office and it becomes statute barred in his term of office and therefore I would ask him to correct the record.

Hon. Chief Minister: No, Mr Speaker, because he is a lawyer and he should know –

2755 **Mr Speaker:** Now, since both Members are debating –

Hon. Chief Minister: Well, Mr Speaker, am I able to answer the question?

2760 **Mr Speaker:** I am going to allow you to make the last point and then we are moving on. And if we do not move on, I will suspend the sitting. It is as simple as that because I have been here three and a half hours, for three hours everything has gone right, but now hon. Members are beginning to get under my skin.

2765 **Hon. Chief Minister:** Well, Mr Speaker, unfortunately parliamentary debate requires that one robustly defends one's position.

Mr Speaker: Parliamentary debate is not to be conducted during Question Time. Those are the rules.

2770

Hon. Chief Minister: Well, Mr Speaker, in that case answering questions is something that has to be done in a way that ensures that the truth comes out and that one does not allow that the way that questions are put somehow puts a gloss on things which are not correct, Mr Speaker.

2775 What the hon. Gentleman should know, given that he is also a lawyer, is that debts which have accrued in the time that we have been in office are debts which are within the current limitation period.

In other words, any liability that accrued after 9th December 2011 is a liability that is within six years. You do not need to be a lawyer to do that. As long as you know that the limitation
2780 period is six years, you just have to count back to six. And therefore, Mr Speaker, every penny that has become due and owing to the Government of Gibraltar – every penny that has become due and owing to the Government of Gibraltar in respect of rent – since 9th December 2011 is within the six-year limitation period and I would have thought that given that he is a lawyer, he would have been able to work that out – unless of course it is because he cannot count back to
2785 six.

Mr Speaker: Does any other hon. Member have a supplementary arising out of any of the other questions.

2790 **Hon. R M Clinton:** Mr Speaker, with your indulgence, just one.

There has been a lot of talk about the Central Arrears Unit and I have one question for the Chief Minister. The Principal Auditor, our long-suffering Principal Auditor (*Laughter*) who constantly every year makes reference to the arrears regardless of Government – and I think he is entirely correct, as we must all share some blame for this – he expressed – (*Banging on desks*)
2795 (**A Member:** Hear, hear!) In his report of 2014 he expressed grave concern that the receivers of revenue are not priorities in the revenue, the arrears collection and monitoring function, mainly due it appears to lack of human resources.

He then went on to say on 16th July 2015, the Accountant General formally should discuss the setting up of a properly resourced Central Arrears Unit with the Financial Secretary, either as
2800 a unit within the Treasury or a separate unit, in order to tackle the increasing arrears situation.

My question, Mr Speaker, to the Chief Minister is: is this unit going to be within the Treasury or a separate unit and how exactly has he resourced it?

Hon. Chief Minister: Mr Speaker, I think you will find that those remarks are made by the
2805 Principal Auditor year on year. And, Mr Speaker, thank you for the confirmation by the hon. Gentleman, in fact the Central Arrears Unit was something already being dealt with then. It is being set up in the Treasury, Mr Speaker.

Hon. R M Clinton: With how many staff, may I ask?
2810

Hon. Chief Minister: Mr Speaker, that is not a matter which I can give him an answer on today. I can get the information from the Financial Secretary if he wishes so that he can have it, but it is not an issue where we are being involved, we are simply ensuring that they have the resources they need in order to do the job that they need. But this work will also include the
2815 Departments chasing debts, at least initially.

Hon. R M Clinton: Thank you, Mr Speaker.

Hon. E J Phillips: Yes, Mr Speaker. In relation to the comment by the Minister for Housing on
2820 keeping all options open, will that also include an option to evict or an application to the court to evict those tenants who are in arrears that do not – to use her words exactly – wish to pay?

2825 **Hon. Miss S J Sacramento:** Mr Speaker, of course eviction is an option open to us, but of course evicting somebody can only be something that can be done as a last resort. And I have to confess that I am very, very surprised (**A Member:** Hear, hear!) (*Banging on desks*) that a lot of what we hear from the benches opposite is an emphasis on eviction. (**Several Members:** No!) Because, Mr Speaker, yes, it is in every single press release that is issued by the Members opposite.

2830 Because, Mr Speaker, we have to remember that the person who may have accrued the arrears will be the tenancy holder. That tenancy holder may well have a family, may well have children so what do we gain by evicting a family where the tenancy holder is in arrears?

2835 So in answer to that, Mr Speaker, evictions is an option because it is an option that exists and that has always existed. It is a legal tool that is there and it is there at our disposal, but it will only be used as a last resort and in the appropriate circumstances.

Hon. E J Phillips: Mr Speaker, I thank the Hon. Minister for that response. Just in relation to a point of order, there has absolutely been no reference to eviction in any of the last press releases that I have issued from this side of the House at all. I will show those in the next question we put before this House, in the next session next month.

2840 We entirely agree, Mr Speaker, with the answer that eviction should be the last resort, should always be the last resort, especially when young children and families are involved.

2845 My question that I would like to pose now is in relation to the repayment agreements. I have spoken to a number of individuals who are concerned about repayment of their debts. They have spoken to me on a very confidential basis and they are being told by the Minister's Department that these will have to be paid within a strict three-year period. Can the Minister confirm that the repayment agreements that the Minister has referred to in her response to the general questions put to her, that a three-year period on the repayment will be applied?

2850 **Hon. Miss S J Sacramento:** Mr Speaker, what my office is doing – and it is not strictly the Minister's office, it is the people who work in the Housing Department and they are of course two separate offices – is that we have a specific team dedicated to the collection of arrears now and they are meeting with people individually to look at repayment options.

2855 Now, when these options are reviewed and considered, they take into account ... well, they ask for information so that they can take a view in how to calculate the repayment of arrears and it all depends on the amount of arrears that are available as well as the income that the person has at their disposal. Because what we cannot have, Mr Speaker, is an arrears agreement which is not interest based, so it is just a repayment agreement where people want to pay next to nothing on the never, never.

2860 It needs to be finite, it needs to be strict, it may be a coincidence that your clients, or people who have spoken to you, have been advised that three years is the period. There is no rule in that people need to pay within three years. People may be asked to pay within six months, people may be asked to pay within a year, people may be given four years in which to pay. It depends on the individual because some people may wish to extend the period of the arrears agreement for ten years so that they can go on a Caribbean cruise, but that would not be acceptable, Mr Speaker. So we try and keep the period of repayment as short as possible and of course we now also have a mechanism so that if people default on the payment of arrears, it is flagged up immediately.

2870 **Hon. Chief Minister:** If I can be of assistance to hon. Members, given their new-found desire to review the accounts of the Principal Auditor or the report of the Principal Auditor, I refer them to page 55 and in particular the paragraphs at 3.4 of the Arrears Report for 2011-12, which is the year for which they were responsible and which they will not find very enjoyable reading. In fact the amounts being written off in respect of the time, in the report for the following year

2875 in respect of the time that they had been in office, amounting to almost £800,000 in just one particular year.

2880 **Hon. Miss S J Sacramento:** And on that note, Mr Speaker, I also want to add that when I was preparing for a debate on GBC recently, I had the opportunity to review the Auditor's reports all the way back to 1998 and as from the year 2000, Mr Speaker, the red flags and the alarm bells were being very, very loud and noises were being brought to the attention by the Auditor but specifically in the period between 2000 and 2002 which funnily enough, or disturbingly enough, is when the Central Arrears Unit seemed to have been disbanded.

2885 But certainly, Mr Speaker, this, the Auditor's Report in the last few years contains the exact same phrases that it has, certainly since back to 1998.

2890 **Hon. D A Feetham:** Mr Speaker, will the hon. Lady undertake to go back and to check her facts in relation to this? I personally do not know them, but I am informed by my hon. Friend, Mr Llamas who worked in the Tax Office – (**Hon. L F Llamas:** Treasury.) the Treasury, he has come from the public service, that in fact the Central Arrears Unit was there until 2006. That is the question I am asking: will she undertake to go back, because she has repeated this on a number of occasions, and have a look at it?

2895 But in any event, Mr Speaker, I also want to say this. That certainly on this side of the House nobody shirks responsibility for debt during 16 years of Government. We do say that of course in four years, it has gone up from £3.6 million to £6 million, that we would congratulate the Government and congratulate the hon. Lady for any steps that she takes in order to make sure that the Taxpayer of Gibraltar is not short-changed and also to make sure that what is clear, (*Banging on desks*) Mr Speaker, a culture of entitlement to the tune of a quarter of all Government tenants ... that that ends, because at the end of the day, that is not good for Gibraltar and is not good for this community. (*Banging on desks*)

2900 **Hon. Chief Minister:** Well, Mr Speaker, I am very pleased to see that the hon. Gentleman is going to be prepared to give us credit when it is due.

2905 But, Mr Speaker, this is not about a culture of entitlement; this is about people not having been chased, Mr Speaker. This is about people having been allowed to fall into arrears, Mr Speaker. This is about the Government in particular, they have now accepted, the Government, the record of which they are defending not even having sent out letters in respect of arrears, which is what the Principal Auditor refers to. So this is not about the culture of entitlement; this is about a Government failing repeatedly to bring to the attention of people that the debts they were accruing will be chased and that it is not acceptable that some believe that they can get away with it, Mr Speaker.

2910 I have full confidence that the work that the hon. Lady is going to do in respect of housing, but not just work in respect of housing but the work that also the Financial Secretary and the Central Arrears Unit will do in respect of all other liabilities to Government – because if hon. Members look at the book it is not just rents that are in arrears – will soon be where it should be. Of course they will likely never be zero, but everybody who is able to pay will pay, Mr Speaker, and there are a number of ways in which that is going to be the case, and some of them may require us to bring legislation to the House or other mechanisms to the House to ensure that people realise what their obligations are.

2920 **Hon. Miss S J Sacramento:** Mr Speaker, I will be very quick, just on the point that the hon. Gentleman raised, it may be that the Central Arrears Unit was disbanded in 2006 and not in 2002. I go by what I am told, but I certainly recall in my former life having conversations with Mr Llamas in relation to the Central Arrears Unit, because of the nature of my profession. But nonetheless, Mr Speaker, whether it was in 2006 or two thousand and whatever, we have an

2925 acknowledgement from the other side that the Central Arrears Unit was disbanded, certainly approximately 10 years ago.

But what I am told, Mr Speaker, in my Department is that there was some kind of a policy direction not to pursue debtors and people in arrears of rent, sometime in the region of 2002/2003. So it is a different point to the disbanding of the Central Arrears Unit, and if I am
2930 wrong and it was not disbanded in 2002 and it was disbanded in 2004 or 2006, then that may well be the case and it is not something that I want to ... it is a debate that I would rather leave here. But it is a separate thing that I referred to when I know that in the Housing Department there seemed to have been a reluctance to pursue arrears a little bit earlier than when the Central Arrears Unit was disbanded.

2935 **Hon. E J Phillips:** Mr Speaker, just one question in relation to the arrears. Of course it is right that all parties and all administrations should shoulder the blame and responsibility for those arrears but one cannot forget, and by reference to page 53 of the Principal Auditor's Report, I know the Chief Minister has referred to others pages, but he has not referred to 3.4.5 which
2940 demonstrates – and my question will go, I am just referencing this point – that in 2009 under a GSD administration, in fact arrears went down by 1.4%. They went up 2.2% the year after, 6.5% the year after that, 7.4% when they took office, 9.6% in their second term of office, second year, and 8.2% in 2014 and in 2015, between March 2015 and December 2015, they went up 14%.

2945 Now, can the Chief Minister or the Minister for Housing explain to me why they do not shoulder the blame for that 50% increase over that period of time? It is right that the Government should shoulder some responsibility; they should be magnanimous in showing to this House that there was an increase of 50% in rental arrears. I think it is only right that Members of this House should in fact shoulder that responsibility.

2950 **Hon. Chief Minister:** Well, Mr Speaker, I will explain to him why the amounts of arrears went up and it is unrelated to a General Election in 2015, as I have heard the Hon. the Leader of the Opposition mutter under his breath.

It is very simple, the arrears went down when they started the process of handing out homes in a new Government Estate, in respect of which, Mr Speaker, they entered into arrears
2955 agreements with a large number of people. A large number of people, Mr Speaker, who did not keep even, in some instances, to the first repayment under the arrears agreement and subsequently thereafter have continued not to make payments in respect of those arrears agreements.

2960 So look, we failed to chase them for those years but they are the ones who entered into the agreements that were with people who had failed to pay their rent before and did not give those who had been paying their rent the opportunity to move into new homes, Mr Speaker. That is what happened and that is how the rent arrears go up in that period.

2965 **Hon. E J Phillips:** Mr Speaker, if that was wrong at the time, or if that was a mistake by a previous administration, why is the current Government repeating the same process with repayment agreements? Surely there are other measures that would be just as effective.

2970 **Hon. Chief Minister:** Mr Speaker, he does not get it. The Government is not repeating the issue with the repayment agreements. We are dealing with these issues in a number of different ways.

People who have previously not had repayment agreements are entering into repayment agreements and are paying on them. Many people who have arrears agreements are paying on them, but a large number of people who entered into arrears agreements only to move to the new estate, stopped paying as they had been doing before – in other words they failed to pay,
2975 they entered into arrears agreements to move and then stopped paying their rent and the

arrears agreement and that was not on our watch, Mr Speaker. That was on somebody else's watch.

2980 And when we have got into Government, Mr Speaker, when we have got into Government, we have given the priority that we have already referred we have given to issues in the Housing Department. But it seems to me, Mr Speaker, that despite saying that they want to share the burden of blame, that they want to work with us to collect the arrears, all they are interested in doing is using this as a rod with which to win political points.

2985 And this community is too clever for that! This community will see through this. This community will see a Government dealing with people who fail to pay, will see us correcting the situation, will understand that the priority we had to give to other housing matters was given, and will see that the product of the work that the hon. Lady is going to do, and that the people in the newly created Central Arrears Unit are going to do, is one that should never have been undone in 2006 or in 2002, and that we should never have got to the situation to which we have got, Mr Speaker. That is the position.

2990 And that I think is very clearly is what is going to happen and I will tell the hon. Gentleman for nothing, he can reply to me if he likes but people talk to the Government and people talk to the individuals that make up the Government and they do say to us that of all political complexions, what a hard face and little shame the Members of the GSD have to criticise you for this when they were the ones who disbanded the Central Arrears Unit and have seen the increases in arrears in their time.

2995 And if they are saying it to both sides, Mr Speaker, well then a pox on both our houses, but we are the ones in the driving seat now, we are the ones who are going to correct the position and we are the ones who are going to make sure that what was said by the Principal Auditor, repeatedly year after year and was not dealt with, is now dealt with. And if we have not dealt with it for four years because of the priorities that we had, we will deal with it now.

3000 And what the hon. Members are perfectly entitled to do, is to follow up on whether we are doing what we said we would. But as they will see, we always do what we say we will do.

3005 **Mr Speaker:** I realise as Speaker, I am not supposed to get involved but Members have been speaking, the Chief Minister and the Leader of the Opposition of two sides, GSLP and GSD. Now there are three sides. There was an AACR Government for 16 years and during that time rent arrears increased. The increase was probably due to the fact that in the late 1970s the grade of rent collector was phased out, because no analogue could be found in the parity agreement.

3010 So instead of having rent collectors knocking at the doors of people in Government housing every week asking for the rent, and if they did not pay it was very awkward because the neighbours would get to know, that post ... and I remember when that happened, when the grade of rent collector was phased out, the Father of the Gibraltarians, the Hon. Sir Joshua Hassan predicted that there would be an exponential increase in rent arrears. And that happened during the time when we were in office until 1988 and it has continued.

3015 Another point I want hon. Members perhaps to reflect upon, when were rents last increased? The AACR increased rents in 1982-83. Have they been increased since then? And if they had been increased, would the arrears now be £6 million or £16 million? Think about it.

3020 **Hon. Chief Minister:** Mr Speaker is absolutely right that his role is not to become involved in the debate in this way, because Mr Speaker is not representing any side and the parliamentary process is about Government and Opposition.

3025 But I am grateful for the information that Mr Speaker has provided and I would reflect, Mr Speaker, that another important aspect of this, is management of the accounts and there may be people who fell into arrears in the 1970s when the rent assessor disappeared, who have since passed away and whose debt is still on our balance sheet, Mr Speaker. And we need to understand that as well and we need to ensure that the amount that we are talking about is the real amount. There is no point having the fantasy that you have got if you are any business, that

you have got £6 million out that people owe you, if in effect £3 million worth of creditors have since passed away or are companies that have gone into liquidation, etc.

3030 So, Mr Speaker, it is essential that we get this right for the whole of our community and there are modern methods to ensure that people pay their rent, not necessarily the rent collector, with direct debits, etc. One of the things that people will find us very harsh on indeed, is that people who have fallen into arrears, in particular public servants, Mr Speaker, will be required to pay their rents through direct debit, Mr Speaker. Well, in fact they will almost be garnisheed at
3035 source. And those who are not public servants will certainly be encouraged to pay, in fact not required to pay, by direct debit, so the rent collector knocks on the door of their bank account at the beginning of each month and takes the money by way of direct debit from their account. Because it is just *not fair*, Mr Speaker. It is not fair on those who pay.

3040 And if I can end, Mr Speaker, because it is my intention to adjourn now, on this basis I hope bringing some conciliation –

Hon. D A Feetham: Will he give way?

3045 **Hon. Chief Minister:** Let me say something first. Some conciliation to today's debate to an extent, it is good that we all feel so passionately about these arrears and that we want to ensure from different sides of the House, apportioning blame or not as is part of the political to and fro, but that we should feel very strongly about the collection of this arrears and that we should together ensure, with our respective roles, that this is an issue that becomes history as soon as possible. Because it is otherwise totally unfair to other Government tenants, to members of our
3050 community who are otherwise subsidising people's houses, in the same way as happens in business, Mr Speaker, where one business pays its PAYE, pays its Social Insurance, pays all its rent and rates, and the guy next door pays none of it and in effect is subsidised by the guy who is paying.

3055 So I think the passion that we have seen injected into this debate must be something that we should be trying to harness for the purposes of delivering to this community the collection of these arrears, ensuring that the balance sheet reflects the reality of the arrears and that together we move forward so that the next Principal Auditor's report – though that one will deal with the position two years ago, not with the position from now – but the next one dealing with the position from now is one which is much more salutary in its approach to the work that will
3060 have been done.

And before I sit down, I give way to the hon. Gentleman.

3065 **Hon. D A Feetham:** Yes, I am very grateful to the Hon. Chief Minister, and he is absolutely right. There are a lot of passions running in relation to this particular issue because it is not only the fact that Government tenants, the people who pay, the Government tenants who pay are subsidising the Government tenants that do not pay.

3070 As Mr Speaker has rightly pointed out, rents have not increased the AACR Government and what we have in Gibraltar today are an awful lot of people who have got private accommodation, who have taken out mortgages, who work very, very hard in order to pay for those mortgages, they take their children to school every single morning on the school run in order to then go to work in order to pay for those mortgages and it is simply not fair, Mr Speaker, it is not fair to then have a situation where there are hundreds of people in Government tenancies who are in arrears, bearing in mind not only the fact of those arrears but the fact that Government rents have actually not increased since the 1980s.

3075 So I think that Mr Speaker's comments have been very apposite. Certainly from this side of the House, we have since I became Leader of the GSD, been very vociferous and very vocal and we will continue to be vociferous and vocal in attempting to deal with this culture of entitlement and although there is a disagreement between us in relation to whether this is a culture of entitlement, I think it is squarely a culture of entitlement when 981 tenants, roughly about a

3080 quarter or a fifth of all Government tenants owe more than three months in arrears of rent, and that has to end.

And I will say this to the hon. Gentleman, any help, any assistance that the hon. Gentleman needs in relation to this by way of political support and cover for the decisions that he takes, in order to ensure that the Taxpayer gets the value for and that these monies are paid, he will receive it. Because of course, short of sharing our ideas – and we have offered to sit down with them and share ideas in relation to how these arrears can be recovered – I am also offering the hon. Gentleman the political cover that there will be no criticism from this side of the House for the steps and the measures that his Government takes in order to make sure that this situation ends, which is unsustainable and unfair to Gibraltar as a whole. (*Banging on desks*)

3090

Hon. Chief Minister: Well, Mr Speaker, we are going to end on a much more conciliatory note than we started and can I just thank him for that offer of help, and perhaps he might agree to handle just the evictions for us! (*Laughter*)

Mr Speaker, the hon. Gentleman is right that the rents have not increased, we sometimes say since 1988; in fact the last rent increase was in 1984, Mr Speaker and that is why, during a General Election campaign, during a General Election campaign, when I was asked whether rents would go up I said that they would, that they should go up at least by the rate of inflation so that they caught up in real money terms, Mr Speaker.

And I repeat that today and the hon. Gentleman in one of the things he said, 'Oh, because there was an election on', look, even in an election you have to be honest and tell people what is going to happen and when I was asked, I made that clear.

Mr Speaker, the figure of 980 which has been given is not a figure that has moved very much indeed. The hon. Gentleman can look at the Principal Auditor's report and see that it has always been, unfortunately, quite that high. That is why I say this is not about the culture of entitlement but about people not having been chased and then having got used to it.

But, Mr Speaker, I think it is possible today, before I move the adjournment, for the House to adjourn on a House of accord and not of discord. And, Mr Speaker, that I sincerely, sincerely welcome. As I have often said in my Budget Speeches, my Government is here to help those who go out to work every morning, those who have obligations to meet and go out and meet them, the hard working people in this community who are the ones who make us tick and who deliver the success that we are today, and not to perpetuate those who seek handouts or fail to pay. That is who we represent, those who put their hands out to work, not who put their hands out to receive only when they are able to pay, and that is who we will chase more than anybody else – those who can pay and do not pay, not those who cannot pay.

With that, Mr Speaker, I would move that the House do now adjourn, unless somebody has any other supplementary on this subject, until tomorrow morning at 10.00 a.m.

Q160-161/2016

Procedural

Mr Speaker: Before we adjourn, there is another *mea culpa* on my part.

Question 160: would hon. Members please have a look at Question 160? I think it would be useful I think in order for Members to have guidance.

When questions are handed in, my staff here, the Clerk in particular are under great pressure because there is only a short span of time, as hon. Members know, from time immemorial, five working days and they try to get the questions to the relevant Government Departments and Ministers as soon as possible. And I delegate to the Clerk so that he has the first look at them, obviously I cannot be here all the time when questions are coming in he has the first look, sends them on to the Departments so that they have as much time as possible, unless he has some

doubt about some particular question. If something arises which he wants me..., he will then phone me and tell me or I will come down and have a detailed look at any particular question.

Now, Question 160:

Can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation treatment in each year from 1996 to 2011?

3130 That question in my view, should not be on the Order Paper because the present Government do not have the responsibility for anything that went on between 1996 and 2011, so they are not required to answer questions for which they have no responsibility. If they wanted to, yes it is statistical information that is being asked for perhaps, so the information can be given.

3135 It is now on the Order Paper, I am not going to remove it, but if I had seen that question, I probably would not have allowed it, on the basis that you cannot ask a Government that came into office in 2011 to answer for something that went on 15 years before or during the time of the AACR. I mean, that is common sense.

3140 **Hon. D A Feetham:** Mr Speaker, may I intervene at this stage. I agree with Mr Speaker, and I will explain why this has crept in, but on different grounds.

Mr Speaker, the Government constitutionally is a continuous entity, so despite the fact that there was a GSD Government from 2007 to 2011, there was a GSLP Government from 2011 to 2015, Government is a continuous constitution, there is never a gap in Government effectively,
3145 between one and the other.

So, Mr Speaker, it is perfectly legitimate to ask about something that occurred pre..., and there may well be circumstances in which it is legitimate to ask for a question and seek information about something that happened pre-2011, which is when they got elected. That is my own view, Mr Speaker, but of course I defer to any ruling Mr Speaker makes in relation to
3150 this.

This particular question has crept in, I personally would have taken it out and unfortunately, Mr Speaker, it is entirely my fault because I have been engaged in a trial the entire week and I was not able to look at every single question before they went out. I think where the question perhaps is objectionable is in actually the scope of the question in terms of the information that
3155 is being sought. I think that it is too wide and certainly on this side of the House, we have absolutely no hesitation in accepting that we have made a mistake.

Mr Speaker: I think hon. Members of the Opposition, particularly those who were here during the previous three years will confirm I hardly ever, we hardly ever turn a question back. It
3160 is a very rare occurrence for me to rule out a question.

Chief Minister (Hon. F R Picardo): But, Mr Speaker, can I be of assistance to hon. Members so that they can have an idea of the issues. We spotted this question because obviously it came to us and we had to try and deal with it. Also the size of the data requested is very difficult to
3165 compile in five days, even if we had been the Government that had been in place since 1996.

In some instances it is very easy because it may be something that has been compiled before and may be data that is kept by the Civil Service, but if you have got to go back and recreate the data, then it becomes impossible to provide in the time available.

But can I just suggest to the hon. Members opposite in a way that might be helpful to them –
3170 whether or not they had been in Government in that period, but in fact they had been in Government in that period, some of them for some of that period, I think none of them since 1996 but they have colleagues in their parties who were – that of course it is always open to them, if they want to get information which they then can trust to the period that we have been

3175 in office, to write to the Chief Secretary and ask him, 'When I was a Minister can you tell me, can you just remind me of this or that?'

That of course is something they are entitled to do and can sometimes be more helpful to them than asking the question only at Parliament time. The questions they can ask the Chief Secretary in respect of the time that they were in office, they can put at any time and they can be provided with the information and in that way, I think they might find it easier to do the job which of course they want to do and it is perfectly normal of contrasting things that happened in their time with the things that happen or are happening in our time.

Mr Speaker: Let me just, before the Hon. Mr Elliott Phillips stands, let me just read out to Members the Rule in question. Rule 15 – Matters to which questions must relate:

Any question addressed to the Chief Minister, or a Minister shall relate to the public affairs with which he is officially connected or to a matter of administration for which the Government is responsible.

3185 Clearly the present Government are not responsible for what went on between 1972 and 1988.

Hon. D A Feetham: No, Mr Speaker, when it talks about Government, this is what I am ... but again I do not want this to be contentious, but when it is talking about Government, and I am not sure that this is contentious between myself and the Chief Minister. When one is talking about Government, one is not talking about the current Government because Government is a continuous entity constitutionally and therefore it reaches back. That is why constitutionally it is a perfectly legitimate question to ask, and Mr Phillips is now going to explain the reason why he asked it.

3195 When I saw this, and I have explained I have been preparing for a very long trial that I had and I could not vet every single question and this one I did not vet. My concern with this question when I read it today was that it says 'to confirm how many people underwent a programme of drug rehabilitation from 1996 to 2011.' I thought that is an awful lot of people – that is the reason why I, in the back of my mind I thought well actually if I had seen this before, I would have certainly spoken to Mr Phillips.

3200 Unfortunately, Parliament is always the third week of every single month which would have been last week, that is why the trial was listed this week and it has actually coincided and it has been very difficult to basically read every single question and it is entirely, entirely my fault.

3205 **Mr Speaker:** And mine.

Hon. D A Feetham: But, Mr Speaker, Mr Phillips says that he has a reasonable explanation for this.

3210 **Hon. Chief Minister:** Can I just speak?

Hon. D A Feetham: Yes, of course, I give way.

Hon. Chief Minister: Well, I don't think you have to – you are going to sit down.

3215 But, Mr Speaker, can I just thank the hon. Gentleman for that because it is not contentious for us. In instances where only statistical information is being sought we will of course try and provide it, but going back to 1996 is well nigh impossible, Mr Speaker, we are talking about 20 years.

3220 But not just that, Mr Speaker, as hon. Members will know or should know, of course drug rehabilitation was not done by the Government until 2009, it was done by an independent trust which the Government supported and it was in 2009 that the former administration took over

the running of Bruce's Farm, which had previously been handled at arm's length through a charity.

3225 So in any event, in respect of this matter, it would have been impossible for us to provide the information for that reason as well.

Hon. E J Phillips: For the avoidance of any doubt and in order to explain why I asked that question and also the following question, it was as a result of the Minister Sacramento's comment, and I will refer to it in *Hansard* at 124 page 33 on the morning of Wednesday, 20th
3230 January, in which she said, 'When I looked at the statistics' – when she entered office – 'it was clear there was no-one there, Mr Speaker.' And she went on to refer to how many people would be undergoing treatment and how many did undergo treatment before her time in office.

Therefore I think it is quite right and prudent and proper for the Opposition to ask questions that lead on from her statement, which has caused much controversy amongst a former
3235 Member of this House, regarding who had undergone a rehabilitation programmes – not who, the amount of people that had undergone a rehabilitation programme and those who were successful.

It is only right and I am grateful for Mr Speaker to confirm (*Interjection by Hon. Miss S J Sacramento*) that the question can stand. It is only as a result of the exchange that I had with
3240 Miss Sacramento where she described Bruce's Farm as a crack house when she entered, which was a very unfortunate use of words.

But, Mr Speaker, that is the reason and that is a reasonable explanation in my view for asking this question and the following question, that is why I am asking for a response.

Mr Speaker: I think therefore that I should give an explanation as to why it is on the Order Paper. Question 161 is similar, it is on the Order Paper, I am going to allow them tomorrow. It is for the Government to decide how they answer them, but I just warn hon. Members that on
3245 another occasion, we might not allow it for the reasons that I have explained, okay?

Thank you very much.

3250

Hon. Chief Minister: Yes, Mr Speaker and that makes perfect sense, although I will tell the hon. Member that the words used by the Hon. Minister were words which adequately described the state of the place as we found it. And I know that the issue that his party colleague had was to say that when he left it, it was not in that state. But he might want to reflect on the fact that
3255 there was an interim period between our arrival in office and Mr Corby's departure from responsibility in respect of this particular facility and we were not the ones in office in that period.

Hon. E J Reyes: May I Mr Speaker, in keeping with that, I am not disputing what the Chief
3260 Minister said but I must also declare a vested interest. I personally succeeded Hubert Corby before my life in Parliament as Chairman of Bruce's Farm, so it is not just Mr Corby who took certain, perhaps displeasure, at the words but I also on behalf of those who were on the Board of Trustees with me.

Hon. Chief Minister: And that, Mr Speaker, is exactly the point. Because the hon. Member then became a Member of Parliament after that and there was a period when it was being run by the Government, the GSD Government, he was not the Minister responsible and then we took over. Then the description is about what we inherited, not from him or Mr Corby as trustees, but from the GSD.
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Mr Speaker: The House will now adjourn until tomorrow at 10.00 a.m.

The House adjourned at 7.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.05 a.m. – 1.05 p.m.

Gibraltar, Friday, 26th February 2016

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The Gibraltar Parliament

The Parliament met at 10.05 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q160/2016

Drug rehabilitation–

People undergoing treatment 1996-2011

Clerk: Meeting of Parliament, Friday, 26th February 2016.

We continue with answers to Oral Questions.

We start at Question 160. The questioner is the Hon. E J Phillips.

5

Hon. E J Phillips: Mr Speaker, can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation in each year from 1996 to 2011?

10 What I would say, Mr Speaker, is that there was an error, that is my mistake insofar as 1996 is concerned. What I would like the answer to is from 1999 onwards rather than 1996. I apologise for that error, but if the Hon. Minister could answer the question in respect of that period, I would be obliged.

The Speaker: Given the distance between the hon. Member and myself, I would be grateful if he could raise his voice a bit. Thank you.

15

Hon. E J Phillips: Mr Speaker, would you like me to repeat the question?

Can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation treatment in each year from 1996 to 2011?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government is not answerable for any acts prior to 8th December 2011 and the collation of material going back 20 years as requested originally in five working days is, in any event, extremely difficult.

25

Since January 2012, 56 people have completed treatment.

Hon. E J Phillips: Mr Speaker, probably two supplementary questions in relation to that point.

30 Mr Speaker, you will recall yesterday that I referred the hon. Lady to a statement that she made in answer to a question that I put to her yesterday in relation to the statistics that she claimed that she had looked at on entering office and she said, and I quote:

And then the answer when I looked at the statistics was clear: there was no-one, Mr Speaker. In the days of the GSD Mr Speaker, we were paying for a rehabilitation facility which was empty, Mr Speaker. At the time, there may have been one person undergoing treatment, at most two.

Mr Speaker, in answer to Question 574/2001 there were over 310 admissions to Bruce's Farm from years 2003 to 2010 and the Hon. the Minister has confirmed there were 56, I believe, admissions at Bruce's Farm undergoing treatment.

35 Can the Minister now confirm that the position that she stated in this House was incorrect and ask her to correct the record?

A Member: Hear, hear. (*Banging on desks*) (*Interjections*)

40 **Hon. Miss S J Sacramento:** Mr Speaker, the statement is so preposterous that I actually do not know where to start, and I have to confess how sad it is that people are trying to score political points when it comes to rehabilitation.

First and foremost, Mr Speaker, yesterday you did make quite clear that we would not be answerable for any acts before we came into Government in December 2011 and notwithstanding the direction, Mr Speaker, the hon. Gentleman continued to ask for statistics from 1999. So Mr Speaker, everything that you said yesterday fell on deaf ears.

Hon. D A Feetham: A Point of Order.

50 **Mr Speaker:** Yes, a Point of Order, what is it?

Hon. D A Feetham: Mr Speaker, on a Point of Order, and it is important, and I would ask Mr Speaker to reflect upon it and if necessary not rule now, but rule after Mr Speaker has had some thought in relation to the matter.

55 I said yesterday that constitutionally it cannot be the position that a Government is only obliged to answer questions in relation to their term in office, because there may well be certain circumstances where it is justified to ask questions on the period prior and that constitutionally Government is a continuous entity.

60 Now of course it is always going to be at the discretion of a Speaker as to whether a Speaker allows those types of questions or does not allow those types of question because I can envisage that of course Mr Speaker can say, 'Well look, they were not in office at that time and also it is oppressive to be asking something going back 20 years because statistically, it really, the mass of statistics that that produces it is not fair on the machinery of Government or it is impossible or a number of other reasons.'

65 But it is the principle and the precedent that is being set of saying, 'We cannot be responsible for any answer prior to December 2011', which I do not believe is right and I think that the Hon. the Chief Minister in fairness to him yesterday, I think accepted that that cannot be right as a 'across the board' statement.

70 Therefore I would ask Mr Speaker, even if he does not do it now and allows the hon. Lady to continue, that he thinks about it and then rules in due course.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist in this respect.

75 Let us be very clear, it is impossible for us to be responsible for matters which relate to the period before we were in office and responsibility is the key word here. If somebody wants *data* about something that relates to the period before we were in office and it is readily available, then of course it is provided and there will be no difficulty with that.

But in this instance, as I think was acknowledged yesterday, with five working days to prepare answers, it is impossible to produce 20 years of data unless it is already data that is maintained and easily accessible.

80 And, Mr Speaker, very often it is because something has been asked for in this House that data is maintained in a particular way and then you can literally pull it off the shelf when somebody asks for it to be updated because the civil servants will diligently be keeping the data in the form that it is regularly asked for.

But I certainly do not accept, and maybe the hon. Gentleman did not mean to say this, I certainly do not accept that we have responsibility in respect of anything which relates to the period before 9th December 2011, but we will certainly always try to assist in providing information which relates to any period because the hon. Gentleman was saying yesterday that there is one Government of Gibraltar and there are different administrations and that of course is the correct position.

90 There is a different Government of Gibraltar after every new Constitution so there was one from 1969 and one from 2006. It does not really make any difference to the point that I am making and that is why yesterday, Mr Speaker, what I also told the hon. Members they could do, is write to the Chief Secretary if they wished to have information about periods when they were in office – and in some instances I know that there are only two of them here who were in office and they may have to pray in aid the assistance of some of their colleagues who were in office before, if they want a piece of data which relates to their ministerial responsibilities at the time between 1996 and 2011.

We will always try to help with data where available but we will not be responsible of course, in respect of matters that relate before our election into office.

100

Hon. D A Feetham: Can I come back in relation to that?

We are both singing from the same hymn sheet. I stood up yesterday and I said and acknowledged that in relation to a question where one is asking for statistical information going back 20 years, there may be all sorts of reasons why the Government may say 'Well look, we cannot answer that question', which is the point that the Hon. the Chief Minister is making.

105 My point is a different one. What I do not want is the precedent being established that a Government refuses to answer questions just simply based on the fact that that question relates to information prior to them coming into office in December 2011, in this instance.

And I do not think there is a difference between my learned and hon. Friend, the Chief Minister and myself in relation to this, but of course because the hon. Lady has answered the question in the way that she has answered it, I feel obliged to stand up so that there is no precedent established that we cannot ask any questions that may be appropriate, proportional and reasonable, as to information that arises prior to them taking office in December 2011.

115 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, can I make one additional point before Mr Speaker rules?

Mr Speaker: No I am not going to rule. I am going to mention what I am going to do, but there is not going to be a ruling at this stage.

120 Yes, continue.

Hon. G H Licudi: Mr Speaker, the hon. Member mentions the constitutional principle of continuity of Government, and that is of course true as a constitutional principle. But there is a difference between continuity of Government and continuity of information across different Governments, and there is a rule that there are some files that a Government does not have access to in relation to the previous administration.

125 So many files, once an administration comes to an end, the files are put away in boxes and it is the civil servants, and the Chief Secretary in particular, that has access to those files. Now if

130 information is sought of this Government in respect of a previous administration, we do not
have access to those files to either contrast or compare or put data in its proper context and
therefore coming to Parliament and being responsible for the information we give this
Parliament, we cannot take that responsibility in respect of files that we do not have access to
and therefore it creates a big, big practical difficulty for the Government, and certainly in terms
of the Standing Orders which talk about giving information for which the Government is
135 responsible, we are not responsible for that information, particularly because in many cases we
do not have access to that information and therefore cannot put even data in its proper context.

I am happy to give way.

Mr Speaker: But of course the administration, as the Chief Minister has said, the Chief
140 Secretary would have access and he is the one who provides the continuity whenever there is a
change of Government in particular.

Hon. D A Feetham: Absolutely. That is...exactly. That is precisely constitutionally what the
position is.

145 And indeed I recognise what the Hon. the Minister for Justice is saying. There are files that
are not disclosable, say for example a summary to the incumbent Chief Minister because it
relates to something that happened prior to his coming into office and there are particular types
of files, I think it is the *D* files – (*Interjection*) It is the *D* files.

150 **Hon. Chief Minister:** They are alphabetically numbered by Chief Ministers.

Hon. D A Feetham: Yes, they are alphabetically numbered by Chief Ministers, that is
absolutely right and therefore I accept that. I accept that entirely and that is why I have come
here and I have said that it is quite reasonable for a Government, under certain circumstances,
155 for a variety of reasons, to refuse to answer a particular question when it is posed.

But with respect to the hon. Gentleman, when the Standing Orders talk about for which the
Government is responsible, you cannot just simply hermetically seal that or narrow down the
scope to Government as at the point in time when they are in office because there may well be
information for which they are responsible, but that information came to light and came into
160 being – probably the latter better than the former way I have characterised it – prior to them
coming into office.

And I think we are all singing from the same hymn sheet, it is just that I am concerned that
we do not have a practice or a precedent that is established that basically says, 'Right, okay we
can only answer questions if the information really arises after December 2011.' That is not the
165 position as it transpires in these exchanges of the Government, it is not the position of the
Opposition.

Mr Speaker: Very well, I get the gist of the point that has been raised and I will make a ruling
in due course, insofar as it applies to Parliament, because one issue is constitutional
170 responsibility of the Government within Parliament and another matter may be what happens
outside Parliament, where the Government may have the constitutional responsibility with
regard to the general public. So it will purely be directed to Parliament.

Now, the Hon. Mr Elliott Phillips mentioned a question in 2001, okay? The hon. Lady was not
a Member of the House of Parliament in 2001 and therefore she has no obligation to be
175 informed about any answer that was given in Parliament in 2001, unless, unless her Department
in drafting answers have a file where that information may be available. If her Department has a
file in which answers, having been answers in what was then the House of Assembly, those
answers have been put into that file, then a Head of Department or the person drafting for the
Minister an answer to the question may be able to bring that to the notice of the Minister.

180 But other than that, she certainly has no obligation to know what went on in 2001, so I do not think that he can refer to that.

Hon. Miss S J Sacramento: Having said that, Mr Speaker, and because the hon. Gentleman is suggesting in a supplementary that I am misleading Parliament in my answer, then, and he is insisting with his facial gestures that he is making, Mr Speaker, in his supplementary, what he refers to is admissions to Bruce's Farm.

In his current question, his question relates to *completion* of treatment in Bruce's Farm, Mr Speaker and they are not – (*Interjections*) Mr Speaker, the question and I will read it for the sake of good order says:

Can the Minister for Social Services confirm how many people completed a drug rehabilitation programme between the years 1996 and 2015?

190 Mr Speaker, that is the question that I have on my paper.

Mr Speaker: That is the question that I have.

Hon. Miss S A Sacramento: The question that I have says the word *completed*. (*Interjections*)

195 **Mr Speaker:** She is answering the two questions together. Question 160, can the Minister for Social Services confirm how many people *underwent* a programme of rehabilitation? And Question 161: confirm how many people *completed* a drug ...

200 **Hon. D A Feetham:** We have not called Question 161.

Mr Speaker: It has not been read? Then what the Minister should say is I will answer Question 160 together with Question 161, and then the Hon. Elliott Phillips can read out Question 161.

205 **Hon. Miss S J Sacramento:** Mr Speaker, I do apologise. I had it open on the wrong page after yesterday after we left.

So yes I was answering, the statistics that I provided was in relation to Question 161 because I intended to answer both together.

210 Having said that Mr Speaker, if I can pre-empt the answer to this one I have noticed that actually I do not have the statistics. I have not been provided with an answer for Question 160 so I do apologise for that. I do not have the figures for those who underwent; the only figure I have been provided with is that for people who completed treatment.

215 So the number of people who completed treatment is 56, I have not been given the figure for those who underwent a programme between –

Oh no no, Mr Speaker, sorry! Reading Question 160, Question 160 asks how many people underwent a programme between 1996 and 2011, Mr Speaker, and my answer to that is that we will not be answerable in relation to anything that happened before the period of December 2011. So that is my answer to that and that in any event, it would be impossible to collate those figures in the short period of time that we have since the question was asked.

220 So, Mr Speaker, I have not made a mistake in the answer to Question 160, but I did make a mistake when I thought I was answering Question 160 and what I was answering was Question 161.

225 It may be easier if the hon. Gentleman asks Question 161 and then we can have the answer on that.

Hon. E J Phillips: Mr Speaker, just one question before we get on to Question 161. The reason why – it is a very simple reason – the reason why I ask this question was because she said in answer to the question that I put to her in the last session that she looked at the statistics after coming into office and it was clear that there was only one person there. Hence the reason for asking the question.

The matter was put before the House. She made a statement in relation to the number of people that were working at Bruce's Farm, together with rather inflammatory language about the state of the service at the time and therefore I am entitled, I believe, to ask a question relating to those numbers, those statistics that my learned and hon. Lady has said that she has seen on entering office. That is precisely the point that I am making. The answer that she has clearly given shows that the impression that she gave from her answer to my question in the last session was wrong, and that is the point I am making.

I would ask – it is not a political point, I am not making party politics out of it (*Laughter*) – I am asking the hon. Lady to correct the record from information that she provided to this House that was incorrect. It is a simple point that I make and I would ask her to correct the record please.

Hon. Miss S J Sacramento: Mr Speaker, I do not think he understands, because he has answered –

Hon. Chief Minister: It is strange for an Englishman not to understand English.

Miss S J Sacramento: He has answered his own question, Mr Speaker. Because what I said last month, Mr Speaker, was that when I first went to Bruce's Farm early on after having taken office, it was empty. So clearly that could only have happened after 9th December 2011, so what has it got to do with the statistics before December 2011?

I am saying that when I went to Bruce's Farm, when I was the Minister with responsibility for Bruce's Farm, shortly after having been the Minister, the place was empty. On some days it was empty, on some days there was one person there or there could have been two people there. That was in the early days in which we took office. So the statistics that I am referring to, what I said – and he can check *Hansard* because I am pretty sure that that is what I said last month – was that very early on, it was empty.

And if it was empty very early on, it cannot be attributed to anything that we did, because all we did was inherit the mechanism that was there.

I have to say that I was horrified and I will say it again – I know he does not like it because he does not like being reminded of what I inherited – but I was horrified to find two things when I went to Bruce's Farm.

Mr Speaker: No please, please. Look, I think I have been very liberal, even in respect of having on the agenda paper as I mentioned yesterday, two questions which my inclination would have been not to allow. Now constitutional points have been raised, I am going to make a ruling in due course, but now I think hon. Members really have to come down to earth and realise that they are widening the whole ambit of the thing and advantage is being taken really. Advantage is being taken of a very generous attitude on my part.

So please, keep strictly to the subject matter. I told the hon. Questioner that you are not expected to deal with something that happened in 2001 because you were not even a Member but the situation as you found it, because you are now going back to the question of the last meeting, the situation as you found it in Bruce's Farm, you have made the point, please do not widen the ambit of the matter any further.

Therefore I ask the hon. Questioner to do the same. Let us keep a sense of proportion.

280 **Hon. D A Feetham:** Mr Speaker, may I ask a question in relation to this? (*Interjection*) Well yes, Mr Speaker because of course the hon. Lady may be absolutely right that in 2011 when she took office there was nobody there. But as my hon. and learned Friend, Mr Elliott Phillips has pointed out, from 2003 to 2010 there were 310 admissions and that we know from questions that were asked by the hon. Gentleman immediately to the left of the hon. Lady, Mr Neil Costa who asked the question.

285 And can I ask the hon. Lady that in her exhaustive search for all the statistics which led her to believe that there was nobody there and this was some form of “crack house” when she took office – it’s the words that she used – did she at the very least talk to her hon. colleague, Mr Neil Costa who quite clearly had the information when it was provided to him in answers to questions?

290 **Hon. Chief Minister:** Mr Speaker.

Mr Speaker: I will answer that.

295 **Hon. Chief Minister:** Thank you.

Mr Speaker: In my view she had no obligation to do so. When I became a Member of the House in 1972, I had no obligation as a Minister to find out from Maurice Featherstone, Aurelio Montegriffo, or what have you, what went on in the exchanges that they made when they were sitting on that side of the House.

300 No, I do not think that is a requirement in a parliamentary process where people are elected at a certain time and leave Parliament at a certain time for that kind of continuity. No need for it.

Hon. Chief Minister: Thank you, Mr Speaker.

305 I think that is exactly the point that you have been making and remaking, and the only further point to make is that the hon. Gentleman still does not seem to appreciate that the description that seems to get their backs up so much of a ‘crack house’ is a description on the morning of 9th December, the morning of the great New Dawn of the state of the place as we inherited it.

310 **Hon. E J Phillips:** Mr Speaker, just for clarity’s sake, I do not want to overegg the point, but the question that I asked was in relation to – and it is a very simple point, Mr Speaker, because *Hansard* demonstrates to all of us here in this Chamber – that the Minister looked at the statistics at the time. Which statistics was she looking at, Mr Speaker?

315 **Hon. S J Sacramento:** Mr Speaker, after December 2011 the statistics that told me that there was nobody there after 2011, Mr Speaker, and in fact I did not need statistics, I went there myself, Mr Speaker. And because of that, Mr Speaker, I asked the people who managed Bruce’s Farm to send me the report in the same way that you do with hotels, where you monitor bed occupancy. I asked for bed occupancy because I wanted to know. I wanted to see the pattern
320 whether people wanted to be admitted to Bruce’s Farm on a Monday, a Tuesday, a Wednesday, a Thursday, a Friday.

Actually I still do get the bed occupancy for Bruce’s Farm every day of the week and every day of the month and every month of the year, Mr Speaker, because I want to monitor the statistics while I and this Government is responsible for Bruce’s Farm, Mr Speaker. But I want to
325 make the point again, Mr Speaker, the statistics that I was referring to was the statistics of what was there when we took office in December 2011, after 2011 Mr Speaker.

And the reason I said what I did in relation to the GSD was because that clearly must have been the system that we inherited and the system that I wanted to put right. And I am sorry that it hurts them, Mr Speaker, but that is what it was, Mr Speaker. Yes, there may well have been

330 other admissions in the period as referred to in that question in *Hansard* in 2011 but I am talking about December 2011, January 2012, February 2012, Mr Speaker. That is what I am referring to.

The hon. Gentleman is insinuating that I am somehow misleading Parliament. I certainly am not. (*Banging on desks*)

335 **Mr Speaker:** Move on to the next question.

Hon. E J Reyes: I want to say something, Mr Speaker. May I say something?

Mr Speaker: You may.

340

Hon. E J Reyes: Mr Speaker, I want to –

Mr Speaker: Are you asking a question?

345 **Hon. E J Reyes:** Alright, I am going to ask a question, yes, Mr Speaker. (*Laughter*) I will ask a question. I am going to add like a preamble to the question.

If in order to be able to collate the information which may be useful for either side, because at the end of the day the ultimate aim I think cross-parties is to improve as far as possible, the services offered by Bruce's Farm. I formally authorise the Minister to be able to access any data that I may have left behind at Bruce's Farm in respect of my days as Chairman of the Trust, when I know statistics and so on were there. It could help the current Government or future Governments in order to improve the facilities.

350 My question is without wanting to rumble back or whatever, because of the answer given at the time when both the Hon. Neil Costa and myself were Members of this Parliament in 2011, we got information that gives us admissions right up to –

355 **Mr Speaker:** You are asking a question.

Hon. E J Reyes: I am asking a question, Mr Speaker. What I am saying, my question is I have got information up to 2010, the Minister has been able to provide us with an answer of statistics from she says 2012 onwards? Yes. We are missing a figure for 2011, would it be possible for the Minister at some stage, if not now, to undertake it just to provide us the statistical figure of 2011 as well as, she may even have it, the 56 completions since 2012? Would she happen to have a breakdown of the years, what pertains to 2012, 2013, 2014? It is just so that we can complete the picture, seeing that we have 90% of it, Mr Speaker.

Hon. Miss S J Sacramento: Mr Speaker, yes but that question was not actually asked, and the problem here is that I answered Question 161 before it was actually asked, because Question 160 is very defined in time, in that it only asks for the people who were admitted between 1999 and 2011. My answer to that was that I would not answer it because we are not answerable for anything before our period in office. So that is why we do not have the figures for admissions. The reason we do not have the figures for admissions is because it was not asked.

370 And I have pre-empted the answer to Question 161 by mistake before it has been asked and I have already answered Question 161.

375 But it may be more helpful if we carry on and I give the hon. Gentleman an opportunity to ask Question 161 and then at least if we are going to have anymore supplementaries, it will be in relation to the right question and not Question 160 because I did intend to answer them both together, it just as it happens I had my file open from yesterday and I had it open on the wrong page.

380

Mr Speaker: Question 161.

Q161/2016
Drug rehabilitation–
People completing treatment 1996-2015

Clerk: Question 161, the Hon. E J Phillips.

385 **Hon. E J Phillips:** Mr Speaker, can the Minister for Social Services confirm how many people completed a drug rehabilitation treatment programme between the years 1996 and 2015?

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

390 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, my answer which is the answer to Question 160 and 161 which I am taking together, is once again, this Government is not answerable for any acts prior to the 8th December 2011 and the collation of material going back 20 years in five working days is in any event extremely difficult, but since January 2012, 56 people have completed treatment.

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Hon. E J Phillips: Just for the sake of clarity, from 1st January 2012 until 2015 this month, 56 people is that right?

Hon. Miss S J Sacramento: Yes, Mr Speaker, but we are not in 2015, we are in 2016.

400

Hon. E J Phillips: Does the Minister have a breakdown for each year, 2012, 2013, 2014, 2015 and partial month for 2016?

405 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, in relation to completion of the programme: for 2012 we had 14 people; 2013, 15 people; 2014, 14; and for 2015, 13 people.

Mr Speaker: Next question.

Clerk: Question –

410

Hon. D A Feetham: Mr Speaker, may I?

Mr Speaker: Yes.

415 **Hon. D A Feetham:** Is there a practical difference in terms of the numbers between undergoing a programme and completing a programme, and can the Hon. Minister perhaps provide some information in relation to that please?

420 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, there is a considerable difference between admissions and people who complete the programme because actually completing the programme is very, very difficult, and it may be that on some occasions people are admitted and they are not ready. No-one can force someone to either undergo a drug rehabilitation programme or complete a drug rehabilitation programme. It is something that is very, very difficult and a person has to be in the right place and in the right frame of mind in order to do so.

425

And while some people may be very keen to undergo drug rehabilitation treatment, because it is so difficult, not everybody succeeds or not everybody succeeds on the first occasion. It depends on the person, it depends on the situation and it depends on their level of addiction, and it may be that for some people it takes three, four, even five admissions for them to be clean and to stay clean.

430 It may be that people are admitted, complete the programme, relapse and need to be re-
admitted again. There are all sorts of different combinations in relation to admission and re-
admission. Regrettably, this is something that ... there is no magic wand for drug treatment and
rehabilitation. Everybody wants to help an addict and I think that nobody who is an addict wants
to be an addict, but it is very, very difficult to get out of addiction.

435

Hon. D A Feetham: Yes, Mr Speaker, that is exactly what I thought and of course it is
unfortunate that people fall off the wagon, so to speak. People do not complete it and have to
undertake the programme again. Therefore I was wondering, in order to actually see how many
people are undertaking the programme and then comparing it to how many people are
440 completing the programme, I wonder whether the hon. Lady has the statistics of how many
people underwent the programme during their term in office. Does she have the statistics there
– as opposed to completing, obviously?

Hon. Miss S J Sacramento: No, Mr Speaker, what I could have is details of admission but we
445 can have situations where people are admitted and leave the following day, people may be
admitted on a Friday and leave on a Monday, so how far does that constitute undergoing a
programme? There are some people who are admitted for a few days and they may then
undergo the programme in the community, people do 50/50.

One of the things that I introduced in fact in December 2011 was the support in completing
450 the 12 steps programme in the community, for people who found it difficult to be in Bruce's
Farm for the three months for which the 12-step programme requires. So a very narrow
interpretation of these statistics does not actually give an accurate overview of the situation, Mr
Speaker.

It is something that is very, very difficult to monitor. We try as much as we can but it is what
455 it is, Mr Speaker. But at least what I am much more comfortable with now and much happier, is
that admissions are up and we have never had a situation where we have not had anybody in
Bruce's Farm. Thankfully when I review my statistics, I have never in the last few years had
statistics which tell me that bed occupancy is zero.

460 **Hon. D A Feetham:** But can she tell us how many people have been admitted into Bruce's
Farm from 1st January 2012 all the way to February 2016, on a yearly basis?

Hon. Miss S J Sacramento: Mr Speaker, that question was not put to me but of course the
hon. Gentleman is free to ask that in the next parliamentary session.

465

Hon. E J Phillips: Mr Speaker, I am grateful to the Minister for that explanation. I think that
will go some way, it is actually pleasing to see that the work is being done in the community to
also reinforce the 12 step programme and a number have experienced outside of the work that
we do here in relation to that. It is useful to see people in the community undergoing that
470 programme within the community outside the structure of Bruce's Farm. It is important work
and I congratulate the Minister in respect of that work that she is doing.

One of the supplementary questions I would like to know is that I know the Chief Minister
said yesterday that there had been significant increases in relation to the admissions and the
Minister has alluded to that point again. Is there a reason, has the Government looked into the
475 reasons for increased admissions for people with addiction problems, alcohol and drugs?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and in fact what we did was, the starting point in
2011 was looking at why people were not going to Bruce's Farm in the first place. There were
several very significant stumbling blocks in relation to admission, in relation to the management
and administration of the place once people were there, and there were all sorts of problems in
480 relation to admissions. People had to jump through hoops and all sorts of hurdles to get there.

So we have facilitated that. We have changed the protocol to facilitate admission but more importantly, to make the stay of the service user much more comfortable.

485 We wanted to do two things. Of course I inherited a problem where there was nobody there so clearly if there was nobody there, nobody can undergo rehab. I wanted to make sure that we had an increase in admission, Mr Speaker. I know that the Leader of the Opposition does not like it when I remind him of this, but it is a fact, Mr Speaker. So when I see something and I see that there is a problem, clearly if there is a drug rehabilitation centre that does not have a high occupancy level, it means that somewhere there must be a problem, so I need to look back and see what the problem is.

490 One of the problems was that people found it difficult to be admitted because of the cumbersome procedure which we streamlined. People were not happy when they were there because of certain policies and procedures, which we looked at and we facilitated to encourage people to be there. And of course, very importantly, the makeup of the place and the structure of the place had been left to fall into disrepair. I know that there are people who were very passionate about setting up Bruce's Farm initially in 1999 when it was a charity, but unfortunately those people were not those responsible for it towards the latter part of the GSD and while I do not blame them as individuals for it falling into disrepair, the reality is that it was not a comfortable place to go to, Mr Speaker.

500 So we did look into that and people have now been, I think, happier to be admitted to Bruce's Farm. I have to reiterate one of the points that when people are admitted to Bruce's Farm, they are guaranteed complete anonymity and that is a very important factor in relation to admission, Mr Speaker.

505 **Mr Speaker:** Next question.

Q162/2016
Same-sex marriage –
Religious beliefs

Clerk: Question 162, the Hon. E J Phillips.

510 **Hon. E J Phillips:** Mr Speaker, the Minister for Equality has confirmed that in the context of the proposed amendments to the Marriage Act to make provision for same-sex marriage, religious denominations will not be forced to change their practices, beliefs or sacraments in any way. How does the Government intend to deal with a Registrar of Marriages refusing to marry a same-sex couple on the grounds of religious belief?

515 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government is presently considering the responses received to the Command Paper on Equal Marriage. It would be inappropriate to deal with issues such as that raised in the question before the Government has announced the conclusion it has reached after a full assessment of that consultation.

Mr Speaker: Next question.

Q165/2016
Government rental homes –
No means testing for allocation

525

Clerk: Question numbers 163 and 164 have already been called out. So we move to Question 165, the Hon. E J Phillips.

530

Hon. E J Phillips: Mr Speaker, can the Minister for Housing confirm that the Government has ruled out the introduction of means testing for the allocation of Government rental accommodation?

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

535

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Yes, Mr Speaker.

Q166-167/2016
Government rental homes –
Vacancies

Clerk: Question 166 the Hon. E J Reyes.

540

Hon. E J Reyes: Mr Speaker, further to the answer to Question 42/2016, has Government made any further decision in respect of the possible sale/tender of the 77 homes identified for this purpose?

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

545

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 167.

Clerk: Question 167, the Hon. E J Reyes.

550

Hon. E J Reyes: Further to the answer given to Question 42/2016, can Government say what it intends to do with the 66 homes classified as 'beyond economical repair?'

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

555

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the tender process of a number of these homes has already been completed and these have been removed from the housing stock. The remainder continue to be considered. The tenders will be issued in the usual way.

560

These properties are being reviewed by the Government's Land Management Committee, the aim of which is to maximise the properties or the space in the area in which they are.

Q168/2016
Government rental homes –
Discrepancy in information given

Clerk: Question 168, the Hon. E J Reyes.

565

Hon. E J Reyes: Mr Speaker, further to Question 43/2016 can the Minister for Housing confirm if she has had an opportunity to check upon the discrepancy of information provided last month via Table H22 on the Government's website, when compared to her oral answer to the original question?

570

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, further to Question 43, I can confirm that I checked and the discrepancy arose as a result of an inputting mistake and human error.

575

Q170/2016
Government rental homes –
Eviction of squatters

Clerk: Question 169 has already been called out.
We move to Question 170, the Hon. E J Reyes.

580

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide detailed information in respect of any legal costs incurred relating to the eviction of squatters from rental homes since the answer given to Question 48/2016, together with any possible information as to how these squatters may have come about to unlawfully occupy a home?

585

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, none.

590

Mr Speaker: Next question.

Q171-172/2016
Government rental homes –
Urgent decanting of tenants

Clerk: Question 171, the Hon. E J Reyes.

595

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer given to Question 49/2016, indicating the reason why and the date when said decanting became necessary?

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

600 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 172.

Clerk: Question 172, the Hon. E J Reyes.

605 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants who required urgent decanting have still not been able to return to their homes, as well as provide estimated dates by when they should be able to do so?

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

610 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since the answer given to Question 49/2016 three tenants have required to be decanted: one in January and two in February, due to a fire and a police investigation.

All three tenants returned to their flats in February.

615 **Hon. E J Reyes:** Yes, Mr Speaker, I know those three tenants have returned. What I am implying as well in Question 172, have any tenants, who, either of the three who have required decanting since Question 49 or prior to that ... are there still any who have not been able to return to their homes? Therefore the latter part of my question was, would the Minister happen
620 to have estimated dates when they should be able to return to those homes?

Hon. Miss S J Sacramento: Mr Speaker, my understanding from the answer provided is that they have all returned.

625 **Hon E J Reyes:** Mr Speaker, would the Minister happen to know how about is the decision taken, who takes a decision based upon what, that classifies someone, a tenant, as to saying right, urgent decanting is required from this residence?

630 **Hon. Miss S J Sacramento:** Well, Mr Speaker, obviously it depends on the circumstances. In these cases it is I think quite clear, because I have given the reason for the decanting in that it was a fire. So if someone is decanted as a result of a fire, I think it is quite urgent that they need to be decanted from their property. So obviously it depends on the circumstances.

635 **Hon. E J Reyes:** Mr Speaker, I do not want to waste the House's time, may I ask the Minister would she indulge me just a few minutes of her time later during an appropriate break, behind the Speaker's Chair? Because there seems to be a bit of misunderstanding by certain tenants who claim that they have certificates, for example issued by the Electricity Authority, whereby they have cut off the electricity supply to the homes and classified it as being urgently not suitable and so on. There could be a misunderstanding and I think it is better and we will achieve
640 a lot more if the Minister agrees and we meet later just for a few minutes to allow her to chase up the matter. Is that possible?

Hon. Miss S J Sacramento: Yes, of course, Mr Speaker, and indeed it would be possible at any time before Parliament, if that means that it does not necessarily have to result in a
645 parliamentary question. I am always at the hon. Gentleman's disposal.

Q173/2016

**Government rental homes –
Expenditure to make empty homes habitable**

Clerk: Question 173, the Hon. E J Reyes.

650 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of all expenditure incurred since the answer given to Question 50/2016, in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid in respect of works for each individual home, as well as indicating the type/nature of repair work undertaken?

655

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, none.

Q174/2016

**Government rental homes –
Waiting lists**

660

Clerk: Question 174, the Hon. E J Reyes.

665 **Hon. E J Reyes:** Can the Minister for Housing provide details pertaining to the house size requirements in respect of the 413 applicants who joined any category of housing waiting lists prior to the 8th December 2011 and who are still waiting for allocation or assignment of a rental home?

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

670 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 231 applicants on the 1RKB waiting list. The remainder are either applicants who are adequately housed in pre-war accommodation or who have received notification of allocation.

675 **Hon. E J Reyes:** Sorry, Mr Speaker, the Minister may need to clarify something for me. Looking at the answer to Question 45 in the list that she kindly provided with a breakdown per year, up to 2011 I reach a figure of 413. From the answer I think that figure has changed substantially. Perhaps the Minister can enlighten me?

680 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because when we were asked this question I noticed that there was an error in the previous question, in that there were some people who had already been given allocations but the information had not been extracted from that particular table. So I have double checked this answer and this is the correct answer.

685 **Hon. E J Reyes:** Okay, Mr Speaker, so then am I right in assuming that there is an error in the figures provided via Question 45? Would the Minister at some stage be able to provide me with a revised answer to Question 45, otherwise this one, Mr Speaker, remains on the record and the Minister has just said that it needs to be updated?

We can come to a mutual understanding when she can provide that information.

690 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, of course and we only noticed this a couple of days ago in preparation to this and we also noticed other mistakes. The hon. Member and I have already discussed it and I am grateful for his assistance in this.

Q175/2016
Government rental homes –
Housing Pre-List

Clerk: Question 175, the Hon. E J Reyes.

695

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of by when Government intends to do away with the Housing Pre-List as per their 2011 manifesto commitment?

700

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, our performance in respect of our magnificent 2011 New Dawn manifesto was judged by seven out of ten voters at the recent General Election to have been exemplary.

705

We have now embarked on an equally exemplary record of performance in respect of our 2015 Strongest Foundations General Election manifesto and our housing commitments are contained therein.

Q176/2016
Government rental homes –
Vandalism of lifts

Clerk: Question 176, the Hon. E J Reyes.

710

Hon. E J Reyes: Mr Speaker, further to the information provided at Table H28 on the Government's website in respect of lifts servicing Government rental homes, can the Minister for Housing provide details, if any, of the 26 faults reported have been attributed to vandalism?

715

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, four faults can be attributed to the wrongful use of the lift or vandalism.

720

Hon. E J Reyes: Thank you, Mr Speaker.

The Minister may recall in the past I had this habit of submitting written questions and she would give me a schedule, and there was a column that had 'breakdown fault'. Looking at the table now available on the website, it has made it superfluous now for me to have to ask that written question because most of the information required is there.

725

However, Mr Speaker, in her written answers where it said 'breakdown fault', it actually gave a bit of a description – for example, 'cabin doors forced' – and then one could deduce that had to be by logic vandalism attributed and so on. Although she has given me the answer saying it is four, I am lacking that sort of information where just to pick up on the trend, whether it is because the doors have been forced open or what it is.

730 If the Minister does not have it now, could she at least undertake it, if they hope to continue providing updated information via the website, that a column similar to how she used to do it in the written schedule be included and then it avoids my having to pose a question either in written or in oral format? There may be the odd occasion where I need clarification, but certainly it would help to expedite the proceedings of this House.

735

Hon. Miss S J Sacramento: Yes Mr Speaker, I will certainly consider that, but I am in a position to give the hon. Gentleman the information that he is asking now and he will be as horrified to learn as I am that the first two faults are occasioned because of a plastic bag wedged into the cabin door.

740

The other one is because the doors were manually forced open.
And on the fourth occasion, again the cabin doors were forced open and the door mechanism was damaged.

Q177/2016
Anti-social behaviour –
Curtailling in housing estates

Clerk: Question 177, the Hon. E J Reyes.

745

Hon. E J Reyes: Can the Minister for Housing provide details of what effective actions it is implementing in order to curtail the unfortunately increasing anti-social behaviour being experienced in housing estates?

750

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Housing Department has policies in place to deal with anti-social behaviour and where relevant and if necessary will refer matters to the Royal Gibraltar Police.

755

Hon. E J Reyes: And would the Minister happen to have, sort of any information that helps not only myself but helps tenants and so on, especially the law abiding citizens, to have a bit more realistic expectations of what the actual effective actions are contained in those policies they should be carrying out?

760

Hon. Miss S J Sacramento: Well, the action is on a case-by-case basis because anti-social behaviour, Mr Speaker, is a very wide range of incidents that could occur.

765

But on the whole, when someone complains of anti-social behaviour, once it is reported they will be met by officials in the Housing Department and the appropriate action will be taken, of course depending on the situation because anti-social behaviour can range from someone inconveniencing a neighbour by having a mop on the door step to then other kinds of potentially criminal behaviour by other people, in which case, we will of course report it to the police.

But in every situation when it is reported, the Department will meet with the tenants to try and find a solution within the range of policies available.

770

Hon. E J Reyes: And can the Minister then confirm from there, if after those initial steps and meeting with the tenant and so on, it is not producing much of the desired result, who ultimately then would take a decision and whose responsibility is it to refer the matter to law enforcing agencies such as the Royal Gibraltar Police and so on?

775

Hon. Miss S J Sacramento: Well again, it depends on the situation but it would be both or either or. It depends on the situation.

780 Of course the Government Department as the landlord will, in certain circumstances, have a duty to refer, unless of course the tenant may have very strong or compelling reasons why they do not want us to refer, but again it is very much an individual case-by-case basis where we want to, as a landlord, make sure that we exercise our responsibilities to that tenant in particular and to other tenants of course, to whom we have a responsibility.

Hon. E J Reyes: And would the accommodation be – I am being asked by some tenants who 785 seem to be a bit stuck with what they should do. They have at times approached the RGP who take it upon themselves to perhaps look at some matters and in others, because at that particular moment in time they have been caught up with other duties, have referred the tenant to the landlord.

790 Would the Minister perhaps look at some sort of possibility of establishing some sort of rapport or agreement with the RGP? I know they have got a Community Constable's area and so on, I am looking towards making life reporting cases of unsocial behaviour as easy as possible and as anonymous as possible, because as the Minister is well aware, sometimes one has a rather unruly neighbour next door and some people actually fear for their own physical well-being.

795 I do not know if the Minister can just at least commit herself that she is willing to look into this and if need be we can even work together because she can certainly count on my wholehearted support on this matter.

Hon. S J Sacramento: Mr Speaker, as far as I am aware, these mechanisms already exist, so 800 they should already be happening. But if there are individual cases where the hon. Gentleman is aware that this may not be happening, then I am happy to hear from him and we can discuss this between us and we can find a way where we can assist.

805 But certainly, I am aware that there is a mechanism where the Housing Department meets with the Police, in fact on a regular basis, at least monthly I think, where these matters are discussed. But I will look into it to see if there is any particular case that may have fallen through the net.

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

810 **Hon. T N Hammond:** Mr Speaker, if I may, can I just ask, the small police offices that were established in the estates: are they routinely manned over a 24 hour period? How do they operate? In other words is there a continuous police presence or are they only occasionally manned?

815 **Hon. Miss S J Sacramento:** Mr Speaker, that is not a matter that is the responsibility of the Housing Department, but of the Royal Gibraltar Police and I am afraid I cannot answer that.

Q178/2016
Gibraltar Literary Festival 2015 –
Net total cost

Clerk: Question 178, the Hon. E J Reyes.

820 **Hon. E J Reyes:** Mr Speaker, further to the answer given to Question 37/2016, can Government provide updated details with a breakdown of all income generated, expenses incurred and thus net total cost of the 2015 Gibraltar Literary Festival?

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

825

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the breakdown of payments to date is as follows: income generated, £267,381 – that remains the same as last time; expenses incurred, £375,480; and the net cost therefore is £108,099.

Q179-182/2016
Rental housing estates –
Refurbishments

830

Clerk: Question 179, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer given to Question 38/2016 can the Minister for Housing name which blocks of flats within Laguna Estate are included within the completion dates given for each phase of the ongoing refurbishments?

835

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 180, 181 and 182.

840

Clerk: Question 180, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated estimated completion dates in respect of the different phases pertaining to the installation of lifts within the rental housing estates currently being refurbished, indicating which block of flats pertain to which phase for this purpose?

845

Clerk: Question 181, the Hon. E J Reyes.

850

Hon. E J Reyes: Can the Minister for Housing provide details of completion dates in respect of any new lifts already installed during the current Financial Year within any housing estates, together with details of any breakdowns these newly installed lifts may have already experienced?

855

Clerk: Question 182, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please explain what is the current position in respect of the installation of lifts at Laguna and Moorish Castle Estates?

860

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 179, I now hand the hon. Member a schedule with the names of the blocks in each phase.

865

Mr Speaker, I am not sure whether the hon. Member heard my response, my microphone was not picking up. But in answer to Question 180, the estimated completion dates remained as were answered in Question 38/2016.

870 In the case of Laguna Estate which has three phases, the blocks in each phase can be found in the schedule in answer to Question 179, which is the one that I just handed the hon. Gentleman.

No new lifts have been installed in this financial year other than those installed under the refurbishment programme which have yet to be commissioned.

875 And in answer to Question 182, the installation of lifts go hand in hand with the unprecedented and excellent external refurbishment programme which the Government has completed and are progressing according to its magnificent project completion dates for each individual stage in Laguna and Moorish Castle Estates.

Answer to Question 182/2016

Answer to Question 179/2016

LAGUNA NAME OF BLOCKS UNDER EACH PHASE

<u>Phase 1 – September 2016</u>
Rodney House
Smith Dorrien House
Mallard House
Forbes House
Landport House
Orillion House
Bayside House
Maidstone House
Blackwatch House
Causeway House
Nelson House

<u>Phase 2 – February 2017</u>
Laguna House
Inundation House
Somerset House
Liddell House
Kensington House
Jamaica House
Ballymena House
Madeira House
Boyd House
Elliott House
Sortie House

<u>Phase 3 – April 2017</u>
Sheffield House
Faulknor House
Hood House
Ark Royal House
Resolution House
Forrester House
Renown House
Fearless House
Somerville House
Firedrake House
Devon House
King House

880 **Hon. E J Reyes:** Yes, Mr Speaker, the Minister has said in this current financial year those that may have already been installed have not been yet commissioned. Am I right then in deducting from them that the estimated commissioning dates are those pertaining to the schedule here or are there any other different dates that are not contained here, perhaps pertaining to other blocks or lifts?

885 Because these here, for example, do not include anything under Moorish Castle and I believe there are some lifts as well assigned to Moorish Castle Estate?

Hon. Miss S J Sacramento: Mr Speaker, he is correct in that the lifts are installed but not commissioned. They will be commissioned by the date of completion and in Laguna Estate, the completion will take place in three phases and I am outlining in the schedule the blocks that relate to each phase.

890 But in relation to Moorish Castle, Mr Speaker, I already indicated the completion date in the answer last month and as I have just answered now, that completion date will not change. That is why I do not include all the lists because there is only one phase for completion in Moorish Castle.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q184-185/2016

Parking for people with disabilities – Details of permits granted

895 **Clerk:** Question 183 has already been called.
We now move to Question 184, the questioner is the Hon. L F Llamas.

900 **Hon. L F Llamas:** How many people have been granted disabled parking permits since December 2011, providing details of sex, age and condition/conditions?

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

905 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 185.

Clerk: Question 185, the Hon. L F Llamas.

910 **Hon. L F Llamas:** What is the process to consider disability parking permit applications, detailing who is involved during the process?

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

915 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Department has issued 605 permits since 2011. There are currently 496 active badges.

After consulting with the Data Protection Division of the Gibraltar Regulatory Authority, we are not able to release this sensitive personal information, as some individuals would be easily identifiable from the breakdown requested. Releasing this information would be contravening the Data Protection Act.

920 Mr Speaker, applications for disabled persons' badges are received at the Driver and Vehicle Licensing Department as the issuing authority for these parking permits. The prescribed

application form is comprised of two parts, the second of which is required to be completed by the applicant's doctor.

As applications are received by the issuing department, these are referred to the Medical Advisory Panel which comprises a doctor, the GHA's head occupational therapist and senior members of the Department.

In this regard the panel carefully assesses all applications and may advise for approval or reject applications after considering the applicant's disability in accordance with the provisions of the Traffic (Parking and Waiting) Regulations 2011.

Hon. L F Llamas: Thank you very much for that answer. Just going back to the panel that assesses these applications and makes recommendations as to whether Government accepts the application or rejects it, is there any involvement from any civil servant or Minister who may reject a recommendation from the panel?

Hon. P J Balban: Mr Speaker, no, this is done independently so if I enquire I can find out. For example, this process is actually, the question that the hon. Member has asked has, maybe for the first time, looked at exactly what the medical conditions are for example, which I was not aware of. But it is totally down to the recommendation of the Medical Advisory Panel and it is on their recommendation that the permit is either granted or denied.

Q186-188/2016

Vessels departing British Gibraltar Territorial Waters – Pilotage

Clerk: Question 186, the Hon. L F Llamas.

Hon. L F Llamas: In relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016, and any other vessel which has arrived in BGTW and left to Spain shortly after arrival, can Government explain what was the initial purpose of their visit?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 187 and 188.

Clerk: Question 187, the Hon. L F Llamas.

Hon. L F Llamas: Have any fees been left outstanding to the Gibraltar Government or the Gibraltar Port Authority in relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016 or any other vessel which has done the same since December 2011?

Clerk: Question 188, the Hon. L F Llamas.

Hon. L F Llamas: In relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016, why did the Gibraltar Port Authority not physically attend to the situation?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Gibraltar Port Authority launch did not attend to the situation as it was not available at the time. In any case, there would be no purpose for the launch to attend in these circumstances.

970 Furthermore, there is no requirement for pilotage for vessels departing British Gibraltar Territorial Waters from the Western Anchorage. The Gibraltar Port Authority cleared the vessel in question by VHF radio, to weigh anchor and proceed out of British Gibraltar Territorial Waters as is customary for these types of movements. By the time it was known that the Algeciras pilot had embarked on board the vessel, it was already underway and heading towards Spanish waters.

975 The vessel in question was in BGTW to carry out a ship-to ship-transfer operation in the Bay. It is not uncommon for vessels to anchor in BGTW for bunkers or other services – crew changes, stores, surveys etc. – before shifting into Spanish waters to conduct other business.

980 The agent for the tanker, SKS Mosel, have been invoiced for an amount of £2,275. The invoice was issued on 4th February 2016. No other arrears are outstanding since 2011 in respect of vessels which have called at Gibraltar and then continued their voyage to their port of call in the same circumstances.

Hon. L F Llamas: May I just ask about what the Hon. Minister has just said: the launch was unavailable, albeit perhaps it would have been non-efficient for it to attend the situation in any event. But may I ask if the Hon. Minister does know why the launch was unavailable?

985

Hon. P J Balban: Yes, Mr Speaker, the launch was out of service on that day in question because it was undergoing refit and repairs.

990 **Hon. L F Llamas:** Just a quick supplementary – is it fit for purpose now?

Hon. P J Balban: Mr Speaker, *General Elliot* is now ready. It is undergoing its final trials and once that is completed, then it will be operational.

995 **Hon. T N Hammond:** Mr Speaker, if I may, can I just confirm then that the vessel is under trial at the moment so the port does not have a vessel available to it, or it does have an alternate vessel available? That is just purely out of my own ignorance on this occasion.

1000 **Hon. P J Balban:** Mr Speaker, the two vessels which are currently available for use in the port, one has just undergone extensive refit after many years of it not being up to standard and the other vessel is undergoing repairs.

1005 **Hon. T N Hammond:** So my understanding is that there are two vessels available but neither was available on this occasion. In such circumstances, obviously it must be undesirable for the port not to have any launch available to it. Is there any kind of provision for another agency to provide them with a launch in these circumstances or perhaps to cover the role that would otherwise be carried out by that vessel?

1010 **Hon. P J Balban:** Mr Speaker, yes, when it is necessary we can outsource the service. At the present time, as you rightly say, it is not ideal not to have the two boats available, but that is one of those things and as I have just mentioned, should there be a need for it, then the service is and will be outsourced.

1015 **Hon. T N Hammond:** May I ask, if the service is outsourced, to whom is it normally outsourced? Which agency would normally take that responsibility?

Hon. P J Balban: Mr Speaker, what happens normally is the service is outsourced to whoever is available at that moment in time out of all the operators. So if there is a vessel available then they will actually outsource the crew from different agents available to us within the port.

1020 But they take port staff on board; it is not the agents.

Hon. T N Hammond: So the vessel that would be used would actually belong to a private entity, it would not be a police vessel or other such?

1025 **Hon. P J Balban:** Mr Speaker, that is correct. The vessel would be a private vessel which is outsourced and will carry on board port crew.

1030 **Hon. L F Llamas:** Just for my own clarification, does the Minister know, the invoice that has been raised of £2,275 in relation to what services it has been raised, why the need for the invoice?

Hon. P J Balban: Mr Speaker, I am not entirely sure but I am being informed it must be the anchorage fees. I mean if you want the exact reason for it obviously I can find the information for you, but they are comprised of anchorage fees ...

Q189/2016
Small Boats Marina –
Applications for berths

1035 **Clerk:** Question 189, the Hon. E J Reyes.

1040 **Hon. E J Reyes:** Mr Speaker, can Government say how many applicants have applied for berths in the Small Boats Marina and the estimated date by which they will be able to have full use of these facilities?

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

1045 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, as at 19th February 2016, the number of applicants who have applied for berths in the Small Boats Marina is 1,131. The marina has not been handed over by the contractors yet. However, the Gibraltar Port Authority has already started the allocation process.

1050 **Hon. E J Reyes:** I appreciate that the contractor has not handed over yet, but does the Minister happen to have an indicative rough date by which time they will be able to have the use of the facilities?

1055 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer that because I gave a date last month on when the marina was going to be handed over. The date I gave last month was 14th February, because that was the date that was given to us by the contractor at the time, in January.

There has been a little bit of slippage and there is a few weeks' delay. There is still some extra work to be done and we expect the marina to be handed over towards the end of March.

1060 **Hon. E J Reyes:** I do not want to be pedantic, I accept that delays happen. If the developer or contractor hands over towards the end of March, how long thereafter should one assume that

those who are successful in obtaining a berth would be able to start using the facilities? Would it be imminent or would it be rather long term?

1065 **Hon. G H Licudi:** Mr Speaker, we are hopeful that very, very soon indeed, maybe not necessarily to coincide with the exact date, but as soon as possible thereafter.

As my hon. colleague has mentioned the allocation process has started but clearly there will be administrative matters to be put in place in terms of the management of the new marina and assuming that all that is in place, then those who have been allocated berths can start using the marina as soon as it is handed over to Government by the contractor.

1070

Q190/2016
Small Boats Marina –
Advisory Board appointments

Clerk: Question 190, the Hon. E J Reyes.

1075 **Hon. E J Reyes:** Mr Speaker sir, can Government say whom it has appointed as members of the Advisory Board in respect of the Small Boats Marina and for what period of time have these appointments been made?

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

1080 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Small Vessels (Mooring Control) Rules 2016 which provide the criteria for the occasional berths as the Mid-Harbours Small Boats Marina also establishes the Small Vessels Advisory Board which will report to the Minister for the Port and advise the Captain of the Port on matters concerning mooring facilities for small vessels.

1085 The Board will also be able to hear complaints from holders of or applicants for permits. Appointments to the Board will be for a period of three years.
No appointments have yet been made.

1090 **Hon. E J Reyes:** Mr Speaker, given that we now have a revised handover date towards the end of March, and I am wishing the Government all the best in being able to have the boat users using this as soon as possible, hopefully in the month of April, since no appointments have been made, can the Minister say by when he intends to have the appointments to the Board in place?

1095 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, can I deal with the premise of the question first and then perhaps the Minister can answer the specific matter on the appointment, because the premise of the question is in relation to the Advisory Board in respect of the Small Boats Marina. That premise is in fact incorrect.

1100 This is not an Advisory Board in respect of the Small Boats Marina. It is an Advisory Board that is established by the Rules generally, in order to advise the Minister and to advise the Captain of the Port in relation to small vessels and moorings across the board and in relation to hearing of complaints and other matters.

1105 So the establishment of the Board is totally independent, separate, unconnected in a way, with the finishing off, the completion of the Small Boats Marina and the functioning of the Small Boats Marina. It is an Advisory Board on small vessels and moorings generally across various matters and not specifically related to the Small Boats Marina. This is not a Board that will have any management or control in respect of the Small Boats Marina and therefore the composition

of the Board totally is unaffected by the completion date and the running of the Small Boats Marina, the new marina itself.

1110

Hon. E J Reyes: Well that is extremely useful, Mr Speaker, I am grateful.

Am I right then in deducing that the members of the Board would have the ambit or the scope of responsibilities in the matters of advisory which go well beyond just the area contained on that premise?

1115

If that is the case I am eternally grateful for that, it does clarify the picture for the future.

Hon. G H Licudi: Yes, Mr Speaker, that is indeed correct and that is why I wanted to stress that the premise of the question which was related to the Small Boats Marina might create a wrong impression, because this is an Advisory Board to advise generally in relation to small boats and they have specific functions set out in the Rules to advise on moorings in designated areas.

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One of the designated areas is the new Small Boats Marina but that is not the only designated area there is in respect of moorings and they have functions in relation to appeals etc. which go well beyond the Small Boats Marina.

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But certainly in relation to the marina itself, they have no function other than generally advising the Minister and the Captain of the Port.

Hon. E J Reyes: Yes, Mr Speaker and when the Hon. Minister Licudi answered, he gave me the impression that Minister Balban was going to come in later. Having now had the clearer picture and so on of the responsibilities of the Board, I still have pending, by when is there an estimated date by when this Board is going to be appointed?

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Hon. P J Balban: Mr Speaker, as soon as reasonably possible because consideration has actually been given as to the composition of the Board and we are still at the very early stages of calling people in. So only a relatively small number of potential berth holders have been called in, so it is still a little bit early for that.

1135

Hon. E J Reyes: But this has nothing at all to do with, Mr Speaker ... My understanding of Minister Licudi's explanation has nothing to do with just the berth holders here. It is a wider remit.

1140

Please enlighten me, I am not a lawyer and I am starting to be totally lost. *(Interjection and laughter)*

Hon. G H Licudi: I am glad the hon. Member has given way. Just to clarify and to avoid any confusion.

1145

One thing is the process of allocation of berths in relation to the Small Boats Marina and the composition or the establishment of a committee to run the marina. That committee, in the first instance, will be selected as an interim committee by the Captain of the Port who is doing this exercise, and then once the berth holders and the stakeholders of the marina are there, they will select or elect their own committee.

1150

That is a separate process from the establishment of and the composition of the Advisory Board which as I indicated, has a wider competence than just related to the Small Boats Marina.

And just to confirm the position as stated by my hon. Friend, the composition of the Board itself is currently under consideration in terms of who should be appointed to the Board. But clearly, as soon as possible, but it does not detract from the allocation of berths and the opening of the Small Boats Marina. Although related in some way under the Rules, one thing does not depend on the other.

1155

1160 **Hon. E J Reyes:** And one does not depend on the other, so therefore the users of the Small Boats Marina can have the committee and so on, totally independent and not being delayed or whatever.

1165 Would the Minister, it is not notice here but I know the Speaker is very generous in these matters, this sort of establishing of the committee of the Small Boats Marina, can the Minister indicate to us by when he would like to see this happening?

1170 **Hon. G H Licudi:** That is the process controlled by the Captain of the Port and that in fact depends on the allocation of the berths. Once the process is a little bit more advanced in terms of who the berth holders will be, then the Captain of the Port will appoint the interim committee.

1175 But clearly it is advisable to have that done as soon as possible so that the interim committee is in place to take over the management of the marina once it is handed over by the contractor to the Government, and by the Government in turn, to the Association that is established by the Small Vessels (Mooring Controls) Rules 2016.

1180 **Hon. D A Feetham:** Mr Speaker, may I ask another supplementary arising out of answers that have been provided?

1185 The Hon. the Minister for Justice mentioned the committee in order to deal with issues arising out of the Small Boats Marina and what he said was, the interim committee is going to be set up by the Captain of the Port and then afterwards, the boat owners who have berths there will then be selecting their own committee.

1190 Can he confirm that that is going to be done exclusively by the boat owners and that there is going to be no administrative effectively 'interference, in inverted commas – I use that word without any political connotations – from the Captain of the Port or anybody else, and it is just going to be exclusively those members selecting that committee?

1195 **Hon. G H Licudi:** That is indeed the case and that is the only way that it can be done. Those that are allocated berths in the new marina will be the stakeholders and it will be in their interest to manage the marina in the best way possible, subject to the rules and subject to the raising of revenue as set out in terms of fees, as set out in the rules. But the only people that can be and will be capable of selecting a committee to run the Small Boats Marina will be the berth holders themselves.

1200 Clearly we have to have a transitional provision in terms of establishment of the new marina, the allocation of berths, creating an interim management structure through the establishment of that committee and we have decided to set out the rules as a matter of legislation so that it is clear to everyone what the criteria is for the allocation, what the process is and it is the Captain of the Port that has the power to choose the interim committee. Once that interim committee is in place, they will have a constitution for the new marina.

1205 That constitution will then require or allow the calling of a meeting and once a meeting of all the members takes place, then the members themselves who will be the berth holders and therefore the stakeholders of the new marina, will be at liberty either to ratify the interim committee or select a new committee amongst their own, or in whichever way they consider it appropriate.

1210 But I can confirm that the people that will be running the marina will be the berth holders themselves.

1215 **Hon. R M Clinton:** Mr Speaker, may I ask the hon. Member, when he says *running* the marina, does that mean to say they will be collecting the fees charged for the berths and deciding how that should be expended?

1210 **Hon. G H Licudi:** Mr Speaker, the rules provide what the original arrangements should be. Clearly there is no committee in place initially and therefore on allocation there is provision for an initial fee to be paid and then an annual fee to be paid on a calendar basis.

Therefore, whatever, if someone is given a berth, say on 1st April, then they would pay two thirds of the annual fee which is payable for the first year. Those fees will be paid initially to the Gibraltar Port Authority, but the Rules provide in terms of transitional provision – in fact Rule 18.2 provides that all the fees that are paid both in terms of the initial fee and the annual berthing fees, all those fees are held on trust by the Government or the Gibraltar Port Authority, for the benefit of the Association that is established for the running of the marina.

1220 Therefore all fees that are paid accrue for the benefit of the marina itself and in subsequent years, clearly the initial allocation and the initial payment will be done by the Port Authority, and the collection of the fees is done by the Port Authority, but clearly established in legislation, not Government revenue, held on trust for the benefit of the members through the Association. We have been very, very clear in establishing that.

1225 What happens subsequently? Well, subsequently by 1st January 2017, there will be presumably a new committee which has been elected and they will be charged with collecting fees and the fees again will accrue for the benefit of the running of the marina and the Rules actually provide that the fee structure has to contain three elements.

1230 Firstly it has to provide for the replacement in due course, because a guarantee is given of the gangways and pontoons for a period of 25 years and therefore there has to be a sinking fund, a reserve fund built up over that period so that we do not get to 25 years' time, there is a need to replace pontoons or replace gangways and there is no money available. So therefore there is a requirement for the fees to include a provision for the reserve sinking fund for the replacement of the pontoons. I believe it is in the year 2041 in 25 years' time.

1235 There is then provision to be made for an annual maintenance programme for the marina in order to make sure that it is maintained properly.

And the third limb is the normal operational costs, for example if there are security guards or cleaning, the normal operational costs, any office staff that there might be.

1240 So those are the three limbs that the Rules require that the committee take into account in establishing the fees. And because the Government has made a very significant investment and has an interest in making sure that it is kept properly, maintained properly and operated in a manner whereby sufficient funds are created to avoid, in 25 years' time not having the money, there is also a requirement in the Rules that although it is for the Association to set the fees and collect the fees, the budget needs to be approved by the Captain of the Port, just to have oversight and approval of that budget.

1245 Not for the purpose of interference with the management, but to make sure that the provisions which are set out in the Rules as to the requirement of what the fees are for, that those are properly kept to by the Association and approved by the Captain of the Port.

So I hope the hon. Member will accept that this is a well-thought-out structure, well-intentioned and it augurs well for the future of the marina and berth holders.

1250 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman must have done some calculations when he introduced the fee structure as to how much revenue is going to be raised under the various categories. I have done the calculation myself and if we are simply talking about, and of course it is very difficult, but an average boat size across the board, it is going to average out at about £1,000. All the fees, £1,000 per berth a year – that is my calculation, which is about £700,000 a year. Is that near the calculation that the hon. Gentleman has come up with?

1260 And what I have done is, I have looked at the ... There is one clause in particular in the Rules that the charging out of the berth depends on the size of the boat, so I have averaged the size of the boat, in order to basically come to this particular figure.

Hon. G H Licudi: No, Mr Speaker. I do not want to be controversial but maths does not appear to be the hon. Member's forte. *(Laughter)* That is not going to be, as I understand it, the average annual fee.

1265 There is an initial fee payable of £365. That is the initial fee that everybody pays regardless of the size of the boat. Multiplying £365 by 700 berths gets to around a £¼ million. The primary purpose of that initial fee is to start building that reserve fund that I mentioned.

So there is £250,000 – off the top of my head, I think it is £255,000 that is collected through that initial fee.

1270 Then there is an annual fee, which has a minimum threshold of £365 – as we set out, £1 a day for the annual fee for each berth as a minimum. But it depends on the size of the boat and there is a formula which is £27 x the length x the breadth or the beam of the boat.

I am not sure what the average will be, but if the average was something like £500 per boat then we are talking of maybe another £300,000 per year – £300,000 or £350,000 or a little bit more per year.

1275 The initial amount, the initial £250,000 or £255,000, that is a one-off. That is only available on the initial allocation in the first year. Clearly, if there are subsequent allocations, an initial fee will also be paid but these will be sporadic and one-offs. But the bulk will come in on the first year.

1280 But certainly the amount that will be available on a yearly basis will depend on the factors that I set out before, because these are the fees that are set out in the rules in respect of the initial allocation and the first year's annual fee. The formula that is set out is the first year's annual fee.

1285 As from January 2017, it will be for the Association to set the fee for 2017. Therefore the figure that will be payable which will no longer include the initial fee of £365, the fee that will be payable as from January 2017 will be calculated by the Association, having regard to the three factors that I mentioned – the sinking fund, the operational expenses and the annual maintenance programme.

1290 So they will have to do a budget of what that will cost and then set fees for that year in accordance with that budget. So all we can say is have an estimate of what will be collected in the first year. The second year will depend on the budget that it set out, having regard to those three factors set out in the Rules.

Hon. D A Feetham: Mr Speaker, maths may not be my forte, but I was not far off, in fact. The only mistake that I have actually made is that the initial fee is just a one-off, but in fact if one takes that out of the equation, it would not have been far off.

But thank you very much.

Q191-192/2016
Gibraltar bus company –
MAN buses

Clerk: Question 191, the Hon. T N Hammond.

1300 **Hon. T N Hammond:** Mr Speaker, can the Minister for Transport say if any of the blue MAN buses remaining in service remain in service with the Gibraltar Bus Company?

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

1305 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 192.

Clerk: Question 192, the Hon. T N Hammond.

1310 **Hon. T N Hammond:** Can the Minister for Transport say how each of the MAN buses owned by the Gibraltar Bus Company has been disposed of?

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

1315 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, none of the MAN buses are blue and none have been disposed of.

1320 **Hon. T N Hammond:** Mr Speaker, can I confirm then that all of the buses that were previously operated on the routes, the MAN buses, are still within the service of the Gibraltar Bus Company?

Hon. P J Balban: Mr Speaker, none of the MAN buses have been disposed of.

Hon. T N Hammond: The question is, are they still in service with the Gibraltar Bus Company?

1325 **Hon. P J Balban:** Mr Speaker, the MAN buses are the buses that actually are in service. We have around 22 MAN buses which are currently operating and they are red in colour.

1330 **Hon. T N Hammond:** So can I just confirm then that none of the buses that were previously in service – I was under the impression that they were MAN buses, but apparently not, I am led to believe – are currently in service with the Gibraltar Bus Company?

Hon. P J Balban: That is correct, Mr Speaker.

1335 **Hon. T N Hammond:** I shall follow up next month with a question reference how those buses have been disposed of.

1340 **Hon. D A Feetham:** Well, Mr Speaker, I understand that there may have been a mistake describing them as MAN buses, but clearly the question is about the blue buses. It is the buses that we contracted for when we were in Government. I cannot off the top of my head remember whether they were MAN buses or what they were, but the blue buses.

Now in relation to the blue buses have any of those been disposed of? That is the question that is being asked and surely the Hon. the Minister must have the information there.

1345 **Hon. P J Balban:** Mr Speaker, yes the old buses which were purchased by the GSD were actually Dennis Dart buses and they were blue in colour. If that is what the hon. Member is searching for, then Mr Speaker, I can confirm that none of the blue Dennis Dart buses remain in service with the Gibraltar Bus Company today. These have been disposed of as follows. In fact, two buses which were transferred to EDEC, which is the Economic and Development Employment Company, for driver training so we actually operate a training programme where we train our bus drivers by using two of these old buses.

1350 Further buses were completely beyond economical repair and those form the basis of ... They were actually given to the airport's fire service for training purposes, the ones you have probably seen in the press recently which were set alight for training purposes. Fourteen of the remaining buses, some were in extremely poor condition and they were sold together to Calypso Transport for their use within their bus company.

Hon. T N Hammond: Would the Minister know if any of those buses which were transferred to Calypso Transport are in service to the public?

1360 **Hon. P J Balban:** Mr Speaker, yes. Of all the buses that were transferred, which were 14 in total, a few are – out of all the buses, they managed to put a few together, and they are actually there at the moment.

I cannot tell you how many there are, because I would not know.

1365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we have to be very careful that we are just giving the hon. Gentleman *an impression*. We do not know what Calypso is doing with the buses, neither are we answerable for them.

1370 **Hon. D A Feetham:** Is Calypso the operator who operates the service from the frontier to the city? I do not know whether the hon. Gentleman knows that, who are the operators of Calypso?

Hon. P J Balban: Calypso Transport operates the route number 5, which is from the frontier to Market place via Reclamation Road.

**Q193/2016
Gibraltar bus tracker app –
Availability**

1375 **Clerk:** Question 193, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for Transport say when the GPS bus tracker and associated App will be available for use by the public?

1380 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, Her Majesty's Government expects to be in a position to announce the launch of the Gibraltar Bus Tracker WebApp very soon.

1385 **Hon. D A Feetham:** Mr Speaker, may I come back to the previous question in relation to the blue buses. The Hon. the Minister may not be able –

Mr Speaker: There is no supplementary on this one?

1390 **Hon. D A Feetham:** No, I do not think there is, that is why I have risen.

Mr Speaker, can the Hon. the Minister perhaps help me with this and provide me with the information of how much those blue buses have been disposed of to Calypso Tours. Does he have that information there?

1395 **Hon. P J Balban:** Mr Speaker, these 14 buses were sold for £15,000.

**Q194-195/2016
Parking tickets –
Number of fines paid**

Clerk: Question 194, the Hon. T N Hammond.

1400 **Hon. T N Hammond:** Mr Speaker, further to Written Question 6/2016, can the Minister for Traffic advise of the 10,620 parking tickets issued to local registered vehicles last year, how many were paid?

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

1405 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this together with Question 195.

Clerk: Question 195, the Hon. T N Hammond.

1410 **Hon. T N Hammond:** Further to Written Question 6/2016, can the Minister for Traffic advise, of the 534 parking tickets issued to foreign registered vehicles last year, how many were paid?

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

1415 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, of the 10,620 parking tickets issued to local registered vehicles last year, 7,105 have been paid to date. That is around 66.9%.

Of the 535 parking tickets issued to foreign registered vehicles last year, 473 have been paid to date, or 88.4%.

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Hon. D A Feetham: Mr Speaker, I have to say it is a surprising statistic and those charged with the collection of these, particularly in relation to foreign vehicles, ought to be commended. I would have thought, I personally, when I looked at this question, I was expecting a lower figure in relation to foreign parking tickets: 88.4% recovery is actually quite impressive for foreign vehicles.

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But 66.9% in relation to locals is less impressive and of course, what that means is that roughly about a third of those parking tickets that are issued have not been paid. Can the hon. Gentleman perhaps provide us with a flavour of the reasons why such a high proportion of local tickets that are issued are not paid?

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Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue where we need to be clear what it is that we are talking about and the statistic that the hon. Member has asked for.

The statistic as to tickets for the past year relates to a period in respect of which, in some instances, people may not yet have had a letter reminder of a ticket, let alone a summons because they have asked for the period 'last year'.

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So if, for example Members were to ask for the parking tickets which have not been paid for the period in 2010 for example, that relates to parking tickets where somebody would have found a ticket on their windscreen, where they have made the decision to pay or not pay, where they will have subsequently receive a letter reminding them and offering them the opportunity to pay by letter, or the opportunity to challenge and go to court on a particular issue and challenge the ticket, or ultimately just ignore the letter and be summoned. Then there might be issues as to whether the summons is being properly followed up, whether people who do not even turn up on a summons are subsequently being hauled before the court etc.

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But for the period last year, in many instances, for us to give the reason why people have not paid is really just a shot in the dark. Some of the locals may want to dispute the ticket. They might say, 'I was parked properly, that is unfair and I am going to write in to the Commissioner as used to be the case or I am going to challenge the matter in court when the time comes.'

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So I think that we need to understand that the historic issue in respect of tickets is one and in respect of the snapshot of last year alone, I think it is probably too soon to speculate about reasoning.

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Hon. D A Feetham: I think the Hon. the Chief Minister is quite right in relation to that and perhaps I should have rephrased my question.

In addition to that, of course I recognise that the position in relation to this may be affected by various factors, not least the fact that some may go to court, may not go to court, people are
1455 in the process perhaps of getting paid.

But let me ask this and perhaps refine it in this way. Does the Hon. Minister in the discharge of his duties detect that there is any problem with the collection of parking tickets that are due and in particular, does he detect that there might be a propensity for an increase in, for example, debt due as a consequence of these tickets; or is this not an anomalous situation when
1460 one compares it to other years if he has information or if he has done the analysis himself?

Hon. P J Balban: Mr Speaker, I have not compared to other years in the past. One other reason which also needs mentioning, some of these tickets are actually cancelled so although the fines are issued, people will contest them and they may be cancelled to start off with.

So I do not think when we are talking of local tickets, I can see the reasons why obviously the question asked how many tickets were issued – that does not necessarily mean that these tickets end up going all the way and paid. Some are cancelled etc. but as the Hon. the Chief Minister has also explained.

So I do not think that it is leading to vast sums being accrued. I think we can account for all the tickets along the whole process from issuing to payment.
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Hon. R M Clinton: Mr Speaker, if I may, first of all for the amusement of the House, I must confess that I was issued with a ticket only this week!

I would like to ask the Minister, the hon. Member, in terms of the fees that are charged, are these accrued to the Government or is it Gibraltar Car Parks Ltd or is it Gibraltar Car Parks Ltd acting as an agent for the Government?
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Hon. P J Balban: Yes, the actual income, Car Parks actually collects the sums of money and then they pass it on to the General Account.

Q196/2016
'No idling' signs –
Use

1480

Clerk: Question 196, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how many 'no idling' signs have been placed on our roads since 1st January 2012 and where have they been placed?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, 'no idling' signs have never been used on our roads either before or after January 2012.

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Hon. T N Hammond: Mr Speaker, if I could point the Minister in the direction of the Environmental Action and Management Plan, one of its objectives in terms of air quality is to continue the efforts to obtain tangible air quality improvements with the goal of going beyond minimum compliance with Clean Air for Europe Emission Target Values. One of the actions, it clearly states to be completed by 2013, is the placement of 'no idling' signs at the frontier and other locations where idling is present.
1495

Can I therefore, from the Minister's answer, draw the conclusion that that particular recommendation in the Environmental Action Plan has been rejected by Government?

1500 **Hon. P J Balban:** Mr Speaker, not yet. When the hon. Gentleman asked the question of no idling, I was a bit confused whether he meant leaving a car idling or whether it was to do with people loitering around in areas.

The 'no idling' signs are not something which, in my looking at the way Europe works, and I have actually had the question asked through different ... my officers have been asking around. 1505 'No idling' is typical of the US – it is a US sign and comes from the United States. I am not aware of any 'no idling' signs being used in any other parts of Europe.

Hon. T N Hammond: Mr Speaker, can I just make clear that the nomenclature is not mine; it is the Government's nomenclature as produced in their own report, their own Environmental 1510 Action Management Plan, in order to improve air quality in Gibraltar.

All I ask is, has the Government rejected that recommendation? They are perfectly entitled to but I think –

Mr Speaker: Let me give you some guidance. You have asked the question here and the 1515 information is purely statistical in a way. Look, there are no 'no idling' signs and there have never been any.

In your supplementaries, you are pursuing something contained in a report or in a plan. That is a related matter. In my view, there should have been a specific question about that – something to the effect, 'When does the Government propose to implement the 1520 recommendation in such and such a plan?' That should be the proper question that you should have asked in the first place, okay?

Hon. T N Hammond: I understand that, Mr Speaker. It is just the way in which the Minister answered the question was to give the impression that there is almost no such thing as a 'no 1525 idling' sign, whereas whether there is or not such a thing as a 'no idling' sign, the fact is that their own report indicates that such signs will have been placed and give a deadline for the placement of those signs. That deadline has passed by two years now and the original question was to determine, obviously, where the signs have been placed and certainly, if these signs have not been placed, it would be good to know whether that is because the Government has chosen not 1530 to pursue that particular action within their own report.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the original question was obviously designed not to disclose that there is a report which refers to these 'no idling' signs. If we really want to do business in this House in the interests of the community, then the question reflects 1535 the fact that there is something in a report which the hon. Gentleman has obviously checked has not yet happened and then we can, through the question, prompt action if necessary.

Or alternatively, they can simply try to lay a trap and get an answer and then, you know, herald a scalp. We can all play that game and we can all take many scalps, Mr Speaker.

1540 **Hon. D A Feetham:** But Mr Speaker, surely a Minister acting in the discharge of his responsibilities must know that there is a report that they have, that has been produced during their time that refers to these 'no idling' signs and refers to a recommendation for those 'no idling' signs to be introduced.

You can accuse us of laying whatever traps you like, but at the end of the day you must 1545 understand, and you must know, what is within your own ministerial responsibility. Indeed when the Hon. Mr Hammond asked the question, it was clear that not only did the Hon. Minister not know about this report, but the Hon. Minister then went further and said well, it is not even a concept that is known within Europe.

1550 Well look, it must have been known by his own Government because it is in a report that they had commissioned! It is a report to them.

1555 Now will the Minister at the very least undertake to look at that report and then perhaps write to my hon. Friend and basically tell him what the position is in relation to this particular recommendation, in relation to 'no idling' signs, whether it is that the Government is going to accept that recommendation or whether the Government is going to reject it. It is as simple as that.

1560 **Hon. P J Balban:** Mr Speaker, the hon. Gentleman can rest assured that I will get to the bottom of this 'no idling' issue and see exactly where it has come from. I do apologise if as a Member of Government I am meant to know exactly about this report. I am not aware of the 'no idling' issue. But I will make it a point to see exactly what the 'no idling' is.

FINANCIAL SERVICES AND GAMING

Q197-198/2016

Fuel switching – Compliance with EU Directives

Clerk: Question 197, the Hon. T N Hammond.

1565 **Hon. T N Hammond:** Mr Speaker, can the Government say if all the EU Directives on fuel switching are being fully enforced in the Port?

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

1570 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 198.

Clerk: Question 198, the Hon. T N Hammond.

1575 **Hon. T N Hammond:** Can the Government say if any non-compliances with EU Directives on fuel switching have been detected within the Port since 1st January 2014?

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

1580 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Gibraltar Maritime Administration is the competent authority for the monitoring and enforcement of EC Directive 2012/33/EU as regards the sulphur content on marine fuels.

I can confirm that this marine sulphur content Directive has been transposed into Gibraltar law within The Motor Fuel (Composition and Content) Act 2001.

1585 The Directive has full effect and being enforced by the Gibraltar Maritime Administration who have Inspectors from its Survey Division regularly inspecting and monitoring the sampling of vessels within BGTW.

Within the context of EC Directive 2012/33/EU, as regards the sulphur content of marine fuels, the Gibraltar Maritime Administration has recorded six non-conformities since the mandatory regime came into force up to 19th February 2016.

1590 All cases of non-conformity were raised with the ship operators concerned, and they were instructed to rectify the matters.

Q199/2016

**Gibraltar office in Hong Kong—
Resulting inward investments**

Clerk: Question 199, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, since the opening of the office in Hong Kong, can the Minister for Financial Services detail investments into Gibraltar which are directly or indirectly attributable to the work of the Government in the region?

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

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the opening of an office in Hong Kong was part of a strategy to further open avenues of commercial activity between Asia and Gibraltar and we have worked hard these past years to make this happen.

1605

This investment in time and expense both in Gibraltar and Hong Kong in promoting our jurisdiction is one that has been shared by the private sector as they have supported and continue to support our trade missions there and, indeed, have been taking advantage of our presence there to make additional visits to the region independently.

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Senior partners of law firms, accounting firms, insurance firms, fund administrators and others, have all enjoyed the benefit of our Hong Kong Office and the serious work of our representative there, Mr Jason Cruz.

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In April this year we will return to Hong Kong and Singapore with representatives of our financial services sector and, for the first time in a joint visit, our maritime sector. This trade mission will piggyback on the work that we have been undertaking these past years in developing links and building bridges for our private sector.

Although I am unable to give details of the commercial activity this has created as this is clearly confidential, I am pleased to inform the Member that reports I receive from the private sector indicate increasing commercial links with Asia with real business being done and I expect some news being made public in the near future on a number of these initiatives.

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Hon. E J Phillips: I am grateful for the Minister's response in relation to that. However, insofar as I understand the commercial sensitivity about arrangements between certain businesses in Gibraltar and businesses in Hong Kong and trying to bring investment into Gibraltar, but in terms of pounds, shillings and pence, money and in terms of the value of that coming into our community, does the Minister have a figure for that, apart from the obvious relationships that exist between Hong Kong businessmen and Gibraltar businessmen which I agree with in terms of creating good working relationships in the private sector?

1625

But insofar as pounds, shillings and pence, does the Minister have any idea as to what investment will be coming into Gibraltar as a result of the work in the region?

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Hon. A J Isola: Yes, Mr Speaker, anyone who is involved with marketing – we have had these discussions before in the previous Parliament – will understand that you cannot dissect the benefits of marketing into pounds, shillings and pence in the manner in which the hon. Member wishes me to.

1635

Mr Speaker: I hope you don't, since pounds, shillings and pence were abolished in February 1975!

1640

Hon. A J Isola: Yes, Mr Speaker. So as a consequence of that, what we rely on in everything that we do when we embark on our business plan and its formulation, the first thing that helps us enormously in measuring the success or otherwise, is the element of private sector support

that we get coming with us. Because very quickly, if you suddenly find they are not coming with you to these trips, you realise that actually it is not delivering business to them.

1645 But I can tell you that the visit in April will be the largest visit we have ever done to Asia. The numbers of people coming are significant, with senior partners of firms joining us, many of whom have been there before and some new ones, which is fantastic news.

But I think you also have to look a little bit wider. If you look at, for example, what other jurisdictions have been doing in terms of representative offices, in other words, is the Gibraltar office in Hong Kong the first of its kind and the answer is absolutely not, of course it is not.

1650 I can tell the hon. Member that Jersey opened up its Hong Kong office in 2009; they have got an office in Shanghai, in Mumbai and Delhi. They have an office in Abu Dhabi since 2011 and they also have an office in Dubai.

1655 Guernsey has an office in Shanghai and their office in Hong Kong opens on 1st March of this year. The Isle of Man has got an office in Shanghai and Beijing. The BVI has BVI Asia House in Hong Kong and in fact interestingly enough with the BVI, they have actually got a representative in BVI Asia House of their Financial Services Commission to engage directly with people in the jurisdiction and the surrounding areas on financial services matters.

1660 So when you look at the thinking as to why we did the Hong Kong office, and you look at what everyone else is doing and more and more of them are doing it, and when you then track the response of the private sector, which for me is critical, you begin to come to the very solid conclusion that it is working extremely well, even though we have only had it for barely less than two years.

1665 So I believe we have a long way to go in getting the maximum out of it, but if I can give you just one number, of the 900 licensed firms in Hong Kong, investment managers – 900 licensed – the Gibraltar delegations that have come through our office have met 300 of them. It is a phenomenal number and of course you go back to the premise that if you are not there and you do not go, you would not meet any of them, zero.

1670 So that is why the private sector is going, that is why the private sector is picking up business and I believe that once we begin to establish a real, bigger presence in Hong Kong, not in terms of the office but in terms of the business flow that we get coming, I think that will multiply in the long term to a significant business from Asia.

Hon. E J Phillips: I am certainly grateful for the comprehensive answer in relation to the strategy that the Government is deploying in the region, particularly in Hong Kong.

1675 But when we look obviously at the expense of running an office in Exchange Square – which I know the hon. learned Gentleman is familiar with the region, as I am – the very expensive property in Exchange Square in Hong Kong and also in relation to paying for a representative to conduct the marketing strategy in Hong Kong, I think it is right to ask this question, that when you are looking at marketing and you are spending money, what are we getting out of it?

1680 I understand it takes time to build up relationships with businessmen in other regions and it also takes time for senior partners of firms, as you say, to go out there and build connections and network properly, but is there any indication from the discussions he is having with senior partners of the respective firms in Gibraltar as to what is coming back to Gibraltar? I hate to use pounds, shillings and pence, but what value is coming back into Gibraltar from those efforts that the Government is going to in the region?

1685 Thank you.

1690 **Hon. A J Isola:** Well, Mr Speaker, I think I answered that in my original question, where I said that the reports I get from the private sector is that real business is being done and indeed a public announcement will be made in the coming quarter of other work that is coming to its fruitful conclusion.

The hon. Member has referred to cost and expense, and in particular the office in Exchange Square. You clearly have not been to the office in Exchange Square, of the Gibraltar office,

1695 because if you did, you would not be asking me the question that you have, because the office is *absolutely tiny*. And the reason for that is of course because of cost.

We had the option of going for a bigger office outside Central – which as the hon. Member knows is the centre of the business community, the City of Hong Kong if I can call it that – or having a far, far smaller office in a very good address, which is close by to everybody, with meeting rooms which you pay for when you use them. So our office in Hong Kong does not even
1700 have a meeting room. It has got an office with two desks, which is tiny and which then has the ability to use meeting rooms of whatever size you want, as and when you want them. So it is actually extremely cost effective for that precise purpose.

So we opted for a good address with a smaller office, nothing flash, very basic – literally two desks inside a door, sharing coffee facilities, sharing toilet facilities and sharing meeting rooms –
1705 a serviced office, very common in Hong Kong, London and everywhere else. So we are very conscious of the cost, of course we are and that is why we made that choice.

But what the private sector is telling me is that there are pounds, shillings and pence coming to Gibraltar and that is why they continue to go, and that is why in April next month, almost next month, we will have the biggest trade mission ever going to Asia from Gibraltar.

1710 **Hon. D A Feetham:** Mr Speaker, I quite understand that there is a dual purpose and both of them are linked to the Hong Kong office. One level is to facilitate links between professionals of this jurisdiction and then businesses and professionals in Hong Kong. Another aim is to obviously attract inward investment into Gibraltar. That may be inward investment that takes the form of,
1715 for example, a fund that is established with Hong Kong investors here in Gibraltar, entirely through the private sector, in relation to which the Government has very little involvement, other than having facilitated that contact through the Hong Kong office.

But of course there is a different level and that is direct investment from Hong Kong in Gibraltar via, for example, contacts with Government Ministers, and I know that the Hon. the Father of the House has been in China, busily trying to attract investment into Gibraltar, for which I commend him.
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But in relation to *that aspect*, investment that has come directly into Gibraltar, for which he obviously must have knowledge, can he point to any investment into Gibraltar that has been facilitated by the Hong Kong office that he can provide information to this House?
1725

Hon. A J Isola: Well, Mr Speaker, the hon. Member is right. The Hong Kong office is simply not focused on financial services. There are a whole series of introductions which have been made by Jason Cruz in the Hong Kong office to other businesses and other potential investments that are being discussed at this very moment in time.
1730

So it is not simply working on financial services issues; it is dealing across the entire board and spectrum of investments in Gibraltar which could take many different forms. I am not going to pre-judge announcements that may be made in the near future, but I can certainly say that directly as a result of the Hong Kong office, since it was set up in Hong Kong, direct introductions have been made which will lead to investments being made in Gibraltar which are not limited to financial services.
1735

Hon. D A Feetham: I understand that, but presumably the answer is that the Hon. the Minister for Financial Services cannot point to a direct investment in Gibraltar from businesses or businessmen or capital in Hong Kong that is attributable to the Hong Kong office. Is that correct?
1740

Hon. A J Isola: No, Mr Speaker, it is not that I cannot; it is that I will not.

Hon. D A Feetham: Mr Speaker, just one further question. He is obviously not going to answer my question in that regard, but in relation to Jason Cruz, who is the gentleman that runs
1745

this particular office and is paid £250,000 in total, including private education of his children etc. is this gentleman working exclusively for the Government of Gibraltar in discharge of his functions as a representative for Gibraltar in the Hong Kong office, or is he allowed to do other kinds of business and pursue for example, his previous trade which was as an estate agent?

1750

Mr Speaker: Let me make my position clear as Speaker. I am allowing that question because the Hon. Minister –

Hon. A J Isola: Is happy to answer it.

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Mr Speaker: – introduced this gentleman into his answer. Ok.

Hon. A J Isola: He runs the office, Mr Speaker.

1760

Mr Speaker: And he runs the office. But I am not going to allow a debate on his terms and conditions of service under the guise of this question.

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Hon. A J Isola: Mr Speaker, I am one of the many, many people who is extremely proud that a Gibraltarian man in a place as afar as Hong Kong has been able to succeed to the extent that Jason has in his specialised field, which is actually property and property investment. I would not call him an estate agent and I assume the term was intended to be derogatory, unfortunately.

1770

I am also not going to confirm the quantum, because I do not think that is anything for me to be involved in. But what I can say is that I am delighted with the work of Jason Cruz. The people from the private sector who accompany me on my many visits to Asia are also delighted with the work of Jason Cruz, because he is not just in Hong Kong, don't forget. When we go to Singapore, he is very much involved in assisting us in setting up and meeting people, and the events that we put up there, all in the best name of Gibraltar Plc. And for that I am eternally grateful.

As to whether he works exclusively for the Gibraltar representative office, the answer is yes.

1775

Hon. E J Phillips: Mr Speaker, the Hon. the Minister for Financial Services referred to work in the region from other jurisdictions such as the BVI and Jersey. I did notice somewhere, I cannot locate it now, about an intention by the Government to work in areas of India – Mumbai, Bangalore and look at different regions within there. What progress has the Government made in relation to working in that particular region? Given the reference to my question I am sure it is not an issue. *(Interjection)* Yes, the Asian region.

1780

What I said in relation to my question was, 'attributed to the work of the Government in the region'. I know that the Minister referred specifically also to work being conducted in Singapore, he referenced Singapore and also looked at other jurisdiction's work, in Mumbai for example, and Delhi.

1785

Can the Minister confirm whether it is the Government's intention to also work within that jurisdiction as well? I believe there was some reference either during the election campaign to that region as well.

1790

Hon. A J Isola: Well, Mr Speaker, yes we are pursuing the possibility of looking at India as a separate jurisdiction with separate representation there. We are in the process of a, if I can call it, Project India team being driven by the Chief Minister, which I am a part of, in looking at how we can best utilise the connections and the resources that we currently have to see what better way we can work in India.

1795

In terms of the Asian region obviously, Jason is responsible for the region, so China, Singapore, Hong Kong and he assists us on all of these fronts and potentially more.

Q200-201/2016
Gibraltar International Bank Ltd –
Financial statements and mortgages provided

Clerk: Question 200, the Hon. R M Clinton.

1800 **Hon. R M Clinton:** Mr Speaker, can the Minister for Financial Services please confirm that he will make available to all Members of Parliament, hard copies of the full audited financial statements of the Gibraltar International Bank Ltd, including the auditor's report as soon as these are completed for the years ended 31st December 2014 and 2015?

1805 **Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 201.

1810 **Clerk:** Question 201, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how many mortgages the Gibraltar International Bank have granted in the new affordable housing schemes recently completed or about to be completed?

1815

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

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, the full audited financial statements of the bank will be filed at the Companies Registry and available for public inspection in accordance with the provisions of the Companies Act. It will therefore not be just for Members opposite, but for the whole community to see.

1820

The Government does not have the information requested in respect of mortgages; I will therefore not be able to provide this to the House. This information will, however, also be a matter of public record at the Land Titles Registry as every mortgage granted by a credit institution is required to pay stamp duty and subsequently be registered at the public registry.

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Hon. R M Clinton: Mr Speaker, I was hoping that the hon. Member would, out of courtesy to this House, agree to provide us with copies of those financial statements without having to go down to Companies House and pay £15 or in fact £30 for a copy of them.

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They will in any case I imagine by law be required to be made available publicly by the bank in due course. I do not see why he cannot make them available to this House.

Hon. A J Isola: Mr Speaker, if the hon. Member is suggesting that they should not have to pay the fee that the members of the public have to pay, I do not see why not.

1835

But once they are public, surely they are public.

Hon. R M Clinton: Well, Mr Speaker, I find that a particularly unhelpful response. I guess we shall have to walk to the bank ourselves and obtain a copy when they are going to be published. Does he have any idea when they are due to be signed?

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Hon. A J Isola: Mr Speaker, as I have already said in my answer, the accounts will be filed in accordance with the requirements of the Companies Act, in other words in accordance with the terms of legislation.

1845 **Hon. R M Clinton:** Mr Speaker, I was asking when the audited financial statements were due to be completed. Does he have any idea?

1850 **Hon. A J Isola:** Mr Speaker, when we announced in December 2013 the setting up of the Gibraltar International Bank, I was delighted to see that the Members opposite welcomed the announcement. But at the time that they welcomed the announcement, they also urged caution, extreme caution because of course they were very concerned about the bank being independent, Government being at arm's length and not being picking and choosing because from this side of the House it seems that if we are serious about independence then we should stand back, but then we get criticised for not sharing information which we do not have. And if we do get involved and interfere, then we are interfering.

1855 So we have done exactly what we said we would do and what we promised we would do, which is have an executive team which is independent of Government, an independent board of directors and the executive team and the board of directors are running the bank.

1860 So do I know when the statements were signed or when they will be signed? The answer is no. I will happily receive the documentation as and when they are required to do which I have absolutely no doubt and every confidence that they will provide that information whenever it is due.

1865 **Hon. A J Isola:** Mr Speaker, the hon. Member opposite is obviously fully aware that the Government is a 100% shareholder of the said bank and entitled to receive that information at no doubt the forthcoming AGM. I was merely asking as a matter of courtesy whether he could make them available to this House as well. If he is not willing to do so, fair enough.

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, look, I think that we need to ... Look, we have got four years ahead of us, Mr Speaker. (**A Member:** Yes.) We have got four years ahead of us. I will, not from my office, from my own personal bank account, I will write the cheque for the £30. I will go down to Companies House and I will stop running the affairs of Gibraltar, in order to deliver to the hon. Gentleman at GSD Headquarters, at College Lane, even if it is an hour out of my time, a copy of the accounts.

1875 Because obviously he does not expect to have to do what every other member of the public will do, but I am very happy to go down there so that he has the *courtesy* of the delivery to him, because obviously the fact that he earns £39,000 to turn up in Parliament twice a month is not enough and he does not want to go down to Companies House, he does not want to obtain it, he does not want to write his own cheque. I will do it for him, Mr Speaker.

1880 But until now, the rule has been that if a document is *public*, the Government does not provide it in this House.

1885 The Government as a shareholder of this institution, Mr Speaker, is maintaining the strict attitude of independence that we have set out, which we were required to do by the *real* GSD – the GSD that used to sit in this House before the last General Election, but which the hon. Members opposite seem to have a different view from.

Hon. R M Clinton: Mr Speaker, I am grateful for the pay rise the Chief Minister seems to have given me because I understood I was being paid £35,000 a year, but hey, I will take the other £4,000, and maybe I will not trouble him for his £30.

1890 But, Mr Speaker, I am not going to labour the point, I will go to the bank myself and get them but thank you very much for the offer.

1895 **Hon. Chief Minister:** Mr Speaker, no problem (*Interjection*) Mr Speaker, no problem, but given that he is so keen for an almost 10% pay rise, I now understand why it is that he may have put a motion down on the Order Paper and why he was so keen to work out what it was that he was going to be paid.

When I was first elected into Parliament, I was not looking at what it is that the remuneration was going to be. I was here to serve the public.

1900 **Hon. R M Clinton:** Mr Speaker, I think that is a Point of Order. That is completely out of order compared to the line of the question.

Hon. Chief Minister: I do not detect that it is a Point of Order. The hon. Gentleman has said he is going to pocket a pay rise because I seem to have said one figure instead of another. So points of order, the hon. Gentleman needs to understand, are points which have to come within the rules of what points of order are or are not.

But look, I can understand why he has embarrassed himself and why he wanted to try and deflect attention from it.

1910 **Hon. R M Clinton:** Mr Speaker, the hon. Member opposite obviously enjoys playing games with words. I do not, I stick to numbers and he obviously made a mistake, because I know he is not good at numbers.

Hon. Ms M D Hassan Nahon: Mr Speaker, excuse me, can I –

1915

Mr Speaker: Could we bring these exchanges to a close please, because they have nothing seriously to do with the questions. It is just a case of petty exchanges in the overall ... As responsible people, let us get on with the business at hand, please. (**A Member:** Hear, hear.)

The Hon. Marlene Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say that all that Mr Clinton was saying that the Chief Minister has been reiterating £39,000 a few times already and we actually get paid £34,995. He was not discussing a pay rise or suggesting that we deserve or want anything else; he was merely correcting the Hon. Chief Minister on a figure that was erroneous.

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Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Lady's translation of what Mr Clinton meant. I will look to her to translate what it is that the person who is not good with words is trying to say if he continues to express himself in a manner that is not as verbose as he might wish to be, but more numeric.

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Mr Speaker: Please, call the next question.

Hon. D A Feetham: No, Mr Speaker, I have been waiting for my supplementaries on my question. (*Laughter*)

1935

Mr Speaker, the hon. Gentleman has said that in relation to my question, I will remind him of my question and remind listeners, and that is how many mortgages the Gibraltar International Bank has granted in the new affordable housing scheme. It must be hundreds, I do not know. He has answered and he has said that the hon. Gentleman can effectively go to Land Property Services and do a search of mortgages and then he will get a figure.

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I just do not believe that that is a reasonable answer, bearing in mind that this is a national bank. It is an impossibility for me to go and do a search of all those documents in order to come to a figure, and I just wonder whether the hon. Gentleman can be more helpful. If he does not have the figure, then I can come back in a months time or in two months' time.

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But certainly it is important that we have this figure because we do want to monitor and it is in the public interest that the Opposition monitor how many mortgages have been granted by the Gibraltar International Bank in the new affordable housing schemes. There is concern about availability of mortgages in Gibraltar generally and that is why I have asked the question. It is not

intended to catch the Government out in any way, but it is genuine information that we are seeking in relation to this.

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Hon. A J Isola: Mr Speaker, I understand all of that, which is why I said in my answer, the Government does not have the information requested.

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So it is not that I am telling you go and do a search of every bit of every single register at the Land Titles Registry. What I am saying to the hon. Member is that we do not have that information available.

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Why do we not have that information available? Because it is absolutely right and proper that we should not because we are standing at arm's length from a bank that is operating in a regulated environment. You will have sight of its full financial statements, auditors' report, directors' report, that will all be made public and consequently I do not know how many mortgages, nor should I know, I do not believe, how many mortgages the bank has given. I do not believe I should, no.

Hon. D A Feetham: I am sorry, but I disagree with the hon. Gentleman.

1965

Mr Speaker: We have a question of disagreement. The view is taken by the Leader of the Opposition that because mortgages are made available for affordable housing, which all Members support that policy of affordable housing, and the Government takes the view that their dealings with the Gibraltar Bank, even though they are 100% shareholders, is at arm's length.

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I do not think that those two views can be reconciled and because I believe that, I am not going to allow a debate at this juncture on that issue.

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The matter can be debated obviously when another opportunity arises or with a substantive motion if the hon. Member so wishes. But I am not going to allow a debate to try to reconcile the Leader of the Opposition to try to convince the Government that he is right or the Government to try to convince the Leader of the Opposition that they are right. That I will not allow.

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Hon. D A Feetham: Mr Speaker, I am very grateful to Mr Speaker in relation to that, but I would like to ask this. Doesn't the Hon. the Minister for Financial Services recognise that there is a distinction and a fundamental distinction between interference in the management decisions of a bank, albeit state owned, which nobody in this House wants to see at all, and a situation where the Minister for Financial Services asks the bank, not for the identity of any mortgagees or anything of the sort, but purely statistical information as to how many mortgages have been granted by the bank in relation to affordable homes?

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And no doubt bearing in mind that this is an issue that is very much in the mind of the community particularly home owners, because of the lack of ... what has happened in the banking sector and the contraction in the banking sector and the availability of mortgages and mortgages on affordable rates, that is something that the Minister or somebody on the Government side would have wanted to have that information available in terms of monitoring a situation.

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And I have to say that I would have expected, for example, the Father of the House to have been monitoring something like that because these are the kind of important, I would say, statistical information that a Government Minister would want to know in order to monitor how effective the granting of mortgages and whether there is a difference between demand and supply in relation to this.

1995

That is the distinction and I just want the hon. Gentleman to recognise that there is a distinction that we do not want you to interfere in management decisions. It is just the statistical information that we believe is relevant and important in the discharge of everybody's duties to the community.

2000 **Hon. Chief Minister:** Mr Speaker, we are not at Question Time in particular, going to be drawn into what is in effect a debate into the degree of independence that the bank should or should not have.

2005 Because we do believe, Mr Speaker, that that is the sort of level of granular detail as to the day-to-day business of the bank which if we were to become involved in, would in effect mean that we were looking at how many mortgages have you granted this week, how many have you granted the next week? And one of the issues that we were very clear on, was that this had to be an independent entity.

2010 Look, the hon. Gentleman is talking about numbers of mortgages. Numbers of mortgages is actually quite irrelevant because banks will tend to report an amounts invested in mortgages and that is how their capital ratios and the concentration limits that they are concerned with in terms of their regulation relate to the affordable housing schemes or their mortgage book generally.

2015 We are not going to be giving this information. We consider that we should not be in any event questioned on it, because there is a very simple rule, Mr Speaker, we do not have the information. The hon. Members cannot require us to go out and get information from an entity that is not a Department. This is not information which is within our control or power. As a shareholder, Mr Speaker, we could *potentially* require that information. We could potentially require that information but our attitude is to say that we have respected the bank's independence and this is very much the same attitude as we have taken to the university's independence and the bank will report like all banks report, and the bank will report publicly like all banks report.

2020 Mr Speaker, nobody asks the Prime Minister at Westminster whether he can please say how many mortgages have been granted by RBS, when the UK Government is the 80% shareholder of RBS.

2025 **Mr Speaker:** May I ask the Chief Minister myself, in order to be clear, is the position then, let us say during the Budget session: during the Budget session will the Chief Minister say for instance, he himself or the Minister for Financial Services, will they be raising the matter of the activity of the bank in respect of mortgages and other investments which make a contribution to the economy?

2030 Because the bank is a national bank, it is going to play an important role in the economy. Are these factors that will be the subject of debate during the Budget session?

2035 **Hon. Chief Minister:** Mr Speaker, the answer is that the only aspect of the operation of the bank which is relevant from the point of view of the Government is what we as shareholders perceive from the bank. So for example if the bank pays a dividend, then the shareholders are entitled to say, 'I have received a dividend of £10 million from the bank' because it comes into the Consolidated Fund.

2040 But, Mr Speaker, we are not re-inventing the wheel! The position of Gibtelecom is exactly the same. So Gibtelecom files an annual report which they make public. They put it on their website, they talk about the number of lines that they have, the number of mobiles, operators...the number of contracts that they have etc. and the Government comes here and says, 'Look, as shareholder, this year Gibtelecom has paid me so much in dividend and they have reported to the shareholder X or Y.'

2045 In the case of Gibtelecom, the Government has directors appointed to the board, Mr Speaker, who are Ministers. I am the Chairman of Gibtelecom at the moment and we have seen reports from Ministers in respect of that activity.

2050 Here, Mr Speaker, we are not on the board. We have a shareholders' representative, Mr Speaker, but we are not on the board because we wanted to preserve the independence. This was an issue of wide agreement across the floor of the House. The board appointed to be the

board of directors of the Gibraltar Independent Bank I think met also with support and was welcomed by Members opposite; it is a totally independent board.

Mr Speaker, Peter Montegriffo is on that board – he is not somebody who has an affinity with the party represented on this side of the House. It is a totally independent board.

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Hon. D A Feetham: Mr Speaker, nobody is disputing the desirability of keeping the bank independent at all. Now, it is our recollection from this side of the House that the Government has in the past – and we will look at it and if necessary come back next time round – that the Government has made statements about the percentages of mortgages in the affordable homes. Remember that it is the Government-owned bank in a Government project. That is what we are talking about and that is why the analogy that the hon. Gentleman gives is a false one. But they have given a percentage in the past of mortgages that were intended to be granted or had been granted by the Gibraltar International Bank in the affordable homes.

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Now, can the Hon. the Minister for Financial Services recall that, or the Chief Minister? Because if that is the position, then of course all I am doing here is asking for a translation of a percentage into actual figures.

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Hon. A J Isola: Mr Speaker, no, I do not believe the Government has given specific details. What there may have been reference to is what each of the banks, and this has certainly come up in meetings with the Gibraltar Bankers' Association, are able to give consistently with their concentration risks, but that is a totally different question to the one being asked in terms of how many has Gibraltar International Bank granted.

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Because what a bank can and cannot do in terms of lending is entirely within its own domain because even the concentration risk you can change by putting in more capital. So it is something that is moveable and flexible. It is not a red line as I am sure the hon. Member will understand better than I, the Hon. Mr Clinton.

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EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q202/2016

Small boats Marina – Facilities

Clerk: Question 202, the Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can Government provide details of any servicing yard and related facilities provided at the Small Boats Marina?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2085

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, a servicing yard and related facilities will be provided in the vicinity of the Mid-Harbour Small Boats Marina adjacent to the Royal Gibraltar Yacht Club.

2090

Hon. E J Reyes: Mr Speaker, I thank the Hon. Minister. He has given me the location but can he provide any details what facilities *per se*, and perhaps examples would be provided.

Hon. G H Licudi: This is essentially a yard for the servicing of boats. How it is used will be for the Association which has been established under the rules and which will be running the

2095 marina, and they will be essentially running the servicing yard in conjunction with the marina. So all we are doing is making available a piece of land.

2100 **Hon. E J Reyes:** So it is just a piece of land and it will be run by the committee and so on - answerable, because they are using what technically is land pertaining to the Government. The permits for the use of land facilities and so on would be subject to approval for example by the Captain of the Port and so on?

Because the danger is, the committee could become a free-for-all and who will monitor the control and correct use of facilities which at the end of the day are publicly owned, despite the berth holder paying his berthing fees, but the yard does remain Crown property.

2105 **Hon. G H Licudi:** Yes, Mr Speaker, the land will certainly be Crown property and although arrangements have not been finalised, I would expect, either through the office of the Deputy Chief Minister who is involved in land matters and LPS, what there will be, will be a licence agreement in terms of the grant of the use of the land for specific purposes and the purposes will be for use as a hard or servicing yard for the purposes of the Small Boats Marina.

2110 **Hon. E J Reyes:** I appreciate, Mr Speaker, the Minister is trying to provide the information. With your leave, Mr Speaker, I will leave it now; I am conscious that you keep on nicely reminding us of the six month period and so on. I think it would be prudent and better, more fruitful for both sides if I wait until the actual establishment of the committee and so on, such as was referred to in previous answers and if I require certain information perhaps with your leave, I can come back within the six-month period just to extract information and the Hon. the Deputy Chief Minister might be able then to be in a position to shed some light.

2115 Because at the moment, all I am going to get is hypothetical examples and if we are all in agreement, I will leave it like that, Mr Speaker.

2120 **Hon. G H Licudi:** Mr Speaker, I am certainly happy with that approach but to the extent that the importance of the question is simply 'will there be a hard or servicing yard for the Small Boats Marina?', then there is no hypothetical issue about it. The Government has identified the piece of land and there will be that hard which will be made available for the purposes of the Small Boats Marina.

2125 **Hon. E J Reyes:** Yes, I appreciate that, Mr Speaker, but the original wording of my question was, I wanted the details and therefore the details will only be hypothetical. That is why I used that terminology.

Q203-209/2016
Illicit tobacco trade –
Smuggling

2130 **Clerk:** Question 203, the Hon. E J Phillips.

2135 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the total number of convictions for (1) unlawful transportation of tobacco in a commercial quantity; (2) knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority or an export permit; (3) concealing cigarettes within a motor vehicle; (4) possession of cigarettes in a commercial quantity without a licence, since December 2011?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2140 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 204 to 209.

Clerk: Question 204, the Hon. E J Phillips.

2145 **Hon. E J Phillips:** Can the Minister for Justice confirm the total number of cigarettes confiscated and the value of the same for each year as from December 2011?

Clerk: Question 205, the Hon. E J Phillips.

2150 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the total number of fines imposed by the courts each year since December 2011 in respect of the following offences: (a) unlawful transportation of tobacco in a commercial quantity; (b) knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit; (c) concealing cigarettes within a motor vehicle; (d) possession of cigarettes in a commercial quantity without a licence?
2155

Clerk: Question 206, the Hon. E J Phillips.

2160 **Hon. E J Phillips:** Can the Minister for Justice confirm the breakdown of individuals by reference to nationality prosecuted for offences in respect of the following: (a) unlawful transportation of tobacco in a commercial quantity; (b) knowingly concerned in the exportation in a commercial quantity from Gibraltar without authority of an export permit; (c) concealing cigarettes within a motor vehicle; (d) possession of cigarettes in a commercial quantity without a licence, each year since December, 2011?
2165

Clerk: Question 207, the Hon. E J Phillips.

2170 **Hon. E J Phillips:** Can the Minister for Justice confirm the numbers of arrests for tobacco offences which have not proceeded to prosecution?

Clerk: Question 208, the Hon. E J Phillips.

2175 **Hon. E J Phillips:** Can the Minister for Justice confirm what resources are available to the Royal Gibraltar Police and HM Customs to reduce the illicit trade in tobacco smuggling?

Clerk: Question 209, the Hon. E J Phillips.

2180 **Hon. E J Phillips:** Can the Minister for Justice confirm what measures the Government are considering in the fight against illicit tobacco smuggling?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2185 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, this administration has implemented various bold and ground-breaking measures to tackle the illicit trade of tobacco and to eradicate any antisocial behaviour that surrounds this activity.

These include new legislation and other measures which serve to – I will list various measures:

- Reduce the retail sale of cigarettes from 1,000 to 200 cigarettes to the same individual at any one time;
- 2190

- Provide an additional power to the Collector of Customs, to suspend wholesale and retail licences where the holder of a wholesale or retail licence or the servant or agent of the licence holder has been charged with an offence contrary to the Tobacco Act 1997;
- Place an obligation on the Collector of Customs to withhold consent to a change of director or shareholder of a company holding a licence under the Tobacco Act if such company or any of its servants or agents has been charged with an offence under the Tobacco Act;
- Restrict the maximum amount of cigarettes that a person can have in their possession to 200 in the area immediately before the land border with Spain and Gibraltar International Airport;
- Create special zones which serve to restrict the sale, possession and transportation of cigarettes in prescribed areas around Gibraltar. In these areas RGP and/or Customs Officers are empowered to make enquiries and carry out non-systematic checks which allow any person or vehicle to be stopped and searched on a random basis and without the requirement for there to be reasonable grounds for believing that an offence has been or is being committed;
- Issued a new direction in the public interest to discourage the issue of any new retail and wholesale tobacco licences unless an existing retail tobacco licence is surrendered, terminated or otherwise rendered permanently inactive;
- Apply new conditions to licences which permit only a maximum of 300,000 cigarettes in a retail outlet at any one time and for cigarettes to be sold only between 8.00 a.m. and 8.00 p.m. except for large supermarkets and petrol stations;
- Relocate the tobacco retailers in Glacis and Laguna Estates to other areas with only vending machines being authorised in these estates. A measure which has been very well received by the residents of those estates who have seen illicit tobacco activity and its related antisocial behaviour blight their peaceful enjoyment of their homes;
- Expand Four Corners station with a creation of two additional search lanes and a purpose built covered vehicle search facility, six outgoing barriers were also installed to carry out non-systematic outgoing checks and electronic gates erected in the underpass to the commercial gate, which are closed during the silent hours;
- Install CCTV pan tilt and zoom and automatic number plate recognition cameras in the area of Four Corners;
- The employment of 60 more Customs officers which provide the Collector with more human resources to deal with smuggling of any commodity.

Mr Speaker, the Government has already implemented these very considerable measures and continues to invest heavily and significantly in resourcing our law enforcement agencies. The Royal Gibraltar Police now have 238 officers and HM Customs 166 officers who are also equipped with new and very substantial land and marine assets.

The deployment of these resources in the fight against the illicit trade of tobacco and any antisocial behaviour that surrounds this activity are operational decisions for the Commissioner of Police and the Collector of Customs to consider.

The statistical information requested by the hon. Member is set out in the schedule that I now hand over to him and, if I may say so, Mr Speaker, reflects the excellent work done by the law enforcement agencies in dealing with the illicit trade in tobacco. In particular since we have enhanced the legal tools they have at their disposal by amending and tightening Gibraltar's world leading legislation for the curtailment of illicit tobacco activity.

SCHEDULE TO QUESTION 209/2016

Answer to Question 203/2016

The number of convictions for each year since 2012 to February 2016 in each category is as follows:-

Offence	2012	2013	2014	2015	2016
Unlawful transportation of tobacco in a commercial quantity	44	52	31	48	1
Knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit	78	59	54	41	1
Concealing cigarettes within a motor vehicle	-	-	96	12	-
Possession of cigarettes in a commercial quantity without a licence	170	233	125	95	4

Answer to Question 204/2016

The total number and value of cigarettes confiscated for each year since 2012 to February 2016 is as follows;

2012	3,209,540	with an estimated value of	£288,859
2013	3,763,073	with an estimated value of	£338,677
2014	1,783,540	with an estimated value of	£160,519
2015	3,905,462	with an estimated value of	£351,492
2016	990,740	with an estimated value of	£89,167

The above figures are based on an average value of £18 per carton.

Answer to Question 205/2016

The number of fines imposed by the court in each year since 2012 in each category is as follows;

	2012	2013	2014	2015	2016
Unlawful transportation of Tobacco in a Commercial Quantity	27	31	22	27	2
Knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit	55	29	41	29	2
Concealing cigarettes within a motor vehicle	12	6	60	2	2
Possession cigarettes in a commercial quantity without a licence	120	168	70	47	4

Answer to Question 206/2016

2012

Nationality	Transportation	Exportation	Concealing	Possession
British	4	15		70
French				2
Irish				4
Romanian		1		17
Spanish	1	38		342
Moroccan		1		
Bulgarian				2
Polish				1
Columbian				1
Estonian				2
Portuguese				2

2013

Nationality	Transportation	Exportation	Concealing	Possession
Argentinian				1
Brazilian				1
British	10	14		66
French				1

Romanian	2			13
Spanish	36	27		257
Moroccan				3
Bulgarian				1
Lithuanian				1
Portuguese				1
Sierra Leon				1

2014

Nationality	Transportation	Exportation	Concealing	Possession
British	10	8	5	18
Czech				2
Indian				2
Romanian	1		3	2
Spanish	15	53	86	124
Moroccan	1			1
Bulgarian				1
Lithuanian				1
Senegalese			2	

2015

Nationality	Transportation	Exportation	Concealing	Possession
British	10	17		14
Spanish	18	53	48	83
Moroccan		1		1
Bulgarian	2	2	1	2
Lithuanian			1	

2016

Nationality	Transportation	Exportation	Concealing	Possession
British	2	10		5
Spanish		5		4

Note 2016 = 01/01/2016 to 22/02/2016

Answer to Question 207/2016

The number of arrests for tobacco offences for each year since 2012 to February 2016 which have not proceeded to prosecution is as follows;

2012 (28)
2013 (37)
2014 (44)
2015 (56)
2016 (3)

Hon. E J Phillips: I thank the Minister for Justice for his answer and the schedule which I may need to come back to.

2240 But insofar as my Question 209 was concerned, I am grateful that he has set out the measures that have been implemented to curb and combat this trade, but I also asked in relation to what measures the Government are considering in the fight. Outside the ones that he has set out, what is the Government currently considering in relation to the resources currently at his disposal to fight this trade?

2245

Hon. G H Licudi: Mr Speaker, the question, which says simply 'confirm what measures the Government are considering in the fight against the illicit tobacco smuggling', just looked at on its own, might suggest, 'Well nothing has been done and what are you actually doing or what are you going to do about it?' And that is why we felt it was necessary to premise, not just this, but every other question which relates to statistical information with all the very considerable measures that have been taken.

2250

We now consider, having taken all these decisions, issued the directions, enacted the special zones, relocated some licensed premises from estates to other areas, that a very significant headway has been made as required by this Government to tackle this activity. We have also resourced as I have explained, adequately and significantly, the Royal Gibraltar Police and HM Customs, who have land, marine assets and a significant number of personnel in order to deal with this and other criminal activity.

2255

Having done all that, Government is clearly always on the lookout and always aware that there may be additional measures that may be required and these are matters that are continually reviewed and discussed with the Royal Gibraltar Police and with Customs. To the extent that additional measures may be appropriate or may be worth considering, then that is something that we are going to do.

2260

But certainly for the moment, we have gone a very, very long way in tackling this activity and as I have indicated in my answer, the results of the statistics that I have handed over to the hon. Member reflects the success that this Government has had in dealing with this issue, in putting all these measures in place, in properly equipping our law enforcement agencies and the excellent work that the law enforcement agencies are delivering, by actually delivering the results that are evident in those statistics with the number of arrests, prosecutions and confiscation of cigarettes that is evident in those statistics.

2265

2270

Hon. E J Phillips: I am grateful for the answer delivered by the Minister for Justice in relation to that.

I take it from that answer, that currently as it stands there is no thought for the Government to introduce new measures, that they believe that the current measures that they have implemented are satisfactory.

2275

Hon. G H Licudi: Mr Speaker, it is not a question of whether particular measures are satisfactory. This is not a process that comes to an end on a particular day and we say well, that is the end of the process.

2280 As I indicated, this is a matter that is continually being reviewed and assessed. We have taken all these measures already, we do continue with discussions with the relevant law enforcement agencies and as and when new measures are considered appropriate, they will be announced and certainly implemented. But we will certainly not hold back, should any additional measures be required and be advised of us that they should be implemented.

2285 **Hon. E J Phillips:** Mr Speaker, just one further question in relation to the volumes of tobacco on our streets, as it were. I do not like to use inflammatory language but there clearly are significant numbers of cigarettes on our streets, over three million per year in terms of the confiscation amounts that you have kindly given me.

2290 Would you not say that should give our community significant cause for concern?

2295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no sir, for this reason. Mr Speaker, the quantities of tobacco which are sold in Gibraltar are often the subject of derogatory statements made against Gibraltar by instruments of the Spanish government and by members of the Spanish press.

In fact, the amount of tobacco sold in Gibraltar, which includes that amount of tobacco, is an amount which successive Governments of Gibraltar have defended with the European Commission, in fact also with OLAF, with the British Government and also in the press with the Spanish government.

2300 So we do not believe that there is a problem because if hon. Members care to look back at what I have said and been questioned on, on a number of occasions, in particular in relation to the number of cartons of tobacco sold in Gibraltar which is 12 million this year, or the year before, was lower than at the time before we were in office, if I could just put it that way and going closer now to nine million.

2305 That is exactly the sort of amount that is assessed as being the right amount by the European Commission for sale in a place like Gibraltar, given the number of visitors that there are in Gibraltar during the course of the year, which amount sometimes to in the region of 12 million visitors.

2310 So, Mr Speaker, as we and previous administrations have said repeatedly, in the defence of the legitimate tobacco trade there is in Gibraltar, the controls that we put in place to deal with the illicit trade in tobacco are the ones that we are advised are appropriate. They are now tougher than they ever have been and the amount of tobacco being sold in Gibraltar, we continue to believe, as the former administration believed of a much higher figure, is in keeping with the legitimate trade that can be done in a community such as ours with 12 million visitors a year.

2315 I would be very surprised if Members opposite were now taking a different line.

Q210/2016
Duty solicitor scheme –
Introduction

Clerk: Question 210, the Hon. E J Phillips.

2320 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm whether the Government intends to introduce the duty solicitor scheme?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2325 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, yes sir.

Hon. E J Phillips: Mr Speaker, any idea when this would happen?

2330 **Hon. G H Licudi:** Well, Mr Speaker, if it was solely up to us, it would have been in place already.

The hon. Member will recall that there is provision in the Criminal Procedure and Evidence Act for the provision of legal representation, particularly when somebody is arrested, which is what the duty solicitor scheme primarily deals with and that is, as I recall, the only provision that has not been implemented yet.

2335 We did create a scheme and announce a scheme and invite all lawyers to be part of the scheme. We were simply not able to implement the scheme because only two lawyers put their names on the list at the time. At the time – (*Interjection*) No, I understand Mr Phillips was not one of the lawyers that put his name on the list for that particular scheme, but it was simply a physical impossibility with two lawyers willing to carry out the work, to have a duty solicitor scheme.

2340 At the time that we were in discussions with the Bar Council in relation to the reform of legal aid, on which there is a separate question and the rates for legal aid. It was felt that we would retake those discussions in relation to the duty solicitor scheme once the new legal aid scheme was brought into place.

2345 That is now in place, the new rules have been established so this is a matter which is now on the cards in terms of discussions with the Bar Council – not necessarily because it needs their blessing, but certainly we would want the Bar Council to encourage all members, because it is a voluntary matter, to put their names, or as many as possible, to put their names on the list so that we can implement the scheme.

2350 So the question originally was: does the Government intend to do this? Yes, the Government has tried to do this. It has not been able to do so, we are hopeful that with the encouragement of the Bar Council I more barristers and solicitors will put their name on the list. We are ready to implement, we have all the administrative measures in place and were in place previously. We are ready to implement at any time, as soon as a sufficient number of lawyers agree to go on the list to make the scheme effective.

2355 Otherwise, if we do not have people on the list, there is nobody to call as duty solicitor. So we are very happy to implement this as soon as we possibly can.

2360 **Hon. E J Phillips:** Thank you for the answer. Does the Minister for Justice know whether his Department will be going out to the profession, to the Bar Council, seeking members of the Bar to join the scheme? It is just that I am not familiar with any recent requests from the Government to the profession asking whether there is an improved level of interest in relation to this scheme.

2365 **Hon. G H Licudi:** Mr Speaker, as it happens I have a meeting planned with the Chairman or the President of the Bar Council, I believe it was next week, although it may be in a couple of weeks' time, certainly imminently and this is one of the items that I propose to raise with him.

2370 **Hon. D A Feetham:** Yes, Mr Speaker, the issue really here, is the remuneration to criminal lawyers. Criminal lawyers at the end of the day and lawyers are a business. It is a profession and of course the rates that were being paid to criminal lawyers under the previous rules was not sufficiently attractive in order to allow people, or incentivise people to basically sign up to this scheme.

2375 Now the rules were changed I believe it was last year or 2014 – exactly 2014. Can the hon. Gentleman explain why it has actually taken so long from 2010 over ... my calculation I think is

roughly about a year and a half from when the Hon. the Minister for Justice changed those rules to make the remuneration more attractive to now, in order to take this up with the Bar Council and with the profession?

2380

Hon. G H Licudi: Mr Speaker, this is something that we have taken up with the Bar Council on a number of occasions, in particular before the attempt to introduce the scheme was made, I understand it was just before the new rules were published.

2385

There is a difference between the rules for legal aid which are the rules that are paid when somebody goes to court, when somebody is appointed to take a brief for the preparation for court work and the duty solicitor scheme. They are different rates. The rules that were published are not rates which relate to the duty solicitor scheme. The duty solicitor scheme has separate rates.

2390

The rates that we sought to implement at the time, which was even before we reformed legal aid, were the rates from recollection ... Certainly they were the rates we took from the UK duty solicitor scheme and from recollection, we chose the London rates which were higher but that is just from recollection. There is a duty solicitor scheme in the UK which has, as I recall, two sets of rates, one in London and one outside London.

2395

My recollection is that we chose the London rates, and those are the rates that would be implemented, subject to whatever adjustments have been made to those rates in the UK. So they were linked in a way to the new rules because one of the suggestions was that whatever the rates might be, if you attend somebody as duty solicitor and then that person is on legal aid, then the rates that will be paid on legal aid may determine whether you go on the list in the first place, even though those are not the rates of the duty solicitor scheme.

2400

But we now have the rates which were agreed with the Bar Council and we do have the rates set out as implemented in the UK, so we see no reason why this should not go live at any particular time, as soon as possible in fact.

Hon. E J Phillips: Thank you for the answer.

2405

Just one further question on this, is there a way in which the Government would consider or is the Minister for Justice and wearing his separate hat as Minister for Education, that we could encourage those students undertaking the certificate in Gibraltar Law, remind them of their duties insofar as this is concerned?

2410

As we all know, many of us who are lawyers in this Chamber have done free work, have worked on legal aid and on legal assistance matters. Is there a way that we could encourage those students? Mr Isola is shaking his head about free work, (*Laughter*) but is there any way we could encourage our students in terms of at education level, to remind them that is part of our duty as lawyers to conduct that type of work for our community?

2415

I just fly a kite in relation to that and would welcome any thoughts that the Minister may have in relation to that.

Hon. G H Licudi: Well, we would certainly want to welcome as many lawyers as possible to be part of the scheme, and I do very much hope that the hon. Member himself (*Laughter*) will put his name down for the list.

2420

Whether it is possible for those undertaking the Certificate in Gibraltar Law to actually do that, I do not believe it is possible at the moment because if hon. Members will recall, the new training requirements which were set out last year, included the academic course in Gibraltar Law, included a professional skills course which is undertaken at the end of the training year and a practical year of training. And it is only once those three elements are completed that the prospective lawyer is then able to apply to be enrolled and to be called to the Bar in Gibraltar.

2425

So those who are doing that course are currently solicitors or barristers in training, having done their degree, having done their professional qualification in the UK and now doing the local training requirements which are set out in the Supreme Court Act. In those circumstances, they

2430 do not have rights of audience, they can assist but I am not sure that it would be right for them to be the ones that become the duty solicitors.

Hon. E J Phillips: This is a point of clarity. I am not suggesting that a student should conduct, during the course of his training, the work of an advocate in court, but only that they should be reminded that as lawyers, they should be making that contribution, especially given the fact that this community helps them to achieve that through their education by becoming barristers in the first place in the United Kingdom as solicitors.

2435 I would have just thought that a message to them, as part of the criminal part of the course at the university, they could be reminded of those obligations as it were – moral obligations possibly.

2440 **Hon. G H Licudi:** Mr Speaker, we are certainly happy to remind them and encourage all those trainees to sign up to the scheme, certainly once they become enrolled in the Gibraltar Bar and are able to practice as lawyers.

2445 **Hon. D A Feetham:** Mr Speaker, I think there is also a role of heads of chambers and firms because those heads of chambers or the management committee, ought to be reminding, particularly young lawyers, because when you are breaking into ... when you are first starting out as a lawyer and you are doing work that is perhaps civil, it is also criminal, you are doing work in the magistrates' court, perhaps it is not the kind of work that Mr Phillips who is nearly 20 years called, might be doing at this present moment in time – but certainly we have all done it. We have all been there, we have all done work in the magistrates' court and at that time, when you are a young lawyer, this is precisely the kind of work that you also should be doing. It enhances your experience as a young advocate and a young lawyer, to be precisely doing this kind of work. Duty solicitor work often then leads to legal representation in the magistrates' court. Indeed it may also lead to legal representation in the Supreme Court.

2450 But we have all got to, as a legal profession, make sure that not only are our new barristers, our new solicitors and I think more new barristers, because with new solicitors we have now got these articles, these training schemes within Gibraltar, but I understand the Hon. the Minister for Justice intends to look into the creation of pupillage as well for barristers here in Gibraltar.

2460 But in the context of reforming and also ensuring that barristers are properly trained, I think that encouraging and for chambers to take a lead in encouraging our young barristers and our young lawyers to participate in these schemes is very worthwhile indeed, not only for them in terms of the experience but also for the community generally, in service to the community.

2465 **Hon. G H Licudi:** Mr Speaker, I am not sure where the hon. Member gets the impression that I intend as Minister for Justice to introduce further changes in the form of pupillage that he has mentioned. This is not something that has been discussed with the Bar Council. We discussed the new training requirements for barristers and solicitors during the course of last year and implemented those provisions by way of amendment to the Supreme Court Act.

2470 But certainly to the extent that as much encouragement can be given to younger lawyers, although there will be cases which will be apt for more senior lawyers and like him, I certainly recall being called at two or three o'clock in the morning on numerous occasions to attend to clients in the police station and therefore subsequent representation in the magistrates' and the Supreme Court.

2475 But the hon. Member mentions heads of chambers and management, we have two partners across on the other side of different firms and I would ask them also to encourage their firms to, not to cause their lawyers to be part of the scheme but certainly to encourage as many lawyers in those two firms that have between them, a very significant number of the lawyers we have in Gibraltar, for as many of them to be part of the scheme so that it is as successful as it can be.

2480

Hon. D A Feetham: Yes, I will discuss it with him and the Chief Minister, and Mr Phillips will discuss it with Mr Albert Isola. *(Laughter)*

2485

Mr Speaker: We are going to have one last question; it is the last one on Justice –

Chief Minister (Hon. F R Picardo): Mr Speaker, before –

Mr Speaker: There is one question left on Justice and then we will deal with Education in the afternoon.

ADJOURNMENT

2490

Chief Minister (Hon. F R Picardo): No, Mr Speaker, unfortunately the diary requires that I adjourn now, and I propose that we should return on Wednesday, at 10.00 a.m.

2495

Mr Speaker: Ah, so you are adjourning now.

Hon. Chief Minister: Wednesday at 10.00 a.m. to finish the questions and then deal with issues related to motions and Bills.

2500

Mr Speaker: Right. I now propose the question that the House do now adjourn until next Wednesday at 10.00 a.m.

I now put the question, which is that this House do now adjourn until next Wednesday at 10.00 a.m.

All those in favour? **(Members: Aye.)** Those against. Carried.

2505

The House will now adjourn until next Wednesday at 10.00 a.m.

The House adjourned at 1.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.03 a.m. – 1.00 p.m.

Gibraltar, Wednesday, 2nd March 2016

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The Gibraltar Parliament

The Parliament met at 10.03 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

Q211/2016

Question unallocated

Clerk: Meeting of Parliament, Wednesday, 2nd March 2016.

We continue with answers to Oral Questions. We commence with Question 211, which is unallocated.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q212/2016

**Legal aid and assistance—
Date when reform Bill expected**

5 **Clerk:** We then move on to Question 212. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, the Government stated in its manifesto that it expects the necessary work on legal aid and assistance to be concluded with appropriate changes to legislation before the end of 2016. Given that we are fast approaching March 2016 – in fact, we
10 are in 2016 – can the Minister for Justice provide an update as to when a Bill for the reform of legal aid and assistance will be brought before this House?

Clerk: Answer, the Hon. the Minister for Education and Justice.

15 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, following a process of consultation and agreement with the Bar Council, the legal aid system was reformed with new rates published and commenced on 25th September 2014.

We have embarked on a process of further consultation with the Bar Council on improvements to the legal assistance system. We expect the necessary work to be concluded
20 with appropriate changes to legislation made, as stated in our manifesto, before the end of 2016.

The Government therefore expects that a Bill will be brought to Parliament before the end of 2016 – in fact, in time for that Bill to be passed before the end of this year.

Q213/2016

**Health and safety in schools –
Reports received by Government**

25 **Clerk:** Question 213. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister provide information about what health and safety assessments and audits have been conducted in schools during 2014 and 2015; and, if any, what reports have been received by Government regarding health and safety at schools?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Government's 2011 manifesto committed to conduct an extensive and in-depth health and safety audit of all schools. This was successfully completed during the course of 2012. The majority of works and recommendations arising from that audit were addressed during 2012 and 2013.

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Since then, health and safety reports continue to be prepared by schools and submitted to the Department of Education almost on a daily basis as part of the repairs and maintenance schedules. These reports cover a wide variety of issues such as dangerous flooring tiles, trip hazards, water ingress issues, electrical faults, broken or splintered furniture and fire safety issues. All reports relating to health and safety issues are prioritised and addressed as a matter of urgency.

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In addition, planned works relating to health and safety issues were carried out to 13 schools during 2014 and 2015.

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Hon. T N Hammond: Mr Speaker, in cases where works have taken place not actually in the school but adjacent to schools, as we have seen on many building sites, does the school itself also conduct health and safety assessments of the potential impact of such works on the school environment, or is that left entirely to the developer to provide those health and safety assessments?

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And in the case where, if it is left entirely to the developer, do the schools and the management of the schools, and indeed the Gibraltar Teachers' Association, have site of those health and safety assessments to ensure that they are fit for purpose?

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Hon. G H Licudi: Mr Speaker, there will be occasions when works near or adjacent to the schools may have an impact on the schools. The Government, the Department of Education, works closely with the Technical Services Department whenever those issues arise, so that the Technical Services Department are able to advise the Department and the particular school of any health and safety issues that might arise.

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As an example, hon. Members will recall the works to Charles Bruzon House adjacent to Bishop Fitzgerald, then Governor's Meadow House, Governor's Meadow School, where some health and safety issues were raised and concerns were raised by parents. Technical Services was involved and advised the Department of Education, and although it was felt at the time that there were no health and safety risks to the schools or the children themselves, measures were actually put in place by the Department of Education and the Government to allay those fears and those concerns. One in particular, or two in particular were not just the erection of some scaffolding and protective roof over part of the school premises, but it also included no works being done to the adjacent site during school hours. That was done as a result of concerns expressed by parents, even though the advice that the Department of Education received was that there were no health and safety issues and no health and safety risks. In order to allay those concerns we took those extraordinary steps.

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75 So, yes, by all means, whenever there are works near or adjacent to a school then advice is taken, in particular through the Technical Services Department, and appropriate action is taken whenever it is necessary, as we did with Governor's Meadow and Bishop's.

80 **Hon. T N Hammond:** Indeed, Mr Speaker, in that instance action was taken, albeit in a reactionary way rather than a pre-emptive way, and of course we all know that the ideal for health and safety is to pre-empt such incidents and the need to take action after an event has taken place.

85 We had a similar event at Bayside School with noise from an adjacent site affecting the education of students at that site, which is why I raise the question: is this looked at, the possibility of a site affecting a school, looked at ahead of the time rather than reacted to when an incident takes place? I am thinking in particular of the plans to build a new Bayside School whilst the school remains in action, as it were, and the clear need in that example to ensure that the risk to students and teachers working at the school, whether it be from debris, dust or noise, is kept to an absolute minimum.

90 **Hon. G H Licudi:** Mr Speaker, there is a separate question on the Order Paper in relation to the planning of works for new schools, so I will deal with that last issue when I understand. The Hon. Ms Hassan Nahon has a question on that issue.

95 The hon. Member says that the example I gave was reactive and not preventive. Quite the contrary: the works that were actually carried out were preventive initially. I mentioned the scaffolding, I mentioned the covering to the part of the school playground at Governor's Meadow – no issues had been raised at the time. That was in conjunction with the start of the project of the building adjacent, and therefore these protective measures were taken to prevent any material from coming onto the schools.

100 What happened subsequently was not reactive to a health and safety issue. As I have already indicated, there was no health and safety issue. It was reactive to concerns which were raised by parents, which we believed needed to be allayed in this particular way – but not because we were advised there was a health and safety issue that we had to react to. There was no health and safety issue, because the professional advice – and Government has to act on professional advice – the professional advice was that no such issue arose, and therefore the measures we took were over and above those which were necessary from a preventive point of view and simply arose to allay those fears and those concerns which parents had. I went down myself when there was one incident simply arising out of the noise, and I saw the concern in the faces of the parents. I actually spoke to the parents myself, and then I and the Chief Minister went down the following week and addressed a whole group of parents in the assembly hall of Governor's Meadow to listen to their concerns and to explain to them what measures we were taking to allay those concerns. Not because they were health and safety risks, but because there were concerns which were raised and we felt it was appropriate to take those measures.

115 The hon. Member also talks about reactive measures in respect of Bayside. Again, there were no reactive measures taken in respect of Bayside. There was an incident in Bayside in relation to works – not an incident but circumstances in Bayside in relation to works – to Archbishop Amigo House, where, as a result of the noise being carried out to the works to Archbishop Amigo House, a couple of classes were disrupted and in particular a PE class and a geography class were disrupted. That incident was unfortunate and it was unfortunate for this reason: because the Government *had* already taken preventive measures to prevent those circumstances happening. The Government *had* given instructions to the contractor, to GJBS, not to carry out any works to Archbishop Amigo House during school hours. Those instructions had been given already. For some reason, as a result of possibly a misunderstanding or a lack of communication to the people on the ground, one or two people started drilling some holes as part of the works to Archbishop Amigo House, which should not have happened as a result of the measures that Government had already taken, and it was that drilling that led to those issues which arose in

125 Bayside with those classes being disrupted. Therefore, all that the Government needed to do as
a result of that was to reaffirm the instructions which had previously been given, and since then
no other incidents have occurred. So the Government had already pre-empted the fact that
works were being carried out on an adjacent site by a Government contractor, steps needed to
be taken to make sure that there was minimum or no disruption to the schools, instructions
130 were given. For some reason, something was missed at the bottom end and works were carried
out, and we took measures to redress by reasserting the instructions which had already been
given.

So, to the extent that it is in our control, then we will take measures which are appropriate in
order to prevent disruption to schools. Certainly from the Government's point of view, and my
135 point of view as Minister for Education, safeguarding the risks to the schools and making sure
that there are no risks, or minimum risk, and disruptions, as we will see in the later question, is
an important aspect of the plan of any works. It is important that children do attend schools and
teachers attend a work environment that is as risk free as humanly possible, and that is certainly
a lot of the effort that is taken by the Department of Education and the Government to make
140 sure that is indeed the case.

Hon. T N Hammond: Mr Speaker, which is why I asked originally, or certainly early in the
supplementaries, what role the schools themselves play in such health and safety assessments. I
am not sure the Minister answered that, but if he did I must have missed the answer.

145 Are the schools or the school management, the Teachers' Association and other stakeholders
actively involved in reviewing those health and safety assessments and judging whether they
may have an impact for the school; or is that entirely left for the Department and outside of the
school's hands?

150 **Hon. G H Licudi:** No, Mr Speaker, schools are involved, and I did mention that earlier when I
said there is contact between the schools, the Department of Education and Technical Services,
who advise on these issues. So there is active involvement.

In fact, before the issues that arose in relation to Bayside about the disruption of the class, I
had actually attended the school specifically on this point to see for myself the works that were
155 going on, because one was a private entity on one side of the school, the World Trade Centre,
and the other was the Government-contracted works on the Archbishop Amigo House, and
there were some concerns raised by the schools on health and safety issues related here
exclusively to noise rather than anything else; this was just a noise issue. I had attended myself
because the schools had raised this issue, and myself and the Director of Education we engaged
160 with the schools as to the issue and as to the measures that needed to take place in order to not
just allay those concerns but to reduce that disruption that was going on as a result of noise. And
we did two things as a result of the direct involvement of the schools. It was as a result of that
trip, that visit that I did to Bayside, that the instructions that I referred to earlier about no works
in Archbishop Amigo House during the course of the school hours ... that was taken as a result of
165 the issues raised by the schools with me personally and with the contractor of the World Trade
Centre. Although it is a private site, it is a private developer, we did engage through appropriate
professionals with the contractors themselves and asked them to put in all measures that could
possibly be put in place given that they were a working site. We could not ask them to not do
any works during school hours, but we asked them to take appropriate measures to keep
170 disruption to a minimum and to keep noise to a minimum. I am advised that appropriate
measures were taking place and, although there was still some noise during school hours, that
was in fact kept to a minimum.

So, yes, schools are engaged, schools are involved, schools do voice their issues, do engage
with myself, with the Director of Education, and in particular also with the Technical Services
175 Department, and we do try to take measures before they become an issue, as they did in two
schools.

Hon. E J Phillips: Mr Speaker, just one question in relation to St Bernard's. Can the Minister confirm what health and safety reports have been received in relation to the new St Bernard's School?

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Mr Speaker: Sorry, I did not hear the last part. Did you say St Bernard's School?

Hon. E J Phillips: St Bernard's School, Mr Speaker.

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Hon. G H Licudi: I am not sure whether the question is ... In relation to any new schools, clearly the contractor will have an obligation to carry out health and safety assessments, and I am advised that everything that needed to be done by the contractor has been done.

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Once a school is handed over to the Government and starts functioning as a normal working school, then the process will be the same as for all other school. Reports do come into the Department of Education and reports have come in from St Bernard's. In particular, I know that there was some water ingress issues, so there were some issues which arose following the handover of the school to the Department of Education – things that I would describe as teething problems or things that the contractor simply has to put right. So, some of those issues arise, but as and when any issue arises they will be dealt with in the normal way through the reports that come in, the requisitions that come in constantly to the Department of Education, and which are ... As I indicated earlier, when any such requisition concerns a health and safety matter, then these are given priority and remedied straight away.

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Hon. D A Feetham: Mr Speaker, I rise because it is an important issue that we are discussing and that the Hon. the Minister for Education is answering questions on.

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Just returning to the incident at Governor's Meadow School, as I understand it, what had happened there was that an object actually fell on the school itself – that is the information that we have – and that then that caused the Government to effectively ... May I please ask the question? And then the Government changed the times in which the contractors were operating. I just want to ask the Hon. Minister ... It may be that I am wrong and that the Government just simply changed the hours in order to allay concerns, rather than because anything had actually dropped on the school itself. My question is therefore this: is the Government satisfied that the health and safety measures that had been taken prior to those concerns arising were reasonable and proper in the circumstances, and have any lessons been learnt if the Government takes the view that those were not reasonable or they could have been improved in the circumstances?

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Hon. G H Licudi: Mr Speaker, no such incident arose. No object fell on the school. An assessment was carried out when those issues were raised with us. In particular, Technical Services Department was involved and looked fully into what had actually happened and we are entirely satisfied that that did not happen. What in fact occurred was that a noise was heard. Hon. Members will recall that I mentioned earlier that a structure had been put in place in the entrance in one of the play areas of Governor's Meadow School, whereby there was a scaffolding covered with sheeting – I think it was corrugated iron sheeting. The conclusion from the investigation as a result of the noise that was heard – and the noise was assumed by some parents perhaps legitimately, or clearly legitimately assumed by some parents that it was as a result of something falling onto the roof of the school, or rather the protective roof in the school area itself and there was this large noise The conclusion of the investigations was that there were some boards, which were laid out on top of that roof for workmen to be able to have access to part of the site that they were working on, and one of the workmen actually dropped the board, the plank – one of these planks that people put on in order to walk – dropped it, maybe a couple of feet rather than just placing it, and that is what caused the noise. So it was

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the workmen themselves taking measures as part of the works that caused the noise and caused that element of panic.

230 So it was not that the Government reacted to a health and safety issue that arose. In fact, no such issue arose, because we are entirely, and we were at the time, entirely satisfied. And it was exclusively – and we explained this to the parents when the Chief Minister and I addressed the assembly the following week – it was exclusively to allay those legitimate concerns that existed that we took the measures that we did, not because we felt that any incident which put any children at risk had actually taken place, because we were entirely satisfied that no such incident had actually happened.

Q214/2016
Teachers -
Overtime payments

Mr Speaker: Next question.

Clerk: Question 214. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Would the Minister for Education consider the prospect of introducing overtime pay to teachers who currently spend a lot of extra hours outside of their working hours doing unpaid work?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, this is not being considered. (*Interjection*)

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Hon. Ms M D Hassan Nahon: Mr Speaker, I ask because, as you might be aware, in the UK there is very low morale in the teacher industry. Teachers are feeling burnt out, stressed, overworked and underpaid, and I am well aware of the directed time, as per their terms and conditions, where teachers need to be present after school, in particular for planning and preparing courses, lessons, assessing, monitoring and recording, but there is a lot of work that goes into the schools, such as the running of afternoon clubs, sports clubs, drama productions and things that teachers need to be present at, which is not acknowledged. So I would like to know if there is any acknowledgement or recognition for the teachers and the fact that they have lives outside school, yet put so many hours into it.

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Hon. G H Licudi: Mr Speaker, it is quite extraordinary that the Opposition ask whether we are going to introduce overtime pay for teachers in Gibraltar as a result of low morale of teachers in the UK. Where is the suggestion that we have an analogous situation in Gibraltar? In fact, I visit schools regularly and I see very, very happy teachers. Of course there are always issues that teachers raise. We constantly engage with the Gibraltar Teachers' Association, we have signed a social partnership with them, and we have a very good relationship with teachers. But by and large, although there are certainly issues, the morale is good, the conditions are good. We have increased the number of teachers by 47 when we came in in 2011.

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With regard to the extra work that teachers do, that is certainly acknowledged – of course it is acknowledged – but it is part and parcel of what a teacher is expected to do. A teacher's work is not just, as I am sure the Hon. Mr Speaker will acknowledge, is not just going into a classroom at nine o'clock and coming out of that classroom at 9.45 or at 9.50. Of course it involves

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necessary preparation for that class and of course it involves necessary work in relation to marking subsequently. Again, Mr Reyes will have very, very clear experience.

275 As far as I am aware, neither with this Government nor in fact with the previous administration – and Mr Reyes was there for a long time – or the one before, when the GSLP was in office, has this been an issue and has any ... or even with the AACR, as far as we are aware ... that it has been an issue, that it has been on the cards, or that there has ever been a claim by the Gibraltar Teachers' Association for overtime to be paid to teachers. Clearly, we have discussions with them about terms and conditions, about pay scales, about spine points and all that, and all those issues are addressed.

280 The hon. Member mentions directed time, she being aware of directed time, and she will be aware therefore that in the UK, given that she draws that as an analogy, what directed time requires is that teachers, over and above their teaching time, dedicate 1,265 hours a year. That is 1,265 hours a year over and above their teaching time in order to carry out all the necessary preparation and all the necessary work. That is part of the pay and conditions of the UK teachers. It is what is contained in what is known as a Blue Book. We have not formally adopted ever, as far as I am aware, the Blue Book in Gibraltar, but certainly we derive some guidance from what the Blue Book says, which includes things like devoting reasonable additional hours as may be needed to enable the effective discharge of their professional duties, including planning, preparation, assessing, recording and reporting. But also provided in that document is the entitlement to enjoy a reasonable work-life balance. So that is what it is all about: having a reasonable work-life balance. But whoever comes into the teaching profession is under no illusion that they get reasonable pay, good conditions of employment, but planning for lessons and work arising out of those lessons is a necessary part of their terms and conditions of employment.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for the history lesson on previous administrations.

300 But I was under the impression that with the new foundations and New Dawn things would perhaps be looked at differently, but I suppose when it suits we go back to the way things were done and use them.

With regard to UK morale, it is also not, I do not think, strange to parallel the way we do things with the UK. After all, we do it with every other situation when it suits as well.

305 I suggest that if the Minister speaks to teachers he will perhaps learn that they are burnt out and that there is low morale, and that they feel that if they do not do things like running afternoon clubs, sports clubs and drama productions, which are not part of the 1,265 hours which I am well aware of, they often get side-tracked for promotion, which is also quite something that brings down their morale.

310 So, when he talks about part and parcel, technically speaking and according to terms and conditions, the extra-curricular points that I have brought up, like the afternoon clubs, sports clubs, drama productions and school discos, which again, if they do not partake in are not technically or legally considered as part and parcel of directed time ... and this is why I was asking if there was anything that this Government would do in order to give these teachers recognition and acknowledgement in order to, so to speak, keep them happy and well appreciated.

315 Thank you.

Chief Minister (Hon. F R Picardo): Mr Speaker, I want to rise because I want to acknowledge and congratulate the hon. Lady for being the first person on the opposite benches to realise where there might be a rich crop of votes for the next General Election. (*Laughter*) She has absolutely rightly identified an area which she could mine, and I salute her for it. And she is right in particular to speak for the Opposition of the high regard that this community must have for those in the teaching profession.

Mr Speaker, apart from, I think, two or perhaps three of you in this room who might have had the benefit of the Christian Brothers education, most of us owe our education and our status in life today to the dedicated teachers, most of them Gibraltarian, who have spent time nurturing each of us and everybody else in this community. The work that teachers do is as important as the work that anybody else in this community does. Somebody was telling me the other day that, of course, all of us do important jobs and it is very likely that teachers could do any of our jobs, but it is also very likely that we might not be able to do the job that a teacher does.

And so, Mr Speaker, the recognition that this side of the House has for the work that is done by the members of the teaching profession is unstinting. It is best evidenced by the way in which we transformed the manner in which certain members of the now teaching profession were, in our view, being exploited by being on the irreconcilable concept of permanent supply – and the hon. Lady needs to understand what that was, because I am sure she will agree with me that it was right to end it – where you had people who were in the classroom literally every day of the term for a year, for two years, and I told her this the other day in relation to another matter, and were yet not a part of the teaching profession. The Hon. Mr Licudi, when he was the Opposition Member for Education, took a real interest in this. We understood the numbers, we quizzed the Government at the time, and we were very keen to ensure that we transformed permanent supply into permanent and that supply should really just be that: supply.

If she is now advocating for people who are permanently employed by the Government to have even greater terms and conditions of employment by having overtime payments made, imagine the situation that we inherited, where we had people who were working full time and were not even recognised as being full-time employees with all the consequences that that had – in particular, their ability to take mortgages, their pension provision etc. I am sure that she will agree with me that that was exploitation, it was for morale absolutely devastating, and that the New Dawn meant that 47 were immediately taken on as permanent members of staff.

Now, she also needs to understand who she sits with in Parliament and what their arguments are. Their arguments, unfortunately, in some areas, are that we are spending too much. I am sure she might say that we could finance the cost of the overtime for teachers with the cost of the refurbishment of Convent Place, but they are really running out of money at Convent Place. They seek to apply that cost to so many things that they would have refurbished Convent Place a hundred times over with the things that they pretend to pay with that refurbishment.

The cost of paying overtime is something that is at large, we would have to look at what that cost is, but this is not a claim that is being made by the Gibraltar Teachers' Association. It is not an issue in the UK that is one of parity. The hon. Lady said we sometimes look to the UK and sometimes we do not. Well, in terms of salaries and terms and conditions we do look to the UK. The hon. Gentleman has told her about the Green or the Blue Book – (**Hon. G H Licudi:** The Blue Book.) the Blue Book – but the issue of parity is one that is alive and well in terms of grading etc. in some of the areas that we deal with, with teachers. So I think those are important considerations that she has to bear in mind when dealing with this point. If, for the past 60 years of successful and outstanding Gibraltarian education through the hand of Gibraltarian teachers, the payment of overtime has not been an issue which has caused or not caused morale to rise or to in any way be diminished, then I will not be persuaded today that that is an issue. The fact that morale may be low in the United Kingdom may be related to a huge number of matters, not least the austerity that the United Kingdom is going through as public finances are capped and the lack of pay rises, which is not an issue which is affecting our teaching profession. The hon. Lady may know that there had been no pay rises in the public sector in the United Kingdom until last year, where I think the pay rise has been 1%, whilst here they have been in the order of 2%, and now almost 3% for the time that we have been in Government, and in fact starting at the time that they were in Government. So teachers in Gibraltar will be earning approximately 10% more than an equal teacher in the United Kingdom with whom they might be on parity.

375 And of course there is in the United Kingdom a shortage of teachers, Mr Speaker, whilst in Gibraltar there is not a shortage of teachers. We have a waiting list for people to come on to be employed, which demonstrates that there is a desire to enter the profession.

All of that, Mr Speaker, I say with the fondest regard for the way that she has quite properly identified an area which she could make a lot of in electoral terms – sometimes a talent, Mr Speaker, that I confess I have not spotted in any of the other Members sitting across with her. *(Laughter and banging on desks)*

A Member: Hear, hear.

385 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you very much to the Hon. Chief Minister for the information, which I will review and in due course perhaps come back to the Minister of Education with any further queries. But let me remind the Chief Minister that education is my area, so whether it gets me votes or not is immaterial. If I get issues brought to me I am here to bring them up, and that is why I am talking about teachers – because they fall under the remit of education. *(Banging on desks)*

390 When it comes to spending we have a policy in the GSD that it is all about priority, **(A Member: Exactly. Hear, hear.)** *(Banging on desks)* and education would be paramount for the future generations and for our community, so obviously that was all I was trying to bring up.

Thank you.

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Hon. Chief Minister: I am grateful, Mr Speaker, for that indication, and I am very pleased to see that the hon. Members clap each other when they remind the Parliament of what their shadow responsibilities are. *(Laughter)*

400 Mr Speaker, education could not be more of a priority for any party in the history of Gibraltar than for the GSLP, which I happily lead, and I will give her an example of why it is that I am proud to say that.

In 1988 the GSLP fought a General Election saying that they would change the practice that there had been until then that there were only a few discretionary scholarships and scholarships if you reached a particular number of points, so that anybody who secured a place at a place of further education in the United Kingdom would be able to go away and study. And, Mr Speaker, many of us sitting on this side of the House, and indeed many of those sitting on that side of the House might also be the product of that change. I am happy to say I think I achieved the points anyway, but those of us who might not have achieved the points would have been able to go, and this has been transformational for Gibraltar. Our opponents in that election – and I was not active in politics at the time; I was active in the Students Association with the hon. Member the Hon. Shadow Chancellor, Mr Speaker ... but it has transformed Gibraltar, Mr Speaker, although at that time, during that General Election, it was said that that policy would bankrupt Gibraltar.

410 Mr Speaker, the transformation in Gibraltar has been because there are Gibraltarian professionals now leading in the professions. The Gibraltar we have today is built on the backs of that education. That is why the New Dawn of 2011 also provided that we would extend that practice into secondary education. And of course, Mr Speaker, when you talk about educational priorities, I also stand here as the leader of the only party that has opened, in the last 30 years, opened two new schools. The last party to do that was the GSLP in 1988 with the two new St Joseph's Schools, the next party to do that was the GSLP Liberal Government with the two new St Bernard's Schools, and the only party with a General Election manifesto commitment to open many new schools, not a mega school at Rooke, was this party.

420 So, almost 50 more teachers; in the first instance, compulsory grants for those who secured a place at further education and in the second instance, now, the second degree also mandatory if people are able to secure their place; and two more new schools and many more new schools to come. 'Education, education, education', as I said during the lifetime of the last Parliament – the hon. Lady was not here to hear me say it, so I am quite happy to repeat it for her – are the only

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terms, the only phrase that Tony Blair used in the time of the New Labour government with which every Gibraltarian, I am sure, would be able to associate.

430 **Mr Speaker:** May I draw the attention of hon. Members to the fact that we have spent more than half an hour on just two questions, and they might care, since we are talking about education, to take out a pencil and work out how much longer we are going to be here at this rate of or at this lack of progress.

435 Very important, education – a subject that I value enormously – but that does not mean that we have to have very lengthy answers in all cases from both Ministers. I think they are very, very lengthy and I would ask hon. Members to be more brief, unless they wish to be here for another week or so.

440 **Hon. E J Reyes:** Mr Speaker, may I just seek a very quick answer from the Minister?

Mr Speaker: A very quick answer?

Hon. E J Reyes: Yes.

445 **Mr Speaker:** Absolutely.

Hon. E J Reyes: Yes, just confirmation as a result of ... and I fully understand the explanations he was giving. Can he please reconfirm to teaching professionals and so on, other than the pay and conditions that are set out in what is commonly known as the Blue Book and so on, and the directed time, do we still have in existence those arrangements that we ... the nomenclature that used to be called the 'separate contract', whereby some teachers may offer their services, for example, to offer adult evening education classes, and that being considered duties over and above what their daytime job may be in one of our other schools, and they used to enter into agreements called separate contracts and therefore attracted separate remuneration? Has there been no change? Just confirmation there has been no change and that still continues, as has been the practice now for many years.

455 **Hon. G H Licudi:** Mr Speaker, I am certainly not aware of any change. I have not directed any change in relation to that, and therefore I assume, although I have not checked, that the position continues to be as it was.

Q215/2016
Schools' IT equipment –
Availability of technicians

Clerk: Question 215. The Hon. Ms M D Hassan Nahon.

465 **Hon. Ms M D Hassan Nahon:** Does Government currently have technicians in schools to man and maintain IT equipment and resources?

Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, yes, the Government does have technicians in schools to man and maintain IT equipment and resources.

470 Full details were given by me in answer to Question 319/2014.

Hon. Ms M D Hassan Nahon: Mr Speaker, are these technicians permanent in school, and how does the system work?

475 **Hon. G H Licudi:** Mr Speaker, I have just explained that full details were given by me in answer to Question 319/2014. It is in fact a very lengthy answer. I am happy to read the whole answer again, if Mr Speaker wants me to.

Mr Speaker: I think the procedure in such a case, where the Minister is referring an hon. Member of the Opposition to a question that was answered during the previous Parliament, I think the procedure should be that that should give the Member of the Opposition an opportunity to read up on that question, and I will allow of course a further question at the next meeting of the House. I will not apply the six-month rule, because the hon. Member of the Opposition is being referred to something that they need to read up on.

485 I hope the Government understands that procedure.

Hon. G H Licudi: Mr Speaker, I am happy with that approach, but just to answer directly the question whether there are technicians permanently based – although full details, as I said, were given in the relatively lengthy answer I gave in 2014 – just to confirm that there is one qualified ICT technician based permanently at Bayside and another based permanently at Westside, the College has its own ICT technician and there are four other technicians who are engaged as part of the Government’s IT and LD Department, who were engaged specifically for schools and provide support for first and middle schools as and when required.

495 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was just trying to highlight, as I had been made aware that there were, in fact, as the hon. Gentleman says, only permanent IT technicians in Bayside and Westside, leaving middle schools and primary schools without permanent support. So this was something that I was wondering whether he would consider installing.

500 **Hon. G H Licudi:** Mr Speaker, this is something that we did consider and, as I explained previously, when we came into office in 2011 there was, as I recall, only one permanent technician, who I believe was based in Bayside. Other than that, schools were at the mercy of the requirements of Government generally, and in particular of the Government’s IT Department. They were very stretched and support for IT in all schools was substantially lacking.

505 I went to great pains to explain what the system was before and how we changed the system, but now we have more permanently engaged technicians based at schools themselves and four specific technicians who were engaged for the specific purpose of supporting schools. They are based at the Government’s IT Department. Why is that? Simply for practical purposes, because there is work to be done in Government offices beyond the school hours and when the schools are on holiday, and therefore we took the practical decision that those four technicians would be engaged to support the schools but would be based at the Government’s IT Department and do other jobs when the schools were not in operation, either after 3.30 or when the schools are in recess during summer holidays and so forth.

510 But we engaged four specific IT technicians for schools, based at the Government’s IT Department, but those are very specific, to support first and middle schools, and that support simply was not there when we came in in 2011.

Hon. Ms M D Hassan Nahon: Mr Speaker, I understand what the hon. Gentleman is saying and I thank him for the information.

520 I understand there is a ticket system of sorts, and my question would be: what priority so schools take? It is 2016, and in five years IT would have taken a bigger priority in schools. You bring in systems, smart boards, computers, and I believe that perhaps there is more need to have permanently based technicians in schools. From what I understand, there are only

525 permanently based technicians in Bayside, Westside and the College, as he just said. So, what I
am asking is whether they would consider having permanently based technicians in all schools in
the advent of more IT being a priority in schools since 2011, when I accept that perhaps the IT
support would have been substandard then but things have moved on.

Hon. G H Licudi: Well, Mr Speaker, they certainly have moved on, and they have moved on in
530 leaps and bounds since December 2011. I am basically being drawn in to reading the three-page,
or two-and-a-half-page question to address all the issues that the hon. Lady is referring to.
Is it now GSD policy before we were being urged to pay overtime –?

Mr Speaker: Perhaps we can leave this question now, I think, and we revisit it at the next
535 meeting, (*Interjection*) after the hon. Lady has had an opportunity, because I do not think the
Minister should be constantly referring, to what was a very very long answer to a previous
question, should be constantly referring as a result of supplementaries.

Hon. G H Licudi: Mr Speaker, I am happy with that, but there was a specific question, which is
540 whether we will now be employing a technician to be based permanently in each school.

We assessed the requirements of the school system. As I was about to ask, is it now GSD
policy that of the 17 schools there should be 17 technicians based in each school? Is that what
they are urging us to do? It has never been GSD policy. It certainly was not GSD policy when
schools were all but abandoned, particularly first and middle schools, from an IT point of view.
545 And I use that word advisedly, because that is what I have been advised was actually happening.
Schools were essentially abandoned up to December 2011 from an IT point of view.

Things have moved on very significantly and we now have permanent members of staff at
Bayside, Westside and its own technician at the College, and four other technicians that attend
to the needs of the first and middle schools. This is a matter that continuously needs to be
550 assessed, and should we believe and discover that the IT needs of the schools improve or
increase and we need to give consideration to greater support through the Government's IT
Department, that is certainly something that will happen. But what we have put in place is
actually a system which is a far cry from the system we found in 2011.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am just asking whether Government would be
555 willing to put in more permanent technicians, because from what I understand, a lot of the IT
systems, they look great but a lot of the time they do not work and they are laid there, smart
boards and computers, not working. I get this from teachers. I am not lying. So, if the Minister
wants to adhere to these notes that I am giving him from what I am hearing, he can; otherwise,
560 he can leave it the way it is. As you well know, we are not in Government; we are not setting
policy. I am simply bringing issues to the table, and if he wants to take them on board he can.

Hon. G H Licudi: Mr Speaker, but it is all very well for the hon. Member to be a spokesperson
or a mouthpiece for somebody who comes with a particular problem – that is certainly part of
565 their job – but it is simply not true to say that systems in schools a lot of the time do not work.
And just because the hon. Member has heard maybe one report from somebody who might
have had one particular problem with one particular computer, that does not mean that systems
in schools a lot of the time do not work, which is what the hon. Lady has elevated the matter to.

We have to be responsible about statements made in Parliament and not make those kind of
570 statements which bear no resemblance, no resemblance, to the actual truth.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would not be so facetious or waste parliamentary
time bringing one report from one person. I often speak to many people from many schools
before I bring an issue to Parliament. I just want that on the record.

575 Thank you.

Q216/2016
Children in full-time education –
Verification of residency

Mr Speaker: Next question.

Clerk: Question 216. The Hon. Ms M D Hassan Nahon.

580 **Hon. Ms M D Hassan Nahon:** Would the Minister for Education explain what procedures the Department of Education has in place to monitor the verity of the local residency of children in full-time education?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, a check on residency is part and parcel of the school enrolment process at the Department of Education. All applications for school enrolment in schools involve the submission of proof of residency by parents or guardians.

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The Department of Education follows a number of pathways to check on residency status, including the use of ID cards, utility bills, permits of residence where these have been issued, rental agreements or contracts, and information and assistance from other HM Government of Gibraltar Departments such as Civil Status and Registration Office.

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Hon. D A Feetham: Mr Speaker, may I ask, in relation to this particular issue, whether any of the systems for cross checks that the hon. Gentleman has just outlined in his reply have actually changed from when they got elected in December 2011.

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The reason why I ask is this: because I remember sitting on the Government benches and the hon. Gentleman actually asking very similar questions to the one that the hon. Lady has asked, and suggesting that there are quite a number of people across the Frontier who are coming from Spain in order to take advantage of our free education system, which then has implications for university etc. It just strikes me that if the systems are exactly the same as they were in December 2011, then those problems that the hon. Gentleman claimed existed prior to that date no doubt exist post that date, which is, I suppose, the root to the question that is being asked by the hon. Lady.

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May I also add, in the context of that question that I have asked, that I have seen articles in the press supportive of the hon. Gentleman opposite – the *Panorama Newspaper* – where this appears to be something that is a problem, and I just wonder what checks have changed since the hon. Gentleman came into office, bearing in mind the questions that he asked when he was in opposition.

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Hon. G H Licudi: Mr Speaker, I do not remember the specific issues that the hon. Member says that I raised. I am not saying that I did not raise them, I just have no recollection specifically of that.

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It is certainly true that a check on residency has always been required; that is not a new system that we introduced. And the ways of checking residency may not have changed, either through rental contracts or agreements or ID cards, utility bills, permits of residence and all that. The issue might simply be a matter of emphasis on how stringent those checks are or whether they may or may not have been. I do not know, and it frankly did not matter to me what they were before, but certainly I needed to make sure that the checks that are made currently, and have been made for the last four years since I have been Minister for Education, are sufficiently stringent for the Director of Education himself to be satisfied in respect of residency for all students going to Gibraltar schools.

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625 In most cases it is not an issue. In most cases, somebody who comes with an address in Varyl
Begg, who has been through the normal process, it just is not an issue. In other cases issues are
raised and documents need to be looked at a little bit more carefully. I know that in one case
recently we have had the Director of Education and Senior Education Adviser going to a
residence and knocking on the door to check whether the particular person who said he was
630 living at that residence was actually there. I do not know whether that happened before, but it
certainly has happened. *(Interjection)* Mr Reyes suggests that that has happened before. So it is
that extent of checking that is carried out, but the policy is very simple: if you are resident in
Gibraltar you are entitled to free education in Gibraltar, and if you are not then you are not. The
system is intended to make sure that that is exactly the policy that is applied.

635 **Hon. D A Feetham:** So just to be absolutely clear, Mr Speaker, the hon. Gentleman has no
recollection that he has given instructions to introduce any kind of different system since he
became Minister for Education on this particular issue?

640 **Hon. G H Licudi:** That is not what I have said. I have said I had no recollection about the
previous questions that I supposedly asked. I have not said that I have no recollection.

Of course I have a recollection of giving instructions. This is a matter that I have discussed on
a number of occasions with professionals at the Department of Education, with the Director in
particular. I have asked for advice on what the system is and how the system can be improved,
and I have given instructions that stringent checks need to be carried out wherever there is a
645 doubt, so that we make sure that those who are resident go to schools and those who are not
resident do not take up places that should go to local residents.

So yes, I have given instructions specifically that stringent checks should be carried out on
residence checks.

650 **Hon. D A Feetham:** Mr Speaker, I understand that but that is not the question. My question
was: is there a different system in place, as a consequence of him becoming a Minister, to that
which existed prior to December 2011? Because, no doubt if I asked the Minister for Education
at the time that we were in Government he would say, 'I too met with the Director of Education,
I too met with the pertinent authorities and I too gave instructions that there should be
655 stringent checks.' But with these things it is not about a Minister giving instructions that there be
stringent checks; it is about systems, those are, what is in place that ensures that people do not
get through the net. That is why I am asking this question. I tried to give the hon. Gentleman the
benefit of the doubt, because in four years ... It may well be that in 2012 he may have had a
meeting and he may have said, 'Well, look, let's tweak the system in this way,' and he cannot
660 remember. That is why I phrased the question in the way that I phrased the question.

But just to be clear, again, he has no recollection – that is why I am putting it in this way – of
giving any instructions to change the system as from December 2011?

665 **Hon. G H Licudi:** Mr Speaker, the hon. Member insists, but I have not said that I denied in my
earlier intervention that I had said that. Of course I have a recollection – and I say that again: of
course I have a recollection – of discussing it. In fact, only last week I had a conversation
specifically on this matter with the Director of Education before the – well last week or maybe a
couple of weeks ago, certainly before the question arose.

Is the system different? I do not know whether the system is different or not. I know that
670 there has always been a requirement to check on residency. How stringent that was applied
previously, that is a matter for the GSD and it is not a matter for me. What I know is that I gave
instructions and I have repeated those instructions and I have had several meetings with the
professionals in which the Government insists that stringent checks are applied in order to check
on residency for the purposes of enrolment to our schools.

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Mr Speaker: Next question.

Hon. T N Hammond: Sorry, Mr Speaker –

680 **Mr T N Hammond:** Yes.

Hon. R M Clinton: Mr Speaker, bearing in mind the Hon. the Minister has instructed the stringent application of the systems, is the Minister satisfied that there is not a single non-resident receiving an education in any of the public schools in Gibraltar?

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Hon. G H Licudi: Mr Speaker, I am entirely satisfied that the policy that the Government has put in place is applied by the Department of Education and that the Director of Education is himself satisfied as to residency, otherwise he would take steps to remedy that.

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Is there the remote possibility of someone having slipped through the net? Well, I suppose that possibility always exists, and I cannot give any possible guarantees. But am I satisfied that the system is working properly and the Director of Education himself is satisfied? Well, yes, I am satisfied, because I have asked him and he has indicated that the system is in place and is working.

Q217/2016
Special educational needs –
Assessment process

695 **Mr Speaker:** Next question.

Clerk: Question 217. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: In connection with the 2011 manifesto promising the SEN system, assessing all children to see whether they require special needs regardless of whether the child requires special needs because they are above or below average, would the Minister for Education confirm whether it has been done and/or is still in place?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I can confirm that all children are assessed upon entry and that, furthermore, this assessment process is ongoing to ensure appropriate provision and support is afforded.

Q218/2016
Construction and refurbishment of schools –
Anticipated levels of disruption

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Clerk: Question 218. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government give an indication as to the level of disruption that teachers and students can expect in the forthcoming construction and/or refurbishment of the various schools as outlined in their manifesto?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information

(Hon. G H Licudi): Mr Speaker, Government is still at a planning stage in relation to works to schools and creation of entirely new schools as outlined in our manifesto. This will be the most significant investment in the fabric of our educational establishments in our history. Everyone in our community will no doubt welcome this investment in new schools. Already we have developed two new schools in one term and a University. We will go on and do even better now in this term. Teachers, parents and children will be delighted. Part of the planning process will clearly involve ensuring that any disruption is kept to a minimum.

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Hon. Ms M D Hassan Nahon: Mr Speaker, in terms of the Bayside refurbishment, can the Minister confirm that the –

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Mr Speaker: The hon. Lady has to be very careful, because only ten minutes ago that is precisely what was being debated.

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Hon. Ms M D Hassan Nahon: Mr Speaker, but the Hon. –

Mr Speaker: Bayside. The Hon. Mr Trevor Hammond raised the whole question of health and safety on the incidents that occurred at Bayside. You need to be careful that you...

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Hon. Ms M D Hassan Nahon: I understand that the Hon. the Minister for Education said that he would be dealing with it when the question came up to me, so –

Hon. D A Feetham: That is the point.

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Mr Speaker: He did, I am very sorry and I apologise.

Hon. Ms M D Hassan Nahon: – this is why I ask if in Bayside ... Are the students going to remain in Bayside during the refurbishment of Bayside? Because if they are, how can we minimise the noise? Because these children are going to be taking exams. It is a period where they do GCSEs and A-levels, and as much as I am sure the Minister would want to minimise noise, noise is inevitable and teachers are already complaining – not one teacher, many teachers in Bayside are already complaining – that they have to speak over and above their usual tone because of the World Trade Centre, for example.

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My concern is that these children are taking exams at different levels and whether it would disrupt them and the teachers trying to teach the syllabus.

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Hon. G H Licudi: Mr Speaker, I have said that Government is at a planning stage and part of the planning will involve logistics: how it is going to be done and how is that disruption going to be kept to a minimum in areas where we already have schools. It is one thing to build a new school, like we did with St Bernard's in a different site to St Bernard's first and St Bernard's Middle – Sacred Heart, as it was – and then bring the two schools together. Where one is working in a site where there are already children, then planning is of a different nature and logistics has to be taken into account. We already have experience of having done a number of works in existing schools – we did the extension to Notre Dame, we have done an extension to St Martin's, we have done an extension and extra classrooms in St Joseph's – so we already have some experience of the planning that needs to go into these matters.

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But this is clearly the focus of what the Government is now doing: planning as to how it is going to be done, to make sure that we keep that disruption to a minimum. And I am certainly very well aware of the issues that the hon. Lady has raised. I have discussed this with the

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Headmaster at Bayside in particular. I know what the teachers are saying and all those views will certainly be taken into account and the works will have to be very, very carefully planned and very carefully logistically mapped out to make sure that we keep that disruption to a minimum.

770 **Hon Ms M D Hassan Nahon:** Mr Speaker, from what I understand, already during the election
campaign the GSLP party was saying that the planning stage had already been organised and
that they already knew how they were going to minimise disruption. And having said that, as
775 much as they would like to minimise disruption I do not see how workers can be silent during
the building of a property while students are in school. Personally, I would think that the only
way to ensure that students are not disrupted would be to actually move them. I cannot imagine
... as much as they try to find logistics that will minimise disruption, as long as they are in the
same building the disruption will be there. And from what I understand ... from what I
remember, Minister Linares said once that he did not want to do a refurbishment at the Victoria
780 Stadium in order not to disrupt students at Bayside. So in order to make a new Bayside, how can
you keep the students sitting in Bayside without disruption unless you actually move them?

Chief Minister (Hon. F R Picardo): Mr Speaker, as I said during the General Election
campaign, the party had been responsible for creating the manifesto commitments and the
party which I represent has a plan which it is now sharing with the people who are responsible in
785 Government. *(Laughter)* Apparently, Mr Speaker, the fact that parties have a plan creates mirth
on the other side. Given the result of the election, I am not surprised, Mr Speaker, that they do
not plan in the party! That is what is now being consulted on and is being, of course, improved
on.

If it is of any consolation to the hon. Lady she is not more concerned than we are that
790 students should not be disrupted. We are as concerned that they should not be disrupted. It is
our responsibility that they should not be disrupted and we will ensure that the work is done in a
way that minimises disruption.

Of course, on some occasions private entities have construction going on next to a school.
The World Trade Centre is there. It was a project which was approved by the former GSD
795 administration to be next to a school and therefore was going to have to be built next to a
school and cause disruption. But I will give her this hint. We have demonstrated to them how it
is possible to do works next to a school in a way that a school is not disrupted, if we are the
party responsible both for the works and for the school, by the mechanism that the hon.
Gentleman has outlined to her was used in the area of Governor's Meadow, where workers
800 commenced at 3.30 in the afternoon after school was out and work which was carried on during
the school day was carried on in a way that has not caused any disruption, has gone on – if I may
put it this way, so that the hon. Lady understands it – inside the envelope of a building, and a lot
of work has been accelerated during school holidays etc.

That is the way that the Hon. Minister delivered excellent refurbishments and additional
805 facilities for St Martin's and also for Notre Dame School, things which we sometimes forget
when we are talking about the huge investment we have made in education. We sometimes
only talk about the two new schools we have created, but we have created new classrooms at St
Martin's and refurbished extensively at St Joseph's and Notre Dame – all of it, Mr Speaker,
without disruption to students.

810 So that is our priority as much as it is theirs, if not more so, Mr Speaker, because it is our
responsibility as well.

I will just end with this, Mr Speaker. I did my Oxford entrance exam with a pneumatic drill
outside the room. I think that is why I finished quicker and managed to pass.

815 **Hon. Ms M D Hassan:** Mr Speaker, I am very grateful for that answer. Perhaps there are
many students who are not as intelligent as our Chief Minister and are not of Oxbridge potential
and therefore they need to concentrate more and they need less noise around.

I am grateful for the almost-undertaking among all the marketing and PR of this Government's record on education (**Hon. D A Feetham:** Hear, hear.) (*Banging on desks*) on how they are going to ensure that noise is minimised, and I will take it that students can count on no noise-related activity during school hours. Is that what the hon. Gentleman is saying?

Hon. Chief Minister: Mr Speaker, that is exactly what I am saying – that what we are going to do is to minimise any disruption to the *maximum* possible degree. Will there be no disruption? Well, Mr Speaker, I do not think it is about intelligence; I think it is about exam technique. If you are doing exams, I think it is about concentration if you are in the classroom. But will there be no disruption? Well, Mr Speaker, there will be the *least possible* disruption it is possible for there to be. We would like that to be zero, Mr Speaker. Will it be possible for it to be zero? Perhaps not, but we shall endeavour to make it zero because that is our responsibility. It is our responsibility to the students, it is our responsibility to the teachers and it is what we want to achieve. Will we be able to achieve it? Well, the engineering will guide us towards how we best achieve that, but I guarantee her that the work that we will do in July and August will cause zero disruption, and the work that we will do during the Christmas and Easter holidays will cause zero disruption, and that the work that we will do after 3.30 will cause zero disruption, and that therefore there will be less weeks in the year when there might be something going on during a lesson than there would be weeks in the year when there were things going on which will not cause disruption.

I assume that she supports that we should be making this investment – the public decided it should be our proposal that should be the one that continues and not theirs – and that she believes that we should be making the investment, and that she just agrees with us that we should be doing that in a way which is the least disruptive possible, which is what I am telling her is exactly the objective of the Government. It appears that we are ... despite the attempts to create a suggestion that she cares more, which is her PR style, actually the underlying reality is that we entirely agree that it must be done in the least disruptive way possible.

Hon. Ms M D Hassan Nahon: Mr Speaker, all I was trying to ascertain was to ensure that we are all on the same page in terms of the least disruption, and I accept the hon. Gentleman's explanation.

May I suggest that, from my point of view, the least disruption clearly possible would be to actually move the students from Bayside, and may I remind the hon. Gentleman that during the GSD time in Government – for example, when the Hebrew School underwent a refurbishment – the students from the Hebrew School were moved to the College. So I am just wondering if there is a possibility for the Bayside students to be moved during this refurbishment, to completely ensure that they are completely not disrupted during their school time?

Hon. Chief Minister: Well, Mr Speaker, the page is page 72 of the Strongest Foundations manifesto where the hon. Lady will see the magnificent plans that there are already for Bayside School. The logistics of the works – and Mr Speaker complains that we are going on for too long, but she is asking me to commit myself to the logistics of the works –

Mr Speaker: I did not complain. I just pointed out to hon. Members that, on the basis of this progress we may be ... I am prepared to be here next week, if necessary; that is my job and I do not complain. I just point it out so that hon. Members know where we stand.

Hon. Chief Minister: Thank you, Mr Speaker.

We have told her repeatedly that we are going to minimise the disruption etc. The logistics of that will be a package that will be dealt with by the professionals, by the Minister, by the Department, and will include, if necessary, a relocation. But I would have thought that is one of the things we would seek to avoid, because of course that creates its own disruption of another type. But she can rest assured, Mr Speaker, that this Government is 100% committed to the

870 least possible disruption to any student for the implementation of what is the most magnificent transformation of the fabric of educational establishments in Gibraltar ever proposed to our nation by a party in a General Election, and now this Government's commitment for the next four years.

875 **Hon. Ms M D Hassan Nahon:** Thank you, I look forward to that. And thank you for your own PR style on your spin on this.

Hon. Chief Minister: My pleasure.

880 Mr Speaker, she does not have to have the last word; she has to ask questions, *(Laughter)* and when she asks questions we get up to answer them.

Q219-220/2016
Supply teachers –
Numbers available; HR policy

Mr Speaker: Next question.

Clerk: Question 219. The Hon. Ms M D Hassan Nahon.

885 **Hon. Ms M D Hassan Nahon:** Can the Minister give details of the number of supply teachers currently available to cover sick and absent teachers?

Clerk: Answer, the Hon. the Minister for Education and Justice.

890 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 220.

Clerk: Question 220. The Hon. Ms M D Hassan Nahon.

895 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education explain what the Human Resources policy is in connection with sending supply teachers to cover absent or sick teachers, i.e. how soon after a school or college reports an absence does a supply teacher from outside the school or college come in to fill that absence?

900 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, there are 78 supply teachers currently providing cover for sick and absent teachers.

905 Supply teachers will usually cover for absent and sick teachers as soon as a suitable supply teacher is identified from the supply pool. There is no predetermined waiting period, but the deployment of a supply teacher will be prioritised in consultation with the headteacher according to the number of absences already affecting the school during the period, as well as any other significant circumstances such as the length and nature of the absence, the notice afforded to the Department, whether the absence occurs in a small or large school, whether it is
910 the primary or secondary sector, and so on.

I would add, Mr Speaker, that prior to December 2011 the general practice was that the school had to wait for three working days before supply was sent. That practice was done away

915 with by me following representations from schools to the effect that it made no sense for them to have to wait three days if a supply teacher was available to cover for the absent teachers.

I would also point out, Mr Speaker, that the increase of 47 full-time teachers in 2011 went a long way in addressing staffing issues at schools, and in many cases this makes it easier for schools to cover for absences internally, despite the criticism from some about the increases in public sector employees.

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Mr Speaker: Next question.

Q221/2016
Westside and Bayside Schools –
Teaching assistants

Mr Speaker: Next question.

925 **Clerk:** Question 221. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many teaching assistants are there in Westside and Bayside Schools respectively, and what are the criteria for them to be required to help in any given classroom?

930 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, there are 15 special needs learning support assistants in Bayside and 12 in Westside.

935 Pupils with special educational needs are discussed at the multi-disciplinary Special Needs Assessment Panel, as set out in the 1977 Children with Special Needs (Assessment Panel) Regulations. Recommendations on the level of support required per child, including support from learning support assistants, are then made to the Director of Education, who will then authorise the deployment and allocation of these resources. The Special Needs Co-ordinator
940 within the schools will then assign these according to the needs of the children.

Q222/2016
Teaching English as a Foreign Language –
Level of resourcing

Clerk: Question 222. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Would the Minister provide details of the level of resourcing for TEFL (Teaching English as a Foreign Language) at primary, middle and secondary level?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information

(Hon. G H Licudi): Mr Speaker, at secondary level there is a specialist teacher allocated to Bayside and Westside who works with pupils in small groups to support their learning and improve their English skills. Currently, 40 pupils are supported across both schools.

In the primary sector there are now established strategies developed after the Department of Education provided the Special Needs Co-ordinators with in-service training in 2012 on supporting and teaching children whose first language is not English.

Schools will use TEFL teaching using a wide range of methods, including in-class support, using special needs support assistants, teacher-led language support groups and, for children with additional needs, withdrawal from mainstream into smaller schools for more targeted teaching.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I ask the hon. Gentleman: with the increase in children of naturalised families and the many other international families that are residing in Gibraltar, perhaps the idea of a full immersion course at the beginning of the academic year ... would that be a consideration for Government in order to streamline the children? Also, it would cause less disruption to all the other mainstream pupils, who often get slowed down by teachers who have to explain things in a slower way to children who are not exactly up to speed.

Hon. G H Licudi: Mr Speaker, an increase in naturalised families, as I understand it, does not result in an increase in residents. These are people who have been in Gibraltar for many years and have at some point – after 10, 20, sometimes more years, 30 or 40 years of living in Gibraltar – have become naturalised. So these are people who have been in Gibraltar for many years. And in fact those are the least of the problems, because the children of those people who are naturalised are generally those who have come through the education system in Gibraltar and have English, if not as their first certainly as one of their main languages, and that generally does not present a problem.

We have allocated a specific resource to the secondary sector. In fact, we were the first to do so. It did not exist before December 2011 and we took the opportunity in 2012 when the 47 extra teachers, the extra complement of 47, was being engaged, and there was one applicant who was not just a qualified teacher but has specialist qualifications in teaching English as a foreign language and we specifically employed that teacher as part of the 47 to be a peripatetic teacher in the secondary sector to provide the support which, as I said, did not exist before.

At primary level I have given examples of how these children are supported and the Department of Education, in conjunction with a strategy that we started in 2012 which involves the engagement of that specialist teacher, provide an in-service training to what are generally called SENCOs – Special Educational Needs Co-ordinators – of each school as to how to support children with language difficulties.

Ultimately, these are professional decisions. These are not policy decisions for the Government; we simply make resources available. We decide a policy. We have given the professionals at the schools and the Department of Education the necessary tools in terms of teaching resources. How they are best deployed for education in Gibraltar is really a matter for them.

I am advised that the measures that they have put in place are adequate and are the ones that are needed to support children with these difficulties. We clearly recognise that sometimes children come to Gibraltar with their families and English is not their first language and that creates an initial difficulty; but children are in fact very resilient and they adapt very quickly, and the younger they are the easier it becomes for them to adapt and they generally become an integral part of the class very quickly.

But clearly there is a need for support. That support is provided and the professionals of the Department, in my view, do excellent work in providing the necessary support to these children.

1000 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, I appreciate the work that the Minister for Education has been doing regarding teaching English as a Foreign Language, but I repeat my suggestion from the various sources is that a full immersion course would be a good idea in order to bring children up to speed, and I leave it at that.

Thank you.

1005 **Hon. G H Licudi:** Again, the hon. Member wants to have the last word and make a statement, rather than asking a supplementary. She has made a suggestion, I have picked it up, I will pass it on to the professionals and let the professionals decide whether her suggestion is a good one or not.

1010 **Hon. Ms M D Hassan Nahon:** It really is not about making a statement or having the last word. (*Interjection*) No. I put to you a question and you do not ... The hon. Member does not actually answer me one way or another, so I have to repeat what the question was in order for him to understand that that was the question.

1015 **Hon. G H Licudi:** Mr Speaker, not getting an answer is not the same as not getting the answer she wants.

1020 We provide answers. We are asked questions and we provide the answers that we consider as a Government are answers to those questions. Whether she accepts or believes that those answers are adequate or satisfactory is a matter for her, but that is not the same as not getting an answer.

Hon. Ms M D Hassan Nahon: This is precisely the point, Mr Speaker. I was not getting an answer.

**Q223/2016
Hot school lunches –
Update**

1025 **Clerk:** Question 223. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister provide an update with regard to their manifesto commitment on hot school lunches for all schools?

1030 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Government's 2015 manifesto commitment states as follows, and I quote:

A full process of consultation with parents, headteachers, teachers and their unions will take place so that we can start the provision of hot school meals to all children whose parents agree.

1035 Government is in the process of planning such a consultation exercise with all the necessary stakeholders.

Hon. Ms M D Hassan Nahon: I am very sorry if this may be a last word and not exactly a question as he would like it to be, but I think it is. From what I remember, the Chief Minister, at the opening of the University, declared as a commitment a *fait accompli* of hot school lunches

1040 for the next mandate that they won. So I did not know that it was in a consultation stage. From
what I understand, it was a done deal.

Hon. G H Licudi: Mr Speaker, again the hon. Member fails to ... and she acknowledges, on top
of that, when she gets up, that she is not going to ask a question.

1045

Chief Minister (Hon. F R Picardo): She needs to be stopped.

Hon. G H Licudi: When she says she did not know that there was going to be a consultation
process, has she just found out from me telling her now that there is going to be a consultation
1050 process? It is black upon white in the manifesto. It is a manifesto commitment and it is that
manifesto – how many was it? – seven out of 10 Gibraltarians voted for. **(Several Members:**
Hear, Hear.) *(Banging on desks)* That is the manifesto that we are seeking to implement and that
is exactly the commitment that we are going to carry through during this term of office.

1055 **Mr Speaker:** I think I do have to remind hon. Members of the Opposition that they should ask
questions. It is not a very difficult process, after a bit of practice, to rephrase a statement as a
question. I commend that.

1060 **Hon. R M Clinton:** Mr Speaker, if I may ask the hon. Member, in terms of school lunches
would he confirm that it is the Government's intention that these lunches be provided free
across all schools, and has he undertaken a preliminary costing of this?

1065 **Hon. G H Licudi:** Mr Speaker, as we have indicated, this is a matter that will be considered by
the Government as a result, or as part and parcel, of the consultation process which is going to
take place. That is the whole purpose of carrying out that consultation. And once we carry out
that consultation process and take policy decisions, we will announce them.

1070 **Hon. D A Feetham:** Mr Speaker, may I commend to the hon. Gentleman, that if the
Government is considering, as it appears from the wording of the manifesto commitment, the
charging for hot lunches to parents who may wish their children to receive these lunches, that of
course they bear in mind that there are many, many people in Gibraltar who, because of their
means, cannot pay and could not pay for hot lunches for their children, and therefore the state
has a responsibility in relation to those children.

1075 **Hon. Chief Minister:** Mr Speaker, in fact, let us be very, very clear about who stands for what.
There is absolutely no question of this Government pretending to charge a parent who is unable
to afford it for a school lunch. It should also be common ground, Mr Speaker, I believe, that if
people are able to afford it there might be no good reason to simply gift something to those
families, because we have to concentrate on those who *cannot* afford.

1080 The Government's guiding principle of this issue is that there should not be a child in school,
watching others eat, unable to eat because his parents cannot afford it. That is not the Gibraltar
that we will be presiding over; it is not a Gibraltar that we would tolerate, Mr Speaker. But I have
to tell Members here that today there are some instances where children are unequal at
lunchtime because some parents may be able to afford to send something to school and others
1085 are unable to send something to school. We read, in particular from the World Health
Organisation and from UNICEF, that even in Spain there are children who are now only getting
their hot meal a day in school because of the austerity that has been there. That is not where
Gibraltar is, Mr Speaker.

1090 What the Government will do in terms of paying for meals or not paying for meals is part of
the consultation process. My own view, Mr Speaker, is that today parents spend money on food.
Parents would much rather it be provided and not have to prepare and provide it themselves

and they would happily pay a reasonable amount of money for that. But if there are people who cannot pay, then of course the Government will ensure that those people do not have to pay. Gibraltar *Socialist Labour Party*: it means something to those of us who sit on this side of the House.

1095

Hon. D A Feetham: Mr Speaker, I am very grateful to the Chief Minister. Of course, if I had not asked the question that information would not have come out, and the reason why I asked that particular question was to allay the concerns of anybody listening to these exchanges that that is the position of the Government. It was not meant in any way, shape or form in order to criticise the Government. There are things on which both political parties – indeed, I suppose any political party that were in this House and that were elected by the people of Gibraltar, who have a *huge* amount of common sense and would never elect to this place a political party that effectively charges people who cannot afford to pay for hot meals for their children.

1100

I also welcome the statement by the Chief Minister that everything is in the mix, so to speak, and that those who can perhaps afford to pay for hot lunches for their children ... that perhaps the Government considers charging not an excessive fee but a reasonable fee in relation to those hot lunches, and I think that that is right and proper and that is the way that ... or considerations that ought to be taken in any future Gibraltar and moving away from a situation where one is entitled to everything and anything. Those who cannot ought to be sustained; those who can ought to pay their own way in situations like this.

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Hon. Chief Minister: Mr Speaker, I do not detect a question and I thought it was Question Time, but it has never been the position of the Government that those who cannot should pay; it only appeared to be the position of Mr Clinton a moment ago.

1115

Mr Speaker: Next question.

**Q224/2016
Prison Service –
Waitlisting for positions**

Clerk: Question 224. The Hon. D A Feetham.

1120

Hon. D A Feetham: Mr Speaker, can the Minister – or can the Government, I should say – please state whether the period of time for those currently waitlisted for positions within the Prison Service will be extended beyond March of this year?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the decision whether to extend the waiting list will be taken nearer the date.

1130

Hon. D A Feetham: Mr Speaker, thank you very much for the answer. Without wishing to criticise the Hon. Minister, because it is not my intention – it is obviously not going to be very helpful to people who are concerned about this particular situation. I have had a number of them who have come to my office to express their concern at the situation that they are waitlisted at the end of March, and then they will come off the waitlist and the whole process starts again.

1135

1140 May I commend to the Minister that the Minister considers extending the waitlisting period beyond March, because I think that ... and again I do not want to be controversial, I want this to be as neutral as possible, because I really do believe that in the circumstances the waitlisting period ought to be extended. But over the last few months there is no doubt that the Government has put a freeze, so to speak, on spending, and that perhaps the position might be reviewed in the new financial year, and in the circumstances an extension of the time for people who are waitlisted would be very welcome, and indeed would be fair in the circumstances.

1145 **Hon. G H Licudi:** Mr Speaker, the Government has not put a freeze on spending. The Government has stopped *unnecessary* spending, and that is exactly what the Chief Minister has described on a number of occasions whenever this issue of spending has been raised.

With regard to the waiting list, this is a matter on which I will be advised on, on HR grounds.

1150 I am told that the usual waiting lists, whenever something like this happens, is six months. This waiting list has already been extended: it is now one year. The waiting list was created following interviews on 3rd and 4th March 2015. And circumstances do change during the year. There may be people on the waiting list who have moved on. In this particular case, with regard to the prison, the placing of people off the waiting list suggests that they are considered in some way suitable. They are vetted. Because of the time that has passed, that vetting process would have to start all over again. And there may be new people, who may not have applied last year, who may be interested in applying.

1155 That is why it is unusual for waiting lists to be extended beyond the year, and that is why I said a decision will be taken nearer the date. It is possible that it might, but it would be unusual for the waiting list to be extended after it has been in place for a year. Generally what happens is new applicants are given an opportunity of applying. I am not saying that that is what is going to happen on this occasion, but a decision will be taken nearer the time when the waiting list is about to expire.

1165 **Hon. D A Feetham:** I am very grateful. I will phrase it in terms of a question: will the hon. Member perhaps undertake that somebody from his office might either send me an e-mail or drop me a line in order to tell me what decision has been taken in relation to this, so that I do not have to ask the question again in this place and I can then go back to these people who have asked me and communicate the decision that the Government has taken? Because, as I understand it, there is no formal communication to those who are waitlisted, saying 'the waitlisting period has now expired and you are no longer on the waiting list'. That is the not the procedure, as I understand it, that happens in these types of cases. What I would like to do is, rather than come to this House and ask the question again in April, just simply get the information directly from the Minister's office. If that were possible, it would be very helpful to me.

1175 **Hon. G H Licudi:** Mr Speaker, I have no difficulty in advising the hon. Member once a decision is taken on this matter.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q225-226/2016

Supported Employment Company –
Numbers employed; assessment process

Clerk: Question 225. The Hon. L F Llamas.

1180 **Hon. L F Llamas:** How many people have been employed in sheltered employment since December 2011, providing details of sex, age and condition/conditions?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1185 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question with Question 226.

Clerk: Question 226. The Hon. L F Llamas.

1190 **Hon. L F Llamas:** What is the process to assess people onto the sheltered employment scheme, providing details of the people who have been involved during the process?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1195 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, if by 'sheltered employment' the hon. Member is referring to persons employed with the Supported Employment Company known as SEC, the position as of December 2011 was that there was no scheme to provide either supported or indeed sheltered employment.

1200 Persons with difficulties in obtaining employment were being placed in the £300 to £400 a month so-called Vocational Training Scheme (VTS) and had been in that position for many years – I think, in fact, the one that is still there and was longest there had come in in 1988 – due to the difficulty in transferring them to existing vacancies in the labour market.

Their position, the so-called vocational cadets, was not strictly speaking that of an employee, since they were not covered by the provisions applicable to employees or liable to the employed person's Social Insurance.

1205 In February 2012, in accordance with the party's manifesto commitment of 2011, all vocational cadets were offered employment in the Employment Training Company, with contracts of up to 11 months and covered by Social Insurance. They were paid the national minimum wage, according to their hours of employment.

1210 A few months later – I think it was in June or July – a number of employees were identified by the persons running the discontinued VTS scheme as persons not likely to be able to find regular employment in the labour market. Those concerned were then transferred to a company specifically created to assist them, SEC, and given indefinite contracts. At the time that this happened I informed Parliament and this development was welcomed by the Leader of the Opposition.

1215 Since February 2012, others have been employed in the company as a result of having been identified as having little or no opportunity of employment without support either with the assistance of the employment service or the training companies. Some of those employed have nonetheless found regular employment since with other employers.

1220 The demographics of the employees of SEC at the moment are that there are 48 males and 23 females with ages ranging between 18 and 62.

Hon. L F Llamas: When it comes to new people coming onto the Supported Employment Company, what is the process and criteria that is applied and who makes the decisions as to whether that person will be included into the scheme, or the company, or not?

1225 **Hon. J J Bossano:** The process is a process, I think, that to some extent existed before, in the sense that the people who were a very long time in the VTS before ... was because it was not possible to find them alternatives within the normal labour market that they could take up. So therefore, in effect, the process is that an attempt is made to fit them in vacancies when they

1230 register as unemployed, through the support of both the Employment Service on the one hand
the Training Companies on the other.

In effect, what happened in the first few months of the Government after 2011 was that
everybody who was in VTS was put into ETCL, the training company, and what we were then
reduced to and transferred, which I think was something like 47 or 48 ... were the ones the
1235 people who had been dealing with them through the monitoring system that existed in Bleak
House, as well as through the Employment Service, had identified that many previous attempts
had been made to fit them into a regular job in the labour market and that the prospects of
achieving this appeared to be virtually non-existent. That is why the new company was created
and they were given the security of employment of having an indefinite contract, which is what
1240 is happening now.

The new people who come in, in effect, go through that previous attempt, either by putting
them as trainees or by direct employment with employers and where vacancies are open from
the public and the private, and where the practical results identify that that is going to be very
difficult to achieve, then in effect they are put into those companies where it does not
1245 necessarily mean that the possibility of re-employing them in another job is lost, because in fact
some six of the people we had previously have actually left SEC and gone into a normal job.

So, by putting them there, what we are not doing is saying, 'Well, look, we'll forget about
trying to get them a real job, as it were, in the real economy.' We will still keep on trying after
that, but the chances of success can be perhaps identified in the sense that we have managed
1250 with six and we have got 71.

So the answer is the selection process is part of what takes place, in effect, not because
people are sent to us as having a problem, but because everybody who comes and registers as
unemployed after leaving school is assessed when they are given the interviews, when their CVs
are prepared, as to what kind of work we could find for them, and that has to be exhausted
1255 before they are put into the SEC company.

Hon. L F Llamas: Without wanting to criticise the scheme, because I think it is a very good
scheme, what I am trying to get to is, who are the persons or person involved in controlling the
scheme and taking decisions as to who will actually be admitted into the Supported Employment
1260 Company in the end?

Hon. J J Bossano: Well, in effect, the people who are really in control are the people who
assess the individual and who are dealing with them from the day that they register as
unemployed. If somebody does not come looking for work, then it does not come in at all. If
1265 somebody comes and registers as unemployed, the first stage of that process is the employment
officers employed in the Employment Service. Those first contacts are then followed up by the
people who interview and prepare the CVs for them to be sent to potential employers as normal
trainees with the support of ETCL.

So, in effect, what we did initially in 2012 is what we continue to do now. The first stage is the
1270 ETCL, which is open to everybody, irrespective of whether they have got learning difficulties or
they have not, and it is only at a later stage that we find ... But our first objective is that they
should find a normal job in the normal economy and be part of a normal workforce. Only if that
proves to be extremely difficult are they put in SEC. When they are put in SEC the process does
not then stop. We still continue to do the same thing. In effect, it is on the recommendations
1275 and the judgement of the people with the experience that the management offers a contract to
the individual.

Mr Speaker: Next question.

1280 **Hon. E J Reyes:** Mr Speaker, may I seek a little clarification? I may have misheard the
Minister.

When he was referring to the Vocational Training Scheme that existed before, he made a reference to Social Insurance. Can he clarify what exactly he said: that there was or was not any payment?

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Mr Speaker: [*Inaudible*]

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Hon. J J Bossano: The reference that I made was, Mr Speaker, that the individuals in 2011 who were in the VTS did not pay Social Insurance and were not paying Social Insurance, were not covered by the Employment Act and were not treated as employees. They had an income which was tax free but was not a wage, and that was one of the things that we changed by creating a company that gave them a contract of employment. The trainees did not have contracts of employment with anybody in the scheme.

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Hon. E J Reyes: Mr Speaker, can I respectfully beg the Minister to go and check on those details, because I know that during the days when I worked at the Department of Education and had responsibility within a certain sector of Vocational Training Scheme right up to 2007 there was payment of Social Insurance, the idea being at the time that those youngsters would already start to accumulate the rights for their eventual employment.

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I cannot vouch 100% for what happened post 2007-11, but perhaps the Minister can investigate because there may be credits due to those individuals, which, if they have paid for them, by all means they should enjoy and reap those benefits.

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Hon. J J Bossano: There is an issue for covering that gap but the gap exists, and I think the gap exists because in fact the hon. Member is right – when it started, the scheme was that they were treated as employees, but that was subsequently changed by negotiation with the union and it was then treated as a tax-free allowance and therefore it was not pay. And, of course, if your Social Insurance contribution is a percentage of your pay and you are not paying because it is not considered to be a wage, then the allowance would have been illegal if it had been a wage because it was below the minimum wage. The way that was dealt with by the administration before 2011 – but I can find out for him the exact date when it happened – was that the amount was made tax free and therefore ceased to be a wage, and therefore ceased to trigger off the percentage of liability of employee insurance contribution. There is something there that ... In fact, we gave a commitment to take the necessary action to allow that gap in the record of those affected to be put right, and I am not very sure actually whether it has actually happened or not. But I am grateful to the hon. Member for reminding me, because if it has not happened I will make sure it does.

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Q227/2016
Apprenticeship Training Programme –
Diversification

Mr Speaker: Next question.

1320

Clerk: Question 227. The Hon. E J Phillips.

1325

Hon. E J Phillips: Mr Speaker, does the Minister for Economic Development agree that we need to diversify our Apprenticeship Training Programme to look beyond traditional skills training whilst also maintaining a rigorous programme of training which ensures that our people are the first choice for employment in skilled work?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
1330 No, Mr Speaker, I do not agree with the hon. Member.

Hon. E J Phillips: I am grateful for that response, and from that response he clearly does not believe that our people should be the first choice for skilled work; in my view they should be.

1335 I would like to ask this question, because if you look at the statistics – and I know that the hon. Gentleman is fond of looking at employment statistics – and particularly the one that was given by the hon. Gentleman, Mr Costa, last week, of 255 people currently on the unemployment register, what I would say about that is that insofar as occupations concerned in the abstracted statistics, the hon. Member will ... I am asking a question and I will get to it, if you bear with me.

1340

A Member: [*Inaudible*]

Hon. E J Phillips: I am not too sure, Mr Speaker, whether I am ... I was directing my question –

1345 **Mr Speaker:** The hon. Member may carry on but remember that he is supposed to ask questions and they should be, strictly speaking, supplementary questions.

Hon. E J Phillips: – which they are, related to –

1350 **Mr Speaker:** The cardinal rule is that they should be short, sharp and to the point. I would commend that to hon. Members. I am prepared to be liberal because we are only in the second meeting of the House, but that should be the objective to which they should be aiming.

Hon. E J Phillips: I am grateful, Mr Speaker.

1355 In relation to the abstract of statistics, it shows that there are quite significant increases in occupations in the skill trades and process plant and machine operatives, and in fact I think it demonstrates also that in the construction industry we have seen a 41% increase and a year-on-year- on increase in terms of construction workers.

1360 Doesn't the hon. Gentleman agree that what we should be doing is identifying, quite rightly, those skills that we need in the economy and certainly find our people those jobs and train those people so that they can get those jobs, rather than looking towards other nations for resourcing the construction industry?

1365 I think it is always right, and I am sure the hon. Gentleman will agree with me, that we should be looking at training our own people to have those relevant skills so that they can fill those positions. After all, that was the purpose of the skills audit that the hon. Gentleman conducted in February 2012.

1370 **Hon. J J Bossano:** Mr Speaker, first of all, we have got a policy, and it is a policy that has been explained before. The policy is not a magic formula; it is simply a question of supply and demand – there is a demand for labour and there is a supply of labour – and the provision of training is provision of training the pool of supply so that it is competent to equip it to feed the demand that exists from employers.

1375 The question says do I agree that there is a need. Well, no, I do not agree that there is a need, because there is an ongoing exercise to establish *if* there is a need, where the need is and how much it is, and it is a constant process. As vacancies are opened that we cannot fill from local sources we identify where the need lies, but the need does not arise simply because the hon. Member chooses to put me a question and I can say, 'Yes, I agree with what you have said.' I do

not agree with what you have said, because in fact the apprenticeship training scheme is not the only thing we do.

1380 When we identified that there was a need in white collar workers for people with book-keeping skills because of the vacancies that were opening, when we sent the candidates the feedback that came back to us was that the candidates were being rejected because in their CVs or in the GCEs or in their qualifications there was not the level of numeracy in terms of skills that the employer was looking for. So if people are saying 'I want an accounts clerk' or 'I want a wages clerk' or 'I want that kind of clerk' and not just an office worker, we identify the need. 1385 When we identify the need we then provide the training to meet the need, so we introduced a course for book keeping, employer based with day release at the college, with the people paid and employed by the Employment Training Company. It was not an apprentice training scheme because it does not come under what we understand as apprenticeship. But in fact the result was that most of the people who were placed with offices in the private sector, paid for by the 1390 training company and sent on day release, at the end of the period – it was an experimental thing that we did about 18 months ago and it was quite successful at the end of the six-months period – most of the people were offered employment, even though in that case we had not made that a requirement because we were testing the market.

1395 We have got, for example, a situation where we trained a lot of bus drivers, because we were relying heavily on imported labour for bus drivers simply because the people concerned here in Gibraltar did not have the necessary skills. It was a not a skill that required a lot of investment either in time or money, but we took people who were unemployed and we paid them to be trained as bus drivers and we paid for them to take the exams and obtain from the Public 1400 Service Commission a public service vehicle licence, and most of them have finished up either working in the Bus Company or working in the tourist industry as coach drivers.

So those are areas where we identified the need and we moved away from the traditional skills. We have got a constant process of looking at things that we have not done before. For example, one of the things that did not exist before 2011 and we introduced in 2013 was motor 1405 car mechanics. We have had one intake in already and another one is there in the process of training at the moment.

So the answer is ... Do we need to diversify? We do not need to diversify, because we are already diversifying and because we diversify as a scientific process. We look at what is available in terms of the potential of the labour force, which is a constantly changing figure. Both the 1410 composition of the vacancies on the one hand and the composition of the registered unemployed changes on a daily basis. People register as unemployed, people come off the register, vacancies are opened, vacancies are closed. Monitoring that process is what gives us an opportunity to say, 'Well, look, there is a niche that we have now found where we can be doing something that we have not done before,' and that is part of the existing process.

1415 So my original answer is that I do not agree with him that there is a need that we are not already addressing.

Hon. E J Phillips: Mr Speaker, what I was trying to get at – and I am grateful for the response – is that I asked about diversification of skills. I think the hon. Gentleman has referred to a 1420 reactive policy of the Government, which is constantly monitoring the labour market so that they can identify skills, such as the bus example that the hon. Gentleman has given.

My question is directed as to whether the Government has a policy towards looking at the skills that we will require in the future. Looking at IT, for example, software development, gaming, filling those jobs, the future jobs in our economy that we should be looking to target 1425 and target particular individuals who will be able to fill those skills gaps in the future. I know a number of companies that have IT specialists that are crying out to employ local people in this area but they simply cannot do so. That was the purpose behind the question to the hon. Member, so that he could set out what the Government's position is in respect of building a long-term future for people to enter those particular industries.

1430 **Mr Speaker:** I hope the answer to that question will be briefer than the previous one; again otherwise, we are not making any progress. It is up to hon. Members to be here as long as they wish.

1435 **Hon. J J Bossano:** But, Mr Speaker, the shortest answer is to just agree with everything that the Opposition says we should agree with. That is not the answer they are going to get. But if I tell them that I do not agree, I think they deserve to be given an explanation why I do not agree. *(Interjection)* It is not that I do not agree because he is suggesting it; it is because he is suggesting that I agree to something on what I consider to be a false premise of what is actually happening.

1440 It is not a question of being reactive. If the hon. Member says there are people crying out for trainees to be doing something in some area, then that is reactive if what I am doing is reactive, because it is the same thing. What I cannot do is say, 'Well, look, I am now going to ...' For example, part of the reason why the training is under the Ministry for Economic Development and not elsewhere is precisely to do with what he has just said. It is precisely, and has been the case since we took office ... part of the strategy is that when new investors come to Gibraltar who require skills that do not exist in the economy, when we negotiate with those investors to open up business we introduce, as part of that negotiation, a provision that if they need to bring people from outside, and particularly if they need to bring them with work permits, there should be an opportunity for introducing trainees paid by us alongside the people so that there can be a transfer of skills from those who are coming in to those we have got here.

1445 The reality of it is that the limits that we have got in doing this is also what determines the necessity of doing it. The limits are the limits of the size of our workforce. The size of our workforce is less than 50% of the total jobs in the economy. So it is not that the people who are unemployed are unemployed because there are not sufficient jobs in Gibraltar; they are unemployed because the jobs are asking for skills that they do not have, or asking for experience that they do not have, and this is why if you want those jobs to be filled by local residents – which is some of the issues covered in the next questions, where I will deal with what the hon. Members says about the unsatisfied demand – that you can only do by talking to the people who claim to be interested and willing to take on trainees. When that happens, then we will supply what is needed – but I am dealing with that in the other questions, Mr Speaker.

1460

Q228-230/2016
Apprenticeships and qualifications –
Securing employment for trainees

Clerk: Question 228, the Hon. E J Phillips.

1465 **Hon. E J Phillips:** Can the Minister for Economic Development confirm that of the 233 craft apprenticeships who obtained qualifications in wet trades, carpentry, painting and plumbing, have all completed placements and are now in full-time employment?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1470

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I will answer with Question 229 and 230, Mr Speaker.

Clerk: Question 229, the Hon. E J Phillips.

1475

Hon. E J Phillips: Can the Minister for Economic Development confirm what measures the Government is taking to secure greater employability in the construction industry by the resident skilled labour force?

1480 **Clerk:** Question 230, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Economic Development confirm whether there is an intention to diversify apprenticeship training from solely providing trainees the opportunity of obtaining City & Guilds qualifications?

1485

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): No, Mr Speaker, I cannot confirm the points made in each of the three questions.

1490

The qualifications are at different levels, as the hon. Member knows, so it is not the case that all apprentices have completed their training with placements provided, although the majority have.

1495

The position to which that question refers is that of the 209 trainees who between them obtained 233 awards at Levels 1, 2 and 3. Those who have completed Levels 2 and 3 are in employment, unless some of the apprentices at Level 2 already entitled to craft pay have expressed a wish to continue to Level 3, which is therefore optional.

1500

At present we have apprentices in the Centre but employer based, continuing their studies at Levels 2 and 3, since at this level there is a requirement for a portfolio of evidence of work done on building sites.

1505

One hundred and forty-five are now in full time employment. The balance of 64 consists of those who left with some Level 1 units or a full Level 1. Of those, 49 are in placements to continue with their training to Level 2, and 15 are unemployed having decided not to continue or because of termination due to unsatisfactory attendance.

1510

The Government has taken measures to increase employability in the construction industry of resident workers by implementing the requirement in the Government construction contracts announced by the GSD administration in 2010 which had been put in practice previously but in a limited version.

1515

We have gone in fact further than was the case by ensuring that all construction contracts are reflected in a way that they have to give priority to people from the unemployed workforce that are resident in Gibraltar, which is what the condition is in order to be considered an approved Government contractor.

1520

Existing apprentice training is not limited to City & Guilds qualifications. There are the EAL qualifications and the CITB qualifications and therefore it is not a question of considering whether we should move away from City & Guilds because we are doing things that are not City & Guilds.

1525

The City & Guilds was originally introduced in 2012 because a number of employers in the construction industry said they preferred that qualification and therefore if it increased the possibility of people getting jobs if we gave them the qualification that the employer preferred we moved in that direction.

1530

As I was reminded I think by the Hon. Mr Reyes at the time, the content of the qualifications was the same. The difference is in the awarding body and we are prepared to consider any awarding body that is available (a) if that makes it more likely that people will be successful or (b) if that makes it more attractive to employers.

1535

Mr Speaker: Next question.

Q231-241/2016

**Public debt; reserves; Gibraltar Savings Bank –
Figures for 2016**

Clerk: Question 231, the Hon. R M Clinton:

1530 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please provide the total Gross Debt, Cash Reserves and Net Debt figures for public debts for each of the following dates: 1st January 2016 and 1st February 2016?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1535

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 232 to 241.

Clerk: Question 232, the Hon. R M Clinton.

1540

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the total liquid reserves figure as at 1st February 2016 and its constituents, namely Consolidated Fund, Improvement & Development Fund, Government-owned companies, deposits, contingencies and other funds?

1545

Clerk: Question 233, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise how total liquid reserves at 1st February 2016 are invested or held, giving details of all bank/savings bank accounts and cash held?

1550

Clerk: Question 234, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the amounts of total deposits of the Gibraltar Savings Bank and further broken down by Debentures, On Call Investments Accounts, Ordinary Deposits and Bonds for each of the following dates: 1st January 2016 and 1st February 2016?

1555

Clerk: Question 235, the Hon. R M Clinton.

1560

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the balance on the General Sinking Fund on 1st February 2016 and provide details of individual movements in the fund since inception, being 22nd November 2012, to date?

Clerk: Question 236, the Hon. R M Clinton.

1565

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please confirm that he gave instructions to the Financial Secretary to incorporate GSBA Ltd and cause the Savings Bank Special Fund to purchase £11 million of GSBA ordinary shares, with the sole intention of purchasing the property being 206-209 Main Street and 2-4 Bomb House Lane from Credit Finance Company Limited?

1570

Clerk: Question 237, the Hon. R M Clinton.

1575 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise who agreed the purchase price of 206-209 Main Street and 2-4 Bomb House Lane by GSBA Ltd from Credit Finance Company Ltd and was an independent valuation report obtained prior to the purchase?

Clerk: Question 238, the Hon. R M Clinton.

1580 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise who the auditors of GSBA Ltd are and have any audits been completed?

Clerk: Question 239, the Hon. R M Clinton.

1585 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please list the assets owned by GSBA Ltd, specifically identifying by address any leasehold or freehold property?

Clerk: Question 240, the Hon. R M Clinton.

1590 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please list any leases granted by GSBA Ltd, identifying to whom and on what financial terms?

Clerk: Question 241, the Hon. R M Clinton.

1595 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please explain why Credit Finance Company Ltd purchased 206-209 Main Street and 2-4 Bomb House Lane from a Government company, namely GCP Investments Ltd, for £4.5 million, being £1.5 million more than the original cost of £3 million, and who made the decision and who decided the valuation of the property?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1605 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, as the hon. Questioner has already been informed in the last meeting of Parliament, the information is provided a month in arrears, as is the established practice in respect of statistical information.

I am therefore giving him this statistical information where the questions request the data as at 1st January but not where the information requested in the question is in respect of 1st February.

The information requested for 1st January is: Gross Debt, £447.7 million; Cash, £31.97 million; Net Debt, £415.73 million.

1615 The total deposits in the GSB on 1st January 2016 stood at £928,587,625. This broke down as follows: Debentures, £743,324,499; On Call Deposits, £42,482,117; Ordinary Deposits, £84,245,824; Bonds, £58,535,185.

No, Mr Speaker, I cannot confirm what instructions may have been given to the Financial Secretary or indeed whether any such instructions were given to him or any other civil servant. That is not Government policy.

1620 The official authorised to agree the purchase price for the investments in real assets by the GSB is the person who agreed it.

The auditors of the company have not yet been appointed and as yet no audit has been completed.

I am not prepared, Mr Speaker, to provide any further detail of how GSBA goes about its business in investing in real assets or in any other aspect of the running of the business.

1625 The properties in question were purchased because the company thought they were worth purchasing and the increase in value was a result of the investment made in refurbishing the property.

The decisions were made by the people authorised to make them, following an independent valuation by M J (Gibraltar) Ltd.

1630

Hon. R M Clinton: Well, Mr Speaker, bear with me because obviously there were a lot of questions asked and I just need to make sure that all the questions have been answered.

1635 Mr Speaker, if I may ask the hon. Gentleman to explain, if I understood him correctly, he said the Gross Debt effectively at the 1st January 2016 is £447.7 million. Could he explain ... I do not think, Mr Speaker, he has given any answers in respect of my Question 235 on the Sinking Fund. Could he explain how it is that in answer to Written Question 17 of the last parliamentary session, there was a movement of £15 million on the Sinking Fund at 1st December and yet I do not see a reduction in Gross Debt.

If I could start with that question.

1640

Hon. J J Bossano: Well, Mr Speaker, I do not know why he expects to see a reduction in Gross Debt because there is money in the Sinking Fund.

1645 **Hon. R M Clinton:** Mr Speaker, if I can, by way of explanation, the answer I was given as the balance in the Sinking Fund was £22,000. My understanding, and I am happy to be corrected by the hon. Member, is that the money in the Sinking Fund can only be applied in reduction of debt.

1650 **Hon. J J Bossano:** The money that was applied in the reduction of the debt in the Sinking Fund was money that was applied before this figure was arrived at, not after it. That is to say when he got the answer, the money that had been applied in the reduction of debt had been applied prior to the date on which he got the answer.

1655 **Hon. R M Clinton:** Mr Speaker, can the hon. Member then perhaps enlighten me as to what the balance on the Sinking Fund is as at 1st January?

1660 **Hon. J J Bossano:** Mr Speaker, he did not ask for the figure of the Sinking Fund for 1st January. He asked for the figure in Question 235 on 1st February, and I have told him that I will give him the figures in arrears and I told him that the last time. So I have told him this time that I am not giving him the answers for 1st February because it is not a month in arrears and I am not giving him the answers for the 1st January, because he did not ask the question.

1665 **Hon. R M Clinton:** Well, Mr Speaker, perhaps the hon. Member could give me the movements on the Sinking Fund to the date he is prepared to give me?

1665

Hon. J J Bossano: Well, that answer is quite simple: I really should not have to give it to him because it does not arise as far as I am concerned from the question that he asked about 1st February, but since there has been no movement, I do not mind telling him.

1670 **Mr Speaker:** Any other questions?

Hon. R M Clinton: Yes, Mr Speaker, you will have to bear with me because as you will appreciate, there is quite a lot of information to absorb here.

1675 Mr Speaker, would the hon. Member agree with me, or perhaps clarify for me, that any money on the Sinking Fund can only be applied in the reduction of debt?

Hon. J J Bossano: Well, strictly speaking, no. It can be applied in *servicing* the debt, which can be a reduction of debt or the paying of interest.

1680 **Hon. R M Clinton:** Mr Speaker, I note the hon. Gentleman has indicated that ... well, let us go back to the Savings Bank. Mr Speaker, would the hon. Gentleman like to comment on the reduction on the balance on On Call and Investment Accounts since April of £122 million down to £42 million as at December?

1685 **Hon. J J Bossano:** Well no, I do not see why I should comment on whether people put money in or take money out, or the Government puts money in or takes money out. To the extent that the money in the Savings Bank is money that is the liquid reserves of the Government, then he does not need me to tell him that if the liquid reserves are lower, there is less money in the investment account; if they are higher, there is more money in the investment account.

1690 But I am not going to accept the principle that I should comment or be asked to comment in Parliament on why movements happen in and out of any of the elements of the accounts of the Savings Bank.

1695 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Member. He has in fact just reminded me that one of my questions was in fact in relation to the composition of liquid reserves, which I do not believe I have had an answer for.

A Member: Question?

1700 **Hon. D A Feetham:** He has not answered the question ...

Hon. R M Clinton: Mr Speaker, the hon. Member has reminded me that I did ask a question about total liquid reserves as constituents and how that money is held. I do not believe I have had an answer.

1705 **Hon. D A Feetham:** Mr Speaker, whilst he is at it, Question 232 has not been answered as well, as far as I can see. I have been listening to these answers and it has not been answered.

Hon. J J Bossano: Mr Speaker, can I repeat my original answer.
1710 As the hon. Questioner has been informed at the last meeting of Parliament, the information will be provided a month in arrears, as is the established practice.

I am therefore giving him the statistical information where the question requests the data on 1st January and not where the information requested in the question is in respect of February.

1715 Having told him that, he then stands up and he says I have not been given the answer to 1st February. I *know* you have not been given the answer to 1st February; (*Laughter*) I told you I was not going to give it to you!

Hon. R M Clinton: Mr Speaker, so be it.

1720 May I then move on to another question? That is: the hon. Member will be aware that the investment in GSBA Ltd was £11 million and he may refuse point blank to answer this question. The property where the Treasury building is, where the Savings Bank is located, cost £4.6 million. I note that GSBA Ltd had another injection of capital, £6 million. Is he willing to explain where that £6 million has gone, if not on the purchase of the Treasury building?

1725 **Hon. J J Bossano:** Well, I can explain to him that it has not gone anywhere. I know that the election is over and I know that during the election, he made a big issue of the fact that there was all this money put in the Savings Bank for safe keeping and I had put on a balaclava and taken it all away and run down Main Street with it to reinvest it. I know that. But he does not

1730 have to carry on with that fiction anymore, because he has already achieved being elected and sitting over there, Mr Speaker.

The answer is I am not willing to go beyond the information that I have provided on the basis of answering his questions, in the sense that I am not prepared to give the hon. Member details of how the investments in the companies are made by the people who are employed to make them.

1735 So it may be that it has been invested in some other real assets or it may be that it is in cash.

Hon. R M Clinton: Mr Speaker, perhaps the hon. Member would enlighten me as to his thinking as to when he considers it appropriate to disclose what the company has invested in and when it is not.

1740 Because in the last meeting of Parliament he volunteered that he had bought the Treasury building. I have gone to Land Registry and done a search, rolled my sleeves up and found that certainly the property only cost £4.6 million. So if on the one hand, he is willing to tell me that much information, why will he not provide me with the information as to the balance?

1745 **Hon. J J Bossano:** Well, first of all, Mr Speaker, the only information I am required to provide in respect of my responsibility for the Savings Bank is that the law requires me to produce the accounts of the Savings Bank once a year, and not once a month. I do not know of many financial institutions who every month produces a breakdown of all the money that goes in, all the money that goes out and all the money that is invested and how it is invested.

1750 What I am not prepared to do is to have a situation where the institution for which we are responsible is subjected to a level of scrutiny by the Member opposite that nobody else is required to be subjected to anywhere else that is in this business.

1755 This is a very safe investment. They tried to make it sound unsafe during our election campaign. They have failed and I informed them previously that in fact I did not want them to stop doing it, because the more they attack the savings in the bank, the more money that came in because they gave it publicity and I do not waste money on advertising. I think they were doing a very good job for me and I am grateful for that.

1760 The reality of it is, Mr Speaker, is that the public has got complete confidence in the Savings Bank and if there are things that are in the public domain and then a Member spends pounds on searches and finds it, well fine, he is entitled to what is in the public domain. But if he finds that a property has been bought, that does not mean that now because he has found a property has been bought, I have to tell him why it has been bought at that price, who bought it at that price, who took the decision to buy it, who gave the instructions to buy it, what time of day it was given.

1765 Well look, this is not on. I am not going to have a situation, Mr Speaker, where the hon. Member's view is that every time he gets a question answered, it is for him then to dissect that question into a number of elements which can be done *ad infinitum*. That is to say that if you think this can keep us here for an extra day, I can tell him with the process of dissection and then subsequent questions, we will be here for a month, not for a day.

1770 And the answer is, the information that is available is information that I am willing to make available to him, and if tomorrow he finds that we have invested in another property, well fine, he is entitled to find it. That does not mean that I therefore have to tell him who was the one that took the decision, how was it valued, when was it valued, who gave the instructions and who implemented it.

1775

Hon. R M Clinton: Mr Speaker, I go back to my original question, which is: how does the hon. Member opposite reconcile in his mind giving me the information in the last session and now not willing to provide me with any further information?

1780 And just for the record, I am not in the business of attacking the Savings Bank. What I am doing is my job – my part-time job, as the Chief Minister is fond of reminding me – of holding the Government to account, nothing more and nothing less.

1785 **Hon. J J Bossano:** Mr Speaker, the hon. Member's concept of holding a Member to account is not the concept that was shared by the party to which the hon. Member belongs in the last 15 years. Therefore he is entitled to get treated as I used to be treated, but he is lucky that he is not going to be treated like I used to be treated, because I am a nicer guy than the guy who treated me the way I am describing.

1790 **Hon. R M Clinton:** Mr Speaker, it would appear evident that I am not going to get an answer today, tomorrow or any time soon. As regards the property transactions, I believe the public are entitled to an answer but again, I am not going to get a response, so I think we can move on to the next question.

1795 **Hon. D A Feetham:** May I? Mr Speaker, thank you very much.
Mr Speaker, before I start, may I welcome the hon. Member back to the House. I understand that on Friday he was not feeling very well and I am glad that he is feeling as fit as a fiddle and back to his old tricks yet again in the way that he answers questions! Which I do enjoy, even though I am afraid that they are the epitome of the lack of openness and the lack of transparency that we have been severely critical of the Government over the last three to four years.

1800 Can I just ask him to go back to Question 241? It may be that I have got it the wrong way, but it is my understanding that the value of the Main Street / Bomb House Lane property forms part of the so-called reserve that the hon. Gentleman keeps on quoting, and kept on quoting before and during the General Election, that the Savings Bank had. Part of their political case was that there was this reserve in the Gibraltar Savings Bank amounting to £20 million but part of that was the value of this particular building. Is that correct or not?

1805 **Hon. J J Bossano:** The way he has put it is not correct. Of course he may know it or he may not.

1810 The fact that you choose to employ some of your reserves in purchasing the building rather than renting the building, because you can actually make more money by purchasing and saving the rent that you can get by investing in something else, does not mean that it can be described in the way that the hon. Member has described it. The way that I have described it is the accurate way.

1815 **Hon. D A Feetham:** Yes, Mr Speaker, let us not play musical chairs here. He knows the question perfectly well that I am asking, and I think I know what the answer is but I want him to confirm it.

1820 Essentially, what the hon. Gentleman is saying is, there is £20 million of reserves in the Gibraltar Savings Bank. These are the much-vaunted reserves they were talking about during the General Election. It is not all in cash because part of that cash, for the reasons that he has just described, has been invested in this particular property. So part of it may be cash but part of it is in bricks and mortar, because he has chosen for economical reasons – in other words not to pay rent but to invest in property – to invest in that property. Is that correct?

1825 **Hon. J J Bossano:** Well, Mr Speaker, it could be correct if in fact only the money that is the reserves of the bank was there. But as the hon. Member knows, the assets of the Savings Bank, of which he normally gets a breakdown when he asks the right question with the right date, does not match the deposits other than in total. So there is nothing that says the money in the property is not from the debentures or is not from the bonds, it is from the reserves.

1830

From the perspective of the bank, given that in theory the Savings Bank would be required to repay everybody at a certain point in time, if no new money came in, if that theoretical position was reached and if all the money that is deposited with the bank had to be repaid, the accumulated profits of the Savings Bank, which would previously have been withdrawn and spent, would include the building.

1835 That is to say we would not be selling the building in order to pay a depositor but there would be nothing to stop us doing it if we chose to, let us be clear. That is to say, we could if there was a situation where we did not want to have part of the accumulated profits of the bank in that building, we could undo the transaction, and I can assure the hon. Member there would be no difficulty in getting somebody to invest in a property which houses the Gibraltar Savings Bank where the tenant is very secure, and a very long lease and the rental can be negotiated.

1840 So if what he is trying to say is that the money is impossible to convert into liquid funds, the answer is no.

1845 **Hon. D A Feetham:** No, the hon. Gentleman is unfortunately trying to pre-empt the political point that I want to make in relation to this. Let me tell you what the political point is – it is not that.

The political point is that if you have £20 million of reserves, which is the position that the hon. Gentleman has consistently on a number of occasions outlined in relation to the Gibraltar Savings Bank, and part of it is this particular building and this particular building has been bought for a consideration, which as the hon. Gentleman says is £4.5 million and it has been now valued at more, then surely it is a matter of public interest. It is a matter that the Opposition are entitled to know. How on earth does a building that is bought for a particular price, £4.5 million, is now valued at a higher amount – bearing in mind that part of what the Government is telling the people of Gibraltar is that the Gibraltar Savings Bank has £20 million in reserves, which actually includes this particular building?

1850 And therefore, does he not recognise that it is a matter of public interest and that it is a matter that the Government ought to be more transparent about, bearing in mind the great store that the Government has placed in relation to these reserves of £20 million, which includes this particular building?

Hon. J J Bossano: No, Mr Speaker, he is wrong.

First of all, it is not valued at more than £4.5 million, okay?

Secondly, I have already answered that question by telling him that the investment in the building is not identified as the investment of part of the £20 million, that there is no correlation between the position of the building and the position of the reserves.

The only correlation there could be is that if we have got in the Savings Bank £928 million – okay, if we have got at the moment £928 million – and tomorrow the maturity date was the maturity date of the £908 million, but not the £20 million which is the bank's money, then in that hypothetical but impossible situation, because all the money that is on deposit is not on 24-hour notice – it is on call going into the future – but if that were the situation, that the £928 million included £20 million belonging to the bank and £908 belonging to depositors and all the depositors had their money back in 24 hours, we would be left with £20 million.

1870 In that £20 million there would be included the £4.5 million building, logically. Because we are not going to say to a depositor who says, 'I want my £4 million back', 'Take the building with you'.

1875 Even if that were a possible conjecture, which it is not, for the reasons that I have explained, it does not mean that the Government's reserves – or the Savings Bank's reserves, rather, which belong to the Government – cannot be converted into liquid assets.

1880 **Hon. D A Feetham:** I understand that.

Hon. J J Bossano: You understand that. Well, I do not understand then what the issue is with the hon. Member saying is it part of the £20 million.

1885 Well no, it is not part of the £20 million. It is part of the £928 million, because we have not said the money that we have invested in the property is the money from the £20 million reserve. We have not said that. But it would be that situation if we repaid the £908 million tomorrow, which is not going to happen because people are putting money in, not taking it out.

Hon. D A Feetham: Mr Speaker, I am afraid that as usual, in relation to the way that the Government manages and chooses to manage its public finances, in particular the way that it runs the Gibraltar Savings Bank, the position is as clear as mud. That is the reality of the situation.

1890 May I just simply refer the hon. Gentleman to the title deeds. Well, this is a search that we have conducted in relation to this particular property, and the consideration paid for this particular property appears to have been £4.6 million – just under £4.7 million – so I did not get the figure wrong when I outlined it to the hon. Gentleman.

Hon. J J Bossano: Mr Speaker, I am sorry, he said it had been increased above the £4.6 million.

1900 **Hon. D A Feetham:** Yes, yes.

But can I go back now to Questions 232 and 233 and again, I am afraid my criticisms of the Government are phrased in the question.

1905 Does he not agree that it is highly susceptible to criticism, an answer that he provides to this House, which is ‘Ah, you have only asked the question for the beginning of February 2016,’ in relation to for example the total liquid reserves and the question at 232, ‘and we do not have the figure for the 1st February 2016 because the system we are working under, we would have the figure in a month’s time but we are not going to have it today’?

1910 But what is the problem providing the answer to the question in terms of, which is usual, what the position was at 1st January 2016? Surely the hon. Gentleman does not expect us to come back in April, ask the question for 1st January 2016, when it has always been usual, Mr Speaker, for the Hon. Ministers of whatever party and political persuasion to say, ‘Well look, we do not have the figures for 1st February 2016 because we work in arrears or whatever, but I am going to give you the latest figures that we have, which is 1st January 2016.’

1915 And I ask the hon. Gentleman to explain the quite extraordinary response that he has provided, which is ‘You have only asked for 1st February, I do not have it, I am not going to provide it and I am not going to provide 1st January because you have not asked that.’

1920 **Hon. J J Bossano:** Well, Mr Speaker, the explanation is quite simple. I made the mistake of assuming they are rational, thinking beings on the other side of the House, and I apologise for that mistake.

1925 I assume that if somebody says to me in Question 234, ‘can I have the information for 1st January and 1st February?’ and then he asks me in the next question, ‘can I have the information for February only?’, it is because he is not interested in the 1st January and he is not asking for it, because the hon. Member *chose* to put in one question January and February, and in the others February only.

1930 The hon. Member may think from the opposite side of the benches that it is legitimate criticism that I do not answer the questions that are not asked. Well look, that is a vast improvement on the situation that I have for 15 years, when I did not get answers to the questions that I *did* ask. So he cannot complain that he does not get an answer because he did not ask it. If they wanted 1st January, all they had to do was to do with the other questions what they did with 234 – simple as that.

1935 **Hon. D A Feetham:** Mr Speaker, first of all I do not accept the characterisation of the way that we used to answer questions; but secondly, it is not an answer, Mr Speaker, having spent 16 years criticising the GSD that now we are not going to provide you the answers because you did not provide me with the answers when they were critical of the then ... presumably they were critical of the then Chief Minister for failing to provide those answers. It just does not stack up, quite frankly.

1940 But does he not recognise that there is a distinction in the way that my learned Friend – my hon. Friend; not learned Friend – my hon. Friend, Mr Clinton has asked the questions in relation to 231 and also ... well, certainly 231? The distinction is this: for Gross Debt, Cash Reserves and Net Debt we ask the question every single month. The idea is to obtain the position every single month – that is why he has asked the question like this.

1945 In relation to Question 232 and 233 which are *new* questions, he wants an up-to-date position. Now the only up-to-date position that the Government has at the moment is 1st January and I would just ask him to be helpful – I know that goes against his nature! As much affection as I have for him, it has to be said he likes to call a spade a spade and I too like to call a spade a spade, and he is not particularly helpful.

1950 But rather than get us to come back next time round and ask the question for 1st January, if he could at the very least be helpful, if he has the information and provide it, which I would expect him to have the information.

1955 **Hon. J J Bossano:** I think the hon. Member knows the answer to that, but I will tell him if he does not.

No, I am not prepared to do it, and given that he has said that the reason why the question was different was because they wanted the most recent date, I would not expect that they would ask for January the next time round because then it would not be the most recent date.

1960 Secondly, it is not the case that I criticised the Government when they failed to give me the answers. I accepted that they were the Government and they were entitled to give the answers in the way they thought fit, which has always been the case. I have been longer on the Opposition than I have been in Government, so I have been longer at the receiving end than the delivery end of this.

1965 But the hon. Member must understand that it is not that I am saying to him, 'Because you answered in this way, I am going to do the same to you.' What I am saying to him is, 'If you answered in this way when you were the Government, you must have thought it was right for you to do so.' And what you cannot do is say, 'It is right for me to do it when I am in Government but it is wrong for somebody else to do it when they replace me as Government.'

1970 So it is not a question of wanting to pay them back for the way they behaved, misbehaved when they were in Government. It is a question simply that I am doing it the way they did it because I assume that is the way they are comfortable and happy with, because I cannot imagine they were doing it to spite me at the time, just like as I am not doing it to spite them now, Mr Speaker.

1975 And as an afterthought, I must say that maybe the omission of the date was after all because the hon. Member is not learned.

1980 **Hon. D A Feetham:** Mr Speaker, just one final question. I have to say I do enjoy the exchanges with the hon. Gentleman. As I have said before, he is value for money, even though he is the epitome of the lack of transparency and the lack of openness on the Government benches! But then again!

1985 Now, Mr Speaker, in some of these questions, the question seeks to understand who it is that has given instructions, who it is that has agreed the purchase in relation to the Bomb House Lane property and the hon. Gentleman said, 'officials'. That was the answer. Can I assume from that, that he means the directors of Credit Finance Company Ltd; and if he does not, what other officials were involved in the decision making process?

Hon. J J Bossano: Well, Mr Speaker, if he wants to assume that the officials are directors or not that is a matter for him. I do not want to tell him what he should assume or not.

1990 But if I had wanted to use the word 'directors', I would have said 'directors'. So the fact that I have not used it, he can assume it is because it is not the directors – if that is what he wants to assume.

1995 But at the end of the day, I am not here to try and assist him with his assumptions. The point is that the people who are employed in the Civil Service do jobs which are required of them to do, in order to give effect to Government policies. It is not the established practice, as I think the Chief Minister has already alluded to in his answer to a previous question – it is not the established practice of *any* Government, never mind the last 15 years, in the last 44 years – to be asked who gave an instruction to a civil servant or who was the civil servant who carried it out.

2000 We are responsible politically for the policies and we employ people to carry out the acts which give effect to those policies.

Hon. R M Clinton: Mr Speaker, the hon. Member has spiked my curiosity.

2005 In terms of Credit Finance Ltd, in the last House I asked the question if there were any open employment contracts with ETB and the answer was no. From that, am I correct in assuming that Credit Finance has no employees of its own and that the only mind and management body available to Credit Finance are in fact its directors?

2010 **Hon. J J Bossano:** Mr Speaker, Credit Finance has no employees of its own and all the work that needs to be done is done by people within the service. Therefore, the answer to the hon. Member's question is that he will be happy to know that I am keeping a very tight control of the purse strings, so that we are getting very good value for money by not employing specific people to do specific tasks. Everybody in the outfit multi-tasks.

2015 **Hon. R M Clinton:** Could the hon. Member explain or perhaps elaborate on what he means by 'in the outfit'?

Hon. J J Bossano: We are the outfit, Mr Speaker, and we employ four and a half thousand people – and we were elected to be the outfit very recently with a majority of three to one.

2020 **Hon. R M Clinton:** Mr Speaker, if I understand the hon. Member correctly, first of all Credit Finance has no employees of its own, the directors of Credit Finance do not necessarily make the decisions, and the decisions are made by the Government or officials appointed by the Government.

2025 **Hon. J J Bossano:** Mr Speaker, the hon. Member can rehearse his reinterpretation of the answers that I give, so that he can then have plenty of material for his Facebook and he is entitled to do that.

But the answer that I have given him is the answer that I have given him and not the interpretation that he puts.

2030 **Mr Speaker:** Next question.

Q242/2016

**Improvement and Development Fund –
Income from sale of Government property**

Clerk: Question 242, the Hon. R M Clinton.

2035 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please provide a
breakdown by property item of the anticipated income in 2015-16 in the Improvement and
Development Fund as per the 2015-16 estimates on the sale of Government properties and
other premia?

2040 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
Speaker, the estimates are provided to Parliament at budget time in respect of the revenue from
property sales by the Treasury and the finance department by making a judgement of the likely
level of property sales in the year ahead.

2045 This is done taking into account the state of the property market, the stock of available
properties and land, any tender awards or negotiations with prospective investors, etc. The
estimates therefore are not predictions as to what property is going to be sold at what point in
time and at what price.

2050 The exception is where a property is already being put out to tender. The successful tenderer
is already known and the transaction has not yet happened but is imminent.

Hon. L F Llamas: Can I just ask have there been any negotiations or actual sale of the
Gibraltar Air Terminal?

2055 **Hon. J J Bossano:** Is that arising out of the original question?

Mr Speaker: I am not sure, will you explain how it is that it arises from the original question.

2060 **Hon. L F Llamas:** Well basically, we have certain information and we believe that perhaps the
sale or predicted sale of the air terminal is included in this –

Mr Speaker: Was there anything in the estimates for 2015-16?

2065 **Hon. L F Llamas:** No, it is –

Mr Speaker: Then I do not see how it can arise.

Hon. L F Llamas: It is a catch-all item in the estimates.

2070 **Hon. R M Clinton:** Mr Speaker, you asked is there anything in the estimates for 2015: this is
precisely the question I was asking, for which the hon. Member basically has not given a
breakdown, so we do not know if the airport was in the estimates.

2075 **Hon. J J Bossano:** Mr Speaker, if what the hon. Member is saying: is the sale and the profit of
the terminal included in the estimate of the I&D, then the answer that I have given him shows
that it is not.

Q243/2016

**Consolidated Fund; Improvement and Development Fund –
Income and expenditure**

Clerk: Question 243, the Hon. R M Clinton.

2080 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please provide the cumulative – I think I can guess the answer – position to 1st February 2016 (*Laughter*) for income and expenditure for the financial year 2015-16 for each of the Consolidated Fund and the Improvement and Development Fund?

2085 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunication.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Well, Mr Speaker, the hon. Member knows already that I would not answer this question because it is for 1st February.

2090 But I do not want to mislead him and I have to tell him that I would not have answered it even if he had put 1st January. (*Laughter*)

Hon. R M Clinton: Mr Speaker, I am grateful for the hon. Member's frankness. Perhaps he could enlighten me and say well are there any off-limit questions in terms of finances that he is not willing to provide an answer to, or perhaps he could enlighten me as to which ones he is.

Hon. J J Bossano: Well, Mr Speaker, I do not need to enlighten him because if there are answers that I think can be answered he gets the answer and the ones that I think cannot be answered, he does not get it.

2100 But let me give him an explanation why the question would not have been possible to answer, even if it had been 1st January – and frankly, I am surprised that he should not have arrived at that conclusion himself.

2105 Mr Speaker, the hon. Member wants to be given the cumulative changes in the income and the expenditure of the Consolidated Fund and the Improvement and Development Fund for the whole of the financial year to date. These cumulative total changes involve the whole of the public sector and the whole of the capital works of the Government.

2110 Cumulative means providing the receipts of every single entity in Government. The cumulative totals for the financial year start to change from midnight on 31st January as payments are received and invoices are paid, which produces either a negative charge or a revenue flow into the Consolidated Fund and into the Improvement and Development Fund.

2115 These cumulative changes are done retrospectively in each case for the plus and the minus items when they are inputted into the Treasury accounting system. In effect, what the hon. Member wants is to be given the detail of each item that the whole of the Treasury department is engaged in, as are all the controlling officers and all the receivers of revenue.

2120 Quite apart from the fact that the volume would have to be collected manually and presented for answer in oral delivery, the compilation of the answer would take months. If we stopped everybody working in the relevant departments, just preparing the answer to this question, in effect from the moment we started producing the answer would mean the Government would not be in a position to receive revenue or pay invoices because everybody would be engaged in this exercise.

It may be that he did not realise the implications of what 'cumulative' means, but to me cumulative up to a point means identifying each change, each plus and each minus.

2125 The GSD in 15 years in Government was only willing to provide tentative figures at the mid-point of the financial year – that is for the 30th September – limited to the summary of heads of expenditure, not every item, and provided three months in arrears. That is, by January, if there

happened to be a meeting then and with a caveat that the results were not to be taken as indicative of the likely result of the financial year as a whole.

2130 The system in place that only enabled that to be produced is the system that still exists. It is a system, Mr Speaker, that I do not think has changed in the 44 years that I have been here. That is to say, it is a system that was there when I arrived in 1972 and it is a system that in order to be able to produce up-to-date information quickly for the Government, let alone for the Parliament, needs a major, major change and I think a move from a lot of manual handling of paperwork to more of an electronic system.

2135 It is something we have not been able to do in the last four years. It is something that I hope within this term we will do something about, but it does mean that the getting together of any answer ... and certainly, I imagine it is not an easy thing to do, because the previous administration had the same system and they did not do anything to make it a faster and more accurate system in 15 years and certainly we, in the eight years we were in Government previously, we did not do anything either because there were too many other things to do.

2140 So the answer is it is not possible to produce this.

Hon. R M Clinton: Mr Speaker, I am grateful for the hon. Member's explanation and the information given, to which I sympathise with.

2145 Just one question, possibly for my own curiosity: to what extent is the information the Government itself receives from Treasury up to date? Are they one month behind, two months behind? What are the latest numbers that the Government could get itself on a cumulative basis?

2150 **Hon. J J Bossano:** In some instances, more than one or two months behind. I mean the money that comes in gets recorded faster than the money that has to go out, because sometimes you get invoices that have arrived late and then there is the time it takes to check the accuracy of those invoices, that they have been certified as correct by the right person.

2155 If the wrong box has been ticked, there is a long line of paperwork which then has to be gone back down to get back to the point where the tick was put in the wrong box. Therefore, even the one month figure that I am prepared to give will not be accurate, there will be further revisions.

Hon. R M Clinton: Mr Speaker, I would like to thank the hon. Member for that again and perhaps if for future reference, would he be prepared to give a mid-term statement, as he mentioned, the 30th September in future if we request it?

2160

Hon. J J Bossano: Yes, Mr Speaker, I am prepared to give what was being produced before.

Mr Speaker: Next question.

Q244/2016
Low-cost housing projects –
Profit from sales

Clerk: Question 244, the Hon. R M Clinton.

2165

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance advise how much money are Government companies due to receive on the completion of sale of the low-cost housing projects and what profit is the Government anticipating to make in total?

2170 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, there is no profit anticipated as the affordable homes are sold at cost. The amount of money will not be known until the sales are completed.

2175 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman says that the affordable homes will be sold at cost, that was also my understanding. But can he answer this: when he says 'cost', of course these are sold at 50%. So is it 50% of cost and therefore is the position that the Government is effectively subsidising ... ? We do not know how much because some of these flats may be 50%, others may be 60%, even though the majority are 50%, as the Hon. the Chief
2180 Minister has said on a number of occasions.

But am I right in saying that effectively the Government is subsidising, by a percentage, the construction of these flats?

2185 **Hon. J J Bossano:** Well, there is a subsidy in two aspects, or there is a subsidy in the sense that the land is free, obviously. And there is a subsidy in the sense that the Government invests in 50% of the house and does not charge rent for that 50%. That is the whole concept of the 50/50 home ownership which transformed home ownership in Gibraltar in the 1980s, or in 1989 whenever it was we did this. But calling it a subsidy, well fine, it is a subsidy less than the subsidy involved in renting.

2190 **Hon. D A Feetham:** Yes. Perhaps... Mr Speaker, I am grateful for the answer. Perhaps I have not actually made my question sufficiently clear, and I apologise to the hon. Member. Of course, there is going to be a subsidy.

2195 What I am getting at is whether there is effectively a cost to the Government, beyond the cost of the land – forget about the land for the time being – in terms of the construction cost and the proceeds that the Government gets back from the purchase of the 50% or the 60% or the 70%, what it gets back from the tenant, whether there is a cost in monetary terms to the Government beyond what it is recovering in respect of the sale of the properties, forgetting about the cost of the land.

2200 I know if you have taken into account the cost of the land, then the mathematics work out that, yes ... but I am talking about actual costs, money in the pocket, that it is costing the Government beyond what it is receiving in terms of receipts.

2205 **Hon. J J Bossano:** Well I am not certain, Mr Speaker, whether he is referring to the fact that if 50% of the house ... for example, if the house has cost £120,000 and somebody buys 50%, then the money of £120,000 is paid by the Government to the contractor and the Government is only going to get £60,000 back.

2210 So if that is the cost that the hon. Member is referring to, then the answer is to the extent that people do not buy that other 50%, that is something that will be there for as long as the house is there. It is not something that is written off. There is in fact an asset there which is Government-owned.

2215 **Hon. D A Feetham:** No, no. Mr Speaker, I understand that. I am just in my own mind trying to work out something that I have been considering in the past and we have been discussing here as well, which is in monetary terms, does it cost the Government ... ? Does the Government recover its monetary investment?

Because the hon. Gentleman says the cost of the flat may be £120,000. That assumes of course that it is costing the developer £120,000.

2220 The developer in this particular case is GJBS, the Government-owned company. Now if it is costing the developer £120,000 to actually build the flat, that does not necessarily follow. The flat may have cost less to build, but it is being sold at £120,000.

What I am getting at is, whether the Government is actually recovering 100% of what it is costing, the Government at the end of it is paying, to build these flats?

2225 **Hon. J J Bossano:** My understanding is that the price has been fixed on the basis of the tenders that were submitted for the building of the estates.

What I cannot be 100% sure of, for example, is if there are public areas or areas ... whether they are fully incorporated in the price per unit. I am not 100% certain of that. I can find that out and let the hon. Member know.

2230 But as far as I am concerned, the political decision and the policy decision of selling at cost is that if it costs to build £x, we do not sell it for £x plus a percentage.

2235 **Hon. R M Clinton:** Mr Speaker, if I may ask the hon. Member whether he has the number with him, what that £x is for all the low-cost housing projects – what the total cost of all the housing projects is to the Government?

Hon. J J Bossano: I do not have that information with me, but I will find it and let him have it, Mr Speaker.

2240 **Hon. R M Clinton:** I am grateful, Mr Speaker.

Mr Speaker: The House will now recess to 3.00 p.m. this afternoon.

The House recessed at 1.05 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 10.20 p.m.

Gibraltar, Wednesday, 2nd March 2016

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q245/2016

**Gibraltar Home Loans Company Ltd –
Loans or mortgages granted to date**

Clerk: We continue with answers to Oral Questions.
Question 245. The Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance advise if Gibraltar Home Loans Company Ltd has granted any loans or mortgages to date?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Not yet, Mr Speaker.

10

Hon. R M Clinton: May I ask if the company has applied for a credit licence?

15

Hon. J J Bossano: I cannot confirm whether they have or they have not. I will go back and check, but no loans have been... the home loans company has not engaged in any activity to date.

Q246/2016

**Credit Finance Company Ltd –
Loan applications; investment decisions**

Clerk: Question 246. The Hon. R M Clinton.

20 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise how loan applications are made to Credit Finance Company Ltd and how investment decisions are made and by whom and with reference to what criteria?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): In writing, Mr Speaker. Whether to proceed with the granting of the loan application is a decision that is made by the people authorised to make it by reference to the return on the investment, the security granted and the effect on the social and economic development of the community.

25 **Hon. R M Clinton:** Mr Speaker, may I ask where are applications to be addressed and who are the people authorised to make those investment decisions?

Hon. J J Bossano: Yes, Mr Speaker, and I have answered that the applications are made in writing and that the people who process the applications are the people authorised to do it. I do
30 not know whether he expects me to give him their date of birth and their name and address, but he is not going to get it if that is what he is expecting.

Hon. R M Clinton: No, Mr Speaker, my supplementary was to ask where, in terms of the physical address rather than the people, these applications should be addressed, and ... I will sit
35 down.

Hon. J J Bossano: Credit Finance has an address, and if you write to somebody you write to the address where the company is registered. That is what you normally do, at least to my
40 knowledge.

Hon. R M Clinton: Mr Speaker, in answer to previous questions the hon. Member has advised us that Credit Finance has no employees, so am I correct in coming to the conclusion that the people making these decisions are neither employees nor directors?

45 **Hon. J J Bossano:** I think it follows that you do not have to be a Sherlock Holmes to deduce that if there are no employees there cannot be employees making decisions, because they do not exist.

I said the people authorised to make it, and whoever is authorised to make it, whether it is a director or one of the public officials who run the Civil Service system in the Treasury... This is all
50 managed by the Treasury. We do not employ people outside to do these things. So, whoever has got the authority to assess this and apply the criteria that has been laid down as a policy by the Government, which is consistent with the criteria that is contained in the legislation in the Savings Bank, are the people who take the decision.

55 **Hon. R M Clinton:** Mr Speaker, may I ask: have the directors of Credit Finance Ltd given any general or specific powers of attorney to anyone?

Hon. J J Bossano: The hon. Member can ask anything he wants, but whether they have or they have not is something that I have not enquired. I do not know whether he is saying that
60 they should have or that they should not have, but I have not asked any director whether he has a power of attorney, nor would I expect to be asked that supplementary from the original drafting of the question.

Hon. D A Feetham: Mr Speaker, perhaps we can cease going round in circles and he could just simply answer this question: does the outfit make the decisions that my hon. Friend
65 Mr Clinton is talking about?

Hon. J J Bossano: The outfit is the collective reflection of the people of Gibraltar. They make their decision and it is a collective representation of the people who vote there. Every decision

70 the outfit makes is consistent with the election manifesto for which the people voted. We are carrying out the will of the people, not the will of the Members opposite.

Hon. D A Feetham: I understand, Mr Speaker. It may well be that the decisions of the outfit are a reflection of the will of the people of Gibraltar by virtue of the fact that they got elected
75 into Government. But that was not the question. The question is whether the decisions that are being explored and asked about by my friend Mr Clinton are being taken by the outfit: yes or no?

Hon. J J Bossano: The answer is he should have paid attention to me when I gave the first
80 answer, because the answer to the original question is that the decisions are taken by the people authorised to take them, and that the policy that they apply in making the decision is made by the people elected to make policy decisions – and that policy has also been spelled out.

Hon. D A Feetham: Yes, Mr Speaker, but this is an important point. We are talking about a
85 company, Credit Finance, that has had transferred to it £400 million of savers' money. I will repeat that so that listeners and viewers understand what we are talking about: £400 million of savers' money has gone from the Gibraltar Savings Bank into Credit Finance.

Credit Finance has no employees, according to the hon. Gentleman; all it has is directors. In
90 fact, we know that the directors are corporate directors; they are not even human beings. The human beings are in the corporate directors.

When we asked earlier this morning about decisions that were taken in relation to some
other aspects of Credit Finance, you said that it is the outfit that made the decisions – that is the Government. Now, we are entitled to know who is making these decisions. Of course the policy is going to be made and is going to emanate from the Government of the day. That I understand,
95 and indeed that was precisely my criticism when I criticised the lack of openness and transparency and also sought to establish that link with the Government, because I was saying, 'Well, hang on a minute, this is the Government,' and he was at pains in the early stages of the debate to place an arm's length between the Government and Credit Finance. But if the directors do not take decisions because there are no employees that are employed by Credit
100 Finance, then surely it must be the outfit that is taking the decisions – and that is the Government, by his definition.

Hon. J J Bossano: Mr Speaker, all the decisions that are taken in the public sector are the
responsibility, politically, of the Members on this bench, whoever implements the policies.

105 I know that the hon. Member repeats what he says so that everybody hears, so the first thing is that he is wrong to say any money was transferred. The Savings Bank invests in the shares of Credit Finance – it owns Credit Finance.

And he does not seem to be able to even understand the difference between purchasing an
110 asset and transferring money. The asset has been purchased. The entity has got a moneylender's licence and it lends money. The criteria for lending the money are laid by the Government. The policy is laid by the Government. The Government has defended that in an election, and the hon. Member has attacked it, and the majority have accepted the view of the Government and not his view – just like they did in the opposite direction in the last four years, and we have reminders of that every other day from them. So nothing has changed. The only difference is
115 that the hon. Member thinks that he can govern from that side of the House, and the answer is that he cannot.

If and when he ever gets elected, he can run down the Savings Bank again, he can stop
issuing debentures, he can stop Credit Finance and he can slow the economic growth of
120 Gibraltar. But as long as we are here, the people employed in the public service, who are public servants, will be carrying out our policies, helping the private sector to expand and helping the

economy to grow. That is what is happening there, and if that is not sufficiently transparent for him, it is sufficiently transparent for the electorate.

Several Members: Hear, hear. (*Banging on desks*)

125

Hon. D A Feetham: No, Mr Speaker, it is not sufficiently transparent for me –

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Mr Speaker: May I tell the hon. Members, the Minister and the Leader of the Opposition, that they are now beginning to debate, and there is a limit about the extent to which I am going to allow that.

Hon. D A Feetham: Of course, Mr Speaker. I defer to Mr Speaker's judgement on these matters, as I must.

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But of course it is not sufficient for Members on this side of the House, because it is not sufficient when a Government of the day acts in the opaque, non-transparent manner that this Government acts.

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But it is very simple. The question is very simple and it requires a very simple answer, because it is a factual question. It is about who takes the decisions, who makes the decisions on behalf of Credit Finance – and it must be the directors of Credit Finance. That is the simple answer: it is the directors of Credit Finance. Even though the Government sets the policy, it must be the directors of Credit Finance. But he finds it difficult to even tell me that – that it is the directors. He talks about officials. It cannot be these phantasms of officials, because Credit Finance, which is a Government-owned company – but nonetheless is a company, it is a limited company – must act through its directors, and it has no employees, it has no officials. You cannot have phantoms of officials acting on behalf of a company when the hon. Gentleman has said there are no officials. That is the point.

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We only want to know who is taking these decisions. This morning he was very helpful. We may disagree with the outfit taking the decisions, but this morning he told us that it was the outfit that took the decisions. In other words – the outfit, according to him, was Members on the opposite side, the Government – the outfit was making the decisions. Now he is telling me that it is the officials, but this company has no officials. I just want to know who is taking the decisions in relation to a company that has – whether by way of transfer, investment or whatever it is – it has £400 million, £400 million of savers' money, and the Government has a responsibility to shed light on how those decisions are being taken and by whom.

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Hon. J J Bossano: Mr Speaker, the Members opposite, who have been doing their best, unsuccessfully, to undermine the policies in this area since 2011 (**A Member:** Yes.) – a policy that the previous GSLP initiated in 1988 when the bank grew, as it did, from £3 million to £300 million in eight years – have been making an issue of the fact that if you give savers' money to Barclays Bank, as they were doing, you do not ask, 'Who has decided to make a loan in the Savings Bank: the directors or the guy employed in Barclays Bank to do it?'

165

The answer is that Credit Finance does not have people on the payroll of Credit Finance. Credit Finance, as a company, is managed on a day-to-day basis by the Treasury. The people in the Treasury are the officials that I have said are the people authorised, and I have used the word 'authorised' as opposed to being employed, because they are not employed. Whether anybody authorised needs to go back to ask a director for any clarification on anything, it would be if there was any doubt whether the criteria laid down by the policymakers, which is us, was being met or not.

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As far as I am concerned, that is the same explanation that I have given him several times. It is not an explanation that he wants, because he wants something to be able to criticise – and if he accepts the explanation, he cannot criticise it. Well, he can carry on criticising it, because it will do him as little good this time as it did the last one.

Q247/201

**GSBA, Gibtelecom and Credit Finance Company –
Market value of ordinary and preference shares**

Mr Speaker: Next question.

175 **Clerk:** Question 247. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance advise how the market value for ordinary and preference shares held by the Savings Bank Special Fund in GSBA Ltd, Gibtelecom Ltd and Credit Finance Company Ltd, have been determined?

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Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the shares in question do not have a market value, since they are not quoted on any stock exchange.

Hon. R M Clinton: Mr Speaker, I am grateful for that answer.

185

I wonder if he could reconcile that statement with the schedule of investments we get regularly, and in fact are in the Principal Auditor's Report, whereby, for example, Credit Finance is being shown as having a market value; or is that perhaps a mistake and perhaps should be reclassified to being held at cost?

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Hon. J J Bossano: Mr Speaker, the shares have the value in the balance sheet of the Savings Bank, which is the value at which they were issued to the Savings Bank. That does not mean that it is a market value, nor indeed that it is their real value, because there may be profits in the company, which means that the profit per share would enhance the cost price of the share. So all the shares are shown at the original cost of the acquisition.

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Hon. R M Clinton: I thank the hon. Member for his answer, but would he agree with me that it is perhaps a misnomer in the way the investments are currently disclosed in the schedule of assets of the Special Fund?

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Hon. J J Bossano: Well, it may be a misnomer because the title that has been put in the column is 'market value'; but, for example, the debentures of the Government have no market value and the Savings Bank has got debentures of the Government – and the hon. Member has not asked me what is the market value of those debentures. It is the same thing, but okay, if it makes him happier I will get the title at the top amended, and it will say 'market or acquisition value'.

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Hon. R M Clinton: Yes, I appreciate that remark, Mr Speaker, but I would suggest that, rather than change the title at the top, perhaps the schedule should be split in two so that we know which ones are really at market value and which ones are at cost.

Q248/2016
Civil Service –
Agency workers

210 **Clerk:** Question 248. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide details of workers who have been working within the Civil Service structure in the last 12 months from recruitment agencies or companies, giving details of the start date, end date or expected end date, the reason why the services is/was required, recruitment agency or company from which the worker was provided, Departments in which the worker has been placed, and, if any, have been employed by Government since?

220 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as the hon. Member knows from the Estimates of Expenditure, the Government decided some time ago, as a matter of policy, to make provision for relief cover in the Civil Service structure of all Departments, which, prior to 2011, existed in some and not in others.

The relief cover head has been used to pay for the following number of staff supplied for two companies: Rock Admin with one supply worker; and S&K with 27. Eleven supply staff provided by S&K are no longer in the Civil Service structure. One of them obtained employed as Audit Clerk.

225 The current dates of termination of the supply cover are all in 2016. However, the hon. Member presumably understands that, for example, when someone comes back from maternity cover, sick leave or annual leave, or any other reason for the staff shortage, supply workers terminating in one Department often get redeployed onto others where a new requirement arises. This sometimes happens seamlessly and sometimes the supply agency takes its employee elsewhere and may bring the person back at a later stage. The bulk of those placed started in 230 2015 or late 2014 but have not necessarily been posted in the same area.

The deployment by Department currently stands as follows, but could change tomorrow.

Technical Services	1
Fire and Rescue Service	1
Income Tax Office	3
Statistics	2
Housing	1
Department of the Environment	1
Human Resources Department	1
Gibraltar Audit Office	1
IT Department	1
Post Office	1
Treasury (Salaries)	1
Treasury (Wages)	1
Treasury (Accounts)	2
Treasury (Payments)	1
Education	3
GHA	5
CSRO	1
ETB	1

235 **Hon. D A Feetham:** Mr Speaker, and none of these commenced their service within the Civil Service structure, so to speak, earlier than late 2014?

Hon. J J Bossano: That is correct, yes.

Q249/2016
Approved contractors scheme –
Details of scheme members

Mr Speaker: Next question.

240

Clerk: Question 249. The Hon. D A Feetham.

245 **Hon. D A Feetham:** Mr Speaker, can the Government please provide details of all companies, businesses, self-employed individuals and other entities who are or were on the approved contractors scheme as at the end of December 2011, 2012, 2013, 2014 and 2015, together with details of their specialist trades, works given and value of such, together with the work currently being undertaken and value of the same?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): No, Mr Speaker.

Hon. D A Feetham: Does that mean that the outfit does not want to provide us with an answer to this particular question?

255 **Hon. J J Bossano:** No, Mr Speaker, it does not mean that. It means that this is not information that is readily available and can be produced at the push of a button. The hon. Member, having been in Government, knows this full well. It would take a considerable amount of time and an army of people going through five years of paper records to try to compile the volume of information; and, as he wants it in an oral answer and I always try to please him in that respect, if I had to read the question it would take me a week.

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What I have readily available is the most recent list of approved contractors and their specialities, and I am happy to pass that over to the hon. Member. I can also tell him that my impression is that the list sees very little movement in or out.

265 Of course, if it is information that he wants collected to bring the public administration to a grinding halt, then he can count on me not to help him.

Hon. D A Feetham: Yes, Mr Speaker, in relation to the last lesson, I chose not to learn that particular lesson from him – because he was the master of asking statistical questions in order to grind the administration to a halt when he was on these benches.

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Yes, I will take any information that he can provide, of course. But if this question is left over – or I can repeat this question, if it is a question of time – for next time round, and for example ... Look, he may not have all the information for all these years, but certainly he must have it for 2014 or 2015. I would just appreciate some guidance from the hon. Member as to what parts of this he could answer, for example next month, and I will just simply repeat the question next month.

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Hon. J J Bossano: Well, I can get people working on different parts of the question, if the hon. Member is happy with that. He does not need to ask me every month. I will send him ... As it is ready he can get what is available.

Q250/2016
Brussels office –
Payments to staff

280 **Clerk:** Question 250. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government provide figures for the amount paid during 2015 to each member of the Brussels office in salaries, allowances, bonuses, retainers, fees or any other benefit in kind?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, the information requested by the hon. Member is as follows:

	£
EU Political Director	207,437.50
EU Legal Representative	96,173.65
Finance and Admin Director	53,893.41
Interns	20,376.15

290 It should be noted, Mr Speaker, that the relevant tax rate in Brussels is from 48% to 52%.

Q251/2016
Brussels office –
Lobbying activity

Clerk: Question 251. The Hon. T N Hammond.

Hon. T N Hammond: Can the Government provide a list of all lobbying activity conducted by the members of the Brussels office since its establishment?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, it is not in the public interest to publicise a detailed list or description of all lobbying activity conducted by the representation in Brussels since its establishment.

300 The Government can, however, confirm that in 2015 the Brussels office organised and participated in individual bilateral meetings on many occasions, more than once with the same person, with at least 79 Members of the European Parliament, 29 officials of the European Commission, nine officers of the Permanent Representations of the Member States, and two members of the Economic and Social Committee.

305 At these meetings, the individuals concerned were briefed on issues that are of political importance to Gibraltar. These include issues such as the dispute with Spain over the application

310 of the EU aviation legislation to Gibraltar, the unjustified labelling of Gibraltar as a tax haven, the restriction imposed on the right to free movement of people at the border between Gibraltar and Spain, or issues relating to general misconceptions held in EU circles over Gibraltar's status in the EU.

Clerk: That completes answers to Oral Questions.

Questions for Written Answer

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W25/2016 to W35/2016.

Mr Speaker: Ordered to lie.

Order of the Day

GOVERNMENT MOTIONS

Select Committee on Constitutional Reform – Committee established

320 **Clerk:** Order of the Day. Government Motions.
The Hon. the Chief Minister.

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

This House:

Notes and recalls that the Gibraltar Constitution of 2006 was adopted 10 years ago;

That the said Constitution of 2006 furthermore had its origins in a process which commenced in 1999;

Considers that there should be a review of the 2006 Constitution by a Select Committee of this Parliament in order to assess what changes to it are necessary or desirable;

And therefore hereby resolves to establish a Select Committee which shall be known as the Select Committee on Constitutional Reform which shall consist of three Members nominated by the Chief Minister and two Members nominated by the Leader of the Opposition.

325 Mr Speaker, the position of the Government in respect of this motion is well known. In fact, it is one of the matters set out in our manifesto at the recent General Election, where we set the agenda for what would be the progress in respect of constitutional advancement, setting out the need to review, on page 18 of the manifesto, the possibility for a select committee and a constitutional review conference.

330 Mr Speaker, the Constitution that we have in place at the moment – and I note that you and other Members of this House were part of the Select Committee, or in fact part of the negotiating team that went to London to obtain that Constitution – has been a Constitution that for 10 years has, of course, changed the way that Gibraltar has been run. We saw wholesale amendments to our legislation after its introduction – in the Interpretation and General Clauses Act, for example, where the word ‘Governor’ was changed for the word ‘Minister’. The repatriation of powers was quite substantial and the House and the Government have been working under the auspices of the new Constitution now for almost 10 years.

Mr Speaker, in broad terms it is likely that there will be four types of amendments that we will be identifying, or proposed changes that we should be identifying.

340 Initially, of course, the Select Committee made recommendations which were not able to flourish in the negotiations with the United Kingdom in the period 2004-05 when the negotiations were ongoing. Some of those the select committee to be created might consider should now be put again and might prosper.

345 Secondly, Mr Speaker, the nuts and bolts detail of the working of the Constitution. With the best will in the world, in creating a document of this sort there will sometimes be nuts and bolts issues which will need to be changed. Those sometimes arise also in the context of judicial proceedings which may have thrown up minor issues with the Constitution: issues relating to trials etc., non-political issues which the Constitution also deals with and have to be updated as a result of decisions of our court making it desirable to do so, indications from judges that it might be desirable to do so, or indeed judicial developments outside of Gibraltar in other courts that Gibraltar may also have to take cognisance of – at the Court of Human Rights, the Court of Justice and the Privy Council in the United Kingdom.

350 Mr Speaker, there are other proposed changes that the select committee may wish to make when the time comes. We have made many changes to the way Gibraltar is run since 2011 – for example, the monthly meetings of Parliament and other aspects of what we have done, which the select committee might decide are better dealt with in the context of the Constitution.

355 In parallel, Mr Speaker – and I will move in a moment another motion – we have the Select Committee of the House that I hope will soon finish its work. We spent some time looking at the work that had been done by the Independent Review Commission during the lifetime of the last Parliament – we need to round off that work. Some of that work may result in proposed changes which this Parliament may adopt, which may also need to see some read-through into a new Constitution in the manner of ensuring tying into the Constitution some of the things that the Select Committee on Parliamentary Reform may recommend – for example, issues relating to codes of conduct in public life etc. Those are things which we may decide should be in the Constitution.

365 Mr Speaker, those are the character of changes that it may be that you can define as being the different heads that the select committee may come up with. I think this is necessary work. I think this is a review that needs to happen.

370 All options are open for the select committee. The select committee could come back to the House and say that on reflection the time is not ripe for a position to be put to the British Government, or it could be that there are issues to be put and that we should then consider those in this Parliament and determine together how best to take that forward. That, I think, is work that we need to do.

375 I am conscious, of course, of the fact that it was highly unsatisfactory for Gibraltar not to have had constitutional change for 30 years between 1969 and 1999 when the former Select

Committee was created. It then took some considerable time for the Select Committee to do its work and to then prosper with the 2006 Constitution.

380 There are, of course, political issues that we need to look at together in the select committee and decide how we want to put them for our people, not for any of our individual parties or partisan interests. All of those things, Mr Speaker, I think are the mature way to ensure that you keep under review, but in a way that is accountable to the people, how the Constitution is working.

385 I have in mind also some detailed work. We have discussed, for example – and I think I have said publicly before – that we have wanted to ensure that the rights of disabled people are secured for them not to be discriminated against. We think it is important that there should not be two different categories of fundamental rights – fundamental rights contained in a constitution and fundamental rights contained simply in a statute, important though that is – and that there may be a requirement to ensure that all the categories of non-discrimination that this Parliament believes are appropriate should be contained in the same standard of document.
390 Those things I am sure will be things that will carry the support of the whole House.

Mr Speaker, in my research in respect of how important it is to keep constitutions under review, I note that the Bermuda constitution, which has always been seen as the one which is just slightly more advanced than the current Gibraltar Constitution, is a constitution that was granted before, I believe, the 1969 Constitution for Gibraltar, but has been amended, I think,
395 eight or 10 times already by order in Council.

And so, Mr Speaker, I think it is important that we do this exercise. I trust it is an exercise we will be able to do together. It is an exercise in which we have to be totally accountable to our people, because this is, in effect, our Magna Carta, and I sincerely hope that this is a motion that will enjoy the full support of the whole House and that the select committee will be able to do
400 its work in an atmosphere of co-operation and conviviality.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

405 The Hon. the Leader of the Opposition.

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

The Opposition cannot support the motion in its current form.

I am very grateful to the Hon. the Chief Minister for recognising that the new Constitution in 2006 was effectively a game changer constitutionally for Gibraltar. As he says, it was a new
410 Constitution that was negotiated, agreed, and then, following a referendum, enacted here, provided and extended to Gibraltar, which effectively changed the way that the Government was run in terms of the relationship with the Governor, the relationship with the United Kingdom, and the repatriation of many of the powers that we now enjoy back to, or, extremely to the Gibraltar Government from what was then the Governor.

415 I am *extremely*, extremely proud about the way that certainly the party on this side of the House not only supported the process of the Select Committee through the negotiating process with the United Kingdom, but also the way that it recommended to the people of Gibraltar in very clear terms that the people of Gibraltar ought to vote a yes to the Constitution, which was something that was heeded by the people of Gibraltar in the results of the referendum.

420 But, Mr Speaker, our position has been, and it is one of the fundamental policies of the GSD since the 2006 Constitution, that the 2006 Constitution provided the people of Gibraltar with the maximum level of self-government compatible with British sovereignty short of independence. That has been a fundamental tenet, a fundamental policy of the GSD party, and one that we are not prepared to compromise on and one that continues to be a policy of the party.

425 I recognise that of course it is a policy of Members opposite, but what this is about is Members opposite asking the Opposition to adopt a policy that is not ours, a policy that is theirs.

I have gone on record in the past asking the hon. Gentleman to explain what it is that he envisages and what it is that he means – in the words of this particular motion, but certainly it is something that I have raised before this motion was drafted: what are the changes that he believes are necessary and desirable?

430 Today he has talked about the nuts and bolts, the need to be changed as a consequence of traditional review. I am not aware of changes as a consequence of decisions. He then speaks about ... well, there might be areas that arise as a consequence of parliamentary reform and the other Select Committee that we have convened and the work in relation ... I am none the wiser
435 in relation to what the Government means by changes that are necessary or desirable.

Of course, in any exercise such as this, a Government needs to come in, or the parties need to go in, with a very clear idea of what they want to achieve. In 1999, when we started the process of constitutional reform, of course we had a very clear idea, because the genesis of the constitutional process in 1999 was that there had been a White Paper by the United Kingdom
440 Government. So, in 1999 a White Paper, 'Partnership for Progress and Prosperity in Britain and the Overseas Territories', which was sent to every single Overseas Territory by the United Kingdom Government inviting proposals for constitutional reform. That is what then led to this House setting up a Select Committee on Constitutional Reform, which then produced a draft Constitution which formed the basis for the negotiations that took place and started, I think it
445 was in 2004. I had the privilege and the honour of forming part of that negotiating team, along with the Hon. Mr Speaker, the Father of the House, and also the Deputy Chief Minister, and that then produced the result, our 2006 Constitution, which was adopted in a referendum. But it appears to us that this is quite a different situation altogether. Then, there were proposals being invited by the United Kingdom Government; this is their own initiative, and I think that it is
450 incumbent upon them to provide us with a very clear understanding of what it is that they want to go with this.

Thirdly, there is, I think, an additional difficulty, and that is that although I cannot foresee fundamental ... I do not see the appetite in Gibraltar for fundamental constitutional reform, and of course I have already said our position is that the Constitution provides the maximum level of
455 self-government short of independence compatible with British sovereignty, but the one area where I envisage circumstances where there might be a need for fundamental constitutional reform might be after the Referendum on 23rd June; because if, God forbid, there were a decision by the people of the United Kingdom and Gibraltar collectively to leave the European Union, then I think that in those circumstances we have to really get our serious thinking caps on
460 and do some serious thinking about our relationship with the United Kingdom and how it is that we want to progress that relationship. It may well be that we want to go towards a situation ... I put it no higher than that, but we might want to go to a situation where we want some form of devolved integration with the United Kingdom in order to provide us with the protection that we might need in case our neighbours to the north decide to play silly buggers, so to speak, with the
465 Frontier and use their full powers, in the circumstances where the United Kingdom leaves the EU, to try and place restrictions on the Frontier.

Those are the three areas that cause me concern. Having said that, I have said as well that the Opposition wants to try and see whether it is possible at all to work with the Government. And what we have done is come up with proposed amendments that I would like the Hon. the
470 Chief Minister and Members opposite to consider in order to see whether we can progress and amend this motion in a manner that allows the Opposition to participate on the terms of this amended motion. If I may just distribute some to my colleagues.

Mr Speaker, I have to move the amendment before I sit down and that is why –

475 **Mr Speaker:** For guidance, you see... would you have...what the Leader of the Opposition has circulated is what the amended motion would look like if the proposed amendments are incorporated into the Chief Minister's motion.

Hon. D A Feetham: Yes.

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Mr Speaker: More correctly, what you should have done should have been to actually circulate the proposed amendments. That is what you should have done more correctly.

But, having looked at what the amended motion would look like, I am not going to ask the Hon. the Leader of the Opposition to do that now, because it is not a straightforward exercise, but ideally that is what should have happened.

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So, what I would say is that what the amendment being moved by the Leader of the Opposition amounts to is this: the addition of –

Hon. D A Feetham: Can I go through it myself?

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Mr Speaker: I am going to ask you to read it out in a moment, yes; but what it would amount to, really, is the –

Hon. D A Feetham: Well, let me explain, Mr Speaker, what it amounts to and then I can read it out. But I just –

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Hon. Chief Minister: Read the amendment.

Mr Speaker: Sorry?

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Hon. D A Feetham: I will read the amendment.

Mr Speaker: I have to though.

Hon. D A Feetham: Yes, Mr Speaker will have to read the amendment. I just want to explain very briefly, Mr Speaker, so that it is understood how opposition arises.

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Mr Speaker: You see...In order to arrive at this –

Hon. D A Feetham: I am totally in Mr Speaker's hands.

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Mr Speaker: In order to arrive at this, you really have to –

Minister for Economic Development, Telecommunications & the GSB (Hon J J Bossano):
Move the amendment.

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Mr Speaker: In order to arrive at this you would have to delete all the words after 'Furthermore' in the Chief Minister's motion and replace –

Hon. D A Feetham: No, Mr Speaker, the parts in red –

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Mr Speaker: 'Recalls that the Gibraltar ... was adopted'

Hon. D A Feetham: Nothing has been deleted. There have been additions; nothing has been deleted. That is why I just want to –

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Mr Speaker: But then those amendments should be moved individually. They should be moved separately. The correct way of doing it would be for those amendments in heavy type on the sheet circulated by the Leader of the Opposition ... All those amendments in heavy type should, strictly speaking, be moved separately. In order to avoid that ... That is the correct

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position. I am prepared, not to complicate matters, to allow the Leader of the Opposition to read out what the motion would look like as amended and allow debate, but I think I ought to give notice for the future that this is not the way to do it. That is not the way to do it. (*Interjection*) That is not the way to do it, okay?

535 The Leader of the Opposition.

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

The proposed amendments are in bold and in red.

The first amendment reads, 'After '1999' – in other words the paragraph that says:

'That the said Constitution of 2006 furthermore had its origins in a process which commenced in 1999;'

I am adding ... and I know the Hon. the Father of the House says that is wrong ... And in fact, if it is wrong and he persuades me that it is wrong, we can delete this. That is not a die-in-the-ditch issue for us, but it reads:

namely the invitation in the 1999 White Paper, 'Partnership for Progress and Prosperity, Britain and the Overseas Territories', to Overseas Territories Governments to submit proposals for constitutional reform.

540 That was, I believe, the genesis of the constitutional process that commenced in 1999. It was a response to an invitation by the United Kingdom – I have always understood it as such – to make proposals for constitutional reform.

545 The second paragraph is an important one to the Opposition, because, Mr Speaker, the motion as read out, as it stands drafted by the Hon. the Chief Minister, provides that the *House* considers that there should be a review of the 2006 Constitution by a select committee. Well, that is not our position, and what I want and seek agreement of this House is that the position of the Opposition ought to be acknowledged. Therefore, the paragraph that I have inserted states:

acknowledges that it is the position of Her Majesty's Opposition that the 2006 Constitution provides for a modern relationship between Gibraltar and the United Kingdom and that gives Gibraltar a maximum degree of self-government compatible with British sovereignty of Gibraltar.

Indeed, hon. Members will note that that is almost precisely the wording that is provided in the ... I think it is the preamble to the new Constitution of 2006.

And then I have added the words:

acknowledges that Her Majesty's Government considers

because it is *their* position that there should be a review.

And then I propose:

acknowledges that Her Majesty's Opposition is not aware what provisions of the 2006 Constitution Her Majesty's Government considers should be assessed for changes

– because we do not –

acknowledges that in the interests of unity Her Majesty's Opposition agrees to the establishment of a select committee for the purposes of reviewing the 2006 Constitution, but that no substantive work will be undertaken until after the EU Referendum on 23rd June 2016.

550 In other words, Mr Speaker, we are agreeing to participate in a select committee, acknowledging what is our long-held position constitutionally and what this Constitution did for Gibraltar, acknowledging that there is a very difficult decision that has got to be taken by the United Kingdom by the people of Gibraltar about in/out of the EU on 23rd June, which might have an impact on the process. It does not mean that we cannot have meetings, for example,

555 prior to 23rd June, but that there will be no substantive decisions that will be taken until after
23rd June 2016.

I would hope, Mr Speaker, that the hon. Gentlemen opposite can accommodate what are, in
our respectful view, reasonable but necessary amendments in order to also reflect what our
560 position is, that will allow us to participate in this process, which is *their* policy, in a spirit of unity
and also co-operation and constructiveness.

That is why I am proposing these amendments, Mr Speaker.

Mr Speaker: All Members of the Government, including the Chief Minister, can speak on the
amendment.

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Hon. Chief Minister: Mr Speaker, I am very disappointed to see that the hon. Gentleman is
not going to be able to support the policy of the Government which has been elected 98 days
ago with an overwhelming majority of public voting in the General Election, which has a policy to
undertake this review in this way. A select committee is a committee of both sides of the House,
570 where both sides of the House are able to put their own views.

Mr Speaker, if the hon. Gentleman believes that we have reached that maximum possible
level of self-government, that we should not do anything before Brexit etc., it is up to him – he
can say that in the select committee, that he has a different policy.

575 He may have a different policy as to whether we should, as a result of the review, make any
changes to the Constitution or propose them, but surely he is not saying that he is not even
prepared to review the Constitution. That is his position, Mr Speaker, as explained today, given
that he says that it is *our* policy to review, but that he is not aware of any provisions that should
be changed.

580 Well, look, he might become even more convinced that there are aspects of the Constitution
that have to be changed than we might by the end of the process. This is not a commitment to a
change; this is a commitment to a review. Therefore, Mr Speaker, we do not accept that this is a
question of setting out the different policies of the Government and of the Opposition in respect
of the motion, which deals with the paragraphs that he has included.

585 He is trying to set out what his position is. He is trying to put into a particular box the position
of the Government, as it being just the Government's view. He is then trying to set out that the
Opposition itself is not aware of anything that should be assessed for change, and then setting
out that only in the interest of unity the Opposition is going to support the creation of the select
committee.

590 Mr Speaker, I must say this is the most ill-tempered proposed amendment I have ever seen
to a motion seeking to establish a select committee, especially given that I have said at the
beginning that we are not going into the select committee with any preconceived notions – I
have given just an indication of the types of issues that we would be wanting to look at.

595 Mr Speaker, he told us about the campaign for the 2006 Constitution, at the referendum, and
how proud he was that the party that he now sits with – I forget whether he was with them then
or not; he must have been, because he was included by Mr Caruana in the negotiating team in
order to try and raise his profile a little bit ... how proud he was of the work that they had done
in presenting the Constitution at the referendum and how the Constitution was one of the
defining benefits that they had left us.

600 I do not think it is the position of all of them, Mr Speaker, because I am reminded that
nobody on this side of the House led the no campaign. The no campaign was led by Mr Robert
Vasquez, who described the 2006 Constitution at the time as a wasted opportunity. Well,
Mr Speaker, maybe Mr Vasquez can give him a hint of the things that he might like to see
reviewed in the 2006 document that we are dealing with.

605 But that aside, what we are talking about establishing is not a committee with a
predetermined destination; it is a committee to undertake a review. And that committee, as it
did last time, can take evidence from people. Mr Vasquez, who was not elected at the last

General Election, could come to give us evidence again, as he did to the last Select Committee, and tell us what he thought were the wasted opportunities of 2006, others could come and tell us what their views are, and by the end of that process we may all unanimously be convinced that there is nothing to propose or that there is a lot to propose.

But, Mr Speaker, I do not want to deal with all the other issues that the hon. Gentleman has raised, and I have a lot of other issues to go through; I want to deal only with the amendment that he has proposed. For those reasons, those paragraphs of the proposal that he is making which seek to carve out the position of the Opposition and the position of the Government and put them in separate boxes is not one that I think is positive. I do not think it is conducive to unity. I think it sets to etch in stone the differences of opinion between the Members opposite and us, and therefore I do not think that it is appropriate that they should prosper.

I know that the Hon. Mr Bossano has something to say about the paragraph that deals with the 1999 White Paper, which is the only paragraph in respect of which our position has not yet been set out.

Mr Speaker: The Hon. Mr Bossano.

Hon. J J Bossano: Mr Speaker, as well as putting it in the amendment, he actually mentioned the White Paper as the initiator of the process of the constitutional proposals that came from Gibraltar. This is totally incorrect. In fact, 1999 was the date that the Select Committee was set up and we were invited by the then GSD Government to join with them in order to put proposals to the United Kingdom when they had already tried to achieve it on their own and got nowhere. It was not in response to the 1999 White Paper, and in the motion before the House then at no stage did the Government say we were being invited to respond to anything from the United Kingdom. This was a Gibraltar initiative, independent of the White Paper.

What happened at a later stage, towards the end of the negotiating process, is that the United Kingdom Foreign Office hijacked what we were doing and put us together with all the other Overseas Territories who had had constitutional amendments, and then of course came up with this collective mantra that we were not being decolonised but we were now non-colonised because we were now modernised.

There has been a very clear debate for many years in this House between the GSD and the GSLP that modernity is not the equivalent of decolonisation and that the farce of this nonsense that a modern non-colonial constitution is something different was put beyond the shadow of doubt by something that I happened to have been closely involved with, which was the position of the Turks and Caicos Islands, where Lord Triesman – in the Labour Government, to their shame – the man who had been the General Secretary of the Labour Party, actually went to the Turks and Caicos Islands and encouraged them to accept a new constitution, which had been negotiated by the local political parties with the United Kingdom, and told them that the result of that was that the United Kingdom was no longer the colonial power and that it meant that they were now effectively, practically self-governing, consistent with a continuing British sovereignty, but that it was a modern and a non-colonial relationship. And having said all that, he said that they were not going to the United Nations for delisting because they did not believe in the delisting and because they had abstained in the motion of 1964 when the delisting was introduced. Having said all that, two years later they suspended the constitution, removed the government, removed the opposition, removed the parliament and removed the speaker. Jolly good job it was not a colony: if it had been a colony they would probably have executed the lot!

So either you are a colony or you are not a colony; it is a matter of international law. We happen to have, without a doubt, a level of self-government that is higher than almost any other of the British Overseas Territories except one, which is Bermuda. But Bermuda has a higher level of self-government than we have since 1968, so they have not got a modernised or modern or recent constitution. And the only reason in the talks in London ... I do not know whether the Leader of the Opposition remembers or not, when I raised this point the only reason that the

660 legal adviser of the Foreign Office gave for the position of Bermuda having been attained in 1968, was that they gave it only because they were misled by the Bermudans into thinking that the Bermudans were on the point of going independent, and therefore they were persuaded to grant them almost total independence. And then the Bermudans did not ask for independence and they were stuck with it, but they were not prepared to repeat that with any other Overseas Territory.

665 So, first of all, it would be wrong to include in a motion in this House something which is factually incorrect and untrue. Indeed, when I spoke from the Opposition benches to set up the Select Committee, what we did was we said we would join it for one purpose and one purpose only, and that was to get the right of self-determination enshrined into the Constitution, which regrettably we did not to the extent that we wanted, and that the purpose of the Constitution
670 was to come up with a Constitution that was capable of being accepted by the international community as a decolonising Constitution. And when we started the process I asked the then Chief Minister, as Chairman of the Committee, to inform the Secretary General of the United Nations that we were starting work on a Constitution with the objective of arriving at a decolonised Gibraltar. He said the Government would consider that. I said, 'Because that is the
675 reason why we are joining: you have your agenda, this is ours.'

We then said about the agenda of the Government. The agenda of the Government was to go line by line – that is why it took so many years – line by line through everything in the existing Constitution and everything in the Constitution they had already put to the UK and the UK had already turned down on the basis that that might produce something which would be accepted
680 if it was a unanimous position from both sides.

We accepted everything that the GSD said was important to them: everything. We said, 'We are not here to decide whether we meet once a month or we meet every day in Parliament, or whether we do things more for us; the issue is the decolonisation of Gibraltar. That is the issue for the Socialist Party, and therefore, as part of the exercise of having a joint approach we will
685 support all the things the GSD want.'

After that, when the process finished – in the room that used to be here before, which looked much better than this one (*Laughter*) –

690 **Hon. D A Feetham:** I agree with that.

Hon. J J Bossano: Good – at least we agree on something!

Hon. Chief Minister: [*Inaudible*]

695 **Hon. J J Bossano:** We agreed in this meeting what the final paper was going to be, and I then asked the then Chief Minister, 'What is going to happen with the letter you promised me three years ago?'

He said, 'Well, the Government still has not made up its mind.'

I said, 'Well, look, I have been very patient with you. You know that this is important to us.
700 Now at the very least what you can do is say, "We have now finished the Constitution, which we are going to put to the United Kingdom in order to decolonise Gibraltar." If you did not want to say it at the beginning you have got to say it at the end.'

'Well, no, no, no, if you push me,' he said in his usual fashion, 'if you push me, then the answer is no and I will stop considering it'

705 I will not go into all the graphic details of what transpired after that event. I think it was actually recorded on tape, but I do not know whether the hon. Member remembers what came out publicly afterwards. No? Well, I do not think I should repeat it. Okay, I will paraphrase it. Is that okay?

710 **Hon. D A Feetham:** You have lost me.

Hon. J J Bossano: I have lost you. Well, maybe I can jog his memory, or maybe he was not that interested in politics in those days. I do not know.

715 When the meeting finished ... It was very heated, you know, and we parted on not very friendly terms. I cooled down and the then Chief Minister departed. When he got downstairs and GBC was waiting at the door and they asked him how did the meeting go, Mr Caruana said, 'Well, very badly. We are not going to meet anymore, because Mr Bossano of the Opposition has called me ...' something – I will not say the 'something' – and, being a much more moderate person than he was, when I came down after him GBC was very anxiously waiting for me to come out and they said, 'How did it go?' 'Well,' I said, 'it could have been better. We have got strong differences, we have expressed our views but ...' and he said, 'But is it true that you called Mr Canepa' –

Mr Speaker: Mr Caruana.

725 **Hon. J J Bossano:** Mr Caruana, sorry. I beg your pardon, Mr Speaker. *(Laughter and banging on desks)* I have never called you anything all the time that we have been here together, ever.

I said, 'Yes, it's true, I did.' And then ... I think it was Stephen Neish who said to me, 'Well, why is it that you have not mentioned it when I asked you?' I said, 'Well, because you provide news and what I have called him is what the whole of Gibraltar knows he is, so it's not news.' *(Laughter)* I would have thought he would remember that, because this came out live on television. I will tell him what the word was afterwards, when we are out, so he does not miss the juicy bit.

730 So the answer is that it is not the case we set an agenda. That agenda, in fact, achieved most of what the GSD wanted, practically all of it, so I am not surprised that they say that they were happy with the result. In fact, what the GSD could not do on its own, we did. Of course, in 1999 the Hon. the Leader of the Opposition was neither here nor indeed in the GSD, because in the year 2000 he was not here at all, then that is why he missed the juicy bits then.

735 In 2000 he actually campaigned against them on the basis that I was being too soft. Notwithstanding what I called him, I was being too soft with the then Chief Minister and –

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Hon. Chief Minister: 2003.

Hon. J J Bossano: Oh, 2003, even later then. No, in 2000, of course, he was still with us, campaigning against him. *(Interjections)* Yes, he was with us in 2000.

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Hon. Chief Minister: In 1999 he was not here; in 2000 he was here – 2003.

Hon. J J Bossano: In the year 2000 he was still campaigning against the GSD.

750 **Hon. D A Feetham:** I wasn't campaigning with anybody in 2000.

Hon. J J Bossano: Yes.

Hon. Chief Minister: *Después de las elecciones.*

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Hon. J J Bossano: No, he was campaigning in 2000 against him because he supported the policies of the GSLP, he defended them publicly and he disagreed with the GSD. So he disagreed with everything we were doing in 1999 and in 2000. He then went, in an election in 2003, against them on the basis that I was too comfy in the Leader of the Opposition seat, that I wanted to stay there and I was not being aggressive enough, and therefore he tried to demonstrate how aggressive he was by going with a guy to New York and then joining his party when he came back. There you are. *(Laughter)*

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So, for all those reasons I feel I cannot support his amendment, Mr Speaker.

765 **Hon. D A Feetham:** Mr Speaker, my turn on the amendment.

Mr Speaker: Does any other hon. Member wish to speak on the amendment? No.

Hon. D A Feetham: My turn on the amendment.

770 Mr Speaker, I know that the hon. Gentleman thinks that I have been playing a central role in Gibraltar politics since 2000. He delights in reminding me that I was somehow campaigning on behalf of the GSLP.

775 I came back in 2000 and I think it took me about six to eight months to fall out with the hon. Gentleman – it did not take me very long for me to fall out with the hon. Gentleman! So there was not a lot of campaigning that I did as an ordinary member of his party since I was a little boy in short pants, as he has always delighted in reminding me, when I used to follow him and my father around – one cannot get around that.

780 But, Mr Speaker, just responding to some of the points that he has made, he has sought to correct what he says was a factual inaccuracy on my part that the constitutional process that was started in July 1999 with the establishment of the Select Committee in the House of Assembly for Constitutional Reform – that that did not have its genesis in the 1999 White Paper, but that it had its genesis elsewhere.

I refer the hon. Gentleman to the despatch, which is the despatch that accompanied the Constitution. It is signed by Margaret Beckett on 14th December 2006 and it reads as follows:

the starting point for the work to modernise Gibraltar's constitution was the invitation in the 1999 White Paper (Partnership for Progress and Prosperity: Britain and the Overseas Territories) to the Overseas Territories governments to submit proposals for constitutional reform. In July 1999, the Gibraltar House of Assembly constituted a Select Committee to report on Constitutional reform. The Committee published its proposals in January 2002. We formally received them in December 2003. These proposals were subsequently discussed between delegations from the UK and Gibraltar in November/December 2004, September 2005 and March 2006.

So, actually, the position is set out in the despatch enclosing the new Constitution to Gibraltar.

785 I do not know ... I have asked my colleague, Mr Llamas, to see whether he can ferret out the actual motion for the establishment of the Select Committee in 1999 to see whether there is any mention of that or whether it was mentioned in any of the speeches. Quite frankly, nothing turns in relation to this and it is not a die-in-the-ditch issue for us, that particular first paragraph.

790 Mr Speaker, the hon. Gentleman has also said that, for them, what was important was the delisting of Gibraltar, and that has always been clear – and that is important to me too, the delisting of Gibraltar. But the reality, as we have always said, whether you are or you are not a colony does not depend on whether the United Nations insist that you are listed in a list of non-self-governing territories. It is a matter of fact. It is about an internal relationship between Gibraltar and the United Kingdom and whether *de facto*, whether *de facto* you are a colony or you are not a colony, whether *de facto* you are self-governing or you are not self-governing. And *de facto* – as a matter of fact – as a matter of constitutional law, as a matter of constitutional fact as a matter of constitutional fact, Gibraltar is not a colony; it has a modern non-colonial relationship with the United Kingdom.

800 That the United Nations refuses, for its own political internal reasons, refuses to recognise that constitutional reality to me does not alter the legal constitutional position. Indeed, it is somewhat like being pregnant, I suppose: you are either pregnant or you are not pregnant, and Gibraltar has been nine months pregnant for the last I don't know how many years and has gone to the United Nations nine months pregnant and the Committee of 24 has refused to recognise, quite clearly, that pregnancy and quite clearly the fact that Gibraltar is not a colony. That has
805 been the position and I refuse, and this party refuses, to acknowledge the position of the United

Nations by arguing that we are a colony simply because, for their own political reasons, they refuse to delist us. Because that, I think, weakens us; it does not strengthen us as a nation.

Mr Speaker, turning to some of the points that the Hon. the Chief Minister has made, I tried to keep my contribution, speaking on the amendment and the motion, as serious as possible, trying not to make party political or partisan points. The hon. Gentleman has quite clearly diverged from that approach by drawing attention to the fact that Robert Vasquez was one of the people who campaigned for 'No'. That may be so, but the hon. Gentleman opposite went from a no to a yes ... Sorry, I should say from a yes, because I remember quite clearly that the hon. Gentleman, the Father of the House, shook the hands of the leader of the UK delegation, saying that he was going to support it – that is my recollection; I was there – and publicly Mr Licudi, in a debate ... well, it was not a debate, it was a programme with a number of people giving contributions, and he said, 'We are going to be campaigning for a yes vote at the referendum,' only to go to a no three days later, and I think by the end of it they were saying publicly, 'You have got to vote with your conscience,' when all these polling booths were manned by GSLP activists actually telling people secretly, not openly, to vote against the new Constitution in the referendum just simply to give the Government of the day a bloody nose, because the Government of the day had invested quite a lot of political effort – in the interest of Gibraltar as a whole, it has to be said – in the adoption of this Constitution.

So I need no lectures from anybody, Mr Speaker, on this particular issue as to who is acting reasonably, who is acting unreasonably and who is acting in the public interest. I am disappointed, I have to say, because I have really attempted, together with my colleagues, to find a formula of words that allows us to participate in a select committee whilst at the same time recording what our position is and also recording what, in our view, is a reality, which is that there is this Referendum on 23rd June that may or may not be seminal and that may or may not necessitate some very fundamental changes to the Constitution. I was really hoping that I could come to this House today, that I could move these very reasonable amendments that do not seek to tie the Government down to any particular position, still less to tie the Government to *our* position, but certainly records what our position is very clearly, because our acceptance of this motion is implicit and explicit recognition that there is a need to review and reform the Constitution, and that is certainly not our position.

I remind the hon. Gentleman how the motion reads in its second paragraph, substantive paragraph, which says:

Considers that there should be a review of the 2006 Constitution by the Select Committee of this Parliament

We certainly do not accept that that is necessary. We accept it is the hon. Gentleman's position that there ought to be a review, and had he agreed to these very reasonable amendments we would have participated, but obviously we would have had the cover at the very least that our own position was protected, and that is all that we have sought to do with these amendments.

Mr Speaker, for all those reasons we will be voting against the motion.

Mr Speaker: Before I put the amendment to hon. Members, may I reiterate and explain in slightly more detail what I said earlier about how an attempt should be made to amend a motion.

I would urge, in future, hon. Members, when they wish to amend a motion, of which previous notice will have been given some time before in the Agenda, that they should consult the Clerk – and therefore, through the Clerk, me – to ensure that they get it right.

I say that supported by ... and I am sure the Hon. the Father of the House will testify to what I am saying, that between 1972 and 1992 there were 20, 30, 40, 50 ... a huge number of motions of a similar nature which very often were amended, and therefore over the years of my membership here in the House, and I am sure it has happened with Mr Bossano, we learned

855 from others, like Sir Joshua Hassan, Bob Peliza and the then Speaker, we learned about the process in which such amendments should be made.

I have looked through the amendment that should have been properly proposed by the Leader of the Opposition and it would not have been very, very difficult at all to actually set out what the amendment should be –

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Hon. D A Feetham: But I think it is more helpful this way, but next time I will do it this way.

Mr Speaker: Yes. But having said that, this is what it would have resulted in.

865 Therefore, what I am going to put to the House is that the Chief Minister's motion should be amended by the addition of the words which are set out in bold type in what would eventually have become the amended motion if it were to be accepted. All right? So it is the words in bold type that I am actually ... That is what constitutes the amendment and that is what I am going to put to the House. Those in favour? (**A Member:** Aye.) Those against? (**Several Members:** No.)

870 I take it that the amendment is defeated by Government majority, and therefore we are now back to the Chief Minister's original motion. The Leader of the Opposition has spoken on that motion. The Hon. Mr Bossano has spoken on the amendment, so he is therefore free to speak on the original motion and so are all other Members, after which the Chief Minister will have his right to reply.

875 Does any other hon. Member wish to contribute to the debate on the Chief Minister's motion? If there is no Member I will call upon the Chief Minister to exercise his right to reply.

880 **Hon. Chief Minister:** Mr Speaker, I think it is quite historic that the Opposition have set out, from the moment that the Hon. the Leader of the Opposition got up in this Chamber to speak on this motion a moment ago, that they will not be supporting a motion to review the current Constitution.

885 The hon. Gentleman tried to take us to a part of this motion where we said that we would, in fact, put forward reforms from that select committee – just as he was about to sit down – and he realised, I think, halfway through his point that he had got it completely wrong, that the motion as it stands does not actually commit anyone to do anything other than review the Constitution. And when he started going on about that paragraph he said, 'and of course it goes on about reform and review'. This only talks about review, whatever your position may be, and he set out his position, with which of course we do not agree, that the select committee that we have sought to establish today and that we will establish today does not bind him in to do anything – although it does do one thing, which is the Government's position: it binds us into review.

890 If they come to the conclusion in the select committee that there is nothing after that review that should be reformed and we agree with them, we come back together to this Parliament and we say there is nothing to be done.

895 If we believe that there is something to reform and they do not, it is not that they are stuck and come to this House with a report from the select committee and I am able to use their presence in the select committee to champion reform: they issue a minority opinion of the select committee, full stop. Full stop.

900 So, have they taken that option? No. They have taken the decision – which will have resulted, no doubt, in much rubbing of hands with glee outside of Gibraltar – not to support the legitimately elected Government of Gibraltar in a review of the Constitution, let alone a potential for reform.

He said, Mr Speaker, that the 2006 Constitution was a game changer. Well, I suppose it was to an extent.

905 **Hon. J J Bossano:** So was the 1969 one.

Hon. Chief Minister: So was the 1969 one, Mr Speaker, absolutely, and the one before that in 1964.

910 But I will tell him what was the biggest game changer, given that we are now going to get on to a debate of things that are *de facto* and *de jure* – and if they care to pay attention for a minute and stop tweeting or squeaking or Facebooking for a minute they might understand this point better, Mr Speaker. The game changer was the election in 1988 of a Government that delivered the constitutional advancement of Gibraltar *de facto* and which then, as a party in opposition, joined with the then party in government to deliver that *de jure* in 2006. Did the
915 2006 cause the usual repatriated powers *de jure*? Of course it did, many of those, as the Hon. the former Chief Minister, sometimes referred to as the greatest Gibraltarian of all time, has said on more than one occasion because he recognised the work done by Joe Bossano after 1988 in that respect.

920 What else are they doing by their negative approach today? Well, Mr Speaker, they are thwarting the will of seven tenths of the people of Gibraltar, who have supported this position in a manifesto that they have selected.

925 Have we achieved or have we not achieved the maximum possible level of self-government compatible with British sovereignty? Mr Speaker, I do not understand how he believes that that is the case when he left Gibraltar with a negotiating team with a list with a hundred things on it and he came back with less than a hundred things. I am not even going to characterise it as 50 or 75 or 99: he came back not with everything that he went to ask for. Unless he was prepared to form part of a negotiating team that went to ask for things which were incompatible with British sovereignty – and I would assume that he would never have lent himself to that, Mr Speaker – then there must be things that are compatible with British sovereignty that were still in the list
930 of things that could be achieved. We may together decide that there are some of those that we should achieve and seek to achieve; we may together decide that they are not issues that we need to be pursuing.

935 Mr Speaker, for the reasons the honourable, the former leader of the GSLP, and former Chief Minister and Leader of the Opposition Joe Bossano said, we supported them in 1999 when they set up the constitutional review Select Committee, but this is their approach today, not to support us, even though they might not entirely agree with the need for a review and even though we are not trying to tie them in to what the consequences and conclusions of that review should be.

940 He asked what the changes should be. Well, Mr Speaker, I have said what the types of changes that we might end up reviewing or proposing might be. I have said previously, when the hon. Gentleman has said on television that he would like a meeting with me to discuss in detail what it is that we are going to propose, that I think these are things that we need to do in a way that is accountable and objective. So I am surprised that somebody who accuses us of being opaque wants to be quite so opaque. I think we should do this review together here, that it
945 should be recorded, that we should put our positions – and that if we come to a joint conclusion, great, and if we do not, so be it.

950 The United Kingdom has already indicated it is prepared to speak. The most recent documentation with the United Kingdom in relation to Overseas Territories talks about review of constitutions – or is it that he does not know that? But we are in an unprecedented situation, Mr Speaker. Seven tenths of the people of Gibraltar want there to be a review. The United Kingdom is prepared to engage with us in respect of that, and the Leader of the Opposition is not. He is the one who is not ready to talk. He is not ready to sit down and do an analysis of the Constitution.

955 He says in any event it should not be something that we pursue until after Brexit. Well, look, Mr Speaker, he has a much greater regard for the alacrity with which this House's Select Committee have ever been able to move than any of us have, because no Select Committee of this House has ever reached a conclusion, tabled a report and gone to the United Kingdom, if that were relevant to it, within four months. Nobody is proposing that we should do this before

960 the Brexit Referendum is over. This is a process we should start, and it will go through the Brexit
Referendum and beyond the Brexit Referendum. It is work for the lifetime of this Parliament. I
do not know where he gets it from that we are proposing to do this before the conclusion of the
Brexit Referendum is held. 'Oh, people will say that I have been wise to put the Referendum first
and then the review second,' he might think. Well, Mr Speaker, it is not about the Brexit
Referendum. The Brexit Referendum is knocking on our door; this is work to be done in the
965 lifetime of this Parliament.

The amendments which were proposed were clearly not an attempt at unity, but I will
nonetheless seek to move an amendment to give him an opportunity to continue to work with
us on this subject, and perhaps when he ponders what the political consequences ... let us just
say what the political consequences to him personally might be of not engaging in this process
970 with us, he might reconsider.

But I have never heard an analysis as flawed as the one that he has just done about whether
or not Gibraltar is or is not a colony being not a matter to which the United Nations position is
relevant. To hear a lawyer say that the international legal order is not relevant to the
international legal status of a territory is absolutely incredible. They might get uncomfortable
975 listening to it, they might not like what they are hearing, but the reality of international law –
not Spain's position, the UK's position or Gibraltar's position, the reality of international law
today, whether we like it or whether we do not, whether we move to change it or whether we
do not, the reality of international law today is that Gibraltar is on the list of non-self-governing
territories, Mr Speaker –

980 **Hon. J J Bossano:** For as long as it is there.

Hon. Chief Minister: – *de facto* and *de jure*. So, as long as the list of non-self-governing
territories is the criteria by which the United Nations determines whether or not a territory is
985 self-governing or not, that is relevant. You can give it more credibility or less credibility, you
might argue, but what you cannot argue with any shred of authority in international law – or
even in national law, which has regard to international law in respect of these matters – is that
the only thing that matters in determining the nature of the relationship is the internal rules and
situation within the state, in this case the United Kingdom, that reports to the United Nations. It
990 would be absolutely untenable for anybody to make that argument in any reasonable way in any
tribunal, national or international.

In pregnancy terms, Mr Speaker, (*Laughter*) although I think it is quite the wrong illusion, if
we turned up 50 years ago pregnant, we would most certainly not still be pregnant now.
Something would have gone very wrong indeed. (*Laughter*) A gestation period of 50 years would
995 produce something as anomalous perhaps as the fact that there are still some colonies in the
world today.

As the Secretary General of the United Nations said only last week, Mr Speaker, the
committee which is reconstituted again for this year needs to ensure it continues its work to
eradicate colonialism, and that means get rid of colonialism and ensure that there are no nations
1000 left on the list of non-self-governing territories.

You can take another attitude, which is what the hon. Gentleman has told us he would do
and he has set it out perfectly today: 'Whatever the United Nations says, I am not going to deal
with it.' Well, Mr Speaker, that has got a description *de facto*. It is called the ostrich syndrome,
and the hon. Gentleman has demonstrated that in the most serious aspect of the political
1005 international future of our nation – the decolonisation debate and the defence of our nation
before the United Nations – his is the ostrich approach. Well, Mr Speaker, he will be judged for it
politically by people.

But why is it a diversion, as he said, to look at the position at the United Nations? It is, in fact,
the international legal position with which we have to deal. Why is it a diversion from the
1010 seriousness and conviviality that the hon. Gentleman likes to pretend that he wanted to bring to

1015 this debate to refer to the fact that one of the people he stood for election with less than a
hundred days ago had a position which is diametrically opposed to the one that he has set out
here today, when he has said it is the GSD's position and this person stood for election not just
with him but with the GSD? Well, it is a de facto reality, isn't it? That is what Robert Vasquez said
1020 at the time. So I am not trying to sow diversion or division or do anything other than relate the
facts as they are. And he said, 'Well, the fact is that some of you also said one thing – you shook
a hand and you said something on a television programme.' Doesn't he remember that one of
the important issues here, in terms of the exercise of the right of self-determination in a
plebiscite of the people of a non-self-governing territory, was whether or not the referendum
1025 was binding? And the words of the Attorney General, then a Member of this House, that he
considered the referendum a non-binding facultative taking of opinion which was of no legal
consequence? These things might be boring to some, but this is about the core of what matters
in terms of the future, the constitutional and political future of our people. That was one of the
issues which made us determine what our position was going to be in the Referendum.

1030 Mr Speaker, this has been today, as far as we have got, a cop-out of historic proportions. I do
not think that this House will ever again see an Opposition fail to support the Government in
doing a review of the Constitution – not in committing itself to anything, in simply accepting the
result of the last General Election, something it is important that the hon. Gentlemen do. I heard
the hon. Mr Bossano have to tell him he has to realise that he is not going to be ruling Gibraltar
1035 from the Opposition benches. He has to accept what we were committed to in the election and
the fact that that was chosen by the people, as we do, and we are totally bound by that and we
will continue in the endeavour that the people of Gibraltar have chosen.

I hope that this ill-tempered debate will not be what prevails and that we will be able to
move together to *review*, review – and maybe once I have said that enough times the hon.
1040 Gentleman can have the comfort that I am not for one moment suggesting that he be bound
into reform anything: *review* – the Constitution together. That is why I propose the following
amendment to my own motion, notice of which I am happy for the hon. Clerk to provide in
writing to you in the form which I think is the one usually required and the one that has always
been used before. It will be to add at the end of the motion the following words: 'and in the
1045 event that the Leader of the Opposition were to fail to nominate any Member to membership of
the Select Committee within 21 days from the date of the passing of this motion, then to
proceed with the work of the Committee with the Members nominated by the Chief Minister.'

Speaking on that proposed amendment, Mr Speaker, we are not going to fail to do the things
that we have set out in our manifesto to do, whether in relation to the Constitution or
1050 otherwise. But I want him to reflect on what has been said, and if we take away all of what it is
that we have been arguing over he has said he does not want to be bound in to reform the
Constitution, because it is not his policy to do so, and I have said, 'Don't worry, this is just a
review.' He has tried to pretend that the motion as it stands says the opposite. It does not, and
when he was doing the analysis he fell in trying to suggest the opposite.

1055 Well, now he has the chance with this proposed amendment to sleep on it and to
nonetheless nominate two Members to this committee within 21 days from today's date, and if
he does not do so the Government is then free to continue. And we want to continue by way of
select committee because we want to do it in this House. We want them to form part of the
select committee so that they are able to do so. We accept that their membership of the select
committee would be with all the caveats that he has set out during the course of his speech
1060 about not wanting to be tied into a reform. I have not indicated that we would be prepared to
reform anything at this stage, only that we would want to consider reviewing, and that for the
purposes exclusively of reviewing and with the ability to provide a minority opinion from the
select committee in the event that they were not to agree with us on what the proposed
reforms that might emerge from that committee, if any, were to be, that he should nominate
someone for that purpose.

For that reason, Mr Speaker, I move the amendment in what I think is the traditional, proper and appropriate way:

Add at the end of the motion the following words:

'and in the event that the Leader of the Opposition were to fail to nominate any Member to membership of the Select Committee within 21 days from the date of the passing of this motion, then to proceed with the work of the Committee with the Members nominated by the Chief Minister.'

1065 **Mr Speaker:** I now propose a question, which is that the Chief Minister's motion be amended by the addition of the following words, namely:

and in the event that the Leader of the Opposition were to fail to nominate any Member to membership of the Select Committee within 21 days from the date of the passing of this motion, then to proceed with the work of the Committee with the Members nominated by the Chief Minister.

The amendment is now before the House.

1070 **Hon. D A Feetham:** Mr Speaker, the position of the Opposition continues to be exactly the same. This paragraph adds absolutely nothing to the substantive motion. It is in the nature of a gimmick that has long been, unfortunately, the hon. Gentleman's trademark, and it does not alter any of our very real concerns about this process and this particular motion.

1075 You do not undertake a review unless you yourself take the view that something needs to be changed. That is the point, Mr Speaker. Of course I accept that it is the hon. Gentleman's policy that the Constitution needs to be changed.

I have never said to the hon. Gentleman, 'Come to me and tell me exactly every single area that you feel needs to be changed,' but I said, 'Give me an idea.' The hon. Gentleman has not even been willing to do that.

1080 I have asked him to bilaterally meet with me, not because I want to deal with these matters off camera, away from public glare in a non-transparent way, but because I believe in dialogue and because I believe in sitting down and attempting to iron out problems. That is why I came to this House with amendments that were designed for us to be able to participate safely in this process, Mr Speaker. Safely in this process.

1085 Mr Speaker, of course the United Nations is undertaking currently a process to eradicate colonialism, but indeed the United Nations has described this decade as the second decade, or the third decade, I think it is, for the eradication of colonialism. In other words, there was a first decade, there was a second decade and there was a third decade.

1090 In relation to Gibraltar, the problem is not that Gibraltar has a modern Constitution. The problem is not that Gibraltar has a relationship with the United Kingdom that cannot by any stretch of the imagination be described as being colonial. The problem is not us. The problem is not our relationship with the United Kingdom. The problem is the United Nations and the problem is the pressure that Spain places on the United Nations and the loss of bottle by the Committee of 24, which does not want to anger and antagonise Spain. That is the reality. We
1095 could go to the United Nations with a gold-plated, a gold-plated Constitution that ticked every single conceivable box and the United Nations would still keep us listed in the list of non-self-governing territories, because that is where Spain wants us to be.

1100 That is why my position is, and the position of this party is that we will not play into the hands of Spain by adopting a position that says that we are a colony simply because we are listed. *No, we are not.* No we are not. Indeed the position historically of Gibraltar has been that there may well be resolutions of the United Nations in relation to Gibraltar. Spain has argued in the international fora and politically that those resolutions somehow give her legal rights, and indeed the hon. Gentleman, Mr Bossano, the Father of the House, quite rightly pointed out in

1105 the late 1970s and early 1980s, I think it was the Strasbourg process had its genesis in those very same resolutions. That is why he took the view, rightly, that we ought not to be participating in that process, I think it was, because his position was, 'Well, look, the roots are those resolutions from the United Nations.'

1110 We refuse to accept the position of the Committee of 24 that constitutionally Gibraltar remains a colony. That is a matter of fact and law that involves looking at the reality of a situation in Gibraltar, just like it is common ground that Gibraltar enjoys the right to self-determination, and of course the United Nations, who could refer it to the International Court of Justice, and Spain, who could agree to refer it to the International Court of Justice, do not do so because they know that we are absolutely right.

1115 Mr Speaker, the fact that the United Nations keeps us listed in a list of non-self-governing territories does not affect that constitutional relationship that we enjoy with the United Kingdom, that cannot by any stretch of the imagination be described as non-colonial, because being a colony is a matter of fact and law and it involves analysing the Constitution and analysing whether the territory is a self-governing territory – and Gibraltar *is* a self-governing territory and we should not be listed, and we should not be listed by the United Nations in their list of non-
1120 self-governing territories.

1125 Mr Speaker, I really came to this House hoping – hoping beyond hope, because I know that sometimes anything that I propose ... and I had toyed with the idea, I really had, of not taking the lead in relation to this particular motion and allowing one of my parliamentary colleagues to do so, but it is my duty as Leader of the Opposition, but I have toyed with the idea because I knew that the hon. Gentleman ... It is almost like a bull to a red rag every single time that I rise and I propose something that is reasonable. We wanted, we wanted, we wanted – and I want the position to be reiterated and for the position to be clear: we wanted to participate but safeguarding what is fundamental policy for the GSD and our position, and that is what this attempts to do.

1130 And Indeed Mr Speaker, and indeed, in order to give it one final opportunity, one final opportunity for the Opposition to participate, safeguarding our position, I am quite prepared for this motion, and I invite the Hon. the Chief Minister to adjourn this motion and for us to discuss it on Monday – we are meeting on Monday at three o'clock – to see whether a form of wording can be agreed between him and I in order to allow the Opposition to participate in
1135 circumstances that our position is protected. I invite him to do so and I invite him to set aside whatever view he has of me and whatever is his desire to attempt to turn things around and distort in order to cause me, personally, political damage, which has been his modus operandi over many, many months and the last three years, in order to see whether this can prosper. And I invite him to do so, because if what he wants is for the Opposition to participate in a select
1140 committee that furthers his policy, not ours, then I think that he ought to invest that time and political energy in sitting down with me in order to see whether a form of wording can be agreed to see that this prospers.

1145 **Mr Speaker:** Does any other hon. Member wish to speak on the amendment?

The Hon. Mr Bossano.

1150 **Hon. J J Bossano:** With your permission, Mr Speaker, I feel that, since the arguments that have been put by the Leader of the Opposition have been the arguments in support for not participating in relation to what he considers to be the legal international position of Gibraltar – which is *totally*, totally and completely wrong, I can tell him, because it is not possible to argue that the de facto nature of the level of self-government determines the legal status of the territory, or indeed the relationship that exists between us and the United Kingdom.

We are on that list because the United Kingdom put us on that list. Jersey, Guernsey –

1155 **Hon. D A Feetham:** Pre-Constitution.

1160 **Hon. J J Bossano:** When the United Kingdom put us on that list we were under the
Constitution of 1954, which was then changed in 1964, which was then changed in 1969. The
constitutional changes we probably owe to Spain, because it all happened after Spain joined the
United Nations and started claiming us. Indeed, in the United Nations on more than one
1165 occasion it was being argued by Spain that the changes that were taking place were precisely to
create a quasi-independent Gibraltar and frustrate the obligation the United Kingdom had under
the Treaty of Utrecht. But the reality of it is that the Charter of the United Nations is the only
instrument of international law. That Charter has a signatory and that signatory is the United
Kingdom, and the United Kingdom has chosen to go to the United Nations and say, 'I am the
administering power of the non-self-governing territory of Gibraltar.'

Hon. D A Feetham: We had another Constitution then.

1170 **Hon. J J Bossano:** Yes, we had another Constitution then, but the fact is that in 1968 Bermuda
got a Constitution which gives them more power than we have today, and that continues to be
reported on by the United Kingdom as a non-self-governing territory for whom it is the
administering power.

1175 So what do we have? We have a situation where the United Kingdom *every year, every year*
repeats it. They did not just say it in 1954: every year the United Kingdom sends a report to the
United Nations about its 11 colonies, or 10 colonies, and says, 'I, the administering power of
Gibraltar, report what is happening in my Overseas Territory for which I am internationally
responsible –

1180 **Hon. D A Feetham:** Will you give way a minute?

Hon. J J Bossano: Of course.

1185 **Hon. D A Feetham:** I am very grateful to the hon. Gentleman because I think this is an
important debate and the hon. Gentleman makes some very, very important observations and
very important comments.

1190 But is it the hon. Gentleman's position that really the arbiter of whether we are self-
governing or not self-governing is the United Nations? The arbiter of whether we have a
Constitution ... and look, it is a question of degree and I think that at the heart of this there is a
distinction, there is a difference between the hon. Members and us – which is why I want this
reflected – which is that we believe that we have the maximum level of self-government short of
independence beyond which there is only independence. That was the position that the former
backbencher, the former Chief Minister, outlined on many, many occasions, and continues be
our position, and I think that their position really is, no actually, we could go further than that.
(*Interjection*) Well, that is what I am asking, because what I fundamentally disagree with is the
1195 notion that we are hostages to fortune of the United Nations in terms of characterising our own
relationship. That is what really ... Even though I accept that the decision as to whether we are
listed or not listed ... sorry, not whether we are listed or not listed, whether we are removed
from the list is a decision for the United Nations.

1200 But if I am right, they are making decisions based on politics, they are not making a decision
based on constitutional reality, so I would ask the hon. Member to perhaps clarify what his views
are in relation to that, as I am genuinely interested in his views.

Hon. J J Bossano: Mr Speaker, the position –

1205 **Mr Speaker:** May I remind hon. Members that the actual amendment before the House has
nothing to do with delisting by the United Nations; it is about the appointment of two Members
within 21 days by the Leader of the Opposition.

Hon. J J Bossano: In speaking to the amendment to the motion I am not really trying to delist Gibraltar; I am trying to enlist the Leader of the Opposition into joining us. Therefore, I welcome the opportunity to give him an explanation. It is an explanation of what we have already publicly recorded in the UN and what I have said year after year in the seminars that I have attended in the Pacific and in the Caribbean.

He needs to understand that this is not a question of the Committee of 24 – there are now 28 of them in the Committee of 24 – as a matter of who are being free to remove us from the list or keep us on the list. The criteria of the United Nations, as the Chairman of the Committee of 24 said to the then Chief Minister on one particular occasion when he started criticising the Committee of 24 ... He said, ‘Well, look, if you don’t agree, or if the United Kingdom doesn’t agree with the criteria that the United Nations has, then let the United Kingdom, as a Member State, come to the United Nations and propose a change in the criteria. We in the Committee of 24 don’t make the rules; we apply them.’ That is the position.

Although we have got people who are in the pocket of Spain, primarily the South American countries, we have still got strong supporters and friends in that Committee, and that has been no accident. That has been the years of hard work, persuading them that the presentation of Spain, which started in 1964 as puppets of the United Kingdom, was not a reflection of what the people of Gibraltar are. When the people of Gibraltar or the people of the Falklands go there and they say ‘we are British and we are not a colony’ to the people who are there to decolonise people they do not do themselves any favours. So the position that we have maintained is we have negotiated with the United Kingdom a Constitution that takes us as far on the road to decolonisation as the United Kingdom was willing to agree to, which is exactly the same position that they adopted with every single one of the other territories as a result of that 1999 White Paper.

But when he quotes, as he does, from the letter that was sent by the United Kingdom, it is what I told him: that they hijacked our process and stuck it with what they had initiated in the others. All the other territories were asked by the United Kingdom to bring in constitutional proposals. In the Turks and Caicos, which I mentioned earlier, Mr Speaker, to demonstrate to the hon. Member that it is not what it seems to be, having first described it as a non-colonial modern relationship, which was as far as it could go, having then suspended everybody, they then imposed a new constitution on the territory which gave them less powers than the one they had removed. I was asked by them to go over there and actually participate as an independent observer in the electoral process that brought the new constitution in, and then I was invited to go back a second time to explain to them how the parliamentary system works, because of my 40 years in the business.

So what I am telling the hon. Member ... It is very simple. This is not a question of the people who are in the pocket of the Spaniards doing the dirty on us; the question is that there is a Charter, there is a chapter 11, and that chapter 11 says there are territories that are not fully self-governing. Those territories that are not fully self-governing ... underwent a fundamental change in international status in the Charter of the United Nations because they stopped using the label of being a colony and they adopted the label of being a non-self-governing territory, and they stopped using the label of colonial power and they started using the concept of administering power on the premise – which is what the law says, what the international law says – that in those territories that were not fully self-governing the administering power was *in locus parentis* helping the people of the territory to progress. And we have progressed, and they have progressed in other territories.

The point at which the progress has reached the maximum that it can, consistent with the resources of the territory, with the relationship with the administering power or with any other criteria, is something that the Committee of 24 is required by the Charter of the United Nations to assess. The problem that we have got is not that they say we must stay as a colony; the problem that we have got is that they refuse to be engaged. When we have gone to the United Nations, we have not gone and said, ‘We have decided that this decolonises us.’ We have said,

1260 'Look, it's your responsibility: look at our Constitution, do the review' – the review that we are
 saying we should be doing. We have said to the UN, 'You review this Constitution, and if you tell
 us it is not the fullest attainable measure of self-government for a territory in the conditions of
 Gibraltar, tell us where we are short,' and they do not answer. And the reason why they do not
 1265 answer is because it would lock them into a situation where they would be accepting that the
 constitutional changes of Gibraltar are legitimate steps in the progress to self-government.
(Interjection) And the reason why they do not do it is because the United Kingdom agreed with
 the Kingdom of Spain in the Strasbourg process, in the Lisbon process and in the 1984 Brussels
 Declaration, all of which were condemned in Gibraltar at every inch of the way and at every step
 1270 of the way originally and exclusively by the socialists and not by anybody else who was
 defending them. Those are the things that have stopped us.

The reason why the United Nations does not move is because every year two things happen.
 One, the UK says to us, 'You are not a colony anymore, you have now got the fullest possible
 measure.' Then they go to the United Nations and say, 'Here is a report on my colony, which I
 am required to submit under chapter 11 of the United Nations Charter.' And then they go to the
 1275 Fourth Committee and they do a consensus with Spain which says, 'We must continue talking to
 achieve the decolonisation of Gibraltar.'

Well, look, what is it that you are doing? Are you changing our Constitution to decolonise us,
 or are you negotiating with Spain to decolonise us? That conflict, that incompatibility is where
 the problem has been created, and regrettably it has been created because we did not stop it
 1280 when we should have stopped it in 1964 with the Strasbourg process and the Lisbon talks in
 1981. *(interjection)* Not in 1964, sorry, in 1976 when the Strasbourg process started. And
 therefore we have now got, fortunately, a position of unanimity in this Parliament and
 unanimity in Gibraltar that none of us will play that game ever again, that none of us will ever go
 to sit down at a table where Spain and the United Kingdom are deciding what is our future and
 1285 we are simply then, at the end of the process, informed of what is good for us. That, fortunately,
 is history and I am convinced that no future generation of Gibraltar will permit that and no
 political party, either the GSD under the leadership of the Member opposite or us under
 whoever it may be – Fabian, or anybody who comes in future – or the Liberal Party will go along
 with that line. So we have got a stronger position in Gibraltar constitutionally, fortunately, than
 1290 we have ever had before, because there is at least on one fundamental point, which has been
 the Achilles' heel, where we are completely united. The problem is that the United Kingdom is
 stuck there and does not know how to extricate itself from that situation, so it says one thing in
 the UN and then it says, 'But this is with the caveat that I will never actually do what the
 consensus says, unless the Gibraltarians give me permission.' Given that that situation is there,
 1295 we have been trying to get the United Nations to accept that they should review our situation in
 terms of our Constitution and tell us, 'We don't accept it because what is missing is (a), (b) and
 (c),' and I believe that we must continue to do that, even if they look the other way or put plugs
 in their ears, because the moment they actually accept to do that we have hooked them.
(Interjection)

1300 But what we are saying today, Mr Speaker, in my view honestly does not mean that we are
 saying we are coming with an agenda to which we want to persuade the Opposition that we
 want to declare UDI or we want to do anything else.

When I was sitting there, I actually gave a blank cheque to the GSD. If the Member looks back
 at the motion that set up the Select Committee that led to the new Constitution, which was
 1305 before the question of the 1999 invitation, the 1999 invitation was never mentioned to me at all
 either before, during or after. It was mentioned for the first time by the United Kingdom side
 after the process had started. But look, the reality of it is that the GSD had tried to get the
 Constitution changed on its own without inviting the Opposition, and they got nowhere. And
 because they got nowhere they then came to the House, and when they came to the House I
 1310 said, 'Okay, well, we know what you want. You have got a range of things you want to change,
 we have got *one* thing we want to change. We want to see self-determination and

decolonisation clearly reflected in that Constitution.’ The reality of it is that everything that we got was what the GSD had put down and the one thing we did not get was what we had put down.

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Hon. D A Feetham: Mr Speaker, I am very grateful to the hon. Gentleman for giving way again. I appreciate it and I do not want to overextend the debate.

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Mr Speaker: I am being very, very liberal – I hope hon. Members will realise that – in an attempt to try and reach a consensus, but please try to be brief in the points that you are making. At the very least try to be brief because we have a very limited amendment before the House.

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

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I quite understand the points that the hon. Gentleman makes. It strikes me, of course, taking the analysis to its proper and logical conclusion, that if he is right it does not really matter what we do here in Gibraltar in relation to our Constitution, because the decision as to whether to delist Gibraltar or not is a decision that is being taken by the United Nations, bearing in mind the position of the United Kingdom – which is the point that I have been making, with different emphasis, that it really does not matter whether we have a gold-plated Constitution in Gibraltar; it is not going to be accepted by the United Nations for political reasons. Because that is what it amounts to: it is a political decision by the United Kingdom, as he characterises it, bearing in mind what has been its long traditional position, going back to Strasbourg in I think it was the 1970s. (*Interjection*) Yes, 1976, and then Paris. (**A Member:** Lisbon.) Lisbon, I beg your pardon, and then of course the Brussels Declaration in 1984.

1335

But, Mr Speaker, I prevail to the Hon. the Father of the House, wearing his trade union hat, knowing how difficult issues are normally resolved by sitting down, by attempting to look at them and through compromise to perhaps prevail upon the Leader of the House to sit down with me and to attempt to find a way in which a formula of words can be agreed that properly protects our position and that therefore allows us to participate in a reasonable way.

1340

We are trying to be reasonable, but what we are not going to accept is a railroading of the position of the Opposition into participating under a form of wording that we do not feel comfortable with. I am absolutely certain, absolutely certain – and I say this with all the sincerity in the world; it may sound like a political point, but it is not, it is a factual point that I am making about something that I really do believe – that if the hon. Member was making these decisions, or indeed if the Deputy Chief Minister was making these decisions, I think that it would have been possible for us to sit down and to find a compromise, and that is what I urge upon the Leader of the House to do in order for us to move forward.

1345

Mr Speaker: Does any other hon. Member wish to contribute to the debate on the amendment before I call upon the mover, the Chief Minister, to reply?

The Hon. the Chief Minister.

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1355

Hon. J J Bossano: Mr Speaker, I was giving way. Let me say that in fact everything that I have said was to try and convince him that the dangers that he sees in joining do not exist.

1360

Hon. Chief Minister: So Mr Speaker, dealing with the points that the hon. Member has raised in his various interventions on this short amendment, it is clear that he is the one who sees a red rag when dealing with a particular politician – namely me – because he said that if he were dealing with Joe Bossano, whose falling out with whom led him to leave the party of his political heritage, form a new political party and then go to what he used to call ‘the dark side’, or with Joseph Garcia, it would all have been easier, but dealing with me is impossible. I am very sorry if I am a red rag to him; I really seek not to be.

1365 I am not asking him for a blank cheque, although Joe Bossano gave Peter Caruana a blank cheque 20 years ago. I am not asking him for that; I am just asking him to help me. Let me put it in terms that he might feel more flattered by: I am asking him to help me review it. I am not saying let's reform it; I am saying sit down with me and review it and then we can make a decision together on what it is that we go on to do.

1370 And I am not trying to railroad anything, Mr Speaker. There is no railroading to be done. He can issue a minority opinion if he is not happy with the conclusion of the select committee. It is very likely we will be, together, able to reach a consensus view in the select committee if he forms part of it. I am not going to railroad him into anything.

1375 This is not a gimmick, Mr Speaker. We can call each other everything that we like and people will judge us for that, and it is not good politics but people sometimes fall into the trap in the heat of a debate to go further than perhaps they might. That is, unfortunately, human. In my view it is not good politics but it is, unfortunately, human that when debates get heated the natural instinct is to defend, and therefore things might get out of hand. But this is not a gimmick, as he has described it; this is too important. This is the Constitution of Gibraltar. This is not necessarily about him and me, although for reasons I will get to he seems to think it is all about him. This is about the Gibraltar Constitution that we potentially leave our children and our children's children – unless they have the good sense to review it every 10 years, as I am suggesting that we should, Mr Speaker.

1380 If I may say so, the position that he has taken today is one that puts him on the wrong side of history, and history will judge him very harshly indeed for being the first Leader of the Opposition, indeed the first politician in Gibraltar's history, who has said that he will not even review something with the Government. This is an invitation. It is not a compulsive requirement that he reach any conclusion. I do not know how I can say it in any other way. This is an invitation to do that which he says he is prepared to do, which is sit down and dialogue and review. He says, 'I believe in dialogue.' Well, we all believe in dialogue, but I believe in honest dialogue, and the dialogue I am asking him for, the assistance that I am asking him for is to sit down with me and one of his colleagues and to review a document that is our Magna Carta – and he is turning his back on that, pretending that I am asking him for more. I am not asking him for that blank cheque or sticking him to any reform, Mr Speaker.

1395 Of course I have my own personal views of what might potentially need to be addressed in the Constitution, but they are not fixed views and I would like to have other people's opinions on them: people in the select committee, people from the rest of this community who I think need to form a part of this process. The select committee should take evidence from the public, as I have said, and I want the benefit of that consultation and that dialogue, and I want him to form part of that process with me, Mr Speaker.

1400 So if he says I see a red rag to a bull when I see him he needs to ask himself why I am trying to involve him in this. Again, he set out his position. How can I pretend that his membership of the select committee is anything other than based on the position that he has set out already during the course of today and had already been the case that he had set out before?

1405 Mr Speaker, frankly, I was going to deal with the issues about whether we are or are not a colony if we turned up with a gold-plated Constitution, but I think the Hon. Joe Bossano has dealt with it better than anybody else can – certainly better than I could, given his almost 50 years' experience in this subject. But he did say something during the course of his intervention. When he was talking about the committee he said, 'Well, if we turned up with a gold-plated Constitution in New York, even then we would be turned down.' There is almost implicit in that the suggestion that we have not turned up with a gold-plated Constitution in New York, and if that is the case why does he not sit with me, with the Deputy Chief Minister and with the Hon. Joe Bossano, who are going to be the people I am going to nominate to form part of this committee to have this discussion and to work out together how we better review the Constitution for that purpose amongst so many others?

1415 Mr Speaker, we want to move on from what has been this ill-tempered debate and get to the stage where we are able to work together. This is very important. I do not want to cause him political damage. I think he does that to himself all the time, all on his own. It is not about him. I want him to form part of the committee and I want him to do so with all the caveats that he has set out in the context of his speeches today, just to do this review with us.

1420 Mr Speaker, last night he was re-elected as leader of his party for another four years. I am delighted to congratulate him in that respect. I am very happy he is going to be the leader of his party for the next four years and at the next General Election. He knows that I think that is good for me and good for this party, but it is not about that. This is about the Constitution of Gibraltar. This is about whether together we undertake – and I am going to be very specific in the wording again – undertake a review exercise or whether we do so without them, not about sticking to any reforms. And so, Mr Speaker, the amendment that I move allows him 21 days to nominate someone to this committee. I sincerely hope that with honest and genuine dialogue, in good faith and in good will, we will be able to meet – we are going to meet on 7th March; I think that may be Monday – we are able to meet in a way that persuades him to nominate someone in that period to review without being stuck with any requirement to reform. And I would ask that in the context of what happens between now and then we are temperate in our approach, so that we leave open the possibility that when we meet we can come to a conclusion which is a happier one for our community than to have them exclude themselves from a review. And so, Mr Speaker, I commend the amendment to the House.

1435 **Mr Speaker:** I now put the Chief Minister's amendment to the House. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried by Government majority.

1440 I will now put the motion as amended to the House. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) The motion as amended is carried by Government majority.

**Select Committee on Parliamentary Reform –
Committee established**

Mr Speaker: The Chief Minister now has another motion on the agenda.

Clerk: The Hon. the Chief Minister.

1445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

This House:

Recalls that a Select Committee on the Implementation of the Recommendations of the Independent Commission on Democratic and Parliamentary Reform (known as the Select Committee on Parliamentary Reform) was established by Motion of this Parliament on 4th June 2013;

Notes that the said Select Committee was composed of three Members nominated by the Chief Minister and two Members nominated by the Leader of the Opposition;

Resolves that a new Select Committee with the same terms of reference should be established and that it should continue its work seamlessly from the point where the Select Committee established on 4th June 2013 left off;

Hereby approves the appointment of the Hon. Fabian Picardo MP QC (Chairman), the Hon. Dr Joseph Garcia MP, the Hon. Neil Costa MP, the Hon. Daniel Feetham MP and the Hon. Elliott Philips MP to the said Select Committee.

1450 Mr Speaker, I intend to say very little in respect of this motion. It is a motion which is self-explanatory and it is about the work that needs to be undertaken by the Select Committee, which is described in the terms of the motion.

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

1455 **Hon. D A Feetham:** Mr Speaker, yes.

I have discussed this particular motion with the Hon. the Deputy Chief Minister, and the Opposition will be participating and the Opposition will be voting in favour of this motion. But I do have a few words that I wish to say on this and I wish to say about the work of the Select Committee.

1460 I remind Members of the House that the original motion that formed the Select Committee, the final paragraph read as follows:

We will refer the said report –

– the report by the Independent Commission, that is –

to a select committee on the implementation of the recommendations of the Independent Commission on Democratic and Parliamentary Reform, to be known as the Select Committee on Parliamentary Reform, which is hereby established to include three Members appointed by the Chief Minister and two appointed by the Leader of the Opposition

– and this is what I want hon. Members to emphasise to the House and for hon. Members to understand –

to consider the implementation of appropriate

– of *appropriate* –

recommendations of the report.

1465 It was something that was emphasised during the course of the debate that of course the work of the Select Committee in considering the report by the Independent Commission does not bind the Select Committee into accepting any part of those recommendations, and that indeed it is for the Select Committee to consider what appropriate recommendations are in the report for implementation.

Indeed, I refer the Hon. the Chief Minister to his own contribution to the course of the debate, where he said as follows after it was raised by the then hon. backbencher, Sir Peter Caruana, where he said:

1470

We do not want to use language which assumes that they are all acceptable and we are just going to discuss the implementation of them.

1475 Mr Speaker, the reason why I also make this particular point is this: the hon. Members have decided to bring, and we will debate that particular Bill in due course ... have decided to publish and will bring during the course of the next session of Parliament a Bill that proposes to amend the pension entitlements of Members of Parliament.

Mr Speaker: I –

1480

Hon. D A Feetham: Mr Speaker, it is a perfectly –

Mr Speaker: No. I will tell you why I am not allowing you to speak on that. I will tell you why.

1485 **Hon. D A Feetham:** I am not speaking on that. I am actually giving my view on what the work of the select committee is, and I am going to refer back to part of the debate. I am placing it in context, Mr Speaker.

1490 There is a Bill that is going to be brought to this House which proposes a change to the pension entitlements of Members of Parliament. It does not affect Members of the House, Members of the Government, it does not affect me, it does not affect Mr Reyes. It affects five Members of the Opposition. During the course of the motion setting up the Select Committee the Hon. the Chief Minister said:

Well, Mr Speaker, we think that taken together we agree with both these recommendations.

That was the recommendation ... I will read the recommendation:

We recommend that any new pension scheme should come into effect for new Members of Parliament elected after the next election, thereby safeguarding the acquired rights of current Members.

1495 That was the recommendation of the Independent Commission. And then, commenting on that, the Hon. the Chief Minister said:

Well, Mr Speaker, we think that taken together we agree with both these recommendations. Given that this Parliament having in effect made changes, for example, to the Civil Service Final Salary Pension Scheme, it would be rather unfair not to look at what new scheme might be introduced for Members who might be elected after the next General Election. This is certainly something, in our view, that we should refer to the Select Committee for it to determine who best to advise us on the matter.

In other words, his view was it should go to the Select Committee.
And then he said:

Our own initial view is that new Members of Parliament after the next General Election should be on the scheme – I think it is the Provident scheme – as new entrants to the Civil Service, for example. That seems fair and equitable to us but we agree that this should be considered objectively with independent persons, as was previously the case when allowances were reviewed in the 1970s.

1500 Mr Speaker, we have been debating about the motion on constitutional reform and that we are not being led by the nose in relation to any particular matter, it is just a review; but I want to remind Members of the House that the initial terms of reference was that any of those recommendations that were going to be adopted should be considered by the Select Committee. That does not mean that the Opposition has a right of veto over anything that the
1505 Select Committee recommends or does not recommend we adopt, because they have got a majority and we have got a minority, but certainly it ought to be considered within the context of the Select Committee. And of course in that context the Bill that we are going to be debating in a month and a half's time is a ... Are we going to be taking it now? Oh. Are we going to be taking it now? Well, I am very grateful for that. I thought it was going to be the next –

1510

Mr Speaker: *[Inaudible]*

1515 **Hon. D A Feetham:** Yes, I know, but, Mr Speaker, it is proper that I raise it in this context, because there is a Select Committee, it was quite clearly set up to consider appropriate recommendations, there has been no decision by the Select Committee and no recommendation by the Select Committee that we adopt this particular recommendation. The Government has decided to unilaterally go it alone and to bring a Bill to Parliament in order to

1520 unilaterally change the pension entitlements of Members of Parliament that affects five
Members of the Opposition only. It does not affect anybody else currently within this Chamber.
That is why I take great care, great care, great care in what the Opposition agrees to in these
motions. We have had the debate on constitutional reform a few moments ago, but certainly I
1525 want to reiterate that our participation is on the basis that it is for the Select Committee to
consider what recommendations of the Independent Commission are appropriate or are not
appropriate. We are not going to be led by the nose by the Government into a situation where
we are just there for show, as furniture, without participating in the decision-making process. I
do not think that is fair and I do not think that is the way that these Select Committees ought to
be conducted. And by the looks of it – and there are amendments to pension rights for Members
of Parliament – bearing in mind the comments that he made during the course of the debate,
that is precisely what is happening.

1530

Mr Speaker: Does any other hon. Member wish to contribute to the debate?
I call upon the mover to reply.

Hon. Chief Minister: Mr Speaker, I see that the ill temper is going to affect everything we
1535 deal with this afternoon. I do not know quite what it is that is wrong with him.

Mr Speaker, he is not furniture, because we decide to progress our own views of what should
be happening and when it should be happening. There are many aspects of the report of the
Independent Committee on Reform which we have already implemented. We are on television
because we implemented that recommendation, which was also our policy. We meet once a
1540 month because we believe it is right that we should meet once a month, except for one month
for Easter and one month for summer. And we are not bound to only implement those aspects
of the Independent Report which hon. Members agree with. We could implement some of them
today and some of them not today. We have already moved on some aspects which deal with
the Register of Members' Interests etc. We have tabled the Code of Conduct.

1545 Mr Speaker, that is the way that we are going to continue to handle this matter. We are going
to continue in the Select Committee with them considering those issues which are appropriate
to be considered there, and if the Government believes that it needs to do something which is
recommended by the Independent Committee on Parliamentary Reform before the Select
Committee decides, then we will do it and we will bring it to this House and we will defend it in
1550 this House. And they may support it or they may not support it, Mr Speaker.

It is up to him whether he supports this motion in the ill-tempered manner that he has, or
not. I have certified the Bill on Members' pension provisions as urgent, for reasons that will
become apparent when I speak on that motion, and I think on reflection they will welcome what
I am doing. I will explain the position and they will understand that I believe I am putting them in
1555 a better position than they are today, and once they understand that they may take a different
view even of this and the position they have taken on the Select Committee on the Constitution.

Mr Speaker, I do not want to pre-empt something else that is on the Order Paper, so I
commend the motion to the House.

1560 **Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister.
Those in favour? (**Members:** Aye.) Those against? The motion is carried unanimously.

I think this is a useful juncture, since we are now supposed to go on to Bills, that since I have
heard talk about the House meeting on Monday, I wish to have from the Leader of the House
some clarification as –

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Hon. Chief Minister: *[Inaudible]*

Mr Speaker: No?

1570 **Hon. Chief Minister:** We are meeting on Monday.

Mr Speaker: Ah, it is not the House?

Hon. Chief Minister: No.

1575

Mr Speaker: And therefore is it the Chief Minister's intention that we conclude the business today on the agenda, the Bills? In that case, given that in the House of Commons the Speaker is not required to sit for more than two hours because they have Deputy Speakers – you might put that in the notebook about constitutional reform (**Several Members:** Hear, hear.) – and given that I have now been sitting for two and a half hours, and I am sure we all require a comfort zone, the House will recess for 20 minutes.

1580

The House recessed at 5.30 p.m. and resumed its sitting at 5.55 p.m.

BILLS

FIRST AND SECOND READING

Supplementary Appropriation (2014/2015) Bill 2015 – First Reading approved

Clerk: Bills – First and Second Reading.

1585

A Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2015.

The Hon. the Chief Minister.

1590

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate further sums of money for the service of the year ended the 31st day of March 2015 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ended the 31st day of March 2015 be read a first time.

1595

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

Clerk: The Supplementary Appropriation 2014-15 Act 2015.

Supplementary Appropriation (2014/2015) Bill 2015 – Second Reading approved

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

1600

I thank the hon. Clerk for pointing out that this Bill, when it is passed, will pass in 2016 and that therefore in committee we will need to amend the long title for that reason. This is a Bill that comes from a publication last year.

Mr Speaker, the purpose of this Bill is to appropriate further sums of money to meet Government expenditure incurred during the year ended 31st March 2015.

1605 Hon. Members will note that in past years requests for approval of supplementary
appropriations have been brought to this House as part of the main Appropriation Bill for the
year. For example, the supplementary funding requirements for the financial year 2013-14 were
included as part of the main Appropriation Bill for the year 2014-15 and the supplementary
1610 funding requirements for the financial year 2012-13 were included as part of the main
Appropriation Bill for the year 2013-14.

Because the main Appropriation Bills for the year are normally now debated in this House at
around June or July of each year as part of the Budget session, this has meant that the annual
audited accounts for the previous year have necessarily been delayed until the approval of these
supplementary appropriations and the Principal Auditor has not been able to complete his audit
1615 of the annual public accounts until then.

In order to enable the Principal Auditor to complete his audit of the annual audited accounts
earlier and for these annual accounts to be laid in the House on a more timely basis – something
I am sure will be welcomed by some, Mr Speaker – the Government has decided to revert to the
earlier practice of presenting the Supplementary Appropriation Bills separately. These will
1620 therefore no longer be included with the main Appropriation Bill for the year. The practice in
future will be that the Supplementary Appropriation Bills will be published earlier and within the
statutory nine months after the close of each financial year prescribed for the submission of the
annual accounts to the Principal Auditor under section 52 of the Public Finance Control and
Audit Act.

1625 Mr Speaker, this Bill is therefore the annual Supplementary Appropriation Bill required to
provide appropriation cover retrospectively for the outturn figures for the year *ended*
31st March 2015 – that is the financial year 2014-15.

The outturn figures for 2014-15 have, of course, already been published in the Estimates
Book for 2015-16 and the estimated breakdown of these additional expenditure requirements is
1630 therefore already available to hon. Members. The forecast outturn figures in the Estimates Book
were based on the latest estimates available at the time, and, although these were quite
accurate, in view that they were prepared towards the end of the financial year, the figures now
included in the Supplementary Appropriation Bill are based on the final and confirmed
expenditure that has been incurred and which is now available following the closure of the
1635 Government's accounts for the year.

Hon. Members should note that in the case of the £16.2 million required to cover the
additional expenditure incurred under the Consolidated Fund, this represents the amount
required in addition to the supplementary provision of £9 million that is already included in the
approved Estimates Book under head 43, which is the supplementary provision head. And let's
1640 be clear, Mr Speaker, it is not an *extra* £16.2 million; it is £16.2 million moving not from one
head to another, because that can be done by simple virement, but it is £16 million between
Departments, and in particular in the year of the reshuffle when bits of Departments also moved
with Ministers.

A full breakdown of the £25 million, which is the £16.2 million and the £9 million of
1645 reallocations to be made from head 43, will be tabled in the House at the next session of the
Parliament, as is the usual practice. This will provide hon. Members with a full and detailed
breakdown of the heads and subheads for which this supplementary provision has been applied.

Mr Speaker, I commend the Bill to the House.

1650 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general
principles and merits of this Bill?

Hon. R M Clinton: Mr Speaker, I welcome the hon. Member's initiative in bringing the
Supplementary Appropriation Bill in a more timely manner such that the Principal Auditor is
1655 then in a position to sign off on the annual accounts in a more speedy manner.

1660 I have, in fact, of course, looked at the estimates and the outturn. I just have a slight difficulty with the reallocations being presented in the next meeting of the House, because without that statement, which in the past ... certainly in the meeting of 25th July 2015 they were presented all together. So we find ourselves today in the position where we are being asked effectively to approve a £16.2 million 'overspend', is another way of putting it, comparing it to the estimates without having sight of which heads of expenditure that relates to. Again, I refer back to the meeting of 22nd July 2015, where these were presented together.

Mr Speaker, this should come as no surprise to the Chief Minister, because I did in fact write to him in February before the meeting of this House – 17th February, in fact – saying:

As regards the Supplementary Appropriation Act, I would be grateful if you could supply Parliament with a breakdown by departmental head of the £16.2 million required to meet additional departmental Consolidated Fund expenditure, as I cannot identify this from the 2015 estimates and 2014 outturn.

1665 So I find myself in the unenviable position of having to look at or effectively de facto being asked to approve for the Government a supplemental requirement of £16.2 million with no information whatsoever as to what this relates to. That, as you will appreciate, puts us in a rather invidious position.

1670 The other elements on the Supplementary Appropriation Bill which I *have* been able to identify from the Estimates Book, and they are quite obvious in that you have the £29.9 million going to community care and the £3.6 million exceptional expenditure, which was in relation to the Giraldi Homes inquiry, and the other supplementary appropriation of expenditure in relation to the Health Authority for £7 million, and the other elements are probably not material, really, for us to worry too much about.

1675 But I really must emphasise that I am somewhat surprised that we do not have the Consolidated Fund reallocations from head 43, as we have had in previous years, especially since I did specifically request clarification on this point from the Chief Minister prior to the meeting of this House.

1680 Therefore, Mr Speaker, whereas we know, or have an idea, what the other supplemental appropriations are in relation to, we really are completely blind on this £16.2 million, which, if you take it with the £9 million, is effectively £25.2 million of expenditure. Now Mr Speaker this is effectively and although it is after the event, in that this money has already been spent, we are effectively talking about an overspend on an estimate in the Budget. I would expect that we would have somewhat more information as to which heads this expenditure relates to. And we are not talking small amounts. We are not talking £1, £10, £100,000, £10,000 – we are talking something in the order of £25 million. I would have hoped that, given my letter in advance and given the previous practice in this Parliament, that the Consolidated Fund reallocations would be provided with this Appropriation Bill – which, sadly, today we have not.

1685
1690 So it is going to be very hard for me to recommend to my parliamentary colleagues on this side of the House to vote in favour of appropriation amounts which we have no sight of or have any idea of what the amount is. I think it would only be fair to this Parliament, for everybody, including his own Members on his side, to know what it is that this additional expenditure on the Consolidated Fund is in relation to. I can see that the Financial Secretary is in the House today and I would hope that he would provide the information to the Chief Minister. Without that
1695 information, Mr Speaker, I am afraid that I will have to advise my colleagues to vote against.

Mr Speaker: Any other hon. Member wish to contribute to the debate on the Second Reading of this Bill?

I call upon the mover to reply.

1700

Chief Minister (Hon. F R Picardo): Mr Speaker, I am surprised that the hon. Gentleman is surprised, because I wrote to him in reply to his letter and set out what the position was in respect of the provision of this additional amount. I sent my letter to the hon. Gentleman, to his

1705 address at College Lane, and I copied my letter to Mr Speaker – I believe it went out on Monday; it was certainly signed out by me on Monday – and I set out there ... I will give way in a moment. I set out there that the practice, as I had understood it, was that this was tabled at the next meeting of the House after the passing of this Supplementary Appropriation Bill.

I will give way on the issue of the letter now, Mr Speaker.

1710 **Hon. R M Clinton:** I thank the hon. Gentleman for giving way.

Mr Speaker, I have received no such letter to date. I do not know if it was sent by messenger or by post, but certainly I have not received that letter.

I suppose I cannot really talk about what he just said about the tabling, because certainly in previous parliamentary sessions they have been tabled together – but I will let you continue.

1715

Hon. Chief Minister: So Mr Speaker, my understanding of the position is that they are tabled after the debate. That is the position that has been put to me and that is what will happen. The hon. Members will have a full and detailed breakdown of this amount.

1720 The hon. Gentleman has said something that I think it is important I should deal with, which is that this is an overspend. I do not want anybody to go away with the idea that this is additional money. This is money that is moving from one part of the book to another part of the book. So that hon. Members understand, if there is a movement within a Department, then that is done by a document called a virement. That is a document that does not require that we come and legislate in this House; it is a document that we table in this House, and hon. Members
1725 have been able to see it. If there is a saving in one part of a Department and there is an over-expenditure in another part of a Department, that requires a supplementary appropriation of this sort, and that is what we are doing. This is not £16.2 million of extra money; this is £16.2 million moving from one place to another in the book. That is why I made the point that we were dealing with a reshuffle in that year, and the reshuffle actually also moved some parts
1730 of Departments that followed Ministers and there was therefore some overspending in some Departments as Ministers took some responsibilities with them from one Department to another. Hon. Members will be able to see that in detail when we table the exact genesis of this £16.2 million at the beginning of the next meeting of the House, Mr Speaker.

1735 My letter dealt with one other matter, which is the Bill that is later in the Order Paper. I will try and see whether it is possible to obtain a copy and let the hon. Gentleman have it as soon as possible. I am very surprised that he has not got it, because I think most of my letters go by hand – and it went to his College Lane address – but I will follow up exactly where it is. The House has not got it either? Well, I am very surprised, because I did sign it and my letters tend not to go astray, but I will make sure that we get a copy of it to him straight away.

1740

Hon. R M Clinton: Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I think I do need to say formally that I will be moving the amendment at the Committee Stage to the long title.

1745

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ended the 31st day of March 2015 be read a second time.

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

1750

Clerk: The Supplementary Appropriation 2014-2015 Act 2015.

**Supplementary Appropriation (2014/2015) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

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

1755 Mr Speaker, before you put that question, can I just advise Members that, given the number of Bills that we have and one other motion, they should make arrangements to be here until we get through the order of business today. I do not know whether it will take long or not long, but I know some of them have other responsibilities outside the House and they may want to make those arrangements.

1760 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Gibraltar Savings Bank (Amendment) Bill 2016 –
First Reading approved**

1765 **Clerk:** A Bill for an Act to amend the Gibraltar Savings Bank Act.
The Hon. the Chief Minister.

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

1770 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Savings Bank Act be read a first time.
Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar Savings Bank (Amendment) Act 2016.

**Gibraltar Savings Bank (Amendment) Bill 2016 –
Second Reading approved**

1775 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg that the Bill now be read a second time.
This Bill is a very simple Bill as published, which simply changes the definition of 'Minister' who, with responsibility for the Gibraltar Savings Bank ... as the Minister for Public Finance too, the Minister being the Minister for the Gibraltar Savings Bank, so that a particular Minister can be designated with specific responsibility for the Savings Bank and be read as being the Minister with that responsibility in terms of the workings of the Act.

1780 It is self-explanatory. Hon. Members have seen this Bill published for some time now and I think it is very clear. As the explanatory memorandum says, the Bill amends the definition of Minister in the Gibraltar Savings Bank Act, as I have just set out.

1785 We are going to move some amendments at the Committee Stage in respect of other matters that will be dealt with, and I think the hon. Member who I have designated with responsibility under the particular directions under the Constitution to have responsibility for the Savings Bank will be tabling those amendments, Mr Speaker.

1790 **Mr Speaker:** Does any hon. Member wish to speak on the general principles and merits of the Bill?
The Hon. Mr Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

1795 The Bill is, as the hon. Member has just said, quite a simple amendment. My understanding of the Savings Bank Act is that the Minister, who previously would have been the Minister for Public Finance, has the ability to amend the rules of the Savings Bank, which of course is entirely right and proper if you have a Minister who is the Minister for the Savings Bank.

1800 Perhaps tongue in cheek I should say that there would have been no need to amend this legislation if in fact the Hon. the Chief Minister had made the Minister who is in charge of the Savings Bank the Minister for Public Finance, and then there would be no need for this Bill at all. But that is as it is, and perhaps in future he will consider that.

We have no problem with the Bill as it stands.

Mr Speaker: Does any other hon. Member wish to speak?

I call upon the mover to reply.

1805 The Hon. Mr Bossano.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):

1810 Clearly, Mr Speaker, the hon. Member who has spoken for the Opposition is so happy to see me in charge of the Savings Bank that he is willing to support the Savings Bank Act being changed to make it possible for me to be the Minister responsible, or alternatively for me to be made responsible for Public Finance, although I am responsible for the Savings Bank.

I must say that it has come as a pleasant surprise that he is such a fan of mine in the Savings Bank, given the apparent criticisms that he has of the Savings Bank to date. Maybe I am gradually persuading him and I am doing a better job than was previously thought.

1815 I am taking the opportunity – since I have now got formal responsibility, whereas before really it was delegated by the Minister of Finance to me – to insert a number of amendments at the Committee Stage, and I will explain the purpose of each of those amendments but I can tell the hon. Member that they are, in effect, dealing with some of the things that he has raised in the past.

1820

Mr Speaker: Does the Chief Minister wish to reply?

Hon. Chief Minister: Yes, Mr Speaker.

1825 The Hon. Mr Bossano is too long in the tooth for me to have to tell him to beware of Greeks bearing gifts! (*Laughter*) But given that there has been a tongue-in-cheek part to the intervention by the hon. Member, let me respond to him.

1830 The Minister for Public Finance has responsibility in relation to a number of pieces of legislation, and in some instances as Minister for Public Finance I will be retaining those responsibilities, but in some instances I believe it is appropriate to have the ability to designate a different Minister to do certain things, who may or may not also at any particular time be the Minister for Public Finance, the Chief Minister or otherwise. I could designate the Minister for the Environment to also be the Minister for the Gibraltar Savings Bank once this amendment is done, and that gives you the business efficacy in Government – (*Interjection and laughter*) You would not need to persuade me, Mr Speaker, by telling me that he is anything other than one of my most responsible Ministers, as they all are, and that he and Mr Clinton would go off and erect a huge monument to the 200th anniversary of the Alameda, if they were allowed to. (*Laughter*) But this gives business efficacy also not just to the business of the Savings Bank but to the business of Government in being able to designate a particular individual with responsibility for that particular area, without being stuck with a ministry that has all of those additional responsibilities already provided for.

1840

It is an exercise that was also done by the previous administration in some areas, and I think it is one which is useful to do when we are dealing with issues – because, for example, I have designated and I have said Mr Bossano under the Constitution to have that responsibility. He has

1845 it, but when it comes to making changes I would be the one who needs to sign documentation to
change the rules. We cannot change the legislation in that way, it requires the sanction of this
Parliament and that is why we have brought the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar
Savings Bank Act be read a second time.
1850 Those in favour? (**Members:** Aye.) Those against? Carried.

Hon. D A Feetham: Mr Speaker, can I ask for somebody to look into what I am about to say? I
have noticed during the course of proceedings this afternoon that every time Mr Clinton rises
and makes an intervention the camera on that television is on Mr Speaker, so Mr Clinton is ... I
1855 do not know whether there is a problem just with that particular monitor or whether people at
home are also seeing Mr Speaker when Mr Clinton ... I am just saying it because we are about to
move to the Bill on the public debt, which Mr –

Mr Speaker: Well, let's try it and see what happens.
1860

Clerk: The Gibraltar Savings Bank Amendment Act 2016.

**Gibraltar Savings Bank (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

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

1865 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the
Bill be taken today? (**Members:** Aye.)

**Public Finance (Borrowing Powers) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Public Finance (Borrowing Powers) Act 2008.
The Hon. the Chief Minister.

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an
Act to amend the Public Finance (Borrowing Powers) Act 2008 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public
Finance (Borrowing Powers) Act 2008 be read a first time.
1875 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Finance (Borrowing Powers) Act 2016.

**Public Finance (Borrowing Powers) Bill 2016 –
Second Reading –
Debate commenced**

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

1880 There is absolutely no attempt to keep Mr Clinton off anybody's television screen. I assume the hon. Member does not think I was conspiring to achieve that. He knows, apparently, according to him, that if I was conspiring to achieve it I would have ensured that it was *his* image that did not appear on television screens, so it must have been a gremlin.

1885 Mr Speaker, under section 3(1) of the Public Finance (Borrowing Powers) Act 2008 as it currently stands, the Government is not permitted to draw down or incur any additional public debts nor without the leave of the House by resolution draw on the cash reserves in a manner that will cause the net public debt after such borrowing or drawdown to exceed either £200 million or the lower of two formulas based on GDP and Consolidated Fund recurrent revenue. Those formulae are those set out in the Act as follows: namely, firstly, 40% of the gross
1890 domestic product; or secondly, 80% of the Consolidated Fund recurrent annual revenue.

Mr Speaker, in terms of the economy of Gibraltar today, the effect of those formulas means, in number terms, the following: in terms of 40% of the GDP and calculating the GDP as £1.8 billion, the 40% figure would be a maximum net debt of £720 million – we are nowhere near that figure and hon. Members know that in fact our target is even less than half of that
1895 figure, namely £300 million by the next Election and is predicted in the current estimates to reach £314 million by the end of this financial year, which will be by the 31st day of this month; and 80% of the Consolidated Fund revenue in the past financial year, which was £571 million, would have amounted to £457 million.

Mr Speaker, at £314 million of net debt, where we expect to be at the end of this month and
1900 what we are predicted to be at the end of this financial year, we are *very, very* well within the current legal limit of debt, so we are nowhere near hitting the legal limit of debt set out in the law as it stands, either based on the Consolidated Fund revenue position for the past financial year, which is relevant this year, or under the anticipated Consolidated Fund revenue position expected to be reported this year in the estimates that are presently being prepared. So this is
1905 *not* by any measure a law that is designed to allow a Government to borrow more because we might be close today or we might be close tomorrow to hitting the current legal ceiling of debt.

Mr Speaker, hon. Members will in fact know that the most recent occasion where Gibraltar has been close to hitting the ceiling of debt was at the time of the 2011 General Election. At that time, the then Financial Secretary, the distinguished and learned Dilip Dayaram Tirathdas had
1910 cause to write to me, as the newly elected Chief Minister, to advise that we would soon be hitting the borrowing limit ceiling unless we took measures to increase the ceiling. A resolution of the House would have been required to avoid the limit being hit and to allow further borrowing.

Mr Speaker, given that there are a large number of new Members on the benches opposite, I
1915 think I should set out clearly what the position was exactly at the time that we took over and how precarious it actually was. To do that, I need to explain to them that it is traditional for the Financial Secretary to prepare a note of the public debt position for any arriving Chief Minister after an election. That is not, of course, the most pleasant thing that happens upon winning an election for the first time but it is one of them, Mr Speaker. The Financial Secretary's memorandum giving me a snapshot of the public finances of Gibraltar as at 8th December 2011
1920 read as follows.

It was headed 'Position of the Public Finances of Gibraltar on 8th December 2011' and then went on to say this:

Under section 3(1) of the Public Finance (Borrowing Powers) Act 2008 the Government is not permitted to incur any additional public debt nor draw down on its cash reserves unless it is approved by a resolution of Parliament if this will cause: (1) net public debt after such borrowing to exceed either (a) 40% of Gibraltar's gross domestic product or (b) 80% of Consolidated Fund recurrent annual revenue; or (2) the annual debt service ratio, the ratio of annual debt interest payments to Consolidated Fund recurrent annual revenue, to exceed 8%.

Net public debt refers to aggregate public debt, i.e. the total amount of public debt owing to the Government, less Government's cash reserves, i.e. the Government's cash holdings in the Consolidated Fund and the Improvement and Development Fund. Aggregate public debt currently stands at around £519 million with cash reserves standing at around £234 million. Net public debt therefore stands at £285.8 million.

The latest figure of gross domestic product published by the Statistics Office is £954.1 million. This is in respect of the year ended 31st March 2010.

Consolidated Fund recurrent annual revenue for the last financial year ended 31st March 2011 is £382.7 million.

Annual debt interest payments, which are applicable to the current level of aggregate public debt, are at around

– this is an important figure –

Annual debt interest payments, which are applicable to the current level of aggregate public debt, are at around £21.3 million. The weighted average interest rate payable on the public debt is 4.1% per annum.

Applying these figures to the provisions of the Public Finance (Borrowing Powers) Act 2008, no new borrowing is permitted that would cause: (1) net public debt to exceed either £381.6 million, which is the 40% of Gibraltar's gross domestic product, or £306.2 million, 80% of Consolidated Fund recurrent annual revenue; or (2) annual interest on aggregate public debt to exceed £30.6 million.

Assuming interest on new borrowing at say 5% per annum, a further increase in aggregate public debt of £186 million would be possible. However, useable cash reserves stand currently at just £20 million.

1925 Mr Speaker, that was the position put to me by the Financial Secretary on the day that we were elected – at the close of business of 8th December 2011.

On 9th December, the election result was announced, we entered Convent Place and I took papers home to read for the weekend.

1930 By the following Monday, 13th December, the position had already worsened. By then, all my colleagues and I had done in Government was have a cup of tea, and this is what the Financial Secretary told me in a memo of that date, 13th December:

Public debt – proposed resolution to drawdown on the cash reserves.

Under section 3(1) of the Public Finance (Borrowing Powers) Act 2008, the Government is not permitted to draw down or incur any additional public debt nor without the leave of the House by resolution draw on the cash reserves in a manner that will cause: (1) the net public debt after such borrowing or drawdown to exceed the lower of (a) 40% of the gross domestic product or (b) 80% of Consolidated Fund recurrent annual revenue; or (2) the annual debt service ratio, the ratio of annual debt service payments to the Consolidated Fund recurrent annual revenue, to exceed 8%.

The aggregate of gross public debt currently stands at around £520 million and current cash reserves stand at around £230 million. The net public debt, i.e. the gross debt less the cash reserves, is therefore £290 million.

The Consolidated Fund recurrent annual revenue for the financial year ended 31st March 2011 amounted to £382.7 million. This leaves the cash reserves which are available for drawing down at around £16 million

– four days later, £16 million –

382.7 x 80%, which equals £306.6 million less £290 million.

In order to fund the Government's ongoing capital expenditure ...

I need to pause there in reading the Hon. Financial Secretary's memo. That was, hon. Members will want to recall, GSD capital expenditure. We had just been elected. There were capital projects that were still ongoing under the former administration.

and in order to give the Government the necessary flexibility in the implementation of its economic plan, I recommend that a resolution be passed in order to enable the Government to draw on its existing cash reserves.

1935 Mr Speaker, the diligent Mr Tirathdas had even gone to the length, I am happy to inform the House, of attaching the necessary draft resolution, which would have provided as follows:

This House approves the resolution pursuant to section 3(1) of the Public Finance (Borrowing Powers) Act 2008, giving leave to the Government to draw on its existing cash reserves.

1940 That was the resolution that he prepared, Mr Speaker. My Government decided not to bring that resolution, but before Members opposite pretend that it was not necessary because what I am saying is not correct, they need to remember the statement from their former leader at the time of the ceremonial opening of Parliament in 2011, when the man sometimes known to them as the greatest Gibraltarian of all time said that he would support us in bringing such a resolution, thereby demonstrating that it was necessary. Mr Caruana actually specifically said that the GSD would support the new Government in any parliamentary approval that might be required for additional borrowing.

1945 But that was not the only time that the GSD had taken Gibraltar to the brink of hitting the debt ceiling. The previous occasion when the ceiling was almost hit was in 2009 when the last amendment was made to this legislation, also by the GSD.

1950 Dealing with that law as presently in place since the last GSD amendment, Mr Speaker, a further restriction on the level of permitted public debt prescribed under the Act is that the annual debt service ratio must not exceed 8%. This means that the annual debt interest payment divided by the Consolidated Fund recurrent annual revenue must not exceed 8%.

Mr Speaker, this Bill seeks to amend the Act in order to provide the Government with additional flexibility in the management of the public debt.

1955 Let me be clear about that purpose: *we are not here looking to amend the law because we need to increase borrowing*. We are proposing these changes in order to provide additional flexibility so that we can get a better deal for Gibraltar when it comes to the borrowing already in place and to allow Governments of whatever political complexion to take future borrowing based on the size of the economy's growth and taking the sum of £300 million as the benchmark, given that that is the sum set out in our manifesto as the target to which we will get our net debt by the next General Election.

1960 As hon. Members are aware, the public debt is currently made up of £200 million of commercial bank loans which mature within the next five years and around £250 million of very short-term Government debentures. There is therefore a clear need to increase the maturity profile of the public debt.

1965 There is also a great opportunity, with the current low level of market interest rates and the availability of low-cost finance, for the Government to secure medium to long-term financing at *historically low levels of interest rates*. Indeed, an article in *The Times* of London two weeks ago set the position in context, stating that the British Government has never been able to borrow at rates as low as those available today. I think they are the lowest in three or four hundred years, Mr Speaker. Two Saturdays ago, the *Financial Times* set out an even clearer statement of the position by reference to the possibility that emerged beyond the negative interest rates already on offer in some places, referring to the potential for helicopter cash to be provided by financial institutions to their clients.

1975 Indeed, Mr Speaker, the House will want to note that gilt rates have only been lower than they are now on 28 days out of the last 10 years. That illustrates that this is a historic low in interest rate terms and that we are at a juncture at which we must have the flexibility to reorganise the nation's borrowing in a manner that is designed to take full advantage of these opportunities for the taxpayer. Our common shareholders would expect nothing less.

1980 The Government therefore considers that the time is now right to embark on the restructure of the public debt with the aim of having longer-term financing in place and at a considerably lower cost than is the case today. Indeed, Mr Speaker, it would be highly irregular for us not to make the most of the opportunity that presents itself to us. In fact, it would not be prudent for us not to take advantage of these historically low rates and it would be *very* imprudent to continue to borrow at higher interest rates than those that might now be available for us for longer and fixed terms. Indeed, it would only be bankers, Mr Speaker, that would stand to gain

1985 from us continuing to pay on old rates without seeking to improve the performance of our
borrowing. The public debt needs to be more stable and with a wider base of funding sources. It
needs to be made up of both medium and long-term borrowing and it needs to be at a much
lower cost per pound borrowed.

1990 Mr Speaker, this Bill seeks to amend the Public Finance (Borrowing Powers) Act 2008 to
provide the Government with the flexibility that we require in order to do this. The amendment
ensures that a prudent level of maximum public debt is maintained at all times, whilst ensuring
that the maximum level of permitted public debt remains responsive to the growth in our
economy.

1995 We may not need to rely on this amendment in any way, Mr Speaker, and we expect that we
will not need to, but we do have to create the flexibility in case the ability to take advantage of
the historic low rates does mean that we need to take the public debt option of increasing the
net debt, even if for a short period. We obviously have to consider all the opportunities that are
now becoming available and we are reviewing all the options in the market in order to take
maximum benefit for the taxpayer.

2000 Having said that, in fact it would be wrong for any Member opposite to argue that this
amendment in any way or in some way delinks the debt from the annual recurrent revenue. In
fact, the link is maintained. The Act will continue to provide, in section 3, that the annual debt
service ratio must not exceed 8%, thus maintaining the link with Government revenues and
ensuring that servicing costs of gross debt remain affordable at all times. We consider that this is
2005 an important link to the ability to service our debt at all times and we believe that it is a link that
should be maintained. And the link is maintained at a very prudent level indeed. We are not
raising the 8% provision at all; we are maintaining it at the level at which it is today and at which
it was set by the GSD when they were in office.

2010 Indeed, Mr Speaker, the naysayers out there who like to try and pretend that our borrowing
is at a level which is anything other than entirely prudent have the huge difficulty to contend
with that very few nations or households can boast a debt servicing ratio as low as 8% to
national recurrent revenue or household income. And, as any householder will tell you, that is
undoubtedly the most prudent way to calculate whether or not you have borrowed too much.

2015 As in every other analysis done in good faith, we can show that in fact our borrowing is at
very prudent levels, and by this measure in particular people will be able to see for themselves
that we can more than service a debt which amounts in interest terms to no more than 8% of
our annual recurrent income. In number terms, that means that our interest payments per
annum cannot exceed £44.7 million, and they do not, Mr Speaker. In fact, the annual debt
servicing cost is currently approximately £20 million. Hon. Members will recall that I gave them
2020 the figure for what it was in 2011 when we took over: it was £21.3 million then, Mr Speaker.

2025 The other important link to the size of the economy, which we of course intend to maintain
and is maintained by this amendment, is the link to the GDP. The maximum level of net public
debt will therefore also continue to be restricted to 40% of the Gibraltar gross domestic product,
thus ensuring that the net public debt remains at a prudent level but in a way that is also
responsive to the needs of our economy.

Mr Speaker, just to set that aspect of the formula in context, I remind the House that the GDP
has increased from £1.1 billion to £1.8 billion in the past four years alone. It is expected – it is
projected, in fact – that the GDP will rise further to approximately £2.4 billion in the next four
years. As a result, we expect that our economy will, in effect, have grown by 118% from the time
2030 that we took over. Our net debt, however, will have increased only by 4.8%, from the amount
that we inherited of £286 million to our target of £300 million, by the date of the next election.
Those are ratios to be very proud of indeed.

2035 Mr Speaker, the amendment also provides for the minimum level of permitted net public
debt calculated as a fixed sum and not with regard to the formula to be increased from
£200 million to £300 million. Although this may have no practical effect at present, in view that
our public debt already exceeds this amount and that the other two measures outlined currently

provide for a higher level of maximum public debt, the Government has considered it prudent to retain this minimum threshold, especially in view of our declared target of net public debt for the end of the next four years.

2040 Mr Speaker, it is worth reminding ourselves that the net public debt of Gibraltar was £100 million until 2008. Then the GSD changed the limit, or the legal ceiling, by 100% to double, namely £200 million. It is important that the House notes that point. I therefore want to emphasise that we saw a 100% increase in the maximum ceiling of debt in 2008 by the
2045 introduction of the borrowing powers legislation which is before the House today for amendment – and I hesitate to remind hon. Members that we supported that motion, Mr Speaker. We supported the 100% increase in the net public debt which hon. Members brought in – the debt, rather, because it was then in gross terms. And let's be clear that that was the GSD Government's position.

Just one year later, Mr Speaker, in 2009 – one year later – the GSD came back to this
2050 Parliament and told us that they had once again to change the debt ceiling. In just one year they came back to change the criteria again, and so therefore in 2009 the proposal from them was to move away from a formula based on gross debt to a formula based on net debt – I believe on both occasions with our support, Mr Speaker. So the debt went from £100 million in 2008 to £200 million under the GSD, and that was not enough, and within a year, in 2009, the GSD
2055 needed more and came back to Parliament to increase the debt again and change the formula from a gross debt formula to a net debt formula.

By the time that we took over the administration of our nation's affairs, on 9th December 2011, the net debt had increased to £286 million. That amounts to a net debt increase of £186
2060 million, from £100 million at the time of the 2007 General Election to £286 million by the time of the 2011 General Election. That amounts to an increase of 186% in net debt terms under the GSD between 2008 and 2011. To be clear, that means that net debt was then, under the GSD, 26% of the GDP of our nation of £1.1 billion, and I am giving them the benefit of that figure, being the figure for that year.

Since then, we have seen our net debt increase under our administration with a target of
2065 £314 million by the end of this financial year in 29 days, Mr Speaker – £314 million in the next 29 days. The ratio of net debt to GDP will then be 17% net debt to GDP ratio, down from 26% when the GSD left office – 17% of £1.8 billion, 26% of £1.1 billion.

As a result, Mr Speaker, the position by the end of this financial year will be that the net debt will have increased from £286 million under the GSD to £314 million, an increase of only 9.8%, in
2070 the time since we took over: 9.8% in four and a half years – not bad, compared to 186% in four years. A less-than-10% increase in four years and three months, Mr Speaker, and by the end of the lifetime of the Parliament the result will be even healthier with a GDP to net debt ratio of 12.5% as we project.

I therefore come to the House safe in the knowledge that we have therefore been able to
2075 show that the management of our nation's public finances is more than safe in our hands. That is what our nations shareholders decided in our General Election late last year, less than 100 days ago.

By bringing this Bill to the House we are giving effect to the will of the people that we should continue our prudent management of our public finances in the manner which they so
2080 overwhelmingly approved at that said General Election and setting the target of £300 million set out in our manifesto and chosen by the people as the maximum possible net debt if the other formulations produce the results, as well as allowing through this Bill also the flexibility necessary for the prudent management of our nation's affairs to continue and to be better structured.

2085 Mr Speaker, I commend the Bill to the House and I have no doubt everyone will want to support Gibraltar paying even less interest. (*Banging on desks*)

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

2090 The Hon. Mr Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

First of all, I would like to place on record that I have the utmost esteem for the Financial Secretary, given that the Chief Minister stated in answer to oral questions:

I want to make it clearly understood that the Financial Secretary has not felt any need to give any views to suggest a proposed change should not be made. In fact, it would be surprising if he had, given that he proposed the change in question should be made.

2095 Mr Speaker, I do have a problem with the change proposed.

I am grateful to the Chief Minister for having through the memos from the Financial Secretary of 8th and 13th December.

2100 The first point I would like to make is, as he himself has said, that the net debt when he took office was £285.8 million – or £290 million; we will take either number. What he omits to say, and in answers to questions this afternoon, is that the net debt as at 1st January 2016 is now £415 million. Mr Speaker, he has got to find £100 million in the next three months to bring it down to £314 million.

A Member: Three weeks.

2105

Hon. R M Clinton: Well, three weeks – I do not know what the position is now, unless he is telling me that is the position today. (*Interjection*)

Thank you, Mr Speaker.

So far, I have not actually heard a cogent reason for increasing the borrowing limits.

2110 If the Chief Minister is relying purely on the advice of the Financial Secretary, I refer him back to the memo of 13th December and the section at the end which he did not read out. It was an explanatory note which the then Financial Secretary suggested should accompany the motion, and in it he said:

The Government intends to bring a Bill to the House early in the New Year in order to amend the Public Finance (Borrowing Powers) Act 2008 to provide for the Government's borrowing levels to be measured and controlled in future on the basis of a maximum level of gross debt, rather than net debt. It is the maximum gross debt that the Government considers to be a clearer measure of our national debt as well as a better measure for comparison purposes with other countries. The gross level of debt of Gibraltar –

– as he writes then –

is currently £520 million and the Government is committed to bring this gross debt level down significantly during its first term of office.

Now, Mr Speaker, we all know the Government failed in that attempt.

2115 What I am trying to say is that the Government obviously did not bring this resolution to the House, so it does not follow automatically that whatever the Financial Secretary suggests is followed by the Chief Minister.

2120 Furthermore, from his contribution I seem to deduce that the reason he is giving for this increase in the limit is in order to refinance the Government debt. It is important to note that of the Government debt he says £200 million is bank financing, which I believe Mr Mena only just refinanced the NatWest facility of £50 million only recently at a favourable rate. I remember the Chief Minister congratulating him profusely, and I too congratulated him. What the Chief Minister fails to point out is that £250 million, or thereabouts, of that Government debt is in fact Government debentures which are held by none other than by the Savings Bank. And in answer to questions in the last Parliament – I refer to the Written Answer W11:

2125

As at 1st December ... the aggregate public debt which comprises Government debentures had no maturity date and at 6% p.a. interest.

2130 Six per cent. So the Government is paying 6% to the Savings Bank, which is obviously how he is generating reserves in the Savings Bank and paying the 5% interest. I fail to see how an increase in borrowing limits is going to allow him to refinance at least that element of the public debt. And the other element of the public debt, which is NatWest, was only recently renewed, with the success of the Financial Secretary, but that remains the under £150 million with Barclays Bank. I still do not see why you would need to increase the borrowing limits if all you are doing is renegotiating interest rates at what are historically low levels.

2135 So, Mr Speaker, in terms of the arguments which the Chief Minister has put so far, I find nothing of substance. All I have heard so far are lots of statistics, which are great but they do not address the issue.

Mr Speaker, the Bill we are debating today is of critical importance to the financial stability of Gibraltar and is yet fundamentally flawed in its conception for the reasons I propose to explain.

2140 *Non plus ultra* was a warning that all ancient mariners would be familiar with as they approached the Pillars of Hercules. Put quite simply, it meant there was nothing further beyond and to venture through the Straits of Gibraltar was both foolhardy and reckless.

2145 And so it is with the formula adopted in the past to control Gibraltar's net debt limit, which is meant to mark the boundary between the safe and unsafe, prudence or perdition. That limit, as it stands today, is derived by the application of formulae, namely, as the Chief Minister has already said, net debt not to exceed the high of £200 million or the lower of (a) 40% of Gibraltar's gross domestic product – i.e. I took £1.6 billion, he has £1.8 billion, I would arrive at £657 million, he arrives at £720 million, both numbers are still higher than at present; or 80% of Consolidated Fund recurrent annual revenue – 80% of £571 million giving us £457 million, that number we both agree on; and (b) the annual debt service ratio not to exceed 8%. Assuming 8% of £571 million, that would give you £45 million notional interest cost, and if you grossed it up it would give you a gross debt of about £750 million, assuming interests costs of 6%. Obviously, the interest cost is much lower if you can get it at negative rates – I guess you can have an infinite amount of debt.

2150 Any additional borrowing that would cause the above limits to be exceeded would require a resolution of the House. The current net debt limit, as we have said and agreed, is £457 million.

2155 Mr Speaker, it would serve us well to remember the origins of the formula. The Hon. Joe Bossano, in his 2015 Budget speech, gave us a very good history of the setting of the debt limits in 2008 after the new Constitution in 2006. He said, and I quote:

The Public Debt of Gibraltar was first limited at a finite figure of £100 million, and this was changed by a formula which happened to be what the Foreign Office requires the other colonies to adhere to and which we have chosen to apply voluntarily.

2160 Thus, Mr Speaker, the debts formula is effectively considered to be the best practice, if not the legal requirement, in other Overseas Territories of the United Kingdom. In the FCO White Paper dated June 2012 entitled 'The Overseas Territories: security, success and sustainability' the following two key statements were made in respect of maintaining sound public finances. Firstly:

The UK Government expects Territory Governments to manage public finances sustainably and takes a close interest in this because it is an important part of good governance.

And secondly:

The UK Government and some Territory Governments have agreed Borrowing Guidelines, which provide a disciplined framework for managing public finances and a valuable commitment to sustainability.

2165 Going into more detail in respect of the borrowing of financial reserves of the 14 Overseas Territories, including Gibraltar, the FCO went on to say, on borrowing:

It is important for Territory Governments to keep borrowing under control. The need to exercise discipline on borrowing is particularly important to ensure the economic resilience of the Territories because of the structure of their economies and the limited macroeconomic tools available to Territory Governments.

And further, on financial reserves:

Building financial reserves during good economic times is a particularly important contributor to economic resilience. A healthy level of reserves helps Territories maintain public services and capital expenditure throughout the economic cycle and creates room for counter-cycle cyclical fiscal policies.

2170 Mr Speaker, all this may sound like common sense, and indeed in it we can recognise a reference to the Hon. Joe Bossano's prudent and sensible rainy day fund. But the Government is neither being prudent in increasing our borrowing levels nor is it building up cash reserves for maybe difficult times ahead. What the Government is currently doing makes no sense.

2175 The amendment proposed in the Bill to the formula seeks to remove any reference to recurrent revenue and instead rely on the levels of GDP to determine borrowings in a measure that is evidently running contrary to the guidelines given to other Overseas Territories as good practice. Indeed, we can learn a lot from the experiences of our distant cousins in other territories such as the Cayman Islands and Bermuda.

2180 In the Cayman Islands the finances became so dire that in November 2013 the Cayman Islands had to agree a so-called 'framework for fiscal responsibility' with the UK Government. This required the Cayman Government to pass into law the Public Management and Finance (Amendment) Law 2012. This law makes for sober reading in that changes to the framework require the permission of the UK Secretary of State. Among many conditions and targets for public spending and borrowing are the following items of interest in annexe A of the legislation. Firstly, borrowing is deemed to include the following:

conventional borrowing from commercial and concessional institutions;
the capitalised value of all alternative financing transactions (including PFI/PPP arrangements) that will place future financial obligations (in terms of increased expenditure or reduced revenue) on the Cayman Islands Government;
the risk weighted debts and PPP/PFI arrangements of statutory authorities, government corporations and companies;
borrowing that is contracted by the Cayman Islands Government, but then on-lent; and finally any other debt guaranteed by the Cayman Islands Government.

2185 Mr Speaker, I would challenge the Government to adopt the above definition and then perhaps we would have a true picture of Gibraltar's indebtedness, including the £400 million in Credit Finance. (*Banging on desks*) (**Several Members:** Hear, hear.)

2190 Mr Speaker, if the above definition was not enough to put a strait jacket around the Cayman Islands Government, then secondly the borrowing limits were defined as the following: net debt not to exceed 80% of operating revenue; the debt service ratio to be 10% maximum operating revenue; and a new requirement, which we have not even mentioned up until now, is a liquid assets requirement of at least 25% of operating expenses – meaning they would have to keep 90 days' cash in reserve.

2195 Mr Speaker, note that in the limits agreed by force of circumstance between the Caymans and the UK in 2011 there is no longer any reference to a percentage of GDP for net debt, and in fact a new requirement in respect of liquid assets has been introduced. The Caymans will require to be within the limits by 2015-16, this financial year. If Gibraltar introduced a liquid assets test we would be required to hold at least £130 million, being 90 days' expenditure in the cash reserves as opposed to the £16.6 million at 1st December and the new number £30-odd million as at today.

2200 The Members opposite may well argue that the Caymans is an extreme example of what can go wrong when public finances are badly managed. (**Hon. D A Feetham:** Hear, hear.) However, let me now turn to the case of Bermuda.

2205 Bermuda has not had any conditions imposed upon it by the UK, but the Bermudan Government is painfully aware of the weak fiscal position they are in. They have a direct debt of around \$2 billion and a recurrent budget deficit. The Government of Bermuda has set itself a target of reducing debt and debt service to less than 80% and 10% of revenues. In the past the Government have committed to setting aside a fixed percentage of a standing debt into a sinking fund, but even this has not been enough. In their 2016 budget statement, the Finance Minister, the Hon. E T Richards, was quoted as saying:

We must get to grips with the deficit and debt problem because they stand between us and a secure future.

2210 Mr Speaker, he could not have put it more clearly, and that is the warning for any other similar-sized territory, like us.

2215 The Government of Bermuda are taking responsibility for their predicament, and in fact they have gone so far as to commission an independent panel on fiscal responsibility to report to their Parliament on an annual basis as to progress towards their set targets. The panel's first report was published in December 2015 and I consider it to be worthy of Members' attention, and to that end I have placed a hard copy of this report in the Parliament's ante-Chamber for their convenience, to read when they get a chance. If not, you can get it from their website. (*Interjection*) It is there. I can hand deliver it to you – silver service!

2220 This report is important in a number of areas: firstly, it helpfully provides a debt limit comparison table with other jurisdictions, including Gibraltar; and secondly, it gives an opinion on the suitability of net debt to GDP as a target limit.

I will quote briefly from their executive summary and the body of the report. This is what the panel of experts had to say. I quote:

The debt and debt service to revenue targets are the important ones for Bermuda. We therefore

– I pause here –

suggest dropping the debt to GDP target, but if it is to be retained it should be considered at a consistent level – of around 15%.

Mr Speaker, Bermuda's current debt to GDP ratio is around 38%.

In discussing debt to GDP ratios, the panel of experts noted, and I quote:

Debt/GDP is a conventional measure used for larger economies, with GDP giving a measure of the taxable capacity of an economy and hence of a government's ability to service its debts. Debt and debt service to revenues are however in some ways more appropriate measures of fiscal sustainability for jurisdictions like Bermuda with low levels of taxation, with significant sections of the economy that are difficult or impossible to tax at a much higher rate, and which cannot afford the pressure that high expenditure on debt service puts on finance for government services.

2225 And so, Mr Speaker, if this was my A-level pure maths homework, I would now be confidently writing 'QED' in having proved that linking debt limit to GDP is neither current nor good practice for jurisdictions and economies the size of Gibraltar.

2230 The Government's proposed amendment to the Public Finance (Borrowing Powers) Act 2018 can now be seen to be contrary to good government and financial management in that rather than abolish the limit link to GDP and keep the limit link to recurrent revenue they are proposing the exact opposite. Abandoning the link to recurrent revenue will mean that automatically the net debt limit will increase from £457 million to £657 million on my calculations. Although there will be a higher number on his calculations, I reckon there will be an increase of at least £200 million.

2235 Mr Speaker, in examining the reasons as to why the Government are seeking to introduce this amendment, let us first of all dispense with one urban myth the Government are trying to promote, namely that it is a manifesto commitment; and nor is it, as per *The New People* headline on 7th January 2016, a 'tidying of debt'. This is pure spin to cover up a dangerous financial situation.

2240 The GSLP Liberal manifesto makes no mention of amending the borrowing limits – in fact, quite the opposite. I quote:

Nett debt will be targeted at £300m for the end of the next 4 years, well below the maximum limits of the ratios provided in the law of 80% of revenue and 40% of GDP.

They also stated, and the Chief Minister has confirmed today, that a target for 31st March 2016 is that net debt should be £314 million, in line with the 2015-16 estimates. If this is the case, then the Government will have £143 million headroom before reaching the 80% recurrent revenue limit of £457 million.

2245 In the Government's Press Release No. 6/2016 of 6th January they state, and I quote:

The ratio of 80% of revenue for limiting the size of the debt is removed because it has the effect of restricting the debt level, even when it is comfortably below the other two criteria, and exposes the Government to unexpected fluctuations in income.

Mr Speaker, as I have already discussed, is it the ratio of debt to revenue that is the proper measure as to affordability, (**Hon. D A Feetham:** Exactly.) and if revenue is dropping, so should our borrowing capacity. It is tantamount to applying for a credit card limit increase when you know your income is set to fall.

2250 Given that the Chief Minister has avowed he does not intend to increase net debt by £200 million or borrow any other amount, then what can be the real reason for this move now? Again, I am grateful for *The New People* – which I read avidly, as the Members opposite will know (*Interjections*) – who wrote on 7th January 2016:

The current law requires that debt be no more than 80% of recurrent revenue. This means if recurrent revenue falls, the debt, which is manageable and the interest on which is easily payable, could suddenly be rendered illegal. A fall in recurrent revenue could come at any time from a reduction, for example

– and I quote them –

A reduction in import duties.

2255 Mr Speaker, this raises two interesting points. Firstly – and I hope the Chief Minister is taking notes – has the revenue actually fallen that much, such that for the year starting 1st April 2016, i.e. financial year 2016-17, the net debt limit will be so much lower? On the projected net debt of £314 million on 31st March 2016, for this to be a breach of the 80% limit to recurrent revenue, then revenue would have to drop from £571 million in 2015 to £392.5 million in 2016.

2260 That would be a decrease of £178.5 million, or 31.3% year on year, which would by all accounts be catastrophic. If this is indeed the case, I would expect the Government to issue an emergency statement to this House. On the other hand, if net debt is not decreased to £314 million on 31st March, then one can only speculate as to what the Government's intended level of debt would be that would cause a breach of the limit.

2265 The second point on the commentary in *The New People* which is of interest is that net debt going above the 80% of revenue threshold does not, from a reading of the current Act, as I have been advised, automatically make the debt illegal. Existing debt accumulated at a high-water mark of revenue, so to speak, is not rendered of itself illegal. What it does mean is that if the Government sought to raise additional borrowing it would need to seek the resolution of

2270 Parliament to do so.

Mr Speaker, I have sought to demonstrate, as I said at the opening, that the proposed Bill is flawed. It is flawed because the set borrowing limit is based primarily on GDP only, which is not prudent or best practice; and also, because if its aim is to protect against fluctuations in income, it is unnecessary as the high water mark debt level would not of itself be rendered illegal.

2275 Mr Speaker, if I may now perhaps turn to a more positive contribution, I would urge the Government to follow the recently issued advice on how to deal with debt issued by their own Citizens' Advice Bureau. Their top two tips are as follows: (1) don't bury your head in the sand – dealing with debt problems is easier the smaller they are to take action before they start to spiral out of control (**Hon. D A Feetham**: Yes!); (2) think very carefully before you take out more credit or a loan to cover your debts. This is sensible advice.

2280 The Government should start planning now to reduce its debt burden rather than make it the next generation's problem. To this end, I would suggest the Government continue with its sinking fund but do so in a disciplined manner with a set percentage set aside, as the Government of Bermuda have done.

2285 To this end, I wrote to the Chief Minister on 17th February proposing an amendment to the definition of net debt in the Public Finance (Borrowing Powers) Act 2008 to include the balance of any special sinking fund created specifically for the repayment of public debt. Unfortunately, I have not had sight of his response letter but no doubt he will enlighten us in his reply. This would avoid, in my view, the perverse inequity of cash balances in any debt repayment special fund not being taken into account when calculating Gibraltar's net public debt.

2290 Mr Speaker, this Government needs to realise that it has a fiduciary duty to the people of Gibraltar in the management of its public finances. History will not be kind to any Government that fails in that duty and leaves Gibraltar on the road to perdition. It is a dangerous road that this Government embarks Gibraltar on by its proposed amendment. It is a fiduciary duty owed by the Government itself and not any public servant.

2295 The Hon. Chief Minister indicated, in answer to a question, that the suggestion comes from the Financial Secretary, but his answer has not explained why the Financial Secretary may have made this suggestion. Is it because of the desperate need for money to pay outstanding debts or pay Gibraltar's way and this is the manner in which he suggests the issue can be resolved immediately? If that is so then, first, the responsibility still lies with the Government for that political decision, and secondly, it still lies with the Government, having placed Gibraltar in the invidious situation that requires more debt. The issue should be revisited to avoid a Bermuda or Cayman situation developing in Gibraltar with all the adverse consequences that would have, including our unique issue with Spain.

2300 So, Mr Speaker, in conclusion, if the Government insists on increasing the net debt threshold in the manner it proposes, then for the reasons I have given and outlined, it will be, regrettably, without the support of Members on this side of the House.

Thank you, Mr Speaker.

2310 **Hon. D A Feetham**: Hear, hear. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute to the debate?

Hon. D A Feetham: Does anybody on that side want to before I ...?

2315

Mr Speaker: Apparently not ... except the Hon. Mr Bossano.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I will not deprive the Leader of the Opposition of hearing me, since he is so anxious to do so.

2320 Mr Speaker, the history of the introduction of this is that it was brought to Parliament in 2008 by the GSD, who, like most of the things that they did, presented it as the best thing since sliced bread and said that they were being more prudential than anybody else anywhere else and that

2325 this was a wonderful way to proceed. Indeed, when we were debating this I had misread the provision and I thought that the ceiling that was being put prevented the debt from reaching
2330 £200 million, and I said so in my contribution. The then Chief Minister said, as if he had caught me out, 'Ah! Then what the hon. Member is saying is that he would support us to have more,' and I said, 'Yes, I would support you to have more. I think it is wrong to put constraints on the ability that you have got to borrow if you have got an opportunity to borrow money and invest and do something that is productive and creates growth and jobs and activity.' At the end of the day it is not so much what you borrow but what you do with it when you have borrowed it that matters, and that has always been the analysis that I have made as an economist.

2335 Having said how wonderful it was to control the gross debt, within 11 months they found themselves in breach of the law that they had brought. So all the arguments they had put in 2008 were all rubbished in 2009, and now the correct thing to do was to bring the control on to net debt. But having brought it to net debt, in 2010 they found themselves in breach of the net debt and they invented a number of things in the changes that they made to the estimates. Many of them were by creating expenditures which were revenues. That is to say they suddenly discovered, for the first time since 1704, in 2010 that the Government should be paying rates to itself on all Government buildings. So, suddenly, the expenditure of the Government goes up by
2340 say £10 million, the revenue now goes up by £10 million, and now you can borrow £8 million because you have got £10 million more revenue. They then discovered that having taken out of the Government Consolidated Fund a number of agencies, authorities and entities, this was not transparent, so they legislated retrospectively – not in order to increase the debt but in order to be transparent – for all the things to be included, so that now, instead of, for example, the £50
2345 million of Social Insurance money going to the Health Authority as it used to do, it first goes into the Consolidated Fund and out of the Consolidated Fund – and now you can borrow £36 million.

2350 That is just simply to illustrate to my opposite number, the Hon. Mr Clinton, who is a recent arrival in the GSD, what the GSD standards of prudence and manipulation of numbers was, because the reality of the situation was that they had created a rod for their own back.

2355 The hon. Member has quoted what the Foreign Office has told the Cayman Islands they must do. Of course, this is the modernised, non-colonial relationship of the Cayman Islands with London. (*Interjection*) Well, according to the United Kingdom when they speak in the UN they say all their territories are modern non-colonial relationships.

2360 I can tell the hon. Member the relationship with Gibraltar was changed way before the Constitution was changed. It was changed in 1988, because the first time that I was told the Financial Secretary has to go to the Foreign Office to get permission to increase the public debt I said, 'The policy of the Government is very simple: if we need the permission of the United Kingdom, then I want a letter in writing saying that they guarantee and underwrite my debt, in which case I can now borrow at UK rates and not at Gibraltar rates. I get charged more, as
2365 Gibraltar, than the UK does precisely because they will never say in public what they are implying in private, that there is a contingent liability. They want to use the contingent liability to control what we borrow, but they do not want to admit to it because then, in effect, it would give us an advantage.'

2370 Obviously, none of the other colonies did what this colony did, and they decided that the question of what we could borrow or what we could not borrow did not really apply to us, and this was under the 1969 Constitution in 1988, never mind under the 2006.

2375 So I think what the United Kingdom says to its colonial territories has to be taken with a pinch of salt because they do not apply it to themselves and they do not apply it to Jersey, Guernsey or the Isle of Man. They do not tell anybody in Scotland or Northern Ireland there has to be this ratio to revenue. Indeed, their ratio to GDP is now 84%. The requirement by the European Union for joining the single currency, the euro, the Economic and Monetary Union criteria set out for the first time was that it should not exceed 60% of GDP. Nobody in Europe meets that criteria now, except Gibraltar. In the third economy in the world, Japan, the GDP to debt ratio is now 225% and will soon hit 240%. If these economies had links to revenue they would be, in effect,

2375 bringing about a deflationary policy on the economy, and in our case the one thing that
 changed, which makes the ratios even more of a straitjacket than they were by definition, is
 what was done by introducing the 10% tax rate, because now we have a situation where, if we
 say – as indeed the GSD did when they brought somebody from the UK, from the London School
 of Economics, to say that a debt to GDP ratio of 40% was very low ... Well, look, if it was very low
 2380 then it must still be very low now. We can always pay the same guy who said it for them to say it
 for us. I hope the price has not gone up because inflation is only 0% at the moment.

The point is, of course, that if you have got an economy that is growing predominantly by
 private sector growth ... If the hon. Member looks at the figures that the Leader of the
 Opposition asked me for recently, about the different elements, he will see that the biggest
 2385 element in the growth in the last few years has been the growth in company profits. When the
 company profits go up by £100 million the GDP goes up by £100 million but the revenue of the
 Government goes up by £10 million. If that is the relativity between Government revenue and
 private sector generated economic growth, in effect what you can guarantee is that if you keep
 the 80% of ratio revenue what you are saying is forget the 40% because you will never be able to
 2390 reach the 40%, which is not considered to be a dangerous level, has never been considered by
 anybody else in Europe. The level in Europe is 60%. Everybody is above 60%. We are below 40%
 and we are never going to get above 40%. But in any event, de facto the 80% ratio, if the
 economy is growing, will create a situation where that 80% may start being the equivalent of
 35% of GDP and then it will be 30% of GDP and then it will be 25% of GDP, because one of the
 2395 components of the formula is growing at 10% and the other one is growing at 1%, because the
 tax ratio is one tenth of the company profits and the company profits are the biggest element in
 the GDP growth.

Therefore, he is right in saying, ‘We don’t need it: why are we doing it?’ Well, we are not
 doing it because we need it; we are doing it because it is a stupid thing to have there, which
 2400 creates an unnecessary constraint and it serves no useful purpose other than to say if you have
 got a ratio of 80% of your revenue you might as well scrap the other two. All he has to do is look
 back and he will find that the ratio that has limited the debt always has been that 80%, and it
 has limited it because it is ill-conceived, because it only exists in the colonial territories that had
 it imposed on them by the Foreign Office, which does not impose it on itself.

If the Bank of England or the Foreign Office or the Treasury in England thinks it is such a good
 idea and so prudent, why don’t they try doing it to themselves? Why do they do it to the people
 who have no choice? Because it is typical of them that what they are doing is not saying ‘this is
 what you need to do in your economy’; it is ‘this is what you need to do so that I am safeguarded
 from a possible cataclysm in which I might have to spend my money to rescue you – so I don’t
 2410 give two sods whether you guys in the Cayman Islands have got unemployment as a result of
 this ridiculous rule or you are unable to do things unless you raise taxation and drive away
 customers, all I am concerned with is protecting my own back.’ That is what that rule is for. And
 of course, since they have tried it even when they had the theoretical power to do it in 1998
 with me and I am still around, I do not suppose they want to have another go at me, so they
 2415 have never suggested that we should do it. And, of course, nowadays, in any event, they have
 finally come around to accepting that we know how to run our house, that we do not need
 anything from them, that we do not want anything from them and that we do better in the
 running of our economy than they do with theirs, (**A Member:** Hear, hear.) and anybody else is
 doing in Europe.

I think, Mr Speaker, therefore, that in the position that I have explained, the fact that we are
 doing away with this measure is not driven because we want to borrow more and we cannot; it
 is because it is a measure that makes a nonsense of the criteria that everybody else uses in
 Europe, other than in the Caribbean territories that are British colonies – in the other Caribbean
 territories it does not apply – and by the measures and the standards of the rest of Europe the
 2425 40% is considered very conservative, and by the measures of the GSD in government they
 proclaimed that the 40% was very conservative and they spent money bringing somebody from

the London School of Economics as evidence that they were right, that 40% was a very conservative ratio. They did not make any reference then to the 80% of revenue.

2430 The 8% of revenue is remaining because there is logic to that. The hon. Member opposite has mentioned that other people are setting the standard at 10%. Well, look, if you are spending one twelfth of your income in having to pay the interest of the debt, that is high enough as far as I am concerned and it should go no higher than that. And, of course, that in itself is vulnerable if you go into debt at floating rates, because you can be borrowing ... Everybody is now talking about negative rates, never mind low rates. I think we are in an economic situation globally for 2435 which there are no precedents, and it is very difficult to predict the future because this is a cycle that is supposed to have ended some time ago and we seem to be entering now the beginning of another cycle without having come out of the last one. In those circumstances everybody seems to be convinced that the lack of demand and the failure of all sorts of different fiscal and monetary stimuli to get the economies of other countries moving is not working, and that as long as it is not working money will continue to be cheap.

2440 One of the arguments that was used for the increase in borrowing in the GSD years was the advantage of locking in to low rates. Of course, what were low rates then look like high rates now, but nobody can predict the future. I was persuaded to lock myself in, in 1989, at 11%, and I kept on paying 11% long after it had fallen – but you get the advice when you get it, and either 2445 you take it or you do not. People were predicting that rates would go up and they came down, and I am sure that what happened with the GSD was the same thing: people were predicting that if they went in at 5% or 6% in the future it would be more, and it has worked the other way round. The £200 million of bank debt that we have got – as the hon. Member says, one was rescheduled when it finished, the £50 million; the £150 million from Barclays Bank I think 2450 matures in 2017 or 2018 and we may decide, if we have got flexibility to borrow more before that matures, if we think that the interest is going to be higher, if we have to wait until that is repaid and borrow again, for example.

2455 But I am convinced that this is the right thing to do. I am convinced that it does nothing to put Gibraltar's economy in danger and that in fact it is a rule that nobody else, other than the colonies of the remaining parts of the British Empire, of which we are no longer a part ... We are British, but not in the colonial empire anymore, so we do not have to apply these absurd rules to keep people happy in Whitehall, and therefore ... It has done enough damage already and we do not want to have to go through the kind of gymnastics that the previous Chief Minister went through by pretending that things were being done for reasons other than the one that was 2460 blatantly visible, because he was putting money in one pocket to take it out from the other pocket and say 'now the revenue has gone up by £10 million, so I am going to borrow £8 million'. And I can tell him that if he has any doubt all he needs to do is to look at the figures in those years that I have given him and he will see the movement.

2465 So, for all those reasons I think they are wrong not to vote for it, but it is their prerogative, Mr Speaker.

A Member: Hear, hear. (*Banging on desks*)

2470 **Hon. Chief Minister:** Mr Speaker, before any other Member on the other side rises, as I am the mover of the Bill and I need to absent myself from the Chamber for five minutes given the amount of water I have consumed, and I always like to be the red rag in order to get the best out of the hon. Gentlemen opposite, can I offer the House a recess of five minutes?

2475 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. Chief Minister: Mr Speaker, I am saying that the House should recess for five minutes so I can be here when he speaks. (*Interjection by Hon. D A Feetham*) No, Mr Speaker, I move that

the House recess. I have 10 votes. The temptation is not going to get you anywhere! (*Laughter*)
Work it out!

The House recessed at 7.25 p.m. and resumed its sitting at 7.30 p.m.

**Public Finance (Borrowing Powers) Bill 2016 –
Debate concluded –
Second Reading approved**

2480 **Mr Speaker:** Is the Hon. the Leader of the Opposition going to participate?

Hon. D A Feetham: Yes, of course, Mr Speaker. I beg your pardon.

2485 Before I start, I would like to congratulate my hon. Friend, Mr Clinton, on an erudite,
powerful and understandable contribution to this House on what is an extremely complicated
subject matter. It just reinforces my belief that placing my trust in him in succeeding me to what
is this important portfolio of the public finances of Gibraltar was not misplaced. (**A Member:**
Hear, hear.) (*Banging on desks.*)

Mr Speaker, my contribution will be short.

2490 It is with a sense of déjà vu that I rise in order to make my contribution, because this Bill
shows that, just as in 2011 the Government succeeded – and I have to say I congratulate him for
it, because he won the election – succeeded in pulling the wool over the eyes of people as to
how they would finance their ‘Time for Change’ manifesto, so too does this Bill show that they
have successfully pulled the wool over the eyes of people in how they were going (*Interjection*)
to fund their manifesto in 2015. Because, in 2011, let’s not forget – and I do have to go back to
2495 2011 because a lot of the problems and a lot of the seeds for Gibraltar’s future problems were
sown in 2011 – and in 2011 they fought an election promising £750 million of capital projects.
Easier said than in fact it is easier to spend, and yet they managed to spend £750 million during
the course of four years. They also promised to freeze rents, rates and electricity. They promised
to bring the effective rate of Income Tax down to 15%. I am not sure whether they brought it
2500 down to 15%, but they certainly brought down the effective rate of Income Tax and I cannot
remember exactly to what level. And of course they also promised to donate every single last
penny of Government surpluses to Community Care – which they have done, in fairness to the
hon. Gentlemen.

2505 Mr Speaker, you do not have to be an economic guru, you do not have to be a rocket
scientist, to look at those promises that I have just outlined and to see that it just did not quite
stack up to spend £750 million in capital projects, to freeze – indeed, cut – income available to
the Government and to also gift away all the spare cash that the Government had to a charity
like Community Care. And at the time, we said – rightly, Mr Speaker – that it could not be done.
Of course, what we had not reckoned on was the fact that the hon. Gentlemen opposite, in their
2510 secret economic plan, were not going to be playing by the rules; because, low and behold, what
they did barely three months after the 2011 election is come to this House and amend the
Gibraltar Savings Bank Act in order to change the requirement for investments in the Gibraltar
Savings Bank to be made in cash or cash equivalent from the capital preservation point of view –
in other words a very safe form of investment which required a matching of investments. If I give
2515 the Government, the Gibraltar Savings Bank, £200, the Gibraltar Savings Bank is required to
match that in liquid investments, £200, which of course is a low return, I accept, but a very safe
form of investment. And without telling the electorate that that they were going to do this, in
2011 when they made all those promises to the electorate, what they did was they changed that
in order to allow the Gibraltar Savings Bank to invest in whatever the Gibraltar Savings Bank and
2520 the Government effectively wanted. And that is what allowed them to then invest, as he calls it –

and there is very little difference between his and my nomenclature, but I will use his nomenclature, 'invest' – £400 million in Credit Finance, which then allowed them to use that money in order to fund that 'Time for Change' manifesto. When we look at the books of the Government and we look at public debt, which in March of 2012, Mr Speaker, the first Budget
2525 that they had when they were in office ... net debt was £330 million, I think it was, and indeed the legal borrowing limit was only about £370 million. They did not have the borrowing capacity in order to fund that 'Time for Change' manifesto, so what they did was they then changed the law in order to allow them to use the money in the Gibraltar Savings Bank. And that is why we
2530 have consistently been saying over the last four years that it is unrealistic to just simply look at the debt position of the Government directly – and in other words the net debt position, what the Government owes directly – without considering that you have got this £400 million which the Government is also basically using for its own manifesto commitments, which ought to be considered as part of the debt position of the Government. Indeed, as Mr Clinton has rightly observed during the course of his erudite contribution to this House, in England the debts of
2535 government-owned companies do form part of the public debt, as indeed do PFI arrangements and other forms of indirect – yes, they do – other forms of indirect borrowing.

Mr Speaker, you then fast forward the position to 2015, and we fought a General Election telling the people of Gibraltar that the Government had spent too much money, that the Government had borrowed too much money, that indeed when you took into account the fact
2540 that you had this direct borrowing and indirect borrowing that the public debt of this community was over in excess of £700 million – indeed close to £800 million – and that when you looked at the direct debt position of the Government, which in June of last year was £400 million for net debt with a legal borrowing limit of £547 million, they only had £47 million ... it was possible for them to borrow £47 million. Bearing in mind that we did not know how much cash was available
2545 in that investment that had been made in Credit Finance, but that we suspected that it had either already been committed or spent, our position was, 'Well, actually, the Government is running out of money. The Government does not have the money available, either in cash reserves' – which were very low; I think it was about ... Well, I can do the calculation – it was about £40-something million, I think it was – I will be corrected by the Hon. the Father of the
2550 House – in June of 2015 ... 'The Government does not have either the cash reserves ...' And remember that if you spend cash reserves net debt goes up the closer you are to the legal borrowing limits. The Government did not have the cash reserves, nor did the Government have the borrowing capability to pay for all those promises that the Government was making directly in their manifesto and that the Chief Minister was sneakily making in all those letters that he was sending to private individuals, school teachers, estates, this, that and the other, which I
2555 asked him a question about at the last session of Parliament and he refused to give me details of all those extra manifesto commitments.

Mr Speaker, that is precisely the reason why the Government has to come to this House in order to ... not increase the legal borrowing limit – that is not what the Government is doing
2560 here; it is redefining the legal borrowing limit in order to allow the Government to borrow £200 million more on the size of the economy as it stands now, but if the economy grows then it will be able to borrow even more than £200 million.

I believe, Mr Speaker, that the Government ought to have been honest with the people of Gibraltar, just as they should have been honest with the people of Gibraltar in 2011 when they
2565 were promising all those capital projects and all those goodies which were going to cost so much – and indeed they delivered on most of them; some of them they are still delivering, like the cladding and refurbishment in the three estates. But they ought to have said honestly to the people of Gibraltar, 'Yes, the legal borrowing limit is £447 million, our net debt in June was £400 million; we do not have enough money to do what we are promising, and therefore we are
2570 going to be funding it by borrowing an extra £200 million this financial year and more next financial year. They did not do it, and not only did they not come clean with the people of Gibraltar – because, as I said when I started off, this is not a question of the hon. Gentlemen

simply keeping quiet. If you read the manifesto carefully, as I did, those parts certainly that were drafted by the Hon. the Father of the House, what they were basically saying in that manifesto ...
 2575 and creating the impression that they were going to be working within the constraints of the legal borrowing limits as existed then, which was 40% of GDP or 80% of revenue, whichever was the lowest, and that net debt was going to go down to I think it is £314 million.

Mr Speaker, I am afraid, yes, they did win, and yes, they did win with 6.8 people out of 10 – not seven, 6.8. (*Interjection by the Chief Minister*) But I voted. But they won and the election
 2580 victory was a handsome electoral victory, and it would be churlish of me not to say so. I was generous to the hon. Gentleman when the election result was announced, even though he was less generous to me in his response. But, Mr Speaker, that apart, this is a fundamental aspect of Government business. It is a fundamental aspect for our community, how manifestos are going to be funded, what levels of debt Government expects to saddle the community with in the
 2585 future – and they never said anything to the people of Gibraltar that they were going to be redefining the debt limits in order to allow them to borrow an extra £200 million.

And yes, I do believe, Mr Speaker, that they are taking a huge gamble. I have described it and I have been the lonely voice in the desert, yes, but if I had the choice I would do it again, even knowing that I was going to lose the election with 6.8 people out of 10. I would still do it again
 2590 (*Banging on desks*) because I believe, as a matter of deconviction (*Laughter*) that the hon. Gentlemen opposite are taking a huge blind gamble with the future of Gibraltar and that they are mortgaging the future of our children and our children's children, and no one on this side of the House is going to remain silent or sit idly by and not say something when we believe that the hon. Gentlemen opposite are taking such a blind gamble with the future of the people of
 2595 Gibraltar.

They say that history is a great educator of men, and I certainly believe that. I certainly, as a historian, believe that we should be learning lessons that have been taught by the way that other jurisdictions have conducted themselves and the mistakes made by other jurisdictions. In Bermuda – that was but 10 years ago held out to be a model of financial prosperity – their debt
 2600 is 38% of GDP and they are effectively bankrupt. They are effectively bankrupt, and the reason for that is because they adopted a policy of pegging debt to GDP when now they are trying to rail back and they are trying to peg debt to income, because at the end of the day a debt is only prudent and is only safe if you are able to service that debt, and hence why that 80% of revenue is included in the formula.

Therefore, Mr Speaker, for all the reasons that Mr Clinton has given in his speech, which he explained better than I can, the Opposition is going to be voting against this particular Bill.
 2605 (*Banging on desks*)

Mr Speaker: I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, here we are debating our public finances again, and I would say that the hon. Gentleman supports the move back to pure sound and the return of the music industry to vinyl, because he really does sound like a broken record. All we have heard from him today is exactly the same things that he has been saying, not as a lonely voice in the wilderness,
 2615 he has been saying it with the support of all of his entourage during the course of the past three years, and he will not be silenced. I do not want him to be silenced, Mr Speaker. I want him to say it more and more and more. But he is saying exactly the same thing that he has been saying for the past three years, completely ignoring everything I had said in my speech presenting this Bill and everything that the Hon. Mr Bossano had said in the presentation of his own views in respect of this Bill.
 2620

I must say, Mr Speaker, when it comes to Joe Bossano, there is not an English phrase that can come up to the clarity of the Spanish description of *más claro que el agua*, because the only thing clearer is water – for the purposes of the Hansard translator – because you could not have got a clearer exposition of his views in respect of the position of the British Government in

2625 respect of setting this criteria that applies to other Overseas Territories than you have heard from Joe Bossano, and I think that Mr Clinton enjoyed it as much as we enjoyed it in its clarity and in the depth of its analysis. Mr Speaker, for that reason I know that every right-thinking Member of this House would take Mr Bossano's lessons on every subject – except diplomacy, a subject which he does not declare a forte for one moment. *(Laughter)*

2630 Mr Speaker, let me start by dealing with the intervention from Mr Clinton. I am not going to describe it as erudite or not erudite, I am just not going to describe it – I do not think we are here to describe each other's interventions – but he has noticed that somebody to the right of him wants him to feel flattered and I am sure that there are good political reasons for that, but I am just going to deal with the facts as he put them out there.

2635 He said that net debt was £286 million when we took over, given the numbers I had provided, but that I had failed to deal with the fact that it is £415 million, not today but some months ago when he had the figure. Well, Mr Speaker, he fails to deal with the fact that £286 million of net debt was 26% in terms of the ratio to GDP and that £415 million would be 23% of GDP, calculated as the GDP is today, which would be 3% down. But in any event we are talking about the financial year, and we are clearly still aiming for the £314 million figure, which would put us at 17% of GDP, and our target will be 12.5% of GDP – something which would come within the criteria that he went on to tell us Bermuda was now adopting.

2640 I noted that he was able to download, print and provide to all Members something which is available publicly on the internet, and I encourage him to have that ability also in respect of local documents as he appears to have in respect of international documents. But that is about Question Time.

2645 I did not read the explanatory note on the sixth paragraph of the Financial Secretary's second memo, that of 13th December 2011, because it raised an issue which we were not prepared to countenance, Mr Speaker. I therefore did not read that part of the memorandum. I dealt with the issue of the resolution, which was the issue that I was bringing.

2650 They themselves had dealt with the issue of gross debt in 2009. It was gross debt that was the standard set out in 2008 and they came to this House to change that standard and move it to net debt in 2009. That was the change that they made to the formulation at that time.

2655 Mr Speaker, he said that I had failed to point out that we had £250 million of debentures. I think if he has an opportunity of going through my speech in *Hansard* he will see that I actually did go to the £250 million of debentures. He knows that that is one of the elements of producing income for those who have taken debentures and it is something that was introduced by the GSD – it is the reason why it is there, although there is a move now to the Savings Bank. *(Interjection)* They introduced the concept of the Government debenture, Mr Speaker, and that is why the Government still holds some of those debentures. And the reason that we pay very high interest on those debentures, above market rates, is because they wanted to provide an income to pensioners. This was all set out in the speech of the man they formerly described as the greatest Gibraltarian of all time, when that concept was introduced.

2660 Mr Speaker, why would we need to change the existing rules if all we are going to do is reschedule debt and we were going to change one debt for another? Well, I am surprised that, as a banker, he does not understand that aspect of this. Let me just put it to him in very simple terms. Mr Bossano set it out, but let me set it out again. If we want to take new debt which is lower in terms of the interest paid and for a longer period, because we want to change the maturity profiles of our debt and the interest that we pay, we may not be able to do that on the day that another debt is going to mature. We may have to do it slightly earlier, because we have to repay the other debt with the new debt. And at one point, even if it were momentarily or for a week or a month, we might be holding both debts, the good new debt and the old debt, because we do not want to incur, for example, any break charges on some debt etc. So there may be a need to be holding the more advantageous new long-term lower-interest debt at the same time, and therefore for that period we may need to be at a higher debt ratio. But that is still about flexibility and rescheduling debt; it is not about anything else.

2675

2680 Mr Speaker, he talked about the *non plus ultra*, and that is exactly what the Straits of Gibraltar used to be for the Romans, but we have long worked out that there was an ocean beyond the Mediterranean and that for Calpe today to apply those principles would be not even to go to the United Kingdom to the Joint Ministerial Conference of all Overseas Territories, let alone to negotiate a new Constitution.

2685 But the FCO issues that hon. Members have raised, and both of them have raised it, really ignore the point that is so salient about the reports. He quoted one of the reports, which I have seen. There is a particular memorandum that the Foreign and Commonwealth Office provided to the Foreign Affairs Committee of the Westminster Parliament in 2008 where they set out even more succinctly the position, and I will read it to him, Mr Speaker. It deals with all the points that we have been addressing today, so it is worth having regard to. It is paragraph 20 of the Foreign and Commonwealth Office memorandum to the Foreign Affairs Committee of 2008, and it says this:

To mitigate the risk of excessive Overseas Territory borrowing creating liabilities for the UK

– and thereby demonstrating that Mr Bossano is exactly right when he analyses why the criteria was established –

we [the Foreign and Commonwealth Office] have introduced Borrowing Guidelines for those Overseas Territories that wish to undertake borrowing. The guidelines define three ratios, which together specify a prudential framework for Overseas Territory Governments and Government-guaranteed borrowing. The ratios impose maximum limits for the total volume of outstanding debt and the annual cost of debt-servicing, and a minimum level for Government reserves. If all three ratios are not met, further Overseas Territories borrowing will not ordinarily be approved by the UK Government. Separate (pre-existing) arrangements apply for Bermuda and Gibraltar.

2690 So, pointing to that criteria avails him of no consideration, other than to say that Gibraltar is in a different position.

2695 Mr Speaker, perhaps the Foreign and Commonwealth Office is not the organisation with the best reputation in this House, and therefore let us look for another source of comfort for that provision. The Foreign and Commonwealth Office's 'Managing Risk in the Overseas Territory' document, which is a National Audit Office publication and published on 12th November 2007, says this about the issue of borrowing. Under the heading 'The FCO partially mitigates fiscal risk, by limiting Territories' borrowing and aiding economic diversification', paragraph 1.5 at page 13 starts as follows:

Territories (except Gibraltar) are required to obtain approval by the Secretary of State when seeking to borrow.

2700 So, Mr Speaker, the position of Gibraltar is very different to that of any other Overseas Territory when it comes to dealing with these issues, and we are perfectly comfortable that it should be, because we believe that there is a very good reason for Gibraltar not to be dealt with as other Overseas Territories are in this respect, not least the fact that Gibraltar has enjoyed prosperity for many years now, surpluses for many years now, and is therefore a very stable economy and in particular in terms of the management of its public finances.

2705 He said that these Foreign and Commonwealth Office criteria are important because it is important to keep borrowing under control. We entirely agree. That is not his position and not ours; that is our common position. We believe it is under control and he, I believe for political reasons, is trying to make the case that it is not under control. I would welcome, if that were not the case, that he should clarify it, because the Government certainly believes that borrowing is very much under control and for all the reasons I have given in my speech – if he goes back and looks at it he will see that the ratios to GDP are much better now than they were, and our aim, I hope should be a common aim, to get down even further when we get to £300 million in the context of a GDP of £2.4 billion.

2710

2715 What a difference, Mr Speaker, to when they brought this Bill in 2008, the Public Finance
(Borrowing Powers) Bill 2008 to this House, which enjoyed our support – and when they came
back in 2009 they also enjoyed our support. In fact, I am sure the hon. Member has read the
speeches. Mr Bossano at one stage was thinking of abstaining, or not supporting, but only
because he thought that the Government was further restraining its ability to borrow – not
because of the amounts that it might borrow, but because of the ability to borrow being
2720 restrained – and he was persuaded, by Mr Caruana in fact, that the provisions that were being
brought were to provide that greater flexibility, and therefore we gave our support to the hon.
Member’s party when they were making this proposal. Because, you see, the mantra has to be,
as Mr Bossano set out, not how much you can borrow; it must be what you borrow for.

2725 Mr Speaker, hon. Members can use a better analogy, and perhaps the Hon. Mr Feetham
might be attracted to this ability that I am going to deploy now to clarify this very complex issue
in the following way. Instead of thinking of borrowing and finances, which some people find
daunting, let’s just think of speed. A car can have a maximum speed, the speed limit may be
much lower than the maximum speed and the driver may choose to go at an even lower speed.
Just because your car can reach 260 km an hour does not mean you are going to drive it at
2730 260 km an hour; and just because the speed limit is 120 km an hour, you are not going to drive
necessarily at 120 km an hour – you may drive at 80 because you may not be such a confident
driver or you may think that it is imprudent to drive at that particular speed.

In relation to borrowing the same is true. You can set a limit at a particular amount, but you
do not have to borrow that full amount; and if you do, what do you borrow for? If you borrow to
2735 pay recurrent expenditure, it has always been a rule of the GSLP that you are, in effect, hanging
yourself, and you do not do that; but if you borrow for capital projects which are going to
produce income, then you are borrowing for the right reasons. Sometimes you have to borrow
for capital projects that produce less income but have a social value, and in that way I think that
the issue of borrowing being under control is one that is very much on our agenda, that is
2740 rigorously tested by the Cabinet and by Ministers, and therefore he needs not concern himself
with the idea that we might be, in some way, out of control. But when he is talking about the
Cayman Islands and he is talking about Bermuda, two cases I will deal with now – and he failed
to talk about Jersey; I would have thought that he would have also talked about Jersey, given the
difficulties that Jersey is going through – he must allow me to say that it almost felt as if he was
2745 wishing that upon us, because that might in some way prove that they were right at the last
General Election and we were wrong. I would hope, Mr Speaker, that Members on both sides of
the House, whatever position they might have taken, on their own in the wilderness or
otherwise, will only want to see Gibraltar grow and prosper, and if they have been saying that
borrowing is out of control and it is not, they should be very happy indeed and not disheartened.

2750 Mr Speaker, that brings me to a remark made by Mr Caruana at the ceremonial opening of
the Parliament last time. The hon. Gentleman thinks he is a red rag to me, and I think I am a red
rag to him, but my principal political opponent, as far as I am concerned, was Peter Caruana and
I beat him in a General Election on 9th December 2011, but when he got up in this Parliament to
speak at the ceremonial opening, he said this:

Mr Speaker, whilst we will hold the Government to account, especially against their electoral promises, the
Opposition will support, not undermine the Government, where the interests of Gibraltar must come first

– oh, yes, but listen to this bit –

in areas such as economic development, in creating confidence amongst lenders and investors in our economy
and in Government’s financial strength, or in the defence of our self-Government and political rights and
aspirations as a people.

2755 Mr Speaker, how are they encouraging the confidence of investors by suggesting that we
might be in the same situation as Bermuda or the Cayman Islands? It is absolutely impossible to

run with the hares and hunt with the hounds on this issue. But I will deal with why we are not Cayman and Bermuda in a moment.

2760 He also said that one of the issues to also bear in mind, and which the new Cayman Islands strictures provided for, was that PFI arrangements should be on the books. Well, Mr Speaker, the only party who has entered into any PFI arrangements was the party that they represent. The party that they represent entered into a PFI arrangement in respect of the purchase of St Bernard's Hospital. To his credit, the Hon. the now Leader of the Opposition, the then leader of the Labour Party, having recently left the GSLP, said at the time – although I do not know
2765 what his position was after he joined the GSD – that he was against it. (*Interjection by Hon. D A Feetham*) But, Mr Speaker, that is the position. The PFI arrangement that is on the books of the Government is not one that we put there, and when it was put there it was what they like to say is off balance sheet, not because we decided it should be off balance sheet but because they, when they were in Government, decided it should be off balance sheet. So let's be very clear,
2770 that is the position that they entered into: a PFI arrangement which was a sale and leaseback. We are not talking about borrowing for the purposes of developing capital projects through company entities. That is also something that they did, Mr Speaker, but in terms of PFI arrangements, that is not a sin that can be attributed to us; it is only a sin which can be attributed to them, and the fact that that it is off balance sheet is something which was their
2775 responsibility also.

But in any event the Cayman Islands, he told us, in these strictures will have a ratio of debt servicing to recurrent income of 10%. He might have used that as something to avail himself of an argument against this Bill if it was not that we were not changing, that it should be 8% in Gibraltar. In other words, in Gibraltar it is lower. As Mr Bossano said, we are not going for one
2780 tenth of our income being available to service our debt interest, we are going for one twelfth. What the hon. Gentleman has to remember – and he may not be aware of it – is that Cayman was going through a very, very difficult period indeed in 2010, 2011 and in 2012. The culmination of that was the arrest of Mr McKeeva Bush, who was the Chief Minister of the Cayman Islands, as a result of an investigation which was being run into the manner in which the
2785 government was disposing of government assets. So the issues afflicting the Cayman Islands were very, very different to an issue just related to what the debt was. There was serious instability in the Cayman Islands at the time. We are not in a position to make any statements about that, but it is obvious that the position now, under Premier Alden McLaughlin, has changed considerably.

2790 Mr Speaker, Bermuda is not a situation where the UK can impose anything. In the first of the documents that I read him from the Foreign and Commonwealth Office I was able to point to the fact that Bermuda also is not covered by the requirement to seek the consent of the Secretary of State to borrow, so this is not a case of imposition, but Gibraltar is in a much stronger position also than Bermuda and we must not go away thinking for one moment that any of the things
2795 that happened to Bermuda can befall Gibraltar at any time, certainly whilst we are in administration. What happened to Bermuda was that its services became too expensive for its clients in a whole range of areas – some of its financial services and some of its tourist services. I have had long discussions with the current and former Premiers of Bermuda – Craig Cannonier and Michael Dunkley – about how they found themselves unable to sell services to tourists etc.
2800 because they had become too expensive, and that led to a breakdown of their income which then led to the difficulties that they are experiencing.

Mr Speaker, if there is one thing that we will agree on it is that – whether it is Cayman, Bermuda, Jersey or A N Other – where there is a problem that others go through it would be foolish for us not to understand what that problem was and learn from it. Absolutely right. And
2805 in that respect you are already preaching to people who I think I have now been able to demonstrate have done the analysis of what was wrong there and understand those issues. None of those issues afflict Gibraltar. But if what we are going to have is an attempt to suggest that we are going to have the same problems as they have had, simply because we are an

2810 Overseas Territory, then nothing could be further from the truth and I trust that they join me in
 hoping that our ability to manage the affairs of Gibraltar will actually produce a dearth of
 support for them, at least on this subject, because we will show that Gibraltar will prosper and
 will not experience any of those issues. And again I am surprised he did not bring up the issue of
 Jersey.

2815 Mr Speaker, he told us that the panel of experts has understood that in Bermuda the ratio of
 debt to GDP was 38%, and if there is a panel of experts that is giving advice to Bermuda then I
 sincerely hope it is good advice for the people of Bermuda and that following it they will be able
 to once again ensure that their ship is as steady and strong as we in Gibraltar no doubt wish that
 it should be. And by taking these examples and making these comments I want to make clear
 2820 that the Government of Gibraltar is making no comment on the current state of the Bermudan
 economy or the Caymanian economy, because we have no expertise to comment in respect of
 any of them – we are simply working on the basis of the reports that we have seen. But we
 certainly wish them all the very best indeed ... And that the experts, he said, in Bermuda had
 recommended that the debt to GDP ratio should be 15%. Mr Speaker, I would have thought if he
 2825 had wanted to reply to me – but I saw that he had a prepared text, and one is often tempted to
 simply read and get it off one's chest – that he would have paused there and congratulated the
 Government, given that ours is presently 17%, or will be at the end of the financial year when
 we reach £314 million on a GDP of £1.8 billion, and that we are aiming for 12.5%. So the
 reference, I would have thought, would have been to applaud the fact that we have reduced the
 debt to GDP ratio from 26%, as it was when we inherited it in 2011-12, to 17% now and that we
 2830 are aiming to 12.5%.

My conclusion, Mr Speaker, at that moment was that, actually, perhaps on reflection, and
 given that he is neither a red rag to me and nor do I think I am a red rag to him, that on
 reflection, and when he reads my speech now, and perhaps during the Budget debate and after
 my speech on the Budget debate, despite his views as to whether I am good with numbers or
 2835 not – I think that is irrelevant – that he might actually ask me for a membership form of the
 GSLP, or perhaps even of the Liberal Party if he cannot come to terms with joining the GSLP.

But, Mr Speaker, given that he was recommending that we should be aiming for a Bermudan
 15% GDP debt ratio, and we are aiming for 12½%, I would have thought he would have said
 very well indeed, especially because if he had been aiming for 10% I would have thought, 'Well,
 2840 he has set a higher standard,' but he went into a General Election telling us he was going to take
 the debt limit to £900 million. They were going to take the net debt to 50% of GDP. They were
 going to take it to 50% of GDP out of £1.8 billion, Mr Speaker. So, look, if he had set a lower
 standard, perhaps I would have accepted that he might not want to come over – but I accept
 these things can be embarrassing and he may just want to sit where he is for now and eventually
 2845 make another sort of political decision.

It is contrary to good government to borrow more than you can repay – absolutely,
 Mr Speaker, absolutely, we agree, and that is why we would not put Gibraltar in that position.
 That is why we have worked to bring the ratios down. That is why they are now in a lower debt
 to income ratio and debt to GDP ratio, Mr Speaker.

2850 The hon. Gentleman talked about us being able to go up to £616 million of debt – he knows
 the calculation I did was slightly different to the one he did – and I have told him already, in my
 speech, Mr Speaker, that this was not going to happen and I explained to him why we needed
 the flexibility already, but he went on in his speech to say how terrible this was. But, Mr Speaker,
 he went on television and his leader went on television and told us that the only safe thing for
 2855 Gibraltar to do was to go to £900 million. Well, look, Mr Speaker, I do not know how they
 reconcile it, but there is one thing that I learnt today about the hon. Gentleman, or had
 confirmed today about the hon. Gentleman, that I sincerely believe is to be commended, and
 that is that he reads *The New People*. (Laughter) I had heard that his reading of *The New People*
 had got him into very hot water indeed (Laughter) with the Knight of the Realm formerly known
 2860 as the greatest Gibraltarian of all time, and that that hot water had led him to walk out of a

meeting and never walk back whilst that man was still the leader of that party, Mr Speaker. (Laughter) The only reason I know that is because I read it in *The New People!* (Laughter) Given that the hon. Gentleman gives it such credibility, it must be true, Mr Speaker. It *must* be true.

2865 He then went on to talk about the question of why it was that we needed the greater amount of flexibility if we were just going reschedule debt, and I have explained that to him. But he then went on to deal with the other limb, which was the question of whether recurrent revenue had in fact fallen to such an extent that this was why we were having to decouple from the recurrent revenue criteria. Again, I sense – but I am prepared to accept it was not there if he tells me it was not – an angst that that should be the case, a desire that recurrent revenue had fallen
2870 through the floor and that this would cause the Government a huge problem. He is shaking his head, so I take it in good will from him, Mr Speaker, that he did not wish for that to be the case and that if I detected that sort of thing in his intervention it was not the case – because he would have been very disappointed if that is what he had wished for, Mr Speaker. In fact, he would be very disappointed indeed, if that had been the case, to hear that recurrent revenue is holding up
2875 very well indeed. He has no need to worry himself, Mr Speaker.

But let us not do ourselves out of a Budget debate where we deal with all of the actual numbers of recurrent revenue as they will be declared to have been for this year by the Treasury when we come to look at the Estimates Book for 2016-17 when we all have it available. He seemed to have relied, however, on *The New People* almost as if it were a Bible, Mr Speaker, and
2880 took what that publication had said about the reason for the publication of this Bill – and other commentators have commented as well. I am surprised he only chose that one. He needs to understand, Mr Speaker, that Bills are presented for the reasons that hon. Members who present them set out in this House in their speeches, they are presented for. Not for the reasons that *The New People* might set out. So it is my speech that matters, not what he reads in *The New People* that matters, but I understand that he was preparing himself for this debate on that
2885 basis.

Well, Mr Speaker, what can I say to him? The fact is the Government has set out its reasoning in the Second Reading. I am now replying to what they have said. But there is a point more important even than the point in *The New People*. Hon. Members issued press statements at the
2890 beginning of this year, in fact when the year was still in the single digits of January, dealing with this Bill and giving us their point of view. The hon. Member then wrote to me, in a letter which I believe I have replied to and he believes he has not had a reply to, telling me how imprudent he believed that this was and passionately suggesting that I should change my views in relation to it. Part of my reply tells him that I was surprised that he had taken that attitude without hearing
2895 what it was that we had to say, because he took that attitude without listening to the presentation I had made about the flexibility required and he asked a question about why we needed that flexibility in his intervention. I have now replied to it, Mr Speaker.

The hon. Gentleman needs to understand, as a young whippersnapper of a parliamentarian that he is, that we tend to wait until we are here in our interventions at the Second Reading to
2900 make up our minds about legislation, because the Parliament is otherwise useless. If we are going to publish something and we are going to hear what their attitude is and they are not going to support it before we come to Parliament, what is the point of having a parliamentary debate on a Bill? Others might wish to comment, but when we are here we present our reasoning for a Bill, they present their views, usually after they have heard us. Sometimes they
2905 might come with a prepared speech. But I would have thought if they want to hear us and why it is that we are presenting a Bill ... and then make up their minds, however much research they may want to do in the interim ... But, Mr Speaker, that should not dissuade him from continuing to read that excellent weekly publication that is *The New People*, the oldest weekly publication in Gibraltar – a very good reason for Members to continue to read avidly that publication.

2910 Mr Speaker, the hon. Gentleman then reminded us of the tips that CAB have put out for people who may have got themselves into a difficult position in relation to debt: do not bury your head in the sand and think carefully about taking more. I entirely commend those tips to

them. The economy of Gibraltar is doing very well indeed. Borrowing is very much under control. However much they might wish to drum up support for their idea that things are not going well, people have a very good litmus sense as to whether things are going well or not, and they determined at the last General Election – by seven out of 10, when rounded up to the ‘wholest’ human (*Laughter*) – that actually things are going very well indeed, and they are sticking their heads in the sand like ostriches by continuing to say that things are not going well.

Mr Speaker, it is true that his letter contained a proposal to change the definition of aggregate public debt. I wrote back to him telling him that the Government agreed that there should be a change in that respect and that we were going to bring a different amendment which we will be moving at the Committee Stage. I trust that he will be able to agree it.

And then, Mr Speaker, almost at the end of his presentation and in what I thought was an attempt at dramatic flurry, he reminded us that it is a fiduciary duty of a government not to incur more debt than it is able to repay. He said it is a dangerous road indeed that we go down if we forget that. If it is any consolation to him, we do not think it is just a fiduciary duty; we think it is part of the sacred trust that is deposited in us by the people of Gibraltar in those ballot boxes that we should always be more than prudent and ensure that the economy and the public finances are safe in our hands. We would never put that in danger or at risk, Mr Speaker.

‘Is there a desperate need for cash?’ he says. There is no desperate need for cash. I have explained to him why it is that we are doing what we are doing. At that time, when he was saying those things, because he had them in his prepared speech he was in effect ignoring everything that I had told him. It was almost as if this had been a dialogue of the death. I had made a speech and he got up and made a speech, which did not reply to mine; it was just the speech that he felt appropriate he should make. I trust, Mr Speaker, that I have demonstrated to him, in getting up now and replying to the detail of what he said, that perhaps I am not so bad at numbers and that in fact what we need to do in this House is engage in debate, rather than just deliver set speeches.

I am delighted that he has indicated that he does not wish upon us the difficulties that we have seen afflicting the Cayman Islands and Bermuda, and therefore with this part of my reply I hope that I have satisfied many of the things that he raised during the course of his intervention.

Mr Speaker, then the Hon. Mr Feetham got up after Mr Bossano had spoken and spent much of the first part of his speech describing Mr Clinton’s demeanour and ability – and, as I have said before, whether somebody is erudite or not erudite is really not something that is going to concern the Parliament when considering a Public Finance Bill.

But then he moved quickly to say that this Bill shows that we successfully pulled the wool over the eyes of people at the last General Election. Mr Speaker, how can it be that we successfully pulled the wool over the eyes of people at the last General Election if the hon. Member had listened to any of what I had said and understood any of what I had explained to the House as the reasoning behind this Bill? It can only be one of two things: either that he did not listen or understand; or that he believes that I am somehow presenting a case for this Bill which is different to the reality of what is actually the position. Because I have told him that it is not about borrowing more; it is about changing the profile of our debt. But he does not just stop now about what it is that I am doing with this Bill. He goes back and says that the seeds of future problems for Gibraltar were sown in 2011 when we came up with £750 million in capital projects in the last four years. Doesn’t he know that they spent more in their last four years in office than we spent in our first four years in office? I know he is not looking at me, but I really want him to understand because I do not like him to make the same mistake twice. He said it before, and I do not want him to have to say it again. He said that £750 million was far too much to spend in four years, and they spent more in their last four years in office ... unless that is also one of the things that they are decrying about the manner in which the man formerly known to him as the greatest Gibraltarian of all time had run the Gibraltar economy. Look, he needs to reconsider.

But then again, Mr Speaker, should I stop him when he is making a mistake? Only when the way that he does it calls into question Gibraltar’s public finances and therefore goes against

2965 what Mr Caruana was saying an Opposition should do, which was to assist to create confidence where it is in the interest of Gibraltar to do so in areas of economic development and creating confidence amongst lenders and investors in our economy. He does the opposite.

But I am going to set him a challenge, Mr Speaker, and the challenge is this. Given that he says that we have sown the seeds of our problems for the future, it is a very simple challenge indeed: will he be prepared to stand up and applaud us if all the problems that he says he has been pointing out in the wilderness turn out not to be the case and actually what we continue to provide future prosperity for our nation in exactly the way that we predict in our economic plan and in the manifesto, which he said he read so avidly, at least in respect of the bits that the Hon. Mr Bossano was responsible for writing? Well, at least we *had* a manifesto, Mr Speaker.

2975 He said that you do not have to be an economic guru to realise that we could not afford the £750 million, which was less than the amount that they, when they were the economic gurus, had spent in their last four years. Well, you know what? I do not believe that gurus should be the standard. I believe that the people who are wiliest, who are best able to work out who is telling them the truth, what is or is not in the best interests of our community, are the people of this nation – and by 68% they decided that what we were doing was not sowing seeds that would cause problems, but actually that we were doing the right thing for the prosperity of our nation. And Mr Bossano explained exactly why it was the right thing to invest in our future, to invest in jobs in Gibraltar, etc. Of course, what he is saying is that 68% of our electorate are easily duped – and that is a huge disrespect, not to us but to the general public and to the voters of this community.

2985 He then went on to say that the changes in the Savings Bank Act had moved away from liquidity etc. Well, Mr Speaker, Mr Bossano has dealt with issues relating to the Savings Bank today and nauseam and our analysis is different to his, as he knows, but he should recall that the debt interest that the Government had taken on in Government debentures amounted to approximately £9 million a year just being paid to pensioners in those debentures.

2990 And then he became very impassioned, talking about his obligations as Leader of the Opposition. He does that. Hon. Members opposite should not be surprised that they will see this happen once in a while – he will get very impassioned, talk about how won't shut him up etc. We have no intention of shutting him up. In fact I want to encourage him to continue in that vein, Mr Speaker. But the people of Gibraltar have been very astute indeed in the last Election. They have agreed with the analysis that I and Mr Bossano have been making about the way that we have invested this money.

3000 Mr Speaker, then he went on to say at one stage that £47 million was the amount available for borrowing, that the debt ceiling was £47 million away. He does realise, doesn't he, that that is £31 million more than the position on the day that we were elected after they had been in administration: £31 million more. He has got to at least give us credit for that. If the position was £47 million of available credit, well, it was £31 million more than they had.

And then he accused me of making sneaky commitments in letters to teachers.

3005 **Hon. J J Bossano:** Not overtime, I hope.

Hon. Chief Minister: Certainly not a commitment to pay teachers overtime, Mr Speaker. We only heard of that today. *(Laughter)*

3010 We obviously have different models of politics, Mr Speaker. I believe that telling people what you are going to do, understanding what it is that they want addressed and dealing with it in writing so that it is clear and it becomes your commitment to them is the right thing to do. They might believe in just saying something to people in the streets, trying to gain their confidence, trust and therefore their vote, and then not doing it. But not all of them, Mr Speaker.

3015 I do not think that is sneaky; I think that is the right way to do things. And neither do all of them think that that is sneaky, because I saw and I reminded him the other day ... I saw an email from Mr Reyes to the Gibraltar Darts Association promising them premises after the last

election, and I did not see that in the manifesto. So I am pleased to see that other people in his party take the view we take, that things should be in writing so that the commitments are clearly recorded and that sneakiness is left to those who will not stick their colours to the mast.

3020 The Government, he said, ought to have been honest with the people of Gibraltar, to set out the fact that he says we are the opposite. Well, if there is one thing that we are it is absolutely honest with the people of Gibraltar and we will never be anything but, Mr Speaker. People are good judges of character and that is why they have put us here twice and they put him there twice. In fact, they put them there with the second lowest result in the history of politics in
3025 Gibraltar, so I think people are being very astute indeed.

Then he went on to say that we are going to borrow more and that is why we have brought this Bill etc. Well, I have answered those points and I dealt with those issues in my presentation, and I have told Mr Clinton the circumstances in which we may increase the debt etc. This is *not* about borrowing more; this is about flexibility. Mr Bossano has explained that flexibility, not just
3030 today – Mr Bossano explained that concept in 2009 in the way that he replied to the then Chief Minister’s presentation of the Bill at the time, in 2008 at the time that he made the presentation of the Bill at the time, and in 1988 when he brought the first Borrowing Powers Bill to this House.

He then went on to say that this was a fundamental aspect of our community and that we are going to saddle our community with debt. Well, we are not going to saddle our community with
3035 as much debt as we found it with, Mr Speaker. I have already demonstrated that the debt is going down.

He said that we are taking a huge gamble. Well, I have been hearing that language now for the past two years. I have seen the advert with the attractive cartoon depiction of me. People
3040 did not buy it. He can go on ... I am not going to stop him saying it, he can say it for as long as he likes, but it is nonsense. It is absolute and utter nonsense. We are not going to mortgage our future. The only mortgage I would advise the people of Gibraltar to enter into is one for a very long period of time at a very low interest rate if it was in the interest of Gibraltar to reschedule its debt in that way.

3045 He said he would not be silenced or sit idly by. Well, I would be apoplectic if he did not continue to make his case as he has been doing so, because I then would find it much harder for us to persuade people as successfully as we have of why we are doing things right and they are not.

Mr Speaker, I think that has dealt with all of the points that hon. Members opposite have
3050 made. I do think that there is a need for me to say much else, but I would just deal with this point. The net debt of Gibraltar today has been reached on the basis of us delivering everything that we promised to deliver in 2011. It has not yet been a hundred days since the last Election – in fact, it has been 98 days since the last Election. We are already moving to deliver on our new manifesto. But what they did not do at the last Election, and I put it to them that they will have
3055 to do at some stage, is that if they are against the level of the net debt today, if they say it is all too high they need to tell us – beyond No. 6 Convent Place, which is the project they do not like – which of the things we have done that they would not have done. Would they not have employed the 47 new teachers, although they believe teachers should even have overtime, let alone not be on permanent supply? Would they not have made the repairs to the affordable
3060 estates that were occasioned as a result of the works done whilst they were in office? Would they not have repaired the MOD properties that were in such a terrible state of disrepair? Would they not have repaired the MOD properties that were in such a terrible state of disrepair? Would they not have built more affordable homes, although now they chase us on how they are being allocated? Would they not have increased the public sector by one individual? Although they chase us to do more about tobacco, don’t they support the 60 new Customs officers? Given
3065 that they want us to fill all the vacancies in the Civil Service, surely they must believe that we need to be spending more in recurrent expenditure if that is what they are encouraging to do. Or is it that they want us to pay overtime to teachers and have 17 full-time IT technicians in the

schools? Because, when they are making those points they do realise they are urging us to spend more, don't they?

3070 Mr Speaker, I am very comfortable in the skin of the Chief Minister who has led this community to the prosperity that it enjoys today after the great four years that we have experienced of our economic management, I am very comfortable with the work that we have done with the money that has been put at our disposal by the hard work of this community, which has produced the recurrent revenue that we have today, and I have heard nothing, 3075 Mr Speaker, in any of the speeches of hon. Members opposite to persuade me to do anything other than to commend the Bill to the House. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Finance (Borrowing Powers) Act 2008 be read a second time.

3080 Those in favour? (**Several Members:** Aye.) Those against? (**Some Members:** No.) Carried by Government majority.

Clerk: The Public Finance (Borrowing Powers) Act 2016.

3085

**Public Finance (Borrowing Powers) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

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

3090 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Parliament (Amendment) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Parliament Act.

3095 **Mr Speaker:** Before we proceed, before I call upon the Chief Minister, I should inform hon. Members that I have received a letter from the Chief Minister certifying that under the provisions of section 35(3) of the Constitution the time required for consideration of this Bill should be abridged (**Hon. D A Feetham:** Why?) on the grounds of its urgency. The Chief Minister considers this to be an urgent Bill. No doubt he will explain in more detail in the course of his moving of the Bill why that is the case.

3100 The Hon. the Chief Minister.

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

3105 **Mr Speaker:** I will put the question, which is that a Bill for an Act to amend the Parliament Act be read a first time.

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

3110 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker –

Mr Speaker: Hang on a moment. Carried.

**Parliament (Amendment) Act –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now
3115 be read a second time.

Mr Speaker, I have heard what the hon. Gentleman has said during his earlier intervention in
respect of the Select Committee in respect of this issue. He also usefully read the House – and
given the hour, I am not going to repeat – what it was that the Select Committee recommended
should be the case after the General Election ... (*Interjection*) the Commission on Reform had
3120 recommended.

Mr Speaker, many things that that Commission recommended have been done, even though
the Select Committee has not reported. In this instance, I have had indications that this is a Bill
designed to do the new Members opposite out of something, and I hope I will be able to
demonstrate to them that it is actually quite the opposite. It is a Bill designed to protect hon.
3125 Members for the following reason.

The new schemes which are applicable to members of the Civil Service joining after
1st January 2012 are contributory schemes. In other words, you start to contribute from the
moment that you join the Civil Service and you create a pot for yourself which then you are able
to contribute more or less to etc. The old scheme is a non-contributory scheme, so under the old
3130 scheme there is no contribution in the Civil Service but you have a final salary at the end.

That is not exactly the position for Members of this House. Members of this House, under the
old scheme, must do 90 months before they are able to qualify for a pension. In other words, if
you do 89 months you do not qualify for a pension. If any of the hon. Members opposite who
are new Members were to decide not to stand at the next election, no pension. If they stand at
3135 the next election and they become Ministers or they continue to become Members who are in
opposition, and whoever is the Chief Minister calls the election on the 89th month – and that
does not have to mean a very great shortening of the period – no pension, and if they then
decide not to continue or they are not elected, no pension. They have done almost eight years
here and no pension.

That is not a fanciful position. There is one particular individual, who was a Member for
Parliament with the GSD – he was a Minister from 1996 to the early 2000s – who misses out on a
pension, as presently structured, by a month or two, right? That is something which should be
looked at; it has happened to others in the past. But essentially ... Some people say the rule
should be two terms, or not 90 months, because 90 months is two terms, and then if a Chief
3145 Minister decides to call it earlier, well, you have done two terms and you should not suffer
because a Chief Minister has called an election earlier.

Today, the hon. Gentleman read out that the recommendation was that after the election of
2015 the new scheme should have been in place and the Select Committee, which was supposed
to report in six months, has taken two years to report and has not reported yet and nobody has
3150 put in place any reporting for anybody to give us advice on salaries or pensions.

Today, hon. Members will have been Members of this House for two and a half months, or
three months, since the ceremonial opening. What this Bill will do, and I want them to
understand it and why it is urgent is that they will be able to contribute immediately – in my
view, from the date of the election – towards their pots, and the Government, the Parliament,
3155 will be contributing as well from the date of their election. So, from their first salary, which I
think was December, they would make the contribution – they have an option as to what that

3160 contribution should be – and the Government would make their contribution as well. In the event of them not standing again in four years or leaving earlier, their pot is their pot and they can take it. If they do eight years, their pot is their pot. If they do 12 years, 14 years, 16 years, their pot would be their pot and they would have it from now, Mr Speaker.

Should there be a decision – I cannot imagine any circumstances when this would happen – where hon. Members were to ascribe to themselves the final salary scheme, which was non-contributory, whilst denying it to the Civil Service, they would have both the final salary scheme and they would have this. I think it would be an absolute scandal if that is what they proposed to do, because you could have as many pensions as you like – this is a contributory scheme and I think it would be an absolute scandal. But given that it would be an absolute scandal, and I am sure that politically they see it would be an absolute scandal for them to try and get for themselves that which they, when they were in Government, stopped for the Civil Service ... and therefore, as we are moving to a contributory scheme, we have to allow them the possibility of moving to it as soon as possible. And therefore, if they decide, *lo Bueno que soy*, if they decide not to stand again, they have got four years in their pot, if they continue they have got as many years as they like, and it is now quick and soon enough that the Government will go back and make the contributions from their first salary, from December. Right, Mr Speaker.

3175 I have seen that the hon. private Member has put a motion proposing that we deal with this and that we once again outsource this, in the terms of the Commission, to third parties. That, Mr Speaker, is an issue we are going to deal with dealing with that motion. We think it is an issue for the Select Committee. We agree that the Select Committee should make that recommendation, it should come to Parliament and it should happen. If that body – whichever body it may be, whoever it may be made up of – recommends something different, it is very easy for hon. Members to be given an enhancement or to be given a reduction, or whatever it is that that body provides for. But if we do not move now to enable them to make the contribution and to have the offer made to them ... They do not have to do this, it is completely voluntary. The Chief Secretary will make them the offer – probably the Clerk, in the case of Members, but the Chief Secretary or the Clerk will make the offer. They can then enter the contributory scheme, they can start contributing and the Government will go back and contribute from their December salary.

3180 The alternative, Mr Speaker, is that they are without a contributory scheme because there is no provision to offer them a contributory scheme, and they are without the final salary scheme, because there is no question of the Government agreeing to extend to them the final salary scheme, especially given the recommendations of the Commission, which were public, especially given the fact that the final salary scheme is something that they stopped for all new entrants to the public sector. But if they want to make that case, they can still make it despite this; this just protects them and gives them the opportunity of making contributions from now, with contributions from the Government also from the date of their first salary package.

3195 And so, Mr Speaker, for all those altruistic reasons by which I look out for the five new Members of this House in my obligations as Leader of this House to do so, I commend the Bill to the House.

3200 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? Yes.

3205 **Hon. Ms M D Hassan Nahon:** Passing unilateral laws that are carefully designed to only affect one side of the House does make me very nervous, and it makes me wonder whether this is the beginning of the end of democracy. This is not about me and my pension rights or the different element of a pension. This is about the fact that the Government has come up with a scheme and designed a scheme that is only affecting one side.

I would like to know why exactly October 2015. Why not back to 2011 or 2007? How come only as from the newcomers that were only on the GSD side? It makes me worry because this

3210 new Bill seems designed only to affect one opposing party, and it is reminiscent of that part in George Orwell's *Animal Farm*:

All animals are equal but some animals are more equal than others.

I urge, Mr Picardo, that you reconsider this terribly unjust Bill because it is retrospective and you are the party that set up the Ministry for Equality. To me, this goes against equal opportunities values, and I urge you to live up to those values. (*Banging on desks*)

3215 **Mr Speaker:** The Hon. Mr Roy Clinton.

Hon. R M Clinton: Mr Speaker, having worked in the private sector for many years, in fact all my life, I am only too aware of the cost of final salary pension schemes, which are now becoming practically ... very hard to find in the private sector because of the cost.

3220 Having seen this Bill, again I fail to understand the urgency for this Bill, because this can go to the Select Committee and the Select Committee can issue their recommendations. What I find hard to understand is why the Members opposite, or in fact the other Members of the House who were previously elected, should be allowed to retain their non-contributory final salary scheme to the detriment to those of us who are new to this House. If the principle is it is not fair because the civil servants no longer have access to this, well, fine, Mr Speaker, we should abolish it for the whole House and not for the new five Members. Maybe that is something for the Select Committee to consider.

3225 Furthermore, without wanting to embarrass any Members of this House, I understand that it is the practice that Members who are over 55 may cash out their pensions at the end of any parliamentary period, which, to be honest, I was very surprised about this. Perhaps those who have cashed out should be on the new scheme and not on the old scheme.

3230 Again, Mr Speaker, I feel that these are things perhaps left to the Select Committee to consider on a non-partisan basis, because at the end of the day, as I keep on saying, we are servants of the people.

3235 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, when I came to consider last week about our position in relation to the constitutional one and the formation of the Select Committee on Constitutional Reform, what the Government is actually doing here, actually it did play on my mind in terms of our approach to that, because here you have a Select Committee on Parliamentary Reform that has been set up, and we were assured, in 2013 I think it was when the hon. Gentleman brought the motion to the House, that the recommendations of the Independent Commission would be considered by the Select Committee, the Select Committee of this House would then make recommendations, and that it would not be a unilateral decision by the Government of the day as to which ones they implemented and which ones they did not.

3240 The hon. Gentleman has, during the course of an earlier intervention and this intervention, spoken about some of the measures that were implemented without regard to the Select Committee. But actually, when you read that debate you will see that we were in favour of the televising of Parliament, we were in favour of the monthly meetings of Parliament. But in relation to the other recommendations that were being made by the Independent Commission it was quite clear that the hon. Gentleman gave a commitment to this House and to those Members of that Select Committee that he would not go it alone and that it would be discussed within the Select Committee and that he would allow the Select Committee to make a recommendation – that does not mean that we have a right of veto; of course not, because they have got a majority in the Select Committee – but what he would not do was precisely what he is doing now, and that is why I am sceptical about assurances that the hon. Gentleman makes

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and gives me in relation to the motion on the constitutional reform. Look at how he is behaving in relation to this.

3260 Mr Speaker, it is all very well for the hon. Gentleman to come to this House almost like a financial adviser saying, 'But you're all going to be better off,' but it is not affecting him, it is not affecting the Members on that side of the House, it is not affecting me. Yes, it is not affecting me and it is not affecting Mr Reyes, but it is not affecting *them*. They are the movers of this particular Bill. It is not affecting them and – rightly, as Mr Clinton has pointed out – it is also not
3265 affecting those on that side of the House, one of whom was very vigorously bashing on the table, who have cashed in their pensions.

Mr Speaker, I can now start the restart of the clock in terms of the future. It does not affect them. It does not affect them, but it affects five new Members on this side of the House who are now going to have their pension rights affected retrospectively.

3270 I also remind the hon. Gentleman of the answers that he gave in Parliament, I think it was last week, and I just wonder how far the answer that he gave me last week had played a part in him certifying that this Bill is urgent. Because last week – and when he was answering the question the penny had not dropped, but it dropped afterwards – last week what he said was that in relation to the 47 teachers who were on supply and had this claim at this Election ... They were
3275 taken on ... so that people who are listening understand it, 47 supply teachers that they took on, post the 2011 Election, and in relation to those 47 school teachers, who were placed on the contributory pension scheme, even though some of them, as he rightly pointed out, had already started on supply, I think he said, three months before the Election – three months before the election, Mr Speaker, that is the time limit that he used – and there was a claim that was made
3280 on behalf of those 47 and he took the view, 'Well, actually, because they started before the General Election, albeit some of them only three months, we do not want to affect their rights retrospectively and we think they should have the same acquired rights' – because they were not changing their rights retrospectively, because they were supply teachers, but anyway, they should have the same rights as those who had come into the Civil Service prior to 2011.

3285 Well, Mr Speaker, my five colleagues, who all do not want the Hon. Member – it does not matter what advice the hon. Gentleman comes to this House with – do not want to have their rights and pension rights affected retrospectively, they are in exactly the same position, because they were elected in November, and lo and behold this Government comes to this House with a Bill in March.

3290 Mr Speaker, I urge him – for the sake of attempting to have that constructive relationship between the Opposition and the Government in relation to not only the Select Committee and the work of the Select Committee on Parliamentary Reform, but others – show us that the hon. Gentleman is capable of at the very least being fair in relation to this. He is not being fair in the light of what he told this House, in the light of the assurances that were given to me when I
3295 formed part of the Select Committee in 2013, when I was part of the Select Committee in 2013, that he was not going to unilaterally be making decisions outside that Select Committee.

And you know, Mr Speaker, my five colleagues, who obviously feel uncomfortable with the situation because they are advocates in their own cause, because it affects them ... It is quite understandable that the hon. Gentleman is placing them in that situation, but it is not right that
3300 the hon. Gentleman should use the power that is vested in him as Chief Minister of Gibraltar, backed by a Government, to affect retrospectively, and affect the rights of just simply five Members of the Opposition.

If he were to just amend this Bill and for this Bill to say 'this part does not apply to a person who *after* the 31st December 2015 has become an elected Member' instead of October 2015,
3305 well then anyone who stands for election next time round knows that this is the law and that therefore their pension rights are going to be determined in accordance with the law. But what he is attempting to do is, after people have been elected, is affecting their rights retrospectively.

Mr Speaker, I have gone on for too long, but I just ... I do not hold my breath that I will be able to appeal to the hon. Gentleman's sense of fairness, because as I say, nothing that I can say

3310 is ever going to persuade the hon. Gentleman. But if he does not want to take my views on board as to why we are voting against it, well maybe the hon. Gentleman will listen to the hon. Lady's impassioned speech as to why hon. Members ought not to proceed in the way that they are proceeding.

3315 **Mr Speaker:** The Hon. Elliott Phillips.

Hon. E J Phillips: Just to add to the Leader of the Opposition's comments in relation to the amendment, I understand from the amendment to the Act that that would also remove and dis-apply directly those provisions that deal with death in service under section 97-98 of the current Parliament Act. It would be helpful if the Chief Minister could also confirm the position in relation to that.

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Mr Speaker: Does any other hon. Member wish to speak on the Second Reading?

Hon. R M Clinton: Just as an afterthought, Mr Speaker –

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Mr Speaker: You have spoken already.

Hon. R M Clinton: Oh, sorry, my apologies.

3330 **Mr Speaker:** In committee, you are able to rise again on a particular clause; not on the whole thing, but you are able to speak on each clause separately.

Does any other hon. Member wish to speak?

I call on the Hon. the Chief Minister to reply.

3335 **Hon. Chief Minister:** Mr Speaker, I really do not believe my ears. First of all I am accused of passing unilateral laws. Well, I do not know what a unilateral law is. I may have just passed one because they did not support the Public Finance Bill, but that was not referred to as a unilateral law. I forget which are the other ones they have not voted in favour of – are they all unilateral laws?

3340 Mr Speaker, this is a serious place where we have to put serious arguments. It is not about *Animal Farm* and all animals being created equal; it is about the policy of *their* party. The hon. Lady seems to forget that the most trenchant advocate against the final salary scheme is no longer here: it was Peter Caruana. He was the one who said that the final salary scheme was a noose around the neck of Gibraltar, and that it was ended as from 1st January 2012 and closed for good.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): A ticking time bomb.

3350 **Hon. Chief Minister:** A ticking time bomb, he used to say it was.

All we have done is ensure that those who were employed before that date continue to have the benefit of that scheme. This is not a Bill that affects only one side; this Bill could affect anybody who is elected with us in the future.

3355 The fact is that hon. Members have got up and have completely ignored what I have told them. Look, it is very simple. Let me explain it to them again. We will have a Select Committee. The Select Committee, not this House when it deals with a motion, will appoint that independent review. They can make whatever submissions they want in that independent review. If they are able to persuade the independent review to recommend that they should have the final salary scheme, and then that is accepted by the Committee or by the Parliament, 3360 they can have the final salary scheme, because they do not have to contribute anything to the

final salary scheme. All we would need to do is amend the law, because that would be the recommendation of the Committee. If we do not do this apparently unilateral law today, and whoever it is that we appoint does not say that they should have the final salary scheme, where are they? What are they left with? Say that takes three years, what are they left with? They have to go into the contributory scheme *then*. Are they going to make up the payments for three years *then*? Are they going to then continue to pay? Mr Speaker, it is very simple: they can have their money back after three years, if that is what is recommended, and they can go on the final salary scheme. I really do not see what they have worked themselves up into a frenzy over. All I am doing is giving them the opportunity – they do not have to take it, by the way; it is the opportunity – to enter into a contributory scheme today. Should they ever win Government, should they ever persuade an independent body that this is the right way to go, then they can have their final salary scheme and they can either ... In fact, I was wrong. They can either have their money back or they can continue with a contributory scheme as well, if they like, because a contributory scheme is a pot. I think the Government would stop contributing, because if the Government is contributing and also giving them final salary it would be too much, but they could continue to put 8% into a pot, if they wish.

We are not doing away with anything that they have, Mr Speaker. Or is it that they do not realise that they do not have a pension at the moment? No one who has been elected at the last Election, or even at the former election, has yet got a pension. They have to do the 90 months. This gives them an opportunity to have a contributory pension. Yes, it does. The hon. Lady is shaking her head. This gives them an opportunity to have a contributory pension as from today, and if it is determined that they should have a final salary non-contributory pension in the future, they can have that as well and they can take the money out of the pot –

Hon. Ms M D Hassan Nahon: It is not about the money.

Hon. Chief Minister: Well, if it is not about the money I do not understand what it is about.

Hon. Ms M D Hassan Nahon: It is about equality.

Hon. Chief Minister: Mr Speaker, if it is about equality she is sitting with the wrong party, (*Laughter*) and I will tell her why: because *we* did not stop the final salary scheme. We have now got civil servants working next to other civil servants who are not on equality (**Hon. J J Bossano:** Exactly.) because of *their* policy to get rid of the final salary scheme. So you have got civil servants making contributions to a defined contribution scheme next to civil servants on a final salary scheme – because of GSD policy implemented by the GSD.

What we did was we said it would be unfair for somebody employed before that bit to not have the benefit of the final salary scheme. The final salary scheme has gone, and whilst we are in Government they will not persuade us that they should have extended to themselves the benefit of a non-contributory final salary scheme which they have taken away from civil servants (**Hon. J J Bossano:** Exactly.) and which their former leader described as a ticking time bomb and as a noose round the neck of Gibraltarians. But if they are able to persuade an independent body that they should have it, it is very easy, because then you take your money out of this pot – whatever you have put in you can have back – and you can have your final salary scheme.

The alternative is very dangerous, Mr Speaker. They do not want to hear me, but the alternative, they need to understand, is very dangerous. If in four years' time the issue has not been resolved, they will walk out of this place, if they lose their seats, *without a penny*. This gives them a different sort of opportunity. (*Interjection by Hon. Ms M D Hassan Nahon*) If they, in the future, are able to persuade a body that they should have the final salary scheme, they can have it, but this creates a prejudice to them by not extending the right to them today. They do not seem to agree, Mr Speaker. We seem not to be able to agree on anything today; I suppose that is why we sit with different sides.

3415 This is not about us imposing anything. Nothing could be easier, I believe, for them to understand if they had an open mind about why this is happening, but they have come here with a prejudice. They have come convinced that we are here to do them *(Interjection by Ms M D Hassan Nahon)* something which is a damage, and this is far from a damage. This is an advantage that we are creating for them. They will have the ability – *(Interjection by Ms M D Hassan Nahon)* Mr Speaker, it is not usual to be heckled from a sedentary position. The hon. Lady needs to keep her wits about her. This is not going to do her out of a penny. She needs to keep her wits about her and listen to my explanations.

3420 Mr Speaker, the Hon. Mr Clinton said when he put his first motion that he did not know – **(Hon. D A Feetham: Disgusting.)** The Hon. Mr Feetham is saying from a sedentary position that what I am doing, in giving them the same opportunities that they decided should be the opportunities given to civil servants, is disgusting. Well, they might like to explain that to the new civil servants.

3425 Mr Speaker, the Hon. Mr Clinton said, when he put his first motion, that he did not know how much he was going to earn as a Member of Parliament. I believe him: neither did I – when I became a Member of Parliament I became a Member of Parliament because I am here to serve the people of Gibraltar at whatever cost, and that is what we are here to do. But suddenly, 3430 although he did not know how much he was going to earn, he wants to hang on for dear life to the final salary pension scheme. That, to me, is very surprising indeed, Mr Speaker. It is a complete contradiction in terms.

3435 He talks about people who are over 55 who have commuted. He might care to hear me tell him that the push for commutations for people who are beyond 55 has not come from anybody on these benches. He might be surprised to hear that the person who has had the greatest desire to receive a commutation from Credit Finance Company Ltd, which is the company that does the commutations – and if he does not know that, he needs to go back and read all the *Hansards*, where we explained how they work, Mr Speaker – was the Knight known as the greatest Gibraltarian of all time. *(Laughter)* He is the post-55-year-old who has wanted a 3440 commutation. It has been foisted on another one, who did not want it. *(Laughter)*

3445 So that point – No, I do not have any intention whatsoever of giving way at nine o'clock in the evening when I am giving my explanations, Mr Speaker. So that point is not a point that he has in order to make any valid reference against what the Government is doing. Actually, the Government is offering commutations to anybody who qualifies, and the request to qualify has been by a Member who was opposite.

3450 Mr Speaker, of course there will be a non-partisan decision as to what happens when the committee, or whatever is set up to look at salaries ... and when they make that decision the only prejudice that hon. Members opposite will have suffered is that they will have paid into a moneybox. And let me be clear again: if the decision is that they should have the final salary scheme, or any other scheme, they have their moneybox back and they are put in the position that they would have been in. The alternative is that they are then told three, five or six years down the line, 'You have now got to come up with six years of contributions if you want to have all your period of service considered.'

3455 So, Mr Speaker, frankly, when the hon. Gentleman got up and said all of the things that he has said, it was absolute *nonsense*, designed to try and play to what they must have believed this law was about rather than to the logic that we have presented to them is the reality of what this law is about. But let me be very clear: all that is going to happen is that they are going to be *offered* this product, and if they do not want it they do not take it. They do not have to pay anything in and they can take their chances and wait to see whether they persuade those who 3460 are coming to advise us independently, when they come, that they should have the other scheme. No problem. They do not have to pay into the moneybox, they can leave the moneybox empty; it is up to them. That is all that this does: it creates that opportunity. It deprives them of nothing, Mr Speaker. But look, if they want to raise this issue to the level of whether this is equality or not equality, rights to pensions, when they might all walk out of here without any

3465 pension – and, Mr Speaker, if they continue to perform as they are doing today I doubt whether any of them will be afforded the privilege by the people of Gibraltar of doing 90 months in this place – it is a matter entirely for them.

Finally, Mr Speaker, the issue of death in service is not one which I believe is affected by this. I believe there is an insurance policy that deals with death in service with everybody who is on a public emolument.

Mr Speaker, I therefore commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a second time. Those in favour? (**Several Members:** Aye) Those against? (**Several Members:** No.) Carried by Government majority.

Clerk: The Parliament (Amendment) Act 2016.

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**Parliament (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Friendly Societies (Amendment) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Friendly Societies Act.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Friendly Societies Act be read a first time.

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

Clerk: The Friendly Societies (Amendment) Act 2016.

**Friendly Societies (Amendment) Bill 2016 –
Second Reading approved**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill for the Friendly Societies (Amendment) Act 2016 be read a second time.

This Bill delivers yet another commitment from our election manifesto to continue to develop services for cancer patients and survivors as it would be of primary benefit to the Cancer Relief Society.

3500 We are currently working with the Society for the provision of hospice services by that charity at the Cancer Relief Centre. The Society views its current structure as unsuitable for the provision of such services and is keen to restructure as a private limited company and to transfer all its engagements to that company.

3505 This Bill amends the Friendly Societies Act so as to allow a society registered under the Act to transfer its engagements to a company or to convert into a company, subject to the fulfilment of certain conditions. In particular, the Registrar of Friendly Societies must confirm the transfer or conversion in order for it to take effect.

3510 The Registrar of Friendly Societies also has a residual power to give a direction requiring a registered society to transfer all or some of its engagements to a company, mainly in the interest of its members. The main conditions which the Society are required to fulfil prior to a transfer or conversion are set out in the new schedule 5, which sets out the information that a registered society needs to give votes to its members and the Registrar.

Finally, Mr Speaker, the new sections do not apply to any engagements relating to the carrying on of insurance business as defined in the Financial Services (Insurance Companies) Act.

3515 Mr Speaker, I commend the Bill to the House.

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

The Hon. Mr Edwin Reyes.

3520 **Hon. E J Reyes:** If I may, Mr Speaker, just very briefly to say that this side of the House will be supporting the Bill, for the obvious reasons that the Hon. Minister has just highlighted, and we can at least in the notes here, say that we will be unanimous in continuing to offer our undivided support to Cancer Relief Gibraltar.

3525 **Mr Speaker:** Any other hon. Members?

I now put the question, which is that a Bill for an Act to amend the Friendly Societies Act be read a second time.

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

3530 **Clerk:** The Friendly Societies (Amendment) Act 2016.

**Friendly Societies (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

3535 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Gibraltar Pilotage Bill 2016 –
First Reading approved**

3540 **Clerk:** A Bill for an Act to make provision for and to consolidate, revise and re-enact the laws on pilotage and for connected purposes.

The Hon. the Minister for Financial Services and Gaming.

3545 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for and to consolidate, revise and re-enact the laws on pilotage and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and to consolidate, revise and re-enact the laws on pilotage and for connected purposes be read a first time.

3550 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar Pilotage Act 2016.

**Gibraltar Pilotage Bill 2016 –
Second Reading approved**

3555 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill for the Gibraltar Pilotage Act 2016 be read a second time.

This Bill is an important piece of legislation for the Gibraltar Port Authority that seeks to streamline the pilotage services in port waters.

3560 The Bill updates and modernises very old outdated and obsolete provisions for pilotage service in the existing legislation.

The Bill also introduces endorsement of pilots by way of authorisation or licence granted to them by the Captain of the Port and also provides for pilotage exemption certificates to a master or a chief mate of a ship if the Captain of the Port is satisfied that his skill, experience and local knowledge is sufficient for piloting any ship within our waters.

3565 Further, Mr Speaker, the Bill sets out required qualifications for people to be authorised or licensed for pilotage services. Basically, both authorised pilots and licensed pilots have to have the same qualifications but the authorisation and licensing procedures are slightly different.

3570 The Bill also introduces the Pilotage Committee, headed by the Deputy Captain of the Port, which Committee holds inquiries into the conduct of authorised pilots and licensed pilots and submits its findings and recommendations to the Captain of the Port. The Pilotage Committee is also tasked to oversee training of personnel engaged in the pilotage service and to investigate and advise the Captain of the Port on matters referred to it.

3575 The Bill allows the Minister to make regulation for various purposes, including determining additional qualifications for pilots, to fix the rate of payment of charges to be paid to authorised pilots and licensed, and to regulate the quantum of pilotage fees.

The Bill amends the Merchant Shipping Act by way of repealing part 9, sections 180 to 2003, and the end result is that a standalone piece of legislation dealing with all aspects of pilotage will be implemented for Gibraltar British Territorial Waters.

3580 Mr Speaker, I commend the Bill to the House.

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

3585 I now put the question, which is that a Bill for an Act to make provision for and to consolidate, revise and re-enact the laws on pilotage and for connected purposes be read a second time.

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

Clerk: The Gibraltar Pilotage Act 2016.

**Gibraltar Pilotage Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

3590 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

**Supplementary Appropriation (2014/2015) Bill 2015;
Gibraltar Savings Bank (Amendment) Bill 2016;
Public Finance (Borrowing Powers) Bill 2016;
Parliament (Amendment) Bill 2016;
Friendly Societies (Amendment) Bill 2016;
Gibraltar Pilotage Bill 2016**

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

3595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Supplementary Appropriation (2014/2015) Bill 2015; the Gibraltar Savings Bank (Amendment) Bill 2016; the Public Finance (Borrowing Powers) Bill 2016; the Parliament (Amendment) Bill 2016; the Friendly Societies (Amendment) Bill 2016; and the Gibraltar Pilotage Bill 2016.

In Committee of the whole Parliament

**Supplementary Appropriation (2014/2015) Bill 2015 –
Clauses considered and approved**

3600 **Clerk:** A Bill for an Act to appropriate further sums of money to the service of the year ended the 31st day of March 2015.
Clause 1.

3605 **Mr Chairman:** Notice has been given of an amendment to substitute '2016' for '2015'.

Hon. D A Feetham: Mr Speaker, we are happy to take any letters that have been lodged as effectively proposing the amendments, rather than the hon. Gentleman having to read them out.

3610 **Mr Chairman:** Yes, I am going to take it that all amendments have been circulated. Unless hon. Members of the Opposition tell me to the contrary, I will accept them and we will incorporate them on that basis into the necessary clause.

3615 **Chief Minister (Hon. F R Picardo):** This Bill will suffer no amendment other than the change of date.

Mr Chairman: Well, just that: 2016 instead of 2015. So, clause 1 as amended stands part of the Bill.

3620 **Clerk:** Clause 2.

Mr Chairman: Stands part of the Bill.

Clerk: The schedule.

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Mr Chairman: Stands part of the Bill.

Clerk: The long title.

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Mr Chairman: The long title. Stands part of the Bill.

**Gibraltar Savings Bank (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Gibraltar Savings Bank Act.
Clauses 1 and 2.

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Mr Chairman: Stand part of the Bill.

Clerk: Clause 3 as amended.

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Mr Chairman: Clause 3 as amended stands part of the Bill.
The Hon. Mr Roy Clinton.

Hon. R M Clinton: Mr Speaker –

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Mr Chairman: You may be seated and address the Chairman.

Hon. R M Clinton: Chairman, okay.

Mr Chairman, before we go through every single clause I just have an observation, on reading the Savings Bank Act, that maybe the Members opposite may want to consider, and that is with the main amendment to the Savings Bank Act there is the provision where the Minister will be the Minister of the Savings Bank. But if they look at clause 8 – and they may or may not have considered this – where the guarantee is given by the Government for the money in the Savings Bank, there is a clause that says:

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if at any time or times the assets of the Savings Bank shall be insufficient to pay the lawful claims of every depositor, the Minister shall cause such deficiency to be met out of the Consolidated Fund, and the Financial Secretary shall certify such deficiency to the Minister without delay.

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Obviously, if he is not the Minister for Public Finance he may not have the power to do that. I wonder whether Members opposite will want to change the word ‘Minister’, or say ‘Minister for Public Finance’ or something else.

Chief Minister (Hon. F R Picardo): Mr Chairman, just dealing with that point, I do not think it is necessary to make the amendment, because I think the Minister, whether he is the Minister for Public Finance or whether he is the Minister for the Savings Bank or otherwise, does not have the ability to simply engage spending on his own. He engages spending as part of a Council of Ministers and all spending eventually ends up here, so it really is the Government that does the spending. The Minister is the instrument through which the Government is engaged. Therefore, I genuinely do not believe that that is a necessary change. The Minister for the Savings Bank would simply be the one that presents the case to the Council of Ministers for a Bill to be

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3670 published for an appropriation for that purpose, or in effect for the Appropriation Bill to deal
with that issue in that particular year if there were that shortfall. On the basis of collective
responsibility, that is the way that it would be handled, so I do not ... The hon. Member should
not think that the Minister for Public Finance is simply the man who has the cheque book, and
that if you move away from the Minister for Public Finance then the cheque book moves into
somebody else's hands – or rather he has the responsibility but he does not have the cheque
book. That is not the way it works. It works on the basis of the Council of Ministers having to
engage that payment. Neither the Minister for Public Finance nor the Minister for the Savings
3675 Bank on their own would engage that. That is why the language is 'would cause to' and the
cause would be to cause the Government to do it through the instrument of the Council of
Ministers publication of appropriation etc.

Hon. R M Clinton: Mr Chairman, thank you.

3680 I will obviously defer to the hon. Member's reading of the clause as it would stand when the
Minister for the Savings Bank becomes the Minister responsible. Again, it was just an
observation.

Thank you.

3685 **Clerk:** Clause 3 as amended.

Mr Chairman: Clause 3 as amended stands part of the Bill.

Clerk: The long title.

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Mr Chairman: Stands part of the Bill.

**Public Finance (Borrowing Powers) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Public Finance (Borrowing Powers) Act 2008.
Clauses 1 to 2.

3695 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 3 as amended.

3700 **Hon. R M Clinton:** Mr Chairman, I do not seem to have a copy of that. Not the Savings Bank
one. This is the Borrowing Powers.

Mr Chairman: Do you have it?

3705 **Hon. D A Feetham:** Sorry, we have not seen the amendment.

Mr Chairman: You have not seen it?

Hon. D A Feetham: No, we have not seen it.

3710 **Hon. R M Clinton:** Mr Chairman, I was trying to find my copy of the Borrowing Powers Act. I
seem to have misplaced ... Ah, found it.

The change in definition seems to be to aggregate public debt not net public debt. I just wonder why that would be the case and you would not want it in the net public debt.

3715 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**

Well, Mr Speaker, I think the hon. Member was informed that we had already in the pipeline considered a possible change as he was suggesting, but that it was not exactly the same as he was saying. In fact, we feel it is more appropriate that when the money is put into the sinking fund it does not simply affect the net debt but it affects both the net and the aggregate, because there is no logic saying it affects one and not the other. By reducing the aggregate, automatically it reduces the net.

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Hon. R M Clinton: Thank you, Mr Chairman, I understand his point.

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Clerk: Clause 3 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

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Mr Chairman: Stands part of the Bill.

**Parliament (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Parliament Act.
Clauses 1 to 3.

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Mr Chairman: This is the Parliament Act.

Hon. D A Feetham: This is the Parliament Act? Mr Chairman, are we on the Parliament Act?

Mr Chairman: Yes, we are.

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Hon. D A Feetham: Yes, Mr Chairman. Perhaps the hon. Gentleman can clarify this point that has occurred to me. I alluded to it during the course of my own speech, but it has crystallised in my mind as I was listening to the Hon. the Chief Minister.

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Can he explain what is the difference between somebody who becomes an elected Member and therefore he takes the view that should not be subject to the final salary pension scheme, just as civil servants are not subject to the final salary pension scheme if they joined after 2011, and a situation where someone, a Member of this House – let's put it neutrally; it does not have to be a Member of the Government, although I think that it does affect Members of his Government – has cashed in their pension because they have had the entirety of their pension paid, commuted, and therefore, as I understand it ... I may be wrong, but as I understand it the time for qualification for a further pension begins to run again, so therefore they have got to serve two terms before they qualify for a pension again. Surely they are in exactly the same position as the new Members of Parliament who are effectively having to qualify, and in relation to that aspect of people within the Government they should also be subject to the contributory not the final pension scheme, Mr Speaker.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, he is wrong in the interpretation. What happens is that the maximum that a Member can accumulate is 20 years and the threshold is eight. So anybody who has got a day less than eight gets nothing – as was the case with the Civil Service, except that in the case of the Civil Service the minimum was 10 – and anybody who does more than 20 – (**Mr Chairman:** Twenty eight.) The maximum is 28 years?

Mr Chairman: Twenty eight years of reckonable service.

Hon. J J Bossano: Well, 28 years, and anybody who has more than 28, even if he comes back, does not start with a new one. Otherwise, I should now be collecting my third pension, given that I am in the 44th year. (*Interjection by Hon. D A Feetham and laughter*)

What happens is that a Member who has got a pension ... For example, when this issue was first raised ... When I left the office of Government in 1996 I already had 24 years' service and I was 57. Nobody at that time had suggested that you could actually collect your pension and come back. Nobody had suggested it before 1996, or since 1996 until 2011 when the GSD lost Government. The then leader of the GSD raised the issue of being able to collect it and then come back and count the years after, which in fact he did and which I was told applied to me as well, although I had not asked for it and I found it very odd that if it applied to me then they owed me back money going back to 1996, but I did not make a claim.

So what happens is that the accumulated years get reconsidered and revalued in the same way that a civil servant who has had a break in service ... before, the break in service would have meant that he would have to start from scratch again. That was changed by the GSD, and I think rightly so, and there were people who had more years than somebody else but got a smaller pension because there was a gap. In some cases the gap was that they had been a week out of the service. They had finished in one week and had come back one week later, and although before that week and after that week together they had many more years, they were getting a smaller pension and were entitled to a smaller pension. The Government allowed the Civil Service Pension Scheme, by amending the Pensions Act, to provide for people to be able to, if there was service before a date and after a date, to put the two periods together in order to maximise what they were entitled to.

That is what happens when there is a situation where somebody has left Parliament and come back later. The same provisions were applied to the parliamentary pension, and when somebody comes back after an election, whatever they maybe have being collected, the next time they leave the Parliament, if their entitlement as a result of doing more years is higher than the one they got before, they are entitled to the difference.

In my case, obviously there is no way I can increase the years because I have already got too many. (*Laughter*)

Hon. D A Feetham: Yes, Mr Speaker, but of course I understand it in his case because he has reached the 28 years, but you could conceivably ... I do not know what the personal circumstances of Members opposite, but you could have a situation where there are Members of the Government who have commuted their pensions. It is legislation that they introduced, that applies to parliamentarians, that they could commute and then the clock starts all over again and they are in exactly the same position as effectively people who have got elected to Parliament. For pension purposes that must be true, that must be the reality, because the clock starts ticking again and they are not entitled to anything unless they serve eight years. That is the ...

Hon. J J Bossano: Mr Chairman, the explanation I have given the hon. Member is, for example, when this issue was raised by the former leader of the GSD for the first time since I joined the House, I thought it was the wrong interpretation. It went to the Principal Auditor and

3810 the Principal Auditor said he was right and that I was wrong, and then what happened was that he commuted 25% of his pension but he was able to continue clocking up service when he got re-elected into the Opposition. That is what happened, and it happened on an issue where the initiator of that policy was the GSD, not us.

3815 **Mr Chairman:** May I remind hon. Members that a Bill came to Parliament (**Hon. J J Bossano:** Yes.) in February last year to give effect to 100% commutation.

3820 **Hon. J J Bossano:** I know, but the point about the continuing service is relevant whether it is 25% ... Look, the 100% commutation is the maximum that you can take. It is not that everybody is required to take it. Within the Civil Service, in fact, the average take-up is 45%. Most people do not take the 100%.

3825 So what I am telling the Member is that it is not that if you take the commutation and if, for example, he were to find that there was evidence through opinion polls that the GSD would stand a better chance of being elected if its former leader came back, then the former leader could come back, stand for election and get elected, but he would not then start counting a new pension from zero and have to do eight years minimum. Every month after he came back would mean that what he got previously would be recalculated at the end of the second term.

Chief Minister (Hon. F R Picardo): But the amounts that he had taken would be deducted.

3830 **Hon. J J Bossano:** But the amounts that he has already had ... He gets paid the difference. He does not get a pension every eight years – that is not what happens.

3835 **Hon. R M Clinton:** Mr Chairman, would it not be equitable, where Members have either commuted their pensions or come back to the House, that they should be made to join the new scheme and not continue in the old scheme?

3840 **Hon. Chief Minister:** Well, Mr Chairman, as the hon. Gentleman is saying, when they have commuted 100% of their pensions, I assume, not if they have taken their gratuity of 25%, for example. That is not an issue which is current, in the sense that, as far as I understand it, certainly on this side of the House that situation has not arisen. It may have arisen on the other side of the House – it may have arisen in relation to somebody who is no longer there or to somebody who is there – but that is an issue that the Independent Commission can look at, and I am very happy that they should look at it and make a determination.

3845 It is not urgent, in the sense that they have gone already and if there is anybody who is going to accrue in that way in the future so be it, but it is not as urgent as enabling them the opportunity of being able to contribute to the new scheme in the event that they wish to, to ensure that there is no period for which they are not covered.

3850 It is something that we can certainly look at and we can look at what opinions have already been given by the Principal Auditor in that context.

Hon. R M Clinton: Mr Chairman, I am grateful for that contribution.

3855 Given that he is extolling the virtues of the new scheme, I wonder if it is possible to give any indication to the Members on this side of the House what that scheme would be, because it seems to be at the complete discretion of the Chief Secretary as to what type of scheme that would be.

3860 **Hon. Chief Minister:** Well, Mr Chairman, I think it is the scheme that is offered to civil servants which is the scheme that would be offered to them. Now, which of those ... I think there is an option of two. This is the Committee Stage: we are looking at the detail of the words on the page. I am quite happy to facilitate a meeting with the Chief Secretary so that they can

understand and deal with him on the subject of which scheme they consider to be the most advantageous and go on to most advantageous, to the superannuation scheme and others, but this is about the words on the page and those say they will be offered a scheme.

3865 **Hon. R M Clinton:** Mr Chairman, my experience is that when you talk about pension schemes you make reference to whether they are contributory or non-contributory or a combination. This amendment to the Bill makes no reference to what type of scheme it is.

3870 **Hon. Chief Minister:** I am sorry, Mr Chairman, I entirely disagree. The section is absolutely clear, and if he cares to read it, it says:

89B. A person who, but for the operation of section 89A would be entitled to a pension under this Part shall be offered, by the Chief Secretary an opportunity to join such pension scheme as may be available to officers in the public service.

Those are the contributory schemes that are now available, there are no other schemes available, and they are available to members of the Civil Service and also not to members of the Civil Service – that is why it says *public* service. I think even members of the Civil Service or public service have an option of what scheme to join, and they should be given that option too.

3875 **Hon. D A Feetham:** Mr Chairman, I want to also make it absolutely crystal clear that we do not disagree with the principle, even though I have to say that I would have preferred the matter to have been formally put through the Select Committee and the Select Committee would have recommended ... but it is the date. We fundamentally disagree with the situation where
3880 effectively what they are doing is, they are affecting the rights of five Members of Parliament retrospectively, all on this side of the House. If this had said 31st December we would have voted in favour of it, but not in the circumstances that it affects just simply five Members on this side of the House retrospectively, as it does.

3885 **Hon. Chief Minister:** Well, Mr Chairman, this is the Committee Stage and it is not for speeches on rights and how people would have voted or not voted in the Second Reading.

The fact is it gives the date it gives because that is, I think, the date of the dissolution of Parliament. That is why that date has been fixed, and he might be surprised as to how many Members on his side it might affect, given his interpretation as to commutations and what effect
3890 that should be.

But this is about the stage where we are looking at the detail of the words that are used in the legislation. I think his comment is entirely out of place in the Committee Stage and should not have been allowed, frankly.

3895 **Clerk:** Clauses 1 to 3.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

3900 **Mr Chairman:** Stands part of the Bill.

**Friendly Societies (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Friendly Societies Act.

Clauses 1 and 2.

3905 **Mr Chairman:** Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Gibraltar Pilotage Bill 2016 –
Clauses considered and approved**

3910 **Clerk:** A Bill for an Act to make provision for and to consolidate, revise and re-enact the laws on pilotage and for connected purposes.
Clauses 1 to 33.

Mr Chairman: Stand part of the Bill.

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Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILLS FOR THIRD READING

**Supplementary Appropriation (2014/2015) Bill 2015;
Gibraltar Savings Bank (Amendment) Bill 2016;
Public Finance (Borrowing Powers) Bill 2016;
Parliament (Amendment) Bill 2016;
Friendly Societies (Amendment) Bill 2016;
Gibraltar Pilotage Bill 2016 –
Third Reading approved: Bills passed**

3920 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Supplementary Appropriation (2014/2015) Bill 2015 as amended, the Gibraltar Savings Bank (Amendment) Bill 2016, the Public Finance (Borrowing Powers) Bill 2016, the Parliament (Amendment) Bill 2016, the Friendly Societies (Amendment) Bill 2016 and the Gibraltar Pilotage Bill 2016 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

3930 **Mr Speaker:** I now put the question, which is that the Supplementary Appropriation (2014/2015) Bill 2015, the Gibraltar Savings Bank (Amendment) Bill 2016, the Public Finance (Borrowing Powers) Bill 2016, the Parliament (Amendment) Bill 2016, the Friendly Societies (Amendment) Bill 2016 and the Gibraltar Pilotage Bill 2016 be read a third time and passed.

Those in favour of the Supplementary Appropriation (2014/2015) Bill 2015? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried by Government Majority.

3935 Those in favour of the Gibraltar Savings Bank (Amendment) Bill 2016? (**Several Members:** Aye.) Those against? Carried.

Those in favour of the Public Finance (Borrowing Powers) Bill 2016? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried by Government majority.

3940 Those in favour of the Parliament (Amendment) Bill 2016? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried by Government majority.

Those in favour of the Friendly Societies (Amendment) Bill 2016? (**Several Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar Pilotage Bill 2016? (**Several Members:** Aye.) Those against? Carried.

PRIVATE MEMBER'S MOTION

Review of Members' salaries and pensions etc. – Motion not carried

3945 **Clerk:** Private Member's Motion. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House believes that the salaries, pensions and other benefits enjoyed by Members of Parliament should be determined by a body independent of Parliament.

3950 We seem to have been superseded by events, but nevertheless I will carry on my prepared speech. (*Laughter*) I do carry on, do I?

Hon. D A Feetham: Yes.

It's your penance for taking away his pension rights! (*Laughter*)

3955 **Hon. R M Clinton:** Mr Speaker, I bring this motion in the same spirit as that of my last motion in January, in that I am looking to Parliament as a whole to ensure best practice and transparency in governance of MPs' pay and conditions. This is not and should not be considered a partisan issue.

3960 First of all, I wish to record my thanks to the Chief Minister and the Clerk to the House in so rapidly ensuring that the parliamentary website has been updated to include full details of MPs' allowances and method of calculation going back 20 years.

3965 Mr Speaker, I am also grateful to you for having directed me to review the report presented to Parliament in January 2013 by the Commission on Democratic and Political Reform, which in turn has led me to review the minutes of *Hansard* of 4th June 2013, during which the Select Committee was formed.

3970 I do not intend to dwell upon the merits of my motion – they should be self-evident – but perhaps illustrate the current practice in the United Kingdom in support of my motion. In the United Kingdom the Independent Parliamentary Standards Authority (IPSA) was created by Parliament in the wake of the MPs' expenses scandal. IPSA was given the remit and powers to introduce independent regulation over MPs' business costs and expenses, and subsequently pay and conditions and pensions. On their website they state:

Our approach and rules are a clean break from the old system of self regulation by MPs and the House of Commons. The new rules are fair to MPs and the public purse, workable and, crucially, transparent – anyone can go online and see what their MP has claimed for and what they are paid.

IPSA is independent and in everything we do, we focus on our main duty: to serve the interests of the public.

The Constitutional Reform and Governance Act 2010 in the UK provided for IPSA to be given responsibility for determining MPs' pay and pensions: pay in May 2011, and pensions in October 2011.

3975 The IPSA issued their final report on MPs' pay in July 2015. The following two quotes are pertinent. I quote:

No-one can be in any doubt that consideration of MPs' pay is a toxic issue.

– as we have seen today –

A thousand and one reasons can be advanced for putting it off. There is never a right time to do anything. But putting it off for decades led ultimately to disaster in the form of the expenses scandal of 2009. What we are putting in place will settle pay for a generation.

Also, they said:

MPs

– without patting ourselves on the back too much –

are an indispensable part of our parliamentary democracy. Our duty is to provide a package of remuneration which, while still modest by professional standards, does not deter people from entering political life, nor confine it to the independently wealthy.

– or, I should add, lawyers (*Laughter*) –

This is what our decisions are designed to achieve.

Hon. D A Feetham: [Inaudible].

3980 **Hon. R M Clinton:** Sorry, that was my addition, Mr Speaker! (*Interjection by Hon. D A Feetham and laughter*)

IPSA's Chair, Sir Ian Kennedy, said:

Parliament gave IPSA the power to deal with the vexed issue of MPs' pay independent of Parliament and Government. Pay has been an issue which has been an issue which has been ducked for decades with independent reports and recommendations from experts ignored. An MP's salary is supplemented by an opaque and discredited system of allowances.

3985 Mr Speaker, in reading *Hansard* from 4th June 2013, during which the report of the Commission was discussed extensively, I note that the Chief Minister in line 530 onwards suggests the Select Committee appoint independent assessors to consider MPs' salaries and pensions. I gather we have not yet had the report of the Select Committee created almost three years ago in June 2013, and that the Government has now indeed reconstituted that Select Committee today to continue its work in considering and advising on the recommendations of the Commission on Democratic and Political Reform.

3990 I believe this House should make the work of the Select Committee easier by agreeing to one fundamental point, that being that the pay of and any changes to salaries, pensions and other benefits enjoyed by MPs should be determined by an independent body similar to the IPSA and not by Members of this House, in what could be perceived by the general public as an obvious conflict of interest.

3995 Mr Speaker, with your leave, I commend my motion to the House. (*Banging on desks*)

Mr Speaker: I now put the question in the terms of the motion moved by the Hon. Mr Roy Clinton.

4000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, rising to reply on behalf of the Government, together with other Members who will speak, the hon. Gentleman will be disappointed to know that the motion he brings today will not enjoy the support of the Government benches. The principle does enjoy support, Mr Speaker. The principle enjoys support and will be something that we see through.

4005 The hon. Gentleman said that having to hear his speech despite it being overtaken by events was a penance. Well, Mr Speaker, it is the last time I try and do him a favour in ensuring that he has got a pension from the first moment he has been elected, if I am supposedly going to be made to suffer a penance as a result of it.

4010 The hon. Gentleman has read what he says is the best practice in the United Kingdom in support of his motion. Well, I do not think he has read it in support of his motion, and I think that he should not pretend that this proposal is his doing, by suggesting that he is reading something in favour of his proposal. This is the doing of the Commission that was constituted by my Government to recommend reform, Mr Speaker, and it is in the Select Committee that we have now created that we will be considering exactly this issue and, certainly with our support, bringing inter alia other proposals to this Parliament for this exact issue, as I have indicated – to deal with salaries and pensions etc. Because, Mr Speaker, we fully agree it is an obvious conflict of interest for this House to be determining salaries, and to do so would create an invidious conflict – (*Interjection*) And pensions, Mr Speaker, especially when people are trying to take advantage and avail themselves of pensions that they do not have and pretending that they have them.

4020 For that reason we did not support the former GSD administration when they brought the issue of salaries to this House, Mr Speaker. The Hon. Mr Bossano is going to remind us of that in a moment and take us in detail, no doubt, through the discussion at the time, but the current salaries are the salaries that have been fixed for the first time in the history of this Parliament by this Parliament. Previously, the salaries of this Parliament were fixed by independent commissions and advice from outside – until the GSD took office and they decided that, even with the votes of Members opposite against, they would fix for themselves new and higher salaries. So, given that he has today also disavowed that particular practice of the GSD, he will find that we are of the same mind but we were of the same mind some time ago. We sent these recommendations to a Select Committee – in fact, on the advice of the former Chief Minister, who suggested that we should send all of these to the Select Committee – and we will continue to do that work in the Select Committee and come back with this one from the Select Committee, but not otherwise, Mr Speaker.

4035 I do not think I need to deal with any other point that the hon. Member has raised, other than to say that, for those reasons, we will not be supporting his motion.

Mr Speaker: Did I hear that the Hon. Mr Joe Bossano is going to contribute to the debate?

4040 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, I am glad to see that the new GSD has abandoned the position of the old GSD, but I think it is important for them to know just how awful the position of the old GSD was.

4045 When the salary structure that exists now was introduced, it was introduced by the GSD by bringing a motion to the House about which there had been no prior consultation with anybody. They decided what it should be and they brought the motion here in 1998. They decided what the salary should be and they decided what it should be in 1999. And they decided that they were going to change the structure that existed by giving themselves in Government a bigger pay rise than they would give the Opposition. That is what they decided.

4050 **A Member:** And the Speaker.

Hon. Chief Minister: And the Speaker.

Hon. J J Bossano: And the Speaker, yes, that is right.

Hon. Chief Minister: With unilateral legislation. (*Interjection*)

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Hon. J J Bossano: The point that I made when we opposed what they were doing ... because in fact on the previous occasion that there had been a review of the pay of Members of Parliament, or Members of the House of Assembly as it then was ... what the AACR Government had done, under Sir Joshua Hassan as Chief Minister, was that Sir Joshua actually consulted both Peter Isola, who held the majority of the Opposition seats, and me as the leader of the GSLP with one seat. Not only did he consult the majority Opposition, he came to get a consensus view as to how we should approach a review of the salary, because it was following the introduction of parity in the public sector, and therefore the effect of that very big increase after a long period when there had been no pay rises meant that there was a disparity between what people got paid in this House and what people were being paid outside the House. Sir Joshua felt – and Peter Isola felt, and I felt – that it was a difficult thing that we should be taking decisions putting our own pay up.

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Therefore it was agreed by the three of us that we should approach the UK Parliament and find out how they did it. They sent a person they said was an expert in this area, (**A Member:** David Pring.) David Pring, and the Pring report was what suggested what our relativities should be. That was what operated until the GSD was in Government, when the GSD decided unilaterally to do it on the basis of what they thought was good for them, what they thought was good for us on the opposite side and what they thought was good for the guy in the Chair.

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When I suggested that it might be better to bring somebody from the UK so that nobody could accuse us of paying ourselves more money I was accused of wanting to go to London to be told by Bwana what was good for us. That was the wording of the greatest ever Gibraltarian. (*Laughter*) I pointed out that I was not particularly well known for going to Bwana to be told what to do, but certainly he was accusing not just me – he was accusing Peter Isola and Sir Joshua Hassan of wanting to go to Bwana to tell us what we should be paid.

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As well as rubbishing that, he said that the idea that people should enter politics because it was a vocation, because it was a matter of wanting to serve the people, was a romantic nonsense (*Laughter*) and that this was a job like any other. (**Hon. Chief Minister:** Shame!) (**A Member:** Oh, brilliant!) (*Laughter*) He said, 'We do not subscribe to this romantic notion that politics is a vocation and that one should do it for nothing.' Well, look, we were not doing it for nothing. I accept that when I joined I was doing it for practically nothing, because I had three kids, one on the way, and a pay of £500 a year in 1972.

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Mr Speaker: £350 – you were a Member of the Opposition.

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Hon. J J Bossano: Oh, yes, £500 in the Government. Yes, £350, right. And of course when my good friend Mr Speaker left his post in the education he did it to take a pay cut.

Mr Speaker: £700 a year ... [*Inaudible*]

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Hon. J J Bossano: So the reality of it is that there has been a tradition in this Parliament of people joining because they want to contribute to the welfare of our community, a view that in 1997 clearly the GSD did not share, and if there is one good thing about the change it is that narrow view of what it is to be a Member of Parliament, which is a career just like each other ... I pointed out to the greatest ever Gibraltarian – he was not that at that time, but I pointed out to him that he could hardly say that it was the same as anybody else entering into any job and having a career. Because, look, people who enter at the bottom do not all get to the top, and in any event there are quite a number of people who enter after they have ended their career. There are a number of people on the opposite side who have finished one career and are

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4105 coming here after completing one career. And I, in fact, at that point in that debate in 1998, said
that this was a good thing because people had come from working in the private sector or
working in the public sector and they brought to Parliament years of experience in their
profession, which would be a useful input when we were taking policy decisions and debating
legislation. It is not like entering the Civil Service as an AA and finishing up as Head of the Civil
Service. Therefore, to say 'Because this is a career, if the Head of the Civil Service earns
4110 £100,000, then I as Chief Minister must earn £75,000' ... Well, look, but you have had a career in
the private sector as a lawyer earning a lot of money, and the person who got to be the Head of
the Civil Service had to work his way up.

I was a bit surprised about this motion – and I do not know whether it was connected with
the Bill that dealt with the pensions or not, or what prompted it – because my first reaction to
4115 the motion was to say, 'Well, what is it that the Hon. Member Mr Clinton is raising? An issue
because he thinks the pay is not enough, or because the pay is too much?' Normally, I would not
say we need to review what we are getting unless I thought it was too much or too little. I would
not expect to say we need a review to tell us that it is just right.

4120 Given that what we are getting, in my view, is too much ... was something that the GSD
introduced, then ... and I have heard nothing from their side that they think they are getting too
much, and in fact the thought of losing final salary pension is seen as an attack on their rights ...
It is a right that they only enjoy after eight years, not after two months, so the right does not
exist at this point in time, but –

4125 **Hon. D A Feetham:** It exists now.

Hon. Chief Minister: Nonsense.

Hon. D A Feetham: Yes it does.

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Hon. Chief Minister: And what happens if they do not get re-elected? They get nothing.

Hon. J J Bossano: They get nothing. *(Interjection)*

4135 **Hon. Chief Minister:** Because it is true. That is why it is relevant.

Hon. J J Bossano: I suggested that there should be somebody externally because that is what
we had done the last time. And the last time that we had done it we had not done it on my
suggestion – it was the suggestion of Sir Joshua, and Peter Isola agreed with it and I agreed with
4140 it, and we all felt that given that we all entered politics with an idea that this was not a career
and that ... And the Chief Minister who was in office when this dramatic change in values took
place argued that that was because we were all part time before, but now that we were not part
time it was different. He said that when it suited him in 1997. When we pointed out that some
of his Ministers were still happily running their businesses, his answer was that there was no
4145 obligation to be full time on public duties when you were a Minister – and that is right, there is
no obligation. There is nothing in our Constitution, in Parliament or in anything else that says
that Ministers should not have private interests. It is the GSLP who made it a condition in 1988
that everybody who stood as a candidate stood as a candidate on the basis that we were
fighting to get into Government and that if we got into Government it should be a full-time job.
4150 In fact, Mr Speaker was the only Minister in the AACR who did that by giving up a job in the Civil
Service as a school teacher and not taking a part-time job in the private sector, and was the only
full-timer that there was in the Government.

That approach means that I think, when we are looking at a motion saying we need
somebody to look at the benefits, we need to look at it from the philosophical point that it is
4155 right that the money should be sufficient, and indeed one of the things that I argued was that it

had to be sufficient so that a person would not need to have a second job, even in Opposition. When I became the Leader of the Opposition in 1996 I did not look for a second job. I spent 16 years in Opposition, having accumulated enough years that if I had chosen to take my pension I probably would have been better off. But the idea that you are in Opposition... Well, look, I do not know to what extent our society has changed, but I can tell Members opposite that, from a socialist perspective, if you were a socialist Member of the Opposition and you did not have a job that you kept, you did not have an easy ride in trying to find another job. And certainly when I came back in 1972 I found it extremely difficult to persuade anybody to employ me. I came back knowing that that was a risk I was taking, and I came back with a very young family. Therefore, those values ... I think, whatever we may do or may not do, whether we contribute a lot or we contribute a little, it depends on our ability and on how many mistakes we make while we are here. But what we should encourage is that the people who come to this place and offer themselves should be doing it for the right reasons – and the right reason is not so that they get parachuted to the top jobs in our society on the basis that it is a career but it is a career that you can reach overnight through the ballot box and not through working your way up.

I think there are Members on both sides of the House who have had that view for many years, and I am glad that it can now be the view unanimously of this House and not, as it was under the previous administration, a view only held by the Opposition and decried and ridiculed by the GSD administration of those years. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, very briefly, because it is very late and no doubt hon. Members want to get on to other things.

It is slightly incongruous that the hon. Gentleman agrees with the principle behind the motion and yet they are voting against the motion. Not only are they voting against the motion but also they have come to this House amending the Parliament Act in order to unilaterally change the pension rights of five Members of the Opposition without sitting down, without that collegiate approach which he rightly emphasised in the 1980s between himself, Peter Isola and Sir Joshua Hassan.

That is precisely the type of approach that I would have expected from the Hon. the Chief Minister in relation to the Parliament Act. That is precisely the type of approach that I would have expected, bearing in mind that there is a Select Committee, that he was going to reconstitute a Select Committee, and that this particular issue was going to be considered by a Select Committee. He has chosen not to do so, unfortunately, and we are where we are.

It does not serve to increase trust between the Government and the Opposition in relation to other areas of business where the Government and the Opposition ought to be working together, because going it alone in these circumstances really does not bode well for mutual trust and confidence.

I only end by saying this, Mr Speaker. The hon. Gentleman has always attempted to give Members of this House a history lesson, but of course it may be right – it is right – that the GSD Government in 1998-99 changed the salaries and increased the salaries for everybody, for the Government and for the Opposition, but he must also recognise ... And I recognise everything that he has said. For me, being in politics is not a career, it is a vocation. I have always wanted to be involved in politics, to make a contribution to my community, to help keep my community safe and secure. That is what I am doing. But when he made Government full time, quite rightly, in 1988, he did not actually increase the salaries in 1988. (*Interjection*) No, indeed. So what happened then was that you had Government Ministers on a full-time basis for a part-time salary, because the salary was pegged on the basis that Government Ministers were on a part-time basis, and actually –

Mr Speaker: In fact, if I may –

Hon. D A Feetham: Yes, of course.

4210 **Mr Speaker:** There was a benchmark created and the benchmark was that a Minister would get half the salary of the Financial Secretary, and then the structure was developed on that basis.

Hon. D A Feetham: Yes, Mr Speaker, and I –

4215 **Hon. J J Bossano:** Above the minimum wage.

Hon. D A Feetham: Mr Speaker, because I come from a family with roots on that side, as he delights in reminding me at every single opportunity – reminds me how far I have fallen, the fallen angel who came from the GSLP and fell to the GSD, the political equivalent of Lucifer, from the dark side, the darkest, darkest, pitch black side of the political spectrum – I can tell the hon. Gentleman that of course I remember. *(Interjection)* **(A Member:** Hear, hear.) Yes, Mr Speaker, exactly! *(Banging on desks)* For the first time this evening applause, Mr Speaker, for the Leader of the Opposition from the Government benches!

4225 Of course, because I come from a family with roots on the other side he knows as well as I do that there were Ministers on his side, on the then GSLP Government side, who decried the fact that he was – how can I put this in diplomatic terms ... perhaps there is no way I can do so at this time of the night, my brain is not fully engaged – that he was rather tight with money and that he did not want to correct what was an obvious injustice that Ministers on his side, in his Government, were working full time for a part-time salary. Effectively, what the GSD did was correct that anomalous position, and the GSD what it did was it basically paid a full-time salary for a full-time job, which in the end also benefitted Members of the Opposition.

4230 I just thought that I might maybe complete the history lesson with my own memory, Mr Speaker, coming as I do from his side, as he delights in reminding me.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I would like to declare a few things about what has been said today, because we have been given history lessons by different parts, and I remember as well – because, like Mr Speaker, I was a schoolteacher – the elections of 2000, when I had three options. When you stand for election there are three options: (1) you either win and you become a Government; (2) you are not elected at all; or (3) you become a Member of the Opposition.

4240 I had already planned out what could happen, whichever scenario, and what happened was the worst scenario for me personally, which would be becoming a Member of the Opposition, because I had to leave my teaching profession to become a Member of this House. At the time, I was earning what a schoolteacher was earning with an A allowance, and my salaries were knocked down to £14,000. I did not have the opportunity of getting a job, because it was then the GSD Government that was there, and therefore I found it very, very difficult to have a wife, with my second child at the time and then a third one, at that salary. So yes, it is a vocation that I had at the time, and I remember that when the salaries were increased by the GSD they were increased substantially for Ministers, and it is what we are here now ... in that we are earning the same, but for the Members of the Opposition it was not that substantial, the amount of money that we were getting.

4250 **A Member:** There was an increase.

Hon. S E Linares: There was an increase, yes, of course, and now what I am saying is that you are earning what, £39,000 or whatever. **(A Member:** Thirty four.) Thirty four, right – £34,000 or £35,000. I was earning £14,000. Therefore, I would like to state that I am convinced that the people who stand for election should be on a conviction, not a career like is happening in many places, in many parliaments where politicians become career politicians – they are not conviction politicians.

4260 I thought I would say that because I have been very quiet here, seeing how people have said about their families and all that. Well, I can tell you that my family suffered. We knew what we were getting into, but I am glad that I did. (**A Member:** Hear, hear.)
Thank you. (*Banging on desks*)

4265 **Hon. L F Llamas:** It is very, very late. I will not go on for long and I am not going to bring out any saga stories of how many children we all have and the sacrifices we all make to become parliamentarians and serve our community. We are not disputing the fact that we come here on a point of conviction – we agree entirely with that principle.

4270 I think what we are trying to express is that we were sworn in on certain rules and certain legislation, and that is being changed retrospectively. That is the only point that we want to make (*Banging on desks*) and that is the only point that we want to raise, because for us that is the only point that we fear can – (*Interjection*) Well, I accept that, and I took that (*Interjection*) on board when I joined the GSD. Yes, I had the final salary scheme but I took that on board, that if I would only serve in Parliament for four years I would go back with nothing. All those things
4275 are taken into consideration, yes.

A Member: [Inaudible]

4280 **Hon. L F Llamas:** Yes, but all those things were taken into consideration. What we did not take into consideration was the force with which things would be shoved down our throats without being given the opportunity of having sight of these issues.

Hon. Chief Minister: The only thing that is being shoved down your throat is your ability to contribute to a scheme that you can cash out of in four years ... [*Inaudible*]
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Hon. L F Llamas: Fine, I accept that, but obviously, if in four years' time (*Interjection*) I leave and I leave with a pot, well it is better than nothing. Fine, but perhaps it should have come as a two-sided opportunity (**Hon. D A Feetham:** Of course.) and we should have discussed it. (*Interjection by Hon. Chief Minister*)
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Hon. L F Llamas: I must actually say that he did look out for me.

Mr Speaker: Order, order. You are now speaking across the floor. I know it is very very late and we all want to go home.
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Hon. L F Llamas: No, but for him to say that he did not look out for us five ... I can personally say that he did. He told me 'It is a big risk' and he tried to force me not to join, and I have to appreciate that he was more concerned for me than I was. I leave it at that.

4300 **Hon. D A Feetham:** There is a silver lining to this cloud, which is that you are not going to be able to buy out any members of the Opposition... [Inaudible]

Mr Speaker: Does any other hon. Member wish to speak? Yes.

4305 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, can I just ask a very quick question. The Members opposite refused to support a Bill to review the Constitution, which we were reminded constantly was modern, 10 years old – maybe not quite so modern now. Could I just understand from the mover of the Bill what it is that he believes needs to be reviewed in respect of the Members' of the Parliament remuneration package? That is all I
4310 would like to understand. What is it that he believes requires to be reviewed by the independent body?

Hon. T N Hammond: If I may, (*Interjections*).

4315 **Mr Speaker:** The hon. Member should make a note of that point, and then, when he exercises his right to reply he can answer. Now there are other Members who may wish to contribute.

The Hon. Trevor Hammond.

4320 **Hon. T N Hammond:** If I may, Mr Speaker, I think we have actually drifted quite a way from the original motion. The motion is very straightforward. I will actually read it. It is whether 'this House believes that the Salaries, Pensions and other benefits enjoyed by Members of Parliament should be determined by a body independent of Parliament.'

4325 Nobody on this side of the House is suggesting the salaries should be higher, lower, different, the same. (*Interjection*) All we are suggesting is that they should be determined by a body other than this Parliament, (*Interjection*) and if that body should determine they should be lower then so be it, and if that body should determine that they should be higher, so be it. That is the point. It should not be determined by this Parliament. It should not be within the power of this Parliament to set its own salaries. (**Hon. Chief Minister:** We agree.) And you appear to agree; however, you will not vote for the motion, which seems an oxymoron.

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A Member: Agreed!

Hon. Chief Minister: ... [*Inaudible*] which is the mechanism we have already voted for in selecting the Select Committee.

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Hon. D A Feetham: Yes, and if you check that ... [*Inaudible*]

Mr Speaker: Does any other Member wish to speak?

4340 **Hon. Chief Minister:** Because it is urgent, because otherwise they would not start contributing. I will not tire of making the point.

Mr Speaker: I then call on the mover to reply. The Hon. Mr Roy Clinton.

4345 **Hon. R M Clinton:** Mr Speaker, it is late. Listening to the contributions, in fact from both sides of the House, I could not help but be reminded of the famous Monty Python sketch (*Laughter*) of the four Yorkshiremen, where they say, 'You were lucky' and 'You thought you had it good.' And unfortunately, Mr Speaker, I shudder as to how the general public – if anybody is viewing this – will react.

4350 I am grateful to the Hon. Joe Bossano, as ever, for having explained the background to the methodology in how salaries have been arrived at – about which, to be perfectly honest, I really had no idea.

4355 I think we agree on the basic principle, and this is perhaps where I am slightly disappointed that the Government cannot bring itself to vote in favour of a motion which should cause them no offence whatsoever. I think both sides of the House agree that it is perhaps not good form for us to sit here and decide amongst ourselves what we should or should not be paid.

4360 Going back to the Hon. Albert Isola's question, I can set his mind at rest that the way I wrote the motion ... I have no intention of suggesting that there should be a review, merely that the point of principle should be that we here should not determine it. It is as simple as that – nothing more, nothing less, as I said in my opening address. There is no malice – there is nothing in my motion which should cause offence (*Interjections*) to anyone in this House, including you, Mr Speaker. It is really a point of principle, and also to avoid these sorts of unseemly debates, which I do not think are appropriate in the Parliament in a modern age.

4365 And so, as I said in my opening address, I hoped it would have been a simple point of principle which we could all agree on, but if the Chief Minister feels that it has been superseded by the Select Committee ... I think it is complementary to the Select Committee, but of course there is nothing I can say that will persuade him otherwise. *(Interjection by Hon. Chief Minister)*

4370 **Hon. D A Feetham:** You have chosen to come to this Parliament unilaterally.

Hon. Chief Minister: You just don't understand what ... *[Inaudible] (Laughter)*

4375 **Hon. R M Clinton:** Mr Speaker, without wanting to castigate either my own leader or the Chief Minister, this is precisely the sort of debate that we should not be having, and this is precisely why I have brought this motion to the House.

If the Chief Minister feels he is unable to support it, so be it, but I take comfort in that the Hon. Joe Bossano at least agrees with the principles of my motion. *(Interjections)*

4380 **A Member:** We all agree with your principles.

Hon. Ms M D Nahon Hassan: So why don't you support it?

Hon. R M Clinton: Mr Speaker, in that case –

4385 **Hon. Chief Minister:** As I have explained, it is already happening in the Select Committee.

Hon. Ms M D Nahon Hassan: But you are passing a Bill.

4390 **Hon. Chief Minister:** We passed the Bill to give you ... *[Inaudible] (Interjections)*

Mr Speaker: The Hon. Mr Clinton, you can either carry on with your speech and, by speaking over and above them, do not allow them to make these comments; or else I suggest that, if the hon. Member has finished, he sits down and I will put the motion.

4395 **Hon. R M Clinton:** Mr Speaker, that is a tempting thought. *(Laughter)* Perhaps I should continue for the next hour or so as to the merits of bodies determining their own pay.

I think I have said enough. I have tried to make my point. I have obviously not been able to make inroads into the Chief Minister's mind. I leave it at that, and I will sit down. *(Laughter)*

4400 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. Mr Roy Clinton.

Those in favour? **(Several Members: Aye.)** Those against? **(Several Members: No.)** The motion is defeated by Government majority.

The Hon. the Chief Minister.

4405 **Hon. Chief Minister:** Mr Speaker, to leave people with no possibility for doubt, the Chief Minister agrees that we should not be setting our own salaries. That will be an issue dealt with in the Select Committee, and that is why we have voted down this motion.

ADJOURNMENT

4410 **Chief Minister (Hon. F R Picardo):** Now, Mr Speaker, I very happily move that the House should now adjourn *sine die*.

Mr Speaker: The House will now adjourn *sine die* – and I am not putting it to the vote!
(Laughter)

The House adjourned at 10.20 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.23 p.m.

Gibraltar, Friday, 24th June 2016

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 25th, 26th February and 2nd March 2016.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with a Statement

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Statement.

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

Silence in memory of UK Member of Parliament, Jo Cox

Clerk: The Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you.

20 Can I start, Mr Speaker, by reminding the House that it is the first time that this Parliament meets since the cruel murder last week of United Kingdom Member of Parliament, Jo Cox.

I propose therefore, Mr Speaker, that the House should hold a minute's silence before I commence my statement, to honour her memory.

Members stood in silence.

Hon. Chief Minister: Thank you, Mr Speaker.

**Congratulations to Mons. Carmelo Zammit
on appointment as Bishop Designate of Gibraltar**

25

Chief Minister (Hon. F R Picardo): Now before I commence my address in respect of the Referendum held yesterday, may I also congratulate Monsignor Carmelo Zammit on his appointment as Bishop Designate of Gibraltar. He has long been a friend of Gibraltar and his appointment at this important time will be most welcome indeed.

RESULT OF REFERENDUM ON UK MEMBERSHIP OF THE EUROPEAN UNION

Statement by the Hon. the Chief Minister

30

Chief Minister (Hon. F R Picardo): Mr Speaker, the people of Gibraltar yesterday voted by 96% to 4% to remain within the European Union. Members of this House will have noted the decision of the rest of the British people who were called upon to vote yesterday, which was to leave the European Union, by a margin of 4 percentage points. In a franchise of 46.5 million people, with 72% voting, our contribution did not even move the needle.

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This House was nonetheless united in campaigning for a vote to remain in the European Union. Unprecedented unity swept our nation in support of that cause and I want to thank the Members of the House who were genuinely committed to dropping our differences and uniting in working for Gibraltar's greater interests together.

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I call, Mr Speaker, on Members to sustain the spirit of unity that they have shown over the coming months as we adjust to the reality of change across the United Kingdom, Europe and most significantly Gibraltar itself, that the decision to pull Britain out of the European Union will bring.

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This morning I met with my Cabinet colleagues and later with the Hon. the Leader of the Opposition and the Hon. Messrs Hammond and Clinton. For the good of Gibraltar, we have agreed to work together in order to face the challenges that the vote to exit the European Union will bring. This is a time to put egos aside and work together, as some of our predecessors here did for the benefit of our community as a whole in the past. I have no doubt that Members opposite will do so.

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We have also agreed the outline of the substance of what needs to be done, although this will no doubt require further work as events develop in coming weeks and months. I intend to discuss with my Cabinet the mechanisms and the formula through which this co-operation between Government and Opposition will take place. Later this morning I spoke also to independent Member, the Hon. Miss Hassan Nahon. I have no doubt we will also be able to count with her support as we deal with the issues that now arise.

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All of them backed the Stronger In campaign and the result that it produced for Gibraltar, and the Gibraltar results declared in the early hours of this morning have, in my view, served also to fully reinforce the unity with which we stood on this issue. Indeed our clear and unequivocal statement as a people will now be a critical element in helping us to better shape the political and economic interests of Gibraltar in the months to come. It is a mandate that I know that the British Government will not ignore.

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This morning, following the formal declaration of the outcome of the Referendum, I spoke to the Minister for Europe, David Lidington. I considered with him some of the many issues which will be thrown up by the result.

65 The British Government and the people of the United Kingdom have heard the clear message from the people of Gibraltar that we aspire to the continued freedom of movement of people, services and capital throughout the EU. The British Government are deeply aware of that and of the fact that it falls on them to help us mitigate the negative impact of leaving Europe, as we also will now be able to work with them on capitalising on the positives that might also emerge.
70 We have agreed that we will speak again later today.

After we spoke, the Minister for Europe made a statement to reiterate from London that the United Kingdom remains 100% behind Gibraltar. The double lock commitment on sovereignty has been specifically reiterated by him. Mr Speaker, we are of course not alone in being affected by the Referendum decision.

75 There are likely to be some tumultuous months ahead for Britain as it adjusts to the real impact of the decision its people have taken. Northern Ireland and of course Scotland are affected also as nations that voted to remain in the European Union. Jersey, Guernsey and the Isle of Man did not vote in the Referendum, but have access to the single market in different degrees via the United Kingdom. Theirs is a model of success based on those different degrees
80 of access to the European Union, which is different to ours. I have already scheduled calls with the leaders of each of these nations and Crown Dependencies. In addition, I have been in touch with other overseas territories' leaders, with whom we will also work at this time.

The change which is heralded by this result will bring uncertainty – of that there is no doubt. But of course there will be benefits as well as burdens, and we are clear and determined to
85 capitalise on those benefits.

Mr Speaker, the Government has not been idle in the run up to this decision which cannot be described as unexpected. As we campaigned vigorously for a Remain vote, we were also working on the preparations for what has now happened. The top priority has been in working towards a sustainable alternative economic model and making best use of the time we have now, to
90 position Gibraltar's economy whilst the complex task of uncoupling the UK from the EU and building new trading political relations will start, it appears, to take place.

But let me be absolutely clear. Despite the noises that are bound to be made by some in the neighbouring nation – indeed, some have already been made this morning – this Government is confident in the support from the British Government that there will be no talks, nor even talks
95 about talks, against the express wishes of the people of Gibraltar in respect of the sovereignty of Gibraltar.

So let others make irrelevant noises about flying flags over our Rock, if they want to waste their breath. Such ideas will *never* prosper. Gibraltar will never pay a sovereignty price for access to a market. Gibraltar will never be Spanish in whole, in part or at all. So I ask all our citizens to
100 ignore these noises. Our work will be focused on the more pressing issues before us. Redirecting and protecting our economy are what we must all now focus on.

Let me tell the public today that we know that we are able to deliver on our manifesto commitments on economic growth in the lifetime of this Parliament. Of that, we have no doubt. It is true that doing so will be harder and that we will face new challenges. Of course we cannot
105 diminish the significance and potential impact that the decision to leave the EU may have on our community. But we are also entirely confident that the core elements of our economy and our Government's public finances remain sounder than ever. In fact, Gibraltar is better placed today than ever in our history to address a decision like that taken today by the British people.

Even if we face a perfect storm, to take a meteorological allusion, we are ready to weather it and we are ready to weather it well, Mr Speaker. This means that those areas we have long
110 identified as priorities for the community will not be affected as we move forward.

There will be many issues to address in the coming months which raise legal and even constitutional questions. For obvious reasons, some of these will be best shared with the Leader

of the Opposition in privacy. The last thing we need to do is to inform those who do not wish us well of what we are doing to secure a good future in this new and game-changing scenario which Brexit brings to Gibraltar and its people.

I will also look to forming working groups and committees which will include Members and others, where these can help chart the way ahead in a new world outside the EU.

Mr Speaker, can I – and can I say this also with the greatest of respect – call on the public at large to resist knee-jerk reactions or rushed reactions to what is undeniably a momentous decision. As I stated earlier this morning, this is a time for reflection. As the drama of this day recedes, we will enter a period where diligence and calm thought, action and diplomacy will be required. We know that irrespective of their position on the Referendum, the British people are hugely supportive of Gibraltar and its people. The people of Britain will not let us down.

Our ties with our friends in the British Parliament are strong. We have been working and will continue to work closely with the UK Government Departments, including the Foreign Office and the Treasury, to ensure that the partnership we have established will continue to flourish and be productive for the good of Gibraltar. The strength of our inter-governmental relationships and our strong, objectively verified reputation will greatly assist us as we move forward to protect and promote our economic interests.

Mr Speaker, in this respect, the Government will over the coming weeks and months begin to unroll a series of measures and strategies designed to guide Gibraltar through the new reality before us. It is important that we work in tandem with the UK and that we take one step at a time. I can assure this House that the Government is confident and ready to take all the steps necessary to take Gibraltar forward and we shall do so.

This afternoon I will be meeting with the Gibraltar Gaming and Betting Association and the Gibraltar Finance Centre Council. I have been hugely encouraged by the support already expressed by a number of gaming companies, who confirm that the result today does not change their commitment to remaining in Gibraltar. The market that matters most to them is of course the United Kingdom, so the establishment of a common market between Gibraltar and the United Kingdom has been the main issue we have long been working on with the UK. We are confident that this is entirely achievable.

I will also meet today with the Federation of Small Businesses and the Chamber of Commerce. On Monday, I expect to be able to meet with Unite, the Union, the GGCA and the Gibraltar Teachers' Association. I also expect to meet with the *Grupo Transfronterizo* which includes all of these groups and others from the Campo. It should be clear to all that after the Prime Minister's statement today, no Article 50 Notice will be submitted by him next week. It will fall to a new Prime Minister to do that in the autumn.

On that ground, Mr Speaker, there will therefore be no immediate changes to speak of in respect of the application of rights and obligations between us and the rest of the European Union.

Mr Speaker, the many cross-frontier workers who come to Gibraltar each day are an important part of our success. They will continue to be welcomed by us and I trust that their passage into Gibraltar and that of the tourists and others who they work for when they are here with us will not in future be impeded. In this respect, I have today been in touch with both Juan Franco, the Mayor of La Linea and Juan Carlos Ruiz Boix of San Roque in this regard. I expect to meet both of them in the coming days and weeks.

Mr Speaker, it has been a tough 24 hours, but I have been humbled by the support of the people of Gibraltar this morning for both my Government and for myself and the leadership that we provide to our community in coming days, weeks and months. All in our nation can rest assured that the Government has the energy, the ability, the capability and the commitment and enthusiasm to steer a clear and steady course through the coming months and years.

Challenges there will be, but then again, Mr Speaker, haven't there always been for our people? To an extent for Gibraltarians, this is business as usual: just one more mountain to

165 climb. And I, as no doubt all Members of this House, have great faith in the resilience and the spirit of the Gibraltarian to overcome such challenges.

Together, Mr Speaker, we will overcome. With hard work, Mr Speaker, we will overcome. We have done it in the past; we will do it again.

Thank you, Mr Speaker. *(Banging on desks)*

170

A Member: Hear, hear.

Statement by the Hon. the Leader of the Opposition

Mr Speaker: The Hon. the Leader of the Opposition.

175 **Hon. D A Feetham:** Mr Speaker, before I start, may I add my own voice to offer our congratulations certainly from this side of the House on the appointment of Bishop Carmelo Zammit. We would have wished that it would have been in more auspicious times but I hope certainly that he will be just as popular and just as loved as his predecessor was.

180 Mr Speaker, in 1980, Joseph Elliott Trudeau, the then Prime Minister of Canada and the father of the current Prime Minister of that country, reflecting on the Quebec Referendum said, and I quote:

‘It is obvious that these are historic moments. There are very few examples in the history of democracy of one part of a country choosing to decide for itself and by itself whether, yes or no, it wants to be part of a country to which it has belonged.’

185 In less than two years, Mr Speaker, the United Kingdom has faced not one such historic moment, in the Scottish Referendum, but a second, equally seminal moment in yesterday’s Referendum which ironically will test the resilience of the Union itself in the forthcoming years. And I pray, Mr Speaker, as someone who feels passionately about the Union and forming part of the British family of nations, that though undoubtedly tested, the Union will prove resilient over the next few years.

190 Sadly for us, the result has not been what we wanted in this House or what the people of Gibraltar have voted for in massive numbers. We could not have done more than we did in Gibraltar and I am proud of my fellow Gibraltarians who once again were not found wanting, Mr Speaker, when the chips were down in Gibraltar. **(A Member:** Hear, hear.)

195 It has not been indeed, the will of the people of Scotland or Northern Ireland who have also voted by a majority for Remain. But it is the will of the United Kingdom as a whole and in any democracy, one must respect that will. Every new chapter in life, and politics is no different, brings its challenges, but so too hope and opportunities.

We as a people are no strangers to adversity and have faced and overcome many challenges in the past. Our community has the strength of purpose and the resilience to overcome adversity again, and together we will again prevail.

200 There will be no despair, Mr Speaker, on this side of the House and I want the people of Gibraltar to know that we will be working hard to ensure that Gibraltar is kept safe, that Gibraltar is kept secure and that Gibraltar is kept prosperous in the years to come. In this House we must all now collectively deal in hope – realistic hope but hope nonetheless.

205 We need above all to develop a positive and workable road map for the future, and that is what we will concentrate on doing on this side of the House; hopefully, Mr Speaker, working alongside the Government to devise that road map as equal partners on a non-partisan and transparent basis. The creation of a non-partisan road map will help confidence and create a measure of certainty that our businesses and that the people of Gibraltar need at this time.

210 One of our main immediate focuses has to be to obtain from the United Kingdom guarantees that Gibraltar will be included in any trade deals that are negotiated with third parties, any re-negotiated access to the single market and unrestricted access to the UK market in areas such as insurance, financial services and gaming.

215 Mr Speaker, this situation is not of Gibraltar's making and the Government of the United Kingdom, particularly one led by Brexiteers in the future, owes a duty to the people of Gibraltar to ensure we are not left behind and that Gibraltar does not suffer economic damage over the next two years. Early guarantees from the United Kingdom will ensure that certainty and that stability in Gibraltar.

220 My message to Gibraltarians today is this: Gibraltar has always prevailed, even in the most difficult of circumstances and I am confident that working together, Government, Opposition and the rest of the population in Gibraltar that we can work through those future difficulties and that Gibraltar will prevail at the end of it stronger than ever before. And we will be able to maintain, Mr Speaker, that Gibraltarian way of life that we are all here in this House committed to defending and that with will and hard work, Mr Speaker, that we will maintain and we will protect over the years to come.

Thank you very much, Mr Speaker. *(Banging on desks)*

Statement by Mr Speaker

225 **Mr Speaker:** Before we conclude, as someone who was active in support of the In campaign, I would like to lend my support to all the elected Members in whichever way I can as they go about their business of securing Gibraltar's future.

230 I was reminded by the fact that we held a minute's silence for Jo Cox about something which Nigel Farage said in the early hours in his victory speech. He said that Britain's Independence Day today had been achieved without a single bullet having been fired. He was of course quite correct. Three bullets, not one were fired when Jo Cox was massacred.

The Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to thank the Hon. the Leader of the Opposition for his words and you for your kind words. This is a time for us to work together for the good of our nation.

240 Mr Speaker, therefore, I am not going to proceed with further Government business today, I am going to propose that we adjourn the House now until Wednesday at 3.00 p.m. in the afternoon. But it is still my intention to proceed with the nation's Budget on Monday 4th July, which is certainly American Independence Day.

Business as usual.

245 **Mr Speaker:** The House will now adjourn until next Wednesday at 3.00 p.m. in the afternoon.

The House adjourned at 3.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.23 p.m.

Gibraltar, Friday, 24th June 2016

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

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Clerk: Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 25th, 26th February and 2nd March 2016.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

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20 Can I start, Mr Speaker, by reminding the House that it is the first time that this Parliament meets since the cruel murder last week of United Kingdom Member of Parliament, Jo Cox.

I propose therefore, Mr Speaker, that the House should hold a minute's silence before I commence my statement, to honour her memory.

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Mr Speaker, can I – and can I say this also with the greatest of respect – call on the public at
120 large to resist knee-jerk reactions or rushed reactions to what is undeniably a momentous
decision. As I stated earlier this morning, this is a time for reflection. As the drama of this day
recedes, we will enter a period where diligence and calm thought, action and diplomacy will be
required. We know that irrespective of their position on the Referendum, the British people are
hugely supportive of Gibraltar and its people. The people of Britain will not let us down.

125 Our ties with our friends in the British Parliament are strong. We have been working and will
continue to work closely with the UK Government Departments, including the Foreign Office and
the Treasury, to ensure that the partnership we have established will continue to flourish and be
productive for the good of Gibraltar. The strength of our inter-governmental relationships and
our strong, objectively verified reputation will greatly assist us as we move forward to protect
130 and promote our economic interests.

Mr Speaker, in this respect, the Government will over the coming weeks and months begin to
unroll a series of measures and strategies designed to guide Gibraltar through the new reality
before us. It is important that we work in tandem with the UK and that we take one step at a
time. I can assure this House that the Government is confident and ready to take all the steps
135 necessary to take Gibraltar forward and we shall do so.

This afternoon I will be meeting with the Gibraltar Gaming and Betting Association and the
Gibraltar Finance Centre Council. I have been hugely encouraged by the support already
expressed by a number of gaming companies, who confirm that the result today does not
change their commitment to remaining in Gibraltar. The market that matters most to them is of
140 course the United Kingdom, so the establishment of a common market between Gibraltar and
the United Kingdom has been the main issue we have long been working on with the UK. We are
confident that this is entirely achievable.

I will also meet today with the Federation of Small Businesses and the Chamber of
Commerce. On Monday, I expect to be able to meet with Unite, the Union, the GGCA and the
145 Gibraltar Teachers' Association. I also expect to meet with the *Grupo Transfronterizo* which
includes all of these groups and others from the Campo. It should be clear to all that after the
Prime Minister's statement today, no Article 50 Notice will be submitted by him next week. It
will fall to a new Prime Minister to do that in the autumn.

On that ground, Mr Speaker, there will therefore be no immediate changes to speak of in
150 respect of the application of rights and obligations between us and the rest of the European
Union.

Mr Speaker, the many cross-frontier workers who come to Gibraltar each day are an
important part of our success. They will continue to be welcomed by us and I trust that their
passage into Gibraltar and that of the tourists and others who they work for when they are here
155 with us will not in future be impeded. In this respect, I have today been in touch with both Juan
Franco, the Mayor of La Linea and Juan Carlos Ruiz Boix of San Roque in this regard. I expect to
meet both of them in the coming days and weeks.

Mr Speaker, it has been a tough 24 hours, but I have been humbled by the support of the
people of Gibraltar this morning for both my Government and for myself and the leadership that
160 we provide to our community in coming days, weeks and months. All in our nation can rest
assured that the Government has the energy, the ability, the capability and the commitment and
enthusiasm to steer a clear and steady course through the coming months and years.

Challenges there will be, but then again, Mr Speaker, haven't there always been for our
people? To an extent for Gibraltarians, this is business as usual: just one more mountain to

165 climb. And I, as no doubt all Members of this House, have great faith in the resilience and the spirit of the Gibraltarian to overcome such challenges.

Together, Mr Speaker, we will overcome. With hard work, Mr Speaker, we will overcome. We have done it in the past; we will do it again.

Thank you, Mr Speaker. *(Banging on desks)*

170

A Member: Hear, hear.

Statement by the Hon. the Leader of the Opposition

Mr Speaker: The Hon. the Leader of the Opposition.

175 **Hon. D A Feetham:** Mr Speaker, before I start, may I add my own voice to offer our congratulations certainly from this side of the House on the appointment of Bishop Carmelo Zammit. We would have wished that it would have been in more auspicious times but I hope certainly that he will be just as popular and just as loved as his predecessor was.

180 Mr Speaker, in 1980, Joseph Elliott Trudeau, the then Prime Minister of Canada and the father of the current Prime Minister of that country, reflecting on the Quebec Referendum said, and I quote:

‘It is obvious that these are historic moments. There are very few examples in the history of democracy of one part of a country choosing to decide for itself and by itself whether, yes or no, it wants to be part of a country to which it has belonged.’

185 In less than two years, Mr Speaker, the United Kingdom has faced not one such historic moment, in the Scottish Referendum, but a second, equally seminal moment in yesterday’s Referendum which ironically will test the resilience of the Union itself in the forthcoming years. And I pray, Mr Speaker, as someone who feels passionately about the Union and forming part of the British family of nations, that though undoubtedly tested, the Union will prove resilient over the next few years.

190 Sadly for us, the result has not been what we wanted in this House or what the people of Gibraltar have voted for in massive numbers. We could not have done more than we did in Gibraltar and I am proud of my fellow Gibraltarians who once again were not found wanting, Mr Speaker, when the chips were down in Gibraltar. **(A Member:** Hear, hear.)

195 It has not been indeed, the will of the people of Scotland or Northern Ireland who have also voted by a majority for Remain. But it is the will of the United Kingdom as a whole and in any democracy, one must respect that will. Every new chapter in life, and politics is no different, brings its challenges, but so too hope and opportunities.

We as a people are no strangers to adversity and have faced and overcome many challenges in the past. Our community has the strength of purpose and the resilience to overcome adversity again, and together we will again prevail.

200 There will be no despair, Mr Speaker, on this side of the House and I want the people of Gibraltar to know that we will be working hard to ensure that Gibraltar is kept safe, that Gibraltar is kept secure and that Gibraltar is kept prosperous in the years to come. In this House we must all now collectively deal in hope – realistic hope but hope nonetheless.

205 We need above all to develop a positive and workable road map for the future, and that is what we will concentrate on doing on this side of the House; hopefully, Mr Speaker, working alongside the Government to devise that road map as equal partners on a non-partisan and transparent basis. The creation of a non-partisan road map will help confidence and create a measure of certainty that our businesses and that the people of Gibraltar need at this time.

210 One of our main immediate focuses has to be to obtain from the United Kingdom guarantees that Gibraltar will be included in any trade deals that are negotiated with third parties, any re-negotiated access to the single market and unrestricted access to the UK market in areas such as insurance, financial services and gaming.

215 Mr Speaker, this situation is not of Gibraltar's making and the Government of the United Kingdom, particularly one led by Brexiteers in the future, owes a duty to the people of Gibraltar to ensure we are not left behind and that Gibraltar does not suffer economic damage over the next two years. Early guarantees from the United Kingdom will ensure that certainty and that stability in Gibraltar.

220 My message to Gibraltarians today is this: Gibraltar has always prevailed, even in the most difficult of circumstances and I am confident that working together, Government, Opposition and the rest of the population in Gibraltar that we can work through those future difficulties and that Gibraltar will prevail at the end of it stronger than ever before. And we will be able to maintain, Mr Speaker, that Gibraltarian way of life that we are all here in this House committed to defending and that with will and hard work, Mr Speaker, that we will maintain and we will protect over the years to come.

Thank you very much, Mr Speaker. *(Banging on desks)*

Statement by Mr Speaker

225 **Mr Speaker:** Before we conclude, as someone who was active in support of the In campaign, I would like to lend my support to all the elected Members in whichever way I can as they go about their business of securing Gibraltar's future.

230 I was reminded by the fact that we held a minute's silence for Jo Cox about something which Nigel Farage said in the early hours in his victory speech. He said that Britain's Independence Day today had been achieved without a single bullet having been fired. He was of course quite correct. Three bullets, not one were fired when Jo Cox was massacred.

The Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to thank the Hon. the Leader of the Opposition for his words and you for your kind words. This is a time for us to work together for the good of our nation.

240 Mr Speaker, therefore, I am not going to proceed with further Government business today, I am going to propose that we adjourn the House now until Wednesday at 3.00 p.m. in the afternoon. But it is still my intention to proceed with the nation's Budget on Monday 4th July, which is certainly American Independence Day.

Business as usual.

245 **Mr Speaker:** The House will now adjourn until next Wednesday at 3.00 p.m. in the afternoon.

The House adjourned at 3.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.11 p.m.

Gibraltar, Wednesday, 29th June 2016

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PAPERS TO BE LAID

Clerk: Wednesday, 29th June 2016 – Order of Proceedings.

(vi) Papers to be laid. The Hon. the Chief Minister.

5 **Acting Chief Minister (Hon. Dr J E Cortes):** Mr Speaker, as Acting Chief Minister, I have the honour to lay on the Table: the Consolidated Fund Pay Settlement – Statement No.1 of 2014/2015; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2014/15; the Consolidated Fund Reallocations – Statement No. 3 of 2014/15; the Improvement and Development Fund Reallocations – Statement No. 1 of 2014/2015.

10

Mr Speaker: Ordered to lie.

The Hon. Mr Cortes again.

15 **Hon. Dr J E Cortes:** And on behalf of the Deputy Chief Minister, I have the honour to lay on the Table: the Air Traffic Survey Report 2015.

Mr Speaker: Ordered to lie.

20 **Clerk:** The Hon. the Minister for Tourism, Housing, Equality and Social Services.

20

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to lay on the Table: the Tourist Survey Report 2015; and the Hotel Occupancy Survey 2015.

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

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

30 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table: the Accounts for the Gibraltar Heritage Trust for the financial year ended 31st March 2015.

Mr Speaker: Ordered to lie.

35 And I myself have the honour to report that in accordance with Standing Order 12(3) the Ombudsman's Annual Report for the year ending 31st December 2015 has been submitted to Parliament. I now rule that it has been laid on the Table.

Questions for Oral Answer

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q289-290/2016

Glass lookout, Mount Misery; Royal Anglian Way suspension bridge – Progress, costs and maintenance

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 289/2016, the Hon. L F Llamas.

40

Hon. L F Llamas: Mr Speaker, when is the glass lookout at Mount Misery expected to open and what are the insurance and maintenance costs expected to be?

45

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 290.

50

Clerk: Question 290, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when is the Anglian Way suspension bridge expected to open and what are the insurance and maintenance costs expected to be?

55

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

60

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the glass lookout or skywalk at Mount Misery is expected to open in October. The Royal Anglian Way suspension bridge was opened by the Hon. the Chief Minister on Tuesday, 21st June.

There are no insurance costs for either as the Government is self-insuring.

In relation to maintenance for both, the Nature Reserve maintenance team will manage the general day-to-day maintenance which will include cleaning and odd jobs as and when required.

65

Arrangements for more specialised maintenance are currently under consideration.

Hon. L J Llamas: Does the Hon. Minister have an indication of what those specialised maintenance may be or is it just a starting project?

70

Hon. Dr J E Cortes: Yes, Mr Speaker, particularly in relation to the bridge which has already opened. In relation to the skywalk, the technical documents are being studied and presented and will be handed over at the time of handing over of the skywalk.

75

In relation to the bridge, we have the manuals and what we are looking at is what the costs and so on are going to be. They are not expected to be more than a few thousand pounds a year. It is mainly checks on such things as the cabling and so on and so forth which have to be done by people who know what is involved and that is what we are studying at the moment.

Because it is brand new, this will not be required, I believe, until approximately one year's time and we are quite far advanced in knowing what arrangements we are going to be putting in place.

80 **Hon. R M Clinton:** If I may, can the hon. Member advise us of any anticipated charges for the use of the skywalk or the bridge in future?

Hon. Dr J E Cortes: Mr Speaker, the bridge has been opened and there has been no additional charge and no charge at all introduced. There are no plans at the moment. As the House knows, we are reviewing all sorts of different aspects about the Upper Rock, but there is no specific plan at this point in time to introduce charges.

That does not mean that when we have developed the Upper Rock Project further, there may not be changes. But at this moment, none are envisaged.

90 **Hon. D A Feetham:** Mr Speaker, in relation to the insurance, the hon. Gentleman said that the Government was self-insuring. It means obviously that the Government has decided not to take any insurance and will pay any claims if they arise.

Is this a conscious decision by the Government to take out no insurance, or is it for example that the quotes that the Government has received from insurance companies the Government felt were prohibitive?

Did the Government explore the possibility of obtaining insurance or from the very beginning did the Government just simply make a decision they were going to be self-insuring and not seek any quotes from insurance companies?

100 **Hon. Dr J E Cortes:** There was no initial intention to have specific insurance. I think it must be stated that both structures, and I can speak from personal experience of the bridge which I have already crossed, are extremely safe. They are built to very, very safe specifications and are probably safer than the average walk on the Upper Rock. Therefore we do not feel that there are any particular dangers involved at this stage, but as I say the whole policy for the Upper Rock is being reviewed and these are things that may be considered in the future.

Hon. D A Feetham: Yes, Mr Speaker, the reason why I ask is that ... Of course, the structure is going to be a safe structure; nobody is talking about a structure actually falling and for the avoidance of doubt, there was no implication in my question that that is the case. It is that of course, if you have for example young children who are crossing this particular bridge it is unsupervised, you may have implications, legal implications in terms of if there is an accident on the bridge involving young children or anybody else.

It is in that context that I am asking whether the Government has sought any kind of view on the insurance aspects of this particular project or not?

115 **Hon. Dr J E Cortes:** Mr Speaker, I will not rule out anything. These are things that can always be studied, but I have to state again that it is very safe – not just from the point of view that the bridge is in no danger of collapse, but from the point of view that it is actually safe. The Hon. Leader of the Opposition actually lives closer to the bridge than probably anybody else in this Chamber, I do not know whether he has experienced it himself, but apart from the fact that it is under supervision, it is also safer from that respect because there are high barriers on either side. It is not a place that you can fall off.

As I say, it is probably safer than a lot of other areas on the Upper Rock or any other mountain trail that one might go on anywhere else in the world. It is not considered to be a high-risk structure.

Hon. D A Feetham: Thank you very much, Mr Speaker.

And in relation to maintenance costs, the hon. Gentleman said there would be some cost. Now, I would have expected the Government to know precisely how much the maintenance cost is going to be and I would ask the hon. Gentleman to give us the information.

Hon. Dr J E Cortes: Mr Speaker, we have an estimate of what we expect the maintenance cost for the bridge, which has been handed over, to be. I said, 'a few thousand pounds'. If memory serves me right, it may be something like five or six thousand pounds a year. It is a question of finding quotes to see who would be providing those services.

So we have an idea but we are waiting to see proposals for the maintenance. As I said, some of the maintenance is going to be done in-house by the Upper Rock management team. We are talking about cleaning and basic things like that.

Hon. R M Clinton: If I may, would the hon. Gentleman be able to advise if there are any security arrangements in place for the bridge and the skybridge at night, and if so, what if any measures have been taken to manage the apes in the area?

Hon. Dr J E Cortes: There is security. Security is going to be provided throughout. The security is briefed and there are signs at either end of the bridge asking people not to cross when there are monkeys on the bridge – only because in a confined space, monkeys do not particularly like that and may react.

But they are tending not to use the structure at the moment. Everybody expects monkeys to love jumping up and down on bridges but they have not been seen doing that on a regular basis. But there is a security presence and also signs on either end. It is the same as if you face a monkey on Charles V Wall, which is a narrow area and that is the only time when it is possible that a monkey might find itself confined and may attack.

So people have been warned clearly and there is somebody there warning people, should they see monkeys on the bridge, then go round the path and not cross it. But technically, if you come face to face with a monkey in a restricted area anywhere, that is a fact of life.

Hon. T N Hammond: Mr Speaker, the Minister referenced security for the suspension bridge. Can he just describe in a little more detail what that security comprises?

Hon. Dr J E Cortes: Yes, there is a security guard present on site.

Hon. T N Hammond: Is that an additional security guard and so therefore, is that included in the maintenance costs of the bridge, if you like?

Hon. Dr J E Cortes: We have an arrangement with a security firm to carry out security duties throughout the Upper Rock – environmental security which includes being at some of the Macaque sites and so on to warn people off and so on – so it is included in that package and it is a question of them re-deploying in different areas but always making sure that there is somebody by the bridge.

So it is not an additional cost; it is just a re-arrangement of the current security arrangements.

Hon. T N Hammond: Thank you. And just to get clarification for my purposes, the Minister referenced the Nature Reserve management maintenance scheme. It is not a document I am familiar with obviously. Is that purely an internal document or is that one that may be available?

Hon. Dr J E Cortes: Maintenance *team*.

Hon. T N Hammond: My apologies, I heard 'scheme'.

Hon. Dr J E Cortes: Maintenance team: it is the team that has been in place now for about eight or nine years which does work on the Upper Rock.

185 **Hon. T N Hammond:** My apologies, I misheard that. I heard scheme so I thought it was a programme of some sort.

Thank you.

190 **Hon R M Clinton:** If I may ask one final question. Just from a point of view of security again: at night, is the site secure?

Hon. Dr J E Cortes: Arrangements are being made for a security presence day and night.

Q291-292/2016

**Unlawful incursions into British Gibraltar Territorial Waters –
Details of Spanish fishermen**

Clerk: Question 291, the Hon. T N Hammond.

195 **Hon. T N Hammond:** Mr Speaker, can the Minister for the Environment state how many unlawful incursions into British Gibraltar Territorial Waters have taken place by Spanish fishermen since May 2015, broken down on a monthly basis and how many of these have ended up with a fine, appropriation of a boat, or the confiscation of their assets?

200 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 292.

205

Clerk: Question 292, the Hon. T N Hammond.

210 **Hon. T N Hammond:** Can the Government say how many vessels have been boarded by either the RGP, GPA or any other agency in order to check for compliance with the Marine Protection Regulations since 1st June 2015; and would the Government provide a breakdown of how many of the vessels were local and how many were foreign?

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

215

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I hand over to the hon. Member a schedule containing the information on the number of incursions into BGTW by Spanish fishermen since May 2015.

220 On the subject of boarding of vessels, this has been done by the Royal Gibraltar Police and relates to two tuna fishing cases, both foreign.

The Department's Environmental Protection and Research Unit has five cases which are being reported for process, including four cases of seizures of equipment. All relate to Spanish nationals.

ANSWER TO QUESTION 292/2016
Answer to Question 291/2016

FISHING INCURSIONS

YEAR	MONTH	INCURSIONS	
2015	May	6	
	June	17	
	July	20	
	August	18	
	September	24	
	October	11	
	November	13	
	December	17	
	2016	January	11
		February	10
March		12	
April		13	
May		11	
June		0	

225 **Hon. T N Hammond:** Mr Speaker, there is a little bit of data here. In order to keep proceedings moving, I am happy, as long as I am afforded the opportunity, to come back should it become necessary.

Q293-294/2016

Bluefin tuna –

Tonnage caught and registered in Gibraltar

Clerk: Question 293, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught and registered in Gibraltar since the current legislation was enacted?

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

235

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 294.

Clerk: Question 294, the Hon. T N Hammond.

240

Hon. T N Hammond: Further to the answer given to Question 304/2015, can the Minister for the Environment state (a) the information available so far in the Department of Environment Fisheries database; and (b) the figures for the fish tagging programme and type?

245 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

250 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the tonnage of Bluefin tuna caught and registered in Gibraltar since the current legislation was enacted – that excludes this year, the season only started about a week or so ago, so it is last year's figures, Mr Speaker – is 13.473 tonnes.

The information available in the Department of the Environment Fisheries database consists of data pertaining to the licences issued to date for all the different licence types available under the Marine Protection Regulations.

255 The figures that are currently available for the fish tagging programme are as follows: Bluefin tuna tagging, 88 specimens; White Bream tagging, 19.

Hon. T N Hammond: Mr Speaker, just reference the Bluefin tuna catch, 13.473 tonnes – that would be almost half a tonne over the legal limit?

260

Hon. Dr J E Cortes: Yes, Mr Speaker. The explanation for that is that tuna come in and they are weighed. You then assess the tonnage at the end of the day and it just takes two tuna to go over by 400 kilos. Therefore I do not have the exact details but you cannot have the precise cut off at 13. So as soon as it was seen that the data came over 13, it was stopped. There is always a little bit of leeway.

265

I think we must also remember that includes tuna which were confiscated by the Department because there was a second tuna caught and so on, but the real crucial thing is that you tally at the end of the day and therefore if you were just under 13 you are going to be just over 13 on the actual cut off. That is the reason.

**Q296-299/2016
Fisheries Advisory Committee –
Allocation**

270

Clerk: Question 295 is unallocated, so we move to Question 296, the Hon. T N Hammond.

Hon. T N Hammond: Has the Government established a Fisheries Advisory Committee as recommended by the Fishing Report?

275

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 297 to 299.

280

Clerk: Question 297, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment advise what research, as recommended by the Environmental Action and Management Plan, has taken place for the purpose of EU Marine Strategy compliance?

285

Clerk: Question 298, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if a research programme on the nursery function of BGTW for fish species has been undertaken?

290

Clerk: Question 299, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if it has been possible to establish a code of conduct for dolphin watching, in collaboration with Spanish authorities, as recommended in the fishing report?

295

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

300

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, marine research in British Gibraltar Territorial Waters (BGTW) has taken great strides in the past four and a half years. Following a publication of Gibraltar's initial assessment of British Gibraltar Territorial Waters and the proposals for good environmental status in BGTW in 2012, HM Government of Gibraltar published its Marine Strategy Framework Directive (MSFD) Monitoring Programme in July 2015.

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310

There are currently numerous research areas that are being investigated by the Department of the Environment and Climate Change in line with the monitoring programme and the environmental descriptions included in the programme include: EU-protected habitat types such as reefs; EU-protected species including cetaceans and marine reptiles; non-indigenous species such as invasive algae; contaminants in water and marine biota; marine litter; sea-floor integrity and benthic ecosystems.

A Fishing Working Group has been created.

315

Investigating the nursery functions of different areas within BGTW forms part of the Department's research aims and this led to the creation of No Fishing Zones in Sandy Bay, Seven Sisters and Mid Harbours.

320

As part of this research, the Department installed an underwater camera in spring 2015. The camera is helping the Department monitor fish species amongst other useful bio-indicators within the Rosia Marine Conservation Zone. It is also assisting the Department's marine awareness campaign by providing live underwater footage to the general public.

A code of conduct for dolphin watching known as the Cetacean Protocol has been implemented in British Gibraltar Territorial Waters. This has not been established in collaboration with the Spanish authorities but is similar to the protocol established in Spain under Spanish law.

325

Hon. T N Hammond: I thank the Minister for that comprehensive answer. He did reference the marine camera that has been installed and I admit I too go to the Thinking Green site and do enjoy the images.

330

Does the Minister by any chance know how much the camera costs to situate in that location, how much it costs to maintain and how often it has been unserviceable since its installation?

335

Hon. Dr J E Cortes: I would need notice. I volunteered the camera information so I would need notice as to the particular cost. It has been out of action several times, as one would expect a camera out at sea is likely to, and obviously has to be serviced. It is generally serviced in-house by the Department's diving team but I would need notice for the more specific information.

340

Hon. T N Hammond: Thank you. And reference the Cetacean Protocol, I understand that we have introduced a protocol which reflects a similar protocol which must exist in Spain. Do Spanish dolphin operators comply with the protocol in BGTW?

345

Hon. Dr J E Cortes: Mr Speaker, I hope so. It is very difficult to police something like that because we are talking about distances and so on and you have to be ... but it is expected that the Spanish operators would. I cannot answer specifically whether there are any occasions where they have not.

Spanish dolphin tour operators tend to do most of their watching on the other side of the median line, but I have no information that they have not. They would be expected to because it is a protocol that has to be followed in BGTW but I have no specific information – and certainly no reports of any instances of it not being followed have come to me.

350 **Hon. D A Feetham:** Yes, Mr Speaker. Mr Speaker tying answers that the hon. Gentleman has given to the questions that he has just dealt with, with also the answers to questions in terms of the incursions from 2015, and just taking the Hon. Minister to the schedule: if the Hon. Minister looks at the schedule that he has given me for fishing incursions, apart from one month where there have been six incursions, the minimum number of incursions a month during those 15 months is 11, the maximum is 24 so there is an average of about 14 or 15 incursions per month.

355 What kind of an impact does the hon. Gentleman believe that these incursions are having on fishing stocks in Gibraltar and the Government's initiatives that of course he has quite comprehensively outlined in his answers to the question a few moments ago?

360 **Hon. Dr J E Cortes:** What an interesting question, Mr Speaker. *(Laughter)* No, genuinely interesting!

Mr Speaker, it is hard to tell because these are figures provided by the RGP which monitor this and this does not tell us and the data I have seen does not provide information on whether these fishing incursions are actually fishing, for how long they are fishing and so on. So it really does depend on whether they are just on their way through and how long and so on.

365 To me, whether the impact is significant is again something that would require data: how many fish have been caught or how many shellfish have been raked. To me all those are things that I would not like to see, it is absolutely clear.

The only thing I can say is that the people I have spoken to who fish in Gibraltar waters from Gibraltar recreationally have commented on increases in fish stocks. We have had reports of whales spending considerable periods of time within BGTW and humpback whales feed very largely on fish. So I think that there will be an impact. I do not think it is stopping the recovery of stocks.

370 Clearly I would like there to be zero incursions. That is nothing that is going to surprise anybody. Scientifically, I am unable to say because I just do not have the scientific information to analyse that.

Q300-302/2016
Dust and water pollution –
Monitoring and fines

Clerk: Question 300, the Hon. T N Hammond.

380 **Hon. T N Hammond:** Can the Minister for the Environment say if a method for the quantification of African dust intrusion has been developed?

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

385 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 301 and 302.

Clerk: Question 301, the Hon. T N Hammond.

390 **Hon. T N Hammond:** Can the Minister for the Environment say if a rain gauge has been installed at the Rosia Road monitoring station?

Clerk: Question 302, the Hon. T N Hammond.

395

Hon. T N Hammond: As a part of the strict application of the 'polluter pays' principle set out in the Environmental Action and Management Plan, can the Minister for the Environment say what fines have been issued since 2011?

400 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in answer to Questions 300 and 301, yes sir, it has to both questions.

405 In answer to Question 302, the Environmental Agency has instituted legal proceedings for breaches of the Environment (Control of Dust) Regulations 2010 in 2016 and three fines have been imposed.

Q303/2016

Bathing water standards – Revision

Clerk: Question 303, the Hon. T N Hammond.

410

Hon. T N Hammond: Mr Speaker, can the Minister for the Environment say if the required standards for bathing water have been revised since 2012?

415 **Clerk:** Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes they have.

420 **Hon. T N Hammond:** Mr Speaker, as they have been revised, have those revisions been made publicly available? They may well have been; I am just not aware of having seen anything to that effect or any announcement to that effect.

425 **Hon. Dr J E Cortes:** Mr Speaker, I would have to check. I believe they have. I believe they have been referred to in press releases. I have no problem in summarising what they are if that would be of assistance.

430 This is a new Bathing Water Directive which was adopted in 2006 which led to progressive improvement in ... It was aimed at achieving progressive achievement in water quality and the new requirements came into force in 2015 so they are effective from this year. And so they now require monitoring of two microbiological indicators of faecal contamination, E.coli and intestinal enterococci.

At the end of 2015 bathing sites were classified into four categories: excellent, good, sufficient or poor. These specifications are based on an analysis of sample results in 2015 and the preceding three years cumulatively. They are considered together.

435 Additionally, the current water quality has now got to be classified as acceptable and low, depending on the number of organisms seen in the samples taken. That is a brief synopsis.

440 **Hon. T N Hammond:** And bearing in mind the EU report on the waters, which I know we have already gone through in the press so I do not want to necessarily re-open that discussion, does any independent monitoring of our waters and the quality of our waters take place?

Hon. Dr J E Cortes: Not to my knowledge. This is sampled by the Environmental Agency so I have no reason to think that they need to have independent scrutiny, but I am not aware of anybody who does it separately.

445 I think that it is relevant to say without entering into any discussion that we have already had, and it is in the public domain, that the 2015 quality taken on its own is better in all cases than the four-year average, which includes 2015 which obviously shows improved water quality, with the exception of Western Beach, which remains poor as an average, as we know, and Little Bay which remains good. It has not gone like, for example, Eastern Beach which has gone from good
450 to excellent and so on.

So the quality was better last year than the four-year data, which I think is a good sign but in answer to that supplementary, I am not aware of any independent sampling and certainly we do not do it, other than the Environmental Agency.

Q304-305/2016

**Countering vandalism and litter across Upper Rock –
Maintenance programmes; CCTV cameras**

455 **Clerk:** Question 304, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in November of last year, the Government announced ‘the implementation of efficient continuous maintenance programmes backed by anti-litter measures, to counter vandalism. CCTV cameras were also deployed across all tourist sites within
460 the Upper Rock.’ Can the Government describe in more detail, these maintenance programmes, in particular anti-litter measures, and whether any fines have resulted from these measures?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
465

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 305.

Clerk: Question 305, the Hon. T N Hammond.
470

Hon. T N Hammond: Can the Government say how many CCTV cameras have been deployed across the Upper Rock and where are they located?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
475

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Nature Reserve Management Team, as well as the maintenance team of the Gibraltar Tourist Board, carry out regular maintenance works within the Upper Rock.
480

The maintenance programme is wide ranging and includes the removal of litter and graffiti, clearing footpaths and vegetation, restoring historic structures and street furniture, as well as other routine tasks.

In addition to the installation of CCTV across tourist sites, the most significant anti-litter measure carried out has been the deployment of environmental security guards and environmental protection officers.
485

No fines have been issued to date.

There are 57 CCTV cameras across the Upper Rock.

Q306/2016

**Rock of Gibraltar and Upper Rock Management Plans –
Publication**

Clerk: Question 306, the Hon. T N Hammond.

490

Hon. T N Hammond: Would the Minister for the Environment advise when the Government will be publishing the Rock of Gibraltar Management Plan and Upper Rock Management Plan?

495

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

500

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the draft Nature Reserve Management Plan is ready – you can see it here – and will be published as a consultation document within the next few weeks. It will be available online from the Department of the Environment and Climate Change website.

505

Hon. T N Hammond: Just so I have complete clarity then, that is the document, and I did not quite catch what it was called, that is covered by the descriptions in the Environmental Action Management Plan?

510

Hon. Dr J E Cortes: Mr Speaker, when we undertook to carry out the Upper Rock Management Plan it was still called the Upper Rock Nature Reserve, but because of the expansion it is now called the Gibraltar Nature Reserve and therefore, although largely it will refer to the Upper Rock, it will also refer to other areas. So the full name is the Gibraltar Nature Reserve Management Plan.

515

I must say, Mr Speaker, that we were going to publish this a couple of weeks ago and then notice came of the question and because of the guidance given in the past, I thought it would be improper to just put it on the website and tell the hon. Member today it is on the website already, but it will be there very shortly.

Hon. T N Hammond: I very much appreciate that action on the part of the Minister.

The original timescale for that plan was actually to be completed by 2013. Can the Minister explain why there has been such a substantial delay?

520

Hon. Dr J E Cortes: Because it is a lot of work, Mr Speaker, and most of the work has been done by one of the senior members of the Department of the Environment and Climate Change, Steven Warr, who is also leading on all sorts of other areas. But also the importance of widespread consultation and every time one reads it, you say, 'Well okay, this we need to discuss with another stakeholder.' It has really been in process, also because as I said before, the Gibraltar Nature Reserve is now bigger than just the Upper Rock and has to take other sites into consideration, but I am glad to say that we are there.

525

Q307-308/2016

**Upper Rock and Marine Nature Reserves –
Watering points; vulnerability assessments**

530

Clerk: Question 307, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say how many extra watering points have been placed across the Upper Rock Nature Reserve?

535

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 308.

540

Clerk: Question 308, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if any vulnerability assessments have been conducted for habitats and species within the Upper Rock and Marine Nature Reserves, as recommended by the Environmental Action Management Plan?

545

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

550

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, five extra watering points have been created across the Upper Rock.

Mr Speaker, in answer to Question 308, yes, vulnerability assessments are being carried out by the Department in both the Upper Rock and the Marine Nature Reserve.

555

Hon. T N Hammond: And is the Minister aware for what species or habitats these assessments are being conducted for?

Hon. Dr J E Cortes: Mr Speaker, generally. Surveillance monitoring data is collected by the Department, by Government contractors and by NGOs in both the terrestrial and the marine sites and they are used to determine the vulnerability of different habitats and species.

560

The Barbary Partridge is one that comes to mind which has resulted in our reintroduction programme, which as we know has been successful. Maybe limpets are another one: the Mediterranean Rib Limpet, which is the one with special protection.

565

I cannot specifically give a list of everything – well, I suppose I could if I sat down and thought about it, but those are two specific examples. It is general monitoring and then you focus.

Yes, another example: the Lesser Kestrel is being monitored. Unfortunately it seems that from 20 pairs five or six years ago, there is only one pair left, probably due to the fact – anecdotally I can give it to you now – that they have to fly further and further away to feed in Spain, as La Linea has expanded.

570

So those are the sorts of things that are picked up and then you say, what can we do about it? So right we are going to try and enhance the captive breeding of Lesser Kestrels to see if we can release them. That is the sort of thing I mean.

Hon. D A Feetham: Mr Speaker, just out of interest, it is something that the hon. Gentleman and I speak about occasionally; we have not for some time. I know that in the Upper Rock Nature Reserve in the last one, it outlined that the Government, I think it was our Government, had made an attempt – and the hon. Gentleman was involved in that – to introduce foxes into the Upper Rock and there were a number of foxes that were introduced. Certainly I have never seen any and I wonder whether he can give us some information in relation to that?

575

Also an interesting project in the old Upper Rock Nature Reserve was the introduction of the idea of the Iberian Ibex which was something that again was being planned and I wonder whether that is something the Government intends to do in the near future or perhaps in the future.

580

585 **Hon. Dr J E Cortes:** Mr Speaker, I have no problem in answering those, in fact I am going to enjoy doing so. They are not specific supplementaries but with your leave, Mr Speaker, I will just very briefly answer them if I may.

A decision was taken just a couple of weeks ago, in consultation with the Nature Conservancy Council, to attempt once again the reintroduction of the Red Fox and we have already started
590 sourcing suitable animals. They will be fitted with satellite transmission collars so we can keep tabs on where they are, and that is something that can be put in the public domain.

Regarding Ibex, what has held us back when we have consulted the experts of the species – it is the Iberian Ibex so clearly there were experts in Spain – is the possibility of the fact that they spend a lot of time on cliffs, destabilising cliffs and possibly causing danger. In a place like
595 Gibraltar where we have cliffs overlooking roads and so on, we have taken a step back from that, because we thought although we would love to have Ibex, the risk was too high. Therefore we have stopped that project, sadly. Unless we have other assessments that say otherwise, we thought that public safety, clearly we all agreed, was more important.

Q309-321/2016

Environmental Action and Management Plan –

Biodiversity; electricity and water; tidal currents; grants; transport; development; heritage

600 **Clerk:** Question 309, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment say if the Biodiversity Action Plan described in the Environmental Action and Management Plan has been published?

605 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 310 to 321.

610 **Clerk:** Question 310, the Hon. T N Hammond.

Hon. T N Hammond: In the Environmental Action and Management Plan, Government stated that to encourage greater energy efficiency, electricity bills would be revised to provide more
615 information to the end consumer. This would happen by the end of 2014. Can the Minister say what additional information has been made available on these electricity bills?

Clerk: Question 311, the Hon. T N Hammond.

620 **Hon. T N Hammond:** Can the Minister for the Environment say what revisions have been introduced as recommended by the Environmental Action and Management Plan, to the electricity and water tariff system?

Clerk: Question 312, the Hon. T N Hammond.

625 **Hon. T N Hammond:** Can the Minister for the Environment say if the study of tidal current profiles in BGTW as recommended by the Environmental Action and Management Plan has been completed?

630 **Clerk:** Question 313, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say if any part of the existing electricity grid has been upgraded to allow for the connection of renewable energy, as recommended by the Environmental Action and Management Plan?

635 **Clerk:** Question 314, the Hon. T N Hammond.

Hon. T N Hammond: The EAMP recommends the establishment of a fund for energy efficient home improvements to be in place by 2014: can the Minister say if the fund is in place and how many grants to home owners have been offered through this fund?

640

Clerk: Question 315, the Hon. T N Hammond.

Hon. T N Hammond: The EAMP recommends the implementation of educational programmes to encourage children to walk or cycle to school: can the Minister say how many programmes have been run and at which schools from the start of 2014 to the present date?

645

Clerk: Question 316, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say how many cycling proficiency courses, as recommended by the EAMP, have been held since the beginning of 2014?

650

Clerk: Question 317, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say on which dates the “In town without my car” days have been held since the beginning of 2012 and, as recommended by the EAMP, which roads were reserved for pedestrians, cyclists and public transport on those days?

655

Clerk: Question 318, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say what permanent measures have been introduced since 2013 which have been aimed at contributing to modal transfer from the private car to an environmentally sound means of transport?

660

Clerk: Question 319, the Hon. T N Hammond.

665

Hon. T N Hammond: Can the Minister confirm whether all Government development projects are now subject to the planning process as recommended by the EAMP?

Clerk: Question 320, the Hon. T N Hammond.

670

Hon. T N Hammond: Considering the volume of imminent development, is Government intending to apply the recommendation in the EAMP that any new development includes a minimum of 5% total land area as green areas?

675

Clerk: Question 321, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how much progress has been made towards the creation of an Environmental Heritage Register as described by the EAMP?

680

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will take the questions in turn. They have been put together because they all refer to the EAMP and it was, I think, a convenient way of dealing with them.

685

The EAMP actually, Mr Speaker, does not say that a Biodiversity Action Plan was going to be published, but rather that the existing plan was going to be implemented and this work is currently ongoing.

690

The electricity and water bills now include a graph showing the last 12 months of usage. This allows consumers to identify patterns in their energy consumption. The information will allow customers to take informed decisions on daily habits which will lead to energy as well as cost savings. Similarly, customers will be able to see whether the measures taken to reduce consumption are having the desired effect.

In relation to Question 311, no changes have been introduced to date.

695

Question 312: a study of tidal current profiles was conducted by French oceanography company Énergie de la Lune.

700

Question 313: the Government through the GEA continues to invest in the upgrade of the electricity grid, not only to allow for the connection of renewable energy as recommended by the EAMP but also as an integral part of the construction of the new gas-fired power station at North Mole. At low voltage, most schemes can already be accommodated.

Question 314, the fund has not yet been set up. However, interested parties can apply to the Ministry of Finance for loans for projects which will result in energy and efficiency and renewable energy benefits. The placing of solar panels on the roof of Sir William Jackson Grove is an example of such an initiative.

705

Question 315, the Department of the Environment and Climate Change has an ongoing environmental education programme through which the departmental scientists visit all schools every year to talk to different year groups about environmental issues. The issue of traffic and pollution and the ways in which they can help to tackle these, such as by walking, cycling or taking the bus to school, are addressed every year.

710

Thirty-three cycling proficiency courses have been held since 2014.

An 'In town without my car' day was held on Saturday, 22nd September 2012. Secretary's Lane, Governor's Lane, Convent Place, Convent Lane and the southern end of Main Street were closed to vehicular traffic from 10 a.m. till 7 p.m.

715

During subsequent years, time and resources have been focused on developing the Sustainable Traffic, Transport and Parking Plan. However, I am pleased to say, that an 'In town without my car' day will be held again this September on Sunday, 18th with Secretary's Lane, Governor's Lane, Convent Place, Convent Lane and the southern end of Main Street, and Line Wall Road up until the junction with the Haven all being closed to vehicular traffic for the day.

720

In answer to Question 318, a number of fiscal incentives have been introduced with this aim. There is a £1,000 cash back available to those who register an electric or hybrid vehicle and import duty on these vehicles has been reduced to zero. New Euro VI engine buses have been purchased, routes have been reviewed and refined, a night bus service was introduced and most recently, real time information for a number of bus routes has been made available.

725

Question 319: all Government projects go through the planning process for guidance and advice. Issues discussed at the planning stage are then considered and usually adopted by Government. Additionally as part of the green filter policy adopted by this Government when we first came into office, Government projects are referred to the Department of the Environment for environmental considerations. The new Town Planning Act will require Government projects to be processed formally.

730

In answer to Question 320, yes, the Government will continue to apply this policy which it currently does through the planning process. It is a standard condition included by the Department in their reviews of new development building applications. Where this is not feasible, alternatives are suggested such as green roofs and increase in trees and planters within the development.

735 In answer to Question 321, the Department is working on a draft register of sites.

Hon. T N Hammond: Just going back to Question 314, I can therefore confirm that no fund has at this point been established for this purpose?

740 **Hon. Dr J E Cortes:** Mr Speaker, that is what I said, at this point in time.

Hon. T N Hammond: And for Question 310, no amendments have been made to the electricity bills either. I made a note but I was not sure that I heard you correctly.

745 **Hon. Dr J E Cortes:** Mr Speaker, the bills are different. They now have, as I explained, the information regarding consumption. There is a chart which shows you how much you have spent in the previous 12 months and then you can compare that. That is the information that is now provided which was not provided in the old format.

750 **Hon. T N Hammond:** And for Question 317, and again I think I heard the Minister correctly when he said that no 'In town without my car' days had been held since 2012 but there was one planned for later this year, on Sunday 18th September, I think I heard.

Does the Minister think it is appropriate to hold such a day on a Sunday, when perhaps it is certainly convenient in terms of traffic, but it is hardly encouraging the daily commuter, who may be encouraged to try a different mode of transport to get to work, to actually take that option if they do not have to go to work and will more likely be going, on that date, potentially to beaches and places, and avoiding town with their car anyway.

760 **Hon. Dr J E Cortes:** Well, there are different patterns at weekends. That is clearly something that is obvious. But I think our message is clear. There are people who will use their cars at weekends and on Sundays to perhaps go to lunch somewhere and different types of activities, including going to the beach and they will have to take alternative routes.

So I feel that it does make a statement and my regret is that we have not done it on an annual basis, but as I explained before, initially this was an NGO initiative by the 'In town without my car' group. It was only in 2012 that the Government decided to support it and get involved.

765 But we have been putting our resources towards the traffic plan. I am hoping that this year will be the start of more regular events such as this. The fact that it happens to be my wife's birthday is an absolute coincidence.

770 **Hon. T N Hammond:** I accept what the Minister said and it is a scheme to be applauded, which is why I am somewhat surprised. I thought I had just missed the day somehow over the last three years. I had not genuinely realised that it had not occurred at all. It is a pity.

Bearing in mind it is going to be held on a Sunday and the bus service, for instance, tends to run with less frequency on a Sunday, on that particular day will the bus services be enhanced to give people the opportunity to use the bus perhaps?

780 **Hon. Dr J E Cortes:** Mr Speaker, this is something that I have not been briefed on by the Department. It may be the case, I do not have that information. I will enquire and take it up as a possibility. Clearly, one of the things we want to do is to encourage walking. In some cases for some of our citizens that is not an option, but I will need to look into that.

785 **Hon. T N Hammond:** I come back to the fact that the day is being held on a Sunday because it does feel a little like this is not in the spirit of the day. I presume it is programmed in for this year and nothing can be changed in that respect, but I wonder if in future years the Government may consider holding such an event on a weekday to encourage commuters to experiment with

other modes of transport – particularly if eventually we get a ReadyBike scheme and other alternate means of arriving at destination.

790 **Hon. Dr J E Cortes:** Mr Speaker, I have listened to what the hon. Member has said and it is something that can be looked into. I have not been involved personally in choosing the date so I really need to enquire, but the principle remains the same and I think the fact that the Government is now doing it is a significant step.

795 **Hon. R M Clinton:** Mr Speaker, if I may refer the hon. Member back to Question 314 which has a finance angle to it. He mentioned that although there was no fund in place, applications could be made to the Ministry of Finance for loans for energy-efficient home improvements. Does he have any idea about the minimum/maximum amount of loans and what criteria will be used; and does he intend to issue a statement or make this more publicly known?

800 **Hon. Dr J E Cortes:** No, Mr Speaker, I do not. I would need notice of that and if he will write to me, I would pass it, obviously, to the Financial Secretary. I do know that Sir William Jackson Grove obtained funding in that way. I know that there were other people who applied but I am not sure of the outcome. I do not have that information here.

805 My Department is involved by way of assessing whether it is legitimately energy-efficient, renewable and so on, but not in the actual funding side of it.

Hon. R M Clinton: Mr Speaker, I presume it is an initiative that is supported by his Department and therefore you obviously have a real interest in promoting people to do this. Am I correct in saying that so far to his knowledge the only people who have taken advantage of this type of funding arrangement are housing estates rather than private individuals?

815 **Hon. Dr J E Cortes:** So far as I recall, but that was included by way of an example and I have not consulted or looked into files and so on to see the total amount. So it is as much as I recall at this point in time.

Again, I would need notice if I was going to look into it further or by way of correspondence, I would be happy to assist. It is certainly something that one wants to promote.

820 **Hon. T N Hammond:** Just going back to Question 309, can I just confirm that the existing plan that the Minister is referring to is the 2006 plan published by GONHS? That is the biodiversity plan?

825 **Hon. Dr J E Cortes:** It is the Biodiversity Action Plan published by GONHS which probably has a forward by me in it. That is the one. That is coincidence by the way! That is the one. Perez & Bensusan, I believe it was.

Q322-323/2016
Wave generator –
Cost, funding and output

830 **Clerk:** Question 322, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government provide a breakdown of the total cost and funding of the wave generator commissioned in May 2016?

835 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 323.

840

Clerk: Question 323, the Hon. T N Hammond.

Hon. T N Hammond: Can Government provide figures for the daily power output since commissioning and the average hourly power output for the period since commissioning of the wave generator?

845

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

850 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the EcoWave project has not been funded by the Gibraltar Government. The project was co-funded by the European Union and EcoWave.

The project total cost was broken down as follows: EU Structural Funds, £98,455.70, which is 30% of the cost; Private Sector Investment, £229,729.96, the remaining 70%.

855 The commissioning process commenced on 6th April 2016 and to date the total power generated has been 37Kwh hours.

The average daily output up to the end of May has been 0.672 Kwh hours and similarly the hourly of 0.03 Kwh.

860 **Hon. T N Hammond:** I must confess, I do get slightly confused with these figures sometimes. So 0.672 Kwh as an average hourly output equates to 672 Watts per hour, is that correct? So that is a dozen light bulbs. *(Laughter)*

Hon. Dr J E Cortes: Probably a little bit more than that; several kettles. *(Laughter)*

865 Mr Speaker, I think it is important to say that this is the commissioning period and that during this time, what has been happening is that not all the generators have been working at the same time. Some of them have been done one at a time in order to see how they develop. So this is no reflection of the ultimate output. Also obviously sea state affects this.

870 The full potential is 100 Kw and that has been clear from the outset, but at this moment in time in the initial stages where it is still going through a testing phase, the output is absolutely low, absolutely low that is no secret.

However, the fact that at least an infinitesimal amount of the light lighting us up here today comes from the sea, to me is significant. But clearly it is early days, the plan is to go up to the 5 Mw within the next 12 to 18 months.

875

Hon. T N Hammond: I do apologise, it was not my intention to be facetious. It just sprung to mind, once I realised the level of power output.

So in order to produce those 5 Mw what would be the dimensions? How many wave generators will we need to achieve that?

880

Hon. Dr J E Cortes: It is not necessarily bigger in size. The bigger plant will not be at that location. That location has the potential for some increase, but due to the fact that the pier is very old and structurally, the end of the pier is not safe enough for installing all of these wave generators, there are several other sites that we are planning to use and we are in discussion with EcoWave as to which they would be. But it is not that huge, it is not directly proportional to the ones that are there now.

885

Hon. T N Hammond: Can I just confirm wave generators do require waves to generate energy? It is not like solar panels where daylight is sufficient. They do actually require waves so if you have extended periods with little wave action, there is little energy?

890

Hon. Dr J E Cortes: No, Mr Speaker, any movement will generate.

On the day that the plant was opened, you would have looked at the sea and said it was calm. But if you went into the unit where the generators are, you could see them moving. So any movement will generate wave power.

895

They will act between a wave difference – and I am using memory here – between 40 centimetres and four or five metres wave range. Clearly the higher the range, the quicker the pressure is built up into the cylinders which use a natural oil and the release of the pressure moves the turbines. Any movement will do it, but the more waves and the higher the waves, the more power.

900

So one would expect that the winter would be a more productive time than the summer, except when we have a levantera, but any movement will do it. Technically it is supposed to be 40 centimetres to kick it off, but even with less there will be some generation.

905

Hon. T N Hammond: And therefore whilst sites for other potential generators have not necessarily been identified at present, they could work equally well on the east or the west side of the Rock?

910

Hon. Dr J E Cortes: Yes indeed, they have been identified. Several options have been identified and we are discussing with EcoWave which would be the best from the point of view of wave generation and also environmental impact. There are several sites both on the east and west side that have been identified and discussions are in progress to see which would be the ones to be used.

915

Hon. T N Hammond: I presume that while this pilot project has not cost Government any money at this point, the fuller rollout of a project such as you describe would have cost implications to Government?

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

920

Hon. T N Hammond: So the incentive for the company to provide this then is presumably that we will buy the energy it produces off them?

925

Hon. Dr J E Cortes: Mr Speaker, in this market power purchase agreements are the way forward. The investment and the risk is purely on the side of the person developing the technology.

930

Hon. D A Feetham: Mr Speaker, what percentage of Gibraltar's electricity output does the Government expect will be produced via this particular source if it does really work to its full potential?

935

Hon. Dr J E Cortes: If it is 5 Mw, it would be approximately 15%. If the 5 Mw plant works well and it could be increased to 10 Mw, then that would be 30%. So that is the bracket we are aiming to achieve; 15% is probably the minimum that would satisfy me.

935

Hon. D A Feetham: So effectively 15% of electricity would be produced by a private company that is effectively selling electricity to the Gibraltar Government and that is how it is going to be funded. Correct?

940 **Hon. Dr J E Cortes:** Put that way, yes. Yes I think that is a correct way of assessing it. I would emphasise the benefits of waver power over and above that consideration, but it is a power purchase agreement so we would be buying the power.

I am not going to go into details of the contractual arrangements because there may be time elements and so on, where other things would come into play.

945 **Hon. D A Feetham:** But this would have absolutely nothing to do with the Electricity Authority; this is entirely private.

And could I also ask the hon. Gentleman whether ... and I accept that he may need notice of this and he may not be able to answer it, but is this going to be a potential template – in other words the buying of electricity from a private company – for the expansion of electricity capacity in Gibraltar in other areas – not necessarily, I may add, in relation to the power station. I look at the Father of the House who probably has more information in relation to this than the hon. Gentleman.

955 **Hon. Dr J E Cortes:** Mr Speaker, not necessarily.

Hon. R M Clinton: Mr Speaker, if I may ask the hon. Member, in relation to the power generation, does he have in his mind or does he have information in terms of how long the contract is with EcoWave and is there – obviously there will be in a hire purchase agreement – a contracted rate per unit of electricity is supplied? Can he advise the House what that would be and of course whether that is a more expensive option or cheaper than other sources of power generation?

965 **Hon. Dr J E Cortes:** Mr Speaker, I do not have all the information, I would need notice. The rate is commercially sensitive, but clearly there is a rate, otherwise you do not have a power purchase agreement.

Hon. R M Clinton: But would the hon. Member know if that rate is more expensive than, for example, the envisaged gas fired power station?

970 **Hon. Dr J E Cortes:** Mr Speaker, I hesitate to answer yes or no because I would need to check facts and I am not going to commit myself to something that could then be attributed to me without having had the necessary information.

975 **Hon. D A Feetham:** Mr Speaker, just following on from that, of course we all understand that having electricity generated in an ecologically sensitive way is preferable to something that is not as friendly to the environment, and there is an intrinsic value in that and one has to accept that. But there are obviously balancing exercises to be done in assessing things like this and one is the question of cost.

980 Now, I can understand if it were very expensive compared to other more conventional forms of electricity, that the Government may say, 'Well actually, the reason why we are doing it is because we have to provide 20% of our electricity, renewable electricity by a particular date.' I think it is – if we are to stay in the EU! – I think it is by 2020/2021 that there is a requirement that we move towards 20% of renewable energy.

985 Is that what this is about? Is this integral to the Government fulfilling what were its obligations to provide, to have 20% of renewable energy by 2020/2021? Is that what it is? Because then of course I could understand that, rather than a situation where one is simply going for environmentally friendly but it is going to cost much more – and we still do not know and I am giving him the benefit of the doubt because of course we have not seen the figures. But I just want a flavour of the thinking of the Government in relation to this.

990

Hon. Dr J E Cortes: Mr Speaker, the hon. Member knows who he is asking that question to (*Laughter and interjection*) and he knows that the environmental considerations are extremely important. (*Interjection*) My colleague says 'trumps all', but I do not like using that word in a political context!

995 Mr Speaker, I would not be concerned about renewable energy being more expensive
without giving any detail, because as I have said before, I do not think I have them. It is part of
an EU obligation of 20% by 2020. I would like to think that we can surpass that and if we are no
longer bound by the EU I would like to think that certainly from the environmental point of view,
if we do not comply we do not comply because we are *better* and not worse than what the EU
1000 currently requires of us.

Hon. D A Feetham: I accept, Mr Speaker, that environmental considerations are extremely
important in this day and age and moving towards the future, but Government and the reality of
1005 the situation is that financial considerations also need to be weighed in the balance too, when
one is considering the various alternatives and if it forms part of the 20%, that is more
understandable certainly if it is going to cost far more.

But just looking at the cost to the community in relation to something like this, what is the
length of the contract that the Government is envisaging with this particular operator in order to
provide that 15% of electricity? Because for this to actually work for the operator itself, one
1010 would imagine that we are talking about a fairly lengthy contract. The way that these things
work is that the cost, the outlay to the operator is repaid over a period of time, and it is repaid
by the sale of the operator to the Government of electricity, which inevitably is going to cost
more than conventional ways of funding electricity, but I am interested in the length of the
contract if he has any information in relation to that.

1015 **Hon. Dr J E Cortes:** Again, Mr Speaker, it is not directly asked in the questions and I do not
want to use my memory in order to do that. So I do not have the information available. It is
clearly available to the Government, I do not have it here with me.

1020 But I think we have to bear in mind the benefits to the company as well, and the publicity
that this has given them so they may have other considerations, and there are people in the
private sector who actually do give the environment importance over and above commercial
considerations, and maybe this company is one of them.

Hon. D A Feetham: Yes, and it may well be that in fact we are wrong to assume that it is
1025 going to cost more. I would be surprised because there has to be a recoupment of the
investment by the company. But I wonder whether the Father of the House knows how long we
are looking at in terms of this particular contract for the supply of this particular renewable
energy?

1030 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** I
have no involvement in this, Mr Speaker.

Hon. Dr J E Cortes: Mr Speaker, let me just add that it is not that the Government does not
1035 know; it is not a direct question being asked and therefore I need to have that information
researched.

Hon. D A Feetham: I can assure the hon. Gentleman that I am not calling into question the
collegiate credentials of the Government at all and we will ask the question next time round.

Q324/2016
Europa Point sewage outfall –
Monitoring regime

1040 **Clerk:** Question 324, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment say whether the recommendation made in the Southern Waters Management Scheme for a monitoring regime to be implemented for the sewage outfall at Europa has been acted upon?

1045

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

1050 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, yes sir. A multi-faceted monitoring approach is being implemented by the Department to monitor the Europa Point outfall. Bacteriological samples have been collected by the Environmental Agency at different distances from the Europa Point outfall and the Department routinely collects water and sediment samples in the Southern Waters SAC/SPA. Intertidal surveys of Europa Point foreshore are also carried out by the Department.

1055 SAC is Special Area Conservation; SPA is Special Protected Area under the EU Habitats and Birds Directives.

Hon. T N Hammond: And are the results of those investigations published on the Government website?

1060

Hon. Dr J E Cortes: I am not sure whether they are specifically; they are part of a larger project. But if the hon. Member wants to write to me I can provide that information. It is not something that is ... but I could not tell you, there is a lot of information on the website. I could not tell him, Mr Speaker, whether this specifically is there.

Q325-326/2016
Climate change programme –
Government action plan

1065

Clerk: Question 325, the Hon. T N Hammond.

Hon. T N Hammond: Has the Government published a climate change programme and an associated action plan?

1070

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

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 326.

Clerk: Question 326, the Hon. T N Hammond.

1080 **Hon. T N Hammond:** Has Government conducted a risk and vulnerability assessment as recommended by the EAMP to better understand the localised impact of climate change?

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

1085 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, in relation to the first question, not yet. I have a very advanced draft with me among these papers, but it is not yet published.

In relation to the second question, a preliminary desk-top assessment of climate risks and hazards was carried out by the Climate Change Adaptation Working Group during the EU Cities Adapt project in 2012.
1090

Hon. T N Hammond: Just reference the second of the two questions: whilst that work was conducted in 2012, there is no definitive risk and vulnerability assessment available to Government at this point?
1095

Hon. Dr J E Cortes: Well, the 2012 work that was done as part of an EU wide project in which Gibraltar was one of the cities that was selected to form part of it, informs the Climate Change Report and therefore it is updated.

The basic data was collected in 2012 as part of the EU Cities Adapt project, so there is a report that exists to look into the risks and vulnerability in relation to climate change generated instances like storm surges, flooding and so on. That work has been done.
1100

Hon. T N Hammond: And has that report highlighted any particular areas in Gibraltar which may be vulnerable in the future by climate change in particular in global temperature increases?
1105

Hon. Dr J E Cortes: Yes, Mr Speaker. Again from memory, the lower lying areas of Gibraltar are ones that are more at risk. A number of works have been done recently to reduce the likelihood of flooding, for example in the Wellington Front area and in Queensway, but this is something that is a problem throughout the world. Unlike some islands in the Pacific, we have not disappeared under the waves, which some islands have.
1110

So the major risks in the foreseeable future are due to storm surges, as we saw some years ago, and those risks have all been looked at as the Hon. the Leader of the Opposition will know from the time that happened as he was in office, works were carried out to strengthen lots of the western seafront and at the moment, any developments on the seafront actually take those risks into consideration when levels and so on are being assessed.
1115

I can for example say that the power station in the North Mole, the reclamation has been informed by the different assessments before in their time and since in our time, to ensure that we have the resilience that the way the climate is going requires of any advanced community.
1120

Q327/2016
Recycling –
Penalties for failure

Clerk: Question 327, the Hon. T N Hammond.

1125 **Hon. T N Hammond:** Has Government conducted any work in examining the feasibility of establishing penalties for failing to recycle or of offering a recycling incentive?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
1130

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes. The Government has conducted work in both examining the feasibility of establishing penalties for failing to recycle and offering recycling incentives.

1135 **Hon. T N Hammond:** And could the Minister offer us any conclusions which may have been drawn from that work?

Hon. Dr J E Cortes: Yes, Mr Speaker. Because recycling is actually increasing and has increased since we expanded the recycling to include cardboard and paper in 2012 and since rolling out more recycling points and so on, at this point in time we have no intention of establishing penalties because it is still increasing.

The advent of the eco-park which is just maybe six or seven months old – maybe more, one loses track of time, as you well know, in this work – has also increased the amount of recycling. I hope to have figures in my Budget speech which I will deliver sometime next week.

1145 Therefore at this point in time it is not felt necessary to establish penalties but this is something that could always be considered in the future. But at this point in time I am glad to say that the Gibraltar citizen is collaborating and co-operating and therefore we have to encourage by way of positive feedback like I am doing now and not by way of penalty.

Q328/2016

Renewable energy or carbon offset– Developing projects in Morocco

1150 **Clerk:** Question 328, the Hon. T N Hammond.

Hon. T N Hammond: Has Government conducted any work in examining the possibility of developing renewable energy or carbon offset projects in Morocco?

1155 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker, the Government has conducted work in both examining the possibility of developing renewable energy and carbon offset projects in Morocco.

Hon. T N Hammond: And could the Minister elaborate on what that work comprises so far?

1165 **Hon. Dr J E Cortes:** Not very much, Mr Speaker, because this work is not concluded. The Government has received a proposal for carrying out studies on the feasibility of laying cables and also has explored, to some degree, possibilities of protecting areas of woodland in Morocco as part of a carbon trade-off scheme. This was discussed by me in Rabat some time ago with the High Commissioner for Water and Forests, but these are all still in early exploratory stages and therefore I cannot offer any more information.

1170 **Hon. T N Hammond:** Could the Minister perhaps offer a timeline, bearing in mind the original timescale for this work was to be completed by 2015, according to the recommendations of the EAMP? I fully accept that those timelines may be fluid, but is the Minister in a position to be able to say another five years, another two years or give us any ideas in that respect?

1175 **Hon. Dr J E Cortes:** No, Mr Speaker, I am not.

Q329-331/2016
Industrial noise levels –
Steering Group; Noise Bill

Clerk: Question 329, the Hon. T N Hammond.

1180 **Hon. T N Hammond:** Can the Minister say if the Reactive Noise Steering Group has been established in accordance with the recommendations of the EAMP?

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

1185

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 330 and 331.

Clerk: Question 330, the Hon. T N Hammond.

1190

Hon. T N Hammond: Mr Speaker, what work has Government conducted to reduce levels of noise arising from industrial operations?

Clerk: Question 331, the Hon. T N Hammond.

1195

Hon. T N Hammond: Is the Government drafting or intending to introduce a 'Noise Bill' as recommended by the EAMP with an original target date of 2014?

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

1200

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there is no Reactive Noise Steering Group. There is an Environmental Noise Steering Group and the recommendation of the EAMP was to reactivate this group.

1205

I can confirm that this group was indeed reactivated soon after I took Office. The group has met seven times since 2012. I might add that it is thanks to this Government's reactivation of the group, that potential EU infractions on environmental noise were averted.

In answer to Question 330, industrial operations in Gibraltar are divided into three categories: first, noise from power stations; second, noise from construction sites; and thirdly, noise from the ship repair yard. The Environmental Agency regulates these as follows.

1210

In respect to noise from power stations, the new power station is being designed with the latest noise insulation measures which will be a condition of their IPCC permit.

In relation to construction sites, the hours of operation are subject to conditions imposed by the DPC at the planning stage of an application. Additionally, the Department requires all construction projects to provide a Construction Environmental Management Plan with noise mitigation being one area of control. The Environmental Agency investigates any complaints and if necessary, ensures that Best Available Techniques (BAT) are used in their construction operations. The Environmental Agency takes legal action when necessary.

1215

In relation to Gibdock, the Environmental Agency has monthly meetings with the management of Gibdock to discuss any problems that may arise. There is a standing agreement that no noisy operations will be carried out during the silent hours.

1220

In relation to Question 331, a draft Noise Bill has been introduced but is still work in progress.

Hon. T N Hammond: With respect to Question 331, has the Minister any idea when that Bill may be presented to the House, how far down the line of progress we are?

1225

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

Q332/2016
Waste treatment plant –
Award of tender

Clerk: Question 332, the Hon. T N Hammond.

1230 **Hon. T N Hammond:** Mr Speaker, further to Question 449 of July 2015 and Question 8/2016 where the Minister said that he was hopeful that an announcement of an award of a tender for a waste treatment plant would be made in the first quarter of this year, can the Minister state if indeed an award of a tender has been made?

1235 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): No, Mr Speaker, an award has not yet been made for a waste treatment plant.

1240 **Hon. T N Hammond:** Could the Minister explain what has caused the delay in the awarding of a tender which in January of this year he was suggesting was imminent?

1245 **Hon. Dr J E Cortes:** Mr Speaker, lots of things have happened in the last few months, in fact in the last year. But we are still looking at the technologies and we are still looking at the funding packages and costs involved.

This is a complex issue; it is an issue that we have to get absolutely right because it is looking after the treatment of waste in Gibraltar for the next few decades. It has to be tied in with the fact that we are also increasing recycling targets. So it is a complex issue and it is taking time to resolve.

1250

Hon. T N Hammond: Mr Speaker, no, I am not at all suggesting that it is not a complex issue but the Minister has had four and a half years now just to bring this project to a point where a contract may be awarded.

1255 Bearing in mind it was a 2011 manifesto commitment also, I am really finding it difficult to understand how we are still in a position, when as recently as January this year, and certainly in July last year, the Minister was giving the impression that a contract award was imminent, that we still find ourselves not having awarded a contract on this very critical environmental project. There is no doubt that of all the things we do, pumping raw sewage into the Mediterranean is probably one of the worst things we do in terms of environmental impact.

1260

I have to ask the Minister surely it is time to resolve whatever difficulties remain with respect to this project and award a tender to a company and get the project moving within a reasonable time period.

1265 **Hon. Dr J E Cortes:** Mr Speaker, it seems that we were talking at cross purposes. I was referring to solid waste; the Member opposite is referring to sewage.

The situation is very similar. Mr Speaker, I am as keen as he and probably keener than most to get this going forward. There is active work going on in order to achieve this. We are not ready yet and the reason we are not ready is that we want to get it absolutely right, and I am sure that we will.

1270

I think that at this point in time that is all that I am able to say. I am confident that we will get it right but it is something that is complex and needs the time for us to achieve it properly.

1275 **Hon. R M Clinton:** Mr Speaker, if I ask the hon. Member – and I have heard this phrase before about getting it absolutely right – does he mean in financial terms or in terms of technology?

1280 **Hon. Dr J E Cortes:** In every kind of way, Mr Speaker. I may have taken four years in doing this: that still gives me another 12 to go before I can compare to other people who never did it. *(Laughter)*

Hon. T N Hammond: I find the last statement by the Minister unnecessary quite honestly. *(Interjections)*

1285 The fact is this was a 2011 commitment for a manifesto which was claimed to have been 100% delivered, yet clearly this particular element was not delivered and it remains a critical infrastructure project and a critical project for the environment.

Can the Minister at least give a commitment that we will have a sewage treatment plant in place and running before the end of this Parliament?

1290 **Hon. Dr J E Cortes:** Mr Speaker, at this point in time, I can say yes. But obviously I have said that before and I have been questioned because it has not happened. So, Mr Speaker, the intention is certainly to do it and we are getting very close but I have nothing further to add.

1295 It is something that as I have said before, I am probably keener than most to have and I am totally committed to it, but at this point in time we are being cautious in the way that we approach it from all sorts of different angles because of the complexities and for every single reason. We have to get this right and right we will get it.

Q333/2016
Nature Reserves –
Invasive plant species

Clerk: Question 333, the Hon. T N Hammond.

1300 **Hon. T N Hammond:** Mr Speaker, within the Nature Reserves, can the Minister describe what activity has taken place to remove invasive plant species?

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

1305 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, invasive plant species have been removed from the following areas of the Gibraltar Nature Reserve: Windmill Hill Flats; Upper Rock; Europa Foreshore; Northern Defences; and the Great Sand Slopes.

In addition, invasives have been removed around Europa Road, which is outside the Nature Reserve.

1310 In no particular order, species removed include *Lantana* spp; *Agave* spp; Hottentot Fig; *Aloe* spp; Bear's Breech; Prickly Pear; and *Pennisetum* spp.

I must here acknowledge the tremendous work in this field being carried out by environmental enthusiast Bart Van Thiesen, on a totally voluntary basis. His work supported by the Department and by GONHS is outstanding and exemplary. *(Banging on desks)*

1315

Hon. T N Hammond: I thank the Minister for the response and I would add to it and also like to show some appreciation for the work that Bart has done in various areas around Gibraltar, not least the foreshore, in removing the invasive species there.

1320 Just on that point, because Bart has shown an enormous amount of energy around the foreshore area and I know he has been working closely with the Department of the Environment in that respect – in terms of the Upper Rock, I may have missed it in my notation, has much work been conducted on the Upper Rock in terms of specifically invasive species, rather than nuisance species?

1325 **Hon. Dr J E Cortes:** Yes, in fact Bart himself did a lot of work in removing Chasmanthe which is a Gladiolus-like plant which was covering large areas of the fire breaks in the St Michael's Cave Area and those have mostly gone. But there has been other work as well done by the Nature Reserve Management Team in the Upper Rock in removing Agaves, Opuntias, Prickly Pears and other species.

1330 The problem of invasives on the Upper Rock is not as great as in some areas of the south and the east and therefore although there is work to be done, there is not so much work there. It is more important to remove invasives from areas like the Europa Point area because that is where the invasive species, which are largely South African, have obliterated a lot of the native vegetation and by removing the invasive species the native vegetation will naturally re-seed. We have already seen great success in that.

1335 So there has been work done in the Upper Rock, not as much, for two reasons: there is not as much there and the more sensitive species are those in the more literal zones around Europa Point and the east side.

Q334/2016
Biodiversity Action Plan 2006 –
Guide for Government

1340 **Clerk:** Question 334, the Hon. T N Hammond.

Hon. T N Hammond: Does the Minister for the Environment believe that the 2006 Biodiversity Action Plan, Gibraltar: Planning for Nature, is still a document which Government should use to guide its hand in the management of the Nature Reserve?

1345 I will just add that the Minister has already answered this question but we may as well, for the record, have it reiterated.

1350 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it is. As is always the case, because of nature's dynamics, there are however some aspects of the plan that need to be updated and these changes are being incorporated into the Gibraltar Nature Reserve Management Plan.

Q335-336/2016
Trees in urban areas –
Number planted since 2014 and cut down since 2012

Clerk: Question 335, the Hon. T N Hammond.

1355 **Hon. T N Hammond:** Can the Minister say how many trees have been planted within urban areas since the start of 2014, by year, and where?

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

1360 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 336.

Clerk: Question 336, the Hon. T N Hammond.

1365 **Hon. T N Hammond:** Can the Minister say if any trees have been cut down since the start of 2012, where, and provide the reasons for their removal?

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

1370 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedules which I now hand over.

1375 If I may just summarise for his benefit, the question asks me how many trees have been removed since 2012, but how many trees have been planted since 2014, so the figures are not directly comparable – but that actually probably works to my advantage.

The total number of trees planted in 2014, 2015 and 2016, so that excludes 2012 and 2013, is 1,811 trees; 51 trees have been removed. So the net increase in trees, even not accounting for those planted in 2012 and 2013, is 1,760 trees.

ANSWER TO QUESTION 336/2016

Answer to Question 335/2016

TREES PLANTED FROM 2014-2016

Area	2014	2015	2016
Camp Bay	13	1	2
Chilton Court		5	
Convent Garden		1	
Corral Road	9		
Devil's Tower Road			72
Dr Giraldi Home			3
Edinburgh Estate		18	
Europort Avenue			7
Europa Advance Road			1230
Gasa	14		1
Gibraltar Bank		9	
Gibraltar Museum		1	
Glacis Estate			1
Harrington Buildings			2
Landport			2
Mid Harbours Estate		2	
MOD			1
Mons Calpe Mews			50
No. 6		2	
Notre Dame School		65	

CONT. ANSWER TO QUESTION 336/2016

Cont. Answer to Question 335/2016

Ocean Views		70	
Opposite Glacis Estate	30		
Orange Bastion		1	
Red Sands Estate	66		19
Rosia Road	2		1
Rosia Waste Ground	4		
Secretary's Lane		2	1
Sir Herbert Miles Promenade	5		
Sir William Jackson Grove			30
St Bernards Hospital		4	
Trafalgar Cemetery	6	3	4
Transport Lane Waste Ground		2	
Urban Car Park	44		
Waterport	1		
Waterport Road Containers	3		
Other		2	

Answer to Question 336/2016

Trees removed from 01/01/20012 to Present

Site Address	APDate	Reason for Works
19 EUROPA ROAD	27/04/2012	AFFECTS THE INTEGRITY OF THE RETAINING WALL ALONG EUROPA ROAD
21 SOUTH BARRACK ROAD	20/09/2012	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE TO THE ADJACENT BOUNDARY WALL EXACERBATED BY GROWTH OF IVY FROM CRACK IN THE WALL
ST PAULS SCHOOL	08/03/2013	THE TREE IS CAUSING HEALTH PROBLEMS TO PUPILS AND STAFF, WHO DEVELOP RASHES DURING TERM TIME IN SPRING AND EARLY SUMMER
LOQUAT HOUSE, SOUTH PAVILION ROAD	03/05/2013	REMOVAL DUE TO PROBABILITY OF INFECTION WITH RED PALM WEEVIL
3B ROSIA ROAD	21/03/2013	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
EDUCATION DEPARTMENT	02/01/2013	REMOVAL OF TREE FOR NEW DRIVE WAY
CANCER CENTRE	22/03/2013	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
LAND PORT DITCH	17/05/2013	RISK OF FALLING, CAUSING DAMAGE OR EVEN FATALITIES
SOUTHPORT GATE	21/08/2013	DAMAGE TO HERITAGE WALLS
PETANQUE CLUB	04/09/2013	DAMAGE TO HISTORIC WALLS
ST VINCENT HOUSE, 4 ROSIA PARADE	09/12/2013	TREES REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
FLAT C, DEVIL'S GAP	15/01/2014	TREES REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
OLD COACH PARK	16/01/2014	REMOVAL OF TREES FOR NEW HOUSING SCHEME
BISHOP FITZGERALD SCHOOL CAR PARK AREA	14/03/2014	TO ALLOW CONSTRUCTION OF RESIDENTIAL BUILDING
MONS CALPE MEWS	10/02/2015	SERIOUS RISK OF COLLAPSE
PENNY HOUSE, NAVAL HOSPITAL ROAD	23/04/2014	POTENTIAL OF ROOTS DAMAGING THE STRUCTURE OF BUILDING
DR GIRALDI HOME	19/02/2015	REMOVAL OF TREE DUE TO DAMAGE CAUSED BY WINDS AND RESULTING IN TREE BEING AT SERIOUS RISK OF COLLAPSE
JOSHUA HASSAN HOUSE COURTYARD	19/02/2015	TREE HAS BEEN DAMAGED BY RECENT STRONG WINDS
NORTH MOLE ROAD	21/05/2014	CONSTRUCTION OF NEW ENTRANCE TEMPORARY POWER STATION
18-20 BOMB HOUSE LANE	17/03/2015	BASE OF TRUNK AT ADVANCED STAGE OF DECOMPOSITION
6 GOWLANDS RAMP	04/06/2014	TREE HAS BECOME HAZARD FOR PASSERS BY
5D LIBRARY RAMP	25/06/2014	PALM HAS OUTGROWN ITS PLANTER
FORMER ROYAL NAVAL HOSPITAL COMPLEX (BLOCK E NURSES QUARTERS), EUROPA ROAD, GIBRALTAR	10/04/2015	PINE TREE: TO PROVIDE CLEAR ACCESS FROM THE REAR OF THE BUILDING AND ALLOW NEW RAISED LEVEL SEATING/LANDSCAPED AREA FOR PATIENTS.
BISHOP FITZGERALD EXTREME WEST PATIO	09/07/2014	PALM TREE: THE PALM TREE IS BLOCKING VEHICULAR ACCESS TO THE BUILDING
CASTLE RAMP/ROAD TO THE LINES	13/08/2014	TO ALLOW THE CONSTRUCTION OF A ROOF
CORNWALL'S LANE	13/05/2015	ROOTS DAMAGING INTEGRITY OF WALL
WINSTON CHURCHILL AVENUE	15/05/2015	THE PLANTER WILL EVENTUALLY COMPROMISE THE TREE'S SURVIVAL. DUE TO THE NARROW FOOTPATH IT CANNOT BE ENLARGED.
ELLIOT'S BATTERY COMMUNAL PATIO	15/05/2015	AFFECTING FUEL PIPES
LANDPORT DITCH	19/09/2014	THE TREE HAS BECOME A HEALTH AND SAFETY HAZARD AND RISK OF SERIOUS DAMAGE TO THE SURROUNDING STRUCTURES
"LES OLIVES" 2B GARDENERS ROAD	27/07/2015	HIGH HAZARD RATING, TREE GROWING ON RETAINING WALL
	20/07/2015	TREE CONCERNED IS A MEDIUM TO LARGE OLIVE TREE THAT HAS A SERIOUS LEAN OVER AN ADJACENT PROPERTY. IT IS GROWING THROUGH A RETAINING WALL WHICH IT WILL EVENTUALLY CAUSE SIGNIFICANT DAMAGE TO. THE TREE OF VERY POOR FORM AND GROWING IN THE WRONG PLACE. THE TREE COULD FALL INTO THE NEIGHBOR'S PROPERTY AND THEREFORE A DANGER.
EUROPA ESTATE	30/10/2014	TREE IS DISRUPTING ROAD AND PAVEMENT CREATING A SIGNIFICANT HAZARD
HOSPITAL RAMP AREA OF EX-ST BERNARD'S HOSPITAL	30/07/2015	AREA IS NEEDED TO IMPROVE TRAFFIC CIRCULATION FOR NEW SCHOOL IN AREA
QUEENSWAY ROAD, EDINBURGH ESTATE	03/11/2014	REPLACEMENT IN ORDER TO IMPROVE THE AESTHETICS OF THE AREA
BRYMPTON PROPERTY, BORDER WITH PENNY HOUSE PATIO	10/08/2015	INFESTED WITH WEEVILS, COMPLAINTS FROM RESIDENTS OF PENNY HOUSE
GEORGE DON GATES, THE ALAMEDA, GRAND PARADE, SOUTHERN END	06/11/2014	IMPROVE THE AESTHETICS OF THE MAIN ENTRANCE TO THE GIBRALTAR BOTANIC GARDENS
ROCK COTTAGE, SOUTH BARRACK ROAD	26/08/2015	THE REMOVAL OF THESE PALMS (PHOENIX CANARIENSIS) IS DUE TO THE INFESTATION OF THE RED PALM WEEVIL (RHYNCHOPHORUS FERRUGINEUS)
LANDPORT DITCH CAR PARK	10/12/2014	THE TREE IS OF POOR FORM AND LEAN IS OBSTRUCTING PARKING SPACE
39/41 FLAT BASTION ROAD	09/09/2015	TREE CRACKING RETAINING WALL
GLACIS ROAD, BY JUNCTION WITH ST ANNES ROAD	10/08/2015	CONSTRUCTION OF NEW MULTISTORY CARE PARK
BACK GARDEN OF GARRISON LIBRARY	24/02/2015	TREE IS GROWING FROM A CREVICE IN A WALL AND THIS HAS CAUSED THE WALL AND LANDING JUST ABOVE TO BREAK-UP, THE WALL IS SEVERELY UNDERMINED BY TREE.
DEVIL'S TOWER CAMP	05/11/2015	TREES ARE CURRENTLY OCCUPYING SPACE REQUIRED FOR NEW PARADE GROUND AND MUST BE REMOVED. THERE IS HOWEVER AN ADEQUATE AREA ADJACENT TO REPLANT THESE TREES IF REQUIRED.
MONS CALPE MEWS	10/11/2015	J HAMILTON INSPECTED THESE 2 PINE TREES WHERE I SHOWED HIM HOW TRENCHES HAD BEEN DUG BY GIBLEC/AQUAGIB AND ROOTS TO THESE TREES HAD BEEN SEVERED. THEY POSE DANGER. DEPARTMENT OF ENVIRONMENT ALSO WITNESSED.
MALLARD HOUSE LAGUNA ESTATE EAST PATIO AREA	09/12/2015	DUE TO THE REFURBISHMENT WORKS AT LAGUNA ESTATE THE SAID TREE IS OBSTRUCTING THE PAVEMENT AND BLOCK ACCESS WHEN APPROACHING THE BLOCK ENTRANCE FROM THE SOUTH DIRECTION
PATHWAY BETWEEN MORRISON'S SUPERMARKET & ST BERNARD'S HOSPITAL	19/01/2016	THE ROBINA TREES ARE ON THEIR WAY OUT AND NEVER ADJUSTED TO ITS NEW LOCATION. FIGUS TREES ARE BETTER SUITED FOR THAT LOCATION AND WOULD ALSO KEEP WITH THE OTHER FIGUS TREES PLANTED ALONG THE ROAD
PARK OPPOSITE CATHEDRAL OF THE HOLY TRINITY	26/01/2016	PEPPER TREE IS COMPLETELY HOLLOW INSIDE AND COULD EASILY FALL ON TO CHILDREN PLAYING IN THE PARK.
TRAFALGAR CEMETERY	19/02/2016	A LARGE TREE THAT IS IN A POOR STATE. ITS FORM IS UNATTRACTIVE AND IT IS UNHEALTHY, WITH ROT IN THE TRUNK AND BRANCHES
BISHOP FITZGERALD SCHOOL	24/02/2016	TREE HAS SNAPPED RECENTLY DUE TO THE INCLEMENT WEATHER AND AFTER FURTHER ASSESSMENT IT IS EXTREMELY HAZARDOUS DUE TO ITS LOCATION.
RECLAMATION ROAD		
WESTSIDE SCHOOL	24/02/2016	TREE HAS BEEN DAMAGED QUITE EXTENSIVELY RECENTLY DUE TO INCLEMENT WEATHER AND AFTER FURTHER ASSESSMENT IT IS BEST REMOVED DUE TO ITS LOCATION AND PROXIMITY TO CHILDREN
3 EUROPA ROAD	04/03/2016	MATTER HAS BEEN ADVISED BY DR KEITH BENSUSAN WHO RECOMMENDS CUTTING DOWN FOR HEALTH AND SAFETY REASONS.
ST CHRISTOPHER'S PASSAGE	08/03/2016	THE TREE HAS BEEN SURVEYED BY EDEN BOTANIC AND THE HAVE SAID THAT THE TREE IS DANGEROUS AND THAT IT HAS BEEN NEGLECTED AND NOW POSSES A RISK OF FALLING TO ONE SIDE. THERE SUGGESTION IS OF ITS REMOVAL
RETREAT CENTER	21/03/2016	THIS SMALL TREE IS GROWING ON A ROCK FACE THAT IS BEING ERODED. MOVEMENT BY THE TREE AND ITS ROOTS IS POSSIBLY CONTRIBUTING TOWARDS THE EROSION AND THE ROOTS AND BASE OF THE TREE ARE BECOMING EXPOSED.
LATHBURY		

1380 **Mr Speaker:** Let us go on to Question 337 and if the hon. Member has any supplementaries arising from the schedule I will allow him to ask them.

Q337/2016
Europa Point foreshore –
Litter cleaning

Clerk: Question 337, the Hon. T N Hammond.

1385 **Hon. T N Hammond:** Mr Speaker, how often is the Europa foreshore cleaned of litter and flotsam by Government agencies?

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

1390

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, Europa Point foreshore is cleaned on an ad-hoc basis by the Gibraltar Nature Reserve Management Team.

1395 **Hon. T N Hammond:** Would the Minister consider implementing a programme so that areas such as the foreshore are regularly swept of flotsam and litter, rather than on an ad-hoc basis?

And if we are to proceed on an ad-hoc basis, what triggers the action on the part of the Ministry? Is it reports or what else could it be?

1400 **Hon. Dr J E Cortes:** In the case of Europa Point foreshore, because of the voluntary work that is being done there, very often it is the volunteer himself who reports that there are accumulations and then the Department responds to that.

1405 It is also true that I occasionally at weekends have a look around the area and I may spot things myself. But there are lots of active people bird watching or watching nature and so on. If they report anything specific, then that triggers off the response and I think there are enough people looking around the area of Europa Point, sometimes the hon. Member himself with his camera, to trigger off those things.

1410 So the volunteer network actually seems to work in that particular area, so I do not think we need to do any more. If we found that it was an area that was no longer visited and it starts to accumulate a lot of debris, then obviously we would have to introduce a more regular monitoring and we would have the resources to do that through our environmental monitors and so on.

Q338/2016

Environmental guidance for boat owners – Details

1415 **Clerk:** Question 338, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister describe what environmental guidance has been produced and disseminated for boat owners by the Department of the Environment?

1420 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1425 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the environmental guidance produced and disseminated for boat owners by the Department of the Environment, consists of a booklet aimed at informing anglers on the requirements of the Marine Protection Regulations. A species identification booklet has also been produced and both guidance documents are available online. The Department has also engaged with numerous marinas, the fishing working group and cetacean tour operators to advise them on the requirements of the Cetacean Protocol.

1430 **Hon. T N Hammond:** Yes, I understand that some documentation has been produced for the guidance primarily of anglers, but has anything been produced more specifically for boat owners in general who may not be anglers, but will still enjoy their weekends out on the waters, particularly now as we are likely to have significantly larger numbers of boat owners with the new boat marina?

1435

1440 **Hon. Dr J E Cortes:** Mr Speaker, this very point was raised by members of the Fishing Working Group which obviously does not talk just about fishing but largely about fishing. It is something that has been accepted as being something that could be done in order to make boat owners aware of the wider environmental responsibilities and that is something that the Department is working on.

1445 **Hon. T N Hammond:** Would the Minister agree that it would perhaps have been wise to have produced such information prior to the inevitable influx of new boats that we are going to see with the marina? The marina has not happened overnight and it would have been something that we could have been proactive on, rather than reactive to.

1450 **Hon. Dr J E Cortes:** Mr Speaker, it is always a point to make. However, I do not think that our new boat owners ... Well, firstly not all of them are new boat owners; some of them are old boat owners who were not able to have a boat because the marinas were taken away and not replaced. Now we have replaced them so they will already be quite savvy about seamanship.

1455 I do not think that most boat owners are necessarily irresponsible from an environmental perspective. So whereas clearly the sooner one has this sort of guidance available the better – and that is a wide rule that we can accept – I am not unduly worried as to things that may be happening now that could be done better. However, as I say these things take time, the Fishing Working Group brought it up and we are responding and we are hopefully going to be preparing something.

1460 Let me add, Mr Speaker, that there are other Government authorities and agencies – the Port for example – that produces guidelines and if I am not mistaken, I believe there has been input by the Department of the Environment into some of that work. But I am not 100% sure, but I believe so.

1465 **Hon. T N Hammond:** For the record, I was not suggesting that boat owners new or from the past have ever been deliberately out to damage the environment of course, but if guidance is not provided they could through lack of knowledge cause damage to the environment. Perhaps the Minister for the Port could corroborate what the Minister has said or otherwise, and advise what information has been disseminated from an environmental perspective to boat owners.

Q339/2016
North Front Cemetery –
Plans to improve condition

Clerk: Question 339, the Hon. T N Hammond.

1470 **Hon. T N Hammond:** Does Government have any plans to improve the condition of the North Front Cemetery which currently finds itself in such a state of disrepair?

1475 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes sir.

1480 **Hon. T N Hammond:** And I realise I need to ensure that my questions are not closed questions when I ask them, (*Laughter*) but could I ask the Minister to elaborate on what those plans are?

1485 **Hon. Dr J E Cortes:** Mr Speaker, unfortunately and I think I have explained this, possibly not publicly, because I have had correspondence with a group that raised issues to do with North Front Cemetery and I have explained to them that there have been a number of changes in the structure of the cemetery which for a particular period of time reduced the amount of hours that were going in to the strimming and so on of the vegetation.

1490 That has now been virtually put right and the areas have now been strimmed and so on, so the state of the cemetery as it was some weeks or months ago is now much improved. We are now identifying resources to put in to have a regular vegetation management problem, which is the usual problem. If it was not a cemetery, if it was a meadow, the poppies and flowers would look great, but clearly we have to ensure that people who go to remember relatives there have access to the graves and so on.

1495 So that I think we will now be able to control. In any case, in discussions with the management of the cemetery, we have made it clear that if ever there should be a problem of access, the management will immediately respond and make sure that they open particular access directly to any particular gravestone that a relative may want to visit.

So I am confident now, Mr Speaker, that the problems that we have seen identified or raised by the public in the last few months will not occur again.

Q340/2016
Yellow-legged Gulls –
Number of breeding pairs

1500 **Clerk:** Question 340, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say how many breeding pairs of Yellow-legged Gulls are estimated to have bred in Gibraltar for each year since 2010?

1505 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1510 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, thorough surveys of Yellow-legged Gulls have been carried out during the breeding season for the years 2002, 2009, 2010, 2015 and 2016.

Although in the past these surveys took place on an *ad hoc* basis, either when funding could be obtained or volunteer help was available, Government has now arranged for surveys to take place on an annual basis.

1515 Due to the Rock's topography, it is impossible to ascertain accurately the number of breeding pairs of Yellow-legged Gulls in Gibraltar. Instead these surveys provide relative estimates of abundance and the main purpose is to assess population trends as a response to culling activity.

1520 The trend is clear: the data estimate an average decrease in numbers of breeding pairs of gulls of some 4% per annum, with an estimated 40% decrease in breeding Yellow-legged Gulls between 2002 and 2016. Although this represents a substantial decrease, the trend is not as marked as would be expected from a closed population. For example, approximately 16,000 fledged Yellow-legged Gulls, mainly adults, have been removed between 2012 and mid-2016 and the expected decrease should be much greater if there were no input of gulls from elsewhere.

1525 There is no doubt that there is substantial immigration of gulls to Gibraltar from nearby breeding sites. Although censuses of the type that are carried out in Gibraltar do not take place in nearby Spain, the species is known to be increasing steadily throughout coastal areas of Andalucia, much of which it has colonised only recently. Some limited culling activity has taken

place in the province of Cadiz, but not on the scale that it is carried out in Gibraltar. Unfortunately much of that activity has ceased in recent years.

1530 Gibraltar has to contend with what appears to be a considerable re-population of gulls from nearby Spain and possibly elsewhere from this 'Meta population' of Western Mediterranean Yellow-legged Gulls, and that makes the control programme more difficult. Even accounting for this, however, the breeding population of gulls in Gibraltar is definitely declining as a result of the culling programme.

1535 **Hon. T N Hammond:** The question did actually ask, though, for more specific figures. Are those figures available?

Hon. Dr J E Cortes: Mr Speaker, my point is that because it is impossible to accurately census every single breeding pair because of the topography of Gibraltar, what is done is you work out an index based on the amount of observer coverage and so on. Then what you do is you compare year on year averaging out the different things.

1540 I am very happy to share that information with the hon. Member. It is a trend so clearly figures can oscillate but the trend is downwards and the decrease, the figures that have been produced to me, show a 40% increase since 2002. I am happy to share the more detailed information and if he will write to me by way of a reminder, I would be happy to do so and to show how those estimates have been arrived at.

Hon. T N Hammond: I will of course write to the Minister as he has requested it, but the question itself was actually asking for the information. I accept a 40% reduction; what I was hoping to see was evidence of that, rather than just a description of how the numbers are arrived at.

But I will write to the Minister, thank you very much for that.

1555 **Hon. Dr J E Cortes:** The description is crucial because the figures in isolation, because of the difficulty of censusing, it is not going to be an accurate reflection and you need the description and both go together so that will be provided.

Q341/2016
Litter Committee –
Meetings during 2015

Clerk: Question 341, the Hon. T N Hammond.

1560 **Hon. T N Hammond:** Can the Minister for the Environment advise how many meetings of the Litter Committee took place during 2015 and if the meetings were minuted, are those minutes available for review?

1565 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, three meetings of the Litter Committee took place during 2015. Notes are recorded of these meetings but for the purpose of internal action only.

1570

Hon. T N Hammond: So if I wrote to the Minister, would he not necessarily provide those notes, but certainly would he be able to provide a description of what actions are maybe coming out of those meetings?

1575 **Hon. Dr J E Cortes:** Mr Speaker, I would have no problem with that whatsoever.

Q342-348/2016
Dog fouling –
Complaints to Royal Gibraltar police

Clerk: Question 342, the Hon. E J Phillips.

1580 **Hon. E J Phillips:** Can the Minister for Justice ... I apologise that this question was written originally for the Minister for Justice but I will change it.

Can the Minister confirm how many reports/complaints have been received by the Royal Gibraltar Police or the relevant authority in respect of dog fouling?

1585 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 343 to 348.

1590 **Clerk:** Question 343, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister confirm what action has been taken in respect of dog fouling reports/complaints?

1595 **Clerk:** Question 344, the Hon. E J Phillips.

Hon. E J Phillips: Since 26th November 2015, how many individuals have been prosecuted for dog fouling offences and what fines have been imposed by our Courts?

1600 **Clerk:** Question 345, the Hon. E J Phillips.

1605 **Hon. E J Phillips:** In March 2016, the Minister for the Environment confirmed that DNA fingerprinting procedures would be effective within the next few months. Can the Government confirm that the new procedures are in place and if not, explain the delay and confirm when they expect the new measures to be in place?

Clerk: Question 346, the Hon. E J Phillips.

1610 **Hon. E J Phillips:** Can the Government confirm how much the DNA fingerprinting will cost the Taxpayer?

Clerk: Question 347, the Hon. E J Phillips.

1615 **Hon. E J Phillips:** Is the Government confident that the new measures will drastically reduce dog fouling offending and, more importantly, act as a deterrent?

Clerk: Question 348, the Hon. E J Phillips.

1620 **Hon. E J Phillips:** Can the Government also comment on whether it is the Government's intention to increase the level of fines open to the Court to impose on those who continue to flout the law by letting their dogs foul in our streets?

1625 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the following reports or complaints have been received formally by the Royal Gibraltar Police, or the relevant authority in respect of dog fouling: 2011, four; 2012, two; and none in 2013, 2014, 2015 or 2016 to the present.

1630 When reports or complaints are received, the matter is investigated to try and ascertain who the culprit is. Additional patrols are made in the area. If the person is not caught in the act or a witness does not come forward, it is very difficult to find a culprit. This is precisely why the new measures are being introduced.

As from 26th November 2015, no persons have been prosecuted for dog fouling offences.

1635 The current fine is set at £250. It was increased from £150 in 2013 and the intention is to keep it as is once the new system is implemented. The new measures are in the final stages of preparation and will be in place shortly. Regulations were published in the Gazette on 16th June, and an amendment to the Animals and Birds Act will be published shortly – maybe tomorrow, maybe next week.

1640 It is envisaged that after 1st November 2016, all new dog owners will need to DNA fingerprint their dogs and existing dog owners have them fingerprinted upon renewal.

1645 There have been no delays. The starting time towards the end of the year was always envisaged as there was a need to consult stakeholders. This is a new system for Gibraltar and judging from success elsewhere, one which we are confident will tackle the long standing issue of dog fouling around Gibraltar.

1650 DNA identification is scientifically proven and conclusive when a match is found. Enforcement officers no longer have to catch an offender in the act, which has been a major reason for the lack of fining in the past. They simply have to collect a sample and that will be matched to the dog in question. The fine will then be sent to the owner. The system has for example, completely eradicated dog fouling in the island of Capri and is being adopted across an increasing number of European cities, including London.

1655 The system will not cost the Taxpayer. There will be an increase in dog licencing fees from £5 to £25 to cover the initial cost of the DNA fingerprinting and the cost of the testing of the samples and DNA matching.

Hon. E J Phillips: I am grateful for the extensive answer to those questions, particularly in regard to the DNA fingerprinting.

1660 But would the Minister not agree with me that even though you are going to have DNA fingerprinting available to the environmental officers or those who carry out those functions in respect of dog fouling, it clearly is not going to cater for those dog owners who have not registered their animals? Therefore would the Hon. Minister agree with me that it is a question of enforcement and continuing education in respect of the licencing requirements by those dog owners?

1665 **Hon Dr J E Cortes:** Mr Speaker, the question of unlicensed dogs is wider than just this, for a number of reasons. From the point of view of the health of the dog population, the problem possibly of having dangerous dogs which we are not aware of, but I think the thrust there has to be, once this regime is in place, to try and identify unregistered dogs and to deal with those.

1670 The problem has been – and believe you me, Mr Speaker, we have tried having policemen, in
having environmental enforcement, environment agency officers, in areas putting up cameras ...
When you put up a camera, that area becomes free of dog fouling but go round the corner and
you will see. So enforcement is very, very difficult.

1675 As a lawyer, the hon. Member will realise that you have to provide the evidence that you did
it, it was your dog and you were there when you did it. So it is very, very difficult and this is what
has made us go towards the DNA finger printing. So I think we need to give this a chance and
then tackle that later if it is still a problem.

1680 That still leaves the problem of unlicensed dogs and the Hon. Mr Llamas is, I know, very
active in that world and it is something that we have to tackle as well, but for wider reasons. And
there are other issues relating to dogs which we are looking at and in fact I have discussed them
informally with the hon. Member opposite and hopefully that may include dealing with the
problem that the hon. Member has identified.

1685 **Hon. E J Phillips:** I am grateful for that response. I am sure the Minister will join me in
condemning those irresponsible dog owners that continue to allow their dogs to foul in our
streets. It is a rather disgusting mess and I think we should continue in our campaign to educate
people insofar as the fouling is concerned.

1690 But I would also say that we should in my view, and I want to take some soundings from the
hon. Minister in respect of the level of fines, that we should also in our view increase the level of
fines so that those who continue to let their dogs foul in our streets are fined appropriately and
at higher levels so that they stop doing this.

A Member: Hear, hear.

1695 **Hon. Dr J E Cortes:** Mr Speaker, the purpose of every such regime is not to get people and
fine them or throw them in jail – not that you would be jailed for this. The purpose of our law
and the fines is to stop the offence being committed and that is my primary reason for doing
this.

1700 I am quite confident that the system will work. If it does not, that is the time to consider the
increase in fine. I do not think we should be punitive if we have other solutions, but certainly it is
something that is open to us. We increased the fines a few years ago by £100 and that is still
open, but I think this is not the time. I think we have got to give dog owners a chance to respond
and then take it from there.

1705 **Mr Speaker:** The Minister has been answering questions for the better part of two hours.
This is a convenient time at which to have a short break.

The House recessed at 5.05 p.m. and resumed its sitting at 5.35 p.m.

Q349/2016
Cleaning Gibraltar –
Government contracts

Mr Speaker: Question 349, the Hon. the Leader of the Opposition.

1710 **Hon. D A Feetham:** Mr Speaker, what contracts does the Government currently have to clean
Gibraltar?

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

1715 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government currently has a contract with Master Service Ltd to clean Gibraltar.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister say when this contract expires or is it a revolving contract?

1720

Hon. Dr J E Cortes: Mr Speaker, the contract was put in place by the former administration and is due to expire in March 2017.

**Q350/2016
Mount Alvernia –
Government workers**

Clerk: Question 350, the Hon. L F Llamas.

1725

Hon. L F Llamas: Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in Mount Alvernia?

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

1730

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, 229½. The half obviously being the odd number of part-timers – not half a person!

**Q351/2016
Mount Alvernia –
Non-Government workers**

Clerk: Question 351, the Hon. L F Llamas.

1735

Hon. L F Llamas: Mr Speaker, how many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in Mount Alvernia?

1740

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, 46.

1745

Q352/2016
Primary Care Centre counter –
Non-Government workers

Clerk: Question 352, the Hon. L F Llamas.

1750 **Hon. L F Llamas:** How many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre counter?

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

1755 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I have taken the liberty to include 'counter' in the plural, as there are many counters in the Primary Care and it was not clear which one was being referred to.
The answer, Mr Speaker, is 11.

Q353/2016
Primary Care Centre counter –
Government workers

1760 **Clerk:** Question 353, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre counter?

1765

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

1770 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, 19.

Q351-352/2016
Supplementary questions

1775 **Hon. R M Clinton:** Mr Speaker, if I could go back to Questions 351 and 352, the non-Government employees. Would the Hon. Minister be able to advise what type of services they provide in general?

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Questions 351 and 352. It depends, they could be nursing services and they could be cover for example for administrative services, for people on maternity leave, long term sick leave and the like.

1780 I think that probably covers all in Mount Alvernia and in Primary Care.

Hon. R M Clinton: And if I may, Mr Speaker, would the Hon. Minister know whether these are all supplied by the same legal entity or are they on separate contracts individually?

1785 **Hon. Dr J E Cortes:** I know that they are not. It depends; they do come from several areas. For example, nursing may come from one area, admin may come from another. I do not have all the exact details but it would be certainly more than one.

1790 **Hon. D A Feetham:** Mr Speaker, can the hon. Gentleman just explain, if he has a reason, why such a high proportion of non-Government, Government-owned companies, authorities and agency workers are actually employed, which is 11, compared to 19 that are directly attributable if I can call it, to the public service – and I take the public service in the wider sense of the word, including Government-owned companies and authorities.

1795 **Hon. Dr J E Cortes:** I alluded to this earlier, Mr Speaker.
The main reason would be maternity leave where people may be away for up to a year. It may be long term sick leave. On occasions, because it is such front-line work that they do, on occasion if there are going to be delays in ... You see, staff in the GHA may be civil servants, they may be GHA employees and if there are delays in recruitment processes and so on, we cannot be without front-line staff so on a temporary basis we may take on people who are not directly
1800 from the Government or Government agencies.

So mainly it is short-term cover, whether it is to cover gaps where we cannot afford to wait for the longer process or maternity or long-term sick leave, that sort of issue. I could not tell you which is which in more detail than that at this point in time.

1805 **Hon. D A Feetham:** So he could not tell us how many of those 11 are actually covering short-term, maternity and long-term illnesses that he has outlined and for other reasons?

What I am obviously getting at is: is he satisfied that we do not have a situation here where there are non-public service employees almost working on a permanent basis in these jobs at the counter in the Primary Care Centre?
1810

Hon. Dr J E Cortes: Mr Speaker, they are temporary engagements, as I have explained before. I do not have a breakdown. I was asked for figures, I have given figures, I do not have a breakdown.

Q354-356/2016

Antenatal classes, births and maternity staff – Details

1815 **Clerk:** Question 354, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how many prospective parents attended antenatal classes for the past 24 months?

1820 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 355 and 356.
1825

Clerk: Question 355, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide details of the babies born during each shift at the maternity ward during the past 24 months?

1830 **Clerk:** Question 356, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide details of the complement of staff working in each shift at the maternity ward during the past 24 months?

1835 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information on antenatal classes in the handout I now hand over.

1840 Mr Speaker, the information regarding birth numbers is collated per day and not per shift and is also in the handout provided.

Midwives per shift are as follows: three midwives on night duty from 8.30 p.m. to 8.00 a.m.; one midwife additionally on call as from 8.30 p.m. to 8.00 a.m.; four midwives on day shift from 8.00 a.m. to 8.30 p.m.; one to two midwives daily in the community setting, visiting mothers or mums to be at home between 8.00 a.m. and 8.30 p.m.

1845

Hon. R M Clinton: Mr Speaker, would the Minister be able to advise whether antenatal classes have now been suspended in the GHA and the GHA is no longer providing those? Is there any truth in that?

1850

Hon. Dr J E Cortes: No, Mr Speaker. I think that in the handout that I have provided, I have shown that they are not suspended.

Parent-craft classes of this nature are no longer done in the United Kingdom. This is something that we still do in Gibraltar for first-time mums. They have not been suspended.

1855

Answer to Question 354-2016

<u>Parent craft classes 2014</u>	Couples booked	Couples attended
Jun-14	16	14
Jul-14	12	12
Aug-14	16	14
Sep-14	21	18
Oct-14	15	15
Nov-14	17	15
Dec-14	15	5

<u>Parent craft classes 2015</u>	Couples booked	Couples attended
Jan-15	16	12
Feb-15	18	18
Mar-15	16	11
Apr-15	11	10
May-15	3	3
Jun-15	19	13
Jul-15	9	4
Aug-15	19	14
Sep-15	20	18
Oct-15	15	13
Nov-15	9	7
Dec-15	11	10

Answer to Question 355-2016

2014	Number of deliveries
May	41
June	34
July	38
August	40
September	46
October	42
November	41
December	41

2015	Number of deliveries
January	34
February	29
March	51
April	39
May	51
June	33
July	27
August	47
September	41
October	51
November	40
December	44

2016	Number of deliveries
January	34
February	27
March	33
April	40
May	37

Q357/2016
St Bernard's Hospital operations –
Cancellations

Clerk: Question 357, the Hon. D A Feetham.

1860

Hon. D A Feetham: Mr Speaker, can the Government please state how many operations have been cancelled at St Bernard's Hospital in each of the financial years since 31st March 2012?

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

1865

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is in the schedule I now hand over.

Answer to Question 357-2016

1 st April 2012 to 31 st March 2013 – 343 cancellations (57 of these cancellations are due to no bed availability)
1 st April 2013 to 31 st March 2014 – 223 cancellations (44 of these cancellations are due to no bed availability)
1 st April 2014 to 31 st March 2015 – 249 cancellations (12 of these cancellations are due to no bed availability)
1 st April 2015 to 31 st March 2016 – 346 cancellations (33 of these cancellations are due to no bed availability)

1870 **Hon. D A Feetham:** Mr Speaker, if I might just read the numbers and then ask a supplementary because I think this is important to contextualise the question.

In the year up to 31st March 2013 there were 343 cancellations. In the year up to 31st March 2014, there were 223 cancellations. In the year up to 31st March 2015, there were 249 cancellations. And then in the year up to 31st March 2016, there were 346 cancellations.

1875 Can the Minister explain, and I know there is an explanation: in the first year there were 57 cancellations due to no availability of beds; in the second 44 due to no availability of beds; 12 in 2015 because of no bed availability; and 33 again in the year ending 2016 because of bed shortages.

1880 Those explanations apart, what explanation is there for the significant level of cancellations? In 2016 it is 346 cancellations – 33 because of bed shortages, but 346 cancellations. I wonder whether the Hon. the Minister for Health can provide an explanation in relation to this that is satisfactory to the House.

Hon. Dr J E Cortes: Mr Speaker, it gives me great pleasure to have the opportunity to ‘contextualise’ this, in the words of the Hon. the Leader of the Opposition.

1885 Mr Speaker, the reason why I have highlighted in the handout the cancellations due to bed availability, is because this is something which obviously concerns the community as a whole. So I will talk about those in a minute.

If we talk about the overall figures, those figures include many different reasons, most of which are not the ‘fault’ – for want of a better word – of the Health Authority.

1890 For example the surgeon might take a decision that on a particular day it is not advisable to go ahead with those operations. The patient may decide even at the last minute that they do not want to have the operation. Some patients do not attend. Some operations on the day are no longer required. The patient may be unwell or there may be other medical reasons.

1895 So the only one really that one could attribute to possibly – it depends on how you see it – something which might be a fault of the system is the bed availability. Hence the second lot of figures.

1900 Clearly, the figures to 2016 of 33 are still below 2012/2013 and well below previous years but you have not asked me those, and I am not going to go back. They are above the year before where we had a particularly good year, but I think again if I can contextualise that, if you consider that in 2012 we carried out 600 operations and in 2015-16 we carried out 2,900 operations, then in percentage terms, then in the year to 2013 there were 9.5% cancellations but in this last year only 1.1%.

Several Members: Hear, hear. (*Banging on desks*)

1905

Hon. Dr J E Cortes: So to cancel 33 out of 2,900 is much more significant than to cancel 57 or more in years before that out of 400 or 500. (*Banging on desks*)

1910 **Hon. D A Feetham:** Yes, Mr Speaker. (*Laughter*) Well, Mr Speaker, talking about contextualising things, I remember when the Hon. Minister Costa was on this side of the House, he used to say – because I remember it very well – that one cancellation was one cancellation too many, Mr Speaker! (*Laughter*)

1915 So if we are going to talk about properly contextualising, well perhaps Mr Speaker, the hon. Gentleman – and I am really trying, post-Brexit, very hard to try and keep the political point-scoring very low indeed! – but if we are going to contextualise, then of course the Minister ought to take a leaf out of his colleague’s book and judge things by one cancellation of an operation is one cancellation too many.

But, Mr Speaker, just looking at these numbers, and I take on board and will analyse the figures later on and we may have further questions at the next session of the House, but are all

1920 these cancellations at St Bernard's Hospital and there are no cancellations that are attributable to, for example, Xanit Hospital?

Hon. Dr J E Cortes: The figures that are provided here are St Bernard's Hospital.

1925 If I may just comment, absolutely every cancellation is a cancellation that we do not want to have, when they are not based on medical reasons or the patient not turning up and so on – absolutely.

Clearly there are pressures on our beds for a host of reasons that we do not have to go into, and I have to pay tribute here to the very hard-working bed management team in the GHA who ensure that these figures are kept to an absolute minimum.

1930 But Mr Speaker, going back to what I said, we are operating not hundreds but *thousands* more cases than we were just a few years ago and although one cancellation is one cancellation too many, in context I think we are delivering a much better service than we used to.

Hon. D A Feetham: Yes, Mr Speaker, well thank you very much for that.

1935 In relation to these cancellations due to bed availability, can he help me with this: what is the pressure in terms of numbers that obviously then will have a knock-on effect on cancellations due to no bed availability?

1940 What are the numbers of say for example, people that are suffering from dementia that are long term in St Bernard's Hospital and are therefore taking a bed at St Bernard's Hospital which then has a knock-on effect on bed availability for the purposes of operations?

Hon. Dr J E Cortes: I am always too keen to speak and I press the button too early!

Mr Speaker, I do not have those figures; they are available if I am asked, but I think we have to bear several things in mind.

1945 One, clearly there are elderly people in St Bernard's Hospital and this is something that has been a problem in Gibraltar for as long as anyone can remember and is a problem throughout the world.

1950 But it is not just that, Mr Speaker. There was one weekend some months ago in which there were 20 emergencies that needed admission – about 20 – through A&E and even if you have 15 beds available that means that on the Monday after that weekend, you may have to cancel operations. So this is a dynamic thing.

But the figures on how many elderly and so on are available, but I do not have them now.

1955 **Hon. D A Feetham:** And of course, Mr Speaker, the Hon. the Minister must accept some responsibility, does he not, for the fact that you have a dementia facility that has been completed quite a considerable time ago and the decision has been taken by the Government to delay the opening? Because that not only has an effect on people who are suffering from dementia, but certainly people whose operations are being cancelled, because that must – indeed it is inherent in the answer he has given me – be contributing to the cancellation of operations. Does he accept that the Government must share some responsibility for operation cancellations on that basis?

1965 **Hon. Dr J E Cortes:** Mr Speaker, as I said earlier in relation to another project, an infrastructure project, things often take longer than you would like them to, particularly when you want to get them right. So I think that a Government must accept responsibility for all sorts of things, but not necessarily blame and there is a subtle difference there.

So I would like to say that ... Mr Speaker, rather than say whether I accept responsibility or not, I will not accept blame certainly, I will accept the praise that I will get when it is open and we are providing for our elderly better than ever before.

1970

Hon. T N Hammond: Mr Speaker, just relating to part of the answer the Minister gave earlier on. He referred to 2,900 operations that did take place under the GHA. Were those all at St Bernard's or were those the operations that have taken place within the auspices of the GHA but at other centres?

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Hon. Dr J E Cortes: St Bernard's Hospital, Mr Speaker.

Q358/2016

**Ambulance decontamination –
Health risks**

Clerk: Question 358, the Hon. D A Feetham.

1980

Hon. D A Feetham: Mr Speaker, does the Government believe there are any dangers or health risks with the decontamination of ambulances and the potential spread of diseases?

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

1985

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in line with other UK Ambulance Trusts and to abide by present epic3 – which for your assistance is a national evidence-based guideline for preventing healthcare-associated infections in NHS hospitals in England – NICE, which is the National Institute for Health and Care Excellence and the World Health Organisation recommendations in the prevention of Healthcare Associated Infections (HCAIs), the ambulance service introduced a number of new and better infection control policies in February 2015.

1990

It is the responsibility of the clinician to ensure adequate aseptic practice when attending patients and the responsibility of the ambulance crew to ensure the vehicle cleaning schedule is abided by.

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Infection control measures are promoted and reviewed to protect the patient as well as the clinician.

In the event that a highly probable or confirmed Category IV infectious disease case is established, the ambulance would be driven to an area designated by the infection control team, quarantined and prepared for cleaning and disinfection. The Environmental Agency will then take over responsibility for vehicle decontamination.

2000

Hon. L F Llamas: May I just ask then if the Minister is actually happy with the way things have been done in the past and there is no risk of contamination when these procedures are carried out in terms of water going into the drains and into the normal sewerage and so forth?

2005

Hon. Dr J E Cortes: Yes, Mr Speaker. In order to keep improving, we introduced the new system in February last year.

Remember, as I said, in Category IV, which are the very, very serious ones, there would be an area identified by infection control away from the hospital where these would be treated and the vehicle decontaminated by the Environmental Agency. So we have improved from what we were doing before. Obviously, one keeps on reviewing systems and so on, but we are certainly in a much better position than we were just two years ago.

2010

Hon. D A Feetham: Yes, Mr Speaker, because the difficulty and what we are getting at here is when you decontaminate an ambulance and you clean an ambulance, obviously the residual

2015

material – be it water or other materials – from the decontamination, you do not want it to go into the main sewer system for example, because then it may have a knock on effect, particularly in very serious diseases and the propensity actually to spread the disease amongst the wider population.

2020

Does the Government have a designated area where for those Category IV diseases, that cannot happen and there is a segregation, there is a protection so that the water does not go into the sewerage system so that we keep the contamination at effectively zero, or as close to zero as possible?

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Hon. Dr J E Cortes: Mr Speaker, that would be determined at the time of the incident by the infection control team and also depending on the situation in Gibraltar.

You never know what area may be more or less used or more or less connected, so the decision is taken on the evidence at any particular moment.

2030

We have not had cause to do this very often, but the decision is taken at the time, based on the current circumstances by the infection control team.

Hon. D A Feetham: Yes, Mr Speaker, but with respect to the hon. Gentleman, it is an unsatisfactory answer. It is an unsatisfactory answer because what I would have expected is that in a situation where you have a Category IV disease, and we are talking about seriously infectious diseases, and you are decontaminating an ambulance, the GHA or whoever is responsible would have already identified beforehand where it is that the ambulance is going to be contaminated.

2035

It is not an answer to say, 'Well it is going to be determined on the hoof, bearing in mind whoever has the discretion at the appropriate time.' That is the way that I have understood the answer and I am giving him an opportunity to explain it, because it appears to me that the only satisfactory way of dealing with something like this is to already have identified an area where it is possible to decontaminate an ambulance in a way that is safe and a way that is secure.

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Hon. Dr J E Cortes: Mr Speaker, these decisions cannot ever be described as 'on the hoof'. There are dedicated infection control teams who know what they are doing and will judge every single situation separately, so they would be well researched.

2045

It may well be, Mr Speaker, but I do not have that information here, that they have a list of sites where it would go to and I will find out and I will share that information. At this point in time I cannot provide him with the list nor am I going to invent one because those may not be appropriate.

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But I can reassure the hon. Gentleman that the ambulances in a Category IV infectious disease would be taken to a safe place. The exact identity of the place would depend on circumstances and on the layout of the land at any particular time. But I will find out from the team which are the sites on their list, so I am assuming they have a list of potentials and I would be very happy to share that information.

2055

Hon. D A Feetham: Yes, well I am very grateful to the hon. Gentleman for that answer, but is he confirming that effectively what we have is a number of sites and it depends – ? (*Interjection*) Well, that is the way I understood the answer: a number of sites and it depends for example where the ambulance may be at a particular time, taking into account the situation at any particular time. Because that is what he appears to be saying: that there is a list of sites and it will depend on where it goes depending on the circumstances.

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Can he say that for sure because that is what he appears to be saying?

2065

Hon. Dr J E Cortes: No, I cannot say that for sure but knowing the professionalism of our infection control team, I can say almost for sure that they know very well where they would

send that ambulance. I do not know it at this particular point in time, but it is something that I will find out and share, as I have said several times.

SUSPENSION OF STANDING ORDERS

2070

Standing Order 7(1) suspended to proceed with a Government Statement

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, good afternoon to all Members.

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Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

POST-BREXIT MEETINGS IN LONDON

Statement by the Hon. the Chief Minister

2080

Chief Minister (Hon. F R Picardo): Mr Speaker, hon. Members will know that I have returned to Gibraltar this afternoon after a series of meetings in London yesterday. As I rise, hon. Members will forgive me for having to keep the ringer of my phone on.

The Government issued a Press Statement yesterday evening which gave some details of the work I had been doing.

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I was accompanied by the Deputy Chief Minister and assisted by the Attorney General and both Albert Poggio, who is retiring as London Representative, and Dominique Searle who will be taking over in that role.

Mr Speaker, the House will wish to note that I had discussed with the Leader of the Opposition in one of our meetings earlier this month, when we planned how we were going to act in the event of a vote for the United Kingdom to leave the European Union, that I would be travelling for meetings with the Minister for Europe yesterday and that we were already preparing for our 'Greenland' style arguments.

2090

It was clear to us both that the Deputy Chief Minister and I should proceed with these meetings and that we should soon be able to finalise some mechanism to work more closely together in respect of the future work that will need to be done as a result.

2095

Mr Speaker, the Cabinet has not yet met to consider how we will propose to the Leader of the Opposition that we should best do this. Mr Speaker, I understand actually that in fact that the Leader of the Opposition has written to me on the subject of which mechanism we can best use for the purpose of acting in a unified manner going forward and giving confidence in Gibraltar. I expect to see his letter when I return to my office later this evening and it will no doubt inform Cabinet's thinking in this respect.

2100

Mr Speaker, the events of the last week continue to require careful handling. This afternoon, on arrival and before stepping into the Chamber, I have met with and briefed the Hon. the Leader of the Opposition in greater detail in respect of the issues I have dealt with in London. I have also similarly briefed Ms Hassan Nahon who sits independently in this House.

2105

Mr Speaker, Hon. Members are aware that one of the many avenues we are exploring involves working with Scotland's Parliament in order to seek ways to give direct effect to the will

of the people of Scotland and Gibraltar who overwhelmingly expressed a desire to remain within the European Union and the Single Market.

2110 Hon. Members will have read reports of my very positive discussions yesterday with Mrs Nicola Sturgeon, the First Minister of Scotland, in this respect. Mrs Sturgeon and I have agreed that we have a common purpose in exploring possibilities which could achieve our common objectives.

2115 The Scottish Parliament yesterday supported the First Minister's motion to explore and pursue these possibilities for Scotland after a debate in which the First Minister confirmed our discussions.

Our aim, Mr Speaker, will never be to thwart the will of the British people. It will in fact be the opposite, that is to say: we will act to seek to give effect to the will of the British people of Gibraltar as much as to the British people of England, Wales, Northern Ireland and Scotland.
2120 That may give rise to varying degrees of membership of or access to the European Union or the Single Market.

That which may seem anathema to some, or impossibly complicated to others, is actually of course already the reality we have been operating under for the 44 years which have elapsed since we acceded to the European Union with the United Kingdom in 1972, or the European Economic Community (EEC) as it then was.
2125

A technical team from Gibraltar will be communicating with the team set up by the Scottish Parliament for the purposes of understanding what the possibilities are.

This will no doubt involve seeking further understanding of the precedent set by Greenland's departure from membership of the EEC, or the European Economic Community, which predates the Treaty of Lisbon and the provisions of Article 50 thereof.
2130

There is no rule book which would prevent Gibraltar negotiating – with the support of the United Kingdom – remaining both 100% British and 100% in the EU or in the Single Market, even if the United Kingdom or parts of it were to leave.

2135 Mr Speaker, can I just at this stage and can I remind Members, who no doubt do not need reminding, that section 47(3) of the Gibraltar Constitution provides as follows:

Without prejudice to the United Kingdom's responsibility for Gibraltar's compliance with European Union law, matters which under this Constitution are the responsibility of Ministers shall not cease to be so even though they arise in the context of the European Union.

Mr Speaker, that will be an important clause to understand in coming months.

Mr Speaker, we have also been in close contact with the team of the Mayor of London who is seeking also to ensure that he acts to protect the interests of the City of London and all Londoners, who also voted to remain in the European Union. I expect that we shall be doing
2140 come considerable work in the future also with the Mayor's team.

It is important in this respect to note that both Scotland and Gibraltar are separate legal jurisdictions to England and Wales. Gibraltar is British but it is not part of the United Kingdom, which in legal terms could be as advantageous as it might be disadvantageous for the purposes of this analysis.

2145 It is true, therefore, that there are political realities that might make difficult all aspects of our current considerations and some legal realities too. But in the context of negotiations, it is clear that ours can be a position which would achieve many objectives and which cannot be discarded out of hand.

It would deal with business concerns about access to the single market. It would deal with
2150 general concerns about freedom of movement. And it would certainly deal with the concerns I am hearing expressed by Spanish cross-frontier workers, whose representatives I will be meeting in coming days.

I sincerely welcome that the regional government of Andalucia, the *Junta de Andalucía*, have set up a working group on Brexit to analyse the potential impact on the region as a result of the

2155 Referendum result and the creation of which is in part at least explicitly stated to relate to the issues which arise in our hinterland, the *Campo de Gibraltar*.

I expect we will be able to work with the *Junta* also to understand the negative consequences that could arise from a bar to the free movement of people across our frontier with Spain and to prevent any such eventualities from arising, whatever the outcome of a potential United Kingdom notification to withdraw from the European Union.

2160 As I have said before and will say again, the Spanish and other nationals who are cross-frontier workers are very welcome in Gibraltar. Migration is not an issue in Gibraltar as it may have been elsewhere in the United Kingdom, Mr Speaker. We welcome migration as a cornerstone of our success. Cross-frontier workers and those who have moved to Gibraltar from inside or outside the European Union are part of our success. We wish to continue to see them working alongside us in our economy for many years. And Her Majesty's Government of Gibraltar is committed to ensuring guaranteed and unhindered access to Gibraltar for them, as well as for the businesses and clients of businesses who such workers serve.

2170 And to achieve that, it is imperative in my view that we remain, as we always have, ready to work with all relevant parties in the United Kingdom and beyond in the context of Gibraltar's desire to secure its human and business need to retain physical and commercial access to Europe.

2175 For that reason we have worked in the last 24 hours with friends and contacts in the United Kingdom and beyond. In particular we have been able to express the detailed concerns that are relevant to businesses in Gibraltar to the Minister for Europe in person directly. We have also communicated in writing to the Prime Minister directly and via colleagues in the Conservative Party the things that we need to ensure are dealt with urgently.

2180 We are also perhaps most importantly able to report to the House today that Gibraltar will not just be *consulted* in the process of a potential negotiation to withdraw the United Kingdom from the European Union. We will actually be *fully involved* in such a process and we will work in partnership with the United Kingdom to seek to ensure Gibraltar's interests are protected and advanced. That is the same level of involvement that will be afforded to the political leaders of the Home Nations in the United Kingdom.

2185 The Minister for Europe confirmed this to me yesterday and he will be writing to me to set out this position in the coming days, as the official position of Her Majesty's Government of the United Kingdom.

2190 The work has also already started in the terms of some of the other technical and underlying issues that have long afflicted Gibraltar's ability to access the United Kingdom as a market for our services. I am confident that we are progressing well with that work with colleagues in the United Kingdom.

Last night was a propitious moment to celebrate the work that Albert Poggio has done for Gibraltar in London since 1988. For over a quarter of a century, he has worked the corridors of Parliament to keep the Gibraltar issue in the minds of the most influential people in politics in the United Kingdom.

2195 As a result, on his retirement from the post of Director of Gibraltar House in London, the reception in the Speaker's House in the Westminster Parliament was attended by representatives of all parties and of all factions of all parties. It was a final opportunity yesterday to ram home some of the things that we had already communicated to decision-makers during the day.

2200 Albert Poggio will continue to work with us in relation to political lobbying in the United Kingdom. That was always the agreed position; but I am sure that if it had not been, Albert would have nonetheless stepped up to the plate now in any event.

2205 Last night, Mr Speaker, our message, was being very well received indeed. But the House should be alive to the fact that politics of the current moment in the United Kingdom is as much in flux as the commercial aspects of the future relationship between the United Kingdom and

the EU. It is important therefore that we stand up for Gibraltar's interests together and united, as I know this whole House will do.

To end this intervention, Mr Speaker, I want to reiterate again some fundamentals, which the House will agree with me bear repetition:

2210 Mr Speaker, in all of the options we are looking at, in every alternative we consider, in every future that we countenance, Gibraltar will retain 100% of its British Sovereignty.

We have a Sovereign, Mr Speaker. We love our Sovereign. There are no vacancies for a new Sovereign for Gibraltar!

2215 What we are going to do is act to ensure that we properly contextualise for the whole world the situation in which Gibraltar finds itself. We are going to act to ensure we are the ones shaping the future for our nation and our community. We are going to act to fashion a reality that is in keeping with the expressed will of the people of Gibraltar.

2220 Finally Mr Speaker, I will shortly be consulting the Leader of the Opposition and the Independent Member, Ms Hassan Nahon on the text of a motion that I expect to move in coming days in this House to deal with the result of the Referendum and the response thereto.

I trust hon. Members will now have a better understanding of the activity that has occupied the Deputy Chief Minister and me for the past 48 hours. I will seek to keep the House and the whole nation as informed as possible in the coming weeks and months as we progress the pursuit of the best interests of Gibraltar in these rapidly changing scenarios.

2225 Can I also tell the House that I will not be present throughout this Question Time session and will perhaps have to absent myself at other times to travel, meet or speak to those who may be relevant as we pursue matters. I obviously mean the House no disrespect if that occurs and I know all Members will fully understand.

2230 One thing is clear, Mr Speaker, and I think Members of this House are now fully cognisant of this, and that is that the result of the Referendum on the United Kingdom's continued membership of the European Union has in fact ignited a chain of events, the resolution of which will be more like a marathon than a sprint.

2235 And not just for Gibraltar, Mr Speaker; for the whole of the United Kingdom, for the whole of the European Union and for the whole of the world. I am sure we all in Gibraltar have the energy for it and none of us will be found wanting!

Thank you very much, Mr Speaker.

A Member: Hear, hear. (*Banging on desks*)

2240 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, may I just, by clarification, before the Leader of the Opposition is invited to speak?

Mr Speaker: If you wish, yes.

2245 **Hon. A J Isola:** Mr Speaker, as Members of the House will know, it is indeed my job to work with and reassure businesses in Gibraltar across the spectrum of services that I represent, that Gibraltar is indeed open and available for business as usual.

2250 I am delighted to report to the Members of the House that indeed these past days that I have been engaging with them directly, what I have had is them reassuring me of their commitment to Gibraltar, their commitment to business as usual and applauding the energy, the drive and the logical sense which our Chief Minister and Deputy Chief Minister have demonstrated these past two days in knowing which way Gibraltar needs to go to protect their businesses and, of course, to protect our economy and our people.

2255 And if I may just add, it was ironic yesterday that Faisal Islam, the *Sky News* reporter, tweeted that he now had four people that knew what they were doing in terms of their plans for the Brexit. They happened to be Nicola Sturgeon from Scotland, Jeremy Hunt, Sadiq Khan and he

added to that list Mr Fabian Picardo. I think that is a sign of the recognition that our Leader and Deputy Chief Minister have displayed this past week since the stormy events of last Friday.

2260 I should also report to this House, Mr Speaker, that in this past week since Friday, we have had gaming companies that have relocated and plan to relocate *more* of their business to Gibraltar who have expanded and committed to take on *more* premises in Gibraltar and indeed, opened up *more* vacancies for their business in Gibraltar. All of this since last Friday.

2265 I am also delighted to report, Mr Speaker, that just today an MMOU has been signed between the Gibraltar regulator and the Cayman Islands' regulator facilitating more business between our jurisdictions and importantly and critically, since last Friday two new insurance companies have made applications to our Financial Services Commission.

So indeed in the sectors that I represent, Mr Speaker, and despite the uncertainty that undoubtedly lies, I am delighted to say it is very much business as usual. (*Banging on desks*)

2270 **Mr Speaker:** I will invite Members of the Opposition, in particular the Leader of the Opposition and the Hon. Independent Lady to ask any questions or clarification on anything that arises from the statement made by the Chief Minister if they so wish.

The Hon. the Leader of the Opposition.

2275 **Hon. D A Feetham:** Mr Speaker, yes. Mr Speaker, I have no questions and I am going to be keeping my intervention short. I actually think that at this moment in time, the less said the better and it is a time for actions rather than words.

2280 But let me say this: that the Opposition as I said last week, remains ready, willing and able to be engaged and to work with the Government on behalf of this community and for the benefit of this community and that the Opposition will place the interests of this community over and above its own narrow political interests every single day of the week.

2285 Because, Mr Speaker, at the end of the day, what we are talking about here is the future not only of the people here in this House, but of our children, our children's children and generations to come. (*Banging on desks*) And, Mr Speaker, those generations of people will not forgive us if we get this wrong and therefore we must get it right.

2290 Mr Speaker, as the Hon. the Chief Minister has said, I have today written to him in order to suggest to him a mechanism whereby the Government and the Opposition can work together on this particular issue. I understand that the Chief Minister arrived from the United Kingdom this afternoon and he has not been able to read my letter. But it shows that the Opposition is already constructively attempting to suggest a way forwards, in order to make sure that this Parliament and indeed the Government and the Opposition are united as far as possible in making sure that what is an important challenge to Gibraltar and to the future of Gibraltar is met as effectively as possible.

2295 And I finalise by saying this, Mr Speaker: that I think it is important that we do not close the door to any potential way forward that is obviously workable for Gibraltar and that delivers for Gibraltar the type of access in particular that we need in relation to the European Union, but also less important access to any trade deal that the United Kingdom may have with third parties.

2300 But equally as important as the first, in my view – and no doubt we will hear about this during the course of the Budget speech and the intervention of the Minister for Financial Services – is uninterrupted access to the UK market in the areas which I outlined last week, gaming, insurance and financial services in particular.

2305 And that the UK Government understands, Mr Speaker, that having effectively got us into the position that we are in, because the UK Government and the current Prime Minister called the Referendum, that obviously it then needs to do all that it can in order to make sure that any restrictions on our operators trading in the United Kingdom are removed as quickly as possible and that restrictions that we have seen in the past, that perhaps those are also revised. And I know that the Hon. the Chief Minister is also in fairness working in relation to that.

So, Mr Speaker, that is all I wish to say at this stage. *(Banging on desks)*

2310

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

2315 As I thank the Chief Minister for his briefing, Mr Speaker, may I rise to clarify one aspect of the Chief Minister's address, given that he says he is willing to involve me in his briefings? Can I just ask him what mechanisms he is going to put in place to ensure the regularity of those briefings?

2320 And, Mr Speaker, I would also like to say a couple of words. I would like to say to the House and to the people of Gibraltar that I am proud to be part of a people who are united, especially now – a people who know what is good for them and a people who are outward looking. We are not an insular people and we thrive on our acceptance of all cultures. This is a reflection of our maturity as a people, as seen by the overwhelming result of our part in the Referendum last Thursday.

2325 Therefore I take this opportunity to call for unity, Mr Speaker, because I believe we need to stand shoulder to shoulder, as Members of the House have always done in times of great adversity, to protect our own interests because nobody will protect Gibraltar's interests like we will here in Gibraltar. That is a fact and I applaud the Government's efforts in exploring all avenues to take control of Gibraltar's future.

2330 Also, Mr Speaker, I would like to take this opportunity to call for Gibraltar's solidarity with our European brothers and sisters in the light of the recent hate-filled attacks in the UK today and last night and I remind them that they are as welcome here today as they were this time last week.

Thank you. *(Banging on desks)*

2335 **Mr Speaker:** Before we return to the more mundane matters of Question Time, I have a copy of a letter here which I think I should bring to the attention of hon. Members, because I think it will please them to see in what very high regard the team that conducted the Referendum here in Gibraltar have been held by the Electoral Commission in the UK.

2340 The Clerk of Parliament works to me in his capacity as Clerk. As Returning Officer or as the officer in charge of conducting the Referendum, he has of course nothing to do with me, but I feel that I should take this opportunity to acquaint the House with the fact that Mr Martinez has received from the Chief Counting Officer of the Electoral Commission in the UK, a letter of thanks and of high praise for the work not only conducted by Mr Martinez but his whole team, in the smooth manner in which the whole show, the whole of the Referendum was conducted and the count afterwards.

2345 They ask that thanks be passed on to all his colleagues and I am sure that all Members in the House and Gibraltar generally will welcome the fact that we have people in Gibraltar who can rise to the occasion and carry out such a task to such great satisfaction.

2350 **A Member:** Hear, hear. *(Banging on desks)*

2355 **Hon. Chief Minister:** Mr Speaker, can I just associate the Government and no doubt all Members of the House with those words on behalf of the Electoral Commission. I think all of us were hugely impressed by the way that Gibraltar was able to synthesise with the UK for the purpose of this Referendum. We had expected that we would be able to because the Clerk has shown that he does it so effectively at European Election time, but we were in a different way under the microscope this time that we were not before.

2360 Can I just say that the fact Gibraltar reported its results first – let alone that they were so resounding, but that they were reported first – put Gibraltar in the minds of everyone who was watching that night. And I think everyone who was watching that night at the end of the

process, at least the political people, knew that Gibraltar had voted massively in one way and that the United Kingdom had in the end, by a smaller margin, voted in another way. So I want to associate the Government with the words of the Electoral Commission, and in fact the whole House and community with the words of the Electoral Commission, in thanking the Clerk.

2365 And may I simply deal with the issues that have arisen in clarification of my statement. Can I thank the Minister for Financial Services for the information that he has given the House. No doubt he will elaborate on that during the course of the Budget debate next week, but although the Deputy Chief Minister and I and other Members of the Government were aware of that, I think he will have given great comfort to others in Gibraltar and no doubt all Members of the House to hear just what reassurance we are receiving from international businesses in Gibraltar about their continued commitment to Gibraltar going forward.

Can I thank the Hon. the Leader of the Opposition for his words of support and unity. We had an opportunity to speak earlier and we will be looking to see how we can give greater shape to the way that we are going to work together in the coming weeks and months and perhaps years.

2375 Can I say to the hon. Lady that will to a very great extent determine how I am able to also include her in briefings, so that when we come to this House we are all aware of what we are talking about? There may be things that we are not comfortable saying in the context of the broadcast of this House because we want each other to know what we are doing to secure Gibraltar's position; we do not want to give a heads up to those who want us not to be in a secure position, to know what we are doing. It is therefore important to all of us to have the information.

2380 And can I simply reflect that when Gibraltar acceded into the European Economic Community, there was a Bossano, a Canepa and a Hassan in this House and so it looks good, Mr Speaker. We may still have a chance to stay!

2385 **Mr Speaker:** Question 359.

Clerk: Question 359, the Hon. –

2390 **Hon. Chief Minister:** Mr Speaker, just for the purposes of the historical record, I am reminded that there was also an Isola. (*Laughter*) Things are looking up indeed, Mr Speaker! (*Banging on desks*) Things are looking up indeed!

Questions for Oral Answer continued

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q359/2016

**Ambulance service –
Plans to relocate**

Clerk: Question 359, the Hon. D A Feetham.

2395

Hon. D A Feetham: Yes, Mr Speaker, on that positive note, can I ask the Government, are there any plans to relocate the ambulance service?

2400 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes sir.

2405 **Hon. D A Feetham:** Well thank you very much, Mr Speaker, and can he elaborate on those plans, please?

2410 **Hon. Dr J E Cortes:** Mr Speaker, a public announcement was made some months ago regarding the potential use of the Rooke site and that one of the possibilities was incorporating an emergency services hub. So that is one of the areas where consideration is being given.

In the interim there are also plans within the context or the confines of St Bernard's Hospital to do some changes in order to better accommodate the ambulance crew. But the longer-term plan that is being considered is the Rooke site.

2415 **Hon. R M Clinton:** If I may, Mr Speaker.

Mr Speaker: The Hon. Roy Clinton.

2420 **Hon. R M Clinton:** Thank you. Mr Speaker, could the Hon. Minister please elaborate what he means by an emergency services hub. Would that include the Fire Brigade?

2425 **Hon. Dr J E Cortes:** No, Mr Speaker, I cannot speak for the Fire Brigade. I refer the hon. Member to a Press Statement some months ago which mentioned the possibilities for the Rooke site. I cannot elaborate any further other than to answer the question that I have been asked in relation to the possibility being considered of moving the ambulance service.

Hon. D A Feetham: So when the hon. Gentleman talks about an emergency hub, he is just talking about the ambulance service and nothing else?

2430 **Hon. Dr J E Cortes:** Mr Speaker, I am talking about the ambulance service. I am not in a position to elaborate further.

Mr Speaker, this is all on public record if the hon. Members opposite do their research.

2435 **Mr Speaker:** Question 360.

Q360/2016

Dementia residential care facility, Old Naval Hospital – Service provider

Clerk: Question 360, the Hon. D A Feetham.

2440 **Hon. D A Feetham:** Mr Speaker, can the Government confirm the chosen service provided to run the dementia residential care facility at the Old Naval Hospital?

2445 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, it is presently Grand Home Care but subject to the negotiations to further reduce the cost to the Taxpayer.

2450 **Hon. R M Clinton:** Mr Speaker, is the Minister in any position to disclose what the successful – or we are led to believe the successful – tender amount by Grand Home Care was?

2455 **Hon. Dr J E Cortes:** No, Mr Speaker. There was a panel that considered the various applicants for this contract. Grand Home Care was the preferred applicant and there are discussions at the moment into the costing, particularly the costing also a little bit on the manning levels, but I am not in a position to disclose that because we are still negotiating.

2460 **Hon. D A Feetham:** Yes, Mr Speaker, but my understanding, and the Minister will correct me if I am wrong, this particular service has gone out to tender has it not? Therefore presumably Grand Home Care was the lowest tenderer. Well, the Government is not obliged to take the lowest. It may be that the view the Government took was that Grand Home Care provided the best service and you are now trying to reduce the cost. Can he explain whether it is one or the other? Were they the lowest tenderers, Grand Home Care?

2465 **Hon. Dr J E Cortes:** Mr Speaker, I was not part of the tender process, but the tender process took into consideration cost as well as the ability to deliver the service. Because we are currently negotiating with them, I do not think it would be appropriate for me to give any further information.

2470 **Hon. D A Feetham:** But, Mr Speaker, was there a tender process in relation to this? Is this a situation where the service has actually gone out to tender and Grand Home Care have basically said, 'We can provide this service for x thousands of pounds'? Can he at least confirm that?

2475 **Hon. Dr J E Cortes:** Mr Speaker, expressions of interest were invited and a number of different organisations gave their proposals. These were considered by a board, and I think there is a question – in fact, I think, two questions – down on that, taking into account costs as well as their ability to provide the service we require. Grand Home Care, and it is already in the public record before today, were the preferred option and we are currently in negotiations with them.

I am not going to give any more details because it would not be proper for me to do so.

2480 **Hon. D A Feetham:** Mr Speaker, yes, but then there has not been a tender. What the Hon. the Minister is saying is that there was no tender, that there were invitations for expressions of interest, that those expressions of interest came in and that the Government have identified Grand Home Care as their preferred option, presumably based on both cost and quality of care, and you are now negotiating with them in order to see whether you can drive the price down. Is that an accurate way of characterising it?

2490 **Hon. Dr J E Cortes:** Mr Speaker, that is not what I have said. I have said that we are looking at costs and the service that they can provide, and I am not going to be drawn into giving more details at a point when we are actively in discussion. I think that would not serve the community well.

2495 **Hon. R M Clinton:** Mr Speaker, if I may, following on from what my colleague the Hon. Mr Feetham asked, I would be grateful if the Minister could enlighten us in terms of what is normal procedure for this type of contract: whether a formal tender is issued; is the Procurement Office involved; and who decides to whom expressions of interest are sent?

2500 **Hon. Dr J E Cortes:** Mr Speaker, the providers in this field are limited and well known in Gibraltar. The Government works with virtually all of them and the panel that discussed and met with all the applicants was made up of professionals – it is pre-empting Question 362 – in the field.

2505 **Hon. D A Feetham:** Mr Speaker, but he understands that there is a distinction between ... and the Hon. the Father of the House will understand it – there is a difference between something going out to tender, whether it is handled by the Procurement Office or not, and an invitation of expressions of interest. There is a difference. In relation to the former there is a price, that price goes in, and normally will go to the lowest tender but not always because there may be other factors. At least can he tell me has there been a formal tender here, or is it an expression of interest?

2510 And also – this will be my last question – in that expression of interest or that offer that was made pursuant to a tender ... I am not asking for the actual price; I am just asking were Grand Home Care the cheapest option.

2515 **Hon. Dr J E Cortes:** Mr Speaker, as I have already said, it was a call for expressions of interest and I am not going to give any further details because we are in the middle of negotiations.

**Q361/2016
Dementia day centre –
Progress**

Clerk: Question 361, the Hon. D A Feetham.

2520 **Hon. D A Feetham:** Mr Speaker, can the Government explain what work has been done in the past 12 months and is currently being done in order to open the dementia day centre?

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

2525 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, works to the building have been completed, handover of the building is expected next month, recruitment is in progress and the purchase of equipment and furniture is in progress.

2530 **Hon. R M Clinton:** Mr Speaker, dare I ask the Hon. Minister for a projected opening date?

Hon. Dr J E Cortes: You dare, yes, you may dare. Are you going to ask me, or are you just asking me whether you may dare? *(Laughter)*

2535 **Hon. R M Clinton:** I do love your wit! *(Laughter)* Do you have a projected opening date, Minister?

2540 **Hon. Dr J E Cortes:** Mr Speaker, we are projecting to open in September. It is tight, I will admit it, because we have a lot of work to do, but I am meeting with the team on a weekly basis and I am confident that we should be able to meet the September target.

Clerk: Question –

2545 **Hon. D A Feetham:** May I just come back to this? The Hon. the Minister mentioned that the Government is undertaking recruitment, I think he said. Is that recruitment additional to any labour that has been provided by the service provider – in this case let's assume Grand Home Care – under its service provision contract?

2550 **Hon. Dr J E Cortes:** Yes, Mr Speaker, there will be a few clinical – I mean very few, a handful, two or three; I do not have the exact figures here – and supervisory admin roles that will be included as well as the contracted carers.

The clinical involvement in the day facility will be provided by the GHA. We are talking about speech therapists, that sort of thing, and a small element of supervision of the contractors.

2555 **Hon. D A Feetham:** And, Mr Speaker, will this involve a transfer of existing employees from other parts of the GHA into this particular facility, or are we talking about advertising for new posts? Are they new posts, effectively?

2560 **Hon. Dr J E Cortes:** It will involve both. There will be a lot of services which will be just a change in location – the memory clinic being one – but there are one or two, a very small number of posts, that are being provided for as additional.

2565 **Hon. R M Clinton:** Mr Speaker, would the Hon. Minister be able to advise whether the residential care centre and the day care centre were bundled as one service in terms of expressions of interest, or will they be separate contracts – or are we looking at two different service providers?

Hon. Dr J E Cortes: They are being handled separately, Mr Speaker.

2570 **Hon. L F Llamas:** Is the Minister able to confirm, then, who has been the successful applicant for the day centre?

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

2575 **Hon. D A Feetham:** And, Mr Speaker, in relation to the day centre, is this also a case where the Government or the GHA is in negotiations with Grand Home Care, or is the GHA in negotiation with somebody else for the provision of this particular service?

2580 **Hon. Dr J E Cortes:** The process of dealing with expressions of interest is current, and this is part of the recruitment process that I was referring to.

2585 **Hon. D A Feetham:** I think that certainly on this side of the House we would benefit from clarification, because when the Hon. Minister talked about recruitment, automatically what came to mind was that the Government was either going to be relocating existing employees into this particular facility or alternatively advertising for new jobs. But then when he has talked about service providers, that conjures up a different type of approach that is not a recruitment of individuals. What that is is the contracting out of the service.

2590 Could he explain this? Because also the Hon. the Minister for Health has also said that you are talking about very few posts – two or three I think he mentioned at one stage, or three or four – so how do you recruit and also contract out service providers in relation to just simply four posts?

Hon. Dr J E Cortes: Mr Speaker, in order to clarify, there will be a contracted provision for the caring, nursing element, which is currently in process, a similar process to what happened for

2595 the residential centre, where I said Grand Home Care is the one that is being discussed, and there is a separate process of a small number of posts that are being recruited or transferred.

2600 **Hon. R M Clinton:** Mr Speaker, if the Hon. Minister could clarify, he is giving a date of opening of September for the day care centre but he has not selected a provider yet. I believe for the dementia residential we are still talking about ... autumn, I think, was the last, more or less, date that he gave. Given that you already have a preferred supplier for the dementia residential care centre, how is it you are more confident for the September opening date for day care, even though we have not got a preferred supplier yet?

2605 **Hon. Dr J E Cortes:** It is a totally different thing. You are not talking about 24-hour care; you are talking about nine to five, eight to six, that sort of thing. The human resource element will be smaller. There is also the possibility of a phased opening, floor by floor; so it is not a challenge, we are still on time to deliver by that time.

2610 Remember, a day centre is not the same as manning a residential home 24 hours a day. It is a very different operation. It is an easier thing to do and much quicker to generate than a 24-hour shift service with all sorts of covers of shifts and overnight security and that sort of thing, providing food or whatever. So with the day facility we can still say we are on track because it is a much less complicated thing than a home that has to be open 24 hours a day.

2615 **Hon. R M Clinton:** Mr Speaker, I am sure the dementia carers and also the future users of the facility will very much appreciate that.
Thank you.

Q362/2016
Old Naval Hospital dementia facility –
Panel of experts

Clerk: Question 362, the Hon. D A Feetham.

2620 **Hon. D A Feetham:** Mr Speaker, can the Government disclose the names and posts of the panel of experts who have chosen the preferred applicant to run the dementia residential care facility at the Old Naval Hospital?

2625 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, this is one that got away. I should have combined it with the earlier one, but when you have about 120 questions to answer, if one gets away, there we are – maybe two get away.

2630 I do not think it is appropriate to disclose the names of the panel, but I can assure the Member opposite that they were all highly experienced and of a qualified professional capacity in health. I would be happy to provide the names on a confidential basis.

**Q363-364/2016
GHA Complaints –
Complaints received**

Clerk: Question 363, the Hon. D A Feetham.

2635

Hon. D A Feetham: Mr Speaker, how many complaints received by the GHA Complaints Board in each of the financial years since 31st March 2012 related to (a) the service at the Primary Care Centre and (b) the accident and emergency ward of St Bernard's Hospital?

2640

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with Question 364.

2645

Clerk: Question 364, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please give details of the number of complaints received by the GHA Complaints Board for each of the financial years since 31st March 2012 together with the number of complaints upheld. And, Mr Speaker, if the hon. Member is minded to provide that, obviously he can provide it in the schedule exactly.

2650

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

2655

Hon. Dr J E Cortes: Yes, Mr Speaker, the information is provided in the schedules which I now hand over. There are two tables on that sheet of paper.

Answer to Question 364-2016

Answer to question 363-2016

	PCC complaints	A&E complaints
1 st April 2012 to 31 st March 2013	25	17
1 st April 2013 to 31 st March 2014	51	19
1 st April 2014 to 31 st March 2015	41	27
1 st April 2015 to 31 st March 2016	47	33

Answer to Question 364-2016

	TOTAL COMPLAINTS	UPHELD
1 st April 2012 to 31 st March 2013	125	67
1 st April 2013 to 31 st March 2014	160	99
1 st April 2014 to 31 st March 2015	165	92
1 st April 2015 to 31 st March 2016	222	44

2660 Please note that there is no such thing as a GHA complaints board; we have changed the law.
All complaints are handled by the Public Services Ombudsman through the complaints handling scheme.

2665 Since this system was introduced on 1st April all complaints, however minor, are logged, so the figures after that time are not directly comparable to previous years. Mr Speaker, before we introduced the ombudsman system, some of the minor complaints were dealt with in a less formal way and may not have been logged, so the figures are not totally comparable.

Mr Speaker: Are there any supplementaries arising from the information provided?
Question 365.

Q365/2016
External health referrals –
Reasons, institutions and costs

2670 **Clerk:** Question 365, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide a breakdown for each financial year since 31st March 2011 of referred health cases to medical institutions outside Gibraltar and the United Kingdom, detailing the reason, cost and medical institution where treated?

2675 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2680 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, this was quite a task and I must here commend my personal staff and the staff of the St Bernard's Hospital and particularly the sponsored patient department for, despite all their onerous tasks in dealing with patients, extracting this information.

Mr Speaker, they are long, complicated schedules, so I suspect they are going to need a bit of time to look into. Clearly no names are included, as we have to make sure that these things are totally anonymous.

2685 I now hand over these schedules.

The document can be found here:

[Schedule to Question 365 of 2016](#)

Mr Speaker: Where schedules to answers are concerned, this one takes the biscuit: there are well over a hundred pages here of very, very small type.

2690 **Hon. D A Feetham:** Mr Speaker, I am very grateful to the Hon. the Minister for Health for answering this particular question; I think it is an important question.

The reason why I went back to March 2011 is obviously I wanted to compare the last year of our Government with the beginning of his Government to see whether there has been any perceptive change in the practice thereafter. That is the reason why I went back to 31st March 2011.

2695

Hon. Dr J E Cortes: Mr Speaker, I have to comment there. Clearly it is asking for a hospital other than the United Kingdom; the vast majority will be Spain. Prior to 2013 we did not have a contract with any Spanish hospitals and clearly that will be reflected in greater usage, but I am

2700 willing to answer – (*Interjection*) Yes, absolutely, and I am willing to answer any supplementary now, or later if they need more time.

Hon. D A Feetham: May I also thank the hon. Gentleman's staff and the individuals who compiled this schedule. It is by far the longest schedule that I have seen in my time in the House and probably one of the longest schedules in parliamentary history, so I am very grateful indeed to the hon. Gentleman's staff.

Hon. R M Clinton: If I may ask just one supplementary to this. The Hon. Minister mentioned contracts: would I be correct in assuming that the vast majority of contracts will be denominated in euros?

Hon. Dr J E Cortes: Sorry, I missed that.

Hon. R M Clinton: The contracts will be in euros, the currency?

Hon. Dr J E Cortes: Mr Speaker, I cannot answer that question. I suspect probably not. I need notice of that question.

The contracts were negotiated based on NHS UK prices, but whether that was converted to euros for the purpose of the contract is something that I would have to check. Please do remind me. I am happy to answer a letter. Do not rely on my memory – after three or four hours answering questions, that one might slip.

Hon. D A Feetham: Mr Speaker, I just have one or two supplementaries – figures that are striking, that caught my attention, and perhaps the Hon. Minister can help us with that.

We see, for example, that with Xanit Hospital obviously there is no history prior to 2013-14 because it is a contract that no doubt has been negotiated and agreed by this current administration. But then in 2014-15 we see payments to Xanit of £4.1 million, and then there is a marked increase in that figure to £7.1 million in the year 2015-16. Can he explain why there has been almost a 40% increase in terms of money in the service provided by Xanit?

Hon. Dr J E Cortes: Mr Speaker, Xanit was used before this administration but on an ad hoc manner and without a contract, and prices were not fixed. This contract does fix prices for particular treatments and is largely based on NHS figures.

The increase in Spanish hospitals, particularly Xanit, has been clear for a number of reasons. Xanit, as opposed to some of the National Health Hospitals, as a result of a certain amount of deterioration in standards, which were reflected in complaints, following the financial crisis that affected Andalucia until very recently, if not current ... and as a result of complaints we had little option but to redirect some of the patients. Therefore, although we do pay the Sanidad hospitals, those bills come delayed sometimes by several years because they are processed through the EU or the UK as the case may be.

Also, there is an increasing preference by members of the community to be treated in Spain, as opposed to the UK, because they are closer, because relatives can visit them at the end of a drive of an hour or two rather than move all the way to the UK. But also the fact ... and I do not have the figures here, but if I am asked the figures for the number of sponsored patients as a whole the number of sponsored patients is increasing very, very greatly as awareness increases, new medical opportunities increase, but also the fact that a sponsored patient who is new this year will still be a sponsored patient next year, the year after and the year after if they are still undergoing treatment. So there has been an increase in the number of sponsored patients which will largely mirror the increase in costs.

2750 **Hon. D A Feetham:** Yes, Mr Speaker, in due course we will do the analysis, because what the
Hon. Minister is saying is that we can expect to see perhaps some decrease in the use of other
Spanish institutions in favour of Xanit over the years. It does not strike me as such, looking at
2755 these figures, but we will undertake an analysis in due course, because of course we can see
from this that when we were in Government, in the year ending March 2011 £1.2 million was
being spent on Xanit and that has increased to £7.1 million at the end of this particular financial
year.

But, Mr Speaker, I also see that there is a substantial increase in the use of the Clínica
Universidad de Navarra. The Clínica Universidad de Navarra is a world-renowned cancer centre.
Unfortunately, I had reason to send my mother there and it is a *fantastic, fantastic, fantastic*
2760 centre. We see that there is an increase from £7,000 at the end of 2013, to £627,000, nearly
£628,000, at the end of March 2015, and this year it has been £½ million. Can he explain why
there has been such a significant increase in what is a world-renowned but of course a private
hospital as well?

2765 **Hon. Dr J E Cortes:** Yes, Mr Speaker. Clearly the Clínica Universidad de Navarra, which is
known locally as Pamplona, is a private hospital with which we are discussing contracts – we do
not have a firm contract with them – and is generally used very exceptionally, without going into
too many details because there are a handful of people whom I do not want to be identifiable as
a result of this discussion. It is used quite infrequently, generally for particularly difficult cases.
2770 The success rate is probably not as much as we would like. In some cases it does add some
months or years to people’s lives – obviously, it is a very delicate issue – and there has been
some success and there have been some referrals there, although as I say, it is carefully
managed and is usually for specifically difficult conditions where they happen to be the place to
go.

2775 There will be other places, some in the UK, some in Europe, and over the last four years I
recall particular patients have been sent to Switzerland or Germany and these are all patients
with particular conditions. It tends not to be the rule, but that is why it features now and it
would not have featured before.

2780 **Hon. D A Feetham:** So am I right in saying that if a particular cancer can be treated in Xanit,
for example, or in the United Kingdom in particular, that the GHA would not consider sending an
individual to Pamplona, even though obviously everybody wants to go to Pamplona because
Pamplona is one of the most renowned centres in Europe if not the world, and if one had the
choice one would go to Pamplona rather than go somewhere else? Certainly, if I unfortunately
2785 had a member of my family ... that is something that would play on my mind too. But this is the
provision, of course, of a National Health Service, where very difficult decisions have got to be
made and I am just trying to really get to the bottom of the criteria for sending somebody to
Pamplona rather than somewhere else.

2790 **Hon. Dr J E Cortes:** Mr Speaker, let me just say that Pamplona is not *the* place for every
condition, and there are many conditions that are better treated or just as well treated in other
centres of excellence, such as the Royal Marsden and so on.

But, Mr Speaker, these are clinical medical decisions and not political decisions. It is up to the
clinician to identify the case that would most benefit from referral to Pamplona or anywhere
2795 else. They are not political decisions. We do have agreements with a host of hospitals in the UK,
for example, and most of our cancers would go to the UK rather than to Xanit or Pamplona; but
clinically, sometimes there are cases which merit other consideration. But they are medical
decisions and not political ones.

Q456/2016
Primary Care Centre –
Complaints

2800 **Clerk:** We now move to questions to the Hon. the Minister for Health and the Environment, Energy and Climate Change by the Hon. Ms M D Hassan Nahon.
We commence with Question 456.

2805 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I am aware that this is the first time I address or even ask questions to the Parliament as an independent Member of the House, and that some of you, and even the people of Gibraltar, may have some questions and even deserve clarification on how I perceive this role. But I will address this at our budgetary session next week, where we will also have a fuller House. In the meantime, I shall proceed with my questions.

2810 Can the Minister for Health state whether he believes and has evidence to the effect that things are working better in the Primary Care Centre and whether complaints have decreased in the last few months since I asked the question and was asked to give quote 'a few months' to see improvements?

2815 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2820 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I thank the hon. Lady for giving me the few months – although we have not sat, but I appreciate that comment.

2825 Mr Speaker, there are many ways in which one can say the system has improved. One is the relatively low rate of official complaints received with regard to the appointment system. I say 'official' because there will be complaints on Facebook and so on. Sadly, many of the complaints on Facebook, if I might just digress for the moment, never get to the people who need to see them, so I would encourage people with complaints to actually write in or phone in or email.

2830 But anyway, there are only six officially registered complaints since January until now. The majority of these centre on the fact that the patients have not been able to see their preferred doctor and not that they have not just had access to a GP: they have seen a GP but not their preferred doctor.

2835 Another sign of improvement may be fact that on some days we are seeing advance appointments left over from one week to another or the fact that emergency appointments are not always being taken up. The most solid evidence is the increase of routine slots available from 1,361 slots in January for advance appointments, to 1,905 offered in May, or 1,630 slots offered for on-the-day appointments in January, compared to 2,805 on-the-day consultations attended to in May.

The most common concern expressed by service users is around the fact that they may need to call on subsequent days before they get a slot with their preferred doctor. However, the service has responded to this by having all doctors on an on-the-day appointment only rota. This has resulted, in most cases, in an improvement in access.

2840 The routine appointments and advanced appointments in a public health system must prioritise those people who have an illness and not, as was the case previously, with the same clients pre-booking appointments as a matter of routine month after month.

2845 In the old system, all advance appointments were exhausted for the month by 10 o'clock on the first of the month. Now you have to phone again but you have a chance of getting an appointment. Patients were then not inconvenienced by having to phone over a few days as there was not an advance appointment to be had anyway.

2850 **Hon. Ms M D Hassan Nahon:** So, Mr Speaker, is the hon. Gentleman, the Minister for Health, saying that the plan and the system that he has put in place is carrying on as has been started, or is he still changing things around; or are we carrying on with the new system, or are we looking for different ways, different improvements, all the time?

2855 **Hon. Dr J E Cortes:** Mr Speaker, we are looking for improvements all the time. The system, I think, from the evidence provided to me, is better. I can, for example, say I have got the figures for June so far in front of me and on every day there have always been some slots not used. We have never, in the whole month, actually reached a point where there were no emergency slots available. There may not be a slot with your own doctor – that doctor may be away on leave, may be sick or whatever. As I said before, we have been playing around with the system. Between January and May we have increased the number of slots offered. We have made sure
2860 that some doctors have only on-the-day appointments regularly, so that people will know that they can see their particular doctor. So we are slowly moving forward.

I would not say that this task is finished; I would say we still have room for progress. I welcome people asking, and even complaining, because it will help us improve the system further. So I think it is better, but we always have room for improvement.

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Hon. E J Reyes: Mr Speaker, may I ... if the hon. Lady has finished?

I am very interested with what the Minister answered at the very beginning. He said that he is aware, as I am, of people expressing many views which can be classified, broadly speaking, as complaints and so on, yet when it comes to official figures, which is what the Minister can only answer for in this House, it was down to six.

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Can he give us, the general user of the Primary Care Centre, some guidelines? If I am wishing to put forward a complaint or grievance or something, what is the Minister's recommended process – which by all means would have to be far better than Facebook?

2875 **Hon. Dr J E Cortes:** Yes, Mr Speaker. I think, if it is related specifically to primary care, it is to talk to the primary care administration team either directly or by e-mail – they are available by email – and make sure that they are aware. If it is a more general complaint or maybe a more serious complaint, then clearly we have the complaints handling scheme, which I mentioned earlier in answer to a question from the Hon. Mr Feetham. But I think the first point of contact would be the management team in the Primary Care Centre.

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Hon. E J Reyes: Thank you, Mr Speaker.

And therefore, in keeping with that, can I recommend and would the Minister take on board to look into it, perhaps a simple notice within the Primary Care Centre waiting rooms or whatever, saying 'Should you wish to bring something to our attention ...' and actually provide the e-mail address. Because sometimes when you go to the general counter you can be in the queue for a few minutes, and you have just come out of the blue waiting area and you are a bit upset, and the longer you wait the more you get upset. So in order to help us all to calm down at that moment a simple notice means it allows you to go back home and send your e-mail in a more cool, calm and collected yet constructive manner, which is what both the Minister and this side of the House would like to see.

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Hon. Dr J E Cortes: Mr Speaker, clearly there will be instances and occasions and times of the day or particular days when there will be a build-up and so on. This is why I say we have to keep on improving.

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People who use the internet will be able to have access to an e-mail address where all complaints can be sent, and they are all centralised in fact by one of my own personal staff and then sent to the different departments. But the idea of having a notice there specifying it is a good one and I will take it up. Thank you.

2900 **Hon. R M Clinton:** Mr Speaker, with your leave, if I may add to my hon. colleague's suggestion, again in terms of quality of service would the Minister consider a sort of an exit ... not so much a survey but a satisfaction process where you can then collect data from users of the centre on a daily basis as to how they perceive their experience and the interaction of the Primary Care Centre – a bit as we have all seen in the airport security queue lines, where you have these three or four buttons to press: were you happy with your service today, or not? That would then give you an anonymous source of real data as to people's perceptions and their experience of the Primary Care Centre.

2910 **Hon. Dr J E Cortes:** I take the point. I thought for a moment that the hon. Member was suggesting that we have staff doing questionnaires there, and frankly I think we would all rather they be doing other things more directly with patients. But an electronic method is a possibility, and again it is something that I will be very happy to look at.

2915 **Hon. E J Reyes:** If it helps the Member, Mr Speaker, I think there is one at Gibtelecom offices here, just a stone's throw away from this building. Maybe we can get them to sponsor it.

Q457/2016
St Bernard's Hospital –
Security re dementia patients

Clerk: Question 457, the Hon. Ms M D Hassan Nahon.

2920 **Hon. Ms M D Hassan Nahon:** What measures do we have in place in terms of security for dementia patients who are admitted in St Bernard's Hospital to ensure that they remain at all times within the hospital premises?

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

2925 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, St Bernard's Hospital has three uniformed security guards, on a 24-hour seven days a week basis, stationed at St Bernard's Hospital.

One is stationed at the main reception to monitor CCTV, another is based at the accident and emergency department for obvious reasons, and a third guard carries out patrol duties.

2930 Wards are locked with a door access card system, and if the risk is significant nurse management will allocate one-to-one supervision, depending on staffing constraints.

2935 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been made aware of a case who escaped at night – and yes, thankfully, I have only heard of the one case so far, but can we use this as alarm bells, despite the hon. Member saying that he has three ... so that this does not happen again, obviously?

2940 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I am aware of that case and it is regretted. It is the only one I am aware of in many, many years; one case which has resulted in systems being checked and awareness being increased.

Fortunately, nothing untoward happened. It does happen in hospitals all over the world. It is regrettable and we have taken steps to try and ensure that it does not happen again. But I appreciate the comments.

Q458-468/2016
General Medical Council –
New framework

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Clerk: Question 458, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Did the Minister for Health, or indeed the Health Ministry, consult doctors or practitioners prior to and since its decision to enforce General Medical Council regulations by the second half of 2016?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with questions 459 to 468.

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Clerk: Question 459, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the plan of action as regards the upcoming implementation of General Medical Council regulation vis-à-vis doctors permanently employed since before the law was passed, and what will happen to those doctors who do not wish to register?

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Clerk: Question 460, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Have Government considered and factored in the cost to re-educate doctors and send them out to retake courses in tertiary clinics and universities as part of the new General Medical Council framework?

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Clerk: Question 461, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Has Government made arrangements with British universities for the re-training of doctors as part of the new General Medical Council framework?

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Clerk: Question 462, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Before the new General Medical Council regulation is put in place, has Government ensured that a support body for doctors, like the BMA in the UK, be put in place in order to counterbalance an authority like the General Medical Council? What has been arranged in terms of support for doctors?

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Clerk: Question 463, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will we have a programme of continued revision and assessment to comply with the General Medical Council Standards that the Government will be setting doctors?

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Clerk: Question 464, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does Gibraltar have the infrastructure to be able to cope with this new regulatory standard that doctors will be forced to comply with?

Clerk: Question 465, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: How does the new order of subscription to the General Medical Council tally with our doctors who are also working within the Spanish system?

Clerk: Question 466, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: In connection with the new General Medical Council framework about to go live, has Government set a frequency for revalidation as is done in the UK, where there is a five-year plan? Will there be a similar revalidation timeline put in place for Gibraltar?

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Clerk: Question 467, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who will be doing the peer review or appraisals when the General Medical Council Framework is implemented?

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Clerk: Question 468, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who is going to be the responsible body and officer once the General Medical Council structure comes into place?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Minister for Health and the Registration Board have been in extensive consultation with doctors since 2013. This included periodic e-mails and updates from the Medical Registration Board to registrants, open presentations for all doctors private and public, meetings with the Minister – myself – with doctors' representatives, regular meetings of the Revalidation Committee set up by me, regular meetings with private doctors and periodic meetings with the resumed Medical Advisory Committee of the GHA.

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All doctors have to obtain a licence from the General Medical Council, as this is essential to raising standards at all levels and to providing public confidence in the Health Services.

The General Medical Council has several procedures for doctors with different levels of achievement and help is available to assist doctors in selecting the route appropriate for them. Doctors who do not wish to register will be encouraged to do so, so that they do not lose the ability to practise.

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There is no requirement for doctors to be re-educated or to undertake courses in tertiary clinics and universities. The GMC only expects a doctor to possess the minimum undergraduate medical qualification. Any doctor, who can satisfy the GMC that he or she has either a recognised primary medical qualification or has achieved a level of competence equivalent to such a qualification will be granted a licence to practise.

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There is no requirement for doctors to be retrained under the framework. They have to show evidence of a recognised primary medical qualification or the basic level of competence equivalent to that of a newly qualified doctor.

The GMC is a statutory regulatory body in the UK. Gibraltar has its own statutory regulatory body, the Medical Registration Board, which works separately from the GMC but in partnership with it.

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The BMA is a trade union. Many Gibraltar doctors have joined other trade unions already operating in Gibraltar, such as Unite or GGCA. However, doctors are free to join the BMA should they so wish. There was a time, Mr Speaker, when they had a branch in Gibraltar, but that is no longer the case.

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The Medical Registration Board has been setting standards for doctors practising in Gibraltar from its inception in 1997 and it has largely applied the GMC Council standards for its purpose. Hence there should not be any significant change in the standards expected of doctors in Gibraltar, although, through the need for appraisal and revalidation, standards are expected to rise.

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The main additional responsibility that doctors will have to undertake is the annual appraisal. The GHA has contracted with accredited appraisers to provide the appraisal services for doctors. It already has infrastructure that the GMC requires, like complaints procedures, clinical governance policy and the responsible officer system, while it is progressively building up other infrastructure such as clinical audit.

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Doctors who wish to practise in Gibraltar must obtain a GMC Council licence irrespective of nationality. The European Union requires that doctors who work in multiple EEA countries should be regulated by at least their country of establishment, but they may be subject to regulation by all the countries in which they work.

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Revalidation of doctors in Gibraltar will take place ordinarily every five years, as in the UK. For some doctors the first revalidation may occur sooner, for other doctors the responsible officer has the power to seek deferment.

In the case of GHA doctors, a contract has been in place for the past two years with Health Education Wessex to provide appraisals for all GHA doctors. Most private doctors have also set up similar appraisal agreements with Spire, which is a private medical organisation in the UK, or Wessex, the same one for the GHA uses, or other accredited providers.

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In relation to other designated bodies, the Medical and Health Responsible Officer Rules 2014 created designated bodies under the schedule, and these included (a) the Gibraltar Health Authority, (b) Post graduate medical deaneries established in the UK, and (c) bodies which employ or contract with medical practitioners.

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The Gibraltar Health Authority has appointed Mr Safwat Tosson as its responsible officer and he has been accepted by the GMC as a suitable person.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I have a couple of minutes because there were about 10 or 12 questions and I need to look over anything that the hon. Member may not have dealt with?

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Mr Speaker: On one occasion today also we had a number of questions together ... *[Inaudible]* if hon. Members are agreeable, generally speaking it was a practice that I adopted previously, before the General Election, where such a huge number of questions are answered together, I could ask the answer ... *[Inaudible]* because I get here all the answers together. This would be made available at the end of the meeting. I think unless Government Ministers are not agreeable to the procedure ... , they were in the part, I think I should make that available, because I think it helps both sides, because sometimes listening to the answers to ... *[Inaudible]* questions, the questioner may not realise that he or she has received an answer until they see it in print.

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I am sorry that I did not do so ... *[Inaudible]* Trevor Hammond ... *[Inaudible]* I would like to do it now and continue to adopt that practice. Okay?

Hon. Dr J E Cortes: Mr Speaker, let me just point out that there is a logic behind the joining together. As I explained in the Environment section, they were all related to the Environmental Action and Management Plan, and these are all related to the registration of doctors. It is a logical sequence that I have followed and there was no reason other than pooling all together, because one does flow into the other.

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Hon. Ms M D Hassan Nahon: I completely understand that it is all one big package, but I now need to digest all the information and I cannot simply launch into supplementaries without digesting what the hon. Member has answered.

3100 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I totally accept that. I just wanted, by way of explanation, to say that there was no malice in the –

Mr Speaker: No, it is a regular practice and I understand the Hon. Mr Elliott Phillips is already in a position to ask a supplementary. He can do so by all means.

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Hon. E J Phillips: I am grateful, Mr Speaker, and firstly I thank the hon. Lady for bringing this subject to Parliament. I think it is an interesting subject. It affects many doctors in our jurisdiction and I think the whole House should join us in saying they do a sterling job both in public and private practice.

3110 My question in particular addresses the question of non-EU doctors. The question of EU doctors I think was dealt with by the hon. Gentleman in respect of revalidation, but my question relates to the non-EU doctors and how the Government intends to deal with their revalidation.

3115 From my experience with those doctors who practise in Gibraltar, both in public and private, they have some very deep concerns and reservations about the regulation, and that relates mainly to their revalidation in Gibraltar. I would like confirmation from the Minister as to how they go about dealing with their revalidation and their recognition, because quite clearly many of the non-EU doctors who are practising, both in public and private, have done amazing work within the GHA and in their private practices, and I think we should be very careful when dealing with doctors who have had 30 years of unhindered practice in this jurisdiction and particularly, 3120 without any cause for complaint, that we should make sure that they are also catered for.

A Member: Hear, hear.

3125 **Hon. Dr J E Cortes:** Mr Speaker, absolutely. There are a handful of such doctors, not many, and there are ways in which the GMC can accept their revalidation, and I am, in fact – not just my team but myself personally – in discussion with the GMC to find a way through, and we believe that we have found a way because of the fact that they have been practising in Gibraltar for such a long time. The GMC has certain clauses which may be applicable here. I cannot go any further because we are still in discussions, but I am hopeful that by the time this now becomes a requirement, because I extended the period in order to allow persons like the doctors the hon. 3130 Member has mentioned, who are genuinely trying to register ... and there may be a doctor who decides he cannot be bothered for whatever reason, very very few, or may be concerned about their ability to reregister – and I do not know of any. Most of the doctors are absolutely working hard to revalidate and therefore we have extended the period to the end of the year and we are very close in our discussions with the GMC and I suspect this will be resolved, otherwise we will 3135 have to address the issue. But we are working to resolve it.

Hon. Ms M D Hassan Nahon: Mr Speaker, how would you propose I put forward my supplementaries – one by one?

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Mr Speaker: As you wish.

3145 **Hon. Ms M D Hassan Nahon:** Okay. I noticed there was a supplementary in the *Gazette* a few days after I put my questions forward, and from what I understand in my limited legal knowledge as a lay person is that the doctors who have been hired before 2017 are in a different package to those who will be taken in after 2017. If that is the case, does that not, in effect, provide a two-tier system, which would raise questions of different standards and doctors

having different treatment in that sense? Because I believe this is a worry for the doctors at the moment.

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Hon. Dr J E Cortes: No, Mr Speaker, that is not the case. I think the hon. Member may be referring to something else, in that doctors who were registered before 2015 had a slightly different regime, but the amendment that was published last week ... and it was not as a result of this question – this is something we had to publish before July because the time was arriving, and it was largely in order to rectify what may have seemed unfair but, in order to take account of those doctors who were genuinely legitimately trying to get their paperwork and so on in order with the GMC ... So there is no difference as to whether they are registering now or registering later.

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The law will apply as from 1st January 2017, requiring doctors to be registered and licensed by the GMC. If their licence is not due for another two or three years they will be registered in Gibraltar and then they will have to revalidate at that time, but I do not think there is going to be that difficulty in the future.

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Hon. Ms M D Hassan Nahon: As a supplementary to Question 460, the hon. Member says that there is no requirement for doctors to be re-educated or undertake courses, but from my understanding, speaking to doctors who practise in the UK, it is the failing doctors who need to keep up with and take courses This is all part of the GMC framework. Do we not have a structure for these failing doctors as part of the infrastructure that you surely must have been preparing in order for this system to work in order for doctors to be put right, shall we say, in terms of training. How would you go about this?

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Hon. Dr J E Cortes: Well, no doctors have failed yet because we have not introduced the system yet, although because we have been able to get a responsible officer, under our law, accepted as a suitable person, which is a legal term under UK law, by the GMC, we have already revalidated and licensed doctors, so this is already happening.

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Failed doctors will have to be dealt with at the time. If they are within the Health Authority, then the Health Authority will take a view as to why they have failed, as to whether it is issues that should concern the employer in a negative way or should suggest to the employer that they assist the doctor in making good those failings.

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If they are in the private sector, then it would be the private employer who would have to assume that responsibility. I suspect this is the case in the UK.

Hon. Ms M D Hassan Nahon: But, Mr Speaker, when you embark on a system of clinical governance to improve standards across the board, surely there has to be an overall skeleton of how this is going to be achieved. I understand that we have not started yet with the doctors – we do not have failing doctors because the system has not technically gone live yet – but surely there has to be a plan of action for when these things start to happen, because the whole point is to keep the standards up. If we do not have a system whereby we have not yet spoken to universities in England in order to provide the training for the doctors who are failing, what is the point of embarking on this system for higher standards?

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Hon. Dr J E Cortes: Mr Speaker, this is all speculative but I am not going to not answer for that reason.

Doctors who fail would not be able to continue to practice until they have taken remedial steps. The remedial steps could be extremely broad and wide. If they require some kind of support or they deserve some kind of support, then that will have to be considered on its merits. It could be that doctors who fail – and I think it is highly unlikely that any will – may have to have other more negative steps taken, depending on the reasons for failure.

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3200 I do not think we can see this as a negative. Until these regulations were introduced there
was no system of checking on doctors. You had to rely on people maybe coming up with
complaints and then referring it to the Medical Registration Board, perhaps referring it to the
GMC. At least now we will be able to ensure that by annual appraisals and by regular
3205 revalidation these standards are maintained, and I think we should look at the positive – always
being available to consider and discuss individual doctors who may, and I suspect there will be
very few, who fail in their revalidation. The support would be given absolutely if they deserve it.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have no doubt that the support would be given,
and in particular working with the hon. Member behind the scenes, always willing to help
people, I can assure you that he is more than accommodating in his capacity as Minister for
3210 Health. But, in my humble opinion, I remain disappointed that the Government has embarked
on a system where they have not encompassed every single aspect of what can happen and how
they will deal with the remediation for that. But I will let it be and remain positive and hope that
there will be a plan if and when that does happen.

Turning to a supplementary on Question 462, which refers to the BMA and learning that
3215 there used to be a BMA in Gibraltar, which I actually did not know about, the hon. Member, the
Minister for Health tells me that doctors have joined different unions. The thing that also leaves
me disappointed is that, as we know, the GMC came about largely as a result of the horrendous
things that were done to patients by Harold Shipman. This was why the whole thing came about,
and basically the General Medical Council is there to protect patients. But doctors themselves
3220 need their own union for protection and the BMA is the bespoke union for doctors, so my
question was whether Government would look at bringing a support body or working directly
with the BMA in the United Kingdom as a bespoke medical union in order to provide for the
needs of doctors, which is a very technical profession and not a profession which can be
generically be taken care of by a generic union, in order that doctors themselves feel protected
3225 and so they can feel that there is a remediation system in place for them by a bespoke union.

Hon. Dr J E Cortes: Mr Speaker, the BMA is an independent trade union that doctors can join.
It is not for the Government or the Health Authority to decide what union the doctors wish to
join.

3230 There used to be a BMA in Gibraltar. It was still there when I left the GHA in my former
incarnation in 1991; it was no longer there when I re-joined it as Chairman in 2011. The
Government and the GHA cannot direct and would not dream of suggesting to its employees
which union they should join. They are currently represented by Unite largely and some by
GGCA. They are free to join the BMA, but this is something that would have to be at the
3235 instigation and initiative of the doctors and not of the Government or the Health Authority.

Hon. Ms M D Hassan Nahon: Does the hon. Member, the Minister for Health believe ... This
is as a supplementary to Question 464, when I asked about infrastructure to cope with this new
regulatory standard. Does he feel that doctors are feeling upbeat about this new system? From
3240 my understanding the morale is quite low and they do not feel ready to take on this new
infrastructure.

Hon. Dr J E Cortes: It depends on who you talk to. The initiative was largely spearheaded by a
group of doctors who were very concerned that if we did not enact laws in Gibraltar to allow
3245 revalidation while they were practising here, they would actually lose their licence to practise in
the UK, which they considered important in some cases because they may want to do locum
work in the UK or because they thought it was better for them on their CV and for their own
good standing to have this licence. So this was supported by a large body of doctors.

There were other doctors who doubted that we would be able to pull this off and be able to
3250 get the GMC support in establishing them – I am glad to say that we did get GMC support – and

many of those have said, 'Well done, it is something that we did not think you would achieve but was achieved.' There are some doctors who still feel that perhaps this is not the system that is most appropriate, but I am convinced that it will do a lot to improve the medical standards in Gibraltar, and I am also convinced that as we roll the system out our doctors will feel ... as
3255 happened in the UK, where there was a lot of debate for many years and now the general body of doctors actually accept that it is good for them and it is good for their patients.

Hon. Ms M D Hassan Nahon: In regard to the doctors who may not be the ones who are happy and supportive of this, does the hon. Gentleman worry of a possible exodus of the highly
3260 qualified doctors or consultants who do not want to be submitted to this, and that if there is an exodus ...? I understand a few doctors or consultants have already resigned.

Trust me, I am not in any way rubbing my hands with glee. My interests are always for the good of this community, but given that some are feeling disenfranchised, does the Health Minister have plans to bring in more doctors so that we do not have a domino effect of
3265 cancelled operations or chaos, shall we say, in the hospital?

Hon. Dr J E Cortes: Mr Speaker, I am not expecting an exodus – certainly not expecting an exodus of any doctor committed to improving standards. I am not aware of any doctor who has resigned specifically because they have not been able to register, and if doctors resign for
3270 whatever reason, or retire for whatever reason, we will of course replace them.

Hon. R M Clinton: Mr Speaker, if I may, would it be a logical conclusion to come to, in terms of future recruitment policy of say the GHA, that he would make it a requirement that any applicants should be registered with the GMC in future?
3275

Hon. Dr J E Cortes: Mr Speaker, that is already a requirement as a result of this legislation. So any new appointments would have to be registered. The only exception would be they would have to convince the board that they were registerable without any issues and the appointment would then be dependent on that.
3280

Hon. Ms M D Hassan Nahon: Mr Speaker, from what I understand, the responsible officer would be Doctor Tosson, as the Minister for Health has said. Has Government thought out how to ensure that in a small place like Gibraltar with a small hospital, that whoever the responsible officer may be – in this case, Doctor Tosson – he maintains a firm level of impartiality in ensuring
3285 that no doctor feels that any personal acrimony may lead to poor appraisals and poorer standards for them, and effectively a worse report?

Hon. Dr J E Cortes: Absolutely, Mr Speaker. Any indication that there was any abuse of position would be dealt with most seriously.
3290

We also have a number of arrangements that are coming into place with regard to cases where, quite legitimately and for no negative reason, there may be a conflict between one particular responsible officer and perhaps a particular doctor. So we have arrangements coming into place with a number of UK bodies that we are linked with, so that we can use their responsible officer in order to be a backup to ours.
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Hon. Ms M D Hassan Nahon: Going back to Question 459 and reading the response of the hon. Member, he says that doctors who do not wish to register will be encouraged to do so, so that they do not lose the ability to practice. This means that effectively some doctors who may insist in not wanting to join this body, this infrastructure, they will effectively lose their positions within the hospital. If that is the case, how long is the grace period until they have to pack up and leave, basically?
3300

3305 **Hon. Dr J E Cortes:** Mr Speaker, doctors were given 18 months until July this year; they have been given an additional six months. This has been done because there are legitimate cases where there have been procedural issues. If that fails, then we will have to consider what action is taken, but as I said earlier in answer to the Hon. Mr Phillips, I am confident that with the progress that we are making with the GMC that will not be an issue, but I will have to address that when the time comes.

3310 **Hon. Ms M D Hassan Nahon:** One more question. I am sorry if I have missed it in all the answers that I have been given, but as from when this system goes live does this mean that the doctors who do have the six months' grace period, are they entitled to practise? How does it work exactly? Are they entitled to carry on, even if they are not with the GMC in the hospital?

3315 **Hon. Dr J E Cortes:** Yes, Mr Speaker, provided they are taking steps to register and they are not just deciding they do not want to – and I can tell you that all the cases I am aware of are taking steps to register – then they can carry on practising.

3320 Mr Speaker, they are all qualified medical professionals. We are going that extra mile to ensure an increase in standards, so it is not that anybody is at any particular risk. They are able to carry on practising until the end of the year because we feel that that is enough time for them to regularise the situation.

Q469/2016
St Bernard's Hospital –
Number of surgeons

Clerk: Question 469, the Hon. Ms M D Hassan Nahon.

3325 **Hon. Ms M D Hassan Nahon:** Within the last eight years, two separate reviews have concluded that St Bernard's Hospital was short on surgeons. This has not been listened to and we still have the same number of surgeons. Does the Minister for Health have any plans to adhere to these reviews as a matter of priority and increase the number of surgeons in the hospital?

3330 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

3335 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, this is not the case. The total number of surgeons in the past eight years has been: 2009, 15; 2010, 15; 2011, 16; 2012, 13; 2013, 16; 2014, 18; 2015, 19; 2016 reads 19 but in fact should read 20. Let me add that this is including all grades of surgeon from consultant through associate specialist to non-consultant hospital doctor.

3340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, let me clarify: I was talking about surgeons, and if I have my information incorrect then I apologise but I want to make clear that I have been given information that there are two surgeons in the hospital, one locum and one regular. Can the Minister please confirm that this is in fact completely incorrect and we are talking about over 10, 12 numbers, as he says?

3345 **Hon. Dr J E Cortes:** Mr Speaker, I have included surgeons who are doctors who operate. That includes junior doctors, associate specialists, it includes gynaecologists, orthopaedic surgeons

and general surgeons, and the numbers ... and those are consultants. If we only look at consultants, the numbers have increased from seven to 12 from 2009 to the present.

3350 General surgeons: there are three consultant general surgeons and one associate specialist general surgeon. But the numbers of junior doctors have increased from I believe it was four to six, and they are the surgical team.

3355 We also use services on a sessional basis for particular specialities – for example, urology. We now have a urologist who does five sessions a week, which is half time, and I have not included that one. So the figures are there and I can put names to them – not here, obviously, but I could do that.

3360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the names of two doctors who have recently resigned and I would like to ask the hon. Member how the GHA is mitigating this loss, how they are keeping up with operations based on the fact that two general surgeons, I believe they are, have resigned; and does this effectively mean more outsourcing to Xanit? Is there a direct correlation between doctors who are resigning or leaving and the influx to Xanit?

3365 **Hon. Dr J E Cortes:** That would be very hard to determine. I do not think so. These resignations are very recent: one is about a week old; the other one is a resignation/retirement, which is not effective until August and we have already started the recruitment process. So I do not think that any of those have resulted in cases referred to Xanit, but I would have to look case by case. Certainly one of them is not effective until August, so that would not be the case.

Q470/2016
St Bernard's Hospital –
Bullying of junior doctors

Clerk: Question 470, the Hon. Ms M D Hassan Nahon.

3370 **Hon. Ms M D Hassan Nahon:** Would the Minister for Health be willing to investigate the fact that various junior doctors in St Bernard's Hospital, despite feeling too scared to come forward about it, are feeling bullied by some in managerial or directorial positions?

3375 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

3380 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, let me first say – I made a note and then, because of all the issues we were dealing with ... I thank the hon. Lady for the favourable comments she made about me earlier. I do appreciate it and I will continue to co-operate with her in any way I can for the good of the people that we serve.

3385 Mr Speaker, any such allegation would of course be investigated without any cause for worry on the part of the complainants and I would encourage the hon. Lady to let them know that they can come and see me ... I am not saying tomorrow, because tomorrow we will be here but when next they have the opportunity, and I will more than willing on a confidential basis to take up any of their concerns.

3390 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will do my best, obviously, but I think there is a lot of fear, and on that basis, if I am not at liberty I will not be able, much as I would like to, to collaborate. But I urge the Minister to keep an eye open for the low morale that is resulting out

of this and that he should take my word that the information I come with in this House is true and I will do my best to try and furnish him with more information on this.

3395 **Hon. D A Feetham:** Mr Speaker, it has to be said, in relation to this, that I have also received some complaints, and not only in relation to junior doctors but senior nursing staff, which I am looking at at the present moment in time. I do not know whether they are related or not, but certainly I am also prepared to sit down with the hon. Gentleman to make sure that this is panned out, because it is not in the interest of anybody to have low morale amongst either junior doctors or senior nursing staff.

3400 **Hon. Dr J E Cortes:** Mr Speaker, I must comment here. I have no doubt that the hon. Lady is convinced that the information she is given is correct and she would not bring it here if she thought it was not. In the case, for example, of the number of surgeons, it has not been correct, but that is no reflection on her, Mr Speaker, but on the information.

3405 But certainly anybody who feels that coming out with concerns cannot be done because of fear of some kind of retribution should absolutely have it clear that that is not the case, and I think the Members opposite know very well that I would deal with them in a proper manner because I would not tolerate such matters.

Q471-472/2016
Xanit Hospital –
Transfer of patients by ambulance

3410 **Clerk:** Question 471, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are we using our own ambulances and doctors or ambulances and doctors from Xanit when transferring a patient to Xanit Hospital in Spain?

3415 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 472.

3420 **Clerk:** Question 472, the Hon. Miss M D Hassan Nahon.

Hon. Miss M D Hassan Nahon: How much is it costing to transfer a patient to Xanit Hospital in Spain by ambulance?

3425 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Hon. Dr J E Cortes: Mr Speaker, the information on costs is commercially sensitive but I would be happy to supply it on a confidential basis.

3430 A Xanit retrieval team is used when transferring critically ill patients to Xanit or other hospitals in Spain from St Bernard's Hospital. Local doctors are not used nor contracted to do so. The retrieval team and patient are normally transported by a GHA ambulance, but on occasions, although rare, subcontracted ambulances have been used.

3435 **Hon. Miss M D Hassan Nahon:** Mr Speaker, I would just like to make the hon. Member aware of the fact that I believe that some A&E doctors are feeling disenfranchised from this opportunity, which at the same time apparently costs more when using the Spanish alternative.

3440 **Hon. Dr J E Cortes:** Mr Speaker, A&E doctors should not feel that way because it would not be A&E doctors who transfer a critically ill patient; it would be an anaesthetist. (*Interjection by Ms M D Hassan Nahon*)

3445 The cost is for the crew. The anaesthetist service and the provision of the anaesthetist as such is not charged for separately. This was added because the GHA felt it exposed the community when we have a low number of anaesthetists present in the hospital, if one of them were to go on an ambulance to transfer a patient to Xanit and then we have got a couple of emergencies turning up.

3450 So an arrangement was made with Xanit as a result of the fact that clearly we have a relationship with them and they provide the anaesthetist without charging over the charge that was being charged for the crew. Therefore, I do not think that is correct. But our anaesthetists may not be aware and may be thinking that we are paying large amounts, which we in fact are not paying.

3455 **Hon. Ms M D Hassan Nahon:** I am sorry, I do not quite understand. Is the hon. Member saying that it is actually cheaper all round and logistically wiser and more viable to go with the Spanish option and not our own?

Hon. Dr J E Cortes: Mr Speaker, I am saying that it is not just cost. Sending an anaesthetist from St Bernard's to accompany a patient to Xanit is removing an anaesthetist who I would rather have here attending to possible emergencies.

3460 Therefore, in order not to delay, for example, a critically ill patient in transferring by having to call somebody in, for example – should they be available, which is not necessarily the case – and in order not to transfer a patient without an anaesthetist, an arrangement was made that for those critically ill patients, and it does not happen every day, Xanit supplies an anaesthetist to go with the patient.

3465 **Hon. D A Feetham:** Mr Speaker, in relation to Question 472, which was the question about the cost to transfer patients to Xanit in Spain by ambulance, and the hon. Gentleman has said that he is not prepared to provide that information, can he elaborate first of all – and I have got another supplementary, but can he elaborate why the Government cannot provide that information? The Government, for example, does not have to provide the information of the actual cost per ambulance; it may be able to provide a cost over a period of time in order to disguise any commercially sensitive information. That is one question.

3470 I will ask a second, if Mr Speaker does not mind, and therefore get it out of the way, so to speak. Is that cost of transferring patients to Xanit Hospital by ambulance subsumed within the £7.1 million that it is actually costing the Government of Gibraltar at the moment to use Xanit Hospital, which was the schedule that he provided to me when he answered a question. I would be very surprised if it was not, but I would like the hon. Gentleman to confirm that.

3480 **Hon. Dr J E Cortes:** Mr Speaker, I am not sure. I am not going to answer in any other way. The question that I previously answered with those schedules – and if we go through them perhaps we can identify that – was provided by the sponsored patients department based on their information.

3485 I am not absolutely sure, although I can find out, clearly, tomorrow or the day after, whether that is included there, because it is a different process and within the Civil Service public service accounting processes it may be a different head and maybe when that information was asked for it did not come from that head and that information is not there. I cannot answer that now.

3490 On the question of why is it essentially commercially sensitive, it may be possible to pool figures but I took the question as a detailed cost for transfer. But there are other private entities in the area in the game and therefore publicly stating what we are paying to one particular entity when there are others I do not think is correct. But as I say, I am happy to share it on a confidential basis.

3495 **Hon. D A Feetham:** Yes, Mr Speaker, but in my respectful view it is a perfectly reasonable question that the hon. Lady has asked, and if there is any problem with commercially sensitive information ... Well, she is not asking, as I understand it, for details of the contract and detailed prices. But, for example, the hon. Member can say it is costing the GHA x amount per month to send these people by ambulance, or per week or whatever, and I just wonder whether he is willing to provide that information and willing to write to me and also to the hon. Lady and provide the information, because that at the very least will provide us with some information in relation to what is an important question.

3505 **Hon. Dr J E Cortes:** Mr Speaker, I said more than that. I said I would be willing to provide the information on a confidential basis. But as far as monthly figures, yes, I do not have an issue with that; I just did not want to give more specific details which could be used by other commercial entities also in the market of ambulances.

I would ask the hon. Lady or the hon. Gentleman, or both, either to write to me or to remind me tomorrow so that I can make sure that I do. I am sure that I will remember, but I do not want to be taken to task for not having provided information otherwise.

Q473/2016
Xanit –
Monthly payment

3510 **Clerk:** Question 473, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How much is being paid by the GHA to Xanit month by month?

3515 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am providing information since the execution of the contract in July 2013 in the handout.

Answer to Q473/2016

Financial Year	Total
2012/13	£1,639,638.11
2013/14	£3,468,875.52
2014/15	£4,681,302.93
2015/16	£7,125,429.41
2016/17 (as at 20th June 16)	£1,466.76

3520 **Hon. Dr J E Cortes:** Mr Speaker, this is unfortunately in annual figures which are similar to the ones that I have already given but totalled up. They may be from not exactly the same period but the figures will be more or less the same – not month by month, because we do not always get invoices on a monthly basis. Sometimes they are pooled together, sometimes they come at the end of a particular patient's treatment, so it would be an artificial figure.

3525 I have given the annual figures, which I hope will be the information more or less that you are interested in, which is very similar to information we have already discussed before. You will see the increase at the time that we discussed.

3530 **Hon. Ms M D Hassan Nahon:** Is the Minister satisfied with the fees in general that the Health Authority incurs in Xanit, or is it looking to bring home many of the treatments in Xanit in order to decrease the expenses that are resulting from Xanit and apply them to St Bernard's instead?

3535 **Hon. Dr J E Cortes:** Yes, of course, Mr Speaker. Repatriation is one of our main aims. At the moment, we are actively working on repatriating urology services so that some of the interventions that could not be done here before are being done, or will be done. As much as we can do here in Gibraltar we will do, and this is an ongoing process in which we are identifying things that we can do within our own resources.

3540 **Hon. R M Clinton:** Mr Speaker, if the Hon. Minister could advise ... We spoke earlier about the quality control over individual doctors. I was just wondering what kind of quality control does the GHA exercise over Xanit, and also, from a financial point of view, are there any processes in place or procedures to ensure that we are getting value for money and that we are not just being treated as a private patient to be exploited commercially?

3545 **Hon. Dr J E Cortes:** Mr Speaker, these are all concerns which I share, and it is my duty to be on top of these things. I think we can still do things better, but let me just say we are not treated as private patients because we have a negotiated rate with them which is not the standard private patients rate, so that is one thing.

3550 There are, I believe, six-weekly meetings of the GHA team with the Xanit team, usually in Gibraltar, sometimes in Xanit, and that goes through clinical, operational, billing, all those sorts of things. We have recently appointed one of our consultants as being the medical co-ordinator with Xanit to be able to improve the clinical work.

3555 So there are regular meetings and regular interactions and we are working on streamlining that and increasing the efficiency and the scrutiny of the work that we do. It is something that one has to be on top of all the time, but it is our duty to ensure that we get value for money and also clinical excellence.

3560 **Hon. D A Feetham:** Just following on from this question, he may not have the information in front of him but what is the difference in rate? He talked about rates. What is the difference in rate between a private care rate so to speak and the rate that the Government gives? What kind of a discount are we seeing that obviously is then reflective of the huge amounts of money that the Government is spending in relation to Xanit, which was £7.1 million last year?

3565 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information. (*Interjection by Hon. D A Feetham*) No, I do not have that information. The contract is now three years old, so it is not in my head at the moment.

I can say that we based the prices that we were seeking on NHS prices with a little bit of ... Obviously, we also need to consider the fact that if patients go to Xanit we do not incur on the travel and accommodation expenses and so on.

3570 That information is in a schedule and if I am asked for it, either in writing or whatever, I can provide that, but I do not have that information at hand at the moment.

Hon. E J Phillips: Does the Minister agree with me that the significant increase from 2012-13 up until 2015-16 should cause the Department for Health a degree of concern? On the basis of the huge amount of figures, the value that is being paid over to this particular hospital, is the Minister concerned about the increasing expense to the public purse in relation to this?

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Hon. Dr J E Cortes: Interested. 'Concern' is a difficult word, because clearly I want to reduce costs but I want to maintain a service. This is why these regular meetings are taking place, why we have appointed a consultant to look at the clinical side and also to have a view at interpreting some of the things that are being done there and to look more closely at what can be done here. So this is constantly being done.

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I would like to reduce our costs everywhere, provided we maintain the service. But remember what I said earlier: we do have more patients. The demand on healthcare has really grown in the last few years for all sorts of reasons, and also, as I sa, a new patient today will still be a patient – hopefully in the sense that they will survive whatever intervention – next year and the year after. So it is a cumulative thing and patients do have to go for review.

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So it is something that I am keen to control and we are setting processes in place in order to keep a very close eye on this, but there is already quite a lot of work being done on this. It is something that is not just being ignored and filed away; it is something that is constantly being looked at.

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Hon. Ms M D Hassan Nahon: Can I just ask: the figure of 2016-17, half a year, but £1,466 surely is not reflective or accurate – is there something that we should be expecting?

Hon. Dr J E Cortes: Mr Speaker, those are the figures that I have. It has raised my attention. I need to check whether there is a typographical error and I can check that tomorrow, or whether it is just that the payments have not been processed because the financial year started on 1st April, but I need to consult.

3595

Hon. Ms M D Hassan Nahon: Can I also ask: perhaps the very steep spike between 2013 and 2015 could have something to do with ... if the hon. Member may agree ... Are more patients now being sent to Xanit and less to the UK? How do these decisions get made? I think that if we are looking at the Budget, we would have to put it all in a basket and see how expenditure is going in general. But is it because we are taking more away from the UK and allocating it more to Spain? And if so, how are these decisions being taken, why and how?

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Hon. Dr J E Cortes: Yes, in part. I do not think we can get away from the fact – and I will provide the figures in my Budget speech – that we have a lot more sponsored patients than we had and the numbers increase. Therefore, no matter where they go the costs are going to go up, and we are trying to control that by repatriating. Chemotherapy is an example, and we are going to be reflecting, as you will see in the estimates next week, by trying to keep a control on the funding for sponsored patients because we want to do things differently. So there will be some redeployment from the UK to Spain, but overall there is an increase in the number of sponsored patients. That is one thing.

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As far as the decisions go, the decisions could be practical in the sense that we need a hospital nearby urgently for something we cannot do here and therefore we send them to Xanit because they are an hour or two down the road. They can be clinical in the sense that the doctor feels that the treatment available there is the one the patient needs, or it can be patient choice. There are some patients who actually do not want to go to the UK because ... In fact, there have been some whose fear of flying keeps them from going to the UK. There are some who have a lot of relatives and they want to be close to them and therefore they would rather be in Xanit than in a centre in UK. So there are all sorts of different reasons why this could be. The decisions are mainly clinical, but there is an element of patient's choice in it.

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3625 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I know that my father always used to say that Gibraltar's national sport is gossip, so we cannot take everything we hear law, but there has been a lot of talk that there was some type of connection between a relative of the GHA and Xanit and some type of venture. There has been a lot of talk about that and that patients were sent to Xanit a lot as a result of some sort of joint venture. Can the Minister put us all at ease that there has been no such venture between any relative of the GHA leading to the spike of budget towards Xanit?

3630

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, if I may, on points of order I think that it would be a very dangerous precedent if a Member opposite were to ask us a question on the basis of gossip, because as the hon. Lady very rightly says, in Gibraltar it is quite common to hear things said about people, about things which happen to have no fact or basis at all and are unsubstantiated.

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In that respect, Mr Speaker, on a point of order I would say that it would be out of order to ask a question as to whether statements of private individuals are accurate. There is no way that the hon. Gentleman would be able to know if any private individual has made a statement which is accurate or not.

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Also, Mr Speaker, a question should not be asked for an expression of opinion or on a hypothetical. I know that the hon. Lady asks in good faith, because if she hears something it may be important to ask it, but on those two Standing Orders alone it would be extremely dangerous if, on the basis of gossip, the Minister responsible were to be asked to provide an answer in this House.

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Mr Speaker: The Hon. Minister is, of course, perfectly correct.

Hon. Dr J E Cortes: Mr Speaker, I am grateful to my colleague, but because the question was asked in good faith I can just say, without actually responding to the gossip specifically, that a contract with Xanit came about as a result of the need to formalise an ad hoc arrangement which was not working and was not safe, and had nothing to do with any relationships with anybody in GHA or anywhere else.

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I have answered that because of the good faith and because of the fact that the hon. Member is relatively new to this House, but I thank my hon. and learned Friend for his intervention.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I know it is not a question and I have been accused of making comments and not questions, but I just want to say I am grateful for your faith in my good faith, and also that because we live in a small village words do get around, and there is gossip but there is also the saying 'no smoke without a fire'. So trust me when I say I am giving the hon. Member the opportunity to put out some bad rumours that go about which shape the talk of the town in our little town, which end up becoming concerns. So thank you for that.

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Mr Speaker: I think it is a day of records. I have never known any Minister to answer questions without interruption – well, with just a short comfort break. I have never known a Minister, in all the years that I have been in the House, to answer questions for so long. A great *tour de force*. I commend the Minister and I am going to give him the opportunity, therefore, to move the adjournment of the House until tomorrow.

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Hon. Dr J E Cortes: Yes, Mr Speaker, I move that we adjourn the House until tomorrow morning at 10 o'clock.

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Mr Speaker: The House will adjourn until tomorrow morning at 10.00 a.m.

The House adjourned at 8.11 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.44 p.m.

Gibraltar, Thursday, 30th June 2016

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q277-278/2016 Disability Allowance – Entitlement

Clerk: Meeting of Parliament, Thursday, 30th June 2016.

We continue with answers to questions. We commence with Question 277, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government state who is involved in the decision making as to whether a person shall be entitled or not to a disability allowance?

Clerk: Answer, the Hon. the Minister for Business and Employment.

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 278/2016.

Clerk: Question 278, the Hon. L F Llamas.

15

Hon. L F Llamas: Can the Government provide details of the number of persons with disability and consequently receiving a disability allowance, providing details of condition and whether the disability arose from birth or later?

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Clerk: Answer, the Hon. the Minister for Business and Employment.

25

Hon. N F Costa: Mr Speaker, the Director of Social Security makes a reasoned decision on whether a person shall be entitled or not to Disability Allowance, having regard to all the particulars of a case. A panel made up of health professionals assess applications for Disability Allowance and provide advice and recommendations to the Director of Social Security. The panel consists of health professionals made up as follows: a physician drawn from a number of possible specialties, a psychologist, a physiotherapist, an occupational therapist, a social worker, a speech and language therapist, a general practitioner, a mental health welfare officer and a lay person appointed by the Director.

30 I would like to explain, Mr Speaker, that since July 2015 Disability Allowance is no longer
awarded on the basis of having a particular health condition or impairment, but on the impact of
the health condition or impairment that this has on the person claiming Disability Allowance or
on their carer's everyday life. It is not the role of the health professionals on the panel to
35 consider diagnosis, but rather whether the impairment has a substantial and long-term adverse
effect on his or her ability to carry out normal day-to-day activities. It may not always be
possible, nor necessary, to categorise a condition as either physical or mental impairment, as the
underlying cause of the impairment may be hard to establish. In many instances it is a
combination of different conditions that is substantially impacting on the activities of daily living.
40 It is the effects of these impairments that are being considered by the panel, rather than the
underlying conditions themselves.

We are not able, Mr Speaker, to release information on the conditions of the persons in
receipt of a disability allowance, as this is sensitive personal information and some individuals
may be identifiable from the information being requested. Releasing the information would in
any case contravene the Data Protection Act. As a result, it is immaterial whether or not a
45 disability arises from birth.

The number of persons receiving Disability Allowance as at the end of May 2016 is 243.

Hon. L F Llamas: Thank you very much for that well-detailed answer; I am really appreciative
of that.

50 Would the Minister be able to confirm whether the Director, in making the final decision,
normally accepts the recommendations of the board, or are there times when he refuses
recommendations made by that board?

Hon. N F Costa: Mr Speaker, if I may, it is actually a very good question, because there have
55 been instances where an applicant has made an initial application which has been rejected,
which then is brought to appeal by a different panel, which then also reject it, but the Director
has been told by me on various occasions that even when the panel advises against the award of
Disability Allowance she should not feel fettered by that and that she has an absolute discretion
to exercise that discretion in favour of a person, even when the panel advises against it. But if
60 memory serves me well, she has accepted the advice of the professionals on 100% of the
occasions. I can check the exact figure, but I think it is 100%.

Hon. T N Hammond: Mr Speaker, just reference whether the disabilities arose from birth or
later, I understand the Minister has already suggested that there may be data protection issues
65 at stake here. However, I do not think it would be unreasonable to provide a figure on that basis
and that it would be very difficult without going into any details of disability or anything on
providing a figure for the numbers of people who receive Disability Allowance or who have
received Disability Allowance from birth and those who have received Disability Allowance
having developed a disability during their lives.

70
Hon. N F Costa: Mr Speaker, if the panel would make a decision on whether to award the
allowance on the basis of whether or not a person had the disability from birth, then I would
agree with him that it would only be proper that I provide that information, but what I have just
explained to the Hon. Mr Llamas is that the panel does not consider that particular condition.
75 The panel considers whether the impairment or condition of the person has an impact on the
daily living of the person. To put it another way, the things that he and I, I suspect, take for
granted, like getting up in the morning, dressing oneself, showering, coming to work, walking
and seeking jobs and so on ... those things which he and I take for granted may not be able to be
carried out by a person who has a disability or some other impairment, and the panel considers
80 whether that impairment affects a person's ability to get on with his or her life independently, as
he and I do. Therefore, there is never an analysis on whether a person was born with a particular

condition from birth, so it is not part of the consideration. This is why I said that the award is not contingent on that condition. If it were, I would provide the details, but it is not, so it does not arise.

85

Hon. T N Hammond: In which case, would the Minister be willing to provide figures purely for those who have been awarded disability allowances by the panel?

90

Hon. N F Costa: Mr Speaker, I am not sure that I have understood the hon. Gentleman correctly, but my concluding sentence was that there are 243 people in receipt of the allowance. Was that what he was asking?

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Hon. T N Hammond: Possibly. That is 243 people who have been awarded the Disability Allowance by the panel?

Hon. N F Costa: Yes.

Hon. T N Hammond: I missed that point. Thank you.

Q279/2016
Registered unemployed –
Quarterly average

Clerk: Question 279, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Minister for Business and Employment provide this House with the quarterly average for registered unemployed?

Clerk: Answer, the Hon. the Minister for Business and Employment.

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the quarterly average for the period ending March 2016 was 291.

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Hon. E J Phillips: I am grateful for the response by the Minister for Business and Employment. Given that the figures that we were looking at during the General Election were about 164, and then at the last Parliament that we had here, in February I believe it was, the figure was 255 and now increasing to 291, I am perfectly aware of the attempts that have been made by the Minister in relation to reducing unemployment, but if he could explain also what other measures the Government are looking at in order to reduce unemployment ... and in particular I raise the question of apprenticeships, because I know that that was raised also in the context of his press releases regarding both those two initiatives that the Government has released – but particularly in relation to that. I understand that he is doing work in relation to getting unemployed ... and I think he has been very helpful to Mr Feetham I me in relation to a number of individuals who have sought employment recently.

115

120

Hon. N F Costa: Mr Speaker, first of all, in respect of apprenticeships, I would simply answer the hon. Gentleman by telling him that there are questions on the Order Paper in that respect. In –

Hon. E J Phillips: I am grateful to him for giving way, but that is one of the questions Mr Clarke, his assistant, I have asked him to check, because in the order there are no questions

125 on apprenticeship. There are four questions but they are not listed in the notice of questions. I
have asked him to go and check to make sure that they do come up to ... I just preface that to
caveat that point on apprenticeships, if they will be raised by Mr Bossano later.

Hon. N F Costa: Mr Speaker, the Hon. Minister Bossano has just told me that the questions
130 the hon. Gentleman has given notice of do not specifically mention the question on
apprenticeships – he asks about training and skills – but there are questions on the Order Paper
in relation to training and skills, if I am not mistaken.

Mr Speaker, then to answer his second supplementary he asks – given that the quarterly
figure in January was 291, I imagine the question was whether there is cause for concern, given
135 that in August of last year the figure was 164. Well, in the first place, I think it should be said that
the employment strategies of the Government are certainly working when last year we had the
lowest ever recorded levels of unemployment. Last year, the quarterly averages were 255, as he
rightly remembers, in the last quarter; 207 in the third quarter; 204 in the second quarter; but it
was 282 in the first quarter; and on this occasion, this year, it is 291. So there is only a very small
140 difference between one and the other.

Without wishing to steal my own thunder for the Budget address, I have to tell him that the
employment strategies that the Hon. Minister Bossano and I are working on – and he makes
particular mention of the press releases and press conferences I have held in respect of the
approved contractors, again on which I am working with the Minister – I am happy to say that
145 those are yielding fruit. Because the month of June closes today, I am unable to give him today
the quarterly figures for the second quarter. I wish I had them with me, because they tell me,
the Employment Service, that they already make good reading, but I am telling him now that I
am confident that, given the focused strategy that we have implemented in calling in the
approved contractors of the Government and asking them to please help us in recruiting persons
150 who are on the unemployment list, the unemployment figures are indeed going down, there is
an increased number of Gibraltarians in employment and I will very happily give him the hard
numbers when we meet for the Budget session.

Hon. E J Phillips: I am grateful for that response, and not wishing to have the last word I will
155 address most of the other questions that relate to training and skills to Minister Bossano.

Thank you.

Q280-283/2016

Gibraltar Joinery & Building Services Ltd – Vacancies; notices of terms of engagement; complaints; termination notices

Clerk: Question 280, the Hon. E J Phillips.

160 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of
vacancies opened by the Employment Service in relation to employment opportunities with
GJBS since 26th November 2015?

Clerk: Answer, the Hon. the Minister for Business and Employment.

165 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Questions 281, 282 and 283/2016.

Clerk: Question 281, the Hon. E J Phillips.

170 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of notices of terms of engagement filed by GJBS since 26th November 2015?

Clerk: Question 282, the Hon. E J Phillips.

175 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the number of employment-related complaints received from current employees and former employees in relation to GJBS?

Clerk: Question 283, the Hon. E J Phillips.

180 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of termination notices filed by GJBS each month to the present day as from 26th November 2015?

Clerk: Answer, the Hon. the Minister for Business and Employment.

185 **Hon. N F Costa:** Mr Speaker, the information the hon. Gentleman requests in respect of vacancies, notices of terms of engagement and notices of termination is confidential by virtue of the Employment Regulations 1994.

In connection with any complaint received by GJBS, the hon. Member should note that I am not the Minister with responsibility for GJBS. In any event, Mr Speaker, please note that any
190 complaint received by the Employment Service would be strictly confidential.

Hon. E J Phillips: Mr Speaker, just one supplementary question, hopefully, in relation to this matter. We receive numerous complaints by employees of GJBS, or former employees, in relation to their employment, and they often say to us, invariably – or most of the time – that
195 they are approaching either your offices or Mr Bossano's offices in relation to it. I am sure Mr Bossano cannot answer now in relation to that point, but it would be helpful to identify the number of complaints so that we know what the Government is doing about that. Are they simply assisting GJBS employees or former employees get further employment, or are they assisting them in their dispute, or just turning them away and saying, 'Look, it's a private matter
200 between you and GJBS,' and nothing further?

Hon. N F Costa: Mr Speaker, I have to tread carefully, because I have just said that the Employment Regulations impose a legal obligation – on employment officers who administer notices, terminations and vacancies – of confidentiality.
205

But whereas the Standing Orders say that we should not deal in hypotheticals, with your indulgence perhaps you would allow me to deal in one hypothetical to say this. If any person, whether they work for GJBS or for any company in Gibraltar, were to come to me to complain of a particular company, my immediate reaction would be to refer him or her to the Labour Inspectorate of the Employment Services, but I would also make it very clear to them what the powers of the Labour Inspectorate are under our legislation and that they should seriously
210 consider obtaining legal advice, because it may be that their only recourse is legal rather than administrative by way of a Labour Inspectorate investigation – hypothetically, should anyone come to my office to complain about anyone.

Q284-285/2016

**Bullying in the public service –
Number of complaints received; action taken**

215 **Clerk:** Question 284, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Business and Employment confirm the number of complaints received by his Department in respect of bullying in the public service workplace?

220 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this Question together with Question 285/2016.

225 **Clerk:** Question 285, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Business and Employment confirm what steps have been taken with respect to any bullying complaints received?

230 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Hon. N F Costa: Mr Speaker, as the hon. Gentleman is aware, I am responsible for four departments, namely the Employment Service, the Department of Social Security, the Office of Fair Trading and the Royal Gibraltar Post Office. In any case, as I have just said in answer to a previous question, any complaint in respect of bullying received by any one of my departments would necessarily be strictly confidential.

235 Should any of my constitutional responsibilities, however, receive a complaint of bullying, I would immediately refer the matter to the Human Resources Department for their investigation and any necessary action. Once again, the Human Resources Department has confirmed to me that any such complaints and investigation by them would be strictly confidential.

240 **Hon. E J Phillips:** Mr Speaker, I am not asking for the confidential details of complaints. All I am asking for are numbers: would you now provide those numbers?

245 **Hon. N F Costa:** Mr Speaker, as I say, should any complaint come to any head of department of my four departments, or should any complaint indeed come to me, my immediate reaction would be to advise either the head of department or myself to refer the matter immediately to the Human Resources Department. It is not something that I would necessarily institute, investigate or take action on. It may be that, in the hypothetical example, somebody does complain to the Human Resources Department and there is an investigation. The Human Resources Department would necessarily have a recommendation to the head of department or to me, which we would have to implement.

250 **Mr Speaker:** We are dealing with two questions here, one of which is asking for statistical information, numbers – that is straightforward. The other one asks about steps to be taken. That is another matter, that steps to be taken can be deemed to be confidential. But I would say, myself, that where we are arriving at numbers, if the Human Resources Department has received four complaints, say, about bullying, that information surely cannot be confidential. It does not have to be.

260 **Hon. N F Costa:** Well, Mr Speaker, that is what I was advised. I personally –

265 **Mr Speaker:** Let me tell you that – as Chairman of the Public Services Commission, we deal with disciplinary matters – I am well versed on the subject. Again, giving information, steps, details, out of the question; but numbers ... Look, I think you should go back to the person who has given you the advice.

Hon. N F Costa: Yes, Mr Speaker, I am happy to do so.

270 **Mr Speaker:** And when you do, bring the advice here to the House.

Hon. N F Costa: Mr Speaker, we ... If –

275 **Mr Speaker:** Remember what I am saying: numbers.

Hon. N F Costa: Yes, but –

280 **Mr Speaker:** If Government, as an employer, receives complaints from a number of their employees, I submit to you that that information does not have to be confidential, covered by any piece of legislation that makes the numbers of complaints confidential. The details: of course you are not supposed to and you must not give any details.

285 **Hon. N F Costa:** Mr Speaker, with all due respect to the chair, if I were to tell any official that I will bring to this House his advice, my fear would be that they may not give me what, in their opinion, is the best advice, because they know that their advice will be ventilated in this House. I will most certainly take Mr Speaker's direction and I will go back –

Mr Speaker: Where?

290 **Hon. N F Costa:** – to the Human Resources Department manager and discuss the matter with him. But if I may, Mr Speaker, and with your indulgence, I will not tell him that I will air his advice in public, because then I will be prejudicing my ability to be able to carry out my constitutional functions.

295 **Mr Speaker:** Where the question is wrongly directed is in that you are asking the Minister for Business and Employment, and that is not his responsibility. He does not have responsibility for Government as an employer, it is the Human Resources Department, and therefore your question should be directed at Government, instead of asking the Minister: can the Government say what steps have been taken; can the Government say how many complaints have the Human Resources Department received in respect of bullying since the legislation was enacted? That is a perfectly legitimate question and you would be asking then someone like ... the Chief Minister presumably would make himself responsible for answering that. But you are directing your questions to the wrong person.

305 **Hon. N F Costa:** Mr Speaker, thank you for bringing up that matter. Certainly if he were to ask me a supplementary, one of the things that I would definitely have said was ... if he were to ask me in respect of bullying complaints before the industrial tribunal, that is certainly different because that is publicly noticed anyway.

310 **Mr Speaker:** The Minister for Employment has responsibility for employers in the private sector; he does not have responsibility for Government as an employer.

315 **Hon. E J Phillips:** The only other question, with the greatest respect, is if he received bullying complaints from his own Department. That is a perfectly plausible question to put to the Minister, of course.

I take the point from the Speaker and I will make sure it is framed better next time, but I would say this ... and I agree with Mr Speaker in relation to the number of complaints and I will put that question in the next session, and if that is not forthcoming I am sure Mr Speaker will have something more to say about it.

320 **Hon. R M Clinton:** Mr Speaker, regarding your comments just now, would it be a correct assumption to make that, really, to make things easier, we on the Opposition benches should always phrase our questions ... or address them to the Government in general, rather than a specific Minister?

325 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, if I may comment, in my view the Opposition asks questions of the Government and the Government designates who should answer it, really.

330 **Mr Speaker:** It is a learning process. It is not something that when you are on the Opposition ... It is a learning process for you. A Member of the Opposition asking a question cannot determine through the question who is going to answer it. The Government can decide. It is the role of the Government, the Chief Minister, to decide who is going to answer.

335 What you are able to do, to guide yourself, is to look very carefully at the portfolios of the Ministers, look very carefully at the responsibilities that they have, which are published in the *Gazette*, and that is very good guidance – you might get it wrong once or twice, but that is very good guidance – and when you are in doubt, instead of mentioning a Minister, ‘Can the Government say ...?’ and someone ought to answer.

340 **Hon. E J Phillips:** Mr Speaker, I think, with your leave, the previous question, in relation to unemployment figures, is a perfect example of where Mr Bossano, the Minister for Training and Skills, interconnects with Mr Costa’s ministry, and the difficulty with that point is that when both Ministers are announcing certain press releases ... One comes to mind from last year in relation to Gibtelecom, for example, where both of them were effectively on the stage announcing that apprenticeship, so it is very difficult to distinguish whether Mr Bossano or Mr Costa should be answering certain questions in relation to employment training skills, and therefore, quite rightly so, maybe address the question to the Government generally ... and up to the Government to allot the question to the relevant Minister. I am grateful.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q286/2016

Marrache & Co –

Offers made for items with heritage and cultural value to Gibraltar

350 **Clerk:** Question 286, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Hon. Minister for Heritage please advise whether an offer has been made to the Marrache & Co joint liquidators by Government for any of the items in the collection for sale; and, if so, how they have been selected?

355 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the collection in question contains items which, the Government was advised, should not be allowed to leave Gibraltar because of their heritage and cultural value to our community.

I can confirm that an offer was made to the joint liquidators of Marrache & Co for all items that had any relevance to Gibraltar, be they artworks, books, prints or documents. The offer was accepted by the liquidators. Due to adjustments required between the amounts due from the joint liquidators, the final nett amount of the offer is not yet determined. The gross offer was £200,000, which was just under the amount of the total offers received by the joint liquidators for parts of the collection related to Gibraltar.

A full statement will be made by the Government shortly on the items acquired and where they can be viewed by the public or where they will be stored and made available for researchers.

Q287/2016
Europa water tanks –
Consent for demolition

Clerk: Question 287, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please confirm that the Government will not allow the demolition of the Rosia ... sorry, the Europa tanks?

360

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): It wasn't the Rosia tanks – the Rosia tanks were destroyed by yourselves! (*Laughter*) And therefore the answer is the Government, after consultation with the Gibraltar Heritage Trust, will not consent as landlords to the destruction of the water tanks under the old Casino building in Europa Road.

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Q288/2016
Gibraltar Music Festival 2015 –
Cost

Clerk: Question 288, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance advise whether the 2015 Gibraltar Music Festival was over budget; and if so, by how much?

370

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, a perfect example of the hon. Member asking the Minister for Public Finance – and I am not the Minister for Public Finance, but I am answering this question, so it just gives us an example of this.

375

The information requested is contained in the draft estimates of revenue and expenditure book, which the hon. Member knows is confidential until the Appropriation Bill is approved by this House. The hon. Member has a copy of this book with the information he requires. Once this happens, the information will be in the public domain for all to see.

380

Hon. R M Clinton: Mr Speaker, I fully recognise that the Estimates Book is entirely confidential and it will become a public domain document during the Appropriation Bill next week.

385 Obviously, because it is a confidential document, we are certainly not in a position to make public any figures from that document; but surely, when asked a specific question such as this one, and where the Government has figures available to it, it would be appropriate for Government to bring those figures into the public domain a week earlier.

390 **Mr Speaker:** No, it is not a question of whether they are a week earlier or not.

Hon. S E Linares: No, Mr Speaker –

395 **Mr Speaker:** These are papers that have been laid in the House. The estimates were given to hon. Members at a certain time on a confidential basis in order to enable them to prepare for the Budget debate.

Next week, you will be able to go to town on the matter, won't you? You have got the estimate; there is going to be a debate precisely on the estimates of expenditure. If you want to, you will be able to have a field day, if such is the case, but not today at Question Time.

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Hon. R M Clinton: Mr Speaker, as you will fully appreciate, I have been after this sort of information since the very first session of this Parliament in January, and the Minister has said, 'The figures are not yet available; I do not have the figures. We will make an announcement in April.' April has come and gone and we have had no announcement. It just happens to be pure coincidence that the Budget is next week.

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Mr Speaker: The information *is* in the estimates: you have them, I have them. I have seen what the figure is. You want to make it public: it will become public next week, but not today. It is very straightforward, and it is the way that this Parliament has been operating since 1950.

410

Hon. R M Clinton: Mr Speaker, respectfully, how much time shall I leave in between Budget sessions when I ask financial questions? Should I not ask a question a month before we get the estimate books, two months, three months, one week?

I know I have the estimates, but I am asking a very specific question, following up questions I have asked before: is he over or under budget? That is all I want to know.

415

Hon. S E Linares: Mr Speaker, it is a question of order as well. The hon. Member should not be asking questions which he has already got eye of anyway. He knows exactly what the figures are. Therefore, I stand to be corrected but you cannot ask a question of what you know the answer for. He *knows* the answer. The fact that he has been asking months and months, and I understand that he has been putting questions every month, and my answer is I cannot give him the answer because it is not finalised. Now it is finalised, he has got the figures, which are confidential, and he can come back next week when it is not confidential, because we have to go through the Appropriation Bill. Therefore, once we go through the Appropriation Bill, he can then use the figures, like Mr Speaker has rightly said.

425

Hon. T N Hammond: Mr Speaker, I think my hon. colleague raises an important point. Where we come to asking questions on issues of public finance, is there a line after which we are not permitted to seek answers – for instance, when we are issued the Estimates Book?

430 It needs to be borne in mind on this particular occasion, I think, that, for external factors – the matters of the Referendum – both sides of the House did agree to suspend this Parliament for a period of months, and therefore, obviously, my hon. colleague has not had an opportunity to come back on his previous questions on this issue, and it just so happens that the first

435 opportunity he has had to do so has occurred a week before the Budget session. But because this particular matter, rather than other matters that may be associated with the Appropriation Bill and the Estimates Book, has been asked previously and we have been promised answers previously, I am sure my hon. colleague – and I agree with him – felt it was appropriate to ask that question again.

440 **Mr Speaker:** The reality, of course, is that you are going to be able to deal with the matter on Monday.

445 From my understanding ... my experience of 16 years in Government is that where the Government expenditure is concerned, a figure can sometimes be put on an item in the estimates halfway through the year – the money has been spent and that is the end of the matter – but there are very many instances where invoices come in, bills have to be paid, and these are submitted on an ongoing basis. The end of the financial year is 31st March. The beginning of March may arrive and not all the invoices have been received, and therefore you cannot give a final figure as to what the outturn has been in respect of some item or other. In some cases you can, because it happened many months ago and that was the end of the matter:
450 a specific sum was spent on a specific matter, and that was it. But where you have ... In this case the Music Festival was a big do and very many people must have been involved in it. Billed invoices are submitted, the Treasury goes through them carefully, payments are made and eventually you get at a figure. That figure, the final outturn, is in the Estimates of Expenditure, because I have seen it. But it is confidential until next week – that is all. You know what it is and
455 you will be able to divulge it next week, and you will be able to debate the matter and hold the Government to account in respect of the figure. So your ability to hold the Government to account is not being curtailed by the fact that you cannot do it today.

460 **Hon. R M Clinton:** So, Mr Speaker, again just for our information and our benefit on the Opposition benches, would I be correct in saying then that the minute we receive the Estimates Book in April we will not be able to ask any questions at all in relation to any outturns?

465 **Mr Speaker:** No, I would not say that it is the case that you cannot ask any questions at all. What you cannot do is to ask for information which is there in the estimates; that is what you cannot do. There might be very many questions which are related. Look, the Estimates of Expenditure cover all Government activity. It does not mean that you cannot ask any questions on Government activity, but a specific item such as that one you cannot ask.

470 **Hon. T N Hammond:** One more question from me, then. Could I just ask the Hon. Minister *when* he had those finalised figures for the expenses of the Music Festival made available to him?

475 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, may I point out to the Members opposite: the figure in the Estimates Book is a forecast even at this stage. What we have is the amount for the whole Budget broken down that was approved a year ago, and then what is the estimate, and that estimate is revised several times until the book is printed. But even after it is printed it is still a forecast. If the hon. Members look at the column that says the final figure for 2014-15, (**Mr Speaker:** Outturn.) the final outturn, and they compare it with last year's forecast, they will find that there was a difference of a
480 couple of million.

Hon. T N Hammond: Of course, I appreciate the Minister's correction there and I do understand that point and the inaccuracy of the statement I made. However, the point remains: was it at the point of publication of the Estimates Book, or the draft that he would have seen, is

485 that the point at which the Minister became aware of the forecast outturn for the Gibraltar Music Festival, or was he aware of the forecast outturn at some point before that?

Hon. S E Linares: As soon as they are sent to the printers, it is the forecast outturn, i.e. an estimate of what is going to be spent up to the end of the year. If you look at the book, next year, before you print, you have the actual, exactly how much has been spent. So, at this stage, 490 there is a forecast up to the end of the year, but like Mr Speaker said, we are still receiving some invoices. Even last week, we received them. The book was printed and then we received invoices, or even revenue, whatever – it is still a moving thing.

495 **Hon. R M Clinton:** Mr Speaker, if may ask a question – not a financial question in relation to the Estimates Book, but in terms of the approval process for the Music Festival, was the Minister himself personally responsible for determining how much would be spent or was it a Cabinet collective decision?

500 **Hon. S E Linares:** Mr Speaker, it is a Parliament decision. It is in the Estimates Book ... by the Parliament in the Appropriation Bill last year. The Government can go over or under, but it is the Parliament that approves the Estimates Book ... last year ... there is a sum there and we might go over, but that is then a decision that governments take – sometimes it goes over, sometimes it goes under, but that is a decision of the Parliament.

505

Hon. R M Clinton: Mr Speaker, I appreciate if you want a retrospective approval of Parliament for any overspend, I guess dig deeper.

Who determines which music acts come to Gibraltar? Is it the Minister himself or somebody else?

510

Hon. S E Linares: Mr Speaker, the Music Festival is not ... I do not go and call agents and invite the superstars to my house. This is a production team, of which there was a tender process – and the hon. Member should know this; this is public knowledge – in which two companies in this case together bid. They then do the Music Festival and they get on with it. They do the production, they do the lights, the sound, the procuring of the artists, the VIP, the VVIP – to 515 which the hon. Member comes and is invited to. All these issues ... You must understand, I cannot be sitting in my office ... whether we get a fork-lifter to put the cranes on or not. This is a production team; these are specialised teams.

It is exactly the same as ... For example, we had, a couple of weeks ago or a week ago, 520 Calentita. That is another event. All these events are managed in a way, financially, by my Department. Of course there is a controlling officer who has to sign things, and the invoices go from the production team to the controlling officer. At the beginning of the year, they do the same as we do to the Parliament, which is they give me an estimate and they say, 'Right, okay, this year we are going to spend so much on artists,' and then it is up to us to say, 'Well, we have not got so much money,' or whatever. Or, you have enough money. So they bring me an estimate, and then we agree the estimate and they get on with it. So it is not the Minister who 525 decides. Sometimes I might influence them because I like a band and I say to them – (*Interjection*) Yes. And I say to them, 'Look, why don't you bring ...' Roger Hodgson was my choice – why, because I used to like Supertramp – and they actually acquired him, but it is not that I am sitting in my office thinking, 'Oh, well, hold on, I am going to tell them to bring so and so.' (*Interjection and laughter*)

530

Hon. R M Clinton: Mr Speaker, thank you.

I thank the Minister for that – (*Interjection and laughter*) I have no talents in the music 535 department, I am afraid!

Mr Speaker, I thank the Minister for his explanation and clarifications. He did mention that there was a tender process for production teams and that there would be people who submit tenders. Can he confirm those were fixed-price tenders?

540 **Hon. S E Linares:** No, they were not. It was a tender to produce, and therefore one of the conditions of the tender was that they had to previously bring an estimate, but then it is the Government that decides whether that estimate is approved or not.

545 Therefore, what I am saying is that they got a four-year contract. In fact, this year is the last year of the current company, the company that are doing it, and it will go out to tender again; therefore, everybody can bid in. What we do now is that we ask them to give us estimates of how much they think, because when you bring it out to tender they have to say, 'Well, we can do it: expenditure, revenue,' – how much we can get it done for.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q366/2016

Tourists visiting Upper Rock – Details of travel

Clerk: Question 366/2016, the Hon. L F Llamas.

550 **Hon. L F Llamas:** In each financial year since 31st March 2012, please provide a monthly breakdown of tourists visiting the Upper Rock, detailing whether they are entering the Nature Reserve as a passenger of a public service vehicle, private vehicle or walking?

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

555 **Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, the information requested by the hon. Gentleman is detailed in the schedule that I will now hand over.

ANSWER TO QUESTION 366/2016

11/12	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
By Private vehicles	6135	4649	5690	9611	12,987	6889	5980	2789	2909	2337	3133	2947
By PSV	47,170	53,408	44,480	48,623	55,429	58,418	53,520	26,220	15,436	13,667	19,681	29,386
Walking	3197	2769	2418	3652	4445	3274	3735	2094	1854	1604	2331	2507
Other	22422	26022	27707	36530	48462	31804	28391	11072	10556	9323	8036	12250

12/13	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13
By Private vehicles	6579	4822	5022	9709	10,832	5,841	5989	3094	2294	2238	2794	4265
By PSV	45,069	55,968	42,792	46,162	53,205	56,091	50,537	19,646	11,182	9,619	15,491	25,783
Walking	3810	3464	2496	3478	4533	3245	3117	1575	1343	1450	1643	2355
Other	22411	24728	24160	38356	48714	31354	24915	9675	8186	3757	7370	10541

13/14	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14
By Private vehicles	4877	5110	5224	9624	5716	3356	3874	2124	2077	1939	2086	2561
By PSV	40,020	52,089	45,078	50,772	44,160	52,630	48,125	19,762	12,681	9,815	12,740	22,994
Walking	3613	3814	2890	4031	3681	2734	3227	2121	1747	1454	1846	2707
Other	18,839	25,170	23,367	39,549	35,522	24,196	23,970	11,827	7325	5260	7520	10,707

14/15	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
By Private vehicles	4671	4250	4,512	8844	10,018	5519	4596	2374	2405	3106	3159	2725
By PSV	44,504	50,061	44,283	50,160	49,293	61,559	52,499	22,079	13,091	10,587	17808	24,129
Walking	4523	3743	3062	4573	5346	3832	4650	2885	1992	2543	2785	2622
Other	26113	23972	25594	36760	45946	33051	29101	10222	9977	2538	3755	12209

15/16	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16
By Private Vehicles	4766	4253	4934	8903	12,989	7344	5974	3429	3426	3014	4441	5429
By PSV	50,089	50,389	47,327	55,010	53,609	65,410	58,671	24,251	15,113	9514	17,992	32,347
Walking	5396	4019	3652	4083	6537	5123	5103	3764	2815	2243	3624	4835
Other	27363	26591	27673	37625	45437	34815	32194	11733	10797	6954	1905	17850

15/16	Apr-16	May-16										
By Private Vehicles	527	0										
By PSV	49,142	64,585										
Walking	7246	7193										
Other	27047	30,456										

Mr Speaker: We go on with the next question, and then, if there are any supplementaries, I will allow you to ask them.

Q367/2016

Upper Rock ban –

Exemption for disabled persons in foreign licensed vehicles

Clerk: Question 367, the Hon. L F Llamas.

565

Hon. L F Llamas: Does Government have plans to exempt persons with disabilities travelling in foreign licensed vehicles from the Upper Rock ban?

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

570

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, the Government already has this procedure in place.

Hon. L F Llamas: Is the Minister able to tell me as from when this measure was implemented, please?

575

Hon. S J Sacramento: Mr Speaker, this measure was implemented when the new measures in the Upper Rock were implemented as to access to foreign registered vehicles within the Upper Rock. It may have been perhaps a bit confusing in the first couple of days, but it has certainly been implemented since then.

580

Hon. L F Llamas: The only reason why I am asking is because, as you know, I was asking in press releases and I actually visited and saw certain people with disabilities being turned away. This was well over a month after the new implementation on foreign licensed vehicles had taken place, so I cannot accept that it was a thing that was implemented as from 1st April. I believe this must have been considered and implemented later, but obviously I am not privy to what instructions you have given to the people who actually man the sites.

585

Hon. S J Sacramento: Mr Speaker, as I said, I think there may have been a bit of confusion initially, but certainly I was not aware of that situation, and on that basis I will make sure that instructions are circulated again to make sure it does not happen again, but certainly the policy is in place.

590

Q368/2016

Gibraltar International Airport –

Departure lounge security

Clerk: Question 368, the Hon. L F Llamas.

595

Hon. L F Llamas: Mr Speaker, does Government have plans to improve security traffic when entering the departures lounge at the Gibraltar International Airport, especially on Sundays?

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

600

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, HM Government of Gibraltar has already increased security personnel in order to cater for the expected increase in passengers at the Airport.

Q369-370/2016

**Care Agency –
Agency workers**

Clerk: Question No. 369, the Hon. L F Llamas.

605

Hon. L F Llamas: Further to Question 148/2016, can the Government state the commencement date for the recruitment of agency workers currently working within each service provided by the Care Agency?

610

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 370.

615

Clerk: Question 370, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when a recruitment agency worker, working within the Care Agency, for whatever reason, is unable to work certain days, what is the practice in replacing that worker?

620

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

Hon. S J Sacramento: Mr Speaker, there are no recruitment agency workers in the Care Agency.

625

Hon. L F Llamas: Does that mean that all the workers listed in Question 148 are no longer working within the Care Agency?

630

Hon. S J Sacramento: No, Mr Speaker, the workers listed in Question 148 are not recruitment agency workers.

Q371/2016

**Care Agency workers –
Details of current posts**

Clerk: Question 371, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many Care Agency employees are currently acting and since when, detailing posts individually by post?

635

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, there are 10 Care Agency employees currently acting in vacant posts. These have been acting since ... There are two since October 2011, one since February 2012, two since October 2012, one since March 2016, two from April 2016 and two from June 2016.

640

The posts that they are acting in are as follows: Senior Social Worker, Senior Care Worker, Deputy Manager, Executive Officer.

645 **Hon. L F Llamas:** Is the Minister able to provide the actual post and date coinciding with each, so I may tally them, please?

Hon. S J Sacramento: Mr Speaker, that is not the question that was put to me. If the hon. Gentleman wishes to put that question framed in that manner for that answer on the next
650 occasion, then of course I am happy to do so.

Q372-373/2016

Dr Giraldi Home –

Government and non-Government workers

Clerk: Question 372, the Hon. L F Llamas.

Hon. L F Llamas: How many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Dr Giraldi Home?
655

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 373.
660

Clerk: Question 373, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Dr Giraldi Home?
665

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

Hon. S J Sacramento: Mr Speaker, the complement of staff at Dr Giraldi Home is as it appears in the Estimates Book of Revenue and Expenditure. Indeed, a figure was provided to the hon. Gentlemen in the last parliamentary session.
670

As explained previously, there are workers who are subcontracted from time to time to provide temporary cover or temporary additional resources. As explained previously, this is a fluid service and numbers fluctuate even on a daily basis, and temporary cover is used when
675 necessary to cover or for temporary influx of work.

Hon. L F Llamas: So, in that case, the Minister is confirming then that the complement of staff as it is in the Estimates Book is covered by actual employees and not by subcontracted workers – yes?
680

Hon. S J Sacramento: No, Mr Speaker, that is not the question that was asked and that is not the answer that I provided.

Hon. L F Llamas: Mr Speaker, I am finding it a little bit difficult to understand. The Minister is telling me that the complement of staff is as it is in the Estimates Book, but I did not ask for that; I asked how many workers employed by Government, Government companies and authorities and agencies are currently working. I am asking for a specific number, and, in the same way, I am asking for a specific number as to how many workers are not employed by Government or any other agency or authority, and I am not getting that answer from the answers I am given.
685

690 **Hon. S J Sacramento:** Mr Speaker, the reason is because this particular service – as I have said in the past, because I always get asked this question, pretty much in every session – is a very fluid service. It means that, as I have explained, we may use workers who are subcontracted from time to time on a temporary basis, either because we need to call them in or because there is a temporary influx of work.

695 Indeed, Mr Speaker, the situation was explained by my colleague, Minister Cortes, yesterday. Sometimes we may have people who call in sick. In a place like the Dr Giraldi Home it is not like having someone who is a receptionist who calls in sick on a particular day, which means that the filing does not get done. This is not what it is. In the case where someone calls in sick for a day, two days, perhaps long term, someone from an agency that we use to subcontract will be called in to cover that post. It means that on that particular day we have a temporary need for cover, but that worker may be there one day and may not be there the next, which is why, on every occasion, I always say that it is fluid, because it is not the practice – which is, I think, what the hon. Gentleman may be trying to insinuate – that complement posts are covered by workers who are not employees of the Care Agency.

700 As I have explained in the past, and in the same way that Minister Cortes explained yesterday, we use people for short-term temporary cover. Because it is short term, because it is temporary, it changes and it can change from day to day, which is why I always explain that it is a very fluid situation. I am therefore unable to give a concrete figure, because of the particular nature of this service.

705 Mr Speaker, on a particular day I may have a service user who may have a particular behavioural problem manifesting itself. It may be that on that day we need to call in extra support. It may be that for a day or two I need to call in a subcontracted worker to work alongside my people for two days, but then on the third day, if I no longer need it, then I no longer need them. That is why it is so fluid – it is because situations differ from day to day.

710 **Hon. L F Llamas:** Mr Speaker, I am asking for some guidance from you on this Question. Is it unreasonable for me to expect at least maybe end of month figures to be able to see what the trend is?

715 **Mr Speaker:** It would seem to me that in respect of workers employed by Government, Government-owned companies, authorities and agencies, these are not employed on a casual basis, these are not temporary. In respect of that, you are entitled to ask for the information that you are seeking – for the figures.

720 I think the Minister has answered the question indirectly by telling you to have a look at the Estimates Book because the information is there. She also says a figure – I do not know whether it is that specific one – was provided at the last parliamentary session.

725 But you certainly are entitled to ask and would expect to know how many workers the Government, its companies and agencies are employing.

730 **Hon. S J Sacramento:** Yes, Mr Speaker, and as you say, I referred to the figure that I provided in the February session of Parliament which, as you know, was less than six months ago. I could also have answered the question saying this figure was provided less than six months ago, but I am just referring to the last session of Parliament where I did provide the figure. It is not that I am not providing the figure, Mr Speaker; I provided it in February.

735 **Mr Speaker:** When we come to next week there is a general debate during the Second Reading of the Bill, and then the House resolves itself into committee, where we deal with each head of expenditure and each item, in fact. Then, when it comes to the appropriate head, you can ask and get the information that you require. Okay? There will be no difficulty in getting it then; but even so, you are being referred to the estimates, because the information is there.

740

745 **Hon. L F Llamas:** Sorry to keep on this point: the question in Question 372 is: how many workers employed by the Government, Government-owned companies, authorities or agencies are currently working in the Dr Giraldi Home? I think that figure, in particular, should be made available. If the number of workers is the same – (*Interjection*) I did not ask this question in February. If the number of workers is exactly the same as those in the Estimates Book, then that is all I need to know. I accept the second part of the question, but in relation to Question 372 I do believe I am due a number in order to confirm that the number of workers within the Dr Giraldi Home is exactly the same as what is in the Estimates Book.

750

Hon. S J Sacramento: Mr Speaker, I am quite surprised by this supplementary, given that it was the hon. Gentleman who asked me this question in February. In February I was asked the question of how many people worked in Social Services, broken down by Department. In February I answered the number of people who worked in Social Services, broken down by Department. My answer refers to the question in February, Mr Speaker. It was the hon. Gentlemen who asked me the same question in February – and it was answered in February.

755

Mr Speaker: So, are you saying that the information in respect of the Dr Giraldi Home is contained in that answer that you gave about the Department?

760

Hon. S J Sacramento: Yes, Mr Speaker. To clarify, question one: how many people work in the Dr Giraldi Home? Answer: I replied in February. Answer: it is in the Estimates Book and I gave you the figure in February.

765

Question two: what about people you subcontract? Answer: it is fluid and I am unable to give you a wide-ranging answer because it is so fluid that it is difficult to answer without a more specific question.

Q374-377/2016

Care Agency establishments – Residential and respite admissions policies

Clerk: Question 374, the Hon. L F Llamas.

770 **Hon. L F Llamas:** Mr Speaker, what is the admissions policy for residential care under the Care Agency establishments?

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

775 **Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, I will answer this question together with Question 375.

Clerk: Question 375, the Hon. L F Llamas.

780 **Hon. L F Llamas:** Mr Speaker, what is the admissions policy for respite care under the Care Agency establishments?

Clerk: Question No. 376, the Hon. L F Llamas.

785 **Hon. L F Llamas:** Mr Speaker, are the admissions policies in respect of respite care and residential care applied equally across the various establishments?

Clerk: Question 377, the Hon. L F Llamas.

790 **Hon. L F Llamas:** Since December 2011, have there been any exceptions made to the admissions policy for respite and/or residential care at any of the Care Agency establishments?

Mr Speaker: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

795 **Hon. Miss S J Sacramento:** Mr Speaker, in answer to Questions 374 and 375, each area of service within the Care Agency has a different policy for residential care and respite services. This is because in Children's Services admissions are based on legislation and/or concerns for children following assessment, and in the Learning Disabilities Services admissions are based on the need of the service user and are subject to the eligibility criteria first.

800 In answer to Question 376, each area of service within the Care Agency has a different policy, which will depend on the need of the service user and area of service delivery, as explained in the previous question.

In answer to Question 377, the answer is no.

805 **Hon. L F Llamas:** Can the Minister expand on the policy criteria not covered by statute in the different establishments, please?

810 **Hon. Miss S J Sacramento:** Mr Speaker, in respect of children, while the statute provides a statutory obligation in particular circumstances, there may be other circumstances where the statutory obligations do not kick in, but if there is a referral, subject to assessment by the professionals, usually in these circumstances, in the absence of a statutory order, then with agreement with the parent, children will be admitted into care.

815 In relation to the other services – the Learning Disability Services for adults – that will be upon a general assessment of the needs of the person. The service is person-centred and therefore the needs of the person can be ... The person can come to the service for different reasons, by application or sometimes by referral, but it entirely depends on the individual.

Q378/2016

Care service companies – Plans for regulation

Clerk: Question 378, the Hon. L F Llamas.

820 **Hon. L F Llamas:** Mr Speaker, does the Government have any plans to regulate care service companies?

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

825 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the existing care service companies subcontracted by Government to provide services, insofar as this is the case, are regulated.

Hon. L F Llamas: Can the Minister enlighten me as to which body regulates them, please?

830 **Hon. Miss S J Sacramento:** Mr Speaker, they are regulated by the body which commissions the service. The organisations which are commissioning these services will be Government

Departments and they are regulated contractually, of course, to provide a specific level of care, but then there are also inspections – planned inspections and unannounced inspections – to ensure that the clinical standards required of them are met.

835

Hon. L F Llamas: So I assume these investigations and spot checks are done when the care is provided to Government services. Is this expanded to those who may contract these companies on a private basis?

840

Hon. Miss S J Sacramento: Mr Speaker, they are in effect the same companies and the reality is at present that the majority of the work undertaken by these companies is for Government as a client.

845

Hon. R M Clinton: Mr Speaker, if I may ask the hon. Lady, would I be correct in saying there is at present no external regulatory body – the same as, for example, the Financial Services Commission for anybody who wanted to provide financial services in Gibraltar – in terms of care provision? There is no licensing regime as there would be for financial services?

850

Hon. Miss S J Sacramento: No, there is not the same model in terms of financial services, but again the service is different and the size of the service is different.

855

Within the Government Departments that provide care there will be separate departments to monitor the care being given internally by the Government. Of course Government has its own standards and in relation to the care that we subcontract we ensure that the same standards are applied. So while the framework is not the same as having an independent statutory body as the Financial Services Commission, independent verification of those agencies to whom we subcontract is subject to our quality control, our quality assurance and our clinical standards.

860

Hon. L F Llamas: Does Government have plans to introduce an independent body like exists in the UK, the Care Quality Commission, for example?

865

Hon. Miss S J Sacramento: Mr Speaker, we had this same conversation, not to say debate, at the last session of Parliament. It is not something that is a manifesto commitment, but it is something that we can consider and at the appropriate time it may be that it is introduced. It is not something that is a manifesto commitment, so I cannot commit for it to be done in this parliamentary session. That is not saying that it will not be done, but it is something that will be considered, *is* being considered; but of course we have other priorities first. Having said that, it does not mean that entities are not regulated; they *are* regulated.

870

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): If I may assist, Mr Speaker, those persons who provide care who are registered nurses are obviously covered by the Nurses and Midwives Registration Board and their registration is covered, and there are some who are. That would apply in the private as well as in the public sector. If there was any behaviour that caused the registration to be put into doubt, this would be taken up by the Nurses Registration Board.

875

Nurses and carers are not registered at this point in time. As my hon. Friend has mentioned, it is not something that is a manifesto commitment, but we are in the process of renewing the Nurses and Midwives Registration Board and I think that it is quite possible that, in discussion with my colleague, we may look at ways in which some kind of system could be introduced to extend what has already happened for registered nurses to other levels of carers.

880

Hon. T N Hammond: Mr Speaker, if I may, because I do not have this clear in my head at all when we are talking about regulation or not. The Minister is describing that the industry is

885 regulated by the Government. In most of the regulated industries I have come across, including
my own industry, the regulations are established in law and a regulatory body is set up to
oversee that. That does not appear to be the case, although I stand to be corrected in this case.
So it appears to me it is more of a contractual oversight that is being provided – a service is
being contracted and the Government oversees that contract to ensure that services are being
provided in accordance with that contract, but there is no regulation or regulatory body
890 established in law. Is that correct?

Hon. Miss S J Sacramento: Yes, Mr Speaker, the question is exactly the same as the question
which the Hon. Mr Clinton asked, and the answer is the same. I think I made it very clear that it
is not an independent statutory organisation of someone who regulates independently, but that
895 there is oversight provided by the Government, and at this stage, given the size of what we are
doing, I am satisfied that there is control at this present time.

But, as I said and as my colleague Minister Cortes also said, it is something that is in the
process of being reviewed as well.

900 **Hon. T N Hammond:** Absolutely, and I appreciate the clarification – it is precisely why I asked
the question, because I think there is a distinction between regulation and contractual oversight.
Certainly, the Minister gave the impression in her initial responses to my hon. colleague that the
industry was regulated, but it seems that the industry is certainly not regulated in law, if I am
correct, but it is some sort of contractual oversight that is provided by Government.

905 Thank you.

Hon. Miss S J Sacramento: Mr Speaker, I never said that it was regulated in law, but because
something is not regulated in law does not mean that it is not regulated. I just wanted to make
that point, Mr Speaker.

910 **Hon. Dr J E Cortes:** Mr Speaker, to further clarify my contribution, the Nurses and Midwives
Board *is* a regulatory authority; it is independent of the politicians and it regulates not just
registered nurses at staff nurse level but, something that does not happen in the UK, also at
enrolled nurse level, and that is a totally independent regulatory authority.

915 **Hon. R M Clinton:** Mr Speaker, at the risk of raising a hypothetical question, but with the
indulgence of the Speaker and the Minister for Health, would I be correct in saying, Minister,
that I could tomorrow set up a care business incorporated, hire non-registered nurses and trade
as a care home with no intervention from Government?

920 **Hon. Miss S J Sacramento:** Mr Speaker, I am quite surprised that the Minister for Health is
being asked a supplementary question in my substantive question. The answer, Mr Speaker –

Mr Speaker: Which he does not have to answer!

925 **Hon. Miss S J Sacramento:** But, Mr Speaker, the answer is no. It is something that could have
happened between 1996 and 2011, but it is not something that can happen now. Why? Well,
the logical reason now is because there are certain factors that need to happen before
something like that happens. The hon. Gentleman referred to a company being incorporated,
930 and a company which is incorporated and needs to trade will require a business licence. When a
business licence for something like that comes across the Office of Fair Trading they will make a
referral to the appropriate bodies and therefore we will, as Government organisations, have an
input in that regard.

935 So, Mr Speaker, we know what is happening, we know what organisations are ... This is
Gibraltar; we know when a company is incorporated. If a company is going to advertise services

for a particular subject area for which we are responsible then we will find out and we will inspect, and the reality is that we know what companies there are.

940 **Hon. R M Clinton:** Mr Speaker, again with the indulgence of the hon. Lady, would I be correct in saying that the only stage at which setting up such a business would be picked up is when somebody applies for a trade licence – only at that stage? There are no other permissions that would need to be applied for?

945 **Hon. Miss S J Sacramento:** Mr Speaker, I think I said that that is an example of how Departments work together and I gave that as an example of when someone incorporates a company, which is the obvious initial stage and the precursor to what he just said.

950 ‘What if someone were to come and incorporate a company?’ was the supplementary question, and the answer was as soon as someone incorporates a company the entity will be referred to the relevant bodies. Something which is new, I might add, Mr Speaker, because before the introduction of the Office of Fair Trading it was not a field that was regulated, because it may not have fallen within the remit of the trade licence; because services were provided as opposed to the sale of goods, and the provision of goods and services, as we may know, were not regulated before the introduction of the new legislation introduced by my colleague, Minister Costa.

Q379-380/2016

Housing medical and social category lists – Details of applicants

955 **Clerk:** Question 379, the Hon. L F Llamas.

960 **Hon. L F Llamas:** Mr Speaker, can Government provide details of applicants on the housing medical list, including when the applicant was accepted onto the list, their current circumstances and the property required?

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

965 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 380.

Clerk: Question 380, the Hon. L F Llamas.

970 **Hon. L F Llamas:** Mr Speaker, can Government provide details of applicants on the housing social category list, including when the applicant was accepted onto the list, their current circumstances and the property required?

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

975 **Hon. Miss S J Sacramento:** Mr Speaker, there are 245 applicants on the medical lists and 99 applicants on the social lists who require flats between one and 5RKB. I am now handing the hon. Member a schedule with the dates of when they joined these lists.

Answer to Questions 379 & 380/2016

Dated Accepted on List	Social	Medical
1997		1
1998		1
1999		2
2000		1
2001		3
2005		4
2006	1	2
2007		1
2008	5	6
2009		2
2010	1	4
2011	1	20
2012	4	25
2013	9	30
2014	25	60
2015	29	50
2016	24	33

Hon. L F Llamas: Mr Speaker, pre-empting the schedule, are there any expected dates within the plans as to when these people may be able to obtain a property?

980

Hon. Miss S J Sacramento: Mr Speaker, in the absence of a crystal ball, what I can assure the hon. Gentleman is that a lot of the people who have been waiting on these particular lists will be alleviated in the coming months upon the allocation of the purpose-built flats for the elderly at Charles Bruzon House and at Seamaster Lodge.

985

Hon. L F Llamas: Mr Speaker, looking at the schedule, I asked for a list of current circumstances and the property required, and I am not getting this in this list. I am getting the date in which they were accepted, but I am not getting a breakdown of when each individual was accepted onto the list, the current circumstances and in what conditions they are currently living in, and the property they are required as has been recommended.

990

Hon. Miss S J Sacramento: Mr Speaker, the current circumstances can only be whether individuals find themselves on the medical list or on the social list. Beyond that, it is not information that I can provide. I cannot go through, or the Department cannot go through 245 people to see what each individual's circumstances are. That is the role of the Housing Allocation Committee. They are the ones who consider whether individuals find themselves in social circumstances or medical circumstances and are then categorised accordingly.

995

It is completely impossible and I think counterproductive, Mr Speaker. I am unable to give people's individual circumstances. They have been categorised either by being on the medical list or on the social list, and the question asks when they were accepted on these lists and the information is on the table.

1000

Hon. L F Llamas: Mr Speaker, I fail to find, given the explanation ... and I accept that maybe I should phrase it 'what current property they are living in' instead of 'circumstances', I accept that, but I fail to see the property required – whether it is a one, two, three, four, 5RKB. I would think that information would have to be provided within the premise of this question.

1005

1010 **Mr Speaker:** May I say that it is very difficult to interpret a question, to know exactly what the hon. questioner is after, including when the applicant was accepted onto the list: is the hon. questioner after a specific individual, that details should be given as to when individuals appeared on the list, 200-and-something individuals; or is it of a general nature, as has been answered?

1015 There is a question of confidentiality, questions of data protection arise, and these have to be taken into account by the Department when providing answers. In any case, the hon. questioner ... provide details – what sort of details is it that he is after, beyond what he has been given? It may not be entirely clear. It may be interpreted differently, but there are, in any case, limitations as to how much information can be given of an individual nature.

1020 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker.

Mr Speaker: That is how I understand it.

Q381/2016
Affordable housing flats –
Allocation

Clerk: Question 381, the Hon. L F Llamas.

1025 **Hon. L F Llamas:** Mr Speaker, have any of the affordable housing flats been allocated to persons not on the housing waiting list as at 9th December 2011 or in possession of a Government flat?

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

1030 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Yes, Mr Speaker.

1035 **Hon. L F Llamas:** Is the Minister able to provide how many people have been allocated without being on the housing waiting list prior to 2011 or in possession of a Government flat?

Hon. Miss S J Sacramento: Mr Speaker, there are slightly over 300 individuals who were not on the waiting list before 9th December 2011.

1040 **Hon. L F Llamas:** Is the Minister able to expand and confirm whether those 300 were on the housing waiting list after 2011; whether they formed part of the housing waiting list? It may be too much to ask at this stage, but I am just asking it in case.

1045 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the majority of them were on the waiting list. Not all of them were on the waiting list before 9th December 2011, because not everybody who was on the waiting list before 9th December 2011 wanted to purchase affordable housing or could purchase affordable housing. The people were offered, but just because people have the opportunity to purchase affordable housing does not mean that they take advantage of that opportunity.

1050 Of course, when we went through the list we went through the list in order of priority; therefore, the person who has been waiting the longest will have had the first opportunity, and as the Department worked its way through the list then they will have been offered to people who were on the list after 9th December 2011, if those who were on the waiting list before December 2011 were not interested in buying.

Q382/2016
Government housing rent arrears –
Agreements since January 2016

Clerk: Question 382, the Hon. L F Llamas.

1055

Hon. L F Llamas: Mr Speaker, can the Government provide template copies of the agreements entered into since January 2016 in respect of housing arrears?

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

1060

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Yes, Mr Speaker, and it is also available online. I will now hand the hon. Member a copy.

Answer to Question 382/2016



Housing Department
 HM Government of Gibraltar

OBLIGATION TO PAY RENT ARREARS

PAYMENT PLAN AGREEMENT

(1) I/we.....
 of.....
 hereby acknowledge that I/we owe Her Majesty's Government of Gibraltar the sum of

 in respect of overdue Rent payable be me/us under the Tenancy Agreement.

(2) I/we undertake to pay this debt as follows: []

(a) An initial instalment of £1000/£1,500

(b)

<i>Amount Arrears</i> £	<i>Period</i>	<i>Frequency</i>	<i>Monthly Repayment</i> £	<i>Final instalment</i> £
	Start:			
	End:			

(3) I/we understand that if I/we do not make the required payments of the overdue amounts in accordance with this plan, Points (a) and (b), legal proceedings for the recovery of the amount due may be instituted against me/us and I/we may be evicted from the premises. []

(4) I/we further undertake that I will pay the current rent of [£] per month as and when due. By salary deduction/Pension deduction/standing order per month as and when due. []

(5) The terms of this Payment Plan Agreement have been explained to me by a representative of HM Government of Gibraltar. []

Tenant..... For HM Government of Gibraltar.....

Date: Tenant Code:

Q383/2016
Government housing –
Rent arrears

Mr Speaker: Next question.

1065 **Clerk:** Question 383, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Housing please advise the level of Government housing rent arrears at each of the following dates: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1070

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since the answer to the last question on the level of arrears of rent, i.e. people who owe the Government in excess of three months' rent, the calculations at month end are as follows: 31st January, £5,446,720.31; 29th February, £5,453,570.02; 31st March, £5,452,435.25; 30th April, £5,621,667.01; 30th May, £5,478,819.73.

1075

1080 **Hon. R M Clinton:** Mr Speaker, would the hon. Lady be agreeable to giving us those numbers in writing for our convenience to analyse now?

Hon. Miss S J Sacramento: Mr Speaker, I am afraid, because it was short, I did not put it in table format, but I am happy to make a copy.

1085

Hon. R M Clinton: Mr Speaker, I thank the hon. Lady for the numbers.

Can I ask her, in terms of the rate of rent arrear collection, and further to her press release on 13th April in which she announced a reduction by £260,000, from £6 million to £5.7 million, which would be approximately an £87,000 recovery every month, whether that rate of collection is continuing and does she still feel that she will be able to collect £1 million by the end of the year?

1090

Hon. Miss S J Sacramento: Yes, Mr Speaker – though yes and no, because every month is different because of the individuals involved.

We have, unfortunately, inherited a huge debt in relation to housing arrears and it is not something that is easy to deal with, particularly because we are dealing with a huge volume of people. We need to look at arrears in a different way and I will be providing further statistics next week at the Budget session of Parliament because I will have updated data by then. Because we are changing the IT systems, I do not have everything that I wanted to have had by today. That is one of the wider strategies that has been successful, Mr Speaker, because we have completely changed our IT systems to see how we recover.

1100

The important thing is that we are looking at the arrears in two different ways: it is about the arrears that already existed and recovering those; and it is about curtailing arrears from increasing going forward, and these statistics clearly show that they are not going up. For the last few years we have seen year on year, month on month, that the arrears have been increasing; we are now seeing a downward trend.

1105

The Department has seen already, in the last three months since we started the strategy in earnest, hundreds of people to explore methods of repayment. While they have been seeing people, some people have made a lump sum towards their existing arrears, but not everybody is in a position to do that, which is why the level of arrears can fluctuate from month to month.

1110 But the important thing is that we are working with people and securing the arrears from
increasing going forward. So we have got a parallel strategy. One is about making sure that
people who are in debt do not continue to be in debt, and we work with them in terms of the
current payment and the payment going forward, and it is about sitting down with them and
exploring repayment of their existing debt. Some people may have a debt of a few hundred
1115 pounds, which is easy for them to pay off; some people have not paid rent in 20 years. Within
that category of people there will be people who genuinely cannot afford to pay rent because of
particular social circumstances and needs, in which case we work with them, and there are
certain cases where people do not pay rent because they do not want to pay rent, and of course
we work with them as well to ensure that they pay.

1120 So I cannot pre-empt. I think it is a bit artificial to review the recovery of rent on a monthly
basis, because on a particular month we will be – because our strategy is phased – working with
different groups of debtors and in a particular month we may deal with a big volume of people
who owe smaller amounts and that month we will probably recover more; and then in another
month when we send out letters to people who owe a particular sum which will be bigger, it is
1125 probably unlikely that we will recover a lot in that month.

But the important thing is that there is a very clear strategy. It is in its early days; we only
started it in January, but it is clearly already giving us results and I think that a better analysis of
the whole arrears recovery project will be more accurate in six months' or nine months' time.
We will see it at the end of the next financial year. We will have a clearer picture. At the moment
1130 there is a huge impetus in getting letters out, in getting the message across to people that it is
no longer acceptable not to pay rent because you do not want to. I think people have been left
to believe that for too long.

I have to say that people are engaging. We have changed our billing system and people in
arrears will have a red footnote at the bottom saying, 'You are in arrears, please contact the
1135 Department.' People who do not contact the Department will receive a first letter; if they ignore
the first letter, they will receive a second letter. And people are engaging. I think the whole
system, for the last 20 years, people were afraid to tackle, and it sometimes becomes a bit of
ostrich syndrome, bury your head in the sand, because it just gets bigger and bigger, and
psychologically people may have thought it was insurmountable and could not be tackled. It has
1140 been tackled and very effectively, I think, particularly because ... and I have to thank everybody
in the Department: the strategy is very effective because they are sensitive to people's needs.

I always say it when I talk about arrears: there are two kinds of people who do not pay
arrears. There are the people who do not pay arrears because they do not want to, because they
would rather go off on a holiday, on a Caribbean cruise, and that is not acceptable. It is not
1145 acceptable to other tenants of Government properties who pay their rent on time, it is not
acceptable for people who have mortgages and pay them at the end of every month, and it is
not acceptable to the taxpayer who is subsidising these flats, when people do not pay rent. The
people who fall in that class, of course, are dealt with and of course we are sensitive to people
who genuinely cannot pay rent.

1150 Mr Speaker, I would like to take this opportunity to thank the Department. They have seen
hundreds and hundreds of people in the last couple of months.

Thank you, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I thank the hon. Lady for her comprehensive answer. I, for
1155 one, will always welcome positive action in safeguarding Government revenues and it is only just
and equitable that everybody should pay their fair share. I am sure the principal auditor, in his
report for the coming year, will equally echo that praise.

I have two questions, really, in terms of supplementaries. The first is in respect of the draft
agreements, which I am grateful for: is my understanding of this agreement ...? And again the
1160 learned Lady must bear with me because I am not a lawyer. Is it true that there is no ability to

enter into a payment plan agreement if you do not pay a lump sum? Again, I stand to be corrected.

1165 And then, secondly, only yesterday I came across a member of the public who had been sent what looked to me like a standard letter saying, 'Please pay; if you do not pay we will take appropriate action.' This individual was one of the category which she just described as being one of the more needy in our community who probably would not be able to pay the amount in full, and I am just wondering what interaction ... or how it would all work between her Department, and whether her Department is responsible for the granting of rent relief, because these individuals are worried because they do not want to be evicted, they do not want to lose
1170 their homes, and it does cause them sleepless nights.

As you quite rightly said, people do react to these letters and I think they genuinely want to make a payment, but when you have somebody on welfare or on Income Support, where they are receiving a very low amount of money and then they get a bill saying, 'You need to pay x amount by whatever date or else', obviously they get worried. So I am just interested to see how
1175 these types of issues are dealt with.

And, while I am standing, it just occurred to me – at what stage would the Minister consider talking to the Ministry of Finance in terms of write-offs for any arrears which are obviously completely irrecoverable?

Thank you, Mr Speaker.

1180

Hon. Miss S J Sacramento: Mr Speaker, I will deal with the three supplementary questions, but I would start off by saying that while of course we have the power to evict people for non-payment of rent, that is not something that is our priority and certainly not something that we would pursue lightly. And it would, of course, be a last resort – if appropriate and if necessary. Everybody has been given that assurance and I have given that assurance publicly before.

First and foremost, in relation to our new rent arrears payment plan, this is a working document, it is a live document, and, as I explained before, everybody who is in arrears is given the opportunity of a face-to-face meeting with a dedicated arrears section within the Department. People are met with individually and their circumstances are considered. It is not
1185 automatic that people need to make a lump sum and it would be ludicrous to say, 'Well, unless you pay a lump sum we are not going to enter into arrears agreement' if what we want to do is recover arrears. We work with people, we make it workable and we make it practical. But it is a very fluid situation because we need to make sure that it works. Clearly, if someone owes £15,000 we are not going to accept that they pay 3p a week. If someone has not paid rent in
1190 20 years, then it is about time that they take responsibility for paying rent – subject to them being able to pay rent. There are some people who have not paid rent in 20 years and they cannot pay rent, and maybe they cannot pay rent for the rest of their lives but that is what a responsible government does in the prosperous community, in which we are. But those are the minority, I can assure you.

1195 We spent towards the latter end of last year improving our databases and looking at our tenants, and we are working very closely with the Department of Employment and with the Department for Social Security to see who is in employment, and of course people who are in employment are being pursued first. People who are not in employment will be our last priority. When you have so many people owing money you have got to start somewhere, and we are not
1200 going to start with people who are on welfare benefits. Having said that, everybody who is in debt will have received the amended bill and will have received the new format, the new letters that we are generating.

You are referring to a standard letter. The tone of that letter ... The very first letter says, 'You are in arrears. Please contact the Department so that we can help you.' So actually the first
1205 letter is a very polite letter and a very helpful letter, inviting people to a meeting with an official at the Housing Department in order to assist them. If that letter is ignored, then there is a second letter, which is still a very nice and a very helpful letter because we are giving the

individual an appointment at a specific date and a specific time for them to come and meet someone in the Department. If they ignore that one, then there is a third letter, which is still helpful and is not as nice as the first letter and the second letter, but it is still a perfectly polite and a perfectly acceptable letter, and it is certainly not ... Of course there will be a paragraph that says, 'If you continue to ignore our letters we will take the appropriate action', but that is only in the third letter or in the fourth letter. But every single letter that tenants who are in debt receive, the impetus of the letter and the tone of the letter is, 'Please contact the Department: we will help you.'

1215 So I would urge that we work together and people are directed to the Housing Department, where I have restructured the Department – at no additional cost; I have just had an emphasis in expanding ... just relocating people internally and having more people dedicated to recovering arrears.

1220 And on the final point, on people who are entitled to rent relief, of course it is adjusted. We have been working with the arrears department within the Housing Department and we feed into the central arrears unit. We are working closely with every single relevant Department that exists within the Government in order to assist people. If someone comes to one of the arrears meetings and that person is entitled to welfare benefit and they have never applied for it at the Housing Department, then that calculation is adjusted, which is why sometimes the figures fluctuate. Because we are sending the letters, because people are coming to us, we now know that we need to adjust their rent and make it commensurate to ... If they are not in receipt of rent relief, then we adjust it and allocate the rent relief.

1230 But there is one point that I need to make: when people are paid welfare benefits at the Department of Social Security, there is actually a part of the welfare benefit ... When you calculate the welfare benefit, part of that welfare benefit is for rent, so it is actually for rent. So, when welfare benefits are calculated, the commensurate apportion of rent is included there. So we are working closely with the Department of Social Security to have our systems talk to each other, because a lot of people who are on welfare benefits are telling us that they would prefer to have the apportion of rent deducted at source from Department to Department. But, again, every week, as we see more people and as things develop, we learn more things and we are just adjusting the systems that we have.

1240 **Mr Speaker:** I will allow one final supplementary because we have been dealing with this ... It is an important matter, I realise, but we have been dealing with this for some time and we need to make progress. There is a substantial number of questions on the agenda paper and we really need to move on, but I will allow another supplementary.

Go on, ask your question.

1245 **Hon. R M Clinton:** Thank you, Mr Speaker.

Just following on from the hon. Lady – again, I am very grateful for her explanations and we will pass on the procedure to anybody who does come to us asking for help. Just in terms of write-offs, does she have any sense (*Interjection*) by *Hon. Miss S J Sacramento*) of any write-offs?

1250 **Hon. Miss S J Sacramento:** Mr Speaker, I am sorry, there were so many supplementaries in that supplementary that I forgot the write-offs. In relation to these –

1255 **Mr Speaker:** If hon. Members care to read the Rules, they will find out that they are not supposed to ask a whole lot of supplementaries at the same time. Have a look at the Rules about Question Time – I commend that to hon. Members. It is very easy to forget them, but it is my business to keep them very much in mind.

1260 **Hon. Miss S J Sacramento:** Mr Speaker, at the moment nothing has been written off, so the figures do not reflect any write-offs whatsoever. However, of course there will come the time when we will have to prepare particular cases for the financial secretary to consider for them to be written off. The reality is, Mr Speaker, because arrears of rent have not been pursued for the better part of 20 years, a lot of people who owe rent have passed away.

1265 **Hon. E J Phillips:** Mr Speaker, on the question of rent arrears, given that arrears rose from £3.7 million at the time that the learned Lady took office in 2011, to £6.1 million in December 2015, isn't it right that she should now correct the record in relation to her statement insofar as inheriting a problem that she referred to before?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, while of course the rent arrears grew in the initial stage that we were in office – and I have already explained in this Parliament and publicly as to why – when we came into office we inherited all sorts of problems and our priority was first to build homes. That was our first priority and that was the priority of the previous Ministers for Housing.

1275 When I took office as Minister for Housing, because my colleagues – my predecessors Minister Balban and Minister Bruzon – had already dealt with the pressing matter of providing allocation for people, both by constructing affordable housing and the very quick turnover of empty flats which had been lying dormant for years, the priority that was left was the recovery of arrears, which I set about to do initially. But because the systems were incredibly archaic and there was basically very little information to go on, the priority was of course the recovery of arrears but the whole infrastructure and the foundation to do that took me about a year.

1280 We started in earnest in January and we are already seeing the fruits. So, as a matter of fact, yes, of course arrears increased in the first years that we were in office; but, Mr Speaker, we cannot ignore the fact that when we took office arrears were in the amount of £3 million. But more to the point, when we left office in 1996 arrears were less than £1 million, and in the GSD's term in office, in 16 years it grew by 600%. So, if the hon. Gentleman wants me to acknowledge that arrears increased in our first term of office, it is a matter of fact that it did. But they cannot hide from the fact that while the GSD were in office – and did pretty little to control this; they were the ones who let it spiral out of control – it increased by 600%.

1290 **Mr Speaker:** Now you are beginning to debate, and at this juncture I am not going to allow it – we will have the debate next week.

Q384/2016
Public sector –
Drugs-free workplace policy

Mr Speaker: Next question.

Clerk: Question 384/2016, the Hon. E J Phillips.

1295 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what progress it has made in respect to its commitment to introduce a drugs-free workplace policy throughout the public sector?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services & Housing.

1300 **Minister for Tourism, Equality, Social Services and Housing (Hon. Miss S J Sacramento):** Mr Speaker, a draft policy has been prepared and at present is being considered internally, following which it will form part of a consultation with stakeholders, after which we will be in a position to make a definitive announcement.

1305 **Hon. E J Phillips:** I am very grateful for the response to that question. Would that consultation also go out to the trade unions?

Hon. Miss S J Sacramento: Yes, Mr Speaker. In fact, I have already been in touch with the trade unions on this matter. In fact, the initial discussions were with the trade unions.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q395, 398-399, 403, 474/2016

New schools – Commencement and funding of works

1310 **Clerk:** We now move on to Question 395/2016, and this is a question by the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when does the Government intend to commence works on a new St Martin's School?

1315 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 398, 399, 403 and 474/2016.

1320 **Clerk:** Question 398/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Education confirm when works will start on all new five schools?

1325 **Clerk:** Question 399/2016, the Hon. E J Phillips.

1330 **Hon. E J Phillips:** Mr Speaker, can the Minister for Education confirm how the Government intends to fund the building of the new Bishop Fitzgerald, Notre Dame, St Martin's, Bayside and St Anne's schools?

Clerk: Question 403/2016, the Hon. R Clinton on behalf of the Hon. D A Feetham.

1335 **Mr Speaker:** Perhaps I should explain to hon. Members, that the Hon. the Leader of the Opposition is unfortunately unable to attend due to family reasons.

Hon. R M Clinton: Thank you, Mr Speaker, our thoughts are with his grandmother. When does the Government intend to commence works on a new Bayside School?

1340 **Clerk:** Question 474/2016, the Hon. Ms M D Hassan Nahon.

A Member: They are all ganging up!

1345 **Hon. Ms M D Hassan Nahon:** When does the Minister for Education envisage bricks and mortar being laid for the new Bayside, Governor's Meadow, Bishop Fitzgerald and St Martin's schools?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1350 **Hon. G H Licudi:** Mr Speaker, work in relation to our manifesto commitments relating to St Martin's, Bishop Fitzgerald, Governor's Meadow, Bayside, St Anne's and Notre Dame has already commenced.

We are engaged in a consultation exercise with the head teachers and staff on the specific needs for each school. This is the same process that was carried out in relation to the new
1355 St Bernard's schools which were started and completed during our previous term of office.

As hon. Members will understand, a significant amount of preparatory work is required before any bricks and mortar are actually laid. As with other manifesto commitments which have no specific completion dates, the Government has every intention of delivering on these commitments within this term of office.

1360 The Government expects that funding for these projects will be from the Improvement and Development Fund, as with other Government projects.

Hon. Ms M D Hassan Nahon: Is the Minister confident that he will fulfil his party's manifesto commitment for these five schools in only the three years that we have left to the next election?

1365

Hon. G H Licudi: Mr Speaker, by my reckoning we should have more than three years before the next elections, but I have actually said so. I have said that the Government has every intention of fulfilling those manifesto commitments within this term of office.

1370 **Hon. E J Phillips:** Mr Speaker, just one supplementary question. The Minister talked about significant preparatory work that needs to be conducted before the laying of bricks and mortar. I was wondering whether any guidance could be given to this House in relation to what type of significant preparatory work needs to be undertaken. I know you are looking at going out to consultation, the physical infrastructure and everything else, teachers – but how long will that
1375 actually take? The hon. Lady talked about three years left and I think it is a very short period of time in which to complete it; but insofar as the significant preparatory work, how long is that going to take before you actually start moving children around, thinking about the disruption that that will cause, and moving people into different buildings and laying bricks and mortar? Is there a plan?

1380

Hon. G H Licudi: Mr Speaker, it will take as long as it will need to take. As I have explained, there is a significant amount of work that needs to be carried out. We have already gone through this process in the previous term of office – we did it in relation to St Bernard's. We have to consult with the two headteachers and senior management staff of each school, relating
1385 to the specific needs – identification of rooms, requirements, number of children – before the actual planning and design can be carried out.

In relation to St Bernard's, that process extended for a considerable amount of time: the actual building, I seem to recall, was in the order of something like 18 months.

We also had the same experience with the University project, and again a significant amount
1390 of preparatory work was done, and that project, in terms of building itself, was completed in seven months. So, even though there was a short time available at the end, the project was successfully completed for inauguration and opening in September 2015 – as with the two new schools.

1395 There have already been meetings with senior management staff. The schools' senior management staff are also in the process of consulting other staff members in relation to the specific needs – all of that needs to be collated. We have a project manager actively working on this as we speak, so whenever that process is completed then the actual start of the construction, or whatever works need to be carried out, will be done.

1400 But as I have already indicated, we do envisage that that process which needs to be done, and needs to be done comprehensively and properly, in order for the construction phase to be done in the way that it has to be done ... and once all that is carried out, then we will begin construction with every intention, as I have indicated, of completing the projects and fulfilling our manifesto commitments within this term of office.

1405 **Hon. E J Phillips:** Just building on one of the points that the Minister made in relation to the schools, clearly in relation to the University and St Bernard's you were dealing, effectively, with a vacant building or a site on which to build up, in terms of the University. Insofar as Bayside is concerned, you have 1,000 students and the other schools will be occupied during the building works – we assume, certainly on this side of the House. Therefore, that will understandably take
1410 much more time. The time in which works will have to be conducted would have to be outside school hours, so there is going to be potentially a very significant level of disruption to learning at all of these environments in which the new buildings will be constructed. It would be helpful if the Minister could give some indication as to the plan for the relocation of possibly over 1,000 students, and others in the other schools, at the time in which these will be built. What are the
1415 contingency plans for moving people around Gibraltar?

Hon. G H Licudi: Mr Speaker, the point that the hon. Member makes is all the very reasons why we need to get this right – we need to plan properly for all of this and we need to get particularly the logistics right.

1420 We have already had discussion in this Parliament about those precise issues in relation to logistics surrounding Bayside, and all that is currently being planned. What I cannot answer is hypothetical questions as to how we might do it, because it might be done one particular way or it might be done another way.

1425 We are identifying the specific needs, we are planning how it is actually going to be done and we will do it, as we have fulfilled other manifesto commitments. We have a track record and we intend to keep to that track record.

1430 **Hon. Ms M D Hassan Nahon:** Just a concern and a question, Mr Speaker. Will workers who will be going into the schools, especially from abroad, for all these constructions, who are going to work on site, will they be having to undergo rigorous security checks, given the recent spate especially of strange men having to go to court recently with issues of children? To think that we are going to have many construction workers coming in the next few years into schools, could you give us a commitment that they will have to go through rigorous security checks?

1435 **Hon. G H Licudi:** Mr Speaker, the hon. Member does not know, because I have said we are still planning on how this is going to be done, whether construction workers are going to go into schools which are occupied, partly occupied, vacant – and therefore all of that needs to be built into the planning phase.

1440 My understanding is that any worker who works with children clearly has to be vetted. In terms of construction workers on a construction site it is not clear how that will work, but certainly whatever steps need to be taken to protect children which are reasonable, adequate and appropriate, will certainly be taken.

1445 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. It was a genuine concern that I wanted to put through.

The other question I had was: with so many schools being built around the same time, isn't it an ideal time to have a health and safety officer for the Department of Education? Is this something that may come?

1450 **Hon. G H Licudi:** Mr Speaker, the Government already has health and safety inspectors and health and safety officers. There are persons who are specifically in charge of schools.

We are intending to recruit somebody specifically in relation to these works and in relation to maintenance programmes generally on schools, and that is something that we are currently actively looking at and working on.

1455

Hon. Ms M D Hassan Nahon: Just one last supplementary. Can I just ask for clarification whether the schools that are being built are they all aiming to be of the same high standard as St Bernard's school? Is that the type of standard that we should be expecting – not a refurb, but a proper rebuild and a high state-of-the-art standard for all the schools?

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Hon. G H Licudi: Well, we have certainly set the bar very high with the standard of St Bernard's schools, and there is no reason why a similar standard should not be adopted by other schools, whether it is a question of refurbishment or a question of new building. But certainly we intend to provide very adequate facilities for our children and our teachers. Let's not forget it is not just the children who attend schools; it is a working environment as well. That is what we have provided in St Bernard's schools and that is the way we intend to carry on.

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Q396-397/2016

Teaching English as a Foreign Language – Numbers qualified teachers and pupils requiring support

Mr Speaker: Next question.

Clerk: Question 396/2016, the Hon. E J Phillips.

1470 **Hon. E J Phillips:** Further to Question 222/2016, can the Minister for Education confirm the number of teachers engaged by the Department of Education who are qualified to teach English as a foreign language?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 397/2016.

Clerk: Question 397, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, further to Question 222/2016, how many pupils across all schools require support from teachers qualified in teaching English as a foreign language?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1485

Hon. G H Licudi: Mr Speaker, the number of children requiring English as a foreign language support in schools currently stands at 112.

As explained in my answer to Question 222/2016, the Department of Education has one specialist teacher working at secondary level. This teacher works with small groups to support

1490 their learning and to improve their English skills. In the primary sector there are well-established strategies in place to support the needs of children whose first language is not English.

Schools support the needs of children with special needs support assistance, teacher-led language support groups and, where necessary, by withdrawing children from mainstream into smaller groups for targeted teaching. To further bolster this provision, the Gibraltar College will provide training in teaching English as a foreign language for teachers interested in obtaining a qualification in this field.

Hon. E J Phillips: I am grateful for the response and it does surprise me that we do have only one qualified teacher to deal with the significant number of students, in my view, that require assistance and support. But it is comforting to note, Mr Speaker, that the College will now offer courses so that people can train in this specialist area.

1500 It would be helpful if the Minister could give a certain amount of information relating to that primary level of support that is received, because quite clearly the information that I get from the public at large in relation to this issue is that there is not enough support insofar as specialist help from those who are qualified to teach English as a foreign language. As the Minister will appreciate, it is a highly specialised area and requires significant support, given that we have 112 students in our community who require specialist support of this nature.

1505 Will the Government be looking at recruiting at secondary level a further number of teachers who are trained and qualified in respect of teaching English as a foreign language?

1510 **Hon. G H Licudi:** Mr Speaker, the hon. Member expresses surprise that there is only one teacher at secondary level qualified and specialising in delivering this assistance in teaching English as a foreign language. I am not sure if it surprises the hon. Member that this is one more than existed under the GSD. The GSD administration had zero! This was *our* initiative and this was fully explained in answer to Question 222/2016. I have *Hansard* here, (**A Member:** So do I.) and I can explain it. I explained at the time ... I am happy to read *Hansard*:

It did not exist ...

This is *Hansard*. The hon. Member says no, that it is not there. Well, it is there:

It did not exist before December 2011 and we took the opportunity in 2012 when the 47 extra teachers, when the extra complement of 47, was engaged, and there was one applicant who was not just a qualified teacher but has specialist qualifications in teaching English as a foreign language and we specifically employed that teacher as part of the 47 to be a peripatetic teacher in the secondary sector to provide the support which, as I said, did not exist before.

So that is there in Question 222, which was done this year and therefore within the last six months, but I am happy to repeat that for the hon. Member's assistance.

1520 The hon. Member says there is a significant number of children – 112. Let's not forget we have over 5,000 pupils in our schools and we have 17 schools. Therefore, on average – I am not going to go into the specifics of each school, but on average we have less than 10, and in some schools we have zero children who need support in English as a foreign language.

1525 Do we want to provide more specialist support? Yes, of course. That is precisely why we have identified that the Gibraltar College should provide a course for teachers – and possibly even learning support assistants who want to, because some learning support assistants are also used to provide support for these children ... for those who want to obtain a specific qualification in English as a Foreign Language to be able to do so, and I expect that everything will be in place for that course to start around October time.

1530 But at the moment the resources that exist are those that we have put in place. And we have put in – as I explained, again at length, as the hon. Member will see from *Hansard*, in Question 222 – the kind of support that is provided at primary level with the teachers getting involved, the teacher-led classes, the removal into smaller groups to provide specific help for those children.

1535 And as I explained also when we looked at this a few months ago, ultimately it is for each
school and for each headmaster to decide how they support the children who need supporting
in their schools. They have the resources available to them. We decide policy, we make
resources available to the schools; the schools utilise those resources in the best way that they
can. Headmasters clearly have autonomy in relation to these matters. It is not for me to say to
each school, 'Mr Head, you have to do this in this particular way.' They are the professionals, not
us; we are just the policy makers. So we provide the resources, they decide how to use it, and
1540 precisely because we feel it would be useful to have additional teachers and professionals with
these qualifications, we have decided to put in place a course leading to a recognised
qualification in teaching English as a foreign language, which, as I have indicated, we expect to
start in October of this year.

1545 **Hon. E J Phillips:** Mr Speaker, without wishing to labour the point ... And I am not here to
defend anyone's record in relation to how many teachers, whether GSD or GSLP; the past is the
past. The position is this: you are in Government. You were in Government four years ago, you
are in Government now. These are the questions I am putting to you in relation to teaching
English as a foreign language, which is an important issue.

1550 The issue is not about unqualified teachers. I very specifically made reference to the question
of qualified teachers, and that was the purpose behind the question. The hon. Lady here asked
the question in February in relation to provision and support of teaching English as a foreign
language. I asked the question in relation to qualified, and I have the answer – which is that
there is one individual who is qualified to teach English as a foreign language to those 112
1555 students who are requiring support.

In any event, what I have from the public and from teachers I have spoken to is there is a lack
of support in this area, and this is what I am bringing to Parliament. This is the question I am
putting to him, and I am grateful to him for explaining to this House that there is a course now
available, and I am glad that now the Government will fully support the teaching of English as a
1560 foreign language in respect of the teachers who may wish to take this qualification.

We could take this even further, Mr Speaker. We have an ideal opportunity in this
jurisdiction, with the University of Gibraltar, to set up a specialist school in the teaching of
English. We are on the cusp of North Africa and the European Union, which may still be our close
neighbour in future –

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Mr Speaker: Ask a question.

Hon. E J Phillips: – and therefore it is important that we focus on teaching English as a foreign
language, and I am sure he will absolutely agree with me that we need to resource this fully.

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Hon. G H Licudi: Mr Speaker, I do not accept for one minute that there is –

Mr Speaker: Has he asked you a question?

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Hon. G H Licudi: He has asked the last one –

Mr Speaker: If you do not think that he has asked you a question I am not allowing any
further information, because then it becomes a debate.

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Hon. G H Licudi: Mr Speaker, I take it implicit in the hon. Member's intervention that the
question is: is there a need for more specialisation and for a specialist school in Gibraltar in
relation to teaching English as a foreign language? That is the thrust of what I heard the hon.
Member to say.

1585 But he did say that he believes that there is a lack of support, and we do not accept that for a
minute. We believe that there is adequate support, that the headteachers, as I have indicated,
have the resources, which they can utilise in the way that they feel is appropriate. The hon.
Member talks of one teacher for 112. I have indicated that we have got one specialist teacher in
1590 the secondary sector, where we have 20 pupils being supported in Bayside and 17 pupils being
supported in Westside, so that is not great numbers which require more than the specialisation
levels that we have at the moment.

The hon. Member also says that it is an important issue. Yes, we agree that it is an important
issue. That is why we decided to take the policy decision in December 2011 to do something
about it.

1595 And the final point, Mr Speaker, in relation to the specialist school – of course Gibraltar is
well placed where we are, with Iberia on one side and North Africa on the other. That is
precisely why I made quite a lot, when we were announcing the plans for the University, to say
that one of the things that we wanted to put together for the University was a language centre.
The specific purpose of the language centre was not to support children in our schools in
Gibraltar, because that is a different thing from catering for those who might want to come from
1600 abroad in relation to Spain, Africa or elsewhere, and therefore the language centre in the
University which I announced was specifically to teach not just English as a foreign language but
also teach English as a professional language to various forms of industries that require that
level of specialisation. We have seen this. I have seen this work in Malta and I have seen, in
various discussions I have had with other universities and other jurisdictions, the level of
1605 support, the level of demand there could be for this course. That is something that was intrusted
to the University and is something that they need to look at and develop. That is something very
different from the support that is required for the children attending our schools.

We recognise that Gibraltar, as a multicultural society, as a society that welcomes people
from abroad, as we have repeated even this week and we will continue to welcome people from
1610 abroad ... Sometimes children come to our schools without the level of English that other
children have, and those children need to be supported. We are satisfied with the level of
support that is provided at the moment. Do we intend to do more? Absolutely. That is why we
are doing what we are doing in October.

Q400/2016

Anti-Corruption and Anti-Bribery Authority – Mothballing of Government commitment

1615 **Clerk:** Question 400, the Hon. E J Phillips

Hon. E J Phillips: Can the Government now confirm that they have mothballed their
commitment to create an Anti-Corruption and Anti-Bribery Authority?

1620 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

**Minister for Education and Justice & International Exchange of Information
(Hon. G H Licudi):** Mr Speaker, the Government's position was set out in our manifesto for the
November 2015 elections. Although this is a public document and therefore the information is
already available to the Opposition, I am happy to repeat what the manifesto says, and I quote:

In our last manifesto we were committed to the establishment of an independent Anti-Corruption and Anti-
Bribery Authority with jurisdiction to investigate complaints starting in 1988. Following discussions with and on
the recommendation of the RGP, the Government agreed with the RGP that the RGP itself would carry out the
role of the anti-corruption authority which the Government intended to create.

As a result of those discussions and arrangements, the Government is satisfied that the RGP has the necessary expertise and resources and can work with the AG's chambers on the investigation and prosecution of all corruption allegations going back as far as may be necessary.

1625 **Hon. E J Phillips:** I am grateful to the learned Minister for setting that rationale out and repeating what the manifesto says in relation to the Anti-Corruption Authority, but it is right to say that in technical language you have abandoned this policy. Correct?

1630 **Hon. G H Licudi:** Absolutely not, Mr Speaker. We set out in our manifesto in 2015 what we had decided, what we had done, and we were elected on that ticket. And what we had done was engage with the professionals, engage in particular with the RGP, who had the necessary expertise, and acted on their recommendation; and therefore the role that we envisaged in a particular way is being carried out in another way on the recommendation of the professionals and having agreed that with the professionals. Therefore, we have not abandoned anything at all.

1635 **Hon. E J Phillips:** With respect, Mr Speaker, the Government intended to set up an Anti-Corruption Authority. Thereafter, it clearly consulted with the RGP and thought there was no need to have one because the service was already being delivered by the relevant authorities. That is clearly what happened, isn't it?

1640 **Hon. G H Licudi:** Mr Speaker, the hon. Member seems to be happy to play with semantics rather than go to the substance. Look at what the substance is, what is it that we intended to do: to make sure that we had a body that was competent and specialised in dealing with this matter. What we said and what we have agreed is that the role of the Anti-Corruption Authority would be carried out by the RGP itself. That is what we intended to do, and that role, which we intended to do in a particular way, is now being done following the recommendation and agreement, and what is important is that the role is being done, not the label. The labels are irrelevant.

1645 **Clerk:** Question 401, the Hon. E J Phillips.

1650 **Hon. D A Feetham:** Mr Speaker, I apologise for my lateness this morning. I have been out of Parliament due to family reasons, but I have caught the answer the hon. Gentleman has provided to my hon. and learned Friend, Mr Phillips, and I do think it is an unsatisfactory answer.

The only person, as far as I can see, who is playing with words and semantics is the Hon. the Minister, because the reality of the situation is that corruption is a crime and it has always been the responsibility of the RGP to investigate and to deal with it.

1655 In 2011, the GSLP Liberals promised an anti-corruption authority – in other words, something more than just the Police being involved in investigating and dealing with corruption – and now the hon. Gentleman comes to this House and he says to this House, 'Well, actually, it's exactly the same.' It cannot possibly be the same, Mr Speaker, and he must accept that actually what it is is a reeling back of their commitment in 2011 in relation to the Anti-Corruption Authority. There may be good reasons for that. It may well be that having looked at it in Government – and these things happen – for example, it was felt that it would be cost prohibitive, bearing in mind all the other manifesto commitments on the Government, or there may be other reasons. But what he cannot do – and I am asking is that not right – is come to this House and say the Police and the Anti-Corruption Authority are exactly the same. That really is not something that is believable, with respect to the Hon. the Minister for Justice.

1660 **Mr Speaker:** Please be warned that I am not prepared to allow a debate on this issue. I hope that that is clear: I am not going to allow a debate on this issue. I am going to allow the Minister

to answer that supplementary which the Hon. the Leader of the Opposition has asked, out of respect for the fact that he was not able to be here, and that is it: we are going to move on.

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Hon. G H Licudi: Mr Speaker, the hon. Member asks about something which happened in 2011, and surely he has to understand that there has been something in between. There has been an election in November 2015 with a new manifesto in 2015 which explained exactly what we were doing and which clearly was satisfactory to the general public who voted us back in with a handsome majority.

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The hon. Member says there may be good reasons for a change of tack, the cost might be prohibitive. It had nothing to do with that. What it had to do with was that in 2011 we were not in Government; we had not engaged with the RGP at that point on these matters. Therefore, we gave a commitment that something needed to be done in this area, and after the 2011 elections we engaged specifically with the RGP on this issue, had discussions, and they made specific recommendations on how they would deal with this matter. We were entirely satisfied with the recommendations that we received from the RGP. There was no need to change what they were recommending that they would do in terms of the unit that would be looking at this matter and the resources that they would attribute to this.

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Therefore, it is not the case that nothing changed. Of course something changed. What changed is that we had a commitment, we engaged with the relevant authority, we engaged with the relevant professionals and they told us exactly how that needed to be done. That is what we agreed and that is what we did, and that is in place now and we are entirely satisfied that these are proper and satisfactory arrangements.

Q401/2016
Legal Aid Bill –
Progress

1695

Clerk: Question 401, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice provide an update to Question 212/2016 on when the Legal Aid Bill will be brought before Parliament and whether the Government is still on track to implement the changes by the end of 2016?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, as I explained in the answer to Question 212/2016, the legal aid system, which is what the question is about, has been reformed with new rates already published and commenced.

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I also explained that we had embarked on a process of consultation with the Bar Council on improvements to the legal assistance system. A consultation paper has been provided to the Bar Council and we are currently awaiting the Bar Council's feedback on this.

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I still expect a Bill to be brought to Parliament and the process of reform concluded before the end of 2016.

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Hon. D A Feetham: Mr Speaker, I rise because it is a subject close to my heart, because sadly it was an area that I spent quite a lot of time and effort attempting to reform. We got to the stage where we had a draft Bill. The Government has decided not to proceed with that, but it is obviously something that I identified was necessary.

1720 In relation to legal assistance, can the Hon. the Minister for Justice indicate whether the Government is planning to rebalance? By rebalance I mean perhaps allowing certain areas to be funded by way of conditional fee agreements, for example, and concentrate on public funding just in relation to other areas. That is the route that, for example, the United Kingdom has gone down, although I do not invite the hon. Gentleman simply to copy the UK system, because there have been huge cuts in legal aid, as it is called in the United Kingdom. Certainly if he could give us a flavour of what it is that the Government is suggesting in that consultation process, it might be helpful.

1725 It might also be helpful, if the hon. Gentleman agrees, if the Government has produced a white paper or a consultation paper that has been circulated, if that could also be provided to us so that we have time and we can also consider it and also provide any constructive input from the Opposition benches. That might also be useful, and indeed it might be useful for the Government itself.

1730 **Hon. G H Licudi:** Mr Speaker, we are currently engaged, as I have said, in this consultation process with the Bar Council and I do not want to pre-empt what that consultation process is going to lead to. I would rather allow that to take its course.

1735 The hon. Member mentions a white paper. This is not a white paper as such, this is not something that we had intended to bring out to general consultation, but I am happy, once we advance further with the consultation, to brief the hon. Members opposite on where we are going on this.

1740 We have certainly looked at the position in the UK and there are some things that we may adopt in relation to the system in the UK. This will certainly not be a question of copying. The hon. Member suggests there have been cutbacks. There are quite a number of restrictions in relation to legal assistance in the UK on civil matters which we certainly would not adopt. For example, in relation to family cases I seem to recall very strict restrictions, and in fact legal assistance in family cases is excluded in the UK except in very specific circumstances where, I seem to recall, there is abuse of children or there is domestic violence.

1745 **Hon. D A Feetham:** And personal injury.

1750 **Hon. G H Licudi:** And personal injury as well is another area. So there is a whole list of exclusions in the UK and what we are doing is engaging with the Bar Council. Certainly, in relation to family, just to provide reassurance, we are not intending to go down, whatever the outcome of the consultation, the route of the UK, but these are the areas that are the subject of consultation with the Bar Council.

1755 Let me just add that it is not that we have been side-tracked, and I hesitate to even use that word but we are actually engaged in a parallel process of consultation with the Bar Council, which is taking up a lot of our time and, I know, the Bar Council's time – in particular, the Chairman of the Bar Council, Keith Azopardi – and that is in relation to the regulation of the legal profession, something which we all feel, I believe, is necessary and something which we consider ought to be done as soon as possible. That is something that we are heavily engaged in with the Bar Council at the moment. There is in that regard a draft Legal Services Bill which we are looking at and there is a draft consultation paper which we are in the process of finalising with the Bar Council, and on that we do intend to go out to public consultation.

1760 So, in the next few weeks we hope to have a final form of a draft Bill for consultation purposes and a final form of a paper which will simply be for consultation purposes and not necessarily be exactly what we will end up with at the end. So I expect in the next few weeks – and this is something that we have been very much engaged with in the last few months – we will have a draft consultation paper attaching a draft Legal Services Bill, which we will be able to put out for general consultation and it will be a revamping essentially, the introduction of the regulation of a profession, which simply does not exist at the moment except that it is self-

1770 regulated through code of conduct and the Bar Council and the Disciplinary Committee, which is set up and regulated by the Chief Justice, essentially.

1775 So this will be an important advance in relation to the legal profession – and when I talk of the legal profession I talk of the legal profession in the wide sense, not just relating to the lawyers, because we have people who do provide legal services such as law draftsmen, legal executives, and therefore all of those will be encompassed in this wide-ranging Legal Services Bill which we will be putting out in draft for consultation. I just mention that. And although I have used the word ‘side-tracked’ hesitatingly, I do not mean to say that we have put the other thing to one side, but this might explain why there is a little bit more of delay and not as much movement on the legal assistance side, because we do want to get this out of the way, we want to get the consultation paper out and then give a few months for public consultation on that issue.

1780 **Hon. E J Phillips:** Mr Speaker, just one question relating to that. I know that there has been some delay in terms of looking at the regulation of the legal profession and allied legal services, and I understand that through my previous role; but insofar as funding is concerned – and the Leader of the Opposition talked about conditional fee agreements and looking at ways in which we can reduce, effectively, the impact on the Legal Assistance Fund and legal aid more generally – I think it is right to say, isn't it, and I am sure the hon. Gentleman will agree with me, that we really need to start engendering much more pro bono activity within our jurisdiction.

1785 If you look at the United Kingdom as an example, you have a Bar Pro Bono Unit headed up by the Rt. Hon. Lord Goldsmith and also the Free Representation Unit, both of which have an active role within the community in the United Kingdom, not only in relation to cases of personal injury, family law and anything else, but also in relation to commercial matters and civil litigation. I think it is right that, as part of a three-pronged approach to legal funding and the legal assistance that the hon. Gentleman talks about, we should be looking to supporting the legal profession in building a Bar Pro Bono Unit to offer assistance to those members of the community who may not necessarily be afforded legal assistance or legal aid in certain circumstances, but engendering that possibility of people in the profession working effectively in the Free Representation Unit of the Bar Pro Bono Unit that will assist members of our community moving forward. I think the Government would support that initiative; I am sure that he will agree with me in respect of that.

1795 **Hon. G H Licudi:** Mr Speaker, we fully support the concept of pro bono activity in the legal services world. I happen to know, having been engaged in the profession and having worked with lots of professionals in a firm, that there is a lot of pro bono activity that is actually going on in this place. It may not be structured in the way that the hon. Member talks about, through either ... I remember in the UK there was a Free Representation Unit that was set up, normally known as FRU, or a Bar Pro Bono Unit itself. It is primarily for the Bar to organise such a unit, and the Government fully supports that unit.

1800 But I also want to say that, in relation to legal assistance, certainly we agree that as much as possible needs to be done to explore and encourage alternative routes to funding, whether it is pro bono or conditional fee agreements, and that will clearly be one of the areas that those who need to decide whether to award legal assistance in the future will need to consider – whether there are alternative routes to funding available, and if there are alternative routes to funding, then clearly public funds should not be used because those alternative routes should be preferred. That is certainly something that is currently being explored with the Bar Council.

1810 **Mr Speaker:** We need to have a short recess, hopefully a short recess of a few minutes, to try and adjust ... There is a problem with the recording system, so the House will have a short recess.

The House recessed at 12.30 p.m. and resumed its sitting at 12.40 p.m.

Q402/2016
Court and Tribunal Service –
Consolidation of tribunals

1820 **Clerk:** Question 402, the Hon. E J Phillips.

Hon. E J Phillips: Does the Minister for Justice agree that it makes sense from a cost and administrative perspective to bring all the tribunals within a combined Court and Tribunal Service?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Government does not currently intend to bring all the tribunals within a combined Court and Tribunal Service.

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It is worth recalling that there are a number of tribunals set up under different statutes where the responsibility for those tribunals lies in different ministries. These are the Industrial Tribunal, the Medical Appeals Tribunal, the Mental Health Review Tribunal, the Housing Tribunal, the Income Tax Tribunal, the Development Appeals Tribunal, the Rent Tribunal and the Fire Brigade Disciplinary Tribunal.

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Given the diversity of these tribunals, the fact that they currently fall within different ministries and the fact that it would require a significant restructure of the Gibraltar Courts Service to bring all of these under their responsibility, the Government considers that at this stage it is neither necessary, appropriate or convenient to bring all of these within a combined Courts and Tribunal Service.

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Hon. E J Phillips: I am grateful for the response by the Minister and I am grateful to him for explaining the rationale behind their view that this is not a good idea. But, obviously, under the previous GSD Government there was significant investment into the structure of the Court Service, in terms of investment in people, Prison, new courts – if you will just bear with me, I will get to the point I am trying to make – and we believe that it is now time to invest insofar as the individual's interaction with the justice system. What we mean by that is that there should be an overarching Court and Tribunal Service that can service the community – one point of contact that individuals will have with a service, irrespective of whether it is a Rent Tribunal, Housing Tribunal or Industrial Tribunal, soon to be Employment Tribunal in respect of that particular matter, so that the administrative burden of all of that can be dealt with by a central unit.

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I understand that there are differences – for example, a claim form in the Employment Tribunal will be different from a complaint in the Housing Tribunal or Rent Tribunal – but there must be a way in which we can, in terms of the administrative burden, have the tribunal sitting in one place and sit it underneath the Justice Ministry.

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Is it the fact that the Minister has not given comprehensive thought to the whole restructuring of the Court and Tribunal Service, or is it just the view of the Government that it is unnecessary because of the reasons he has articulated before?

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Hon. G H Licudi: Mr Speaker, we take the view that not only is it not necessary, but we do not believe it would be cost effective to do that, and therefore it is something that we have considered. I note that the hon. Member, or the party opposite, may have a different view and

they might do things differently. We have looked at this and, for the reasons which I have set out in the answer, it is not our current intention to go down this route.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q404-409 and 414-420/2016

Public finance –

Sinking Fund, Gross and Net Debt figures for public debt

1865 **Clerk:** Question 404, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance please provide the total gross debt, aggregate debt after application of the sinking fund to gross debt, cash reserves and net debt figures for public debt for each of the following dates: 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?
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Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 405 to 409 and 414 to 420.
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Clerk: Question 405, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, before I ask the question would it be possible for the Minister, in providing his answers, as yesterday, to give me his written answers to digest once he has answered?
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Hon. J J Bossano: Mr Speaker, you know and he knows what my view is. If the hon. Member wants Written Answers he gets Written Answers, and if he wants Oral Answers he gets Oral Answers.
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Mr Speaker: I was explaining yesterday that where a very large number of questions are answered together I have been adopting the practice of not waiting until the end of all the questions have been provided in order for them to be able to ... Because I thought, at the end, if they did not know what the answer to each question was, it would be even more time-consuming for them to ask supplementaries. So, if I make a proviso, if the Minister objects and if the Minister does not want the answers that he is going to give to Questions 404-409 and 415-420 immediately after he has answered those questions to be made available to the Hon. Member of the Opposition, I will not make it available.
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1895 Is that how you stand?

Hon. J J Bossano: That is how I stand.

Mr Speaker: Very well, then.
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Hon. D A Feetham: Mr Speaker, but in that kind of situation and –

Mr Speaker: No, bear in mind that before my time, before I became Speaker that was the practice. Before I became Speaker, the Hon. Members of the Opposition did not get the text of answers until all questions had been asked, and I took an initiative ... From time to time, I have
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taken an initiative of making it available. Were you here yesterday when I was explaining what had happened? But I did make a proviso. I said 'provided the Minister has no objection'. If the Minister has an objection I will not do that, because there is no provision in the Rules for that – I am sorry.

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Hon. D A Feetham: May I thank you very much, Mr Speaker.

I understand Mr Speaker's position. I was here yesterday and I understood exactly what Mr Speaker said, but of course I was here as well during the last parliamentary term when Mr Speaker also made the point – I think it was to the Hon. the Father of the House – that it has never been the practice ... and I will be corrected if I am wrong, but Mr Speaker said it was *not* the practice when he was in Parliament, before becoming Mr Speaker, to have about 20 or 30 questions bunched up together and have 20 or 30 answers. Hence why Mr Speaker then adopted the practice of saying please could you provide the written answers, but of course it is up to them whether they provide the written answer.

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But what I was going to say was this: bearing in mind that it has not been the practice to bunch 20 or 30 questions together – (**Hon. J J Bossano:** Sixty.) Sixty questions! Well, 60 questions – exactly. (*Interjection by Hon. J J Bossano*) Right, okay, 60 questions. Then, Mr Speaker, what I would ask – (*Interjection*) If the hon. Gentleman or Lady want me to sit down and give way, I will give way, but I would ask that in a situation where we are talking about quite technical information that has got to be digested, and of course we are not going to be provided with those written answers, if we request a recess of five minutes in order to digest it, then I think that Mr Speaker should agree to that, because otherwise it places us at a complete disadvantage.

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You have got 20 questions on fairly technical matters, and I just focus on one of those questions which talks about ... My hon. Friend, Mr Clinton, in order to be helpful – because he could have split this up into several questions – is asking about cash reserves, he is asking about net debt, he is asking about gross debt. He could have asked it in separate questions but he has bunched it in one. Some of these questions actually contain, effectively, more than eliciting information in one area. So for that reason, if we feel that we need a recess of five minutes in order to analyse the answers, I would hope – I am not going to suggest *expect*, but *hope* – that Mr Speaker provides us that indulgence and injects an element of fairness into the proceedings. And I must add to it the caveat my hon. Friend, Mr Llamas, has quite rightly pointed out – assuming that we are provided with the answers to the questions! (*Laughter*)

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Mr Speaker: Hon. Members will have to take careful notes when the Hon. Minister answers a question, and then we will see what they are able to do. Without the careful notes they will not be able to ask many supplementaries.

Let us see whether we can move on; otherwise, I will recess the House until three this afternoon for Chief Minister's Questions. We are carrying on at three, when it will be Chief Minister's Questions, so we do not have a lot of time. We either try to make a bit of progress now or we pack it up and we carry on with the question to the Hon. Minister, Mr Bossano, after the Chief Minister.

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Deputy Chief Minister (Hon. J J Garcia): Mr Speaker, if I may, the Chief Minister is engaged with issues which we all know have been happening over the last few days and we may not be able to have the Chief Minister answering the questions at 3 p.m., but if we recess for just two minutes we will be able to clarify the position and get back to the House.

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Hon. D A Feetham: Mr Speaker, may I suggest an alternative course of action, which is that we just continue –

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Mr Speaker: Yes, let's continue.

Hon. D A Feetham: – and then we will be told whether the Chief Minister can answer questions.

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Mr Speaker: Right, let's continue.

So, the next question is 405.

Clerk: Question 405, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the total liquid reserves figure and its constituents, namely: Consolidated Fund, Improvement and Development Fund, Government Owned Companies, deposits, contingencies and other funds for each of the following dates: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1970

Clerk: Question 406, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise how total liquid reserves are invested or held, giving details of all bank or savings accounts and cash held for each of the following dates: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1975

Clerk: Question 407, the Hon. R M Clinton.

1980

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the amounts of total deposits of the Gibraltar Savings Bank, and further broken down by debentures, on-call investment accounts, ordinary deposits and bonds for each of the following dates: 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1985

Clerk: Question 408, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please provide the monetary amount for early discretionary debenture redemptions by the Financial Secretary and a general description as to the reasons for these and the magnitude of penalty, if any, charged for each of the following months: 1st November 2015, 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

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Clerk: Question 409, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the balance on the General Sinking Fund on 31st March 2016 and provide details, dates and descriptions of individual movements on the Fund since inception, being 22nd November 2012 to 31st March 2016?

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Clerk: Question 414, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please confirm that all debentures issued by the Gibraltar Government are held by the Gibraltar Savings Bank and how is the interest rate determined and by whom?

2005

Clerk: Question 415, the Hon. R M Clinton.

2010 **Hon. R M Clinton:** Mr Speaker, can the Minister for the Savings Bank please advise how much money has been spent on the refurbishment of 323 Main Street and by whom? Is it the intention that the Savings Bank should still occupy these premises, and if not, who?

Clerk: Question 416, the Hon. R M Clinton.

2015 **Hon. R M Clinton:** Mr Speaker, can the Minister for the Savings Bank please advise how much money has been spent in developing a debit card for the Savings Bank and has this project been terminated?

Clerk: Question 417, the Hon. R M Clinton.

2020

Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please advise what services Crown Agents Bank provides to the Savings Bank and for what fees?

Clerk: Question 418, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please explain how it is that the 7,500 ordinary B class Gibtelecom shares owned by the Savings Bank and purchased from Telecom Slovakia or Slovenije are not registered in its name at Companies House, nor is such ownership reflected in the company's financial statements?

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Clerk: Question 419, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise if the external audit of Credit Finance Company Ltd has been started or completed?

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Clerk: Question 420, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise if GSBA Ltd has appointed an external auditor?

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Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

2045 **Mr Speaker:** Before the Hon. Minister replies, due to the Chief Minister's commitments at the moment we are going to return this afternoon at five, not at three but at five. That means we are going to carry on now for about another half hour or so at the most. Okay?

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, Questions 404 to 406 will be dealt with in the Chief Minister's speech on moving the Appropriation Bill.

2050

Savings Bank deposits were:

February	£942,772,246
Debentures	£747,854,948
Investment Account	£50,769,117
Ordinary Deposits	£85,319,977
Bonds	£58,828,204

March	£956,627,993
Debentures	£754,501,081
Investment Account	£57,249,554
Ordinary Deposits	£84,915,005
Bonds	£59,962,353
April	£987,049,412
Debentures	£762,926,630
Investment Account	£82,245,112
Ordinary Deposits	£85,089,735
Bonds	£56,787,935
May	£1,140,005,147
Debentures	£769,701,772
Investment Account	£228,065,711
Ordinary Deposits	£84,955,082
Bonds	£57,282,582

The amount of early debenture redemptions, by month, is as follows: £366,500; £429,300; £134,200; £962,600; £756,400; £1,106,800; £265,900. That is for the months that he has asked.

2055 The penalty is the difference between the rate of interest paid on the debenture and the interest payable on ordinary accounts. This penalty is not applied where the reason for early redemption is to purchase property in Gibraltar or on the death of the holder.

The balance of the Sinking Fund was £1.73 million on 31st March. I am not prepared to provide any further details on the movement of the Sinking Fund.

2060 Government debentures continue to be held by the Savings Bank and the rate of interest is agreed with the Government.

£216,221 has been spent on the refurbishment of 323 Main Street by the I & D Fund, and a final decision has not yet been taken on its use.

2065 The net cost of developing the debit card with Visa, which has been discontinued, is estimated to be under £1,000.

The fees of the Crown Agents for the management of the funds invested in securities quoted on the London Stock Exchange are 20 basis points on the first £200 million, 10 basis points on the balance and 0.02% per annum custody fees.

2070 The shareholding in Gibtelecom, as is the case with many of the assets held for the credit of the Savings Bank Fund, is that the legal interest in these investments is held by the Government while the beneficial interest is held by the Savings Bank Fund. This is the case with the legal interest in the specific case of Gibtelecom.

The external audit of Credit Finance Company has started.

In the case of GSBA, the external auditor has not yet been appointed.

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Hon. R M Clinton: Mr Speaker, I am grateful for the answers to those questions.

2080 If I may start perhaps in reverse order, in respect of the Gibtelecom shares I would be grateful if the Hon. Minister would explain the difference between the holding of shares in Gibtelecom and the holding of preference shares in Credit Finance Company Ltd or indeed the ordinary shares of GSBA Ltd, in which the registered owner of those shares is clearly shown in Companies House as being the Savings Bank.

Hon. J J Bossano: Well, the difference is the difference that he knows that exists: that one is in the name of the Government and the other one is not.

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Hon. R M Clinton: Mr Speaker, the Hon. Minister will be fully aware of the need for entities such as banks to have legal title to assets which are showing on their balance sheet. I find it surprising that the shares in Gibtelecom are not in the name of the Savings Bank. Perhaps the Minister could advise whether a declaration of trust has been signed in favour of the Savings Bank by the Government, and also perhaps he might like to comment on the Gibtelecom's financial statements that describe the Government as being the 100% owner of those shares, when in fact, as we know, it is 50% by the Government and 50% by the Savings Bank.

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Hon. J J Bossano: Mr Speaker, I thought that the hon. Member had discovered before the election that his misconceptions about the bank had been cleared when he made a statement to the effect that the Government and the Opposition agreed that what actually happens is that people put their money in the Savings Bank as an institution and then that money is given to the Government to put in a special fund. I imagine that there is no other bank, including the Gibraltar International Bank, that does that, so I think what other banks do, that do not operate as a savings bank, is completely irrelevant in terms of his subsidiary.

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Certain rules apply to banks that do not apply to the Savings Bank because, as he said before the election in something that he either wrote in the *Chronicle* or put on Facebook, it is not a credit institution and the rules of credit institutions do not apply.

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Hon. R M Clinton: Mr Speaker, at the risk of incurring your wrath, regardless of whether it is a credit institution or not, it is a basic tenant that you should have an asset registered in your name, and, if it is not registered in your name, at least a declaration of trust saying that you own it. Otherwise, on paper there is nothing to say that the Savings Bank owns those shares – and we are talking about investments of about £37-odd million, from my memory.

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Does the Minister not agree that at least some paperwork should be put in place showing that the Savings Bank is the true owner of 50% of those shares?

Hon. J J Bossano: Presumably what the hon. Member is complaining of is how it is shown on the balance sheet of Gibtel, because, as far as I am concerned, everything – that is the assets of the Savings Bank, of which I give him a list every time he asks for one – is held in a special fund and is governed by the rules that are applied to special funds in the legislation, which is the Public Finance Control and Audit Ordinance. It is those rules that matter and not the rules that may or may not apply to banks with which he is familiar, having been a banker – and I am not.

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Hon. R M Clinton: Mr Speaker, we still seem to be unable to agree. Perhaps if I can make it simpler: would the Minister not agree that any assets that are presumably owned by the Savings Bank should have legal title in some way or form registered with the name 'Savings Bank' next to them?

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Hon. J J Bossano: No, Mr Speaker, I do not agree with him. If I thought I needed his advice instead of the advice of the officials and the civil servants who operate the system, then I would be asking for his advice, but I do not ask for it and I do not agree with the advice that he has given me, because I am perfectly satisfied with the advice I am getting.

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Hon. R M Clinton: Mr Speaker, so then I take it that the current form of registration of the shares of Gibtelecom are upon the advice of, I presume, the Financial Secretary?

Hon. J J Bossano: Well, he can make whatever assumptions he wants to make, but I am not here to confirm or deny his assumptions. I am here to provide answers to questions about

2135 information about what we are doing, and I have given him the information as it is. He does not
have to like it and he does not have to think that it is right, but I do not have to agree with him.

Hon. D A Feetham: Mr Speaker, if I may ask him a less technical but a political question:
2140 doesn't the answer that the hon. Gentleman has just provided to my hon. Friend, Mr Clinton,
confirm the essence and central discourse of the Opposition over the last three years, which is
that the Government is using the Gibraltar Savings Bank as its own piggy bank? Because the
reality of what he is saying is that here you have the Gibraltar Savings Bank that has actually
purchased this particular asset, and rather than appear in the name of the Gibraltar Savings
Bank it appears in the name of the Government.

2145 In other words, you are blurring the ownership between the Gibraltar Savings Bank and the
Government, because the Opposition is absolutely right when we have said over the last three
years that the debts that are being incurred by the Gibraltar Savings Bank and the usage of that
money in the Gibraltar Savings Bank is effectively a form of off-balance-sheet borrowing by the
Government. The Gibraltar Savings Bank is just being used as a piggy bank by the Government,
2150 and does it not follow from the answers that the hon. Gentleman has provided us that that is the
case and therefore the Opposition's discourse over the last three years have been entirely
vindicated in this exchange with the Hon. Mr Clinton? (*Banging on desks*)

Hon. J J Bossano: Well, Mr Speaker, it may suit him to say so and he may even believe it. I
2155 hope he does not believe it, because it would demonstrate an incredible level of ignorance, so I
hope that it suits him. But, given that his neighbours banged on the table when he said it, at
least some of them must believe it.

If he believed what he has just said, he would be saying that in fact the entire level of
deposits of £1.1 billion is public debt. Now, if that is what he wants to believe and that is what
2160 he wants to say, then that is fine. All I can tell him is that I hope he has been satisfied by the
figures that I have given him as to how the Savings Bank is performing – that notwithstanding
that they have spent three years trying to persuade people not to put their money in the Savings
Bank by questioning whether it was a solid institution and by saying that it is being used to fund
the Government, the reality of it is that, as I have just told him, in the months since February, in
2165 the questions that he has just asked me, I have shown that the Savings Bank went from
£942 million in the first month to £956 million in the second month, £14 million up in one
month, and that increase has carried on, and that in the last figure that I gave him for the last
month we have got a situation where the Savings Bank now has the confidence of the people to
the degree that it is £1.140 billion. That is £1,140,000,000, is the level of the Savings Bank, which
2170 constitutes an increase of almost £200 million between February and May. And if the hon.
Member believes that we have spent £200 million on Government projects in that period and
that it is public debt, well good luck to him – I do not think anybody else will.

Hon. D A Feetham: But, Mr Speaker, how can he possibly justify, in the light of the fact that
2175 he has spent three years saying to the people of Gibraltar and telling me and telling the
Opposition that the Gibraltar Savings Bank is one thing and the Government of Gibraltar is
another, the debts of the Government of Gibraltar which appear in the estimates are the debts
of the Government to Gibraltar, debentures of the Savings Bank are a debt of the Gibraltar
Savings Bank ... if now we see from this exchange that the Gibraltar Savings Bank has purchased
2180 shares in this particular company, taking over the shares from the Slovenian company, and the
Gibraltar Savings Bank puts it in the name of the Gibraltar Government, not in the Gibraltar
Savings Bank?

Does he not agree that it drives a coach and horses through his own analysis, and therefore
supports our analysis that the reality here is that what has been going on over the last three
2185 years is that the Government, in order to avoid going over and above the legal borrowing limits
– because he really could not borrow as much because he was effectively spending too much

2190 money and could not borrow that because of the legal borrowing limits – is basically using the debentures in the Gibraltar Savings Bank in order to pay for Government expenditure? At the very least he must agree with me that it drives a coach and horses through his own analysis, which is that both are separate; because otherwise, Mr Speaker, the shares in this particular company would have appeared in the name of the Gibraltar Savings Bank and not in the name of the Government.

Hon. J J Bossano: I do not agree with the Hon. Member at all, in anything that he has said.

2195 Let us analyse the argument, Mr Speaker, that he is asking me to agree to. He is asking me to agree that because the shares bought from Slovenije were legally registered by the Gibtel company in the name of the Government and the beneficial ownership is shown on the balance sheet of Gibtel, that transaction shows that all the money deposited in the Savings Bank – £1.1 billion deposited in the Savings Bank – he now claims is a debt, but not a debt of the Savings Bank but a debt of the Government. The answer is no, I do not believe that the £37 million paid from the Savings Bank Fund for Slovenije is evidence that that £37 million has driven a coach and horses through the £1.1 billion and converted it into public debt. But if that is what he wants to believe and he wants to use it as an attempt to scare people about the solidity of the Savings Bank or about the solidity of the finances of the Government and make out that even without
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2205 Brexit we are on the point of economic collapse, good luck to him – and good luck to him at the next election if he carries on saying that, because it will finish then where he is now.

Hon. R M Clinton: Mr Speaker, if I can come back to the original point, my question to him now is – perhaps he may choose not to answer it – as a director of the Savings Bank, a director of Gibtelecom, whether he believes his financial disclosure is correct in saying that the 100%-owner of Gibtelecom shares is the Gibraltar Government?
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Hon. J J Bossano: Mr Speaker, there are people paid and employed who are professionally qualified to do the things which the hon. Member thinks are not being done correctly, and I have full confidence that they know the job that they are doing and that therefore there is nothing wrong either in the balance sheet and the accounts of Gibtelecom or in the paper that I give him, which shows that those investments are in the Gibraltar Savings Bank *Fund* – because it is a special fund of the Government and that special fund of the Government, just like there are other special funds ... There are special funds, for example, for other things where the money in there is not available to the Government. The only money from the Savings Bank Fund that is available to the Government is the money that results from the Government selling debentures to the Savings Bank – that is all. If he does not understand that, then clearly none of the information that I am giving him is having much effect.
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Hon. R M Clinton: Mr Speaker, this will be my final intervention on this point. Given that he, presumably, in this House accepts, and obviously he has in all statements made clear that the beneficial owner of those 7,500 shares is the Savings Bank and not the Government of Gibraltar, how are the voting rights of those shares exercised and by whom?
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Hon. J J Bossano: Well, I think in the time that they have been held since Slovenije the shareholders have not had an occasion to vote, but in the board of directors of the Savings Bank the Ministers who are there ... I am one of the directors, but clearly, since I am also politically responsible for the Savings Bank I do not have to wear two different hats. If I have one opinion as director of a company and I have on the same subject, as the person politically responsible for the Savings Bank, I will not contradict myself. He does not have to worry about that.
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Hon. D A Feetham: Mr Speaker, just in relation to this exchange, when we talk about the Savings Bank being the beneficial owner, my understanding of the answers that the hon.

2240 Gentleman provided earlier is that not only are these shares in the name of the Government and
not the Gibraltar Savings Bank, but there is no declaration of trust – it does not exist in favour of
the Gibraltar Savings Bank – so how do we get to the position where the Gibraltar Savings Bank
is the beneficiary of these particular shares? Or is the Government’s position that, irrespective of
whether they were purchased with the money from the Gibraltar Savings Bank, these shares
belong to the Government and that is it, that is the position?

2245 **Hon. J J Bossano:** Mr Speaker, the Hon. Member knows that that is not the position, because
the position is that in the accounts of the Savings Bank Fund, audited by the Principal Auditor,
those shares are shown there as an asset of that special fund. The auditor has not questioned it,
the Financial Secretary has not questioned it and nobody else has questioned it except the hon.
2250 Members opposite. Now, it may be they are not happy with the way it has been done. As far as I
am concerned, this is the way that the people who are employed to do the job have done the
transaction and I am satisfied that they know their job, they know what they are doing and they
have nothing that is wrong.

2255 **Hon. R M Clinton:** Of course, Mr Speaker, if they *have* done something, whether
inadvertently, right or wrong ... if they have done something wrong, the implication is that the
Government owes the Savings Bank £37 million in return for those shares. That is the only
implication. I will leave it in the hands of the Principal Auditor and, as you say, the officials
whose job it is to get this right.

2260 **Hon. J J Bossano:** No, Mr Speaker, I regret to say that even simple arithmetic seems to be
beyond the reach of the Member opposite, because if indeed the Government owed that
money, then that money would have to appear twice – once on the estimates of the
Government as a debt to the Savings Bank and once in the special fund – and there is only one
2265 entry. When he gets the audited accounts, he will find that it only appears once. If he was right,
there would have to be an in and an out, and there is not.

Hon. R M Clinton: Mr Speaker, with the indulgence of yourself and the Members, I would ask
that the hon. Member opposite at least grant me the benefit of being able to do some basic
2270 maths. *(Laughter)* All I am saying is that if the Savings Bank does not own those shares,
effectively the assets shown as being £37 million would instead be shown as a debt from the
Government, i.e. another form of debenture that is owed to the Savings Bank. It is as simple as
that. Again, as I said, I will leave it to the public officials whose job it is to get this right.

2275 **Hon. J J Bossano:** And I am saying, Mr Speaker, that what he is saying is that it should appear
twice, once in the Savings Bank Fund and secondly as an amount of money which the
Government owed, which would not be public debt but which would presumably have to appear
somewhere as a minus in the Consolidated Fund. I am telling him that is not the case, that he is
wrong, that it appears only once, and I have explained to him the explanation that has been
2280 provided for the answer to this question by the people who provide the technical element: that
it is registered legally in the name of the Government but for the benefit of the Savings Bank
special fund. That is the answer that I have given him in the original question.

He thinks that it is wrong that it should have been done like that. Well, I do not think that it is
wrong, because that is the way that the experts employed by the Government have done it and I
2285 believe and I trust their expertise. Maybe, if he was the one employed to do it, he would have
done it in a different way.

Hon. R M Clinton: Mr Speaker, I think we have exhausted that argument, but again I would
beg the Minister opposite to grant me at least the benefit of the doubt when it comes to double-
2290 entry bookkeeping.

If I can move on, talking about double-entry bookkeeping, the movements on the Sinking Fund, which the Hon. Minister seems to be so reluctant to give me, may I have the presumption of asking why that is the case?

2295 **Hon. J J Bossano:** Yes, Mr Speaker, because I am prepared to give the Hon. Member the level of information that gives him what it is on a specific date, but not the movements in and out. I think the more information he gets, the more information he wants to have and it is a never-ending exercise.

2300 I do not know why he proposes there should be a Public Accounts Committee. I think he behaves as if he was a one-man Public Accounts Committee all by himself!

A Member: Hear, hear. (*Banging on desk*)

2305 **Hon. R M Clinton:** Well, Mr Speaker, I can only take that as a compliment. (**A Member:** Exactly!)

2310 Would the Hon. Minister perhaps clarify for my benefit ...? In fact, he did give me movements on the Savings Bank account I think at the January sitting of Parliament. It was £15 million in and £15 million out, which obviously made me none the wiser. May I ask him perhaps just one question. Because I was perhaps slightly confused, if I can use that word, in that the level of gross debt at the time did not decrease even though there had been a movement, may I ask him are the monies in the Sinking Fund being used for purposes other than the repayment of capital?

2315 **Hon. J J Bossano:** Mr Speaker, I answered that when he asked me the same question the last time. I said it is the servicing of the debt, which can include the interest.

2320 **Hon. R M Clinton:** Mr Speaker, going back to Questions 404, 405 and 406, which, if my memory serves me right, the Hon. Minister said that the Chief Minister would be dealing with in his Budget speech, will I get assurances from the Minister opposite that I will get that data and information in the format I have requested?

Hon. J J Bossano: Well, no, Mr Speaker, since it is not my speech I cannot commit myself to editing the Chief Minister's speech to suit the hon. Member opposite, much as I like him.

2325 **Hon. R M Clinton:** Well, the feeling is mutual, but he will appreciate, of course, by effectively passing the question to the Chief Minister and then disclaiming responsibility for the Chief Minister's speech, it means I do not get an answer to my question, Mr Speaker.

2330 **Hon. D A Feetham:** Mr Speaker, this is a very serious point. We have asked, or the hon. Gentleman has asked, for figures of gross debt and cash reserves – and really it is cash reserves and net debt that are important in this context – for 1st February 2016, 1st March, 1st April and 1st May, and the answer has been that the Chief Minister will deal with it in his Budget speech.

2335 Now, of course, if that is the position, unsatisfactory as it is, because the question ought to be answered, certainly I will deal with it on the hoof when the Chief Minister provides us with that information during the course of his speech, because I have got an idea in my mind what it will show. But what he cannot do is give us the answer saying that the Chief Minister is going to deal with it in his Budget speech and then, rightly, when my hon. Friend stands up and says, 'Are you sure that is going to be the position?' because then at the very least we will get a measure of comfort, he says, 'No, I cannot bind the Chief Minister.' Well, then, what he is doing is depriving the public and he is depriving the Opposition of what is important information and information that he knows is needed, and that is why he does not provide that information that is needed in relation to a proper debate in the Budget – because this will show the movement of cash reserves before 31st March and after 31st March, and one of the things that we suspect we will

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2345 see when we look at those figures is essentially an increase in cash reserves in the run up to 31st March and a decrease in cash reserves thereafter. In other words, the tightening or the closing of the cash tap, if I can call it that, prior to 31st March that leads to a healthier figure on the Budget and then an opening again of the cash tap after 31st March.

2350 Mr Speaker, if the hon. Gentleman is not willing to provide that information, then the inference that we will draw is that that is precisely what is happening. Does the Hon. the Father of the House not agree with that analysis? And I know what the answer is going to be. *(Interjection and laughter)*

Hon. J J Bossano: That is not right. I do not agree, but I can understand where he is coming from, because of course that is what they did for 15 years, so I am not surprised that he is speculating that we will be doing that.

2355 I think he will have to wait to see what the answer is when the answer comes. All I am saying to the hon. Member is if I was going to be providing the information and I did not want to give him an answer, I would tell him, 'No, I am not giving you the answer,' because that is the way I function and the Hon. Member knows that. But since it is somebody else's speech, what I cannot tell him is how it is going to be dealt with in that speech. Clearly, all I can tell him is that the matter will be dealt with.

2365 **Hon. R M Clinton:** Mr Speaker, I appreciate the Minister's candour on this, but perhaps if I can address myself to you, Mr Speaker: what are the Rules of the House where we have tabled questions and the answer is that the answer will be in somebody else's speech? Surely that cannot be right.

2370 **Mr Speaker:** Ministers are responsible for answering questions in the manner they decide. One would expect the Hon. Minister to know, to have consulted the Chief Minister before inserting this sentence in the answer, and if that were to be the case then he should be taking the Minister at his word. But he has pressed him further and, knowing as I know the Hon. Mr Bossano from 1972, I am not surprised at the attitude that he has adopted. I cannot be more helpful than that.

2375 **Hon. D A Feetham:** Mr Speaker, may I just say this, that yes, of course, the Ministers answer questions, Ministers have to make themselves responsible for answers that they give to the House, and if a Minister, in an answer to the House, says the answer is going to be in a speech provided by somebody else, that is fine. It is not satisfactory from our point of view, because it is not – this is information that the Government habitually provides, that I have been asking for four years and the hon. Gentleman has been asking since he became responsible for public finances on this side of the House – but when pressed with the logical question, 'Is it going to be provided by the Chief Minister?' the Hon. the Father of the House says, 'Well, I do not know; I did not write his speech.' That was the answer. That is what has caused these exchanges.

2385 **Mr Speaker:** I understand that.

2390 **Hon. D A Feetham:** Therefore, what we have on record is two contradictory answers. The Hon. the Father of the House can say – and we will criticise him in the House and outside the House – 'I am not prepared to provide you with the information because I am not going to help you write your Budget speech,' because this is what it is about, Mr Speaker. We know what it is about: 'I am not going to help you write your Budget speech, I am not going to provide you with an answer.' Well, fine, but if he says it is going to appear in the speech of the Hon. the Chief Minister, then we would expect to see it in the speech of the Hon. Chief Minister on Monday morning and then we will reply – and that is what this is about.

2395 I am still not clear whether it is appearing in the speech or whether it is not, and it is really simply a question of the Hon. the Father of the House saying, 'I am sorry, but I am simply not going to help you write your own Budget speeches.'

2400 **Hon. J J Bossano:** On the contrary, I am quite happy to help him write his Budget speeches if he wants me to – we can get together and I will write it for him. It will be full of praise for the Government, obviously, by the time I have finished with it, but if that is what he wants he can get that.

2405 That is not what has happened, Mr Speaker. I have said that it will be dealt with in the Chief Minister's speech and I was asked, 'Will it be dealt with in the way that I have asked the question?' and I said, 'I cannot commit myself to telling you that it will be done in the way that you have asked the question because it is not going to be my speech.' That is the nature of the exchange that has taken place and that is the position.

2410 **Hon. R M Clinton:** Yes, Mr Speaker. Again, with your indulgence, as you will appreciate, there were quite a few questions bunched together.

If I may turn back to the Savings Bank and the questions I asked about 323 Main Street and the debit card, would the Minister please give us an indication of how he sees the development of the Gibraltar Savings Bank in the future?

2415 **Hon. J J Bossano:** Well, we live in very uncertain times and therefore, whereas I would have given him a clear answer a week ago, I cannot say that the turmoil that we are seeing everywhere is not going to be affecting us in the Savings Bank, for a very simple reason: there is no indication at all that people have been worried about putting money in the Savings Bank to date because of anything that is happening, nor has there been any occasion at all of people wanting to withdraw it, but it is obvious that if several trillion pounds of the value of shares have been wiped out in a few days and if it is put down to the uncertainty created by a situation which is going to be prolonged, then we could get situations where, not because people do not trust the Savings Bank but because they have lost a lot of money somewhere else, they may have either less money to put in or need to take money out.

2425 The bank does not stand in the way of people who come back and say, 'I want to redeem my debentures early.' What we do is we say, 'Well, look, you can have the money put in and you can take it out any time you want and we will pay you 1%.' If you put it in there for five years and you say, 'Look, I need the money out because I have been wiped out because of something that has happened with my other investments,' we tend to be sympathetic, but frankly what we cannot do is have somebody who has got money tied up for five years but can take it out any time he wants and still get his 5%. That is not going to happen. Therefore, the system is that, as I explained in the question – unless it is for property in Gibraltar, namely the money is being taken out of the Savings Bank but it is still going into the Gibraltar economy, or when somebody passes away and automatically the people who are entitled to the estate will be able to get it without penalty – the penalty is that the rate is 1% and you can take it out any time, and the other one is 5% and you keep it there for five years, or 3% if you keep it for three. Then, when we pay back, we deduct the difference that has been paid in the time that it has been there.

2435 There is at the moment no indication of that, but it is very early days. We may be facing a situation where the uncertainty carries on long, and the longer it takes the worse it is for the whole of the western economic system, and we cannot be totally immune from that.

2440

2445 **Hon. R M Clinton:** Mr Speaker, I thank the Hon. Minister for his analysis, which I agree with entirely, but really the thrust of my question was about the services at the Savings Bank rather than numbers in terms of deposit growth, about any expansion of services and perhaps how he may or may not see that interacting with the International Bank.

Mr Speaker: That does not arise from – (**Hon. R M Clinton:** No?) No. You are widening the ambit well beyond the purview of the question.

Hon. D A Feetham: Mr Speaker, may I?

2450

Mr Speaker: Yes.

Hon. D A Feetham: Mr Speaker, arising out of the answer that he has just given, because he has touched upon very important matters, but also arising out of the questions that have been asked about public debt and cash reserves, does he not agree with me that actually now is a time – and I am asking him not only because he has responsibility for these areas but he has more experience than anybody else in this House about these matters – for reflection and consolidation and that really it is a time to take stock and to consolidate and perhaps even take a different view that political parties, us included, may have taken at the last General Election, because it really is important to take on board the fact that we live in a very, very uncertain world, the pound plummeting, shares plummeting, and that Gibraltar cannot hermetically seal itself from any of those developments and ... I do not really want to go into detail in relation to this, but he knows where I am coming from in relation to what he has just said about the Gibraltar Savings Bank ... and that therefore it is a time for consolidation, for pause, and really perhaps a different way of doing things for the next year, year and a half, as we move forward, and that is important to Gibraltar and important as we look towards the future?

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Hon. J J Bossano: I happen to think this is the most serious thing that has happened since the 1930s because the effects are not just in the UK or in Gibraltar or even in the EU; this is a global impact and the level of a global impact is unlikely, in my judgement, to be corrected any time soon.

2470

We were supposed to be just coming out of a recession that started in 2008. The timing could not be worse. We have to be responsible about taking decisions in the context of uncertainty. That is my view and it is a view that I will express both publicly and privately in the Government.

2475

Hon. D A Feetham: Indeed, I expect he would agree with me that in actual fact ... and he knows that for all our differences a lot of the positions that I have personally been taking over the last four years, as I see it, have also been positions that I have taken straight out of the hon. Gentleman's books, and I hope that, even if it is only privately, he recognises that.

2480

Perhaps it is also the time to be not only consolidating and reflecting but perhaps also moving back 20 years to the philosophy that the hon. Gentleman espoused during the early 1990s, which was based on rainy fund and basically trying to save for that potential rainy day, because I think that is important in what is a very uncertain world, which we all hope that we will be able to sail through.

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I think the Hon. the Chief Minister yesterday put it quite well in a speech that he gave to the Small Business Federation when he said that the United Kingdom is the equivalent of the *USS Nimitz*, the largest aircraft carrier in the world, and we are small and we are the equivalent of a cork, and a cork may get wet but it does not sink. I hope that that analogy proves true, but certainly we would expect that little cork to face as little difficulty as possible, and in doing so I think that it is important that we move towards a position where we start building that rainy day fund just in case we face difficulties in the future.

2490

Hon. J J Bossano: I think the forthcoming debate that we are going to have on the Budget is in the context that it is a Budget that was prepared before any of this happened.

2495

Certainly, the Ministry for Economic Development, which I am responsible for, is the one that has got to deliver the money to do the things that we need to do.

2500 The projections that we made, I explained in the election campaign, were in my judgement conservative projections which we expected to surpass. That expectation cannot be there until the picture is clearer, so we will be doing well if we actually are able to deliver what we set out to deliver, but it will be more difficult now to surpass it. There is no question about that.

Mr Speaker: The House will now recess until five this afternoon.

The House recessed at 1.44 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.00 p.m. – 7.43 p.m.

Gibraltar, Thursday, 30th June 2016

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The Gibraltar Parliament

The Parliament resumed at 5.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q432/2016

**Gibraltar Visa Waiver Cards –
Recipient details**

Clerk: We continue with questions to the Chief Minister.
Question 432, the Hon. L F Llamas.

5 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of Gibraltar Visa Waiver Cards issued by the CSRO since 31st December 2011, disclosing the date and nationality of recipient?

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

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Her Majesty's Government of Gibraltar amended the Immigration, Asylum and Refugee Act in March 2013 to enable Moroccan nationals to hold multiple-entry Schengen visas to enter Gibraltar for 21 days without the need for a separate visa.

15 The Immigration, Asylum and Refugee Act was further amended in October 2013 to extend these visa waiver arrangements to Chinese, Mongolian, Indian and Russian nationals who hold multiple-entry Schengen visas, so they can also enter Gibraltar for 21 days without the need for a separate visa.

20 Furthermore, Her Majesty's Government of Gibraltar has administratively relaxed the visa requirements for all visa-requiring nationals who hold UK multiple-entry visas valid for six months or more, UK biometric residence permits valid for six months or more and EU-issued family permits valid for 12 months or more. Her Majesty's Government has also agreed to waive the visa requirements for cruise passengers. The waivers are all listed in the website of the Government of Gibraltar and the Civil Status and Registration Office – Visas and Immigration.

25 I now hand over three appendices which I will be referring to in the context of the rest of this answer. I will just wait for the hon. Member to get the handout.

Mr Speaker, the Civil Status and Registration Office has issued 1,030 visa waiver cards since 31st December 2011. The cards were issued to Moroccan pensioners to enable them to enter Gibraltar to collect their old age pensions locally and to the Moroccan wives and minor children

30 of residents to enable them to visit their respective families without the need for visas. Those
are detailed in Appendix 1 which the hon. Gentleman has just received from me.

The issuance of the cards was discontinued in April 2014. The cards were replaced with a visa
waiver stamp affixed to the Moroccan passports. The Civil Status and Registration Office issued
35 753 visa waiver stamps to the same category of persons, i.e. Moroccan pensioners and
Moroccan wives and children of residents. And that, Mr Speaker, is detailed in Appendix 2 which
the hon. Gentleman has from me.

In January 2015 the stamps were replaced with visa waiver vignettes. These vignettes were
issued to all visa-requiring nationals who are either residing in Gibraltar, frontier workers, non-
resident pensioners or family visitors. Appendix 3 lists the vignettes issued to persons under the
40 same category shown in Appendices 1 and 2 and the hon. Gentleman now has that information.

GIBRALTAR PARLIAMENT, THURSDAY, 30th JUNE 2016

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APPENDIX 1

Details of Visa Waiver Cards issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
19/01/2012	1		1
24/01/2012	2		2
22/02/2012	2		2
03/04/2012	1		1
12/04/2012	2		2
13/04/2012	3		3
23/04/2012	1		1
24/04/2012	1		1
02/05/2012	2		2
03/05/2012		1	1
04/05/2012		2	2
08/05/2012		3	3
09/05/2012		2	2
11/05/2012	1	3	4
14/05/2012		3	3
15/05/2012		4	4
21/05/2012	4	1	5
21/05/2012		1	1
23/05/2012		3	3
24/05/2012		3	3
26/05/2012		2	2
28/05/2012		2	2
29/05/2012	1		1
30/05/2012	1	3	4
05/06/2012		1	1
07/06/2012		3	3
14/06/2012		1	1
20/06/2012		11	11
21/06/2012		1	1
26/06/2012		12	12
28/06/2012	34	3	37
29/06/2012	6		6
02/07/2012	3		3
03/07/2012	11	8	19
04/07/2012	1	4	5
05/07/2012	6		6
06/07/2012	4		4
09/07/2012		1	1
10/07/2012	11	2	13
11/07/2012	3	7	10
12/07/2012	1		1
16/07/2012	11	1	12
17/07/2012	2	3	5
18/07/2012	2	2	4
19/07/2012	8	1	9
20/07/2012	2	1	3
23/07/2012	2		2
24/07/2012	2	1	3
25/07/2012	3		3
30/07/2012		2	2
31/07/2012	2	1	3
Total c/f	136	99	235

Date	General Visitors	Pensioners	Total Per Day
Total b/f	136	99	235
01/08/2012	9		9
03/08/2012	5	1	6
06/08/2012		1	1
07/08/2012	9	3	12
09/08/2012	1	1	2
13/08/2012	2	1	3
14/08/2012	3	1	4
17/08/2012	1	2	3
21/08/2012	1		1
22/08/2012	2		2
29/08/2012		2	2
31/08/2012	1		1
03/09/2012	1	5	6
04/09/2012	4	3	7
05/09/2012	2	3	5
07/09/2012	3	8	11
12/09/2012		3	3
13/09/2012	3	4	7
14/09/2012	1	2	3
17/09/2012	1		1
18/09/2012		1	1
20/09/2012		2	2
21/09/2012	2		2
25/09/2012		1	1
26/09/2012		3	3
27/09/2012		1	1
02/10/2012		4	4
05/10/2012	3	2	5
15/10/2012	1	11	12
16/10/2012	3		3
17/10/2012	2	2	4
24/10/2012	2	3	5
25/10/2012	2		2
26/10/2012	1		1
30/10/2012	1		1
02/11/2012	1		1
07/11/2012	1	1	2
12/11/2012	1		1
12/11/2012		3	3
14/11/2012		5	5
16/11/2012		2	2
22/11/2012		4	4
23/11/2012	3		3
26/11/2012	1	1	2
29/11/2012	2	3	5
30/11/2012	1	2	3
04/12/2012	2	2	4
05/12/2012		3	3
06/12/2012		2	2
07/12/2012	1		1
Total c/f	215	197	412

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Details of Visa Waiver Cards issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
Total b/f	215	197	412
11/12/2012		1	1
13/12/2012		1	1
14/12/2012		5	5
18/12/2012	2	1	3
19/12/2012		1	1
20/12/2012	1	2	3
21/12/2012	1		1
02/01/2013		4	4
07/01/2013	2	5	7
09/01/2013	4	4	8
14/01/2013	2	1	3
16/01/2013		2	2
17/01/2013	1	2	3
24/01/2013		4	4
25/01/2013	1		1
29/01/2013	4	1	5
01/02/2013	4	1	5
04/02/2013		2	2
05/02/2013	5		5
08/02/2013	1		1
11/02/2013	3		3
12/02/2013	2		2
14/02/2013		1	1
15/02/2013		1	1
21/02/2013	1	5	6
25/02/2013	3		3
01/03/2013		2	2
04/03/2013	3		3
06/03/2013		5	5
07/03/2013		1	1
14/03/2013	3		3
18/03/2013	3	5	8
19/03/2013		5	5
20/03/2013	2	3	5
25/03/2013	4	2	6
26/03/2013	3	1	4
27/03/2013	1	2	3
28/03/2013	1		1
03/04/2013	1	3	4
05/04/2013	6	2	8
08/04/2013	1		1
09/04/2013	3		3
10/04/2013	7	2	9
11/04/2013		1	1
15/04/2013	2		2
17/04/2013	4		4
18/04/2013	4	2	6
22/04/2013		4	4
24/04/2013	1		1
30/04/2013		3	3
Total c/f	301	284	585

Date	General Visitors	Pensioners	Total Per Day
Total b/f	301	284	585
02/05/2013	2	1	3
06/05/2013	2	6	8
08/05/2013		3	3
09/05/2013		4	4
10/05/2013	3		3
13/05/2013		3	3
15/05/2013		3	3
16/05/2013		1	1
21/05/2013	3	1	4
23/05/2013	1	3	4
27/05/2013	1		1
03/06/2013	3	3	6
04/06/2013	1	7	8
06/06/2013	4	1	5
07/06/2013		4	4
10/06/2013	1	7	8
11/06/2013		1	1
19/06/2013	2	1	3
20/06/2013	3	1	4
25/06/2013	9	1	10
26/06/2013	4	1	5
01/07/2013	3		3
02/07/2013	7	4	11
03/07/2013	1	6	7
04/07/2013	6	1	7
05/07/2013	1		1
10/07/2013		4	4
12/07/2013	11		11
15/07/2013	4		4
16/07/2013	3	3	6
17/07/2013	4		4
18/07/2013	5		5
23/07/2013	3	1	4
24/07/2013		2	2
26/07/2013	3		3
30/07/2013	2	2	4
31/07/2013	7		7
05/08/2013	1	1	2
06/08/2013	2	1	3
13/08/2013		1	1
15/08/2013	5		5
18/08/2013		1	1
21/08/2013	7	5	12
22/08/2013	4		4
27/08/2013	2		2
29/08/2013	9	5	14
30/08/2013	3		3
04/09/2013	3	2	5
05/09/2013	9		9
11/09/2013	9	3	12
Total c/f	454	378	832

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Details of Visa Waiver Cards issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
Total b/f	454	378	832
16/09/2013		2	2
17/09/2013	1		1
18/09/2013	10	3	13
19/09/2013		1	1
20/09/2013		2	2
21/09/2013	1	5	6
24/09/2013	2		2
30/09/2013		3	3
01/10/2013	3	3	6
04/10/2013		1	1
10/10/2013	6	7	13
23/10/2013		4	4
04/11/2013		8	8
07/11/2013	1		1
12/11/2013	2	1	3
16/11/2013		3	3
21/11/2013		2	2
26/11/2013		4	4
29/11/2013		2	2
04/12/2013	5	3	8
10/12/2013	5	3	8
14/12/2013	1	1	2
16/12/2013		3	3
17/12/2013	2		2
18/12/2013	1	2	3
09/01/2014	1	8	9
13/01/2014	4	3	7
15/01/2014	5		5
16/01/2014		3	3
20/01/2014	1		1
23/01/2014		2	2
24/01/2014	1		1
28/01/2014		1	1
29/01/2014	1	1	2
04/02/2014	1		1
05/02/2014		1	1
06/02/2014	2		2
07/02/2014	1		1
10/02/2014		1	1
13/02/2014	1		1
19/02/2014		2	2
26/02/2014	1	3	4
03/03/2014		1	1
06/03/2014		4	4
18/03/2014	1	5	6
21/03/2014	4		4
31/03/2014	4	7	11
01/04/2014	2	2	4
08/04/2014	1	2	3
12/04/2014		2	2
Total c/f	525	489	1014

Date	General Visitors	Pensioners	Total Per Day
Total b/f	525	489	1014
17/04/2014		2	2
24/04/2014	2	7	9
12/05/2014		5	5
Total	527	503	1030

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APPENDIX 2

Details of Visa Waiver Stamps issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
14/03/2014	1		1
10/04/2014	1		1
14/04/2014	1		1
16/04/2014	2		2
22/04/2014	2		2
23/04/2014	1		1
24/04/2014		5	5
25/04/2014		4	4
02/05/2014	2		2
03/05/2014	3		3
05/05/2014	1		1
06/05/2014	1		1
07/05/2014	4		4
08/05/2014	4		4
11/05/2014	1		1
12/05/2014	7		7
15/05/2014	2	5	7
16/05/2014	1	13	14
19/05/2014	1		1
20/05/2014		4	4
21/05/2014	2		2
22/05/2014	1		1
26/05/2014	2		2
27/05/2014	4		4
28/05/2014	1	5	6
29/05/2014	2		2
30/05/2014	2	1	3
01/06/2014	1		1
02/06/2014	2	5	7
03/06/2014	1		1
04/06/2014	2	3	5
05/06/2014	2		2
06/06/2014	2		2
09/06/2014	5		5
10/06/2014	4	5	9
11/06/2014	3		3
12/06/2014	3		3
13/06/2014	4	1	5
16/06/2014	2		2
17/06/2014	7		7
19/06/2014	1		1
20/06/2014	24	2	26
21/06/2014		1	1
22/06/2014		1	1
23/06/2014	50		50
24/06/2014	28		28
25/06/2014	8	3	11
26/06/2014	3		3
27/06/2014	7		7
28/06/2014	1		1
29/06/2014		1	1
Total c/f	209	59	268

Date	General Visitors	Pensioners	Total Per Day
Total b/f	209	59	268
30/06/2014	5	1	6
01/07/2014	21		21
02/07/2014	6		6
03/07/2014	6	1	7
04/07/2014	6		6
05/07/2014		3	3
07/07/2014	8	3	11
08/07/2014	10		10
09/07/2014	8	1	9
10/07/2014	4		4
11/07/2014	6		6
13/07/2014	1		1
14/07/2014	9		9
15/07/2014	4	1	5
16/07/2014	7	1	8
17/07/2014	7		7
18/07/2014	7	1	8
21/07/2014	3	1	4
22/07/2014	8		8
23/07/2014	4		4
24/07/2014	1	1	2
25/07/2014	3		3
28/07/2014		1	1
29/07/2014	1		1
31/07/2014	2	2	4
01/08/2014	1		1
03/08/2014	3		3
04/08/2014	3		3
05/08/2014	10		10
06/08/2014	3	2	5
07/08/2014	1		1
08/08/2014	1	1	2
11/08/2014	1	1	2
12/08/2014	1	2	3
13/08/2014		1	1
18/08/2014		2	2
19/08/2014	1	1	2
21/08/2014		3	3
26/08/2014	1		1
27/08/2014	2		2
01/09/2014		1	1
02/09/2014	3	1	4
03/09/2014	1		1
04/09/2014		4	4
05/09/2014	6	1	7
06/09/2014		1	1
08/09/2014	1	1	2
09/09/2014	1	4	5
11/09/2014	1		1
12/09/2014	1	3	4
Total c/f	388	105	493

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Details of Visa Waiver Stamps issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
Total b/f	388	105	493
14/09/2014		2	2
15/09/2014		3	3
16/09/2014	2		2
17/09/2014		6	6
18/09/2014		1	1
19/09/2014	3	2	5
22/09/2014	1		1
23/09/2014	1		1
24/09/2014	4	1	5
25/09/2014	4		4
29/09/2014	1		1
30/09/2014	1	1	2
03/10/2014	1	1	2
06/10/2014		1	1
09/10/2014	1		1
14/10/2014	1	1	2
15/10/2014	1		1
16/10/2014		7	7
17/10/2014	5		5
19/10/2014	1	2	3
20/10/2014	1		1
21/10/2014		1	1
22/10/2014		4	4
23/10/2014		2	2
24/10/2014	1		1
27/10/2014		2	2
29/10/2014		1	1
03/11/2014	3		3
04/11/2014	4		4
06/11/2014		4	4
07/11/2014		1	1
08/11/2014		1	1
10/11/2014	1		1
11/11/2014	1		1
12/11/2014	1	1	2
13/11/2014	1	1	2
14/11/2014		1	1
16/11/2014		2	2
17/11/2014		1	1
19/11/2014		1	1
20/11/2014		1	1
21/11/2014	1		1
24/11/2014	1		1
25/11/2014	1	5	6
27/11/2014		1	1
28/11/2014	1	2	3
30/11/2014	1		1
01/12/2014	4	1	5
02/12/2014	3		3
03/12/2014	1		1
Total c/f	441	166	607

Date	General Visitors	Pensioners	Total Per Day
Total b/f	441	166	607
05/12/2014	1		1
06/12/2014	1	1	2
07/12/2014		1	1
08/12/2014		1	1
10/12/2014	2		2
11/12/2014	2	4	6
12/12/2014	4	1	5
14/12/2014	1		1
15/12/2014	4	1	5
16/12/2014		2	2
17/12/2014	1		1
18/12/2014	5	2	7
19/12/2014	2		2
21/12/2014		2	2
23/12/2014	1		1
01/01/2015	1		1
05/01/2015		2	2
06/01/2015	5	3	8
07/01/2015	2		2
09/01/2015	3	6	9
10/01/2015	1		1
12/01/2015	2		2
13/01/2015	4		4
14/01/2015		1	1
15/01/2015		1	1
16/01/2015		1	1
19/01/2015	1	1	2
20/01/2015	7	4	11
21/01/2015	3	1	4
22/01/2015	7		7
23/01/2015		1	1
25/01/2015	1		1
27/01/2015	4	1	5
30/01/2015	2		2
02/02/2015		2	2
03/02/2015	2		2
05/02/2015	5		5
06/02/2015	1		1
09/02/2015	3	1	4
10/02/2015	1	2	3
11/02/2015	1		1
12/02/2015		2	2
16/02/2015	1	1	2
17/02/2015		5	5
18/02/2015	1		1
19/02/2015	1	1	2
20/02/2015		2	2
22/02/2015	1		1
23/02/2015		1	1
24/02/2015	2		2
Total c/f	527	220	747

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Details of Visa Waiver Stamps issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day
Total b/f	527	220	747
25/02/2015	3		3
26/02/2015	1		1
22/03/2015	1		1
20/11/2015		1	1
Total	532	221	753

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APPENDIX 3

Details of Visa Waiver Vignettes issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day	Nationality	Date	General Visitors	Pensioners	Total Per Day	Nationality
12/01/2015	1		1		Total b/f	75	49	124	
25/01/2015	1		1		20/05/2015	1	2	3	
28/01/2015	1		1	1 Filipino	21/05/2015	1	2	3	1 Panamanian
25/02/2015	1		1		26/05/2015	1	1	2	
02/03/2015	3		3	1 Chinese + 1 Indian	28/05/2015	1	5	6	
03/03/2015	1		1		29/05/2015	5		5	1 Ukrainian
04/03/2015	2	1	3		01/06/2015		2	2	
05/03/2015		2	2		02/06/2015	5	1	6	
06/03/2015	3	4	7		03/06/2015	3	4	7	
11/03/2015	1		1		04/06/2015		3	3	
12/03/2015		2	2		05/06/2015	3	3	6	
13/03/2015		2	2		08/06/2015	1		1	
16/03/2015	1	1	2		09/06/2015	1	1	2	
17/03/2015	1		1		10/06/2015	4	4	8	
18/03/2015	1	4	5		11/06/2015	3	1	4	
20/03/2015	3		3		12/06/2015	2	1	3	
24/03/2015	1	2	3		15/06/2015	2		2	
26/03/2015	2	1	3		16/06/2015	4	2	6	
27/03/2015	5	1	6		17/06/2015	10	1	11	
30/03/2015	1	1	2		18/06/2015	4		4	
31/03/2015	3		3	1 Serbian	19/06/2015	13	1	14	
01/04/2015	3	1	4		20/06/2015	1		1	
02/04/2015	1		1		22/06/2015	5		5	
08/04/2015	1		1		23/06/2015	1		1	
10/04/2015		2	2		24/06/2015	10		10	
14/04/2015		1	1		25/06/2015	7	1	8	1 Filipino
15/04/2015		5	5		26/06/2015	2		2	
16/04/2015	2	1	3	1 South African	29/06/2015	14	2	16	
17/04/2015	2		2	1 Indian	30/06/2015	5	2	7	1 Ukrainian
20/04/2015	1	1	2		01/07/2015		1	1	
21/04/2015	2		2		02/07/2015	4		4	
22/04/2015	1		1	1 Ukrainian	03/07/2015	11	1	12	
23/04/2015	3	2	5		06/07/2015	5		5	
24/04/2015	3		3		08/07/2015	4		4	
28/04/2015	1	1	2	1 Thai	09/07/2015	4	1	5	
30/04/2015	5		5	2 South Africans + 1 Thai	10/07/2015	3		3	
04/05/2015	2	1	3		12/07/2015	1		1	
05/05/2015	1		1		13/07/2015	6		6	
06/05/2015	2	5	7		14/07/2015	1		1	
07/05/2015	2	1	3	1 South African	15/07/2015	12		12	
08/05/2015	1		1		16/07/2015	2		2	
10/05/2015		1	1		20/07/2015	4		4	
11/05/2015	1		1		22/07/2015	4	1	5	
12/05/2015	3	3	6		23/07/2015	1	1	2	
13/05/2015	3		3		24/07/2015	2		2	
14/05/2015		1	1		27/07/2015	15	2	17	
15/05/2015	1		1		28/07/2015	7		7	
19/05/2015	2	2	4		29/07/2015	5	1	6	
Total c/f	75	49	124		Total c/f	275	96	371	

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Details of Visa Waiver Vignettes issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day	Nationality	Date	General Visitors	Pensioners	Total Per Day	Nationality
Total b/f	275	96	371		Total b/f	338	162	500	
30/07/2015	2		2		22/10/2015	1	1	2	
31/07/2015	2		2		23/10/2015	2	2	4	
01/08/2015	5		5		27/10/2015	1	2	3	
03/08/2015	5	1	6		29/10/2015	1		1	
04/08/2015	2		2		01/11/2015		3	3	
05/08/2015	2	1	3		02/11/2015	1		1	
06/08/2015	1	1	2		03/11/2015		1	1	
07/08/2015	1		1		04/11/2015		2	2	
10/08/2015	2	6	8		05/11/2015	2		2	
11/08/2015	5	1	6		09/11/2015	3		3	
12/08/2015	5	2	7		10/11/2015	2	2	4	
13/08/2015	1		1		11/11/2015	1	1	2	
14/08/2015	2		2		12/11/2015		1	1	
16/08/2015	1		1		16/11/2015	1	2	3	
17/08/2015		1	1		17/11/2015	2		2	
18/08/2015	2	2	4		18/11/2015	2	3	5	
19/08/2015	1	1	2		20/11/2015		1	1	
20/08/2015	2	1	3		24/11/2015	2	1	3	
21/08/2015		1	1		26/11/2015	8	2	10	
23/08/2015		1	1		27/11/2015		1	1	
25/08/2015	2	1	3		30/11/2015	1	2	3	
28/08/2015		1	1		01/12/2015	1	1	2	
31/08/2015	1		1		02/12/2015	2	3	5	
03/09/2015	1		1		03/12/2015	2	1	3	
04/09/2015		1	1		04/12/2015	1	1	2	
06/09/2015	2		2		05/12/2015		1	1	
08/09/2015	2		2		07/12/2015	3	2	5	
09/09/2015		1	1		08/12/2015		3	3	
10/09/2015	1		1		09/12/2015	3		3	
14/09/2015		1	1		10/12/2015	3		3	
15/09/2015	2	2	4		11/12/2015	3		3	
17/09/2015	2	5	7	1 Ukranian	14/12/2015	1	2	3	
18/09/2015		6	6		15/12/2015	4	10	14	
23/09/2015		3	3		17/12/2015	1	1	2	
25/09/2015		1	1		18/12/2015	2		2	
26/09/2015	1		1		21/12/2015	1	1	2	
28/09/2015		2	2		22/12/2015	2	2	4	
30/09/2015		1	1		23/12/2015	4		4	2 Indian
01/10/2015	1	1	2		05/01/2016	1		1	
04/10/2015	2		2		06/01/2016		3	3	
05/10/2015	1	3	4		07/01/2016	1	1	2	
06/10/2015		3	3		08/01/2016	1		1	
07/10/2015		2	2		11/01/2016	2		2	
08/10/2015		3	3		12/01/2016		7	7	
09/10/2015	1		1		14/01/2016	2	1	3	
15/10/2015	1		1		15/01/2016		2	2	
16/10/2015		1	1		19/01/2016	4	1	5	
19/10/2015	1	5	6		20/01/2016	9	2	11	1 Dominican
20/10/2015	1	1	2		21/01/2016	2		2	
21/10/2015		3	3		24/01/2016	2		2	
Total c/f	338	162	500		Total c/f	425	234	659	

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Details of Visa Waiver Vignettes issued since 31 December 2011
By Date and Nationality

Date	General Visitors	Pensioners	Total Per Day	Nationality	Date	General Visitors	Pensioners	Total Per Day	Nationality
Total b/f	425	234	659		Total b/f	480	315	795	
26/01/2016	1		1		11/05/2016	2	1	3	
27/01/2016	1		1		12/05/2016		1	1	
28/01/2016	2		2		16/05/2016		1	1	
29/01/2016	2		2		17/05/2016		4	4	
01/02/2016	1	3	4		20/05/2016	2	4	6	
03/02/2016	5	1	6		23/05/2016	2	2	4	
05/02/2016		1	1		26/05/2016	2		2	1 Ukranian
10/02/2016	2	2	4		27/05/2016	1		1	
11/02/2016	1		1		31/05/2016	1	3	4	
12/02/2016		2	2		01/06/2016		3	3	
15/02/2016		2	2		02/06/2016	1		1	
17/02/2016	1	8	9		03/06/2016	4	1	5	
18/02/2016		1	1		06/06/2016		1	1	
22/02/2016	1		1		07/06/2016	1	1	2	
24/02/2016	1		1		09/06/2016	1		1	
25/02/2016		1	1		10/06/2016	1	1	2	
01/03/2016	3	4	7		14/06/2016		1	1	
02/03/2016	1	1	2		15/06/2016	1	4	5	
03/03/2016		1	1		16/06/2016		1	1	
04/03/2016	2	2	4		17/06/2016	1	1	2	1 Filipino
07/03/2016		4	4		20/06/2016	4		4	
08/03/2016		1	1		Total	504	345	849	
09/03/2016	1		1						
16/03/2016	4	6	10						
17/03/2016		3	3						
18/03/2016	1	1	2						
21/03/2016	2	1	3						
22/03/2016	3	1	4						
23/03/2016	1	2	3						
24/03/2016	1		1						
29/03/2016		5	5						
30/03/2016		1	1						
05/04/2016	2	2	4	1 Fijian					
06/04/2016	2	1	3						
11/04/2016	1	1	2						
12/04/2016	2		2						
13/04/2016	1	1	2						
18/04/2016	1	2	3						
19/04/2016	1	2	3						
21/04/2016		2	2						
22/04/2016	2	1	3						
26/04/2016	2	3	5	1 Filipino					
27/04/2016	1	2	3						
29/04/2016		1	1						
03/05/2016		4	4						
04/05/2016	2	2	4						
05/05/2016	1		1						
06/05/2016		1	1						
09/05/2016		1	1						
10/05/2016		1	1						
Total c/f	480	315	795						

Q433/2016
Gibraltar Music Festival 2015 –
Donation to charity

Clerk: Question 433, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Chief Minister advise if the Government has made a decision to donate the Gibraltar Music Festival 2015 wrist band money of sterling £23,250.67 to charity?
45

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman has read the *Chronicle*!
50

The hon. Member opposite will be pleased to know that the money was donated to Calpe House at their charity event on Saturday, 26th June at the luxury five star Sunborn Hotel.

Hon. R M Clinton: Mr Speaker, I am gratified for the Chief Minister's answer. It is a shame about the 67p but, hey, who is counting?
55

Q434/2016
Naval Ground coach and car park –
Increase in cost

Clerk: Question 434, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 253/2016 can the Minister for Public Finance explain why the cost of the coach and car park has increased by £3.8 million from £17.5 million stated in the GSLP/Liberal election manifesto to £21.3 million in answer to Question 253/2016?
60

Clerk Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the £21.3 million refers to the estimated cost of the coach and car park.
65

Gibraltar Car Parks Limited, however, will acquire the coach and car park for a net cost of around £15 million, in fact less than the amount we thought it was going to be, after taking into account the sales value of the private car parking spaces.

Q435/2016
Project and development updates –
Bluewater, Coaling Island and Rooke development

Clerk: Question 435, the Hon. R M Clinton.
70

Hon. R M Clinton: Mr Speaker, can the Chief Minister please provide Parliament with an update in respect of the Bluewater Project, Coaling Island development and reclamation project

75 and proposed Rooke development and any premiums received, due or contractually agreed but not yet due?

Clerk: Answer, the Hon. the Chief Minister.

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, negotiation on these projects are currently ongoing and are at an advanced stage. Details will be provided once the contracts have been finalised.

Hon. R M Clinton: Mr Speaker, if I may ask the Chief Minister, when he says negotiations, would I be correct in assuming that will be for all three developments?

85 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. R M Clinton: Mr Speaker, if I may finally ask the Chief Minister: has any premium in respect of land deals been received in the last day or so, or at least in the last six months?

90 **Hon. Chief Minister:** Mr Speaker, many premiums in respect of land sales will have been received in the last six months.

Hon. R M Clinton: Chief Minister, specifically in respect of these projects?

95 **Hon. Chief Minister:** Well, Mr Speaker, I do not feel comfortable dealing with the detail of that question today but I am going to feel very comfortable dealing with it when I come back to present the Budget.

100 The hon. Gentleman has the estimates for next year which will show him already as he will no doubt have poured over them, some of the details of what has and has not been received in the last six months, and we will go through the detail of that during the context of the debate to be had next week.

**Q436-437/2016
Personal or Corporate Tax Refunds –
Monies paid or due**

Clerk: Question 436, the Hon. R M Clinton.

105 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise how much money has been paid out in April and May 2016 in respect of personal or corporate tax refunds and to which year of assessments do they relate?

Clerk: Answer, the Hon. the Chief Minister.

110 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 437.

Clerk: Question 437, the Hon. R M Clinton.

115 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise how much money is due to taxpayers in respect of refunds for completed assessments prior to 31st March 2016 that are currently pending issue?

Clerk: Answer, the Hon. the Chief Minister.

120

Chief Minister (Hon. F R Picardo): Mr Speaker, a total of £1.53 million has been paid in tax refunds during the months of April and May 2016. There is an analysis of the refunds paid in the year of assessment that they relate to in the sheet that I have been given, broken down between individuals and corporate. I will not read them out I will just ask one of the clerks to make a copy of this front page and let him have it.

125

Mr Speaker, also in relation to Question 437, as at 31st March 2016 the total due to taxpayers in respect of refunds for completed assessments not yet issued, was as follows: in respect of Individuals £19.55 million, and in respect of Corporate £10.61 million.

Individuals

Year of Assessment	April 2016 £	May 2016 £
Up to		
2009/2010	107,139	1,089,844
2010/2011	49,052	33,521
2011/2012	15,181	15,664
2012/2013	5,115	10,881
2013/2014	10,153	24,647
2014/2015	31,510	68,744
2015/2016	6,789	4,097

Q438/2016

**Dog section in HM Customs –
Plans for reintroduction**

Clerk: Question 438, the Hon. E J Phillips.

130

Hon. E J Phillips: Mr Speaker, are there plans to reintroduce a dog section in HM Customs?

Clerk: Answer, the Hon. the Chief Minister.

135

Chief Minister (Hon. F R Picardo): Mr Speaker, as I think I have repeatedly already said, a dedicated Customs dog section will be introduced as the restructure takes shape to adjust to developing operational needs.

The final structure as agreed with the Government is still not in place as we are awaiting final accommodation relocations to be agreed.

140

The dog section will be manned by one Executive Customs Officer and two Customs Officers. A senior Customs Officer (Operations) will have overall day to day responsibility for the unit.

Provision has been made in this year's Estimates of Expenditure, as the hon. Gentleman will know, to deal with certain aspects of this which we will debate in greater detail during the course of next week.

Q439/2016
The Fishing Report –
Extension of BGTW

145

Clerk: Question 439, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, the report 'The Management of Marine Living Resources in the Waters around Gibraltar' otherwise known as the Fishing Report, commissioned by Government and published in December 2012, recommends that consideration be given to the extension of BGTW to 12 miles.

Has Government considered this and what conclusions have they drawn?

155

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as the Government has previously announced, we are pursuing with the United Kingdom the extension of BGTW as recommended in the report referred to in the hon. Gentleman's question.

Q440-447/2016
Civil Service, Public service –
Details

160

Clerk: Question 440, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, are there any non-civil service secondments within the Department of the Environment?

165

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 441 to 447.

170

Clerk: Question 441, the Hon. D A Feetham.

Hon. D A Feetham: How many employees in the public sector are currently waitlisted for promotion, detailing the grade they have been found suitable to, and since when?

175

Clerk: Question 442, the Hon. D A Feetham.

Hon. D A Feetham: In each financial year since 31st March 2012, how many people have been recruited into the public sector, Government-owned companies, agencies and/or authorities without advertising the vacancy to the general public?

180

Clerk: Question 443, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state which employees in the public sector, Government-owned companies, authorities and/or agencies are currently temporarily promoted, detailing acting post, date temporarily promoted and Department?

185

Clerk: Question 444, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state which Heads of Department are currently being substituted and why?

190 **Clerk:** Question 445, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government disclose the allowances given to union conveners detailing the name of the convener, the value of the allowance and the union they represent?

195 **Clerk:** Question 446, the Hon. D A Feetham.

Hon. D A Feetham: In each financial year since 31st March 2012, how many people have been promoted in the public sector, Government-owned companies, agencies and/or authorities without advertising or circulating a bulletin in this respect?

200

Clerk: Question 447, the Hon. D A Feetham.

Hon. D A Feetham: Further to Question 267/2016, can Government provide an updated list, together with additional information such as grade, post and Department for each vacant post?

205

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are currently two non-civil servants seconded within the Department of the Environment.

210

I will now hand the hon. Member a schedule with the information requested for Questions 441 to 447, Mr Speaker; but I will highlight to him that in respect of 442, 443, 445, 446 and 447 the answer that he is going to be given is that it has not been possible to provide the answer in the time available.

215

I expect to be able to provide the answer if the same question is asked for the next sitting, as a compilation of data should by then be ready.

ANSWER TO QUESTION 447/2016

Answer to Question 441/2016

Civil Service

Grade	Number of Waitlisted Officers	Wait list With Effect From
Higher Executive Officer	9	26/03/2015
Executive Officer	8	30/09/2015
Sub Officer (Operations)	1	04/12/2015
Leading Firefighter	1	06/04/2016
Fire Control Operator	1	06/04/2016
Driving & Vehicle Examiner	1	30/03/2016
Prison Officer (Trades)	1	04/12/2015
Qualified Teacher	59	20/07/2015

Agencies, Authorities & Government Owned Companies

Department / Grade	Number of Waitlisted Officers	Wait list With Effect From
Air Field Rescue Service - Leading Firefighter	1	01/10/2015
Boards & Coastguard Agency - SBCO	4	06/03/2016

Answer to Question 444/2016

GRADE/ DEPARTMENT	REASON
Senior Officer - Director of Social Security	Government currently looking into the possibility of restructuring the department
Senior Officer - Director of Employment	Government currently looking into the possibility of restructuring the department
Senior Officer - Head of Civil Status & Registration Office	Recruitment to commence shortly
Senior Officer - Human Resources Manager	Recruitment process currently ongoing
Senior Officer - Principal Housing Officer	Recruitment to commence shortly
Senior Officer - Commissioner of Income Tax	Recruitment to commence shortly (Present incumbent due to retire in October 2016)

220 **Hon. D A Feetham:** Mr Speaker, rather than ask the question, because obviously I have asked it at this session – 442, 443, 445 and 447. Will the Hon. the Chief Minister undertake for the civil servants within his Department to provide me with the answer in writing and that will satisfy me at the end of the day, as long as I have the information?

225 What I do not want to do is come back next session and basically ask the same questions when that can be dealt with just by writing to me and providing me with the information.

Hon. Chief Minister: Well, Mr Speaker, I am loath to undertake to do that.

230 The Hon. the former Chief Minister always used to say to me that he was loath to undertake to do things because an undertaking means something to him and to me because we are lawyers, and the hon. my predecessor used to say that it is very easy for things to slip under the net and then I have undertaken to do something and I will not be able to achieve the effect of the undertaking.

In particular now, Mr Speaker, I am loath to give an undertaking but what I will tell him is, that if he writes to me then I will certainly get them to respond with the information when it is ready in the context of my seeing the information and being able to provide it.

235 I am not asking him to put the question again next time for any reason other than because I know that by next time it will be ready, but if it is ready before then and he writes to prompt the answer to be provided then I am happy for it to be sent to him in time for him to then base questions next time on the answer, rather than to have to ask the question again.

240 **Hon. D A Feetham:** Mr Speaker, I understand that there may be some of these questions where I am asking for numbers that go back to 2012.

There is a reason for that because I want to undertake an analysis of the period from March 2012 until obviously now, that because the hon. Gentleman may have been in the UK perhaps taking senior civil servants with him – I do not know, there may be a reason, I understand that.

245 Rather than have a situation where I will write to him, I will just simply refile the same questions and hopefully by next time round he can provide me with the answers.

250 But for example, 445 which is a question that is not statistical in nature, it is a question that asks: can the Government disclose the allowances given to union conveners, detailing the name of the convener, the value of the allowance and the union they represent. I mean, that is not difficult information for the Government to collate and to provide.

I wonder why the Hon. the Chief Minister is not in a position to provide that information which, as I say, I distinguish from the other statistical information where I am asking the Government to provide statistics going back to 31st March 2012?

255 **Hon. Chief Minister:** Mr Speaker, for a simple reason because that is a question which is statistical in nature; and I will tell him why.

First of all he is not going to get the names of people from me across the floor of the House – that he can be absolutely certain of because it is our practice not to do so. There are data protection rules and we are not going to be providing names; and I am surprised he is asking for names, which suggests to me there is a small ‘p’ political reason why he is seeking the information in that way.

And when I say ‘small p’ I mean of course petty, because if he is asking for the names of people and he wants to know what that person earns or has as an allowance, it cannot be for any macro-political reason that he is seeking the information.

265 This is information which requires the collation of data from salaries, it requires collation against posts, etc. and it has not been possible to give me the information in the way that I am able to hand it over. That is the answer he was given and it is exactly the same whether it relates to his questions for his stated analysis in respect of the period since 2011 or for this one. I must tell him that I am doing the same analysis, although I think we are going to reach starkly different conclusions.

270 But given that I had one ear to what was happening in the House this morning and another to the many things that are happening elsewhere at the moment, and I heard this morning that we were being encouraged by some to take more people in the public sector; and I imagine it is because he wants to tell us that we have not taken *enough* people into the public sector that he is doing the analysis.

Hon. D A Feetham: Mr Speaker, yes, the hon. Gentleman and I are not going to agree in relation to the analysis that at the end of the day emerges. Who is right and who is wrong will obviously be settled once and for all over the next three years and we will see who is right and who is wrong about the debate that we have been having over the last three years.

280 But yes, absolutely right, the questions that I do ask *are* political in nature; that is what I am doing here. I am asking political questions and there is a political purpose behind the questions that I ask. It is not petty, it is political and that is what I am here to do.

Now, Mr Speaker, obviously I am not going to be able to move the hon. Gentleman, I am just going to have to re-ask the question. But let me ask this by way of a supplementary: how many conveners are there to which this question would apply?

Hon. Chief Minister: Mr Speaker, I assume the hon. Gentleman’s reference to three years is until the next general election which is due in three and a half years. I just wish my mind was where his is, thinking about general elections and what we are going to do then.

290 My mind is on the problems that Gibraltar has today and navigating a serious course through it, which enables our community to reach the next general election in a way that we can listen to all the arguments that he wants to put – and give him all the air time he wants to have to tell us about all of these conclusions that he is going to reach.

295 For now, if he does not mind, I am just going to concentrate on the matters at hand and rely on the fact that if he determines that people are deciding who is right and who is wrong at general elections, then less than seven months ago they certainly decided that we were emphatically right about the arguments that were being put.

300 And, Mr Speaker, if I had the information about the conveners etc. I would be close to being able to give him the information that he wants. I do not have it in a way that is reliable and I am not able to give it to him.

Clerk: Question 448.

305 **Hon. E J Reyes:** May I?

Mr Speaker: Yes?

310 **Hon. E J Reyes:** Thank you, Mr Speaker, may I ask the Chief Minister, in the answer he provided for Question 441, which was worded 'public sector employees currently waitlisted for promotion', he lists 59 qualified teachers.

What grade is it that they are waiting to be promoted, because there are obviously many grades above that and it could either be a deputy headship or an allowance or ... Perhaps he can enlighten me a bit further what he means by that?

315

Hon. Chief Minister: Well, Mr Speaker, the question sounds right, there must be different levels at which people are qualified to promote, but I do not have the information with me, and neither have I seen anything to suggest that the information has been provided because I do not think it is something that ... well it does actually arise from the question, the hon. Gentleman is right, it arises from the question.

320

If he writes to me asking about those 59 I will get people to do a breakdown of the 59 identifying what it is that they are becoming eligible for.

Q448/2016
Ombudsman System –
Plans for reform

Clerk: Question 448, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Mr Speaker, does the Government intend to reform the Ombudsman system?

Clerk: Answer, the Hon. the Chief Minister.

330 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does not currently intend to reform the Ombudsman system.

Q449-450/2016
Immigration Asylum and Refugee Act –
Sex discrimination

Clerk: Question 449, the Hon. D A Feetham.

335 **Hon. D A Feetham:** Mr Speaker, does the Government accept that Section 15 of the Immigration Asylum and Refugee Act discriminates against Gibraltar men and homosexual women?

Clerk: Answer, the Hon. the Chief Minister.

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Question 450.

Clerk: Question 450, the Hon. D A Feetham.

345 **Hon. D A Feetham:** Mr Speaker, does the Government accept that Sections 16, 26 and 27 of the Immigration Asylum and Refugee Act discriminates against Gibraltar men?

Clerk: Answer, the Hon. the Chief Minister.

350 **Hon. Chief Minister:** Mr Speaker, the Government does not provide legal opinions in answers to questions in this House.

If the hon. Member has any concerns relating to any issue of any particular case, I invite him to write to me so that I might assist him in resolving it.

The Government is already, in any event, working on a new Immigration Act.

355 **Hon. D A Feetham:** Yes, Mr Speaker, it is something I have raised in the past. Without mentioning names I did raise a particular matter across the floor of the House and the Hon. the Chief Minister said that it was being dealt with and the matter is still pending. But I do not want to look at specifics, I just want to concentrate on generalities and the Act itself.

360 I note that the Hon. the Chief Minister says that the Act is going to be reformed but let me read, for the purposes of the House, so they understand what this particular section says.

It is the 'Rights of residence of men married to Gibraltar women or civil partners', and it says this in section 15:

Subject to the provisions of this section, a man who is married to a Gibraltar woman or has a Gibraltar civil partner shall have the right to a permit of residence if his wife is living in Gibraltar.

365 In other words, if you are a woman married to a Gibraltar man you do not have the same right and so there is, in my view, a discrimination against Gibraltar men; and indeed there is a discrimination as well in relation to Gibraltar men.

If one then looks at section 16:

The child under the age of eighteen of a Gibraltar woman shall have a right to reside within Gibraltar if his mother resides within Gibraltar and he is residing with her.

Again, there is a discrimination against Gibraltar men inherent in these sections.

And then if we go to sections 26 and 27, section 26 says:

The Governor ...

370 And, in my view, it must mean the Governor on advice and it must be in right of the Government of Gibraltar because this is an area that would be within the competence of the Government of Gibraltar. But it says:

The Governor may, in his absolute discretion, grant a certificate of permanent residence to the child of a Gibraltar woman or any person who is the civil partner of a Gibraltar person notwithstanding that such a child is not entitled to a certificate of permanent residence under section 25.

And then section 27 says –

The Governor may, in his absolute discretion, grant a certificate of permanent residence to any man who is or has been married to a Gibraltar woman.

375 So there is inherent in these four sections, a discrimination against a Gibraltar man. It is a discrimination that does not exist in relation to a Gibraltar woman but actually does not exist in relation to somebody who is homosexual who is in a civil partnership – and that cannot possibly be right. We are effectively discriminating against a Gibraltar man that is married to a foreign woman, or a Gibraltar man that has a child with a non-EU foreign woman. It cannot be right.

380 I would urge on the Government that when it undertakes this reform of the Immigration Act,
that it deals with this particular issue and I would ask the Hon. the Chief Minister for his view
and for an assurance that the Government of Gibraltar is going to end what is a quite blatant
discrimination against Gibraltarian men.

Hon. Chief Minister: Mr Speaker, the Government has already said that it is producing a new
385 Immigration Act. But certainly the sort of discriminations that the hon. Gentleman is talking
about are not discriminations that are tolerated by my Government.

When things are brought to our attention we demonstrate that we deal with them, although
it is the case also sometimes that some people want to go beyond what the law deals with, even
if the law were gender neutral. Some people ask for things which are prohibited both to
390 Gibraltarian men and Gibraltarian women if their partners are to be with them, or their spouses
are to be with them, or their children are to be with them.

But be that as it may, Mr Speaker, any discrimination is an odious discrimination. And in
Gibraltar we have a number of ways in which we deal with that, not just by the Opposition
having to urge the Government to resolve things, although this Government has self-urged itself
395 to do so and it is for that reason already in the process of a new Immigration Act.

We have something called the Interpretation and General Clauses Act and we have
something called the Constitution.

Now, Mr Speaker, this odious discrimination I am told, having now had a chance to peruse
the matter, comes from 1962. If it is such an odious discrimination – one which I had occasion to
400 raise when I was on that side of the House in respect of the odious discrimination that was then
ongoing – I am surprised that when he was Minister for Justice with *responsibility* for our laws,
he did not resolve it, or that he did not even take another sort of measure.

I have now been Chief Minister for five years and set in train the process of amending the
Immigration Act about four years ago, although it is a very complex Act to amend and it is taking
405 a very long time indeed to produce the amendments.

But if I could just help him with perhaps something that could be of assistance in terms of the
analysis of odious discriminations Mr Speaker, clause 7 of the Interpretation and General Clauses
Act says this:

In any Act, unless the contrary intention appears, -
(a) words importing the masculine gender include females; and
(b) words in the singular include the plural, and words in the plural include the singular.

Now, Mr Speaker, hon. Members might note that in relation to numbers, the Interpretation
410 and General Clauses Act requires us to treat the singular as the plural and the plural as the
singular. But it strikes me that there is an odious discrimination in the Interpretation and
General Clauses Act, which only requires us to treat the masculine genders including the
feminine, but not the feminine to be inclusive in the masculine.

But of course, Mr Speaker, there is a principal and overriding enactment; and that principal
415 and overriding enactment is not the Interpretation and General Clauses Act but the Constitution.
And I am going to assume that a former Minister for Justice – who is not Mr Licudi, but is a
former Minister for Justice, of which there could only then be two ... that the former glorious,
greatest Chief Minister of all time in the opinion of some, or himself, would not have felt the
need to act against such an odious discrimination which was so obvious that it would have
420 jumped out of the page – in particular, given that I was raising it from those benches.

We have in our principal and overriding enactment, and in Clause 14 of the Constitution, a
clear protection from discrimination on the grounds of race, etc.; and the 'etc.' means that when
any interpretation is to be done of any Act – including in my respectful submission, the
Interpretation and General Clauses Act, let alone the Immigration Act – there should be no
425 discrimination on the grounds of sex, Mr Speaker.

Now, in our interpretation at the time that there were negotiations for the Constitution, the Constitution should have gone on to say ... 'or sexual orientation'. But as the hon. Gentleman knows, we did not have the support of that side of the House when it was on this side of the House, and believed different things, in order to come back with the principal and overriding enactment from the United Kingdom that provided for that. But at least we got sex.

So, Mr Speaker, in my view any odious discrimination in respect of sex, if it still exists somewhere in our laws from 1962 – but in a way that was not dealt with appropriately before, or has not yet been dealt with appropriately – is one to be dealt with in keeping with the provisions of Section 14 of the Constitution in what is known as the 'blue pencil test' that not just judges can use, but also Administrators.

And whenever these matters are brought to my attention they are dealt with in that way. So the hon. Gentleman can rest assured that even if the Immigration Act is not yet fixed, we will not tolerate these odious discriminations because the law so requires.

Hon. D A Feetham: Well, Mr Speaker, I am extremely grateful for that analysis because, in actual fact it happens to be in respect of the Constitution – and I will deal with some other points in a moment. But it happens to be in respect of the Constitution, my own analysis to public servants in respect of two cases that I am representing where the civil servants in question are taking a quite different view to the Hon. the Chief Minister.

So all that I will do in my next letter, is just simply refer to *Hansard* and say, 'But the Chief Minister does not agree with your interpretation; this has got to be interpreted in the light of the Constitution', because quite rightly when this particular section discriminates against a Gibraltar man, that is absolutely wrong because it is a discrimination on grounds of sex. And it is also, Mr Speaker, actually interfering with that person's right to family life, one that the Hon. the Chief Minister did not mention during the course of his intervention.

But, Mr Speaker, during the constitutional talks, and the reason why the Constitution was not amended to include sexual orientation as well as sex – and he must know this – is because there is a case from the European Court of Human Rights that already interprets sex as including sexual orientation. So it did not need amendment and that was the point that both the former Chief Minister and greatest Gibraltar man of his time, made at the time, and it was the point that I also made.

And also, Mr Speaker, of course this is something that dates back to 1962, I accept that; but the Hon. the Chief Minister must also know that it was his own Government that amended this in order to include rights to homosexual women in this particular case to have the same rights as women who have more rights than men – and yet the Government did not amend it to end the discrimination against Gibraltar men.

And I do not want to say that and, believe me, I am not saying that because I want to really criticise the Government; this is not about criticism, these are genuine questions, not about criticisms of the Government, but just simply to ask for assurances from the Government so that I can then go back to my constituents and I can say, 'Well, look, it is well in hand.' Because if it is not well in hand then of course what I intended to do was to present a Private Member's Bill, a Private Member's Motion beforehand, in order to amend the legislation to end the discrimination.

And finally – and I am grateful for the indulgence of the hon. the Speaker in relation to this, because I know that I have probably exceeded the bounds of what is acceptable, and I apologise in my intervention – but can the Hon. the Chief Minister provide me with a timeframe in relation to which this particular Act is going to be reformed, so that again I can go back to two people in particular who are concerned about this and feel discriminated about this, so that I can say, 'Well, look, it is well in hand and it is probably going to be dealt with by x date'?

Hon. Chief Minister: Well, Mr Speaker, I am grateful that the hon. Gentleman has said that what he is trying to do is not criticise the Government but I am not surprised at that because,

given that there is nothing to criticise the Government about, it would be a fool's errand to try and do so.

480 Mr Speaker, the hon. Gentleman has said that he is writing about two cases to civil servants. I wonder whether he will let us know whether he is writing in his capacity as a legal practitioner in which case it is absolutely appropriate for him to write to whoever he likes. But if he is writing as a Member of this House, then I would suggest to him that what he needs to do is write to me, because I am the Minister with this responsibility, and if he writes to me he may find that by
485 going to the policy maker he gets a clearer position as to the policy.

It is not unusual that a policy is sometimes not clear to some people, especially when you have had changes in Departments and we have had recently a change in the Department which is the CSRO.

490 Mr Speaker, he referred to the right to family life. I did not refer to that but I actually take a different view, because I have dealt with a lot of these cases in Opposition and I have dealt with a lot of these cases in Government, and I think the clue here is that he is dealing with two and I have dealt with many hundreds of them. The reason he is dealing with two, and not with many hundreds of them, is because most of them have been resolved.

495 They have been resolved because I do not consider this just as an interference with family life; this is an interference with a person's ability to love and there is nothing more sacred than somebody's ability to love. And if somebody has fallen in love with someone and is in a marriage or a civil partnership with them, or is in a common law partnership where that may be appropriate, or if somebody has a child with someone then, if the State in Gibraltar should be standing in the way of them being able to come here or somehow seeks to apply an external test
500 to that, it is in my view wholly inappropriate.

Now, he will bear with me whilst I tell him that that is the situation we inherited. We inherited a situation where the former Chief Minister – the greatest Gibraltarian now, apparently, of *his* time rather than of *all* time, this keeps changing at least in the opinion of some – tried to determine whether marriages were real or sham, *himself*. So there was an objective
505 criteria – the Caruana, test if we can call it that – which was, 'Have you been married for three years? When did the marriage occur? Let me see photographs of the individuals.'

Because this is what I was told I needed to do, to determine whether the partnerships or the relationships looked like they may be real – or was this somebody in Gibraltar being duped by somebody who wanted simply to come to Gibraltar? Well, I do not consider that is a test that I
510 should be involved in, because if somebody has fallen in love with me then people can fall in love with anybody, whatever they look like; and I do not think it is right that there should be a test of whether one Gibraltarian's love is stronger than another Gibraltarian's love, just because they may have fallen in love with somebody from beyond our shores.

And, Mr Speaker, the amendments that were required were the amendments that were made because our laws – because of the failure to come back from the United Kingdom with a provision as to sexual orientation in our Constitution – actually required that amendment ... and I am going to come back to the issue that he dealt with before. They *required* that amendment and that is why the amendments we did make were the amendments which were required.

515 You see, Mr Speaker, the case that the hon. Gentleman refers to – the Austrian case – is a case which deals with there being an inclusive reference to sexual orientation in the word 'sex' *in communities where that is appropriate*. And what the hon. Gentleman is forgetting is that he was sitting here close to the former Chief Minister – greatest Gibraltarian of his time and of all time, depending on who he is trying to curry favour with in a particular week – and said from
520 *here*, that in Gibraltar he thought that test was not passed, and if anybody thought it was they could go to the Supreme Court and test it. That is exactly what the hon. the former Chief Minister said.

525 So, Mr Speaker, it was wrong not to include sexual orientation as a ground for discrimination explicitly in our Constitution; it was wrong, Mr Speaker, to apply an objective test which the Hon. the former Chief Minister was the person who was responsible for applying; and it was

530 wrong to interfere in people's right to love those people who they wanted to love and were in relationships with.

We have fixed that, we have gone beyond and are dealing with matters relating to sexual orientation, we have made specific amendments and where there does not need to be specific amendments the policy is that you blue pencil the words to include both the masculine and the feminine and *vice versa*.

535 And I cannot give him a timeframe in relation to which we will bring in a new Immigration Act because at the moment I am finding it difficult to give a timeframe for anything. But it will be brought as soon as possible.

In relation to the two cases he is dealing with, I think it would be better for him instead of waiting for *Hansard* which is now produced very quickly indeed compared to the six months we used to have to wait, to just write to me and I will make sure people understand what the policy is from the policy maker himself.

Hon. D A Feetham: Well, Mr Speaker -

545

Hon. Ms M D Hassan Nahon: Can I, sorry -

Hon. D A Feetham: I will give way to the hon. Lady, this is going to be my last supplementary.

550 Mr Speaker, the former Chief Minister of Gibraltar, Sir Peter Caruana, may have or may not have taken a particular view on these particular issues. But actually, my own record stands comparable to the record of anyone in this Parliament in standing up for the rights of minorities and for the rights of gay people, and in defence of sexual orientation and the right to express and the like, in relation to sexual orientation.

555 May I remind the Hon. the Chief Minister, that it was *me* that presented a Private Member's Bill in order to equalise the age of consent for homosexuals with heterosexuals, by bringing the age of consent for homosexuals from 18 to 16, an age that had been at 18 for over a hundred years – well, no, I beg your pardon, it had been at 16 for heterosexuals for over a hundred years, but it had been unlawful to be homosexual for many, many years and then it was set at 18.

560 The Hon. the Chief Minister, who was not the Leader of the Opposition at the time as far as I recall, together with everybody on the Opposition side, voted against it. Now they may have had their own reasons (*Interjection*) and *yes*, the Hon. the Chief Minister at the time, Sir Peter Caruana, voted against it as well and we were in a minority on my side – but it is a matter of pride to me that I stood in a minority of four – four Mr Speaker, in this House. Four for on my side, six against on my side and everybody on the Opposition, including the Hon. the Chief Minister, voting for something as basic as the equalisation of the age of consent.

565 So, Mr Speaker, I quite frankly will not accept lessons on sexual orientation and defence of the rights of gay people from the Hon. the Chief Minister. And *every single time* that I have been called upon in order to express my own views of Government measures to advance the rights of minorities, again I have not been found wanting. And again, in relation – may I remind the Hon. the Chief Minister – to the Government's plans for gay marriage, I said at the beginning of this year that although a free vote would be given to everybody on this side of the House because it was not GSD policy, it was a matter of conscience. That is the policy of the GSD – allowing people to vote their conscience in these matters – my hon. Colleagues had indicated to me that they were all going to be supporting that particular measure.

575 And, Mr Speaker, it really is a matter of regret for me that, on something like this on sections 15, 16, 26 and 27, where all that the Hon. the Chief Minister really had to say is, 'It is in hand, we will deal with it' that it has developed into this kind of exchange. And I urge upon the Hon. the Chief Minister -

580 **Mr Speaker:** I could not agree more. (*Laughter*)

It is a matter for regret and it is a matter for regret for me to tell the Chief Minister and the Leader of the Opposition who today, and in the last few days, have been involved in matters of earth-shattering importance for Gibraltar, that you should allow yourselves to get down to this level.

585

Hon. Chief Minister: But, Mr Speaker –

Mr Speaker: For me, it is a matter of shame to hear you *here*, getting down to this level on two questions –

590

Hon. Chief Minister: Mr Speaker, with respect –

Mr Speaker: On two questions when all that the Leader of the Opposition needed to do was to ask, ‘Will the Government consider amending section such and such, and section such and such?’

595

That is all. (*Interjection by Hon. D A Feetham.*)

No, that is not what you asked, you asked for a legal opinion, you asked for an opinion which is not in the rules, because the rules do not accept that, and I let it go, but you asked for an opinion and the rules are clear (*Interjection Hon. D A Feetham*) when you should have asked ‘Will the Government consider bringing amending legislation to such and such?’

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And half an hour ago you might have got an answer, ‘Yes, the Government will look at this.’ And that would have been the end of the matter.

Hon. D A Feetham: No, Mr Speaker, I do not accept that that would be the end of the matter – with respect to him. I do not accept that.

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Mr Speaker: Both of you go on and on and on. Do you not realise what you are doing? You are once again engaging in the Punch and Judy show and I tell you that as an independent person; and if you do not like what I am telling you, well *you know what you have to do*.

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But honestly you are getting out of hand. The answers to questions could not be longer; and the Rules, you are not having any account to the Rules whatsoever.

You introduce whatever you think you ought to introduce into supplementaries and the answers go on and on and on, and we get a debate again and again and again.

I am very sorry but I sit here for very many hours; you people are able to go in and out, and I sit here for very many hours – and it is tiresome to hear this Punch and Judy show.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I do not know if it is the right time but I wanted to ask a supplementary. (*Laughter and interjections*) I am also an independent here, by the way.

I wanted to say that I have no doubt that the hon. Member, the Chief Minister, believes what he has been saying about love and equality and everything, but it did remind me that if that is the case – which I have no reason not to believe – why is the Government dragging their feet on the issue of equal marriage; and why are we going round in circles with consultations or the possibility of a referendum and different things?

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Why is it not an easy step to take if you are so convinced on the value of this fundamental right of equality?

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Hon. Chief Minister: Well, Mr Speaker, I note what you said in relation to the earlier exchanges. Well, as a politician in this House I come to give answers; I give answers and when my record is attacked I respond in respect of my record.

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Mr Speaker, dealing with the issues that the Hon. the Leader of the Opposition raised, he can say what he likes; and in fact he was allowed to speak for about ten minutes on his record in

respect of these matters. He knows, although he has mischaracterised what happened, that we did not vote against his Private Member's Bill, we abstained – so he got that wrong, Mr Speaker.

635 But he wanted to use our votes in order to get through this House a measure that in our view, as we expressed it, was a matter that – (*Interjection by Hon. D A Feetham*) no, it should come as a Government Bill. (*Interjection by Mr Speaker*) No, Mr Speaker, as a Government Bill and not something that should have come as a Private Member's Bill, Mr Speaker. (*Interjection by Hon. D A Feetham*) Yes, we abstained on the Act, that is what mattered.

640 Mr Speaker, the issue for us is a simple one. I have expressed the position of the Government, and I do not think that anybody could suggest that we are anything other than entirely consistent with our approach against discrimination. But if in the process of giving those answers you think that I have been less than short and sharp, Mr Speaker, then I shall bear that in mind of course, because Mr Speaker's guidance is always important to us on this side of the House.

645 But I am reminded, Mr Speaker, of the fact that watching Prime Minister's Questions every week, as I do – and even watching other questions which are not so high profile – questions, Mr Speaker, tend to last less than thirty seconds to a minute, whilst questions in this House tend to last sometimes up to five or ten minutes.

650 So Mr Speaker should not be surprised if answers then last ten minutes. But I would urge Mr Speaker to rightly pursue the rules of the House, as he suggests that we should.

Mr Speaker: The Hon. the Chief Minister will agree with me that for three and a half years I have been commending to Members, particularly Members of the Opposition, that questions should be short, sharp and to the point.

655 That is my view, that is my philosophy that is how it should be.

Hon. Chief Minister: Yes, Mr Speaker, absolutely.

660 **Mr Speaker:** And sometimes the subject is important and I am liberal – but not in all cases, for heaven's sake!

665 **Hon. Chief Minister:** But, Mr Speaker, if I may say so, you are absolutely right and you have been saying that for three and a half years to the Opposition. The Opposition have ignored you for three and a half years, Mr Speaker, (*Interjections and banging on desks*) and I think it is absolutely right that you should pursue that.

670 But, Mr Speaker, if I may say so, here the rule offends the practice. Every question is long in the supplementary, Mr Speaker. There may be some reasons why in particular areas some questions should be long, Mr Speaker, but here every question is long; and the supplementaries that I have been subjected to by the hon. Member have been long speeches about his record which I do not think are in any way relevant to the issue that we were dealing with.

675 Mr Speaker, if I may deal with the hon. Lady, whose questions I answer for the first time today since she is an independent Member, I recognise that she is sitting in a chair which has the history of being the chair that propels independent Members to greater things. I hope it does not propel her too quickly otherwise she might be propelling me out of where I am. But it was the chair occupied by Peter Montegriffo, by Peter Caruana – and by Joe Bossano for many years, before achieving the many things that he achieved. So she may be sitting on a rocket to greatness, Mr Speaker.

680 If I may say so, she is wrong, however, to suggest that we are doing anything (*Interjection*) that is contrary to the commitments we have entered into in respect of equal marriage, because our commitment in our manifesto could not have been clearer. It was to conduct a consultation to make an announcement in June.

Now, we all I think were expecting to be able to do that until in February a man who has now resigned as Prime Minister, decided to call a referendum which did not go quite the way any of

685 us expected; and I may have to beg the indulgence of the whole community, as we may need an extra week or two beyond June in order to be able to make our announcement.

But I think we are doing *exactly* what we committed ourselves to do and we are doing it in *exactly* – except for that particular extension necessary – in the timetable we agreed to do it; and I hope that, depending on the result, we may be able to count on the full support of the hon. Lady for the Bills that we may bring to this House as a result of that consultation.

690 She has already seen what we have published in terms of the consultation that was already a piece of law which people have been giving us their feedback on.

But it will be entirely the fault of the Government if we need an extra two weeks as a result of not having had June as we thought we might have had it, when we were designing the timetable we were dealing with.

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Mr Speaker: Before we proceed, I am going to read out two short Rules:

A supplementary question must not introduce matter not included in the original question.

A question must not be made a pretext for debate.

Next question.

Q451/2016
Tax Debtors –
Name and shame publication

Clerk: Question 451, the Hon. Member D A Feetham.

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Hon. D A Feetham: Yes, Mr Speaker, certainly we accept your ruling and if you think that for whatever reason myself and the Chief Minister – certainly on this side I speak only for myself – have overstepped the mark, my apologies and we move on.

705 What has happened to the name and shame publication of tax debtors which was being prepared during the last year's budget?

Clerk: Answer, the Hon. the Chief Minister.

710 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Income Tax Act requires that defaulting taxpayers be notified in writing of the Commissioner's intention to publish details of their failure to comply with their statutory obligations.

This administrative process in itself often yields positive results in the form of the taxpayer establishing contact with the Tax Office with a view to regularising their position.

715 On the expiration of the 30-day notice period, a number of taxpayers on the June 2015 'Name and Shame' list responded positively to the Commissioner's notification and actively engaged with the Tax Office in order to redress their default.

As a result of this favourable response the list was not published.

The Tax Office is currently in the process of formally notifying current defaulting taxpayers and it is the Commissioner's intention to publish their details if they do not respond positively.

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Hon. D A Feetham: Mr Speaker, I am grateful.

725 As I understand it, what the Hon. the Chief Minister is saying is that relevant tax debtors were actually notified. Can he give a date, more or less, as to when these tax debtors were actually notified so I can have an idea of how long it has actually taken for matters to get to the stage that we are now?

Hon. Chief Minister: No, Mr Speaker, I do not have that information with me. It does not arise from the question.

Q452/2016
Failure to file Annual Returns –
Enforcement action taken

Clerk: Question 452, the Hon. D A Feetham.

730 **Hon. D A Feetham:** Mr Speaker, what enforcement action is being taken under the Companies Act against companies who fail to file annual returns accounts with Companies House?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo) Mr Speaker, the filing fee of an annual return for the current year is £75. The fees for lodging late annual returns are as follows: late in the first year, £105; late in second year, £135; late in the third year, £165; late after three years; £195 each.

The filing fee for accounts is £15.

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If it is a late filing of more than 12 months, but not more than 24 months after the end of the financial period for which they relate it is £65. If it is late more than 24 months after the end of the financial period to which they relate, it is £115.

A company that is not up to date with its statutory filing obligations will not be issued with a Certificate of Good Standing. A Certificate of Good Standing is heavily relied on for most business transactions.

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The Registrar has the power, pursuant to section 411 of the Companies Act, to strike off companies who have not filed annual returns in three years. Companies House is running monthly strike-offs to this effect.

Furthermore Companies House is exercising its discretion quarterly, pursuant to section 412 of the Companies Act and where there is a reasonable cause to believe that the company is not carrying on business or is not in operation because it has not filed a single document in the last three years, by sending a registered letter by post to the company enquiring whether the company is carrying on business or is not in operation and stating that, if an answer is not received to the letter within one month from the date on which the letter was sent, a notice will be published in *The Gazette* with a view to striking the name of the company off the register.

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Hon. D A Feetham: Mr Speaker, does this apply to Government-owned companies too?

Hon. Chief Minister: It is a specific question and I need notice of it to be able to reply.

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Hon. D A Feetham: Mr Speaker, of course, the reason I am asking this particular question is because there are Government-owned companies. Certainly Credit Finance, until very recently – well, in fact, the answer that the Hon. the Father of the House gave this morning was that accounts were being prepared in relation to Credit Finance.

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I think I asked the particular question in relation to Gibraltar Investment Holdings Limited, and in relation to Gibraltar Investment Holdings Limited there has also been a late filing for some time as well.

That is the reason I am asking and obviously I will bring the question back to the House so that I can have an answer here in relation to that, because it is obviously in the interests of everybody that Government-owned companies also comply, if it is the requirement that they

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comply; and, if it is not the requirement, then I believe there ought to be something that requires Government-owned companies to also comply with these rules.

775 **Hon. Chief Minister:** Mr Speaker, you see, again he has just got up and given a speech and you have not stopped him. Therefore I am going to reply to the speech because he has made allegations in the context of that speech which suggests that the Government somehow is failing to deal with its responsibilities in respect of its companies.

Mr Speaker, all I would do is to say that if that is the case then he was a Member of a Government that had been defaulting for some time because the GSD did not file accounts in respect of the Government companies in the time that they were in office.

780 And, Mr Speaker, perhaps it is that they have now taken the attitude as he took earlier in relation to the issue of sexuality, that they are not here to defend anyone's record, the past is the past – something which I heard verbatim this morning from Mr Phillips in relation to another matter.

Q453/2016
Capital projects –
Expenditure since 2012

785 **Clerk:** Question 453, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the amount that (a) the Government; (b) Government-owned companies; (c) authorities; (d) agencies has spent on capital projects from 790 31st March 2012 to 31st March 2016?

Clerk: Answer, the Hon. the Chief Minister.

795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the expenditure on capital projects by the Government, authorities and agencies is reflected fully in the Improvement and Development Fund as shown in the published estimates.

The capital projects which are funded through the Government-owned companies are not included in the published estimates. These include projects which are partly funded from the sale of assets such as the 50/50 Home Ownership properties and the various car parking facilities.

800 This information has never been provided by any Government in this House and in order to be accurate could not, in any event, be prepared in the time available.

805 **Hon. D A Feetham:** Just in relation to the last part of the answer where the Hon. the Chief Minister has said it has never been provided before, and it could not be provided in the time available. Is this another question that the Hon. the Chief Minister is prepared to answer if I ask it next time round?

810 **Hon. Chief Minister:** Mr Speaker, well, I will have to look at the logic that they applied when they did not answer those questions before making a determination.

815 **Hon. D A Feetham:** Well, Mr Speaker, and at risk of Mr Speaker accusing us of 'Punch and Judy', (*Interjection by Mr Speaker*) Mr Speaker, the Hon. the Chief Minister spent 16 years while he was in this House – since 2003 so it was not 16 years – but certainly criticising the practice of the GSD Government.

Now can I urge upon him and will he accept perhaps a different way of doing things and not just simply looking back and looking at the GSD and using that almost as the political smoke screen for just continuing to do things, that he will just simply do the right thing, be open, transparent and provide the information?

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Hon. Chief Minister: Well, Mr Speaker, there are many answers to that question. First of all, the GSD spent many years in opposition saying that the GSLP should publish the accounts of the companies, promptly to become elected in 1996 and not publish the accounts of the companies.

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At least if he looks at everything I said whilst I was in Opposition, I never said that the Government should publish accounts of the Government companies, because that had been the practice that had been established by the GSLP of which he was a member at the time, as he sometimes wishes to remind us or sometimes wishes *not* to remind us. I don't know – this morning it looked as if he had been; sometimes it looks as he has never been, I do not know, Mr Speaker. I do not know how he turned up at executive meetings and they allowed him in, because sometimes it seems he was never a member.

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And in any event, it was not just the practice of the GSLP; it was the practice of all Governments when there were Government companies. In fact there was one before the GSLP and its accounts were also not published as far as I understand it. So, Mr Speaker, it happens to be the practice that has built up. He has asked me a question as to whether I will change the practice of Governments for the past 25 years and I have said to him I will have to look at the logic that they used when they were elected and they decided not to publish companies. I have not told him I will not; I have said I will look at their logic.

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Hon. D A Feetham: This question does not relate to the accounts of Government-owned companies. It seeks how much has been spent in capital projects *inter alia* – amongst other things – Government-owned companies, so just so that the Chief Minister is aware of the focus of my question.

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And of course in 1996 I was not here in Gibraltar, I only came back in 2000. So all those statements that the Hon. the Chief Minister delights in making about how I campaigned for the GSLP in 1996, at least it is not factually accurate, so he should be factually accurate.

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Mr Speaker: Next question.

Hon. Chief Minister: No, Mr Speaker, again he has not asked a question and you have not stopped him from doing so and therefore I feel compelled that I have to answer the statements that are put out into the public domain, otherwise it would be a gross unfairness, Mr Speaker, that somebody is allowed to break the Rules of the House as the hon. Gentleman has done during Question Time, get up and make a statement and that I am not able to reply to him.

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Mr Speaker, I did not say that the hon. Gentleman campaigned for the GSLP in 1996. He is hearing things now. Mr Speaker, what I said was that he defended those things because when he was back in 2000 he was defending the record of the GSLP before 1996 – or is it that he is telling us that he was never a member of the GSLP?

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Look, Mr Speaker, that is frankly irrelevant. What is clear is that he supported the party and was a member of it that did not publish accounts of companies and then he was a member of a party and he was in fact a Minister in a Government that did not publish accounts of Government companies, and he thought that was the right thing to do.

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Today he is asking me to reveal a part of the accounts of a Government company and I have not said I will not. I have said I will go back and look at the logic they used to decide whether or not to publish the accounts, and therefore the information that he is asking for, and I will make a determination, Mr Speaker.

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Mr Speaker; Question 454.

Q454/2016
Government contracts –
Details of allocations valued over £20,000

Clerk: Question 454, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please provide details of persons and companies who since 31st March 2012 have been awarded contracts for goods or services by direct allocation, worth in excess of £20,000?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, in order to be able to answer the question, the Hon. Member will need to provide a period in respect of the sum in question. Is it a total of £20,000 since 31st March 2012 or is it £20,000 per year. With that detail it might be possible to provide an answer, although it might not be possible in five days.

Hon. D A Feetham: Mr Speaker, I am afraid that the Hon. the Chief Minister is playing games now in relation to –

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Mr Speaker: There was no need for that last comment. Next question.

Hon. D A Feetham: Mr Speaker, I have not –

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Mr Speaker: You are playing more games.

Hon. D A Feetham: Mr Speaker, may I ask a supplementary. It is up to you, if you do not want me to ask a supplementary question I will sit down.

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Mr Speaker: What I do not want you to do is to introduce unnecessary comments. Go on, ask the supplementary. Direct and to the point.

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Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister has said that I have not defined the question correctly. That is what he has said. The question is perfectly clear: 'what contracts for goods or services by direct allocation, worth in excess of £20,000' – each contract for goods or services worth in excess of £20,000. It is perfectly clear, that is the answer.

Now if that is information that he does not have, well he should say so but the question is a perfectly clear question. And, Mr Speaker, may I add that now this is the fifth or sixth question that the Hon. the Chief Minister has not answered during the course of this afternoon.

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Hon. Chief Minister: Mr Speaker, I do not think the hon. Gentleman has worked it out, so I will assist him in understanding his own question.

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In effect, the hon. Gentleman is asking us with whom, without going through the tender process, we have spent either – let me see – £138 a week since 31st March or £555 a month since 31st March 2012 or £6,600 a year, because that is the sort of spend that could be caught by this question, if it is a total of £20,000 in the 36 – well in fact it is more – months since 31st March.

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Mr Speaker, that is a trawl through every item of expenditure that the Government makes where we might be buying from a grocery store ham, pears and potatoes for different places and we may have spent more than £20,000 in the period and it may have been done by direct allocation. Because nobody might have asked the question, 'Shall I go to Morrison's or Eroski or

Tesco or somewhere else?’ They may have just spent that and I am not able therefore to give him a reliable answer.

Does he mean £20,000 a year or does he mean £20,000 in toto or does he mean £20,000 a month? If he gives us that timeframe then I will be able to answer. I think I recall I gave him that
920 indication the last time that he put a question in this way, so that he understood why it was that we cannot answer it.

It may be, Mr Speaker, that it is the fifth or the sixth question that I have not answered, most of them – in fact, all of them I think – because it is impossible to provide the answer in the time provided.

925 If the hon. Gentleman casts such a wide net that he is going to have the Civil Service simply looking for data and trying to compile it in five days, he needs to understand that half of the time that we were in the process of dealing with his questions, we were actually in the middle of the Referendum campaign.

930 **Hon. D A Feetham:** Mr Speaker, I am afraid that really what the Hon. the Chief Minister is saying does not stack up. This is a question that asks for contracts that have been awarded for goods or service by direct allocation, worth in excess of £20,000 – a *contract* worth in excess of £20,000. Nothing to do with groceries, nothing to do with any other pettiness. Any reasonable reader of this particular question would know exactly what it is that I am asking.

935 But anyway, look, let us assume that the answer is given in good faith, and that the Hon. the Chief Minister did not understand the question. I am asking him for each contract that has been awarded by direct allocation in excess of £20,000 – a contract in excess of £20,000. That is what I am asking.

940 Now, if the Hon. the Chief Minister does not have the information, I will re-ask the question. But does he now understand the question?

Hon. Chief Minister: Mr Speaker, not because I did not understand the question, but because of how it is phrased. But of course if he is going to think that it is unreasonable to interpret it in that way, I shall communicate his views as to reasonableness to the people who provided me
945 with the proposed answer once they had read it carefully – the senior civil servants and the others who looked at the question and determined what it was that I was putting to him.

So, Mr Speaker, he does not need to worry, I understand his questions and I understand even where they are coming from, and he does not need to worry about my assuming his good faith in putting questions because I know exactly what faith he is coming from. He has now clarified
950 that he is now talking about total contracts and not cumulative amounts which may exceed that.

So it may be that I am able to give him the answer sooner than he expects. He can write to me if he likes and I can try and provide it.

Q455/2016

Government consultants – Names and remuneration

Clerk: Question 455, the Hon. D A Feetham.

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Hon D A Feetham: Mr Speaker, I hope that when I next ask the questions for the next session of Parliament that Mr Speaker obviously does not invoke the six-month rule –

Mr Speaker: In respect of those I would not.

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Hon D A Feetham: I appreciate that, Mr Speaker.

Mr Speaker, please provide details of names and remuneration of all consultants currently engaged by Government, Government-owned companies, authorities or agencies whose disclosure will not damage the national interest?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it has not been possible to provide the answer in the time available.

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I expect to be able to provide the answer if the same question is asked for the next sitting as the compilation of data should then be ready.

And I, Mr Speaker, will not be referring you to the rule on six months where I have made the invitation and the hon. Gentleman will be pleased to know this is the last question I will be answering in that way.

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Hon. D A Feetham: Well, Mr Speaker, I am grateful to the Hon. the Chief Minister but of course the person that deals with the implementation and upholding the Rules of this House is Mr Speaker, not the Leader of the House, the Chief Minister.

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Mr Speaker: I have already set a precedent in respect of one or two questions at the last meeting and that is the attitude that I will continue to adopt. There is no problem.

Hon. Chief Minister: Yes, Mr Speaker, and we will adopt that attitude as well when we think it is appropriate, although if we think that it is not appropriate then we will simply say that we are not giving the answer because we are entitled to do that when we think it is outside the Rules as well.

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Q475/2016
NASUWT –
Social partnership agreement with Government

Clerk: Question 475, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Over a year ago, the Government and the National Association of Schoolmasters Union of Women Teachers (NASUWT) signed a social partnership agreement. Has anything tangible been achieved so far?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I had made a note to say all those things about that chair now, but given that I have said them already, I am not going to repeat myself.

Mr Speaker, the Department of Education and the NASUWT meet much more frequently since the signing of the Social Partnership Agreement over a year ago.

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The partnership brings together representatives from NASUWT, the Department of Education, the Government's Human Resources Department and a representative from No. 6 Convent Place.

The partnership is working closely on a range of issues such as a more robust and practical grievance procedure for teachers, a code of conduct for teachers and a survey of all the teaching staff aimed at sounding out views and opinions of how to improve the service.

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Hon. Ms M D Hassan Nahon: From what I understand, there have been about three or four meetings since the agreement was signed in May, which means about four meetings in 14 months.

1010 And from what I understand as well, there was a motion passed at the last AGM where the Association instructed its Executive to end this agreement if it considers that little or no progress is made on the many outstanding issues.

1015 Would the hon. Gentleman, the Chief Minister say that perhaps this motion was passed in a lack of faith in the partnership, that the GTA is safeguarding itself in view of the lack of interest in this partnership or that perhaps they do not feel there has been any tangible progress and that is why they had to pass this motion?

Hon. Chief Minister: Well, Mr Speaker, I was going to say that the hon. Lady will see from what I have said that there is a resounding improvement in the progress that is being made in respect of issues with the GTA and the NASUWT and the office of the Minister of Industrial Relations, which is why No. 6 Convent Place is mentioned there because I am the Minister for Industrial Relations.

1020 There is a lot of work underway. It is not work that can be done very quickly if it is going to be done properly and it is not work that is done in the forum that the social partnership established. It is work that emanates from the forum that the social partnership established.

1025 But I heard about the motion at the AGM, I think her answer is in the reality that the GTA has chosen not to end the social partnership agreement because they obviously think there is something positive coming out of it, they are obviously happy that the work is being undertaken that is coming out of it.

1030 I do not know how to answer the questions that the hon. Lady has put to me because she has asked me what I think they think and it is impossible for me to know what somebody else thinks. Although in some instances in this House, I have a good indication of where people are trying to go.

1035 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am glad that the hon. Gentleman is so optimistic about why this motion was passed and I appreciate his own positive view on it.

1040 But I come as a concerned Member in the sense that it seems to me that if such a young, recent motion that was passed needed a new clause to say that it could be broken at any time, to me it does not seem as optimistic, and I would urge the Chief Minister to perhaps reconnect with them or perhaps he can even enlighten me whether the Minister meets regularly himself, perhaps the Minister for Education and whether they can connect a little bit more and see what their needs are so that these motions do not need to be passed.

1045 **Hon. Chief Minister:** Well, Mr Speaker, I do not know that there was actually a question in there, more than a comment, but I will try and deal with it on the basis of the enlightenment and hope that the feminine includes the masculine and the masculine includes the feminine for the purpose of the application of the Rules henceforth.

1050 But, Mr Speaker, I do not keep the diary for the Hon. the Minister for Education but I am sure that he meets regularly with the people that he has to meet and that the Director meets very often with the members of the GTA and the NASUWT that they need to meet.

1055 The social partnership was entered into at the request of the GTA and they have communicated to me how pleased they are with how it is working. You do not need a clause in a motion to say that you can bring an agreement to an end because it is not that sort of agreement that is a contract. It is really a social partnership between us and can be brought to an end by either side at any time. But from what I detect from perhaps other agents in education generally who might not be seeking to undo good work simply for reasons that might be unrelated to education, those who are in the process of working with us, not just in the fora

that the partnership creates but in the working groups that are doing the work that the partnership wants done, they are very happy with the work that is being done.

1060 It is not just about meeting; it is about meeting to get things done and setting up processes for getting things done. The social partnership has already given rise to that. I have given the hon. Lady an indication of what is already being done. That that work is taking shorter or longer is a matter that is not in my hands. It is in the hands actually of the people at the coal face who are doing it at the pace that they consider is appropriate and I would be loath to interfere with that.

1065 Look, sometimes in politics we want to run things on the basis of strict timetables, we want things done quickly. There might even be an electoral timetable that is relevant to some of us. To people at the coal face, other more real and substantial things matter more and we have to allow them to do the work that they are doing.

Q476-478/2016
Tragedies and atrocities –
Flags at half mast and lighting as public tributes

1070 **Clerk:** Question 476, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain what the protocol and criteria are for flying our flags half-mast after a tragedy or atrocity?

1075 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 477 and 478.

1080 **Clerk:** Question 477, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain what the protocol and criteria are for lighting up the Moorish Castle when paying tributes to tragedies or atrocities?

1085 **Clerk:** Question 478, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government give details of what the cost is of lighting the Moorish Castle in colours whenever a tribute is paid?

1090 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, if she will allow me to say we do not ever pay tribute to tragedies or atrocities, we pay it to their victims. *(Interjection by Ms M D Hassan Nahon)* Well yes, indeed, but never to tragedies or atrocities, always to the victims.

1095 Mr Speaker, the rules adopted in respect of flags are those set out by the UK Department of Culture, Media and Sport and I hand over a copy for the hon. Lady of those rules.

1100 In addition these rules are supplemented by ad hoc decisions in other cases. She will see it is not a very good printout but I am sure that this is available on their website if she has difficulty reading it. These are quite strict rules about when things have to happen, but you can also have things happen like flags flying at half-mast which are not within those rules which are designed for specific cases.

1105 Mr Speaker, it is the Office of the Chief Minister that requests the Gibraltar Electricity Authority to light up the Moorish Castle in the appropriate manner depending on the matter being paid tribute to. It is also the case that some charity organisations contact the Gibraltar Electricity Authority directly when they wish to light up the Moorish Castle in a particular colour for a particular period of time. These requests are referred to the Office of the Chief Minister from the Gibraltar Electricity Authority.

1110 The LED lighting system to the Moorish Castle allows for its colour to be changed, therefore there is no, or very little cost to the Government when this is done. If, however, an image is to be projected onto the Moorish Castle façade the cost is in order of €2,500 for the first night and €775 per night thereafter. That has gone up 10% in the last week.

1115 Mr Speaker, I have got with me if she is interested and I can just let her have a copy rather than read it out if she prefers, as the information is given to me in case it comes out in supplementaries, the cost of the relevant occasions when the castle has been lit up in a particular way or flag. I am quite happy to let her have that instead of just reading it out to her, if she wants it.



RULES FOR HOISTING FLAGS ON GOVERNMENT BUILDINGS

The Following Regulations are Circulated by
Her Majesty's Command
to the Government Offices Concerned

How the Union flag should be flown

The broader diagonal white stripe should be at the top left hand side of the flag nearest the flagpole.

Dates on which flags are to be flown

The dates named on the accompanying Schedule.

The Department for Culture, Media and Sport will inform you of any other occasions where Her Majesty has given a special command.

Provincial buildings

The Schedule applies to Provincial as well as to London Buildings (please see notes 1 and 4). Where it has been the practice to fly the flag daily, as in the case of some Custom Houses, this may continue.

Occasions on which flags are to be flown at half mast (Half mast means the flag is flown two-thirds up between the top and bottom of the flagstaff)

- (a) From the announcement of the death up to the funeral of the Sovereign, except on Proclamation Day, when they are hoisted right up from 11 am to sunset.
- (b) The funerals of members of the Royal Family, subject to special commands from Her Majesty in each case.
- (c) The funerals of foreign Rulers, subject to special commands from Her Majesty in each case.
- (d) The funerals of Prime Ministers and Ex-Prime Ministers of the United Kingdom, subject to special commands from Her Majesty in each case.
- (e) The Department for Culture, Media and Sport will inform you of any other occasions where Her Majesty has given a special command.

Rules when days for flying coincide with days for flying flags at half mast

To be flown

- (a) although a member of the Royal Family, or a near relative of the Royal Family, may be lying dead, unless special commands are received from Her Majesty to the contrary;
- (b) although it may be the day of the funeral of a Foreign Ruler.

If the body of a very distinguished subject is lying at a Government Office the flag may fly at half-mast on that office until the body has left (provided it is a day on which the flag would fly, and then the flag is to be hoisted right up. On all other Public Buildings the flag will fly as usual.

Department for Culture, Media and Sport, Buildings, Architecture and Historic Environment Division, 2-4 Cockspur Street, London SW1Y 5DH. Telephone: 020 7211 6940 Facsimile: 020 7211 6961

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just draw some observations and explain it as a question, why I have been asking these questions.

1120 For example I noticed that when the late Bernard Linares passed away, the flags were not flown at half mast, yet when the late Solomon Seruya passed away, they were – two gentlemen who had been Government Ministers which made me wonder whether there was a protocol or procedural body of people who decided or kept a watch out for these things, as I think these small details can be quite important really.

1125 And also, the Chief Minister has kindly explained in the main why and when the flags go half mast but has not really explained the decisions as such for the castle. What constitutes a tragedy? For example I was made to believe that we were only looking at Europe and then of course the horrendous events that happened in Orlando would have been justified but there had been a terrorist attack in Tel A Viv three days before which we never heard of. Turkey two days ago, we have not had the castle lit, so ‘where do you draw the line?’ is what I am asking.

Mr Speaker: Let the Chief Minister answer.

Hon. Ms M D Hassan Nahon: Okay, thank you. Oh and just one more thing.

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Mr Speaker: It was ‘Where do you draw the line?’

Hon. Ms M D Hassan Nahon: Just to remind that unfortunately last week on the day of the Referendum, many landmarks across Europe were actually lit up in the Union Jack and it is a shame that we did not think of lighting up the castle then.

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Hon. Chief Minister: Well, Mr Speaker, I think it is a very good idea, we should do it every night frankly, especially the way that some people think that the only way we are going to display flags here is by flying them, perhaps they might realise just how serious we are about keeping the Union Jack if they can see from a distance that it is going to be displayed in a much more prominent way here for many years to come – indeed, Mr Speaker, forever.

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Mr Speaker, let me just try and distil from what she said, the number of questions that are in there. The first one was related to Bernard Linares and Solomon Seruya. I cannot remember that we did not fly at half-mast for Bernard Linares. Certainly it is something that should have been done if it was not, but I cannot remember that we did not. Usually we do and sometimes it may not be known. The hon. Lady is insisting that is the case but absent a record that we did not, I would suggest to her that maybe we did.

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There are different rules, Mr Speaker, that I am not fully aware of but in some instances you are told that you fly it at half-mast on the day that you find something out and then you go full mast again and then you go half-mast on the day of the funeral. In Gibraltar, Mr Speaker, that is usually one day and then the next or sometimes even the same day, whilst in the United Kingdom for example, there may be a death one day with a funeral to follow three or four weeks later and that is why the rules are like that.

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The hon. Lady will know that there was a ceremony which all Ministers attended on the death of Bernard Linares. We were all very touched by that passing. Bernard was not just a Member of this House, he was a great Gibraltarian, he was a friend, he was a teacher to many of us and we all felt his passing. *(Interjection by Ms M D Hassan Nahon)* And, Mr Speaker, sometimes there is a human aspect here. Flying flags at half-mast is something that really matters to the family sometimes, because it shows the affection and respect that the community has had for a person.

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Although you do not only show it in that way but that is the traditional way to show it and sometimes it is just somebody phoning up and getting it done. It is very difficult to ensure that the machinery of Government is fully aware of these things and acts as it should. A Chief

1170 Minister may be doing something else and finds out too late. A Chief Minister may be involved in other matters and may just at a human level also, not realise that it has to be done, right?

And the Protocol Office in No. 6 is usually very good at these things and usually does not miss a trick, but very often contact with the family is what leads to this being done.

1175 In the case of Mr Seruya, I do recall myself that I was contacted by a prominent member of our society who informed me of the death and suggested that we should fly at half mast. I spoke to Mr Seruya's daughters and I spoke to the family of the late Solomon Seruya and asked them whether they would agree that we should fly at half-mast and we did.

1180 So when we do not, it is usually – if I am allowed to say this in the way that it is intended, and it is something that is often put to us by the Foreign and Commonwealth Office when they fail to do things – it is usually cock up, not conspiracy. I would point to the fact that all of the Government attended the funeral of Bernard Linares and demonstrated our sympathy with the family and I think we said things which demonstrated that. And we have done it in other instances and perhaps we have failed to do it not just for him and for others, for which I am truly, truly sorry.

1185 Mr Speaker, dealing then with the issue of the procedure for the lighting of the castle. Mr Speaker, the expression 'it comes to the Office of the Chief Minister' is intended to convey that somebody makes a request to the Chief Minister, the Chief Minister considers it and then in his or her discretion will determine whether or not to do it. When those requests come in, we consider them and try and accommodate them where appropriate.

1190 The hon. Lady has referred to some international incidents that have given rise to the lighting of our castle in one way and some that have not. Usually we have done it when other countries have established that they are doing it and so it comes to me and I am told, 'All of Europe is lighting up a landmark in this particular colour in order to remember this or that' and I say, 'Well look, if we can do it, let us get it done and if we can announce it in time, confirm it to me quickly so that we can get it out into the media and social media so that people can see.'

1195 She has referred to a number of incidents which are in my view as deserving of the community realising the importance of what is happening, thank God beyond our shores and not here, some of the other instances that have been put to us and we have therefore determined should result in the castle being lit in a particular way or in a particular colour or in a particular flag.

1200 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I just want to clarify that the examples of the two gentlemen who passed away, I want to make it very clear that they would have both been just as deserving. I was just using them both as ex-Government Ministers, paralleling them, not suggesting that either one was more or less deserving than the other, but just trying to call for a consistency across the board.

1205 Thank you.

1210 **Hon. Chief Minister:** Again, Mr Speaker, I think that is a statement not a question and the masculine and the feminine should all be included in the application of the Rules.

But, Mr Speaker, the fact is that I think there is such a set of criteria but that does not mean that we do not sometimes get it wrong. I thank the hon. Lady for pointing this out because I shall write to the family of Bernard Linares and express my regret that it appears from what you are saying, that the flags were not flown at half-mast at the time although I will check with Protocol first, to ensure that they –

1215 **Hon. Ms M D Hassan Nahon:** I am a bit of an elephant: my memory serves me.

Hon. Chief Minister: But as I say to her, it maybe that it was flown at half-mast on one day and not on another.

1220 I will find out because I am sure that a record is kept and if it is the case that it was not, I shall write with regret to the family to express my sincere apologies for that.

Hon. E J Reyes: Yes, Mr Speaker, may I just ask nicely, because there is no capital *P* or small *p* involved in it.

1225 I noticed from one of the members of staff from Parliament that the Chief Minister as part of his answer to the hon. Lady passed on a bit of paper with some information and yet I do not think that, certainly not the colleagues on my side of the House, we have not got sight of that. It could be something that is either relevant and one could have asked something on it now or even for future purpose.

1230 Could I simply ask the Chief Minister could he please if not now at the end of the session just make sure that the Clerk has a copy and we can have it or if it is attached – I am asking if this is going to form part and parcel of the official answer that will come out in *Hansard*. So therefore I could be asking something in a few months' time and the Chief Minister will say I refer to the answer given to question such and such and it was not given to us. It was just given to the Lady who exercised her right not to be aligned any more to this party.

Hon. Chief Minister: Well, Mr Speaker, you have to be careful in politics never to be generous. What I gave the hon. Lady was a public document but I thought I should give it to her because it set out the criteria. As I said it is the Department of Culture, Media and Sports rules which are on their website.

1240 Mr Speaker, I must say that today I have handed out a number of handouts to Members on the other side. When I have handed them out I have handed them to the person asking the question. In some instances therefore, the hon. Lady, because she is no longer aligned in a party political sense with them, will not have it. So if I were to make sure that I give every Member every handout I would find myself with 17 handouts all the time.

1245 Now I understand something was said this morning in relation to that or there has been a suggestion that we should do that. Today with the handouts if I had made 17 copies I would have come with an indictment that John Cortes would be prosecuting in respect of my failure to look out for trees.

1250 But I do have an extra copy and if the hon. Gentleman wants it I can let him have it. I assume it is specifically referred to in the answer and therefore it will form part of the *Hansard*.

Hon. E J Reyes: The Chief Minister is perfectly right. In fact that is why I tried to clarify, can I at least have an assurance it will form ... I do not need to have a copy now, if it will form part of the answer when it comes out on *Hansard*.

1255 But again the Chief Minister has now clarified that it is available from a website and perhaps a simple reference to the website means that at least one has access. But I needed to know what exactly the website is he was referring to.

1260 **Hon. Chief Minister:** Well, Mr Speaker I do not detect a question there and hon. Members are supposed, if we are going to follow the Rules, to get up and ask short and sharp questions. But I am handing him a copy, he will have it, Mr Speaker. In any event, given his military background and his military bearing he probably knows the Rules better than I do.

1265 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answers to the questions from the hon. Lady. Since we are on the subject of protocol and I hope he will consider this question entirely in good faith, and that is when there is a moment of national grief or a moment when we want to show our collective solidarity in respect of a tragedy, I have noticed that there is a tendency to have one minute's silence outside Convent Place.

1270 I just wondered if the Chief Minister would consider inviting Parliament to attend those occasions with the Government when they occur.

Thank you.

1275 **Hon. Chief Minister:** Well, Mr Speaker, people go to the bottom of their place of work. At the moment, No. 6 Convent Place is my place of work and I have no desire to invite him to come and work there with me, at least whilst he maintains the attitude that he seems to maintain in respect of public finance these days.

1280 But on a more serious note, Mr Speaker, look, these are public minutes of silence and the practice everywhere is that you simply go out of your place of work and you exercise that minute's silence.

1285 In the United Kingdom, for example, Members of Parliament will observe it in Parliament or outside Parliament. Different Ministers will observe it outside different Government Departments. In the instances where we have stood together, it has usually been on a Monday and we have been in Cabinet and therefore we have all been there and have come out together to observe that minute's silence there.

1290 But you know No. 6 Convent Place, the area outside it is public and he should feel free to come and join us there whenever he wishes. I would not pretend to prevent him from doing so, at least in the public areas or to come here outside Parliament and to stand with his colleagues outside Parliament to observe the minute if he thinks that is appropriate, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for that. I would only ask that we be given notice of when these occasions occur.

1295 **Hon. Chief Minister:** Mr Speaker, I am afraid I am not going to agree to give him notice of these things, other than the public notice that is given, because the last thing I need on my plate is to remember to give him a notice of when there is going to be a minute's silence or a two-minute silence or anything else.

Mr Speaker, these things are public and the rest of the public seems to be able to determine when to hold their peace, although I note that Members opposite sometimes do not.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q407/2016

Gibraltar Savings Bank deposits – Supplementary question

1300

Clerk: We now return to questions to the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1305 **Mr Speaker:** I understand that the Hon. Roy Clinton has a supplementary question that he would have liked to have asked before we broke up at lunchtime.

Hon. R M Clinton: Thank you, Mr Speaker, for that. Bear with me while I find it.

1310 Mr Speaker, would the Hon. Minister – just returning back to his answer to Question 407/2016 he kindly gave a breakdown of the Savings Bank deposits broken down by debentures, on call investment accounts, ordinary deposits and bonds for various dates, I could not help but notice the increase in all on-call investment accounts from about £15 million in February to £228 million in May, which more or less accounts for the bulk of increase in deposits from £942 million to £1.1 billion in May.

1315 I was wondering if the Minister would be in a position to either give some indication as to the reasons for the increase other than obviously being a deposit, where that money comes from, the Government or any Government companies or agencies?

1320 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, I thought he knew already that the investment accounts are all public money. I mean, does he not read the estimates, it says it there.

Hon. R M Clinton: Mr Speaker, I am grateful for the clarification. Thank you.

Q410/2016
Sale and leaseback finance agreements –
Details

1325 **Clerk:** Question 410, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please provide details of all sale and leaseback finance agreements in place, providing details of counterparty, balance remaining, asset 'sold' and maturity date for all Government departments, agencies, authorities and companies?

1330 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1335 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, the GSD administration entered into such arrangements in respect of the hospital building and a number of car parks.

The rental period for the hospital building ends in January 2023 and the car parks in March 2034, at which point the properties revert to the Government.

1340 There is no remaining balance as these are not loans which are being repaid, but leases in respect of which rent is paid to the Royal Bank of Scotland who is the owner of the properties.

Q411-412/2016
Barclays and NatWest loan facilities –
Maturity dates

Clerk: Question 411, the Hon. R M Clinton.

1345 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please advise the current maturity dates for the Barclays loan facilities of £100 million and £50 million respectively and has Barclays given any notice of non-renewal on maturity?

1350 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Question 412.

Clerk: Question 412, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the current maturity date for the NatWest loan facility of £50 million and has NatWest given any notice of non-renewal on maturity?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the Barclays loan has a maturity date of 10th January 2019 and 29th June 2020.

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The NatWest loan has a maturity date of 31st March 2020.

Neither bank has given notice of non-renewal on maturity and the Government knows of no reason why the banks would wish to give Gibraltar any such notice of non-renewal. In fact, Government has no difficulty in renewing these facilities and has done so recently when the last maturity took place.

Q413/2016

Interest rate swaps –

Details

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Clerk: Question 413, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please provide details of any interest swaps in place, including notional amounts, counter party, maturity, fixed payer, floating payer rates and the latest mark to market available on any interest rate swaps held?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the arrangements entered into by the GSD are as follows:

Counterparty Government: Barclays – £100 million; maturity 10/10/2019; the effective rate is 4.875%; the mark to market is £12,915,741. That is the £100 million one.

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The £50 million one has a maturity date of 29th June 2020; an interest rate of 4.969%; and a mark to market is £5,580,254.

The Counter Party for the car parks is GCP Investments Ltd, with Barclays. The amount is £16,925,000; the maturity is 22nd December 2025. The rate is 4.07% and the mark to market is £9,590,110.

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Hon. R M Clinton: Mr Speaker, just to clarify for the sake of the other Members of the House, would the Minister confirm that the mark to market effectively is a negative mark to market in favour of the bank as opposed to in favour of the Government?

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Hon. J J Bossano: That would be the amount we would have to pay to break the swap at present. It can change if the variable interest changed direction.

Hon. R M Clinton: Thank you.

Mr Speaker, has the Hon. Minister – and this may be a contentious question – considered whether these interest rate swaps were mis-sold at the time?

1400 **Hon. J J Bossano:** I think in fact the Department took legal advice on that point, as I remember it, and the advice we got was that we would not have a sufficiently strong case to invest money in fighting it.

1405 **Hon. R M Clinton:** Mr Speaker, one final supplementary in this, coming back to the use of the sinking fund, would the interest payments for this be going through the sinking fund in terms of additional amounts being paid in support of servicing loans?

1410 **Hon. J J Bossano:** *[Inaudible]* I will say it again! The sinking fund can only do one of two things: either repay or pay interest. It has got to be one or the other. It cannot be used for anything else.

Q421/2016

**Gibraltar Home Loans Company Ltd –
Loans and mortgages granted**

Clerk: Question 421, the Hon. R M Clinton.

1415 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance advise if the Gibraltar Home Loans Company Ltd has granted any loans or mortgages to date?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1420 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Yes, Mr Speaker.

1425 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for the answer. Can he give the House an indication of the total value of these loans and has the company now been given a credit licence, or a money-lending licence?

1430 **Hon. J J Bossano:** Well, I cannot confirm that they have got a money-lending licence because I have not asked whether they have, but I doubt very much that they would be lending without a licence. So I would be very surprised if they did not have it but I cannot tell him that I know that they have it because I have not asked.

I can tell him that there is only one loan and obviously I am not going to give him information on that one loan because that could identify ... I mean it is only one person. If there were 20 loans then I would be able to give a global figure but there is only one loan.

1435 **Hon. R M Clinton:** Mr Speaker, thank you.

Would the Hon. Minister advise the House as to how one goes about getting a loan from the Gibraltar Home Loans Company Ltd?

1440 **Hon. J J Bossano:** I think he asked that before in a previous supplementary and I think I gave the answer.

1445 But anyway, the Home Loans Company is run by the same people from the Finance Department. So normally we would not have anybody approach us unless they had a specific problem in getting it from normal commercial channels. As I explained to the hon. Member at the beginning, this has not been created in order to enter the mortgage market in competition with existing lenders. This is there in order to ensure that if there are specific reasons why

somebody is not able to obtain a loan and we feel that we can provide the facility, because we want to encourage home ownership, then this is what it is there for. At the moment there has only been one case.

1450 **Hon. R M Clinton:** Thank you.

Just one final question on this, can the Minister confirm or can he advise whether the loans that are given for properties ... would the criteria be exclusively for Government developments or would they be allowable for private home ownership in any other part of Gibraltar?

I presume this is in relation to residential properties in Gibraltar.

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Hon. J J Bossano: The Government is committed to encouraging home ownership. After all, it was the GSLP in 1988 that raised the percentage of the population from 6% to 30% that were home owners.

1460 The one applicant we had was for one of the Government 50/50 homes in the new developments. We will look at the merits of any case because we do not want people who we think could be given the opportunity to become a home owner but may for a particular reason, whether it is that the bank has exhausted its quota or whatever, and we feel that it is a safe loan clearly, otherwise we would not give it, we want to be able to be there to help.

1465 But it is obvious that the market is able to provide ... At the beginning when we set this up, it was when people were expressing doubts whether there would be enough lenders in the market for the 50/50s that were coming on and we did not want anybody not to be able to buy (a) because we wanted to encourage home ownership; (b) because look if they do not buy they finish up wanting to rent.

1470 So the answer to his question is we do not discount, but if somebody comes forward, it is looked at on its merits.

Q422/2016
LED lighting –
Joint venture details

Clerk: Question 422, the Hon. R M Clinton.

1475 **Hon. R M Clinton:** Mr Speaker, can the Minister for Inward Investment please provide this House with details of the 20% joint venture in LED lighting, including the amount of money to be invested, by whom and the name of the Chinese partner and joint venture entity?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunication and the GSB.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): No, Mr Speaker.

1485 **Hon. R M Clinton:** Mr Speaker, as the Minister will be aware, he actually made a public statement in relation to this joint venture. I am just a bit surprised that he is not willing to share the details with this House.

Is there anything at all that he can share with us?

1490 **Hon. J J Bossano:** Well, I can share with him that there is something called Brexit that has happened. I do not know whether he thinks that has got any relevance! But the parties that are

partners have not yet concluded what was being discussed. Whether it happens or not, I am not 100% certain now.

Q423-425/2016
New technologies –
Skills and training

Clerk: Question 423, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, does the Minister for ... apologies, I have got 'Business and Employment'. This was directed originally at my hon. Friend, Mr Costa.

Does the Minister agree that we need to acquire better understanding of the skills required by the new technologies and direct training in that area?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 424 and 425.

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Clerk: Question 424, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, does the Minister agree that in relation to technical knowledge, there is a need to acquire new skills to meet the demand?

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Clerk: Question 425, the Hon. E J Phillips.

Hon. E J Phillips: Does the Minister agree that the training and provision of those skills is essential to ensuring the continued success of our economy?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as the hon. Member knows, I am responsible for supporting the acquisition of skills in the context of the relevance to Gibraltar's economic development.

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As the hon. Member also knows, the policy of the Government since 2012 has been to provide financial support for training leading to employment. This has been done by identifying the areas of the labour market where a skills deficit existed in 2011 as reflected by the share of jobs held by resident workers, in particular Gibraltarians.

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The hon. Member has previously claimed that there is a huge demand from employers in Gibraltar for taking on apprentices and although he was good enough to undertake to tell those employers that he had knowledge of, to contact the Ministry for Economic Development to pursue their requirements, no employer has done so to date. I cannot therefore agree with the three things he is asking for agreement on.

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Quite apart from the policy issue, I have to tell him that the way that he has drafted the questions makes no sense at all, though it is not for me to tell him how he should do it.

Question 425 asks whether I agree that the provision of 'those skills', not identified, is essential to ensuring the continued success of our economy. I do not know what are the set of skills he fails to identify, but I assume they exist. I note that according to him there is a deficit of

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these skills and they are essential to ensuring the continued success of the economy. I would be very interested to know what these skills are and how he has been able to determine that they are essential to the success of the economy.

1540 However, if the skills in his third question are the skills in his first and second question, then in his first question he admits that he needs to acquire a better understanding of the skills required by the new technologies. I am not sure either what the new technologies are that he has in mind. Nor am I sure what is the level of his ignorance of the skills required by the new technologies.

1545 However, whatever the shortfall in his understanding, I put it to him that the 'we' in the question can only refer to his colleagues on the Opposition benches, since he is in no position to judge whether we on this side know as little as he does about the skills required in what he calls the new technologies.

1550 As regards his other question, he claims that in relation to technical knowledge, there is a need to acquire new skills to meet the demand and he asks if I agree with him. Well, if he can tell me what the new skills are that are not in existence for which there is an unsatisfied demand, then I will investigate it and if I find there is a demand for such new skills, and that the acquisition of the new skills will assist economic growth, and that there are employers currently requiring such new skills, then I will look at the feasibility of making provision for meeting that demand.

1555 Obviously it requires being more specific than the hon. Member simply saying that the skill is new.

1560 **Hon. E J Phillips:** I am grateful for that response and I am clearly going to have to get used to the Hon. the Father of the House's responses to questions which are designed specifically to elicit a positive and constructive response from Mr Bossano, but I do not believe that he has answered that specific question.

1565 But what I would say, Mr Speaker, is that he has referred to three things. He said that my question makes (1) no sense at all; (2) that it does not identify any skills; and (3) it displays my level of ignorance. Now I would like to remind the Minister opposite of the statement he made –

Mr Speaker: You do not remind him, you ask him and from now on I am going to be strict. I warn hon. Members, I am going to begin to get strict.

1570 **Hon. E J Phillips:** I am grateful.

Mr Speaker: You do not remind him, you ask him. You had an introduction to your supplementary which I have allowed you. Now you proceed to ask a supplementary question and make it short, sharp and to the point.

1575 **Hon. E J Phillips:** Thank you, Mr Speaker.

How does the Minister reconcile those three statements that I have just referred him to, to the following statement?

When it comes to technical knowledge, there is the need to acquire the necessary skills to meet the new challenges and that is essentially to ensure the continued success of Gibraltar's economy.

He added that:

The company has been a key foundation of that economy as communication in today's world plays such an important role.

1580 So effectively the three criticisms that the Minister has pointed out in relation to my questions are effectively stemming from his own statement that he made in relation to the Gibtelecom apprentices that he made on 2nd July 2015.

I would appreciate if the Hon. Minister can reconcile those statements.

1585 **Hon. J J Bossano:** Mr Speaker, his first question says 'we need to acquire a better understanding of the skills required by new technology', and he asked me whether I agree with that. My response is, if he says 'we' need to acquire a better understanding, he must be saying *he* needs to acquire a better understanding because he does not know how much my understanding is. He is certainly not entitled to assume that my understanding is as little as his, but he is clearly stating that his understanding is deficient because he needs to acquire a better understanding.

1590 If I make a statement about the nature of Gibtelecom, I do not extrapolate from what is required in Gibtelecom – which is very specific and a very narrow field – to what is required for the success of the rest of the economy. The skills in the rest of the economy are one thing and the skills in Gibtelecom are a very narrow set of skills.

1595 In fact I can tell the hon. Member that if it is about the skills in the Gibtelecom, what we have done, which regrettably has not produced a result, is that Gibtelecom has offered people who are going to university in the United Kingdom, a bursary of £1,000 over and above the Government scholarship and they have no takers.

1600 What we have in Gibtelecom is a problem in that because the economy does not have a diversity of telecoms companies and you have got a dominant provider, the range of potential people with new skills have got to either acquire them in that one company or have got to be imported from outside.

1605 This is not the case in the rest of the economy. In the rest of the economy there is a situation where there is a lot of competition with a lot of other people. For example there is a range of skills that are required in the gaming companies which employ 3,000 people and which is very significant for the economy, as opposed to the 150 employed in Gibtel.

1610 So I think he was wrong to assume that the analysis that I made in respect of the requirements of Gibtel could in fact be transposed as an analysis of what is required by the whole of the economy and therefore, if he had indicated that he was addressing the issue of the requirements in the field of telephony or the new technologies being used in respect of the business that Gibtel is in, then he would have got a different answer. But he is asking me questions that can only be interpreted as a reference to skills which are new in relation to the whole of the economy without identifying where it is and that is why I am telling him that if he identifies what he means which he has now done, then of course I do not agree with anything that he is saying which is quoting me in respect of Gibtelecom, is capable of being transposed to other activities in Gibraltar which are completely different from Gibtelecom.

1620 **Hon. E J Phillips:** Mr Speaker, that is a long answer but I will try and distil it into one question and I will be short and sharp about it.

I asked in Question 423, does he agree that we need to acquire a better understanding of the skills? In the statement he says 'when it comes to technical knowledge, there is a need to acquire the necessary skills to meet the new challenges' –

1625 **Mr Speaker:** I am sorry, I must interrupt. The Hon. Minister has given you an answer, a long answer. You are entitled to ask supplementary questions arising from that answer.

What you are not entitled to do is to debate with him.

1630 **Hon. D A Feetham:** He is not debating.

Mr Speaker: You are not entitled to debate. You are entitled to have a short introduction if you like, a short preamble but you ask a supplementary question.

1635 We are at Question Time. We are not at debating time. I have given the hon. Members some time, a few meetings, I have been liberal with them hoping, but today things have got out of hand completely.

Therefore, I have got to be less liberal and remind hon. Members that they are here to ask questions.

1640 I cannot control the length of the Minister's answer. I can only tell the Minister that the longer the answer, the more likely you are to be able to ask supplementaries based on that answer, but that is a matter for them and the Rules do not say anything about the length of answers. They do not. But the Rules do say a great deal about questions and supplementary questions.

1645 Now, he has given a reasonably long answer. You are entitled to ask a supplementary arising from that but it has got to be a question.

Hon. D A Feetham: Mr Speaker, but you did not allow him to ask the question. But, Mr Speaker, I do not want to – and I hope that Mr Speaker allows me just to make this point – I do not want to engage in any controversy with Mr Speaker or anything like that.

1650 But, Mr Speaker, I do have 23 years of interpreting rules and appearing in front of tribunals and people who adjudicate based on rules and when you have a situation where an answer is a very long answer, often there are political points that are made; at times there is political invective.

1655 I would urge upon Mr Speaker that in those circumstances, despite the fact that there is nothing that forces the Minister to keep it short, but when it is a long answer and also when there are political points, that Mr Speaker shows a little bit of discretion on our side because it becomes more difficult for us. I mean the short and sharp question is easier said than done.

Having said that, I accept that I myself this morning – and I think that also the Chief Minister, I have to say that – perhaps we overstepped the mark. But I do not think that Mr Phillips has overstepped the mark.

1660

Mr Speaker: I am grateful to the Hon. the Leader of the Opposition and because the Hon. the Leader of the Opposition usually is dealing with matters which are of a wider political perspective, I do allow and over the years I have.

1665 Here we are dealing with a subject which is not so political. It is a question of training, new technologies and so on. Therefore I think it should be possible to keep the supplementary questions much narrower. The difficulty ... and therefore the fact that the Hon. Mr Bossano then gives a fairly lengthy reply means that the hon. questioner is entitled arising from that, to ask perhaps more than one supplementary. Perhaps a number of supplementaries and I will allow him to do that.

1670 But what I am trying to enjoin upon him is this: please, no matter how many supplementaries you wish to ask which are relevant, I will allow. Ask a supplementary question. Do not make a statement. Try to ask a supplementary.

The Hon. Mr Phillips.

1675 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might be allowed to make an intervention because I have been listening to what has been said in relation to this matter.

Mr Speaker, we have had a view expressed by you as to what the leeway you are giving etc. is and the hon. Gentleman has said 'the Hon. Chief Minister went on and I went on'.

1680 Well, Mr Speaker, I go on because I am dealing with the things that are put to me. If I am asked a short and sharp question, I will give a short and sharp reply. But the fact that matters are political or less political is not a reason why questions should be longer or shorter. Maybe we could have more short questions so that we can deal with each question, rather than –

Mr Speaker: This is what I would like to see.

1685 **Hon. Chief Minister:** – a very long question which is then couched in terms which are
partisan which gives rise to answers which have to be partisan. Because what is not fair, and
what the Government would find it difficult to tolerate, is that questions are put in a very
partisan way with a partisan sting and the Government is supposed to stand up and not deal
with it. And that, Mr Speaker, would be unfair to the community because they would only be
1690 hearing one side being allowed to put that. But if we exercise discipline on each other –

Mr Speaker: If I may, that is what I have been trying to achieve without a great deal of
success.

1695 Hon. Members, particularly those who have been here for some time, cannot say that when
it comes to a debate, I do not allow all the leeway in the world. I am very liberal in the
application because I believe in debating.

But I must confess that I have not succeeded with the previous Members of the Opposition of
the House or the present, I am not succeeding although I did for the first two or three meetings
soft pedal, hoping that they would and individually I have been enjoining upon them the need to
1700 ask questions, and not to ask a number of questions together, to ask a single question and follow
up supplementary.

I am sure that they bring material, when you ask a question you have a number of
supplementaries which you are hoping to ask, well get on with them but do not have a speech as
an introduction to a supplementary question. That is what I would like to achieve.

1705 **Hon. D A Feetham:** Mr Speaker, I listened to what Mr Speaker has to say but I am afraid that I
cannot accept criticism of the Opposition and a white wash of the Government. (*Interjection by
Mr Speaker*) But, Mr Speaker, may I say from my part and I hear what the Chief Minister has to
say and he may not accept this from me because he may think that every time that I say
1710 something, there are reds under the carpet or blues, whatever he may think.

But Mr Speaker, the question on sections 15, 16 and 26 which was really what sparked this
off, the immigration, there was no inherent criticism of the Government. I was not criticising the
Government in relation to those questions!

1715 It started with a – (*Interjection by Mr Speaker*) No, Mr Speaker, I just wanted to make that
point because I think it is important that sometimes there is no criticism on our side, genuinely
on that particular occasion – and there may be 90% of others that maybe different – but on that
particular question there was no desire actually for me to criticise the Government.

But of course, the way that I see it, if then the answer is political and answers trawling back
to GSD years, etc. then of course there is a reaction on my side.

1720 But certainly, Mr Speaker, I will attempt to obviously do everything to make Mr Speaker's life
as easy as possible and we will all take Mr Speaker's guidance on board.

Mr Speaker: I am grateful.

1725 **Hon. Chief Minister:** I am grateful, Mr Speaker, and we all must, Mr Speaker. But what I want
to get across to hon. Members, because we are just going to find ourselves here again if we do
not do this properly and I *want* us to do this properly.

1730 If there is a long question with partisan aspects and partisan stings to it, what they are going
to get back from the Government is a long answer dealing with all the issues they raise with
partisan stings back.

Now, Mr Speaker, if I may also say so, with the greatest of respect and I think in this respect I
will speak for the Leader of the Opposition and myself, I think you have been a tad unfair on us
today to say that we are forgetting the moment in which Gibraltar finds itself, simply because
we are having a discussion about the Immigration Act.

1735 We are very conscious of the fact that Gibraltar is where it is today and I am here, Mr
Speaker, to answer questions because life will go on, Mr Speaker, and this parliamentary
democracy must work. And it must also work if I may say so, subject to your discretion which
you have always exercised absolutely appropriately in the view of the Government, with an
1740 element of sting and party politics, because we have a confrontational system of Government
and Opposition which all of us, even you, Mr Speaker, when you have been here, think is the
best way to ensure that we test each other's policies and each other's arguments to the best of
our ability.

And I think all of us, Mr Speaker, yourself included, the Leader of the Opposition and I are
very conscious of where Gibraltar is, what the moment is and the need to ensure that we deal
1745 with those issues. And I undertake to you, Mr Speaker, on behalf of the Government and I am
sure on behalf of all Members, the Leader of the Opposition included, that you will best see that
in the way that we will deal with the Budget debate this year because the Budget debate this
year is not going to simply be an opportunity to also deal with the political points, as we
probably rightly do in a year before a general election, as we probably rightly do at normal time,
1750 but this is going to have to be a very serious debate with none of that and you have our
undertaking, Mr Speaker, that we will deal with it in that way and that we have approached
questions in that way as well.

Mr Speaker: I am very grateful, as the Hon. Chief Minister and Members know, I do not
1755 pretend that I always get it right. I do not have the monopoly of the truth and I do make
mistakes because I am only human. But I am concerned to see that the House proceeds –
approximately 200 questions is a very large number of questions and we are spending very many
hours here. It is our job but we ought to do it as expeditiously as possible.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman may, just on behalf of both of us, I
1760 think that we are conscious of the fact that one of the people who works most in the context of
a session, is actually the Speaker, the Clerk and the Officers of the House because you have to sit
through the 200-odd questions, not just the ones that you may or may not be dealing with and
you have to do so without a comfort break and without another break that we can enjoy.

1765 So I think it is also absolutely right to convey the gratitude of all Members and the whole
community, for the work that you do. And, Mr Speaker, certainly in the view of the Government
and I am sure also in the view of the Opposition, if you do not get it right nine out of ten times, it
is because you get it right ten out of ten of times. I did not by my remarks want to suggest the
contrary, although I think it is important for the community not to think that the Leader of the
1770 Opposition and the Chief Minister have for one moment forgotten the moment in which we are.

Hon. D A Feetham: Mr Speaker, and that I think is a fair analysis. I mean I associate myself
with certainly the last statement that the hon. Gentleman has made and also I think Mr Speaker,
1775 that perhaps it was a tad unfair of Mr Speaker, to characterise it in that way, because there is
not a moment that actually goes by that the Chief Minister, I am sure, and myself, were not
actually focussing on this particular moment of where we are, where we need to go and where
we will be.

And, Mr Speaker, actually this session this afternoon has demonstrated to people out there
that our democracy continues and that it is, as far as Government and Opposition, business as
1780 usual as far as that part of the democratic equation is concerned, and that is important. And in a
democracy there is going to be cut and thrust.

The hon. Gentleman is going to make comments that I am not going to agree with, he is going
to make comments in the reverse and, Mr Speaker, the reality is that it is *precisely* in a moment
such as this – precisely when we are facing what we are facing at the moment – that we have
1785 got to demonstrate to people out there and to the outside world that we have a vibrant
democracy and it is business as usual as far as democracy is concerned.

1790 That I think is important and it does not demonstrate in any way shape or form that either the Chief Minister or myself have forgotten the moment in which we live. I can assure the community out there that not a moment goes by that the Chief Minister, I am sure, and certainly for my part and my colleagues as well, that we are not focusing on what is a very, very important moment and moments for the people of Gibraltar and this community.

Mr Speaker: Let us not deprive the Hon. Mr Phillips of his supplementaries.

1795 **Hon. E J Phillips:** Thank you, Mr Speaker, just one supplementary question in relation to Questions 423, 424 and 425. The very simple question I asked before and hopefully it will be allowed this time, was that in relation to his answers to those three questions, how does the Minister reconcile those answers with respect to the statement he made at the Gibtelecom apprenticeship scheme announcing the apprenticeships? Bearing in mind, of course, that when
1800 he referred to apprenticeships he referred to it in this way: 'when it comes to technical knowledge there is a need to acquire the necessary skills to meet the new challenges.' Widely interpreted rather than the narrow interpretation that he offered before.

So I just want to know how he reconciles his statement to the public with the answers he gave to those three questions.

1805 I am grateful, Mr Speaker.

Hon. J J Bossano: Well, Mr Speaker, I cannot ask the hon. Member questions; he can ask me. But it is very peculiar that he wants me to explain how I reconcile answers to questions which he did not address to me in the first place about something that I said but addressed to my
1810 colleagues.

So he asks the Minister for Business and Employment to give a view on things which it turns out are a quotation taken from something that I said in a different context about a specific industry. Now, I have answered it because I thought he had put the question to the Minister in error, not thinking that I was responsible for training and therefore I have reminded him that I
1815 am responsible for economic development and I am responsible for training and I am responsible for the provision of skills.

But of course, if what he wanted was for me to expand on what I said to the people who are training in Gibtelecom, then he should have identified in his question that the technology that he was referring to was the skills required in the field of telecommunications and I would have
1820 been happy to deal with it.

But if the hon. Member put a question which says 'do I agree that *we* in Gibraltar need to acquire a better understanding', or *we* in the Opposition or *we* in both sides of the House – I do not know who the 'we' is – 'need to acquire a better understanding of the skills required by the new technologies'. *Which* new technologies? Nothing in these three questions allows me to
1825 produce a factual answer based on information, because the hon. Member deliberately chose to leave out where he was drawing the terminology from.

Now that he has told me, I have already answered the question. The answer to the first question is that what we have done to encourage direct training in the area is that the company that has the need for the skills has told people who go to university, 'We will give you £1,000 a
1830 year on top of the Government scholarship in order to encourage you to enter this field.' This was advertised in the *Chronicle* and regrettably out of the 900-odd people that we have studying in the UK, nobody was interested in taking up the offer.

So if he had asked about Gibtelecom, that is the answer I would have given him. He has chosen to put three questions to which my response is not in providing him with information and facts to the questions but in asking him to elaborate on what is the information he is looking
1835 for.

He says do I agree that the training and the provision of those skills, which I do not know what they are, are essential in the continued success of our economy? Well look, Gibtel is the

1840 backbone of the economy, to the extent that our economy requires that we should have
broadband, that we should be at the forefront of the new technology because the speed with
1845 which we process information in cyberspace is a crucial element in the globalisation of the world
which increasingly relies ... In whatever industry you are in, whether it is banking, or gaming or e-
commerce or e-Government, the technology of telecommunications is vital.

1845 If he had said to me, 'do I agree that acquiring skills in telecommunication is essential for the
continued success of the economy?' the answer is yes, but he is not identifying what he had in
mind. And given that he did not address it to me but addressed it to my colleague, how does he
expect me to connect a question to my colleague with something that I said in a meeting with
1850 Gibtel when I was addressing the people who had just qualified with a level of training which is
not the level of training we are talking about here, but a level of training for the routine jobs of
cabling and so on in the industry.

So it is not that I did not want to give him the information. It is that he put his question in a
way that makes it impossible to answer without him giving me more information. I am happy to
look at any area if he is specific about telling me what the area is that he has in mind.

1855 In telecommunications, it is absolutely true that we have to be at the forefront. In fact I have
just come back from participating in a Commonwealth ministers' conference on
telecommunications, as a result of which we will be taking up membership of international
organisations and be more involved so that we can be up to date with exactly what is happening
in the rest of the world and what the competition is up to.

Q426/2016

Government-approved contractors – List

1860 **Clerk:** Question 426, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide a list of approved
contractors?

1865 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and
the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Yes, Mr Speaker, I will pass the list over to the Member now. (*Interjections*)

Answer to Question 426 of 2016

Company	Type of Work Provided
501 Construction	General Construction
A C Rock Construction	General Construction
A L Woodworks	Specialist - Carpentry
A&C Fitters Ltd	Specialist - Flooring/small refurbishments, partitions
A&M Scaffolding & Cradles Ltd	Specialist - Scaffolding
A. Abecasis Gonzalez Ltd	Specialist: Building Material Supplier
ABC Services	Cleaning
Ablío Rodrigues	General Construction; Specialist - Electrical
Accoria Services Co Ltd	General Construction
Ace Plumbing	General Construction; Specialist - Plumbing
Adelon Limited	General Construction
Admiral Security	Security
AJ Surfacing Ltd	Specialist: Surfacing, Roadworks, Paving; including Green Construction Paving Systems; Trenchworks and Road Marking
AJEC Ltd	Specialist: Installation and maintenance of portable generators and consequential interior decoration
AJR Window Works	Specialist - Window Manufacturer
AK General Builders Ltd	General Construction
Alizarin Ventures Ltd	General Construction
AMCO Gibraltar Ltd	General Construction; Specialist - Asphaltting works; Building Material Supplier; Plant & Equipment Supplier (Hire)
Andy Holdings Ltd	General Construction
Apli (Gibraltar) Ltd	Specialists: Architects and Engineers
Aqua Solutions Ltd	Specialist - Supply of water bottles, Water Cooler machine rental
AS Vending Ltd	Specialist - Water Filtration
ASJ Builder Company Ltd	General Construction
Atlas Building Merchants Ltd	Building Material Supplier
Aureliano Marciano	Specialist: Painting / Decorating
Avanti Construction and Maintenance Ltd	General Construction
Babytel Ltd	Specialist: Telecommunications and Electricity
Base Maintenance Services	General Construction; Specialist - Refurbishments
Basilio Guerreiro Rosa	General Construction
Bedam Electrical Contractors Ltd	Specialist - Electrical
Bexhill Holdings Ltd	Pool Maintenance
Bravo Recruitment Services Ltd	Specialist: Recruitment Agency

Bright Co Ltd	General Construction; Specialist - New Build Works, Internal & External surface finishes
Brotons	General Construction
Cano Monumental	General construction, Stone Mason; Building Material Supplier
Captura Holdings Ltd	Specialist: Drain and Sewer Cleaner
Casais (Gibraltar) Ltd	General Construction
Ceprano Ltd	General Construction
Charles Anes Ltd	Specialist - Stonework; Building Material Supplier
Charnwood Furniture Factory Ltd	Specialist - Manufacturing of Furniture
Charnwood Jetsweep Limited	Specialist - Road & General Cleaning
CIAP	General Construction; Specialist - Glazing; Building Material Supplier
CK Transport Ltd	Building Material Supplier; Plant & Equipment Supplier (Hire & Sales); Transport Contractor; Labour Contractor
Clearview Windows	Specialist - Window/Office Cleaning
Cocoon Exterior Works Limited	Building and Construction
Colorworks Design Limited	Specialist - Signage
Concrete Pumping & Aggregates Ltd	Specialist: Concrete Pumping
Construcciones Alhaurin Ltd	Specialist: General Construction
Construções BT (Gibraltar) Ltd	Specialist: Labour Hire
CRJN Construction	General Construction
D & D Consulting Ltd	Specialist: Selling Equipment
D and D Services Ltd	Construction & Refurbishment, General Maintenance, Pest Control and Importation and Exportation of related goods
DesElec Ltd	Specialist - Electrical
Detectives & Security	Security
E.W.M.S	Specialist - Disposal of Hazardous and Non-Hazardous Waste
Elite Plumbing & Boiler Services	Specialist: Plumbing and Boilers
Endash Ltd	Labour Contractor
Environmental Support Services	Cleaning
Ernest Lopez & Sons	General Construction, Specialist - Interior modifications to buildings and homes
Eulogio Cruz Building Contractor	General Construction
Europort (International) Holdings Limited	
Ferrer (UK) Ltd	General Construction
Fill-A-Skip	Plant & Equipment Supplier (Hire)
Fire Security	Security
First Gib Scaffolders Co. Ltd	Specialist - Scaffolding
G&G General Construction	General Construction
Gebomsa (Gibraltar) Concrete Pumping Services Ltd	Specialist: Concrete Pumping

Genco Holdings Ltd	General Construction; Specialist - Electrical Installation; Building Material Supplier
General Lifts Ltd	Specialist - Lift Maintenance, design & installation
Gent Fire Security Limited T/A G4S (Gibraltar)	Specialist - All types of Alarm Systems; Plant & Equipment Supplier (Sales)
Gestion Y Logistica Laborales Ltd	Labour Contractor
Gibral Flora Ltd	Landscaping - Interior/Exterior
Gibraltar Roofing Company Ltd	Specialist - Roofing & Property Maintenance
GibXperience Ltd	Specialist: Tourism & Leisure Consultant
Green Resources Limited	Specialist - Solar Energy
Greenarc	Specialist - Landscaping/Horticultural
H&M Security Services Ltd	Specialist - Security Provider
Hercules Office Solutions Ltd	Specialist - Interior Works , Walls & Ceiling
Hire-U-Shop	Building Material Supplier; Plant & Equipment Supplier (Hire & Sales)
HSE Consulting Limited	General Construction; Specialist - Asbestos/Waste Removal, Demolitions
IEN (Gibraltar) Ltd	Specialist: Electrical, Mechanical and Public Health
Independent Air Conditioning Limited	Specialist - A/C
Ingemetal Limited	Building & construction
Inline Framing Ltd	General Construction; Specialist - CFS & Structural Steel, Drywall construction; Labour Contractor
Interbuild	Building Material Supplier; Plant & Equipment Supplier (Hire & Sales)
Itek Limited	Specialist - windows/doors/bathrooms/kitchens/ floors
J & J General Construction Ltd	General Construction
J B Construction Ltd	General Construction
J Balban Electrical Contractors Ltd	Specialist: Electrical Company
J I Construction Ltd	General Construction
J S Buildings Ltd	General Builders
Jamena Properties Ltd	Specialist: Impermeable Specialists
J-Cool	Specialist - Air Conditioning Installation + Maintenance
Jebel Tarik Security	Security
JFM Shine	Cleaning
Joaquim Pacheco Da Cruz	Specialist: Maintenance
Kaysam General Construction Ltd	General Construction + Specialist: Aluminium
Key Way Construction Ltd	General Construction

Koala Holdings Ltd	General Construction; Specialist - Waterproofing, Restorations, Conservations
LC Groundworks	General Construction; Labour Contractor
Leamington Ltd	Specialist: Carpentry
Leed Transport	Specialist - Demolitions, Roadworks
Liberty General Construction Ltd	General Construction
Light Industrial Activities Ltd	Specialist - Aluminium & Steel Contractors
Lights Construction	General Construction
M F Balloqui & Sons Ltd	Specialist: Upholstery, Carpets and Aluminium
M.J. Lancley Ltd	Specialist - Plastering, Painting, Tiling
MacMillan Ltd	General Construction
Marr & Co. Ltd	Specialist - Water proofing, Fire proofing, Road marking, General Painting; Building Material Supplier
MC & LS Ltd	Specialist: Gardening and Landscaping
McBa	Specialist: Interior and Exterior, Painting & Decorating
McConstruction	Specialist: Roofing and Refurbishment
Mediterranean Cleaning Services	Cleaning
Mediterranean Opportunities Ltd	General Construction
Mesbahi Carpentry	General Construction
Monteverde & Sons Ltd.	Specialist - Demolitions; Building Material Supplier; Plant & Equipment Supplier (Hire)
Multi Service Maintenance Ltd	Specialist: General Building Maintenance
N and S Services Ltd	Specialist: Interior Decorator
Nebig Construction Limited	Building Material Supplier
Noble Construction Ltd	General Construction; Specialist: Confined Spaces
NP General Builders	Specialist: Painting / Decorating and Drylining
Number One Property Maintenance Ltd	General Construction; Specialist
O to O Ltd	Specialist: E-Commerce Sales LED Lighting
Omega Property Maintenance	General Construction
On The Level Ltd	Labour Contractor
One Hundred & One Ltd	Specialist - Kitchens, floors, roofing etc; Building Material Supplier; Plant & Equipment Supplier (Sales)
OSG Blands	Security
Pascoe Holdings Ltd	Specialist - Furniture Fitters
People Skillz Limited	General Construction; Labour Contractor
Platinum Home and Office Property Maintenance Ltd	General Construction; Specialist Contractor: Roofing
Popay Procurement Ltd	Specialist: Building Material Supplier
Portman Limited	Building Material Supplier; Plant & Equipment Supplier (Hire & Sales); Transport Contractor
Premier Scaffolding Services (Gibraltar) Ltd	Specialist: Scaffolding Hire

Prestige Builders	General Construction
Pro Homes Construction Limited	General Construction
Profield Contractors Ltd	General Construction
Property Repairs Ltd	General Construction
Proseal Construction Limited	General Construction
R & J Refrigeration Ltd	Specialist: Refrigeration and Air Conditioning
R F Services Ltd	Building & Construction
Rhino Construction Ltd	General Construction
Ribeiro Decorations and Construction	General Construction
Robvia	Plant & Equipment Supplier (Hire); Transport Contractor
Rock Domestic Appliances	Sales of Commercial & Domestic Appliances
S & K Recruitment	Specialist: Recruitment Agency
Sarah Jane Construction Co Ltd	General Construction
Securitek Ltd	Security
Selina Ltd	Specialist - Fabrication & Welding
Sharrock Shand	General Construction
Silmat Engineering Ltd	Specialist: Plumbing
Site Trading Ltd	General Construction; Labour Contractor
Skybridge Ltd	Specialist: Asbestos Management
Sofycom Ltd	Specialist: Fitting Fire Alarm Equipment
Sotopool (Gibraltar) Ltd	Specialist: Swimming Pool & Architectures / Heritage Works
Sototechnic Limited	Specialist: Air Conditioning, Solar Panels, Water Heaters & Electricity
Southern Lighting Gibraltar	Construction and Data Management Company
Southern Point Roofing Ltd	Specialist - local Roofing
Star Electrical Ltd	Specialist - Motor Rewinds, Electrical
Sunlight Aluminium & PVC Ltd	Specialist: Aluminium PVC and Glass
Swift Eagle Construction & Maintenance Services Ltd	Specialist: Window Installer & Labour Contractor
Tarik Ship Agents & Bunkering Services Ltd	General Construction; Specialist - Marine; Building Material Supplier; Plant & Equipment Supplier (Sales & Hire); Transport Contractor
Techtrolec Limited	Specialist - Electrical & Air Con installation & maintenance; Plant & Equipment Supplier (Sales)
Tecniplac Ltd	Specialist: Interior and Exterior Siping and Plastering
Top Choice Appliances	Specialist: Building Material Supplier
Total Facade Industries (Gib) Ltd	Specialist - Windows, doors, walls, steel products, facades of buildings
Trafalgar Cleaning Services	Cleaning Services
Transformations Ltd	General Construction

Triangle Engineering	Specialist - Structural Steel fabrication & Erection, Roofing, Rain Water Systems, Grit Blasting, Flooring
Trotters Buidling Construction	General Construction
Vanadium Ltd	Specialist: Pladur & Dryvit
Viero (Gibraltar) Ltd	General Construction
W & N Works Company Ltd	General Construction; Specialist - Painting, Plumbing, Electrical
Wastage Product Ltd	Specialist - Sewage Waste & Waste Oil Disposal; Plant & Equipment Supplier (Sales)
Weld-It (Gibraltar) Limited	Specialist - Steelworks (Inc. Repairs)
Western Isles Ltd	Specialist - Welding, Fabricator & Erector of Steel Structures
Wilkie	General Construction
Workforce	General Construction; Labour Contractor
XL Scaffolding Limited	Specialist - Scaffolding
Zambrano (Gibraltar) Ltd	Specialist: Foundations and Structural
Zardoya Otis (Gibraltar) Ltd	Specialist: Lift Company

Q427/2016
Government workers—
Increase in numbers since 2011

1870

Clerk: Question 427, the Hon. D A Feetham.

Hon. D A Feetham: My surprise at the generosity got the better of me, Mr Speaker!

1875 By how many people have the public service, Government-owned companies, authorities and agencies, increased from 31st December 2011 to 31st March 2016?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1880

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, since the answer to Question 253/2015, the increase in the number of employees to March 2016 has been: Civil Service, 147; agencies, authorities and companies, 23.

1885 **Hon. D A Feetham:** Mr Speaker, he has given a figure for Civil Service and then he has given a figure for agencies and authorities. Does the second figure include also Government-owned companies?

Hon. J J Bossano: Mr Speaker, I am sorry if I did not mention it. It is agencies, authorities and companies, yes.

1890

DEPUTY CHIEF MINISTER

Q428/2016

**Former King George V Hospital –
Expressions of interest**

Clerk: Question 428, the Hon. L F Llamas.

1895 **Hon. L F Llamas:** Mr Speaker, can Government disclose details in relation to the expressions of interest received in connection with the former King George V Hospital and whether it has decided to pursue any of them?

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

1900 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the Government received 13 submissions in respect of the former King George V Hospital and is now in discussion with one of those entities.

1905 **Hon. L F Llamas:** Mr Speaker, is the Hon. Minister able to disclose what the project will be or give an inkling as to what the purpose will be for that site?

Hon. Dr J J Garcia: Mr Speaker, I would rather not at this stage because obviously the discussions are ongoing and it may well be that this does not materialise and we have to move on to another interested party.

1910 But I do know that they will be going to Planning soon with their proposal so obviously it will become public at that stage.

Q429/2016

**The Mount –
Expressions of interest**

Clerk: Question 429, the Hon. L F Llamas.

1915 **Hon. L F Llamas:** Mr Speaker, can the Government disclose details in relation to the expressions of interest received in connection with The Mount and whether it has decided to pursue any of them?

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

1920 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government received five submissions in respect of The Mount and has yet to determine how to proceed.

Q430/2016

**Old Central Police Station at Irish Town –
Government plans**

Clerk: Question 430, the Hon. E J Phillips.

1925

Hon. E J Phillips: Mr Speaker, can the Minister provide an update as to what the Government's plans are for the old Central Police Station at Irish Town?

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

1930

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the plans are for the property to be refurbished and converted into a business and cultural centre.

1935

Hon. E J Reyes: Mr Speaker, may I briefly, he has mentioned business and then cultural. The cultural side, does he intend it to be sort of run by a totally 100% private entities or in conjunction with the existing procedures and agencies that the Ministry for Culture is using nowadays?

1940

Hon. Dr J J Garcia: Yes, Mr Speaker, the hon. Member will recall that this went out to expressions of interest as well. There were a number of interested parties. There were six interested parties.

The Government is pursuing discussions with one that is interested in having a combined business area at the top and a cultural area at the bottom which would somehow be connected with the history of the Royal Gibraltar Police.

Q431/2016
Gibraltar London Office—
Plans for Head

1945

Clerk: Question 431, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, who is currently heading the Gibraltar London office and is this person expected to remain or be replaced?

1950

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, the London office is currently headed by Mr Albert Poggio who will retire as from today, 30th June 2016.

1955

I think the question has been overtaken by events.

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

1960

Can the Government explain the reason why there appears to have been a change in direction? I recall that we have had exchanges in Parliament about the Gibraltar London Office and it was indicated at some stage during the course of last year that the person who currently heads the Hong Kong Office was the person originally intended to head the London Office as well. Can the Government explain its change in thinking in that regard?

1965

Hon. Dr J J Garcia: Mr Speaker, yes. I will be giving a more detailed explanation obviously during the course of the Budget next week.

But briefly, I think the Government felt that Jason Cruz was doing a very good job in Hong Kong and preferred he continue doing the job that was happening and that he was carrying out for the Government over there, and that we would deal with the London office in a different way.

1970 The Chief Minister's special representative, Dominique Searle, was already there in the London office doing some of this work so it seemed logical that he should do the representation work as well as the work of being Director of Gibraltar House.

1975 **Hon. D A Feetham:** Mr Speaker, may I take this opportunity, because I have not had an opportunity publicly to congratulate and to thank Albert Poggio on his retirement and also thank him for the work that he has done on behalf of Gibraltar for many, many years.

Chief Minister (Hon. F R Picardo): Mr Speaker –

1980 **Mr Speaker:** Before the Chief Minister rises, since I have not got with me the answers to the questions to the Hon. Mr Paul Balban, I take it that those are not going to be answered as he is unable to be present.

1985 **Hon. Chief Minister:** Mr Speaker, I still want to deal with what the hon. Gentleman said before we move on.

1990 Mr Speaker, yesterday – no, Tuesday – in the Westminster Parliament was a time of great flux there for all the reasons that we all know, but it was also an opportunity for the Government to reflect on the work that Albert Poggio has done at a reception that was held at the Speaker's apartment there, Mr Speaker – one of the plushest areas of the Palace of Westminster, where we were able to organise a reception which was attended by many, and I gave an indication of that yesterday in my Statement to the House.

1995 Mr Speaker, I had an opportunity then of reflecting on the fantastic work that Albert Poggio has done. I have done so before when I spoke in this House in support of Albert Poggio's Gibraltar Medallion of Honour which this Government moved. It was absolutely appropriate that he should have the Medallion of Honour. It is absolutely appropriate that the Government should now reflect on the work that he has done and thank him, not just for the work that he has done but also for agreeing to continue to work with us in this time that is upon us, because he is going to continue to work with us in terms of some of the political work that he does although he is not going to run Gibraltar House.

2000 Mr Speaker, at a time when Joe Bossano called upon him in 1988, Albert Poggio was there to act on the requests of the then Chief Minister to pick up the opportunities that the London Office might present. As he explained it to us, he did it in the first years for Joe Bossano, he did it in following years for Peter Caruana and he has done it now for almost five years for me, as Chief Minister and in all of those years he has been steadfastly loyal to Gibraltar and he has been one of the most important instruments at our disposal in influencing decision makers in London.

2005 You should hear, Mr Speaker, Lindsay Hoyle talking about how he is referred to as an ambassador by everybody in the United Kingdom, and some of the stories that he regaled us with at the event last week.

2010 Mr Speaker, I think it is appropriate that there should also be an opportunity in Gibraltar to thank Albert Poggio for the work that he has done and the Government, with Albert, is organising such an event so that also not just the people he has worked with in London but the people he has served in Gibraltar have the opportunity of thanking him for the sterling work that he has done in the past, almost 28 years already and no doubt see the work that he is going to continue doing.

2015 It is my pleasure therefore to say that the Government recognises, endorses and thanks Albert for the work that he has done, not least as I said at the time of the Gibraltar Medallion of Honour, the work that he did at the time of the Joint Sovereignty Referendum. He is one of the people who was influential in changing minds in the United Kingdom in Parliament so that we had a strong parliamentary lobby and in working with those who were then in administration and everybody else who put their shoulder to the wheel to stop the joint sovereignty and he deserves huge recognition for that. *(Banging on desks)*

2020

Procedural

Mr Speaker: I think I should acquaint the new Members as to what the procedural rules are in respect of questions which remain unanswered.

2025 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, perhaps I can give you an indication of what I intend to do.

I intend to now adjourn, Mr Speaker, to Tuesday at 11.00 a.m. Hon. Members will know that I intended to adjourn until Monday at 10.00 a.m. for the Budget but unfortunately, because of the intervening travel and so much of what is happening at the moment, it will not be possible for me to be ready by Monday.

2030 As I told Members, I do not want to change the date of the Budget because we must progress. This is business as usual to a very great extent, but I am going to need an extra 24 hours to just ensure that I have all the data that the hon. Members will want me to be dealing with in the course of my speech.

2035 I will then suspend Standing Orders to be able to continue with Government Bills and the first Bill will be the Appropriation Bill and in that way, Mr Speaker, unless you want to indicate otherwise, it may be that Mr Balban is able to deal with his questions later on in this sitting. So there will be no need to deal with questions in any other way.

2040 **Mr Speaker:** Rule 16(2) provides that if any question remains unanswered when the Parliament adjourns on the last day of a meeting, and this is where the problem arises, today is not the last day of a meeting. The last day of the meeting will be sometime in the future. Then if it remains unanswered, a written answer shall be sent to the Member who put the question but there is a proviso.

2045 Provided that where the question has been set down for oral answer, the Member who put the question may, within three days, exclusive of Saturday, Sunday or Public Holidays, next after the adjournment of the Parliament require in writing that the question be postponed to a day at the next meeting of the Parliament.

2050 Now I do not know whether it is the intention of the Government that the Hon. Mr Balban should answer those questions at some time in the future.

Hon. Chief Minister: Yes.

2055 **Mr Speaker:** If it is, then we wait until then.

Hon. Chief Minister: That is why I am going to ... We are still in Questions, but I am going to suspend Standing Orders on Tuesday to deal with Government Bills and then come back to Questions and finish Questions.

2060 **Mr Speaker:** Okay, so otherwise it would be for the Hon. Mr Hammond and the Hon. Mr Llamas to decide what they want to do. Do they want a written answer or postpone them to the next meeting? But if the Hon. Mr Balban is going to be here at some time to deal with the questions, it does not arise, okay.

2065 **Hon. T N Hammond:** Thank you, Mr Speaker, and thanks to the Hon. the Chief Minister. Certainly I would prefer to be able to ask the questions orally and the Chief Minister has suggested that that will be possible, or may be possible, so I am more than happy to accept what he has decided in this case.

2070 **Hon. Chief Minister:** Thank you, Mr Speaker.

In that case I now move that the House do now adjourn to Tuesday at 11.00 a.m. I think that will be 5th July at 11.00 a.m. At that stage it is my intention to suspend Standing Orders and move immediately to deal with the Government's Appropriation Bill.

2075 **Mr Speaker:** The House will now adjourn to Tuesday, 5th July at 11.00 in the morning to deal with the Budget session.

The House adjourned at 7.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.11 a.m. – 1.58 p.m.

Gibraltar, Tuesday, 5th July 2016

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The Gibraltar Parliament

The Parliament met at 11.00 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Meeting of Parliament, Tuesday, 5th July.
Suspension of Standing Orders, the Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

Order of the Day

GOVERNMENT BILLS

FIRST AND SECOND READING

Appropriation Bill 2016 – First Reading approved

10 **Clerk:** A Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2017. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2017 be read
15 a first time.

Mr Speaker: I now put the question which is that a Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2017 be read a first time. Those in
20 favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Appropriation Act 2016.

**Appropriation Bill 2016 –
For Second Reading –
Debate commenced**

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

25 Mr Speaker, this is my fifth budget address as Chief Minister. It is in fact my first budget address after our re-election to Government in November with great popular support, and I now have the honour to present the Government's revenue and expenditure estimates for the financial year ending 31st March 2017.

30 During the course of this address, I will also report to the House on the Government's revenue and expenditure out-turn for the financial year ended 31st March 2016, which was the fourth full year of a Socialist Liberal administration since we took office in December 2011.

35 Mr Speaker, as has been traditional since the first GSLP administration in 1988, when Joe Bossano was the first Chief Minister to get up and deliver a Budget, this budget address will, of course, not just be my report to the House on the public finances of our nation and the state of the economy generally, but also a review of the myriad issues affecting our economic and political outlook as a nation. In fact, I have no doubt, Mr Speaker, that this is the most important budget session of this House for a generation.

40 Mr Speaker, as has been the case with all my Government's previous budgets, this budget is designed with prudence in mind, to support our working families above all else, to support our youth and our students and to provide support to our senior citizens and our disabled, as well as being a budget to stimulate new business and to continue to make Gibraltar the most attractive commercial environment in the Mediterranean. At this time, it is also, of course, a budget of caution, a budget infected by necessary pause and reflection.

45 And the fact is, Mr Speaker, that my Government has been hugely successful in the past four years in the management of our economy and in providing a continued level of prosperity to all sectors of our community. During our last term of office Gibraltar has experienced average economic growth of over 10% per annum. The Government has had record levels of annual recurrent budget surpluses. There has also been a significant increase in our employment levels and the Government has delivered an overall reduction in the cost of doing business in Gibraltar.

50 The Government has provided support for our working families with income tax levels already being abolished for those with income levels below £11,000. We have given back to the lowest paid in our community by not taxing them at all. There has been a significant reduction in income tax across the board for all taxpayers and many of our working families have benefitted from an increase in the national minimum wage of over 15% during our first term of office. A
55 GSLP government introduced the minimum wage in 1988 for the first time. And now a GSLP/Liberal administration has continued the work of raising the minimum remuneration payable in our society in order to spread the wealth towards those most deserving.

60 Our public servants have also benefited, with public sector pay increasing annually by well over inflation in the whole of the first four years we have been in Government, although in the United Kingdom with whom our public sector enjoy 'parity', salaries have been frozen or subject to increases of just 1%. That means that public sector salaries have increased by 14.3% over the past four years, whilst at the same time inflation has risen by 5.65%. That is a record of investment in the human capital of the public sector which this GSLP/Liberal administration is proud, despite the criticisms we have received from inside and outside this House to have
65 delivered.

70 Our senior citizens have shared in our nation's economic success with annual increases in old age pensions and in respect of the minimum income guarantee. Also, in order to provide our pensioners with the peace of mind that their dependents are well catered for, the Government took the decision to reintroduce the Widows and Orphans Pensions Scheme. The relevant Bill is pending reading in this House later in this session.

Pensioners have also been able to continue to enjoy above market interest rates on their savings with the continued availability of high interest monthly income Government guaranteed pensioner debentures, issued by the Gibraltar Savings Bank. Mr Speaker, it is no minor boast to say that Gibraltar's pensioners, even the worst off, are undoubtedly better off than pensioners in most of the rest of Europe, and this should be something that people here should not take for granted. Even in respect of the Household Cost Allowance, paid not by the Government, but by the independent charity Community Care, the Government's donation of the recurrent surpluses to them in the past four years has insulated them from any concern they might have had of their ability to pay the allowance in leaner years. We have backed our pensioners by insulating them from market forces also, and thereby eliminating the worry of diminishing returns on their savings. In this respect, the spread in relation of the interest rates offered by the Savings Bank has got wider as Bank of England interest rates have gown down further and further.

Mr Speaker, support for our youth has included increased levels of scholarship grants for all our university students, an increase in the number of teachers in our schools, and increased levels of investment in school infrastructure. We have also invested in our hugely successful Future Job Strategy which has taken so many out of unemployment and given them worthwhile, meaningful jobs. We have worked to give more to our youth today, for they will be the custodians of our tomorrow.

And we have invested in our community and nation as a whole in infrastructure and in the fabric of our tangible assets. Mr Speaker, we have developed new leisure areas which have been designed also to tangentially deliver huge potential business benefits. One such area is the Small Boats Marina which is also a fantastic superyacht berth, in the centre of our city, and which is already attracting new business to Gibraltar which produces berthing fees as well as increased bunkering and other spending from these luxury vessels. The fact is that this new National Infrastructure Asset also produces a magnificent leisure facility for 700 long abandoned small boat owners to the whole of the community's gain.

As is the investment we have made in the refurbishment and cladding of our ageing housing stock and which has made the value of those previously depreciating assets grow magnificently and for reasons I will explore later, to the benefit of the whole of our nation, not just the people living in those estates.

There have also been significant increases in income tax allowances for our disabled as well as reductions in import duties on goods used by our disabled community. Because we believe in helping the disabled, not just with handouts, but also with incentives and we have grown 'in work' allowances which had been frozen for years.

We have been criticised for spending money, Mr Speaker, but I am proud to have spent on our civil servants and public servants. It is right to tax the lowest paid less. I am proud to have spent to help our pensioners and our disabled. And it is right to have raised the minimum wage as we have. And I am proud to have invested in our youth. Those who criticise our spending must also conversely and perversely be saying that they would not have spent on our civil servants or reduced taxation for the less well paid, that they would not have raised the minimum wage or helped our pensioners and our disabled as we have and that they would not have invested in our youth as we have.

But as has been the case since we arrived in Government, Mr Speaker, this is a budget first and foremost for workers and for entrepreneurs, for those who put out their hands to work and not to take, for they are the engines on which our economy prospers and thrives and they are the ones we will most fuel now.

In corporate terms this will be a budget designed to encourage business, in particular those who might set up or establish themselves in Gibraltar after today. And it is a budget also, of course, to continue to improve our public services and to deliver sustainable growth in our economy.

Mr Speaker, in short, this budget reflects my Government's ongoing commitment and mission to improve the quality of life and standard of living of all our citizens whilst carefully calibrating our response to the seismic events of the last 10 days.

125 This year, in particular, I will have a chance today to update the House on the continuing developments arising in the aftermath of the decision of British people in the Referendum on continued membership of the European Union.

In fact, this year, perhaps more than ever, this will be very much more than just a speech on the Second Reading of the Appropriation Bill, but a wholesale review of this state of our nation.

130 Indeed, Mr Speaker, I sincerely believe this is probably the most challenging budget at least since the financial crisis of 2008.

As Mr Bossano said himself, at the recent Question Time in this House, the Brexit decision could unleash economic effects not seen since the 1930s. This is clearly a material and adverse change to the circumstances that we face as a nation and presents a situation that we will broach with caution, prudence and continued investment in the right areas.

135 With that in mind, I will also, of course, during the closing aspects of my address, outline the budget measures that the Government will introduce further to our manifesto commitments, in response to the recent turmoil we have witnessed in the financial markets, in preparation for the potential for a withdrawal of the United Kingdom from the European Union and in order to continue to address the social and business needs of our community.

140 Mr Speaker, before I launch into the substance of my address, I want to thank the Clerk of the House and his staff for the huge amount of work they have undertaken since the last budget debate.

In that time we have held a General Election, which of course meant that the House had to engage in finalising the new Register of Electors and the organisation of the Election. Shortly after that process was over, without time to pause for breath, we embarked on the work for Gibraltar's inclusion in the European Union Referendum, which has required a new register to be compiled by the House based on different eligibility rules. If I may say so, one silver lining of the past weeks has been to see how the Clerk has done Gibraltar proud in the organisation and delivery of the Referendum. We have flawlessly formed part of the vote in the United Kingdom. 150 By being the first to declare our resounding verdict of 96% in favour of remaining in the European Union, we were able to highlight the strength of feeling in Gibraltar to the whole of the United Kingdom, to Europe and to the world.

I extend my hearty congratulations, and no doubt those of all Members, to all the staff of the House, and to those who were seconded to it, to assist the Clerk in his capacity as the Counting or Returning Officer for Gibraltar. 155

Mr Speaker, my congratulations, however, do not extend to the rest of the British people, who I believe have made a historic error of judgement in voting to leave the European Union, although I sincerely hope that, if Brexit proceeds, they will prove me wrong.

160 Pathology, Mr Speaker, is not my strong suit, and I do not think that there is any great value in carrying out a post-mortem of the result. In fact, political commentators are doing that already round the clock in narrating to us the soap opera that the Westminster Village has descended into in the past two weeks. But it is important to make an assessment of the current situation and to try to make sense of what has come to pass and why.

165 Mr Speaker, the result of the vote in England and Wales seems to have been driven not by an understanding of the European Union and a desire to leave it. More likely, Mr Speaker, it was driven by ignorance of the truth about the European Union, by a desire to vote against the UK's establishment and government, for reasons unrelated to the European Union, and, perhaps more importantly, based on claims which were exaggerations of the truth coupled with absolute untruths.

170 As I told those gathered for the annual dinner of the Federation of Small Businesses, I believe that the United Kingdom was sold Brexit on a false prospectus. I believe that many of those who argued to leave lied to the British public. And I believe that their exaggerations and hyperbole

are now coming back to haunt them as they stare into the vacuum that are their plans for the future.

175 Mr Speaker, perhaps there was also exaggeration in some parts of the campaign in the United Kingdom on the side of Remain. I do not accept for one minute that this was the case in Gibraltar. But it is clear to me that the false Brexit prospectus, if it were the prospectus for a financial product regulated by the Financial Services Commission or the Financial Conduct Authority in the United Kingdom, would have led to prosecutions today.

180 It is not an exaggeration to say that the United Kingdom has never faced such an absence of leadership as it faces today and that, of course, can have repercussions for us in Gibraltar. The Dutch Prime Minister, Mark Rutte, said last week that Britain is in chaos after the Brexit vote. In words which will sting all of us who have long seen the United Kingdom as a bastion of stability in an unstable world, Mr Rutte said, and I quote:

185 England has collapsed politically, monetarily, constitutionally and economically.

Mr Speaker, who could have imagined those words uttered about our beloved United Kingdom, or at least England, two weeks ago.

190 The Governor of the Bank of England, Mark Carney, has warned that the United Kingdom is suffering 'economic post-traumatic stress' and has said that the Bank of England will:

... take whatever action is needed to support growth.

Headlines in the *Financial Times* include a piece by Philip Stephens titled, 'Britain is starting to imitate Greece'. This was unthinkable two weeks ago.

195 And this is a contagion which will not be limited to the United Kingdom. The European Central Bank Chief, Mario Draghi, told the leaders that the impact of Brexit could shave a cumulative 0.3 to 0.5 percentage points off growth in the Eurozone economies over the next three years.

200 Hon. Members, like all the public in Gibraltar, will be closely following developments in the United Kingdom. In both the main parties at Westminster, developments seem to be proceeding at a faster pace than even social media and the 24-hour news cycle can manage. Could it be, Mr Speaker, that human action has, for once, even overtaken the speed at which electronic communications can stay abreast of developments?

205 I will not be commenting at all on the party political activity at Westminster, riveting though it may be for those of us with an unhealthy interest in politics. But I will say this: I do wish for the United Kingdom, as soon as possible, strong and determined leadership in both principle parties. This is a time for leadership in a determined direction.

210 In Gibraltar, Mr Speaker, there *is* strong leadership and we are united as a community and as a political class. We have spoken as clearly as ever in the result of the Referendum. The people of Gibraltar have expressed their desire to remain part of the European Union and the Single Market with the same fervent desire as we have previously and repeatedly expressed our desire to remain British.

215 There are many permutations that may eventually provide the mechanism for us to enjoy the type of relationship which the people of Gibraltar wish to have with the EU. I have no doubt that the United Kingdom will seek to be a facilitator of any such arrangements as we may wish and which we may be able to negotiate in. I also believe that we have strong allies in the UK, in both the Remain and Leave camps, who will wish to help Gibraltar through this period.

220 The fact is that we also have a common purpose with those of other nations and regions in the United Kingdom who have voted to remain in the EU. Hon. Members are aware of the progress of those discussions. I expect to be in a position to confidentially brief them again shortly on developments and will, of course, make such timely public statements in this House and outside it as may be appropriate.

225 There are other developments in hand, of course. What I want to stress to the whole nation,
Mr Speaker, is that the final shape of what will be our membership or association with the
European Union is not yet clear. The future shape of government in Westminster, the
spontaneous and huge demonstrations in favour of remaining in the EU and the demographic
analysis of the vote suggest that each day the majority moves more and more in favour of
Remain, and this means it would be foolish to think that the future is discernible in any
analytically reliable way. It cannot be clear until many legal and political issues have been
230 determined.

One issue which is becoming prominent is whether a notice under Article 50 of the Lisbon
Treaty can be given by a Prime Minister in exercise of the royal prerogative or if a vote of the
House of Commons is required to trigger such a notice, which would undo the European
Communities Act 1972. A legal action appears to have commenced already in this respect.

235 Mr Speaker, we cannot therefore at this stage commit to any recast post Brexit political or
economic model until there is greater clarity. The leadership election in the Conservative Party
presents so many permutations on its own that there are many options and alternatives to play
for. Already we can see the beginning of economic policy for post-Brexit Britain taking shape.
The Chancellor, George Osborne says that the United Kingdom is open for business in his *FT*
240 piece yesterday, targeting a low rate of 15% for UK corporation tax. One might be forgiven for
seeing in that approach much of what we have already been positioning: that is to say, low tax,
best practice, agility in the context of a very competitive business environment guaranteed by
the rule of law and the flexibility of the common law. We are well placed on that road map and
can adapt well to it if it progresses.

245 The *Sunday Times* is not far off in its proposed blue print for Britain. That analysis of the:

... profound implications for Britain's political and business establishment.

Suggests that the UK has:

... entered a different world, with new challenges, but also new opportunities

250 Where it is essential to respond robustly to the challenges and seize the opportunities. That
proposal suggests a 10% corporate rate of tax should be fixed as part of an 'Enterprise Agenda'
for Britain with a scheme to reward private firms for getting young people into work, which is
not too dissimilar to the Future Job Strategy. These proposed models are interesting in being so
close to our own current economic model and we must watch to ensure that we remain
255 competitive as against the United Kingdom itself.

What is absolutely certain is that in order to emerge politically stronger and economically
more competitive out of this process we need to keep both united and very alert to all possible
permutations facing us. We need to consider, plan and act in a way that ensures that we are not
mere travellers in the process that is under way. We must be able to influence and shape our
260 future now as a proud nation that has come of age and not as a colony or overseas territory of a
metropolis that is told what is good for it and has to lump it.

After meeting the Minister for Europe last week I have now received the British
Government's assurances in writing that we will be 'fully involved' in the process that is getting
underway in the UK, and I have no doubt that we will be working in partnership with colleagues
265 in London, leveraging of the relationship we have already invested in and built, in finding the
best possible way forward for Gibraltar.

I also have no doubt that the European Union will welcome the fact that the people of
Gibraltar voted so overwhelmingly to remain in the EU and the Single Market. I have no doubt
either that the most magnificent weapon in my arsenal today is that huge show of support for
270 the pro-EU option on the ballot paper two weeks ago.

The fact is, Mr Speaker, that Gibraltar has spoken clearly and with one voice, that we are not ready to say goodbye to Europe. We are not ready to leave Europe behind and we are not ready to turn our backs on the Single Market. We remain a cosmopolitan, Mediterranean business hub that is happily multi-faceted, multicultural and multi-ethnic. We are a people who are not only open to immigration; we are positively open and reliant upon it given that almost half of the working population of our nation commutes in every single day. All of those EU workers amongst us who were welcome before 23rd June, remain welcome today, and they will remain welcome tomorrow. They are a huge and tremendously valued part of our success.

And, Mr Speaker, we are definitely not ready to see Gibraltar lose the benefits it can leverage as an efficient and commercially attractive gateway to Europe. And this is not just an issue for us, but also, of course, for those who surround us and who support us with their labour and are part of our success.

As the recent report by the Chamber of Commerce reflected, direct, registered cross frontier workers can amount to over 12,000 of which 7,000 are Spaniards. Gibraltar imports almost £350m, around €420m Euros, a year from the Campo, securing thousands of additional jobs in the region. And we contribute almost 25% of the Campo's GDP, amounting to almost £847 million, or over €1bn.

I have met already with the Mayor of La Linea, Juan Franco, and with the Spanish Unions *Comisiones Obreras* and *UGT* as they are concerned about the effect that the Brexit decision could potentially have on their members who are employed in Gibraltar or in industries in the region that are reliant on Gibraltar. I have been happy to confirm to them that the Government of Gibraltar will not create any obstacles to the free movement of workers coming across the frontier. We are entirely clear about that.

But what I have also told them, Mr Speaker, is that if the price of continued access to the EU or the Single Market or the price of free movement is joint sovereignty with Spain, or indeed any other Spanish sovereignty price, then the people of Gibraltar will not pay it. **(Two Members: Hear, hear.)** It must therefore be clear to the world that the threat to the cross frontier Spanish workforce is not being made by Gibraltar, by the United Kingdom or by the European Union. The only threat to cross frontier workers comes from the current Spanish administration. It must be clear to everyone it is in this way that the current Spanish administration are the only ones who are creating uncertainty for frontier workers.

As ever, with our Spanish counterparts, we must hope for the best and prepare for the worst. The Government's view is that EU nationals are entitled to expect from Spain and hold Spain to a practical, workable and 21st century approach. We cannot make it easy for Spain to act in an unconscionable manner on the basis that only EU treaties create rights or indeed demand a civilised and sensible arrangement between neighbours. It will not be lost on hon. Members that we enjoyed the free passage of people, including workers, and free trade for many years before a now long deceased, and not missed dictator, first imposed conditions and then closed the frontier in 1969. We must surely not be expected to accept as Spain's default position the regime suffered under Western Europe's last post-war dictator.

I therefore call on all in our community to meet this challenge with our usual resolve and also with a renewed commitment to promoting, serving and working for Gibraltar.

More than ever before, this is a time to believe in ourselves, a time to trust the political leadership of this community, which will reach out to work with the whole nation. A time not to fear the unknown, but to seize the opportunity to shape our future in our own fashion.

For many years Gibraltar plc has given and all have taken. It is now also a time for us to give back more than we take. It is time to build on the solid foundations we have laid by our prudent investment in our nation. It is time to further solidify our already strong foundations even more.

Unity in the months, and perhaps years, ahead does not only mean trying to align and agree our political priorities. It also means all of us working together to develop and grow our economy. We provide services to an international clientele. Every interaction with our clients, investors and visitors is an opportunity and a responsibility. We can and must make all the

325 difference. In that respect, the public service will be hugely important. Every civil servant, every public servant must be alive to the need to ensure that Gibraltar is now seen as more efficient than other places, an easy jurisdiction in which to do business. No one can say or think it is acceptable to simply take the 'computer says no' attitude to the public ever again. We have no easy ride from here on. We have to be ready to do more, to go further, to work harder, to be more efficient and to wield greater influence than ever in building our common future in order to ensure we stay relevant, competitive and growing.

330 The Civil Service has never let Gibraltar down before, I am sure it will not do so now and it will be ready to meet the challenge that will come as we send out the message that we are open for business as usual, we are open for business with Europe and we are open for business with the world.

335 Mr Speaker, in this respect, hon. Members will be pleased to hear that the state of private sector projects in Gibraltar remains healthy, despite the Brexit result. We are about to see the finalisation of negotiations for the commencement of major new reclamation projects in the area of Coaling Island. Land reclamation needs to continue now, perhaps more than ever, so that we can ensure that businesses can have their workers based here and not dependant on the ability to commute easily into Gibraltar. A number of projects to allow for gaming and financial services workers to be housed in Gibraltar on new 'key worker housing' terms have been proposed to the Government and are under active consideration. Our community needs to understand that we need to build more and build higher in order to house those that we need to have in Gibraltar if we are going to maintain our standard of living for future generations.

340 And in that context, Mr Speaker, we are continuing our negotiations in respect of the plot at Rooke, which we expect will be handed over very shortly to the Government by the MoD. I expect to hold meetings with the preferred bidder in respect of that exciting potential development in September. Negotiations in respect of the Eastside project are also continuing, unaffected by the Brexit result, but hampered by complex discussion and engineering concerns. And new projects are being considered and proposed on which I would expect to make announcements soon and which will bolster economic activity in coming financial years. World Trade Centre, Ocean Spa Plaza, Midtown One and Two are already under way. The new Kings Wharf development of £60m and Eurocity are about to get underway and are also confirmed, despite Brexit, amongst others soon to be announced.

350 Mr Speaker, the Government has already done considerable work to attract businesses to Gibraltar that are not dependent on our access to the EU. More details of these businesses will emerge as further progress is made on the relevant projects being undertaken. In this respect, the work we have done in the United States and in the Far East, in particular via Jason Cruz in Hong Kong, is now expected to become even more relevant. The Gibraltar-US AmCham and the Gibraltar-Israel Chamber of Commerce are clearly even more welcome than they ever were before.

360 In order to make Gibraltar even more attractive for private sector investment, I have asked the Minister for Financial Services to reconvene the working group that reported on the proposed new mechanisms for Category 2 status and to also urgently progress the work being undertaken on HEPPS 2. Mr Speaker, it is worth noting that Monaco, to which we are so often compared, and is such a success, is not in the EU.

365 The competitive tender process for onshore storage of bunkers will continue unaffected by the Brexit result, as the parties that have tendered have expressed their desire to continue in the process despite the Referendum. This will be hugely beneficial for the future of our bunkering industry and will be alongside the potential for expanding LNG bunkering in the Bay.

370 In the insurance industry, a leading practitioner in the sector has written that:

Brexit does not represent doom and gloom for the Gibraltar insurance industry. Far from it. It simply means that the sector needs to partially reposition itself.

375 In respect of online gaming, a number of companies have already confirmed continued support and commitment to the jurisdiction for the long term and are voting with their leases to demonstrate it. William Hill, Lottoland and others have already made clear statements of continued commitment to the jurisdiction. The Minister with responsibility for this sector will no doubt say more in the course of his address.

380 But one specific example was the statement from Ed Ware, the CEO of 32Red Plc who said this week, and this is a quote that, '32Red was born and bred in Gibraltar and it is very much business as usual. We have a strong relationship with Gibraltar on many fronts and we are heartened that the jurisdiction shows every sign of continuing to progress and develop despite the surprise result in the UK. Gibraltar is a centre of excellence for gaming and we remain committed to working towards another 14 years of great success here.' Mr Speaker, this is language that the whole House will be happy to hear and I thank Mr Ware for those heartfelt words.

385 Mr Speaker, our economic performance is an important part of what makes us attractive to international businesses. It is therefore important that we should now undertake a substantive analysis of our economy and public finances by carrying out a detailed understanding of Gibraltar's economic performance in the past financial year ending on 31st March 2016.

390 Indeed, without anyone being in any way triumphalist, I am sure that all hon. Members and the whole Community will be pleased, reassured and heartened by the excellent performance of the Gibraltar economy in the past 12 months of the financial year 2015-16, although this positive performance does not ameliorate the potential challenges that Europe and the world will no doubt face in the coming 24 months and for which we will have to prepare.

395 Mr Speaker, inflation in Gibraltar averaged at 0.3% in 2015 compared to 1.8% in 2014. Annual inflation stood at 0.4% in April 2016, up from 0.1% in January, an average of 0.3% for the first two quarters.

400 The largest contribution to the slowdown in the rate of inflation in April 2015 came from static or falling prices in respect of food, alcoholic drinks, tobacco, fuel prices and slower price rises in clothing and footwear. The Government's Statistics Office reports that these were partially offset by upward contributions from other travel and transport, services and housing.

405 Gibraltar's rate of inflation has averaged at 0.25% in 2016, lower than the same period in 2015, that averaged at 0.5%. Weak inflation has been caused by low fuel prices from downward inflationary pressures in the UK and Spain from which we import most of our non-fuel commercial goods.

410 The rate of inflation was predicted by our Statistics Office to rise during the second half of 2016, following the increase in global oil prices that have nearly doubled since hitting 13-year lows earlier in 2016. This may, however, now not materialise as a result of the impact of the result of the EU Referendum which may produce effects that stifle growth generally and in particular in the areas which I have outlined and have already slowed and may now not pick up as expected. The falling value of the pound may nonetheless compensate if wholesale imports sourced in euros or dollars, or other foreign currency, makes them more expensive to consumers at the point of retail.

415 Mr Speaker, I turn now to an analysis of the Gross Domestic Product and of average National Incomes. The final GDP estimate for 2013-14 is now confirmed at £1.48 billion. That represents a growth in nominal terms of 12.3% or £161.56 million and in real terms of 10.3% over the previous year's final GDP estimate of £1.32 billion. The GDP preliminary estimate for 2014-15 is confirmed at £1.64 billion. This provides an increase of 10.7% in nominal terms, or £158.93 million and by 10.6% in real terms over the previous financial year.

420 Hon. Members will recall that, happily, this exceeded our own initial estimates of where Gibraltar's GDP would be in 2014-15, as we had anticipated that the GDP of Gibraltar would have reached £1.65 billion only a year later in financial year 2015-16. Mr Speaker, that means that in the four financial years from 2011-12 to 2014-15 the gross domestic product of our nation rose by 49% from £1.1 billion to £1.64 billion. I think, Mr Speaker, that everyone in our

425 Community and our cross frontier workers should be congratulated for having achieved that remarkable growth.

Yet, it is important to now factor in also the growth that we have seen in the financial year since then as the preliminary GDP forecast for 2015-16 is now estimated to be £1.77 billion. This, Mr Speaker, is an increase of 8.0% in nominal terms, or £130.85 million, and 7.5% in real terms compared to the previous year. If I may say so, Mr Speaker, it is exactly in keeping with the estimates we made at the time of the General Election, as we once again predicted the growth we anticipated was possible.

In terms of the period since 2011-12, Mr Speaker, the cumulative growth achieved from a final GDP estimate then of £1.1 billion to the preliminary GDP forecast now in 2015-16, is of an absolutely remarkable 61% for those five financial years.

Mr Speaker, the nation deserves to congratulate itself for having achieved this really quite unprecedented growth in the period. The average increase in GDP in the period is 12.2% per year, which really demonstrates just how effectively we have been able to channel the energy, the enthusiasm and the work of this community in this five-year period. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker, the Government is now working to a target that would see increases in GDP to at least £2.4 billion by the end of March 2020. This represents a continued average annual growth of around 7.5%, and is the basis of the program on which we have been elected.

Mr Speaker, despite the Brexit vote in the Referendum, we are confident that this rate of GDP growth continues to be, today, entirely achievable and we will work to deliver that level of growth in the coming months and years.

Whilst analysing GDP, Mr Speaker, the division of GDP on a per capita basis of an economy is often used as an indicator of the average standard of living of individuals in that country. As a result, the growth in the overall size of the economy is therefore often seen as indicating an increase in the average standard of living. As I have said before in earlier speeches, my own view is that these measures are not entirely scientific because of the differing methodologies and fluctuating exchange rates on which they are based. Nonetheless, they are the measures that the rest of the world relies on.

Nominal GDP per capita in 2014-15 was £50,941. The latest forecast for 2015-16 estimates a nominal GDP per capita growth of 7.9% to £54,979. On the IMF GDP per capita rankings, the UK features in 28th position with a GDP per capita of \$41,159 and Spain in 36th position with a GDP per capita of \$34,819.

Gibraltar's GDP per capita for 2015-16 is forecast at \$90,165, placing Gibraltar in 4th position, down one, in the table. Third place has been taken by a new entrant, the Macao Special Administrative Region of China, which is new to the list at the 3rd position with a GDP per capita of \$98,135. That places us, Mr Speaker, even in 4th position, ahead of Singapore on \$85,253, Switzerland, Hong Kong, the UK and Spain.

As if to demonstrate how fluctuating and thereby potentially meaningless a calculation this is, the figures would of course have varied wildly depending on what day, indeed what hour, of the last two weeks one might have carried out the calculation because of the steep fluctuations in the value of sterling against the dollar. The important aspect of this exercise is really only to appreciate that Gibraltar's economy is estimated to have grown in real terms by 7.5% in 2015-16, with average earnings going up by 7.9%. This growth places us ahead of other small countries including Malta, Luxembourg Singapore and Hong Kong.

Mr Speaker, the level of Aggregate Public Debt as at 31st March 2016 was marginally lower than last year at £446 million and the level of Cash Reserves ended the financial year at around £100 million. This reflects Net Public Debt at £345 million or 19% of GDP.

Mr Speaker, we had expected that the Net Public Debt would be down already to 19% of GDP at £314 million. The delay in finalising the negotiations in respect of the sales of land which would produce large premia have meant that the net debt has not been reduced by these sums. We are nonetheless confident, both that the negotiations for the relevant development projects

will be finalised – and I will be saying more in that respect later. We are also very confident indeed that we will be able to hit the debt targets set out in our manifesto so that Net Debt will be £300 million by the end of the financial year 2019-20, which will by then be 12.5% of GDP, at
480 £2.4 billion.

Gross Public Debt remained unchanged and the reduced level of Aggregate Public Debt reflects the balance held by the General Sinking Fund. Mr Speaker, Liquid Reserves held by the Government ended the year marginally higher than the Cash Reserves. As is the established practice, a full breakdown of these Liquid Reserves and details of where these reserves are
485 invested will be provided as part of the Annual Accounts of the Government, once these have been audited by the Principal Auditor.

Mr Speaker, given that at the same time as GDP has grown, the public debt has fallen, the Gibraltar Public Debt to GDP ratio has fallen in aggregate terms by 2.1% from 27.3% in 2014-15 to 25.2% in 2015-16, according to the GDP forecast.

In net terms, Public Debt represents 19.5% of GDP in 2015-16, a decrease of 3.4 percentage points compared to 2014-15, when it stood at 22.9%. These ratios continue at a considerably lower rate than those of the UK and most other European countries. According to figures provided by Eurostat, the United Kingdom has a debt to GDP ratio of 89.2%. The lowest figure for the UK, in recent memory, was 31% in the early 90s. Germany has a rate of 71.2%, with its
495 lowest figure of 54% coming from the days when the process of German reunification was starting. For the Euro area as a whole the ratio is 90% and for our neighbour, Spain, the rate is 99.2%, well below the Greek 175% and the Japanese, hellish, 292%.

But, Mr Speaker, although we are doing remarkably well in respect of the ratio of GDP to debt, we are not complacent in this respect, and we are aiming to ensure that we hit our own target of £300m of net debt on a GDP of £2.4 billion, a ratio of 12.5%, by the end of the financial year 2019-20.
500

As we are faced by the uncertainty of the Brexit decision in the EU Referendum we must be more cautious in spending, more prudent in saving and more astute in achieving this reduced ratio, something which we are as committed to doing today as we were when we fought the General Election in November.
505

Our overall borrowing is relatively low, even if we were to include the borrowing by Government-owned companies, which, as hon. Members know, is not and has never been deemed to be part of the Public Debt. This is so because borrowing by Government-owned companies is serviced directly from the income accruing to these companies and is secured against income generating assets held by those companies, and not against the Consolidated Fund or the general revenues of the Government and has been the case under successive Administrations.
510

Mr Speaker, the Government nonetheless remains committed to reducing its debt servicing costs and it is fully engaged in restructuring its borrowing in order to take advantage of the historically low levels of market interest rates. In this respect, and as part of ongoing management of the Public Debt, opportunities to extend the maturity profile of the Public Debt are also being actively looked into by the Ministry of Finance.
515

Mr Speaker, hon. Members will see that the estimated surplus for this financial year, as set out in the estimates book, was £18 million. That estimate was, of course, as ever, a conservative assessment of what we believed was achievable.
520

I am delighted to announce to the House and to the nation that during the last financial year 2015-16, we have once again exceeded our estimate for the fourth consecutive year and achieved a recurrent budget surplus which is among the highest ever on record, at £38.8 million. (A Member: Hear, hear.) (*Banging on desks*)
525

I am surprised they are not pleased, Mr Speaker! This is more than double the originally estimated surplus for the year and produces the *third highest surplus* in our nation's history. In addition, Mr Speaker, it is worth noting that the surplus of £38.8 million is declared *after* the deduction of £25 million to fund the Government companies, something which was not done by

530 the previous administration which preferred to accumulate losses in the companies. We moved
away from that way of doing things in our first financial year in office and have consistently
deducted £25 million to fund company losses in each year since our first election *and* declared
record surpluses. In this instance, for the sake of comparison of like with like, I should clarify that
if we were declaring the surplus in the same manner as the former administration, which
535 Members of the party opposite represent, we would have been declaring today, Mr Speaker, a
surplus of £63.8 million, which would be the highest on record for our nation. But we continue
to believe it is more prudent and appropriate, as we set out to do from the minute we were
elected in 2011, to make the deduction in order to fund company losses, as I have stated.

Mr Speaker, this year's surplus arises from Government revenue during the last financial year
exceeding the original budget by around £22 million.

540 As a reflection of the continuing growth in our economy, Income Tax receipts were up by
around £5 million and Company Tax receipts were up by over £20 million.

The House will be pleased to note, that despite suggestions to the contrary in some quarters,
departmental expenditure during the year, on the other hand, has been contained by the
Government and ended this financial year broadly in line with the original budget.

545 Mr Speaker, I want to congratulate all controlling officers for their financial management in
respect of these returns, although some departments where cost is demand led, have exceeded
their budgets for that reason. Indeed, this result was no doubt greatly aided by the measures
introduced by the Government to control unnecessary expenditure being incurred in the final
quarter of the financial year.

550 Mr Speaker, moving on now to Community Care: as in previous budgets and in line with our
manifesto commitment to help Gibraltar Community Care Trust build up its reserves so that it
can become totally independent of Government grants, I am delighted to inform the House that
a further sum of £20 million has been earmarked by the Government this year as a contribution
to the charity. This contribution will be paid out from the Government's recurrent surplus for the
555 year. Community Care no longer needs the whole of the Government surplus and for that reason
we are fixing the amount to be donated to the charity to half of this year's record breaking
amount.

By the donation of this amount, Community Care will be on track to have reserves of £230m
by 2019-20, as we were committed it should have.

560 Mr Speaker, I now move on to the Revenue and Expenditure Budget for the current financial
year: Estimated recurrent revenue for the year is budgeted at £590 million. This represents an
increase in revenue of over £30 million, or 5.5% over the previous year's Estimate, but is
nonetheless a conservative budget going forward. The overall recurrent expenditure budget for
the year is £570 million, which reflects a modest increase of around 5% over the 2015-16
565 Budget.

Mr Speaker, this would represent expenditure at 32% of GDP. The similar comparator for the
United Kingdom, Spain and Germany would be in the region of 43% or 44%, France is at 57% and
the Euro area as a whole at 48%.

570 Mr Speaker, the Government is therefore conservatively projecting a recurrent budget
surplus for this financial year of around £20 million. This year we continue to think it is right to
project conservatively for such a surplus, rather than over estimate and find we are unable to
meet the target. In these times, prudence will prevail in making this estimate, as it has in every
other year since our election.

575 Mr Speaker, during the last financial year 2015-16, the Government invested around £99
million on capital projects funded from the Improvement and Development Fund. Around £18
million was invested on Works and Equipment and a further £81 million was invested in specific
capital projects. This includes an investment of £12.2 million to complete the new 700 Berth
Small Boats Marina; the provision of equity funding of £15.9 million for the Gibraltar
International Bank and £6.7 million of equity funding for the University of Gibraltar. All of these
580 are excellent projects that have added greatly to our growth as a nation.

Mr Speaker, there were also further capital projects funded through the Government-owned companies. These include the construction of over 1,000 new affordable and rental homes and the construction of car parking facilities in numerous locations around Gibraltar.

585 Mr Speaker, the expenditure budget of the Improvement and Development Fund for the current financial year 2016-17 is reduced by a third to a more modest £61 million approximately in this year's Estimate book.

The capital investment in Works and Equipment is estimated at around £20 million and the provision for investments in other Government projects amounts to £41 million.

590 This sum includes further equity funding of £3.2 million for the University of Gibraltar; an investment of £4.9 million in our Roads and Parking Projects; over £11 million for the relocation of a larger number of MoD estates as agreed by the former administration, in order to enable the continued release by the MoD of further land and properties for use by our community; £3.1 million for completion of the conversion and refurbishment works of the Old Naval Hospital; 595 £1.3 million for infrastructure works required for the new Power Station; £1.9 million for infrastructure works for new Housing Projects; £1.2 million to complete the St Bernard's Catering Facility; £1.2 million for general improvements to housing estates; and further provision to complete other ongoing capital projects. Nominal amounts are provided in respect of some of the more exciting projects and developments we would like to see materialise but which are still undergoing the detailed planning stages.

600 All of these, Mr Speaker, are important investments in our future.

The Government will nonetheless be keeping a close watch on expenditure and on political developments and will, if necessary, have to make the decision to rein expenditure in further and not incur costs on new projects, if the circumstances so require.

605 Mr Speaker, I am delighted to report to the House that the reserves of the Gibraltar Savings Bank have continued to grow and that these reserves stood at £25.8 million at the close of the last financial year. The reserves of the bank are estimated to grow further to reach over £30 million by the end of the current financial year.

610 This is one of the 'kitties' available to the Government – and I do not mean cats, Mr Speaker – at any time and is a fund that has grown consistently since we were elected from zero just over four years ago. It remains on track to reach £70 million by 2019-20

Indeed, this is one of the rainy day funds that have accumulated and which the Government has access to and which we can pay ourselves as a dividend, should we require it.

615 Mr Speaker, as we set out extensively in our programme for Government at the time of the General Election, we are well on track to have rebuilt the rainy day funds which had been reduced to zero by 2011, when we were elected, to £300m by 2019-20. This is a process on which we did not start today. It is a process on which we embarked the minute after we were elected in 2011, and it was absolutely right that we should have done so. We are being proved right for having followed that course.

620 The current political circumstances entirely vindicate the view we have taken since we were elected, that we should build up these reserves. Already a total of almost £150 million have been put in rainy day funds in the past four years, Gibraltar now has, Mr Speaker, the largest rainy day fund in its history at its disposal.

625 Given the circumstances in which we find ourselves, I am sure, Mr Speaker, that the whole of the House and the whole of the community will be very happy indeed that our repeated prudence and our consistent caution in how we have calibrated our spending – despite criticisms to the contrary – has produced this magnificent rainy day fund, or sovereign wealth fund to put it in another way, in the sum of £150 million, well on target to reach the £300 million envisaged in our programme for Government in November.

630 Mr Speaker, the Savings Bank continues to provide an excellent range of savings products for our community, as indeed it has done since it was established over 130 years ago. The Deposit Base of the Savings Bank has now grown to over £1 billion and keeps growing by a considerable amount each month. In fact, despite what some might describe as some attempts to discredit

our administration of the affairs of the Bank, we have seen it grow consistently and in defiance of the attempt to tarnish it. The Savings Bank is now more robust than ever, stronger than ever and with greater reserves than ever. This is really to the credit of the work of Joe Bossano, who has demonstrated that he is by far the safest pair of hands for the growth of this institution, having built it up in the late 80's and having now done so again in, if I may say so, magnificent fashion. I know that Mr Bossano loves having praise heaped on him, Mr Speaker.

To have grown an institution like the Savings Bank as Joe has, and having laid such extraordinarily strong foundations for it, stands us in good stead in these times of uncertainty and vindicates the manner in which the Savings Bank has been managed in the time since our election five years ago. The strength of the Savings Bank today is a huge asset for Gibraltar, and I want to specifically single out the way in which Joe Bossano has doggedly and despite repeated criticism stuck to his plan to strengthen the Bank.

The Gibraltar Savings Bank will continue to provide savings products to serve our community and will continue to offer special rates of interest to our pensioners under the expert stewardship, not just of the Minister with responsibility of the Savings Bank, Joe Bossano, but also that of the Financial Secretary. In this respect, Mr Speaker, hon. Members will have heard the Governor of the Bank of England, Mr Mark Carney, say last week that he anticipates that interest rates will be cut again, probably in July and probably also again in August, which will be very bad news indeed for savers everywhere else. We have maintained the product for pensioners which will maintain their standard of living. The Savings Bank is also working on improving the other services it offers to savers by making use of the latest available developments in banking technologies.

The Savings Bank now, Mr Speaker, as we all know, complements the services that are being provided to the community by the Gibraltar International Bank, which includes a full range of retail banking services, in mortgage finance to prospective home-owners and commercial lending to our local businesses.

In its first advertorial slogan to the community the bank said it was going to be, 'Working to deliver your banking needs'. Hon. Members will agree with me that thanks to the hard work of the people who set up the bank in the most adverse of circumstances, the whole community can now see that this is in fact true and the community is availing itself of the services and products delivered by the Gibraltar International Bank.

The Bank opened for business, believe it or not, as recently as May last year, Mr Speaker, and in that short period of a year and two months since then the bank has successfully managed the transition left by the departure of Barclays Bank from the marketplace with little or no fuss. It has already been dealing daily with account openings, online banking services, loans and of course, mortgages. Indeed, I am informed that since the bank opened it has increased its deposit base on a month-by-month basis, also at the same time as the Savings Bank has done so. As at the 30th June the deposit base of the bank, in just over one year, stood at £244 million, that is to say, Mr Speaker, just shy of a quarter of a billion pounds sterling and way above the expected figure. This really is, Mr Speaker, a true reflection of how the community has embraced the Gibraltar International Bank and vested its confidence in it and is actively supporting it. The Bank's lending book has also been growing steadily over the months and now stands at £43 million. Overall, the bank has in excess of 7,000 accounts already opened in its books.

In summary, Mr Speaker, the Gibraltar International Bank today stands firmly as an established retail bank which is servicing the banking needs of our community and is becoming one of the important banks to go to in Gibraltar. And all of it run, as we insisted it would be, on an entirely independent and commercial basis (**A Member:** Hear, hear) (*Banging on desks*) by experienced and highly committed professionals at all levels and with an independent board of directors, also, exactly as we promised.

Mr Speaker, regardless of what side of the House hon. Members sit on, they will no doubt want to welcome the success that the Gibraltar International Bank has become. Can I ask that everyone here reflect now on the very hard work indeed that has been done by the independent

680 board, by the executive directors and by each and every member of the staff of the Bank in the process of setting it up and establishing it as they have, and making it the success that it is.

Mr Speaker, I will commence now on the process of dealing with the different departments that I have the honour of continuing to have responsibility for after the General Election: as hon. Members are aware, a Public Sector Human Resources business support unit has been formed to assist all government agencies, authorities and government owned companies, and it is based at
685 Number 6 Convent Place. The new department has brought a commercial approach to non-Civil Service Human Resources, looking at efficiencies and new working practices to improve delivery of service.

It has also introduced a best practice approach to the disciplinary process focusing on restoring efficiency there also. The core of all industrial relations now emanates from this
690 department which works directly to me in respect of my responsibility for industrial relations. We have been able to form an experienced team which is well respected by all our stakeholders and works well with all of them. The department is still in a developmental stage and once fully functional I expect it will bring a high end service to employees and our customers. I am also delighted to be able to inform the House that this new service has been welcomed by all three
695 trade unions.

Mr Speaker, I now turn to my responsibilities for broadcasting. I am pleased to report that GBC's progress continues, with the feedback received suggesting that Radio Gibraltar remains a firm favourite with listeners. Viewers are increasingly enjoying programmes on television, and the national broadcaster's online and social media platforms are followed in their thousands.
700 This is evidently due to the sheer hard work and commitment of the 80 or so broadcasting professionals now employed by GBC, who thanks to this Government's investment over the past four years, are able to deliver the programming and services that Gibraltar wants.

It is a necessary investment so that our small nation can pride itself in having its own independent radio and television services with the highest editorial integrity, and that is able to reflect our unique character, in the face of hundreds of radio stations and television channels that are available now locally.
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The past four years have been all about improving the service that GBC provides. Programming is now a far cry from what GBC TV, in particular, offered viewers before then. GBC's CEO, Gerard Teuma, informs me that the road has been tough but this has now pretty much levelled out, with the efforts now dedicated to maintaining and wherever possible improving further, the quality of local productions and imported programmes.
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Mr Speaker, television is an expensive business, nonetheless, but GBC's management is ensuring that all available resources are maximised to deliver the best value for money possible.

TV shows such as the recent 'Our Neanderthals' on the research being carried out at Gorham's Cave, and 'Inspired by Genoa' that is currently in production to air in the autumn, and which will trace Gibraltar's Italian ancestry, are just two of the many local programmes that would only be produced by a local channel.
715

And Mr Speaker, can I say that I am particularly looking forward to that programme, given that my ancestors come from Genoa.

This is GBC's remit, and they are delivering. The number of local series and specials produced this past year are simply too many to mention, but have been largely well received, not least to say the coverage of the election and the Referendum.
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Mr Speaker, I am also glad to report that GBC has acquired 'affordable' rights to screen all of the FIFA World Cup Qualifier matches as an official host broadcaster. The live broadcast of these matches begins in early September. I am proud that our national broadcaster is able to cover the matches featuring our national football team. Evidence with these two elements, Mr Speaker, for anyone who may suggest otherwise, that the Rock is very much a nation in its own right.
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I must also mention the GBC Open Day, which last Christmas raised a record-busting £146,000! I pay tribute to the trustees and the Corporation's employees who are involved in the

730 charity, not only for the special programming, but also for bringing the community together for such a worthy cause, which is The Rock's largest collective fundraising effort.

Mr Speaker, broadcasting is a sizeable area of employment locally, with 80 persons employed directly by GBC, that also provides opportunities to independent media companies. Careers in the media are exciting and rewarding and I am pleased that the Government's funding of GBC
735 allows people to fulfil their ambitions in this sector, whilst providing valued services to our community. Increasingly, our own media professionals are also broadening their horizons by working closely with international broadcasters, such was the partnership between GBC and the BBC for coverage of the Referendum.

This resulted in both broadcasters benefiting from each other's locations and areas of
740 expertise in what was a complicated results programme for all media involved – and in allowing Gibraltar's declaration to be carried not just by Sky and ITV who were here, but also by the BBC which is the main broadcaster in the United Kingdom. I was very proud to see that the *Newswatch Results Special* of Friday evening was subsequently shown on *BBC Parliament*, providing exposure nationwide in the United Kingdom for the Gibraltar point of view – although
745 I can say, Mr Speaker, that I was a little surprised having BBC Parliament in the background at Gibraltar House in London whilst we were at meetings to see the GBC Newswatch logo come up and I did not have to do a double take. I have heard about reverse takeovers but I never expected that the GBC would be taking over the BBC.

Investment in technology needs to continue, and this year the Corporation has replaced its
750 studio and field production cameras, which will allow the HD high picture quality to be maintained. Radio studios were also refurbished with some equipment upgraded. The focus in the new financial year is on the replacement of the current and ageing TV studio lighting grid with much more environmentally-friendly LED lights, as well as the upgrading of the station's satellite transmission facilities.

Mr Speaker, there is generally a good story to tell about GBC, but the truth is that our
755 national broadcaster continues to operate from a location that is simply not fit for purpose. For this reason, and in keeping with our electoral pledge, GBC's relocation needs to happen soon and in a manner that will finally provide GBC with a decent working environment that includes the necessary infrastructure and allows our national broadcaster to deliver the best possible
760 television and radio for our citizens.

This should also provide the vehicle for GBC to diversify and capitalise on commercial opportunities that should in turn reduce its reliance on a public subsidy. I am sure that with their proven determination GBC's professionals will make the most of any new opportunities that come their way, to the mutual benefit to its employees and Gibraltar as a whole.

765 I now turn, Mr Speaker, to my responsibilities for Customs.

The complement of HM Customs following the review is now complete with the final recruit training class concluding in December 2015. We have now employed sixty five additional officers over the last two years and, taking into consideration retirements during this period, a total of 79 new officers have joined the department since 2015. This has led to the creation of a new
770 'Controls' section at the Commercial Gate, four self-contained operational shifts deployed subject to operational requirements, a 24/7 Marine Unit, a revamped Flexible Anti-Smuggling Team and increases in training, administration and IT officers.

Mr Speaker, it is interesting that in relation to Customs, in fact, there is now much to declare!

Honourable Members will be pleased to note that these increases in human resources have
775 led to additional detections across all sections in both the traffic of illicit goods and evasion of duty. During the last year we have relocated or provided temporary office and working facilities for the Controls Section and Outfield and are working closely with the Collector on other relocations including that of the whole of Customs House, the Training, EPU and the Drug Detector Dog Section.

780 As Members of this House are aware, I am in the process of taking direct responsibility for drugs policy to ensure Gibraltar's 'drug problem' is dealt with directly from the heart of

Government. To this end, resources have been developed within Customs to have a dedicated team working primarily on tackling drug imports. During this year, marine and shift crews have detected and seized almost half a tonne of cannabis and a number of RHIBS have also been seized.

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Mr Speaker, I expect to say more about my ministerial work in relation to this area of responsibility in the near future.

One of the other areas tackled by HM Customs is the illicit trade in tobacco products. In October 2015, HM Customs signed a Memorandum of Understanding with Philip Morris International, the world's leading international tobacco company which establishes a framework for co-operation to combat illicit trade in tobacco. A result of that collaboration with PMI is the testing of its 'Codentify' system, which is an electronic application to combine authentication, verification and track and trace cigarettes.

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Customs is presently working closely with the United Nations Conference on Trade and Development to develop systems to test the effectiveness of 'Codentify' to identify counterfeits and the supply chain of cigarettes.

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A portakabin has now been sited – as members of the community will have seen – at Eastern Beach Road as a staging point for officers on high visibility patrols in that area of the frontier fence and beach.

800

The Collector of Customs has also signed a Memorandum of Understanding to open a United Nations Conference of Trade and Development Gibraltar Centre of Excellence which will be housed within the University of Gibraltar and which will provide specialist training programmes for high-level international governmental and private sector officials on Customs-related matters.

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Members of the House can imagine, Mr Speaker, that this was not without its attempts at thwarting.

The Centre is expected to be fully operational in August and a number of high level workshops have already been arranged for the autumn.

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A stopover by UK Border Force cutters in September on their return from operations in the Mediterranean presented an opportunity for the UK Border Force Officers to undertake training exercises, share experiences and best practice, and to meet informally with their counterparts in HM Customs Gibraltar. This has resulted in further training and secondment opportunities with Border Force both in UK and in Gibraltar.

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In May of this year the Collector of Customs, John Rodriguez, was elected into the European Association of Airport and Seaport Police's Executive Committee – something for Gibraltar to be truly proud of – a forum where international experts share their experiences and best practices with regards to the challenges of international collaboration in the changing world of border and port security.

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The event, attended by over 60 law enforcement and security professionals from across Europe, focused on aviation and maritime security, with sessions that discussed current threats and opportunities to disrupt criminal and terrorist activities.

During the course of the past year I have attended three passing out parades – the first in many years – and was impressed with the level of professionalism and knowledge of the new recruits and all ranks present, and it was an honour to share such an occasion with their friends, colleagues and families.

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Our Customs Officers, Mr Speaker, like the officers of all our law enforcement agencies, are a credit to our community. They demonstrate that we invest and are committed to tackling the trade in drugs and other illicit goods in a real and meaningful manner. They are excellent ambassadors for Gibraltar and I am indeed proud to have ministerial responsibility for their sterling work.

830

Mr Speaker I now turn to my responsibilities as Chairman of the Borders and Coastguard Agency, where we have made major improvements since we came to office in 2011. More recently, as promised in our 2015 election manifesto, we have now fully integrated the Highway

835 Enforcement Officers into the Agency, providing additional manpower required to meet the challenges of the increased workload. We have also employed a large number of additional female officers to ensure the Agency is suitably balanced to carry out the gender-specific work it does, and to remain compliant with the Civil Aviation Authority and Department for Transport standards and requirements.

840 Mr Speaker, the officers at the Borders and Coastguard Agency go through extensive training in a range of disciplines and responsibilities. They are multifunctional and can react according to the risk and requirements that they face.

845 This last year has been a very successful year for the Agency whose efforts have been recognised internationally by BORDERPOL – the international border security, immigration and traveller management organisation – for its outstanding vision, dedication and commitment to progressive border security, traveller and migration management.

850 The Gibraltar Agency was presented with the Excellence in Border Management award at the BORDERPOL World Congress in The Hague in December 2015. This award not only recognises the Agency's efforts but, more importantly, provides us with international exposure placing us amongst countries such as Singapore, whose Immigration and Checkpoints Authority were the recipients, before us, in 2014.

In addition to this accolade, Mr Speaker, the Chief Executive has been elected to form part of BORDERPOL's Common Council, which is set up to oversee strategic operational programmes, and provide a platform to inspect global border security, migration and traveller management issues.

855 Mr Speaker with over 12 million people coming into Gibraltar every year, and the increase in flights and cruise liner visits, the Agency continues, particularly at the land frontier, to face the ever increasing challenge of maintaining a fluid but secure border. This Government is pleased to have invested not only in additional human resources, but also in the latest available technology in passport scanners, advanced passenger information systems, and CCTV and facial recognition cameras; all of which have enabled the Agency to work closely with the UK Borderforce, Her Majesty's Government's Home Office in the UK and INTERPOL in developing a very successful border targeting operation.

865 Together with the magnificent men and women of the Royal Gibraltar Police and the other emergency and essential services, the Agency is very much at the forefront of our fight against terrorism, working hard to ensure that those who we would rather not see in Gibraltar, because of the fear they could carry out criminal acts and do harm, are indeed kept out – and this as a result, unsurprisingly, refused entry over the last year to *over* 35,000 people ... more than the population of Gibraltar.

870 Mr Speaker, it is impossible to ignore the migration crisis in south east Europe and Greece in particular. We are lucky enough to enjoy relative safety here in Gibraltar, but as the EU tightens its borders in the eastern Mediterranean we cannot overlook the fact that migration routes may well shift along the North West African coast towards Morocco and thus closer to us; and indeed the challenges that may bring.

875 The increased security posture has placed considerable strain on all of our security services, and the Agency's men and women continue to work tirelessly to ensure Gibraltar can combat the increased numbers of organised criminals attempting to travel illegally, particularly to UK, via Gibraltar. The Agency works on the premise of 'an open but secure border', and works with colleagues at the RGP, UK Borderforce and Spain's *Policía Nacional* and indeed INTERPOL, to achieve this.

880 It also works particularly closely with Her Majesty's Government Home Office Risk and Liaison Overseas Network in the United Kingdom, which co-ordinates immigration intelligence work overseas and shares intelligence, to provide that 'outer cordon' which aims to stop illegal immigration and those we would rather not see in Gibraltar getting to our borders.

Working with this Home Office overseas network has led to the successful disruption of organised immigration crime and trafficking operations with the interception of a number of

885 organised criminal human trafficking rings trying to get Albanian, Chinese and Iraqi nationals
illegally into the UK through Gibraltar.

Mr Speaker, the Agency strives to ensure Gibraltar is not seen as a soft underbelly for illegal
access to UK, and in addition to its entry checks at the border, regularly carries out random exit
890 checks at the airport. But it faces, as does the wider law enforcement community around the
world, ever increasing challenges as criminals improve their resources in counterfeiting and
adapting stolen original travel documents in their attempts to travel undetected.

Mr Speaker, the Agency has worked very hard to become the focal point for a more
centralised immigration service in Gibraltar, and the Immigration, Asylum and Refugee Act,
currently under review, will reflect this. It aspires and is working hard to ensure its operation is
895 very much intelligence-led, and continues to set for itself increasingly demanding and
challenging objectives. It remains focussed to working in partnership with other Government
departments and Law Enforcement Agencies, both locally and abroad, and to exchanging
information and intelligence of mutual interest, to provide solutions and improve the overall
level of immigration service Gibraltar provides.

900 One of their objectives this year is to focus on working closely with the ship agents to
facilitate and improve the migration process of the 20,000 or so ships' crews that transit through
Gibraltar each year. The Agency is committed to professionalism and as such is always looking at
ways in which to improve itself and the service it provides, whether it be seeking changes to
policy or legislation; the professional development of individuals; collective training or indeed its
905 social media presence.

The management team together with my office have worked hard to establish a solid
administrative structure and continue working closely with the unions to explore ways in which
we can best develop the Agency's future.

I am happy to say that we are in the final stages of ratifying the changes requested by the
910 unions which will see further improvements to the Collective Agreement.

Finally, Mr Speaker I want to publicly thank the men and women of the Borders and
Coastguard Agency for the invaluable work they do as, despite making gains for Gibraltar, their
work is often difficult to measure and communicate and it all too often goes unnoticed.

As regards the Civil Status & Registration Office, I can report that it has been a challenging
915 but productive year; a year which has seen the retirement of the Head of the Department and
the resulting staffing adjustments which are still ongoing. On this note, I should like to thank
officers from other departments, including the Human Resources Department, No 6 Convent
Place and the Borders & Coastguards Agency, for their support and assistance to the CSRO.

In line with the practice established since the Gibraltar GSLP/Liberal Alliance came into office
920 four and a half years ago, we are proud to have conducted the granting of British Overseas
Territories Citizenship. At long last we have been able to do justice to past sacrifices made by
long-term non-EEA nationals to the benefit of our community.

However, by far the greatest challenge this year has been the complete overhaul of our local
Identity and Civilian Registration Cards. A decision was taken early in our first term of office to
925 work towards the replacement of our former ID cards, as had already been done with our driving
licences, in order to enhance security features while at the same time pave the way for greater
e-government transactions.

A massive logistical exercise was embarked upon, not without its teething problems, but
thanks to the efforts and contribution from our staff at the CSRO, as well as other officers and
930 summer students, the inevitable technical difficulties encountered are being addressed with
support from our internal ITLD Department and the specialist consultants engaged to design and
produce the cards. Already, Mr Speaker, approximately 39,000 cards have been issued. In the
year ahead, the exercise will be seen to completion.

During the last 12 months, the Government Income Tax Office has continued its programme
935 aimed at improving the assessment and collection of taxes in Gibraltar, which is such an
important part of our revenue. In this regard, the amendments to the Income Tax Act 2010

introduced in the last financial year have made the legislation clearer and more robust. In relation to all aspects of taxpayer assessments, the Income Tax Office is carrying on with the implementation of measures addressing delay issues in a positive manner.

940 The corporate tax yield in the financial year 2015-16 has reached a record high of £109,374,117. This represents a significant increase of approximately 23% over the Government's corporate tax yield in the 2014-15 financial year.

In respect of tax arrears, the Government's Income Tax Office continued its very effective strategy of close, dynamic and direct communication with employers to ensure compliance with our tax laws. A culture of compliance is being nurtured and encouraged amongst the general
945 body of taxpayers by this strategy. The fruits of these efforts are evident from the improved yield in the arrears recovered by the Government. In particular, the Income Tax Office takes a very stringent approach on employers that do not comply with their tax paying obligations.

As part of the next stages in this strategy, the Commissioner's objective is to publish a 'Name and Shame' list in the Gibraltar Government Gazette setting out the names of those employers that have defaulted on their PAYE payments. Furthermore, new provisions have been introduced in the Income Tax Act 2010 in the last financial year empowering the Commissioner, by also extending his legal authority, to publish details of self-employed individuals and companies in the Gibraltar Gazette who fail to meet their obligations.

955 The programme of improvements continues steadily and is an evolutionary process without losing sight of the clear objective to achieve a streamlined, accessible and user-friendly service to all taxpayers in Gibraltar. The changes to Counter hours providing a continuous uninterrupted service from 8.30 am to 3.00 pm has been a resounding and unqualified success as much in the Income Tax Office as in the wider Civil Service. I want to congratulate all public servants for this.

960 In tandem, the implementation of the Income Tax Office's new webpage including user friendly portals forming part of the wider e-Government platform has seen very positive and favourable feedback from users. The ongoing modernisation of systems within the Income Tax Office has upgraded the administrative efficiency of the back office resulting in significant reduction in the time spent re-filing and accessing files. The ultimate objective for the Income Tax Office is to phase in the scanning and digitisation of all taxpayers' files and records. The improved systems on the payment of tax via debit cards has proved a popular choice with taxpayers and the banking facilities through which refunds are directly credited to taxpayers bank accounts avoids the hassle and inconvenience associated with cashing cheques.

The multi-faceted approach to make taxation easier to understand and the awareness of taxpayers' obligations has seen various successful initiatives. Presentations and attendance at seminars aimed at the business sector have contributed to the success of the outreach programme. In particular, the advertisement of important tax reminders in the local press has contributed to the success in achieving greater compliance across the entire spectrum of taxpayers.

975 The Income Tax Office has also maintained a dedicated approach in the discharge of its duties and functions for the purposes of exchange of information. In compliance with the obligations required by the EU, under EU directives and under the OECD obligations, they have ensured that these obligations are met competently and consistently and on time. The Income Tax Office has deployed its resources in relation to the ever-increasing demands placed on it by international tax compliance and major inroads are being made.

980 The amendments to the Income Tax Act 2010 introduced in the last financial year include the obligation for all companies registered in Gibraltar to file a full and complete return of their income. In order to facilitate the registration of such a significant number of companies, the Income Tax Office has introduced a 'fast-track' system which allows for the bulk registration of all Gibraltar-registered companies that were not previously registered with the Income Tax Office.

The Income Tax Office has in fact, embarked on this process and in doing so has maintained close liaison with the finance centre industry. Forming part of the Government's package of

990 information technology initiatives, the ITO is working closely with the Information, Technology & Logistics Department to enable companies to submit their returns online. It is intended to extend this facility to all taxpayers as soon as possible.

Mr Speaker, there has always been an amount of tax refunds due to be processed in the system, however a significant increase in tax refunds due on personal assessments first arose with the introduction of the Gross Income Based system of taxation in 2007/2008. Hon. Members may recall that this effectively created a dual system of personal taxation in Gibraltar.

Under this dual taxation system, created by the former administration, the Income Tax Office calculates the amount payable by the taxpayer under both systems and then issues an assessment on the more favourable of the two taxation systems for the benefit of the taxpayer. The practical effect of this is that a significant number of taxpayers have in effect been migrated from the Allowance Based System to the Gross Income Based System after having been assessed. The initial years of this system resulted in a sharp increase in the numbers and amounts of tax refunds due and this backlog of refunds has been trailing since then.

The problem has been further compounded with the introduction of the system of 'payments on accounts' in 2010 for both companies and self-employed individuals which has also resulted in a further increase in tax refunds due. Under this system, payments on account are made based on the previous year's results. Although the system allows for the timely collection of tax on account, where any such companies or self-employed individuals have subsequently reported a lower profit or income level, the tax overpaid is refunded accordingly. In the initial years following the introduction of this system the focus has been in ensuring that it worked correctly and resources were deployed accordingly.

Mr Speaker, nonetheless, my Government has responded to the consequences of these tax system changes by increasing the annual provision for tax refunds so that they are now higher than they ever were before. Hon. Members will want to note and support that there is a provision of £10 million in this year's Estimates under Consolidated Fund Charges Head 07-1, for the payment of refunds during 2016-17 – the *highest* in history.

This compares with a provision of £7 million in 2015-16 and actual refunds of £6.6 million in 2014-15; £10.6 million in 2013-14; £6.6 million in 2012-13; £5.7 million in 2011-12; and only £4.7 million in 2010-11.

Mr Speaker, with the provision of £10 million in this year's budget, which is the highest amount ever provided for refunds, the Income Tax Office will be able to continue with its ongoing Refunds Programme to catch up on the backlog of refunds resulting from the introduction of the Gross Income Based system in 2007-08. The Income Tax Office has now finalised all tax assessments for the years 2009-2010 and 2010-11; and the tax assessments for the years 2011-2012 and 2012-13 should be finalised this year. Their Refunds Programme is presently being worked on with a view to making significant inroads into the processing of the refunds due over the next few years.

The Government, Mr Speaker, does not wish to keep people's money.

Finally, and more sadly in relation to this important department, Frank Carreras, the Commissioner of Income Tax, is retiring from his post this year. He will be sorely missed not just in this department but throughout the Government service. Frank has been a close adviser and a pillar of sound judgment in all the time I have been in office and I have no doubt that all those of my predecessors who have worked with him will feel the same way.

I know he has also been an important servant of this House at election times and has been a great asset to Her Majesty's Government of Gibraltar, generally. In his time he has overseen a huge growth in income tax receipts and has been instrumental in guiding the work our legal teams have done on the EU State Aid matters. Indeed, I am sure that the only persons who will be happy to see him go are those that he has quite properly 'named and shamed' for their failure to comply with their obligations.

1040 Frank has agreed to continue to stay involved in helping to deal with general Government arrears and I have no doubt he will still be available to advise a friendly Chief Minister or two, once in a while.

Mr Speaker, last year the talk of the town was of power cuts and the greatest challenge facing our economy then was the provision of a reliable source of power and the installation of the necessary generating capacity for our community for a generation.

1045 One of the most important aspects of that process was the choice of location for the new power station and the choice of fuel for the future. Anyone who now cares to cast an eye towards the North Mole will not fail to see the significant progress that has been made by Bouygues on the construction of that facility. The engine bays that will house the new workhorses that will provide Gibraltar's power needs are now virtually complete. Delivery of the Caterpillar engines is expected by around November of this year as they have passed pre-delivery testing processes.

The whole House will, no doubt, be delighted to hear that.

1055 As the same time as this is ongoing, over the last six months senior Government officials have been engaged with Shell representatives to seek to finalise the arrangements for the LNG facility that will supply LNG to the new power station. These negotiations are highly technical as they need to cover eventualities over a contract spanning some 20 years.

1060 Careful consideration has, of course, been given to ensure LNG is supplied to Gibraltar safely and reliably to keep the power station constantly working under this new fuel that will dramatically reduce emissions and produce cleaner and more efficient power. Gone will be the days of grimy, smelly, dirty diesel power and pollution. In addition, the cost formula agreed with Shell for LNG supply will make the use of gas cheaper than powering our engines with diesel.

1065 Mr Speaker, discussions on the safety case have been fully aired in this Parliament, the election campaign and in the press. I can assure this Parliament that no stone has been left unturned in this respect. As I have said repeatedly before, neither I, nor any other Minister on these benches, nor any other member of my professional staff, would tolerate an installation which introduced an intolerable risk to our Community.

1070 Shell has proved to be the right choice for this nation as we have experienced their attention to detail and vigilant eye on the safety case. The teams have repeatedly visited Gibraltar and have comprised specialists in all aspects of this process. For our part, teams from the Port have visited Shell's Rotterdam Gate facility which will supply LNG to the Gibraltar plant once this is operational.

1075 In October teams from the Environmental Agency, the Gibraltar Fire and Rescue Service, the Port Authority and the Gibraltar Electricity Authority will visit Shell Gasnor's offices in Bergen, their LNG terminal and production site just outside Bergen, and to their LNG safety training facility in Rotterdam to see these at first hand and attend training sessions as appropriate.

It is expected that negotiations will be finalised in the next month or so in respect of the final agreement with Shell. Interim arrangements have been entered into with Shell which have allowed them to progress with ordering the construction of the tanks being specifically designed for Gibraltar.

1080 In addition, Mr Speaker, the House will be pleased to hear that it is expected that Shell-commissioned works will also commence on the site shortly at the North Mole, after the agreements are signed and the final planning conditions are met.

1085 I cannot begin to explain to Hon. Members, Mr Speaker, how *complex* this process is and how proud I am of the team at the Gibraltar Electricity Authority responsible for supervising the wider power station project. On this, I have been working with the relevant Minister, Dr John Cortes, and particular mention has to be made of Michael Caetano the CEO of the GEA and Hector Montado, the Government's Chief Technical Officer.

1090 I also need to recognize the dedication of Manolo Alecio who has been instrumental in the design of the power station working on this up to his retirement and who continues to assist in an advisory capacity with this project. Manolo was part of the team who worked with me

together with Michael Gil as the then Chief Technical Officer to consider the options for Gibraltar from a blank canvas. I cannot thank Manolo enough for his friendship, support and advice in the period of analysis, consideration and procurement that led to the choices we have made and are now, happily, implementing.

1095 Mr Speaker, trying to co-ordinate both processes, power station and an LNG facility is not easy with everyone needing to be co-ordinated to ensure that the tanks are in place and the LNG plant is functional by the time the new power station engines are ready for testing. I am delighted to inform Parliament that we are well on track with both of these challenging and inextricably-linked projects.

1100 The LNG plant will be operated by Shell whose presence in Gibraltar will be through a 51% subsidiary aptly named Shell LNG Gibraltar Limited. In order to reduce the overall cost of this contract over its 20-year life to the Gibraltar taxpayer, the Government will own the remaining 49% of the shares ensuring Government shares in the economic benefit of this arrangement.

1105 The total cost of the facility is circa US\$ 44 million over a period of two years, and at the end of the 20-year contract period the plant will revert to full Government ownership for a nominal payment. The details of these LNG arrangements are not yet finalised but this outlines for the House the anticipated outcome of negotiations.

1110 Mr Speaker, my administration, just like the former administration, has also taken the view that infrastructure facilities such as the power station, which are for the long-term benefit of this community, should be funded on a long-term basis. With this in mind I can confirm that we have secured financing for the power station through a financing agreement that was entered into just before 31st March 2016 between Lombard plc, which is part of the Royal Bank of Scotland Group and ES Limited which is the company that will own the power station facility.

1115 This facility is an asset finance arrangement for £55 million, being the part of the construction contract represented by the assets in ES Limited. The facility is being drawn down against staged payments. The facility is repayable over 10 years, post construction, by making equal annual payments which can easily be met from the savings of fuel alone. The remaining balance of money due on this contract is at present anticipated to be financed directly from Government company sources.

1120 Mr Speaker, the new power station financing is more than affordable when one factors in the savings that will be made when Government also ends its contract with Energyst for the temporary rental facility and even more so when the Government is released from the fuel hedge arrangements put in place when diesel prices were in excess of US\$100 a barrel.

1125 The cost of this facility is at a margin of 2.98%. Yes, Mr Speaker, just under 3% of UK LIBOR, making this an *exceptionally* attractive facility that has not required the Government's balance sheet as security.

The facility also provides a drop lock option, allowing ES Limited to fix the interest rate. This choice will be allowed once during the lifetime of the facility with the decision available at each anniversary of the facility.

1130 Mr Speaker, it is right that I should take this opportunity to thank David Bruce from NatWest and Ian Victor, Robin Clayton and Lance Coppock from Lombards for working with us to make this innovative financing arrangement possible, which does *not* require us to raise electricity prices to consumers by 5% per year for 20 years, as was anticipated in the financing arrangements which were entered into by the former administration.

1135 Mr Speaker, the new power station project and the new LNG storage facility for it are amongst the most exciting, essential and critical projects for this community and it is a pleasure to have been able to see both of them well on the way to being delivered for the benefit of all.

1140 Mr Speaker, another of the exciting, essential and critical projects for the future of this community is the completion of the tunnel under the runway. In this respect, the Government was pleased to be able to announce that it had successfully negotiated a settlement with Obrascón Huarte Lain SA (OHL) to complete the runway tunnel. Not only will this settlement avoid further delays by requiring the contractor to complete the tunnel by 30th November 2018

1145 but it will do so at a price close to the original 2008 budget. The completion contract explicitly specifies that any delay to the contracted completion date would immediately incur financial penalties to be paid to the Government by OHL. This settlement therefore provides Government and the taxpayer with the certainty of a completion date and also with certainty of cost.

1150 Having originally contracted to pay OHL £30 million for the tunnel in 2008, OHL will now receive a total sum of no more than £24 million. This amount includes sums already paid. The reduction in price will contribute towards the costs and expenses incurred by Her Majesty's Government of Gibraltar since termination. These include the cost of certain works undertaken directly by the Government's wholly owned Gibraltar Joinery and Building Services Limited.

1155 The risk involved in completing the tunnel project will now be assumed by OHL rather than by the Government and our current position is further increased in our having obtained bank guarantees in the total sum of £37.1 million in favour of the Government to ensure OHL's performance of the works. Mr Speaker, that is bank guarantees of £37.1 million to ensure OHL's performance of the works. Government will also be able to pursue OHL for further sums if they fail to deliver.

1160 A completely fresh OHL team from their international division is being brought in to ensure the delivery of the project in accordance with the new completion obligations. OHL will be mobilising on site during the early part of July although formal commencement under the completion contract will be as at 1st August 2016.

Mr Speaker, as the Government has already stated publically, this settlement with OHL ensures that the final cost of the tunnel will be as close as we could hope for to achieve what was originally budgeted for. The result also de-risks the process for Gibraltar quite considerably.

1165 I want to place on the record of *Hansard* the Government's thanks to the team at TSN comprising Guy Stagnetto and Nick Culatto; the team at Corbett & Co led by Edward Corbett, and also to Mr Nigel Pardo and also Stephen Orciel and John Joe de la Paz who have been involved throughout. Additionally, I am also grateful to the team, in-house, within Her Majesty's Government of Gibraltar, in particular, Michael Gil, Hector Montado, Dilip Dayaram, Albert Mena, the now Financial Secretary, and the former Chief Minister, Sir Peter Caruana, who have been of great assistance in the litigation leading up to this result.

1170 I also want to thank GJBS who have, as usual, stepped into the breach when they were needed by the Gibraltar taxpayer and they could have done a great job of finishing the tunnel if we had asked them to. The work they have done and have completed is, as usual, of the very highest standard and I want to thank them also for that work.

1175 Mr Speaker, I think everyone will now look forward to seeing this important infrastructure project completed as soon as possible, by the date agreed and on the renewed budget.

1180 Mr Speaker, I now turn to the specific Budget measures for the financial year 2016. As Hon. Members are aware, the Government's policy is to enhance, protect and secure our housing estates. We have invested very considerable amounts of almost £100 million in upgrading many of our housing blocks and we remain committed to this ongoing programme of modernisation and improvement. At the same time, Mr Speaker, the Government has noted the remarks in the Ombudsman's report this year in relation to the need to review housing rents.

1185 First of all I want to congratulate the hon. and learned Lady, the Minister for Housing, for her fantastic work in collecting arrears of housing rents. She will be telling the House more in her intervention, no doubt, about how much she has already collected in arrears and what she plans to continue to do.

1190 Going forward, the position of all parties at the last general election was that housing rents should be reviewed given that they had not been increased since 1984. Average earnings in Gibraltar in 1984 – which was before the full opening of the Frontier – were £126 per week, whilst average earnings in 2015 were at £555 per week – a rise of 340%. Inflation in that time has risen by 153.5%.

As a first Budget measure this year, Mr Speaker, I announce that Government residential rents will therefore be increased this year for the first time in thirty two years by only 3%, which

1195 will amount to an average of 60p per week. The increase will amount to 39p for a two-bedroom
property at Alameda Estate or 46p per week for a two-bedroom property at the Mid Harbour
Estate – that is to say, less than half the price of one edition of the *Gibraltar Chronicle* a week,
although I am not proposing that anybody should sacrifice buying their *Chronicle*, Mr Speaker.

1200 I trust that all Hon. Members will agree with me that means-testing these increases would
cost more than the increases and makes no sense.

These are very modest increases that must now continue on an annual basis in a manner that
will nonetheless remain considerably below where they would have been if they had increased
consistently in line with inflation.

1205 Whilst the former administration put in place a scheme to sell off our housing stock assets by
extending the Right to Buy Scheme to post-war accommodation, we instead have decided to
retain the housing estates as long-term public housing and to maintain them to a higher
standard than ever before. Although, the Right to Buy Scheme in respect of pre-war or free-
standing property will continue, our priority will be to implement this in a way that keeps the
bulk of post-war housing estates within the public sector.

1210 Indeed, Mr Speaker, instead of selling off these prized assets to raise money, as was
previously proposed by the former administration, we are delighted to have secured £300
million of new institutional investment in Gibraltar on the strength of our enhanced and
refurbished public housing stock. This significant investment represents an important vote of
confidence in Gibraltar's economy.

1215 The £300 million investment has varying maturities of between 15 to 30 years at fixed
interest rates. Indeed, securing this investment at this time has been critical in order to benefit
from current very low interest rates. Accordingly, the composite rate for the overall investment
has come in at 3.85%. The securities have been placed with funds managed by M&G, MetLife
and Babson, each of which are major institutional wealth managers. The Royal Bank of Canada
1220 Capital Markets has acted out of London as the private placement agent.

The investment has been structured through Government's company structure, via Gibraltar
Capital Assets Limited, a newly incorporated subsidiary of the Gibraltar Development
Corporation. GCA has the benefit of long leasehold interests in six of Gibraltar's public housing
estates. The freehold title to all housing estates remains with the Crown and the security of all
1225 tenants is completely unaffected and secured.

GCA has a very strong local board of directors consisting of James Levy QC, the senior partner
at Hassans, as Chairman; John Collado, the current and soon-to-be retiring managing director of
LPS, and Charles Serruya, a senior and highly respected chartered accountant.

1230 The Government and the Housing Authority will remain fully responsible for the allocation,
repair and maintenance of the housing estates.

Mr Speaker, this massive investment in Gibraltar has involved considerable planning and
effort and I want to thank all the investors, financial institutions and advisers for having brought
about this successful outcome. Indeed, this is all the more remarkable given the transaction was
structured, completed in advance and notwithstanding the potential impact of a Brexit vote on
1235 23rd June – not easily anticipated when the process was initiated. In fact, Mr Speaker, this
transaction has served to highlight the very positive view of international investors in the
strength and resilience of investment in Gibraltar.

I want to specifically thank the Financial Secretary, Albert Mena, who originated,
recommended and has seen through the concept of structuring this investment in Gibraltar in
1240 this innovative manner. My thanks also to Albert Mena's team for their work on this transaction
and all of the work they do on these estimates, as well as Peter Montegriffo QC and his legal
team for their invaluable work and advice in respect of this matter, as well as to the Minister for
Housing, Samantha Sacramento, and Gerry Reading and her hardworking team at the Ministry of
Housing.

1245 Mr Speaker, Albert Mena has been an important part of the delivery of this economic
performance. He is an extraordinary talent, an extraordinarily committed individual and he has

1250 extraordinary skill. At this difficult time, it is clear that Gibraltar needs his abilities and skill set at its disposal and I am honoured that he accepted the challenge I put to him to become a part of my team at No. 6 Convent Place, in the heart of Government as Financial Secretary – although I must say I was dismayed indeed at some of the attacks to which he was subjected in November and which I have no doubt many will now regret.

It is appropriate I should also thank, Mr Speaker – before I launch into the rest of the Budget measures – all of my team at No. 6. – they know who they are – for their fantastic work and support this very difficult election and referendum year.

1255 Mr Speaker, the following changes in Import Duty will be introduced with immediate effect.

In order to assist the community with the purchase of vision correction aids and accessories, Import Duty on spectacles is reduced from 6% to 0%. Import Duty on spectacle lenses is reduced from 12% to 0%. Import Duty on contact lenses is reduced from 12% to 0%.

1260 Mr Speaker, can I just pause there and say that I wear glasses and have contact lenses, in case anybody should care to suggest, later, that it is inappropriate for me not to have done so.

1265 Mr Speaker, in order to contribute to a healthier diet among our children and at the same time promote physical education and sports in both our primary and secondary schools, Import Duty at 10% will be payable on fizzy and other soft drinks – other than fruit juices or milk-based drinks – with a sugar content of above five grams per 100 millilitres. The same level of Import Duty will be levied on sugar, sweeteners or other derivatives used for the sweetening of drinks produced in Gibraltar, which have the same sugar content.

As a further measure for the benefit of our school children – and I, Mr Speaker, will declare that I have two – Import Duty on school satchels is reduced from 6% to 0%.

1270 Mr Speaker, in order to assist our community with the purchase of everyday essential items, Import Duty on sanitary towels and tampons is reduced from 12% to 0% – Mr Speaker, this is the legendary tampon tax which suddenly was part of our general election debate. Nappies and nappy liners for babies have their Import Duties reduced from 12% to 0% – Mr Speaker, I confess one of my children still wears nappies. Pre-shave, shaving and after-shave preparations have their Import Duty reduced from 3% to 0%. Personal deodorants and antiperspirants are reduced, 1275 on Import Duty, from 3% to 0%. Perfumed bath salts and other bath preparations are reduced from 3% to 0%. #

Mr Speaker, I do trust we will have a very sweet-smelling community indeed as a result of these measures.

1280 Mr Speaker, in order to assist local businesses in the marine sector, duty on electronic equipment and spare parts for use exclusively in boats, including fish finders, marine radios, radar and GPS plotters is reduced – probably to the chagrin of the Minister for the Environment – from 12% to 0%; Duty on sails is reduced from 3% to 0%; Duty on propellers and related spare parts is reduced from 12% to 0%.

1285 Mr Speaker, in support of this Government's continuing efforts to address the problems arising from tobacco and smoking generally, we will raise the Import Duty on water pipe tobacco from the current 12% *ad valorem* duty to £3 per kilo. This represents a three-fold increase in Import Duty on this commodity.

1290 Mr Speaker, in order to assist with the cost of doing business in Gibraltar, electricity and water charges will not be increased this year, despite the increasing costs of providing these public utilities. Given that inflation since January 2012 – the month after we were elected – has amounted to 5.65% in that period, that is the discount in real terms that businesses have had already, since our election, against the amounts at which water and electricity are charged. That is, of course, a huge discount already against the amount that it costs to generate electricity and water, both of which are costs which are now heavily subsidised by the Government and which 1295 we will continue to subsidise.

General rates payable by businesses will also remain unchanged and discounts for the early payment of rates will continue to apply.

As I have mentioned, the Brexit vote has created uncertain times and my Government is determined to ensure that whilst in Gibraltar business continues as usual, Gibraltar remains competitive internationally and we continue to attract top quality businesses to Gibraltar.

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In order to encourage any business setting up in Gibraltar due consideration, the Government will implement a start-up incentive. An incentive of this sort, although not quite in the form has already been advocated by the Gibraltar Society of Accountants and the Gibraltar Federation of Small Businesses, nonetheless the impact they were suggesting, we believe, is achieved by what we are going to propose.

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In simple terms the incentive is as follows: any company that sets up in Gibraltar over the next 12 months and meets the following conditions will be eligible for this incentive. The conditions are: the company must be a new business setting up in the period from the date of this speech to 30th June 2017; the business must employ at least five employees in the first year; the business must not represent a transfer of a business previously existing in Gibraltar or one that is used as a transfer pricing mechanism to allocate profits from a business previously existing in Gibraltar. Anti-avoidance provisions will be applied to ensure this represents a new business setting up in Gibraltar. The incentive will be available for companies or limited partnerships but not for individuals trading in their own name.

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The incentive is this: over the first three financial years of trading of the start-up business, the company will be eligible for a tax credit equal to the tax due up to a maximum of £50,000 over each of the first three years. The tax credit does not carry forward from one year to the next. Therefore, if the company does not make a profit and is unable to make use of it, it is lost. It is not eligible for repayment by the tax office.

1315

The incentive simply acts as a mechanism to shelter a liability to tax up to a maximum of tax equivalent to £50,000 per annum, thereby effectively sheltering £500,000 or £½ million of profits per annum. My Government believes this mechanism will provide an incentive to those businesses presently considering Gibraltar as a place to set up their new business.

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Mr Speaker, as Members of the House may be aware, the former administration introduced rates of Social Insurance contributions of 20% for employers and 10% for employees on 1st April 2007 in a bid to make the fund self-funding. These increases were initially capped at £26.20 for the employer and £20.75 for the employee as from 1st April 2007. These rates were payable up to 30th June 2008. During their last term of office, on 1st July 2010, the party opposite increased the cap to £32.97 for employers and £25.16 for employees. There have been no increases since July 2010. The Government is nonetheless committed to a total reform of the entire structure of the Social Insurance Fund in order to place it on a viable footing.

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Mr Speaker, given the Brexit vote, announcing the reformed system now would not allow us to benefit from the potential flexibility which might be possible in the context of current EU rules perhaps no longer being applicable. An announcement will, therefore, be made in due course in respect of this new system, once the Government receives legal advice that the new system is fully compliant either with EU law as it is and will continue to apply or with whatever new regime is in place.

1330

For now, Mr Speaker, given the seismic effect that the Brexit decision has had on financial markets and on businesses, after very careful consideration and after detailed consultation with Unite, the union; with the Federation of Small Businesses and with the Chamber of Commerce, the Government will *not* increase Social Insurance contributions. We will observe the effects of the decision on businesses in Gibraltar and will, if necessary make the necessary increases at the beginning of the calendar year in January 2017.

1340

Mr Speaker, in pursuance of the Government's continued commitment to reduce the level of personal taxation, especially for the lower paid members of our community, with effect from 1st July 2016, taxpayers with an assessable income of £11,050 or less will be brought out of the taxation system altogether and will pay no income tax. This applies to taxpayers in both the allowance-based system and the gross income-based system.

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1350 In accordance with our manifesto commitment, taxpayers under the allowance-based system will benefit from an increase in their Personal Allowances, which is at least in line with inflation. This means that people most in need in our community and who benefit from these allowances will not see them frozen. With effect from 1st July 2016, the following allowance increases will be applied: the Personal Allowance is increased from £3,200 to £3,215; the Spouse and Civil Partners Allowance is increased from £3,200 to £3,215; the One-Parent Family Allowance is increased from £5,264 to £5,290; the Nursery Allowance is increased from £5,000 to £5,025 –
 1355 Mr Speaker, I have a child at nursery school; the Child Allowance is increased from £1,100 to £1,105; the Child Studying Abroad Allowance is increased from £1,250 to £1,255; the Dependant Relatives Allowance is increased where the relative is resident in Gibraltar from £300 to £305 and where the relative is resident outside Gibraltar from £200 to £205; the Disabled Individual Allowance is increased from £9,000 to £9,040; the Blind Allowance is increased from £5,000 to £5,020; the Medical Insurance Allowance is increased from £5,000 to £5,020.

1360 Mr Speaker, telecommunication companies are currently liable to pay Company Tax at the higher rate of 20% on all their taxable income. This applies not only to the taxable income on the business generated from the provision of telecommunication services, but also to the taxable
 1365 income on the business generated from non-telecommunication services, such as data centres.

In order to ensure a level playing field, Company Tax at the higher rate tax of 20% shall apply only to the profits and gains arising from the telecommunication activities which are specifically mentioned in the Income Tax Act and the lower 10% rate of tax shall apply to the gains and profits arising from their non-telecommunication business activities.

1370 Mr Speaker, in my last Budget, I announced a tax amnesty for six months to allow people who have failed to declare their taxable income in past years to rationalise their tax affairs before being caught out, bearing in mind the transparency and information-sharing international initiatives that Gibraltar has signed up to with other states.

1375 Individuals were given an option to repatriate monies held abroad which were the product of income accrued and derived in Gibraltar or which, on remittance to Gibraltar would have otherwise attracted taxation; to wipe the slate clean on payment of a 5% tax on the total amount remitted to Gibraltar and deposited here. Any individual who failed to avail themselves of this tax amnesty and in respect of whom the Commissioner of Income Tax subsequently finds any such undeclared monies, will be subject to a penalty charge of 100% of the tax that would
 1380 have been due if the income accrued and derived in Gibraltar had been properly declared at the time.

The total taxable income declared and repatriated as a result of the amnesty was £27.78 million, Mr Speaker. In terms of benefit to Government coffers, the total tax collected was £1.39 million.

1385 Mr Speaker, the Government has now decided to extend the tax amnesty for a further period of six months, although on not such favourable terms. Effective from midnight tonight, the rates which will be applied will not be as advantageous. The tax amnesty will apply upon the payment to the Commissioner of Income Tax, on the same terms, but of 7.5% of the total amount remitted to Gibraltar and deposited here or 7.5% of the value of any assets purchased abroad
 1390 from the proceeds of the income accrued and derived in Gibraltar on which tax should have been paid.

Mr Speaker, old age pensions will increase this year in line with the rate of inflation so that the single rate for old age pensions will increase from £438.78 to £440.54 and the couples' rate will increase from £658.22 to £660.85. At the same, the cash differential will be maintained with the minimum income guarantee.

1395 Mr Speaker, in line with our manifesto commitment, the general level of public sector pay will rise by 2.75% with effect from 1st August 2016, with an additional 0.25% being payable to officers of the Royal Gibraltar Police, Customs, the Prison Service, the Gibraltar Fire Service, the Airport Fire Service, the Borders and Coastguard Agency and the Ambulance Service.

1400 In line with this Government's commitment to keep the national minimum wage under constant review and to increase this at least by the rate of inflation over our term in office whilst mindful of the need to keep Gibraltar competitive, the statutory minimum wage will increase from £6.25 to £6.28 per hour with effect from 1st August 2016. This represents an increase of around 0.5%, which is just above the rate of inflation.

1405 Mr Speaker, we have commenced the process of consultation with Unite, the union, and the Federation of Small Businesses and the Chamber of Commerce in respect of the potential introduction in Gibraltar of pensions in the private sector. Given the Brexit decision, we will not be progressing this process in this financial year whilst we observe the effects on the economy of the result of the vote of the British people.

1410 Mr Speaker, having finished the list of Budget measures for this year, on a point of simple housekeeping, Hon Members will know that it is customary, as a matter of courtesy, for the Chief Minister to stay in the Chamber throughout the Budget debate to hear all contributions. In parliamentary terms, we are, in effect, debating a Bill that I am moving in my capacity as Minister for Public Finance. For that reason, I hear all contributions as I am the one with the right to reply at the end for the Government. This year, unusually, I will not be able to remain throughout the debate as I may need to take pressing calls at times which are fixed.

1415 As a result, I would ask Members, all of whom tend to have written speeches, to please excuse me if I am unable to remain in the Chamber to hear their contributions. I will endeavour to do so in order to reply to their speeches as directly as possible, but it may just not be possible. If they could send me a copy of their written speeches, as they send them to the media, I would be grateful.

1420 Mr Speaker, as we go forward this year, it is clear that now is the time to make the most of Gibraltar's two greatest assets: its land and its people. It is also a time, of course, to pause and reflect, but it is not a time to stop all Government spending or stop all Government investment, as to do so would undoubtedly just halt all growth and plunge us into recession. We must continue investing in efficient and socially essential public services and we must continue to strive to make Gibraltar a more attractive place to live in and to do business in.

1425 We must also be alive to the need to cut spending further if the effects of the Brexit vote become markedly more negative in months to come. We will constantly review all of the indicators to ensure that our economy continues to perform in a manner that enables us to deliver the growth that we believe is achievable and the spending that is affordable.

1430 The fact is that Gibraltar, despite the jolt of the 23rd June, in the morning, remains a hugely attractive and affordable place to do business. The rule of law and the common law combined make us attractive, as does our fiscal competitiveness and, after today, our very attractive regime for start-ups.

1435 The reservoir of resilience and skills which is evident in Gibraltar today is also a huge asset in establishing the ecosystem for business success, but our near-term challenges cannot just be wished away, Mr Speaker. The fact is that we have as many reasons to be happy about last year as we have to be cautious about the coming 24 to 36 months.

1440 The absence of clear political direction in London is not insignificant for us, as it is not for the rest of Europe either. It is our medium-term challenges that we can influence with hard work and determination, and our long-term challenges are also the opportunities for us to shape and fashion the future into the form we wish, by the work we do now, by how persuasive our case is, and by how unified our approach remains

1445 We owe it to our grandparents and parents who fought so hard to achieve what they had secured in the European Union until the 23rd June and we will fight to retain in as great a measure as possible all that they have achieved for our children and grandchildren.

1450 Mr Speaker, I am not one to rely on the quotes of others in speeches, but these are times to think of and take inspiration from the things said before by those facing adversity. Kennedy's famous, 'Think not of what your country can do for you, but of what you can do for your country' is, I am sure, on the minds of many, especially those who have spontaneously got in

touch with me and other ministerial colleagues and with the Government generally to reach out to help at this time in our history.

1455 I would however wish to share with you the quote from Henry Ford which reminds us that 'When everything seems to be going against you, remember that the airplane takes off against the wind, not with it.'

1460 Mr Speaker, as the dawn of the 23rd June becomes a more and more distant memory, we can see that there is a lot that we can achieve going forward. What is clear, Mr Speaker, is that this is not a time for egos; it is not a time for grandstanding or for talking Gibraltar down; it is not a time for electioneering or for the spin of party politics. This is a time for substance; for hard work and hard thinking; for prudence and for preparation, and that is what this Government is about. That is what we have been preparing for; that is what this Budget does.

1465 Our prudence to date has paid off. Our public finances are strong and resilient. We have the liquidity necessary to deal with the issues that do confront us and we have the liquidity necessary to deal with the issues that could confront us. We have the sovereign wealth or the rainy day funds that we need in the funds that we have established and grown.

1470 This is a time, Mr Speaker, yes, to pause and reflect; but also a time to remain confident, to deliver on our public commitments and to be tempered by the prudence that the moment requires.

1475 The fundamentals of the Gibraltar economy are strong; in fact, Mr Speaker, the fundamentals of the Gibraltar economy are stronger than ever. And undermining confidence in Gibraltar, in our national financial institutions and in the fundamentals of our economy would be unhelpful and wrong – and I am sure that there will not be anyone in Gibraltar who would today seek to do that given the situation in which we find ourselves.

1480 Mr Speaker, this is the time in our history for extraordinary people in our community to do extraordinary things for our nation. Let us have the confidence to work together in this House and beyond to fulfil the ambitions of our nation and to use the community's talents to the full.

Mr Speaker, for all of those reasons, I commend the Bill to the House. (*Banging on desks*)

1485 **Mr Speaker:** It is already past the time when we normally recess for lunch. Shall we recess now and return at 3.15 p.m.?

1490 **Hon. Chief Minister:** No, Mr Speaker, as is the custom in all parliaments, the Leader of the Opposition should reply immediately.

1495 **Mr Speaker:** I do not have to invite Hon. Members to participate in the debate on the general principles of this Bill, since I already have the order in which Members are going to participate in this debate.

1500 I therefore call upon the Hon. Member the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, I am very grateful for the courtesy that the Hon. Speaker wanted to extend the entirety of the House but I am, for my part, prepared to reply to the Chief Minister now.

1505 Mr Speaker, it is an honour for me to deliver to this House my fourth Budget speech as Leader of the Opposition and my ninth Budget speech overall.

1510 Unhappily, this year we find ourselves debating these estimates of revenue and expenditure against the backdrop of a Brexit vote at the Referendum and, potentially, the single largest threat to our economic model since the closure of the frontier – and, in my view, in the history of democratic Government in Gibraltar.

1515 While on this side of the House we have every faith in the ability of our community to overcome adversity, it is important that this debate takes place within a framework of sober analysis, prudence and realism.

We are after all debating what the Government, for example, has spent and what it intends to spend; the way the Government intends to fund that spending; the size of our reserves; and public debt today and also into the future.

1505

That debate must above all take place in the context of a probable Brexit and the uncertainties that Gibraltar currently faces. No-one wants the United Kingdom to leave the EU but our economic contingency plans must proceed on the basis that Brexit is not only *possible*, but is indeed probable.

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Our economic model is one that is based largely on the ability of commercial entities to passport their goods and services into the European Union. It is a model that we have spent many decades developing and selling to customers. It is a model that we must do everything that we can to protect. And indeed, Mr Speaker, in this context I remind the House that both the Chief Minister and myself, during the course of the Referendum debate, were both of the view that a vote to Brexit the European Union was a vote that placed an existential threat over that model that we have relied upon for the last three decades.

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The Financial Services sector that is built on those foundations provides over 4,643 jobs, on the last figures that we have – and in this context I am very grateful to the Hon. the Minister for Employment to have provided me with an advance copy of the Employment Survey.

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The Tourist sector that also benefits from free movement of people provides many thousands of jobs. The Hotel and Restaurant sector alone accounts for 1,763 jobs. Nearly 2 million people visited Gibraltar last year through our EU border. Over many decades we have sold investment into Gibraltar by emphasising an attractive lifestyle – a job and home in Gibraltar, a second home or easy access to Spain. The Gambling and Betting activities sector, where those are real factors, employs 3,205 people.

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Behind those numbers, of course, there are real people with real families; and it is for the sake of those real people and those real families that we must ensure that no stone is left unturned in our attempts to protect them in this situation.

And of course, Mr. Speaker, each sector of the economy is not hermetically sealed from the next. The success of the Private Rental and Home Ownership sector is directly linked to the success of – amongst others – the Financial Services and the Gaming sector. The ability of the Government through tax revenue to continue to provide year-on-year increases in Health and in our caring services is also dependent on those jobs. Less jobs, less revenue, less expenditure; it is a simple formula, Mr Speaker.

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In March 2012, our expenditure on Health was £75 million. In this Budget, expenditure on Health has increased this year according to the forecast outturn to £107.2 million. That represents an increase of 43% over the last four years. *Everyone* wants the best possible health and caring services. But to do that we must continue to prosper as we have done over the last three decades.

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When I make that analysis of jobs, expenditure and revenue I am also mindful of the fact that, at a macro-economic level, half of our GDP is accounted for by jobs in our economy. At the end of March 2015, there were 26,144 jobs in the economy – a rise of 7.1% since March 2014. Much of that rise is in construction but it feeds directly and indirectly into economic growth, and therefore the Hon. the Father of the House is right to be cautious in terms of GDP projections in the uncertain world we live in post the Brexit Referendum.

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Gibraltar's size and agility makes us able to react to events quickly and that is a huge advantage at this time. But our dependence on certain sectors and a particular economic model, together with growth based on public spending, may make us significantly susceptible to a downturn. It is one of the reasons the hon. Gentleman and I were concerned about a possible Brexit vote.

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And that is why, Mr. Speaker, for all my criticisms of the Government about spending and public debt over the last four years, it is my duty to steer a careful line between honest assessment in the public interest with the need to maintain confidence and to work with the Government in order to attempt to steer Gibraltar into calmer waters.

1555 To do otherwise would constitute a dereliction of duty and it is not what I am in politics for. The *quid pro quo*, however, has to be that those dealings with the Government must be based on an open, transparent and non-partisan basis where initiatives on the future of Gibraltar are not made unilaterally by the Government. Future generations of Gibraltarians will not forgive the hon. Gentleman – as indeed they will not forgive me – if we were to place party before
1560 country in this situation.

It is, therefore, a difficult Budget speech that I deliver today balancing, as I must, objective observation of the state of our public finances – which is my principle duty after all to this House – against a very difficult backdrop indeed. We cannot, however, divorce this debate from reality.

1565 In my view, Mr Speaker, our focus as a nation has to be the retention of confidence in the market here in Gibraltar and the retention of existing clients. Early public assurances from the United Kingdom government that it will be immovable in ensuring Gibraltar's access to the Single Market must be the priority goal. Even this, I accept, is easier said than done but it must still be a priority.

1570 The proponents of the 'Leave' campaign held different views about UK access to the Single Market. The announcement that there is to be significant internal reflection and discussion in the United Kingdom to decide some of these issues, before any notice is provided to the Council of Europe under Article 50, is to be welcomed. That will give us time to express our views and to lobby intensely – lobbying that, I would expect, would be undertaken on a joint basis between the Government and the Opposition.

1575 If an Article 50 notice can be avoided by the United Kingdom staying a member of the EU, and England and Wales opting out in a Denmark/Greenland-type situation, all the better. I can, of course, foresee constitutional and significant political problems with the latter, but we must accept that the Government is entitled to leave no stone unturned in this situation. There are other options that we have discussed, Mr Speaker, which will remain confidential between us
1580 until the appropriate juncture.

In my view, however, we must plan on the basis that at some stage an Article 50 notice will be delivered by the UK government to the European Council. We, therefore, have to be prepared for that eventuality. That notice will trigger a two-year negotiating period where the UK will negotiate terms of exit with the EU, including any access to the Single Market. We need
1585 to use all the time that we have mobilising our friends in the United Kingdom and obtaining assurances from the political protagonists of the future that any access the United Kingdom obtains to the Single Market will be extended to Gibraltar.

1590 Mr Speaker, in this regard of course the Foreign Minister of Spain, Senor Garcia-Margallo, has on a number of occasions reiterated that Spain will not agree access for the United Kingdom to the Single Market with the inclusion of Gibraltar. We are going to demonstrate to Senor Garcia-Margallo what it is to have resolve, what it is to have unity in this community and what it is to show determination as a people. (*Banging on desks*)

1595 But it is important to emphasise that timing is all-important. My understanding is that Spain has no right to veto any terms of access between the UK and other Member States. What Spain can veto is an extension of the two-year negotiating period. Provided that agreement is reached within a period of two years after the Article 50 notice is delivered, Spain will not be able to veto an agreement reached by the UK government with the rest of the EU – including an agreement in respect of Gibraltar. This is why, Mr Speaker, early intervention is absolutely critical on our part.

1600 The leaders of the 'Leave' campaign also spoke about the UK negotiating deals with third parties. At the moment the EU has 50 such trade deals with third parties. Those, and any other trade deals, should be extended to Gibraltar as and when they are negotiated by the United Kingdom.

1605 Our Gaming and Insurance sectors have also faced recent challenges arising from decisions taken by the UK government. Changes to the VAT regime and the point of consumption tax are some of those challenges. In the situation that we find ourselves today, caused entirely by the

1610 UK government decision to hold a referendum, the UK government has to rethink these policies as they affect Gibraltar. And in this respect, Mr. Speaker, I therefore look forward to the speech that the hon. Gentleman, the Minister for Financial Services, Mr Isola, will be delivering in due course.

And in my opinion, Mr Speaker, in tandem with all that we need to work very closely with stakeholders opening or expanding into areas that are less susceptible to EU challenges that we face. These are some of the areas we need to focus on in my opinion; but, undoubtedly, there are others.

1615 Mr Speaker, the Hon. the Chief Minister said last week that it was business as usual. The very fact that we are holding this Budget debate today shows that as far as Government and Opposition, and the respective roles that we have been elected by this community to perform, it is business as usual.

1620 The Chief Minister also said that it was business as usual in terms of the Government's adherence to its manifesto commitments. Mr Speaker, the hon. Gentleman cannot, in my respectful view, run with the hares and hunt with the hounds. Yesterday, in giving a taster of the Budget measures that he was hoping to introduce at this session, he said that the Government had to rein in on spending. I could not agree more with that statement. However, there is absolutely nothing that he has said today that indicates to me that the Government is serious about its intentions to rein in on spending.

1625 Indeed, Mr Speaker, he has said nothing at all about how much money the Government intends to raise through some of the measures that he has outlined today. And he has not indicated to this House, as would have been usual, particularly in the situation that we find ourselves today, how much some of the measures that he is proposing to introduce will cost the Government in the years that are going to follow.

1630 The hon. Gentleman has said during the course of his intervention, that he is proud of the Government's spending. Mr Speaker, of course a Government is going to be proud of its spending! But spending *per se* is neither here nor there, it is about *priorities* in spending and it is also long-term consequences of that spending.

1635 The hon. Gentleman and I are not going to be judged by future generations on the moment; we are not going to be judged on this Budget; we are not going to be judged for how loudly hon. Gentlemen opposite bang on the table every time the hon. Gentleman makes a good point – or indeed the Gentlemen on this side of the House bang on the table ... hopefully, Mr Speaker ... absolutely hopefully, hopefully ... (*Banging on desks*) when I finish my speech!

1640 The hon. Gentleman and I will be judged by future generations on consequence: consequence about spiralling and increases in recurrent expenditure – as I will develop in due course – and consequences about carrying the debt that we are currently carrying. There is nothing that the hon. Gentleman has said in his Budget address that allays my concerns and that indicates to me that the hon. Gentleman's mindset has changed, particularly in the light of that probable Brexit.

1645 In the United Kingdom, Mr Speaker, we have already seen how its credit rating has been downgraded and there has been huge market volatility and uncertainty. The Chancellor of the Exchequer, George Osborne, made a robust, optimistic and positive speech at the Treasury last Monday emphasising that Britain has one of the strongest major advanced economies in the world and that, as a result, the British economy was about as strong as it could be to confront the challenges Britain now faced.

1650 The very next day in an interview with the BBC he said that the UK government had to show it could live within its means and that tax rises and spending cuts were almost inevitable. Last week the Hon. the Father of the House said that Brexit was potentially the most serious crisis to hit the world since the 1930s. I certainly agree with him as far as the seriousness of the potential crisis to Gibraltar.

In the context of a probable Brexit and the uncertainty that we will face over the next two years, the Government cannot expect to continue spending money at the rate that it has been

1660 spending; and it cannot be business as usual as far as their manifesto commitments are concerned. Their manifesto will cost the taxpayer hundreds of millions of pounds, in the context of the fact that they have already spent £750 million in capital projects over the last four years.

1665 Our discourse over those years has been that the Government was spending too much money, funded by too much debt – part of which was being kept away from proper parliamentary scrutiny in Government-owned companies. But we were also saying that that was not only imprudent at the best of times, but less so when there were potentially difficult times ahead for Gibraltar.

1670 In my 2014 speech that I delivered to the Chamber of Commerce on the Budget that the hon. Gentleman had just recently then delivered, I identified and listed a potential Brexit as one of those potential curves up ahead for this community. Quite frankly, Mr Speaker, it is something that the Government ought to have been factoring into the equation of its public spending, both in terms of recurrent expenditure and also expenditure on capital projects over the last four years. Because however improbable we all thought that a Brexit was likely to be, it was nonetheless *possible*; and to have spent money in the way that the Government has spent money over the last four years is not, in our view, prudent or reasonable.

1675 There is nothing – absolutely nothing – unpatriotic about my criticisms of the Government in this respect; I am no less of a Gibraltarian than the hon. Gentleman is, simply because I have – and on this side of the House we all hold – a different view about how Gibraltar can be kept safe and secure in the light of the challenges that this community faces.

1680 But I will say that I agree with the hon. Gentleman that if there was ever a time for a return to the rainy day fund policy of the early 1990s, it is today; and I would hope, Mr Speaker, over the next year and indeed in years to come that the hon. Gentleman opposite pays much more attention to the hon. the Father of the House and his voice of caution, than they have obviously done over the last four years.

1685 And I heard the hon. Gentleman saying ‘*no se ha enterado*’ – yes, I *do* get it, Mr Speaker, it is just that I do not agree with the hon. Gentleman that the money in Community Care is a rainy day fund for the entirety of this community. It is self-evident that it is not so, because the money in Community Care – which is money owned by a charity of Gibraltar for the benefit of a sector of our community – is not money that is going to be available for the Government and the general community if things were not to go as well as we all hope that it is going to be going over the next four years.

1690 Mr Speaker, I want to illustrate some of these issues by reference to increases in recurrent expenditure compared to recurrent revenue, together with decreases in cash reserves.

1695 On 31st March 2012 the overall recurrent departmental expenditure stood at £332.7 million whilst the forecast outturn this year stands at £453.1 million. In other words, just simply on the estimates of revenue and expenditure which we were debating, it has risen by 36.1% since March 2012. That is a very significant increase in four years and it still underestimates increases in recurrent expenditure, for reasons that I am going to be developing in a moment. Next year it is expected to rise by 40% from the position it was in March 2012 to £461.1 million.

1700 But, Mr Speaker, that in itself does not – as I alluded to a few moments ago – provide us with the full picture. As I have noted in previous years the comparison between March 2012 and March 2016 is not comparing like with like. Prior to the financial year ending March 2014, contributions to Community Care were treated as an expense through a contribution to the Social Security Fund.

1705 Since 2014, these amounts have not been treated as an expense and have been included in the surplus and then, from there, it has been paid to Community Care. In other words, Mr Speaker, prior to 2014 the contributions to Community Care were treated as an expense *above* the line and, subsequent to 2014, it has been treated as an expense *below* the line.

1710 The effect, in accounting terms, is to lower expenditure and to increase the surplus by a corresponding amount. This year that would have meant an increase in recurrent expenditure of £20 million and a decrease in the surplus by that amount. If you compare like with like, recurrent

departmental expenditure based on these estimates that we are debating today has increased by 42.2% since 2012.

1715 But, Mr Speaker, none of this of course takes into account the *huge* elephant in the room – that is Credit Finance Company Ltd and Gibraltar Investment Holdings Ltd. There is absolutely no point to talk and to pat ourselves on the back about a surplus of £38.8 million when the Government has caused the Gibraltar Savings Bank to invest £400 million in Credit Finance Company Ltd – and that company is then spending tens of millions of pounds on payment, for example, of the commuted pensions of civil servants! The commuted pensions of civil servants have traditionally been an expense of the Government and now it is an expense of Credit
1720 Finance Company Ltd.

The effect – and it does not take a rocket scientist to work this out – is that of course the Government does not have to pay that money directly itself, to pay for the commuted pensions of civil servants ... which is a jolly good idea, Mr Speaker, I am not criticising it. (*Laughter*) But the Government does not pay for it itself, it is paid for by Credit Finance Company Ltd, meaning that
1725 the Government has more money in these estimates of revenue and expenditure available to it.

But, Mr Speaker, more than £300 million from Credit Finance Company Ltd has also been paid to Gibraltar Investment Holdings Ltd, which is the company at the top of the pyramid of all Government-owned companies, and that money is seeping down through Government-owned companies and it is being used – to quote the hon. the Father of the House who, in fairness to
1730 him, has always been straight with this House in relation to this particular issue – to fund the cash flow requirements of those Government-owned companies.

So, Mr Speaker, when the hon. Gentleman, for example, as he did today, speaks about the change in accounting practice and the fact that the Government is now funding Government-owned companies to the tune of £25 million, what he does not say to this House and what he does not accept is the fact that Gibraltar Investment Holdings Ltd is receiving hundreds of millions of pounds of savers' money which it is then using in order to fund those Government-owned companies.
1735

If that happens through Credit Finance, Mr Speaker, then of course the Government itself does not have to put its money in its pocket and use the money that it has set out in its estimates of revenue and expenditure. Again, Mr Speaker, it distorts expenditure of the Government by creating a picture that is, of course, healthier than in reality it is, because every debt – and whether we call it 'investment' or we call it anything else – has, at some stage, to be repaid.
1740

In my view, with or without the expenditure incurred by Credit Finance Company Ltd, these are very significant increases in recurrent expenditure, and I remain as concerned today as I have been over the last few years; more so, of course, in the climate that we find ourselves in.
1745

When we compare this long-term trend in increases in recurrent expenditure with long-term trends in increases in recurrent revenue debt and decrease in Cash Reserves, we can see that the concern is entirely justified.
1750

In March 2012, recurrent revenue stood at £454 million. Recurrent departmental expenditure, as we have seen, was £332.7 million. Recurrent departmental revenue, therefore, stood at 73.2% of recurrent expenditure.

Recurrent revenue today stands £581.5 million and recurrent departmental expenditure has a forecast outturn of £453.1 million. To that, we have to add the £20 million to Community Care, which now the Government is treating below the line when prior to 2014 it was treated above the line. Recurrent departmental expenditure today is, therefore, currently running, if we are to compare like with like: March 2012 to March 2016 at 81.3% of recurrent revenue. That does not take into account expenditure that is not being accounted for in these estimates of revenue and expenditure, but that is being channelled through Credit Finance Company Ltd with the money
1755 from the Gibraltar Savings Bank.
1760

Moreover, whilst recurrent departmental expenditure has increased by 42.2% since 2012 – if we use my figure – or 36.1% – if we use the hon. Gentleman's figure – recurrent revenue has

increased by 28%. For three years I have been warning about this convergence between recurrent revenue and recurrent departmental expenditure. Last year I called it a 'worrying trend'. It is a trend that we need to reverse; more so, post the referendum result.

1765

Mr Speaker, in my analysis at the beginning of my speech, I said segments of the economy cannot be hermetically sealed from other segments or sectors. Contraction in one sector would have a knock-on effect on others, and on the size of the economy generally and, of course, on revenue.

1770

In this regard, Import Duty is actually down this year from £160 million to £151.5 million. The convergence that I have spoken about between recurrent revenue and expenditure would have been much narrower had it not been for an increase in revenue of £20.4 million in Corporate Tax and £5.5 million in Personal Tax.

1775

Of course, we know from last week's answers to questions that the Government owes Personal taxpayers £19.5 million and Corporate taxpayers £10.1 million in tax rebates. If that had been paid, the trend towards convergence between recurrent revenue and expenditure would have been much closer and it would have, of course, virtually wiped out the surplus.

1780

Mr Speaker, in making that analysis, however, I do want to congratulate the Financial Secretary and indeed the Father of the House. Leaving aside, Credit Finance Company Limited – and as I have said, it is a massive elephant in the room because it distorts much of what the Government is spending in a downwards trend – in the year ending 2014, the Government had overspent by £40 million. Last year, it had overspent by nearly £28 million. This year it has not overspent and I am happy to recognise that fact and, as I have said, congratulate the Father of the House and also the Financial Secretary in this regard. I would also like to think – I know there is a look of shock on the face of the Hon. the Father of the House – that our job as an Opposition, in holding the Government to account in this area, has played a small but perhaps effective role in pushing the Government into achieving that particular target.

1785

Mr Speaker, recurrent expenditure is not the entirety of the Government's expenditure, of course; it does not take into account capital projects: that £750 million that we say they spent over the last four years. The Government would say this is money well spent – 'investments' as they would call it – but it is money spent nonetheless. We can see the effect of that spending and that rise in recurrent expenditure that I have outlined during the course of my speech on debt and also on Cash Reserves.

1790

On 31st March 2011, Cash Reserves stood at £273.8 million. On 31st March 2012, Cash Reserves – and that is the first Budget the hon. Gentleman delivered before this House – had dropped but still stood at a very healthy £213.9 million. From then on Cash Reserves have dropped significantly to £73.2 million last year in March 2015 and the forecast outturn for this year is £100.3 million. Mr Speaker, that represents a downturn in Cash Reserves available to this Government and this community, of 53% since March 2012.

1795

The increase in recurrent expenditure and capital expenditure over the last four-year term also explains why direct and indirect Public Debt has increased exponentially since the hon. Gentlemen opposite came into office. In March 2011 Net Debt stood at £206.36 million; by March 2012, it had increased to £303.72 million; and by the end of December last year it stood at £418 million. That is less than £30 million from the then legal borrowing limit of £447 million.

1800

Today, as per the forecast outturn, Net Debt stands at £345 million. That level is still higher than the Government's targets at the election of £314 million for this year. I expect that Net Debt is going to continue to increase substantially over the next year and over the next few years. Indeed, just as at the beginning of last year, before last year's Budget session, Net Debt stood at £400 million and above. It was reduced for the purposes of the Budget debate, but started to increase very rapidly thereafter. So, too, will we see the same pattern this year, and the reason is very simple: every year before the Budget debate, there is a tightening of the belt; less bills are paid during the period, producing a temporary increase in Cash Reserves. After the

1810

1815 budget, there is a loosening of the belt, Cash Reserves decrease and Net Debt suddenly starts increasing.

We do not have the figures for April and May because the Hon. the Father of the House, last week, told us that he was not providing those figures because it would feature in the speech that was going to be delivered by the Hon. the Chief Minister. Unfortunately, Mr Speaker, just as we predicted last week, that has not been the case but I know as well as the Hon. the Father of the House that Net Debt and the trend in Net Debt is only going in one direction, unfortunately, and that is upwards.

1820 Mr Speaker, the long-term trend is clear: very significant increases in recurrent expenditure over the last four years; recurrent revenue increasing at a slower rate than expenditure in percentage terms; very significant reductions in reserves; and very significant increases in Net Debt. Of course, that does not take into account the elephant in the room: Credit Finance Company Ltd.

1830 This, of course, Mr Speaker, posed an insoluble problem for the Government over the last four years. Not only had it promised £750 million of capital projects to the electorate in 2011, but it had also promised – which it is delivering – to donate all surpluses to Community Care. It had criticised the level of debt under the GSD Government as ‘an addiction to debt’. Of course, because of the legal borrowing limits at the time, it was also legally impossible for the Government to directly borrow sufficient money in order to pay for all those promises it had made in 2011.

1835 That is the reason why, in our view, £400 million of debentures from the Gibraltar Savings Bank was, to use their term, ‘invested’ in Credit Finance Company Ltd, which, in turn, as I have alluded to during the course of my speech, is being used in order to pay for Government expenditure.

1840 The Gross Debt of this community is not £446 million in the forecast outturn; it is £446 million if you simply take into account the monies invested in Credit Finance Company Ltd or £885 million if the Government had to make good all those so-called ‘investments’ made by the Gibraltar Savings Bank in Government-owned companies.

1845 Prudent management of our public finances needs to take account of this global picture. We cannot collectively bury our heads in the sand and pretend that Credit Finance Company Ltd does not exist and pretend that the Government is not using it in order to pay for Government expenditure.

1850 Mr Speaker, many countries in Europe calculate and compute Public Debt by taking into account PFI arrangements and, indeed, the debts of Government-owned companies. That is the position in the UK. That is the position that we are urging from this side of the House for the Government to adopt. Mr Speaker, it is not just about openness and transparency or the quality of our democracy. It is also about the ability of the Opposition to identify potential financial problems, if they arise. This is even more important this year than it was last year.

1855 None of this, of course, takes into account the way that the Government is going to be funding the power station or indeed the money that the Government is now going to be expending in relation to the tunnel under the runway, and we reserve our judgement until we look at the detail of that to see what effect it might have on the public finances.

1860 Mr Speaker, this year the Government changed the way the legal borrowing limits were calculated and there was a sense of déjà vu in the way the Government did so. During the 2011 election, the hon. Gentlemen opposite said nothing about their plans to use the Gibraltar Savings Bank in order to fund Government expenditure and therefore directly or indirectly their manifesto commitments.

1865 In March 2012, barely three months after the 2011 election, the Hon. the Chief Minister came to this House with a Bill amending the Gibraltar Savings Bank Act in order to do away with the requirement that all the investments of the Gibraltar Savings Bank be made in cash or cash equivalence from the preservation of their capital value perspective. In other words, very liquid and very safe forms of investment.

That change to the Gibraltar Savings Bank Act is what allowed the Government to invest Gibraltar Savings Bank deposits in Credit Finance Company Ltd which has allowed them, in turn, to pay for their expenditure. It could not have happened, Mr Speaker, under the GSD Government.

1870 During the 2015 General Election, the Government made promises running into hundreds of millions of pounds in their 2015 manifesto. It could not have paid for those promises by borrowing directly under the law as it stood then, which in simple terms had a Net Debt borrowing limit based on 80% of the recurrent revenue. As I have already noted, Net Debt was running very close to the legal borrowing limit; at one point, less than £30 million from that Net

1875 Debt calculation.

Rather than just simply say to the people of Gibraltar that the GSLP-Liberals were planning to change the way the legal borrowing limits were calculated and therefore borrow more – which they could not do because of those debt limits – they said nothing and changed the formula barely three months into their term in office.

1880 Now, Mr Speaker, the effect of it is that the Government can borrow 40% of GDP, i.e. the size of the economy. It can borrow much more than it did before and without being limited to 80% of recurrent revenue. The experiences in places like Bermuda show that the decoupling of debt from recurrent revenue in a small jurisdiction is not prudent. In a post-Brexit situation, I urge even more caution.

1885 I genuinely want the hon. Gentleman to succeed in these difficult circumstances and I genuinely believe that we can; the alternative does not bear thinking about. If it is to do so, it really must start a period of serious consolidation; it must rein in Public Debt and it must rein in future public spending. I also urge them to move towards greater transparency of public finances by bringing onto the books of the Government its off-balance sheet debt, which is the

1890 trend in the UK and in other democratic countries.

New spending over the next few years has to be very carefully prioritised. There are many other examples where we believe the Government has not prioritised its spending. This year I want my analysis to be just as serious and sober as other years, but without the point-scoring that has characterised these debates for many years.

1895 Mr Speaker, I now turn to economic growth. The forecast Gross Domestic Product for the financial year 2013-14 was £1.484 billion, and the GDP for 2014-15 was £1.64 billion. Today the Chief Minister has said that economic growth for the year ending 31st March 2016 is forecast to rise to £1.77 billion. These figures are, therefore, good figures and I congratulate the Government on them. But that economic growth has been driven, to a large extent, by

1900 Government projects, construction in particular, and we would say funded by Government direct and indirect borrowing. I hope that the hon. Gentleman is right that the economy will continue to grow. Everyone in Gibraltar hopes that he is right, not least all those on this side of the House.

Mr Speaker, last year I said this about the Eastside Development, and I quote:

It is also fair to say we have been here before on the Eastside Development. The first GSLP Government in the 1990s came very close to concluding a deal and in 2005 the then Chief Minister, Peter Caruana, and the then Trade and Industry Minister, Joe Holliday, signed an agreement with the Reuben brothers and Multiplex Construction Limited, Australia's largest construction Company and a leading property developer in the UK, for an investment in the Eastside worth well over £1 billion.

Unfortunately, the economic slump post 2007 prevented that project from prospering. The GSD hopes, in the national interest, that this latest project prospers and wishes the Government every success in this regard. Anything that creates real jobs and economic development in Gibraltar will be welcome by the GSD.

1905 Mr Speaker, this is not an easy project and we accept that, but the Government has made announcements in the past; it led people to believe that this was a done deal. When the Father of the House revealed it was far from a done deal in a debate with my hon. Friend, Mr Clinton, at the election, we understandably asked questions publicly about it.

1910 The response from Cameron Holdings the day before the election was to say that they were
‘surprised and disappointed’ by the GSD attitude and that they were happy to confirm that they
were finalising arrangements for the payment of the premium in respect of this development.
We were, of course, merely reacting to the Father of the House and what he had said during the
course of the debate.

1915 To date, we do not know whether this project is going to go ahead with this developer or
with a different developer, and I believe in the light of past public statements by the Hon. the
Chief Minister and the Government we are entitled to know. Again, I hope the Government
succeeds in its endeavours in this regard.

1920 Mr Speaker, in the final analysis, I believe that what we need is for the Government to
rethink its spending plans for the next few years in the light of the referendum vote. It is time for
consolidation and long-term planning. Mr Speaker, that in itself is nothing new because we have
been calling from this side of the House for consolidation and for the reining in of public
spending for a number of years now, but it is incumbent on a Government that professes to be
reasonable and a Government that professes to be prudent, in the light of the potential
consequences that I have outlined for our economic model of a Brexit from the EU, to make that
1925 prudence and make that reasonableness a reality.

In that context I want to say this: the hon. Gentleman said that he is ‘proud of Government
spending’. I am proud, Mr Speaker, of the work that Her Majesty’s Opposition has done over the
last three years in continually highlighting how the Government was spending too much money
and how our debt was increasing to levels that we believed, Mr Speaker, was not prudent.

1930 Mr Speaker, it is always easier to defend huge spending which keeps an awful lot of people
happy than to take the contrary view in the public interest which is that, for the sake of our
future generations and our children and our children’s children, we ought to be taking a
different view.

1935 Mr Speaker, at times over the last three years I have felt like the man who wanted to kill
Father Christmas; such was the nature of the hon. Gentleman’s largess to the community at
large, but it is a largess, Mr Speaker, that at some stage is going to have to be repaid and in the
current climate I renew my cause. I know that the Hon. the Father of the House will never agree
with me publicly but I hope he will be making much the same points privately in Cabinet: that we
really do need to rethink our spending over the next four years.

1940 It is a time for us all to reflect. I have been talking about the culture of entitlement and
expectation in Gibraltar, which I felt we all, collectively, needed to tackle. How many of us in this
Chamber, Mr Speaker, who have been Government Ministers as I have been, have come across
a situation where someone, in good faith – because it has to be said that people come to you in
good faith – but they come to you and they say ‘I am asking you to please do x, y and z for me,
1945 not because I am asking you to do a favour for me but because I am entitled to it’: *a mi me
pertenece*.

1950 Mr Speaker, in the current climate, there is something more important than ourselves as
individuals. There is the collective wellbeing of this community and the obligation to ensure that
future generations enjoy the benefits that we have enjoyed. To do that, we must all be
responsible in the demands that we impose on the state, particularly over the next couple of
years. As I have said, a rethink of spending priorities is important. A rainy day fund is, in our
view, desirable. I do not agree with the hon. Gentleman that that is what the hon. Gentlemen
opposite have put into operation.

1955 Consolidation means of course completion; for example, of works at Glacis, Laguna and
Moorish Castle and priority projects, but it also means a pause on substantial increases in
spending; in particular recurrent expenditure and debt until we have a clear picture of what the
future holds. It also means, Mr Speaker, as my hon. Friend, the Hon. Mr Clinton, will outline
during the course of his speech, a realistic programme for repayment of that very significant
direct and indirect debt that is owed by this community.

1960 The hon. Gentleman finds himself steering a ship in waters and weather that might seem calm for now, but which have the propensity to develop into the perfect storm. He can rely on me to help in any way I can, but we cannot proceed on the basis of manifesto promises that were made pre-referendum. The rules of the game have changed and now is the time for no further gambles, Mr Speaker.

1965 Before I sit down, I too, Mr Speaker, want to thank the job that the hon. the Clerk of the House has done – and his team – not only during the course of the referendum but during the course of the last year.

I want to thank Mr Speaker as well for the patience in listening to what, at times, are of course heated debates across the floor of this House.

1970 I also want to add my voice to the Hon. the Chief Minister's voice in thanking Mr Frank Carreras for the absolutely excellent work that he has done and for the service that he has rendered Gibraltar over the many, many years that he has served this community.

Mr Speaker, thank you very much. *(Banging on desks)*

1975 **Chief Minister (Hon F R Picardo):** Mr Speaker, in order to allow me to have a conversation as quickly as possible with Father Christmas' security detail, I propose that the House should now adjourn until 4 p.m.

Mr Speaker: The House will now adjourn until 4 p.m.

1980

The House recessed at 2.15 p.m. and resumed its sitting at 4.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 7.04 p.m.

Gibraltar, Tuesday, 5th July 2016

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The Gibraltar Parliament

The Parliament resumed at 4.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

Appropriation Bill 2016 – For Second Reading – Debate continued

Mr Speaker: The Hon. Dr Joseph Garcia.

5 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, this is the first budget since the General Election. It is my 18th budget debate as a Member of this House and my fifth as a Member of the Government. Time flies, Mr Speaker. The years continue to tick by and time shows no mercy to anyone.

10 I was surprised to find that, after the election, I am now the second longest serving elected Member of this House, after my friend and colleague, Joe Bossano. It seems like yesterday that I first set foot in this place after a by-election 17 years ago.

15 Indeed, Mr Speaker, the General Election of November 2015 itself now seems a distant memory, there is so much that has happened in-between. That election marked the start of our second term in office. It followed an overwhelming vote of confidence by the electorate, which was an endorsement, both of what we had achieved up to that point, and of what we set out in our programme to achieve in the years to follow.

20 It is with a sense of pride, Mr Speaker, that we acknowledge the faith that the people of Gibraltar placed in us at the last General Election. They judged us on our performance. We passed that test with flying colours. The numbers, Mr Speaker, spoke for themselves. But as my Hon. Friend, the Chief Minister, has said on more than one occasion, we will show humility and respect for the whole electorate. This mantra applies in our approach to those who voted for us, to those who voted for somebody else and to those people who did not vote at all.

25 Mr Speaker, we now face the challenge posed by a new manifesto for the next four years. This is a challenge that has been compounded by the potential exit of the United Kingdom from the European Union.

Teamwork has been a hallmark of our first term of office. That same teamwork will see us through the unforeseen challenges ahead.

30 Mr Speaker, in December 2011 the Office of the Deputy Chief Minister was formally created as a distinct entity. This year there has been a change in the Estimates book which now reflects that reality. This is therefore the first time that this Office is shown separately. The Estimates book shows an estimated expenditure of £3.4 million for the coming financial year.

The House will recall that a number of portfolios were redistributed between the Chief Minister and myself shortly after the General Election last year. This saw the creation of a new

35 Ministry for European Affairs and for political lobbying, for which I now have responsibility. All of this will be *very* relevant in the months and years to come. Whatever happens, Mr Speaker, Europe will continue to exist and Gibraltar will need to maintain a relationship with it.

That mini-reshuffle is reflected in the Estimates laid before the House. In particular, through the cost of the London, Brussels and Hong Kong Offices which have been transferred from the Chief Minister's remit to my own.

40 Before I move on to those areas, I want to say a few words on the EU Referendum that took place at the end June. Mr Speaker, little could David Cameron have envisaged the intensity of the storm that would be unleashed as a result of his decision to commit to a Referendum on EU membership in the Conservative party manifesto for the last UK General Election. The Prime Minister has resigned. The Conservative party is embroiled in a leadership challenge. The Labour Party has leadership issues of its own. Those who landed everyone in this mess have no direction and no plan. Some of them, indeed, have cleared off. The result is a power vacuum in London, which is apparent from simply watching the news.

Mr Speaker, thankfully the position in Gibraltar has been very different. We have taken control. We have provided leadership and we have a clear sense of direction. The Cabinet met within hours of the Referendum result. The Chief Minister, my Hon. Friend, Joe Bossano, and I then met with the Leader of the Opposition and two of his colleagues straight afterwards. My Hon. Friend, the Chief Minister, made a statement to this House less than 24 hours after the Referendum. Three days after the Referendum, the Chief Minister and I were in London for a whirlwind tour of meetings with the UK Government. We also met Members of Parliament, both on the Remain and on the Leave side of the argument. When we returned from London I came straight to this House from the Airport for a second statement.

Mr Speaker, the Government will take whatever steps are necessary to protect the position of Gibraltar.

We are looking at the details of a mechanism which will allow cooperation with the Opposition on these matters. We have met and reassured the finance centre, the gaming industry and the business community. We will explore every available option open to Gibraltar – except, obviously, the one that Mr Margallo continues to float. The people of Gibraltar can rest assured, Mr Speaker, that the Government will leave no stone unturned in order to secure our position.

65 Having said all that, it is important to recall that the UK and Gibraltar will remain in the EU and EU law will continue to apply until the moment of a potential exit in the future. We therefore expect business as usual in the interim.

Mr Speaker, we await the election of a new Conservative party leader who will become the new Prime Minister. Conservative MPs are voting today in the first stage of the process. The subsequent appointment of a new cabinet in September is another key event which will shape the way forward. The UK then needs to determine exactly what it wants from the negotiations with the EU. The Chief Minister and I were guaranteed, in London, that Gibraltar would be fully involved in that process. The House knows that we have already established contact with the Scottish Government, with the Mayor of London and with the Crown Dependencies. There will be face-to-face contact with overseas territories leaders later this month at the preparatory meeting of December's Joint Ministerial Council.

This is how things stand at present: the situation is fluid. There are many variables. Nonetheless it can be managed effectively. With every door that closes a new door will open. Mr Speaker, looking back over the last few months, it is an understatement to say that matters related to the Referendum have taken up a considerable proportion of the Chief Minister's time. They have also taken up a considerable proportion of my own time.

My Office served as a contact point for the inter-governmental work between Gibraltar and London on the logistics and the legal framework for the Referendum. I want to acknowledge the valuable and essential contributions from the Attorney General, Michael Llamas, from Paul Peralta and from the legal drafting team in this regard.

There was, Mr Speaker, a considerable amount of activity in the run-up to the introduction of the European Union Referendum Act to this House in February. Subsidiary legislation was also adopted. The House will recall that a number of reports were produced by the UK Government which covered different aspects of the Referendum. These needed to be analysed. The Government itself also contributed to some of them.

It is fair to say that there has been, and there continues to be, a very close level of cooperation and consultation between Gibraltar and London on all matters related to the Referendum. Indeed, it was a reflection of that close cooperation between the two Governments that saw Gibraltar included in the franchise in the first place. This was further reflected in the Prime Minister's historic visit of 16th June.

On behalf of the Government, I would like to thank all those involved for their hard work in the lead-up to and in the actual conduct of the Referendum, in the polling stations, during the count and elsewhere. A special thanks is due to Paul Martinez, the Clerk to the Parliament, who found that he also had a Referendum to contend with within eight months of a general election.

Mr Speaker, the dust has barely settled on the result. Our view as a Government, indeed our view as a Parliament, was that the UK and Gibraltar were better off inside the European Union. The House knows that, on our joint advice, Gibraltar voted overwhelmingly for this option. Sadly, the wider majority of voters in the UK did not agree.

The formal procedure for a UK exit will not commence until notice is given under Article 50 of the Treaty of Lisbon. This will trigger the countdown for two years of negotiations to commence. The extension of those two years will require unanimity. If there is no unanimity the Treaties will cease to apply automatically and the UK will be out. In the event of an agreement, before or after the two years, the content of that deal will require approval by the Member States through Qualified Majority Voting. Hon. Members will have followed the latest discussion in UK on whether Parliament would have to approve the issue of a formal Article 50 notice.

Mr Speaker, we are in uncharted waters. No member state has left the European Union before. We only have the example of Greenland which joined the EEC with Denmark in 1973, at the same time as we did. In 1979 they voted in a referendum to enhance their self-government and then opted to leave. The actual exit took place in 1985. I use this to emphasise the point that Gibraltar will stay as it is, as part of the EU, until that potential point of exit arrives at some point in the future.

Mr Speaker, the Government is looking at all the options. This includes the option of remaining inside the European Union as per the mandate that we have from our electorate. People can rest assured that the Government is equipped, qualified and able to deal with the challenges that we face. My Hon. Friend, the Chief Minister, and I discussed this matter last week in London with the Minister for Europe, David Lidington.

The Government has made the point already that access to the single market and freedom of movement of persons are two important issues for Gibraltar. This is important for the neighbouring region of Spain, also – a region that depends on Gibraltar for the creation of employment and economic growth. The Campo depends on a free-flowing frontier to allow access to employment in Gibraltar for thousands of cross-border workers. The irony is that it is the Spanish Foreign Minister himself who is putting thousands of Spanish jobs at risk through talk of shared-sovereignty. Shared-sovereignty is never going to happen.

Mr Speaker, Gibraltar has faced many challenges throughout our turbulent history and we have overcome them. Together, we will overcome this latest challenge as well. We should not forget that with every challenge there are also new opportunities. We welcome the cooperation of the Opposition in this task.

Mr Speaker, I now intend to report to the House on the Gibraltar Offices abroad and also on the wider lobbying activity in London, Brussels, New York and Washington. A total of £1.8 million of the £3.4 million allocated to my Office, or just over 50%, is in respect of the Gibraltar representations abroad. The bulk of this is spent in London.

I will therefore start with the Office in London. The London Office serves several purposes: there is a commercial dimension to the Office, a tourism dimension and a political one. Gibraltar House is also a focal point for Gibraltarians who are in London and its staff do very good work in this regard, particularly with sponsored patients. For 28 years the Office in London has been in the capable hands of Albert Poggio. He has served both as the Director of Gibraltar House and as the UK Representative of the Government of Gibraltar. The House knows that Albert retired last week. This means that he has ceased to be both the Director of Gibraltar House and the UK Representative of the Government. The strategy is that under the direction of a new UK Representative, Albert will continue to share his experience and skills as a political consultant on a contract basis.

On behalf of the Government, and I am sure of the whole House, I wish to place on record our thanks to Albert Poggio for his valuable contribution to the promotion and defence of the interests of Gibraltar over many years. **(A Member: Hear, hear.)** This was particularly important during the shared sovereignty crisis of 2002, when Albert built up the All Party Gibraltar Group to become the second-largest lobby group in the UK Parliament. Mr Speaker, Gibraltar owes him this debt of gratitude. The ease with which he has moved through the corridors of power in London is a testament to his many years of solid work on behalf of Gibraltar. I have witnessed this myself. I recall a couple of years ago how he harnessed support overnight for a successful debate on incursions and border issues in the House of Commons. The UK Minister had to drop everything he was doing and attend to the urgent parliamentary question on the spot. At his retirement function in London, I was approached by a former Conservative front-bencher who told me that she had been invited to 16 events that evening and had chosen to come to this one. Albert, she said to me, was 'a legend'. Mr Speaker, He has retired at his own request. I am sure that we all wish him a happy and well-deserved retirement. **(A Member: Hear, hear.)** *(Banging on desks)*

The House already knows that Albert's role in London will be taken on by the Chief Minister's Special Representative, Dominique Searle. He has become both the Director of Gibraltar House and the UK Representative of the Government. The retirement of Albert Poggio has broadly coincided with the running of the London Office coming under the Office of the Deputy Chief Minister. This has created the opportunity to review operations in London and also draw together Gibraltar's lobbying there, in Brussels and abroad more generally under a more centralised and coherent policy direction. It is important to have our representatives working together in sync with each other with clear reporting protocols back to No. 6, at all levels.

In London, this also means reviewing the use and functions of the Office on the Strand, and ensuring that each area liaises with its Gibraltar counterpart. This applies to tourism, to the GHA, and to political lobbying. The ultimate objective is to make everything more effective and more cost efficient and also to ensure that we avoid duplication. Part of that move will involve adapting working practices to modern communications, with a review of security and of the quality of those communications.

The Government believes that it is essential that new political contacts are made at the same time as existing contacts are renewed and strengthened. One way in which the Government intends to do this is by conducting ministerial lobbying visits to London so that part of the lobbying work is done at that level. The Government has been doing this for some time in Brussels, and more recently in Washington.

Mr Speaker, the Gibraltar Representative in the UK will therefore be the Head of Mission and will continue to work directly to my Hon. Friend, the Chief Minister, and to me on all political matters. This will include the responsibility to liaise with my Office on all other matters including the general management and functions of Gibraltar House.

Gibraltar will, of course, continue its presence at the UK party conferences in the autumn. The Government values the relationships that have been built over the many years that we have been attending these events. In the last financial year the Government was represented at the

party conferences of the Conservative Party, the Labour Party, the Liberal Democrats and the Scottish National Party. This year we will again have a presence at all four.

190 Mr Speaker, both sides of the House are agreed that Gibraltar Day in London has reached bursting point and, more significantly, has been so heavily subscribed that one has to question the cost effectiveness of such an event on an annual basis. The Leader of the Opposition himself observed last year that there were too many people attending the event at taxpayer's expense. He correctly noted that there was a general feeling in the Government too that the event had
195 outgrown itself.

Mr Speaker, we believe that the time is now right to bite that bullet. In coming to our view, we have listened to stakeholders and evaluated what needs to continue and what should be or discontinued or changed. I can tell the House that the event at the Guildhall which took place in 2015 will be the last. This year's focus shall be on encouraging productive sessions with high
200 level contacts in Whitehall and in the City. A venue at the Lloyds centre has been booked and about 300 guests will be hosted. This dinner event will replace the mass Guildhall reception which about 1,000 people used to attend.

Of course, Mr Speaker, we will continue to value the support of and contact of UK based Gibraltarians and friends of Gibraltar. Many of them looked to October as a chance to renew that ongoing relationship – to that end a separate event is being planned for them to coincide
205 with the annual mass in Fulham. In addition to this, a plan is that the finance centre event will now move towards becoming self-financing. The industry, as is common practice elsewhere, will be invited to purchase tables for their own guests. The Government very much hopes that these changes will make Gibraltar Day in London a more focused occasion which will achieve the political and commercial objectives that were originally set. The format of the event will be kept
210 under review.

Mr Speaker, those who follow social media and the press generally will have been left in no doubt over recent years that the Spanish government spends enormous resources and time on making life difficult for Gibraltar. Last August Spain published its budget plans which included a
215 section which stated that its claim over the sovereignty of Gibraltar is, 'a fundamental objective' of Spanish foreign policy. It anticipated that no less than 45 reports would be produced specifically on Gibraltar matters. The plans showed that there were €1.47 billion in the budget allocated to the Spanish Foreign Ministry. The House knows that Gibraltar matters cut across a number of different ministries in Spain. No doubt a few million of those €1.47 billion are
220 allocated to the efforts of several of those ministries – from the Hacienda to their security services – in order to achieve their Gibraltar objectives.

Mr Speaker, clearly, we operate on a more modest budget. Nonetheless, the Government recognises the importance not only of putting our views across as widely as possible but also of monitoring and understanding what others are doing and saying in the areas that affect us. (A
225 **Member:** Hear, hear.)

We will therefore continue with our lobbying activities in Spain. The objective of this is to generate a better understanding of Gibraltar's point of view and to counter the misinformation about a country that is often generated next door. I should tell the House that there has been contact with all the main political parties in Spain, except with the *Partido Popular*, over the
230 years. The House will understand that much of this work has to be carried out under the radar, for obvious reasons. However, some of it is public. Spanish MPs and mayors have visited Gibraltar in full view of the cameras. In the same way, my Hon. Friend, the Chief Minister, has himself paid official visits to Spanish towns in the area.

Mr Speaker, our representatives abroad and our offices overseas therefore have an important role to play in ensuring that, together with the United Kingdom, we are alert to both opportunities for and threats to Gibraltar's interests. The House knows, for example, that our UK Representative has a researcher and an analyst in the team with duties to ensure that much of the relevant information is filtered and delivered to Ministers in briefs. This is a reflection of the world that we live in.

240 Mr Speaker, we want normal, civilised, relations with our neighbour to the north. What we
will not do is surrender our right to self-determination or our British sovereignty as the price to
be paid in exchange for that normality. The House knows that the general election in Spain has
once again produced an uncertain outcome. No political party has achieved an overall majority.
245 This means that, once again, there will have to be negotiations between the different parties in
Madrid in an attempt to make the mathematics add up to 176.

Mr Speaker, I now move on to Gibraltar House in Brussels: I will provide an overview of their
work over the last financial year. The Office in Brussels continues to play an important part in
the Government's work, despite the overall vote to exit the EU in the Referendum of 23rd June.
Indeed, this work has become even more important in the light of recent events. Our assets in
250 Brussels are already deployed in accordance with the objective of the Government to explore all
the options available to Gibraltar.

I have said in the past that it is not in the public interest to detail all the lobbying activity that
is carried out from there. I can say, however, that apart from the political work, this also includes
tracking European Union legislation which is in the pipeline in which Gibraltar continues to have
255 an interest. A considerable proportion of what is done from Brussels includes meetings with
Members of the European Parliament, with officials of the European Commission and with
representatives of the member states. Sir Graham Watson continues to do an excellent job for
Gibraltar, as our Political Director and Counsel in Brussels. He is ably assisted in this work by
Daniel D'Amato, our Legal Officer.

260 Mr Speaker, the House knows that during 2015 the Brussels Office organised and participated
in meetings with at least 79 Members of the European Parliament, 29 officials of the European
Commission, nine officers of the Permanent Representations of the Member States and two
members of the Economic and Social Committee. These meetings, which on many occasions
took place more than once with the same person, were used to put across the Gibraltar point of
265 view on a number of current dossiers that are of political importance to us. Those numbers have
increased significantly following the Representation's sustained lobbying during 2016.

The Office's work was pivotal to the organisation of the two Ministerial visits that have taken
place so far this year and in securing high-level meetings with influential EU policy makers or
stakeholders. At these meetings, the individuals concerned were briefed on issues that are of
270 political importance to Gibraltar. This includes the dispute created by Spain over the application
of EU aviation legislation to Gibraltar Airport, the unfair perception of Gibraltar as a tax haven,
the free movement of people at the border between Gibraltar and Spain or issues relating to the
general lack of understanding in EU circles about Gibraltar's status.

The Gibraltar Government's position in relation to the UK Referendum was also made known
275 before 23rd June. The mission now is to spread the word that Gibraltar voted overwhelmingly to
remain. Meetings have been held with MEPs from practically every political group in the
European Parliament. MEPs who sit in parliamentary committees that are relevant to Gibraltar
have been identified and targeted for such meetings. This has included members of, the
European Parliament Committees on Transport, Tax, Economic & Monetary Affairs, Civil
280 Liberties, Environment and Home Affairs. Some of these MEPs were, and continue to be, chairs
or vice chairs of the relevant committees or rapporteurs of reports that deal with Gibraltar-
related matters. The contacts established and maintained by the Office throughout 2015
continue to be developed this year.

The Representation has also worked closely with the UK Representation to the EU UKREP in
285 order to ensure that efforts are always coordinated. Gibraltar House has lobbied on behalf of the
Financial Services Commission and the Gibraltar Regulatory Authority in relation to particular
areas of EU policy.

Other events or activities organised and conducted during the last year included: the setting
up of the Gibraltar Exhibition in the European Parliament in February 2016 and events organised
290 around that; establishing contacts with the Representations of the Channel Islands, the Isle of
Man, Scotland, Wales and Northern Ireland; establishing contacts with the European Gambling

and Betting Association; three separate visits of MEP assistants to Gibraltar in July and December 2015 and again in March 2016; two separate visits to Strasbourg in November 2015 and April 2016 to lobby policy makers during plenary sessions; the visit of a group of Gibraltarian students to Brussels in September 2015; the Chief Minister's reception in May 2016 to celebrate the first anniversary of the inauguration of Gibraltar House in Brussels; the organisation of the first Gibraltar Film Night in Gibraltar House where the Representation welcomed over 40 guests for a screening of the 'La Roca' Documentary in November 2015; and the organisation of separate European Small Business Alliance board meetings in Gibraltar House.

It is important to repeat that not all of the work in Brussels relates to lobbying activity. Substantial work is also conducted to monitor developments on EU legislative and non-legislative dossiers from the time of their inception as proposals.

To this end, members of Gibraltar House have often represented Gibraltar's interests by attending conferences, discussions and meetings organised by the European Parliament and the Commission. This work has proved to be important in order for the Government to be able to anticipate and prepare for EU legislation coming our way, be it in the fields of taxation, transport, energy, environment or border management.

Mr Speaker, for the upcoming year, despite the outcome of the Referendum, our representation intends to continue to build on work carried out during the previous year. Lobbying activities and other events will be organised in order to publicise the Referendum outcome in Gibraltar of 96% in favour of Remain.

I mentioned earlier that the standard practice has become to hold an exhibition about Gibraltar in January or February in the main concourse of the European Parliament. This has proved to be a very useful exercise in spreading the Gibraltar point of view to interested parties. This exhibition space can only be booked by an MEP and it often needs to be reserved nearly a year in advance. The Government would like to thank Ashley Fox MEP, who was kind enough to book the space for us last year and Claire Moody MEP, who booked it this year.

The theme of the exhibition in 2016 was aviation issues. A booklet was produced and distributed which explained the position of the Government. This year's exhibition coincided with a major conference of the EU aviation industry in one of the large meeting rooms down the corridor. The result of this was that our message was put across directly to the right people when they approached the Gibraltar stand on their way in and out of meetings.

The Chief Minister and I held a further session with the European aviation associations during our visit to Brussels in May, in order to explain the position further and to answer their questions.

Mr Speaker, we have always argued that it does not make any sense that EU nationals travelling through Gibraltar Airport should have fewer rights than their counterparts travelling through other airports of the European Union. The Spanish position has aimed to create a regime which is discriminatory in nature, which would deprive Gibraltarians from their legitimate rights in Gibraltar and other EU nationals, which purports to disapply the law of the Union from a territory to which EU law on civil aviation should apply automatically.

Aviation and border fluidity continue to be issues that we have raised regularly in Brussels over the last financial year.

The House is aware that the European Commission has sent three inspection visits to the border since the summer of 2013. There have been two reports published. The border is better now than it was in 2013 but things are still far from perfect. Spain has not implemented some of the recommendations made by the inspectors. There is, for example, only one green channel for cars entering Spain when there are six lanes for cars exiting Gibraltar. The Government has taken this broad issue to the top in four meetings with the EU Commissioners responsible, first with Commissioner Malmström and then with Commissioner Avramopoulos.

Having said all that, the House will be aware that the Referendum result, and the potential exit of the United Kingdom, may well have a bearing on how these issues unfold over the coming months.

345 Mr Speaker, we are never going to surmount every obstacle that we face in the EU or elsewhere. Most of these obstacles have been deliberately thrust in our path by Spain. However, an active Gibraltar presence in Brussels is extremely helpful in putting our message across and in countering the misinformation that is disseminated about us. The view of the Government is that this role assumes even greater importance against the backdrop of the outcome of the Referendum and the potential negotiations to follow.

350 Mr Speaker, the House will have seen that the Hong Kong Office has been bundled together with London and Brussels and included within my area of responsibility in the Estimates book. This means that their budget will now be controlled by my Office. The Government, and our Director in Hong Kong, Jason Cruz, have agreed that he should continue to be based there, rather than take on a role in London. The Government considers that Mr Cruz is doing excellent work in Hong Kong and that this work should continue. I should make it clear that the work
355 being carried out in Hong Kong is commercial. This means that the contact that the Office there enjoys is primarily with my colleagues, the Minister for Economic Development, and the Minister for Financial Services.

Mr Speaker, the Hong Kong Office currently has a total of 2,852 active contacts. The vast majority of these, 1,924 are in the financial services sector. The others include education, 52, maritime, 42, and real estate, 74. The financial services sector includes banking, wealth management and insurance. The Office has organised five trade missions in collaboration with the private sector. They have engaged with over 100 Gibraltar-based entities, 35 of which have then gone to the region for business development purposes. Over 200 one-to-one meetings
365 have been organised with Gibraltar businessmen.

Mr Speaker, given that my colleagues have made more use of the services provided by the Gibraltar Office in Hong Kong than I have, I will leave any further comment on this up to them. I nonetheless take this opportunity to thank the Directors and the staff in London, Brussels and Hong Kong for their work in support of Gibraltar.

370 Mr Speaker, I would welcome the opportunity to say a few words about the lobbying activities conducted by the Government in Washington, where we do not have an office. The original target that we set ourselves was to increase awareness of Gibraltar issues among the political and commercial classes of the United States. This was an ambitious task. The manner in which such lobbying work is conducted in the US is very different to London or to Brussels. Moreover, political lobbying takes time and in its initial stages is more about disseminating
375 information than about immediate results.

However, as the House knows, in Washington we have produced results in a relatively short period of time. A Resolution was tabled in the House of Representatives which supports the right of the people of Gibraltar to self-determination. The Resolution continues to attract more signatories and there are now about 30 Congressmen, both from the Democratic and the Republican parties, who have signed up to it. This work continues.

In February, a Congressional visit to Gibraltar took place under the United Kingdom's MEACA programme. The group was very impressed with everything that they saw here. Gibraltar has had a strategic value for the United States over the centuries. This connection dates back to
385 1801 when the first military engagement of the US Navy outside their shores took place against the Barbary Pirates. Those US naval vessels set sail from Gibraltar. Our visitors were able to better understand Gibraltar's continuing strategic value by looking across the Straits at Europa Point from the University of Gibraltar.

That strategic point was repeated during the visit that I made to 20 congressional offices in Washington a few weeks later, and in a separate talk to Senate defence and intelligence staff. It is also a point that is well understood.

The Government, Mr Speaker, is not responsible for the defence of Gibraltar. That is a matter for the United Kingdom. However, we do have a view on the subject. This relationship between Gibraltar and the armed forces of the United States goes back over two hundred years and the
395 Government continues to welcome visits to Gibraltar by the naval assets of the United States. It

was therefore singularly unhelpful and dangerous that the SVA and Guardia Civil decided to play games with an American nuclear submarine, the USS Florida, in the waters around Gibraltar on 16th April. The former came within 600 yards of the submarine. It has since emerged that the American captain threatened to ram the SVA and that the Royal Navy had to fire a flare to warn the Spanish state vessel to change course.

Mr Speaker, the Straits of Gibraltar is one of the most transited waterways in the world. It is a chokepoint for commercial and military shipping. The close proximity of North Africa adds another important dimension. The behaviour of Spanish state vessels is a distraction we could all do without. There are more serious matters to worry about in the wider region around us, than to have Spain playing cat and mouse with the Americans or with the Royal Navy.

Mr Speaker, on the commercial side, the House will know that an American Chamber of Commerce, AMCHAM, has already been established in Gibraltar. A number of trade missions in both directions have taken place. The Government is now considering cementing those links further by holding a small scale Gibraltar Day in New York. This project is at a very embryonic stage at present. Therefore in the current financial year the Government will continue its work to promote Gibraltar in the United States of America.

Mr Speaker, I move on now to aviation issues: earlier I referred to the ongoing challenges that Gibraltar faces in the field of civil aviation. It is not clear exactly where Gibraltar will be in this area in the event of a potential UK exit from the EU in years to come. The impact of Brexit is an eventuality that may have to be factored in going forward.

I will, nonetheless, proceed to look back at developments over the last few months in order to update the House on the latest position. This year, Mr Speaker, I welcomed the opportunity to discuss aviation and other matters in London with the United Kingdom's Aviation Minister, Robert Goodwill. It will be recalled that Mr Goodwill walked out, or absented himself, from a meeting of the EU Transport Council at the end of 2014 in protest at the way in which a Gibraltar-related matter had been dealt with. The Government welcomes the position taken by the United Kingdom Government to date in relation to the inclusion of Gibraltar Airport in EU civil aviation measures.

It is important to note, that in spite of Spain blocking the application of certain EU Aviation laws to Gibraltar, the number of flights has increased dramatically compared to the position last year. The schedule for this summer shows an increase from 35 flights a week to 50 flights a week. I want to congratulate my colleague, the Minister for Tourism, Samantha Sacramento, and her staff, as well as the former Minister, Neil Costa, for the part that they have played in this. The figures for May – the last ones I have seen – are certainly very encouraging. The total number of aircraft was 247, which is 36 more than the number handled in the same period last year. This represents a very positive growth of 17.1%. It is expected that this significant increase will be repeated throughout the summer schedule due to the confirmed increase in the programme of flights during the summer months.

Mr Speaker, the House will know that the Government intends to complete the tunnel under the runway. A statement was issued to that effect last month, and the Chief Minister referred to it earlier in his address. This has taken longer than forecast because of the lengthy court case and the subsequent appeal, both of which were won by the Government. The completion of the tunnel will mean that there will come a point when more flights will have practically zero impact on traffic management.

This increase in flights, coupled with an increased security threat posture, led the Government to reconsider the manning levels of the Borders and Coastguard Agency. The Government has, as a consequence, agreed that a further 20 officers be recruited during the course of the year, most of whom were transferred from other areas. The increase in numbers will allow for a second passenger screening lane to be operated during busy months throughout the summer.

In addition, the Government has approved the employment of an additional four employees for the terminal, who will help Borders and Coastguard officers by ensuring passengers are

correctly prepared to undergo the screening process. Once fully operational, this new personnel should result in a reduction in the number of alarms when passengers make use of the walk-through metal detector and when cabin baggage is x-rayed. The end result will be less passengers and cabin baggage having to be searched, which will lead to shorter queues.

In common with other European airports, and in response to European legislation that came into effect on 1st September 2015, the Airport has increased the use of explosive trace detection equipment in the screening process. The use of this equipment has helped improve the security level at the Airport, speed up the screening process and has made that process more passenger-friendly by reducing the frequency of full body hand searches being carried out.

On the 1st November 2015 the United Kingdom ratified the Cape Town Convention, which provides a new uniform international legal order for the creation, registration and enforcement of security and similar interests in high value internationally mobile equipment. It works alongside the Protocol on matters relating to aircraft equipment which creates an additional set of rules specifically for aircraft finance transactions. In line with a number of other UK overseas territories and Crown dependencies, the United Kingdom's ratification was extended to Gibraltar. This was done by means of local legislation which included revised Regulations on the Detention and Sale of Aircraft.

Mr Speaker, amendments have been made during the year to the Civil Aviation (Air Navigation) Regulations 2009, in order to bring into effect European Regulation No 376/2014 of the Parliament and the Council, which provides for reporting, analysis and follow-up of safety occurrences in civil aviation. The new Regulations replaced a European Union Directive dating back to 2003. It is important to point out that it is now an offence not to report a safety occurrence to the Director of Civil Aviation. The Government has introduced local Regulations which detail the activities that are not permitted within the air terminal and gives greater powers to airport officials. These rules are similar in nature to the byelaws active in UK airports and more easily enable the RGP to charge persons that commit offences within the air terminal.

During the past year the MoD Airfield Authorities and the Director of Civil Aviation have undertaken a review of the aviation safeguarding procedures in Gibraltar. Safeguarding procedures are designed to ensure that new developments in the vicinity of an aerodrome do not impinge on the safety of aircraft operating into and out of the airfield. For obvious reasons, the standard International Civil Aviation Organisation's guidelines do not fit here, due to the presence of the actual huge 'rock' itself. By using the services of the same consultant that designed and safeguarded areas for London City Airport, the MoD have designed new Safeguarded Areas in Gibraltar which will relax some of the constraints related to new developments outside of the immediate vicinity of the runway. The Members of the Development and Planning Commission have been briefed on the new Safeguarded Areas and this information will be advertised in the near future on the Government website.

Mr Speaker, unfortunately, prior to Christmas, there was a worrying increase in the number of times that aircraft were illuminated by lasers as they approached and departed the Airport. A short media campaign and RGP assistance appears to have had the desired effect of warning those undertaking this dangerous activity of the seriousness of their actions. While current legislation provides deterrence in the form of prison sentences and hefty fines, the UK, along with a number of other nations, is considering further measures with regard to the availability of these laser devices. I have asked the Director of Civil Aviation to monitor the changes that might take place in the United Kingdom. I take this opportunity, Mr Speaker, to thank the Director of Civil Aviation and the Air Terminal Director and his staff for their work over the last financial year.

Mr Speaker, the estimated expenditure for the Office of the Deputy Chief Minister also includes provision for the Gibraltar National Archives. The policy of this Government has slowly seen the Archives move forward into the age of digital technology. This process has been assisted in large measure by the enthusiasm and expertise of Anthony Pitaluga, the Archivist himself, and of his staff.

500 Mr Speaker, as we progress forward as a nation, it becomes all the more important to properly document and record our past. These records contain the collective memory of our experiences as a people and reflect our journey over the centuries. They cover such traumas as the wartime evacuation and the closure of the frontier, the euphoria of the 1967 referendum and other defining moments in our history.

505 The National Archives now enjoys its own website; this continues to be expanded with the addition of new documents and data. The lists and registers of population, including that of 1777, are now available online and searchable. This database contains over 174,000 records. There is also material to mark the 100th anniversary of the outbreak of the First World War and the 75th Anniversary of the evacuation of the civilian population during the Second World War.

510 Mr Speaker, events to mark the anniversary of the Evacuation during the last financial year proved to be extremely successful. The Memorial Service in Casemates Square and the concert at the Victoria Stadium were attended by many thousands of former evacuees. I had the pleasure to meet some of them who had come from as far afield as Australia. The younger generation received, through their schools, a copy of a commemorative Evacuation booklet. A privately organised play on the subject proved to be a sell-out night after night.

515 The Government was delighted to have been able to contribute to commemorating what was a landmark in the political and constitutional development of Gibraltar. This was an event which cemented together our identity as a people. There will be many who will not be around for the 100th anniversary, so it was a timely tribute to have commemorated last year the hardship that they endured. A number of audio tracks which detail the personal experiences of many evacuees can also be found on the archives website.

520 The records of a 1749 Court of Enquiry into property grants in Gibraltar are now available online. This has been described as one of the most important records held in the Archives, given that it marked the beginning of proper administration and administrative procedures for Gibraltar.

525 The details of Gibraltar's military births, deaths and marriages from 1869 to 1914 have been digitised as well, following a 100-year rule. This data was originally compiled in order to investigate health issues among military residents of Gibraltar and was part of a large database of information which allowed users to compare and contrast demographic and health matters.

530 Mr Speaker, I would like to take this opportunity to thank Professor Larry Sawchuk, of the University of Toronto, and the Archivist, Anthony Pitaluga, who carried out the work which led to the digitisation of these records. The Archives now boasts a state of the art specialised archival scanner which has enabled the staff to digitise newspapers, magazines, government files and books as well as images, maps and plans. The Government is delighted at the way in which the digitisation programme continues to progress. It is important to make the obvious point that the information therefore which goes online here is accessible from the entire planet, and not only from Gibraltar. I would like to take this opportunity to congratulate the archivist and his staff.

540 Mr Speaker, I will be closing my contribution with a few words on the progress of the Northern Defences project: I want to thank my colleagues in the ministerial team that I have chaired for their help and advice in taking this forward. These are the Minister for the Environment, Dr John Cortes, the Minister for Tourism, Samantha Sacramento, and the Minister for Heritage Steven Linares. This inter-departmental approach has worked well and it is set to continue.

545 The House knows that the network of defensive positions which was carved on and inside the northern face of the Rock hundreds of years ago is a world class site. There are layers of Moorish, Spanish and British fortifications in the same area. It comprises structures which are medieval in origin to more recent World War Two positions. The area is a jewel for military historians and for tourism in general. Indeed, from a political perspective as well, the point needs to be made that one reason why Gibraltar is still British is because those defences held firm and were never breached by Spain.

It was therefore regrettable that they were in the state that we found them in when work started. The House knows that 500 tonnes of rubbish were removed from the site. This included mattresses, fridges, motorcycles, television sets, rubble and anything else that could be thrown
555 over a wall. Mr Speaker, the Estimates reflect the continuation of works at the Northern Defences during this financial year.

The successful completion of the two previous phases have allowed for this unique network of 18th century military tunnels, galleries and defensive positions, to now link Casemates Square to Road to the Lines and to the Upper Galleries. The seemingly impossible task of clearing up this
560 area commonly referred to as 'the jungle', demonstrates the Government's commitment to protecting and exposing our cultural heritage. We have not shied away from the logistical challenges before us; instead we have embraced them, and can proudly say that we are on the verge of recovering what could become a national treasure.

Not only do we recognise the heritage value of the Northern Defences, as I have explained,
565 but we also understand its economic potential and the social benefits that this work may yield.

This year will witness the last sequence of clearance works which will focus in the area of the King's and Queen's Lines overlooking Laguna estate. The works will consist largely of the removal of the vegetation which is damaging the historic fabric, and the clearing of accumulated
570 debris. These tasks will continue to be monitored by the Ministry for the Environment, GONHS, the Heritage Trust and the Ministry for Heritage. These organisations have ensured the protection of our natural heritage as well as our urban heritage during the previous phases.

The Heritage Trust has conducted very successful, highly informative and well-attended tours of the Northern Defences. They have rightly pointed out that the area will not only be enjoyable to residents, but will also provide an additional quality tourist attraction. This product forms an
575 intrinsic part of the Government's vision on sustainable tourism.

Mr Speaker, I would also like to take this opportunity to thank the Royal Engineers who have provided considerable manpower to clear the site at intervals throughout the year. I was delighted to have recently presented a cannon ball, found on the site, to Lieutenant Colonel, Roger Morton. A mortar fragment from there will be displayed in the Royal Engineer Corps
580 Museum in Chatham, Kent. It is very fitting that the modern day forerunners of those who constructed these fortifications hundreds of years ago are today involved in their restoration.

Mr Speaker, perhaps the most exciting element of this project is its potential to act as a catalyst for the regeneration of the Old Town area, especially the area of Road to the Lines. It is true that for many years sectors of the Upper Town have been neglected, properties have been
585 abandoned and in dire need of investment. We often hear a clarion call for these to be repaired.

The Government has taken the policy decision to put out to tender a number of vacant properties in the Upper Town in order to encourage prospective residents to move into the area. This is being done through our property agents, Land Property Services Ltd. I would, at this
590 point, like to thank the directors and staff of LPS and the staff of the Lands Office for their efforts over the last financial year. This project is in its infancy, but it is working well, with a number of properties already refurbished and inhabited, others sold off-plan and a project for a boutique hotel nearly complete.

Mr Speaker, the Government has also refurbished many of its own properties in the Upper Town, and is leading by example in this regard. The schools at the old St Bernard's Hospital are a
595 prime example of how an old building can be put to a modern use. St Mary's School in Town Range was also refurbished. A number of residential blocks at Moorish Castle and in the Calpe area have undergone the same treatment.

In order to understand such complex issues the Government has set up an Urban Renewal Task Force with the aim of recording and then reversing the urban decay which is present in
600 some areas. The task force has identified key sites and is currently engaging with stakeholders in pursuing practical ways of delivering an urban renaissance.

We are, as I said earlier, already witnessing the results of this. An investment by the Government in the provision of better means of access, parking facilities and the creation of new

educational institutions have served to see a return of families to this charming part of Gibraltar.
605 Such an initiative has, in turn, encouraged private investment. Several private properties are,
and continue to be upgraded as a result. Shops have now appeared where empty stores were
once located and facades are being improved.

Mr Speaker, there is still a very long way to go. This is a huge and ambitious project and it will
take many years and span several four-year political cycles. It will not happen overnight –
610 nonetheless the Government has made a good start.

Mr Speaker, in conclusion now, the Referendum on whether the United Kingdom should
remain in the European Union or should leave has overshadowed the first half of this year. It has
meant that the Government has had to devote a considerable amount of time, energy and
resources to this matter. It is clear that in the coming few years the Government will have to
615 devote even more time, even more energy, and even more resources to dealing with the
consequences of the outcome. The United Kingdom itself has to map out the details of its future
relationship with the European Union. We have already started. And we will continue to
examine all the options in order to protect the position of Gibraltar. We did not want to find
ourselves where we are today. This is not an outcome that we supported or an outcome that we
620 voted for. However, we are where we are and now we have to deal with it. However, Mr
Speaker, the House can rest assured that we will meet and we will overcome the challenges that
we face. The Government will continue to build on the strong foundations that we have laid as
we move forward with our second term in office.

To conclude Mr Speaker, I want to thank the staff in my personal Office in No. 6 Convent
625 Place for their assistance and support over the last financial year. I also want to thank the Clerk
and the staff of the House.

Thank you, Mr Speaker.

A Member: Hear, hear. (*Banging on desks*)
630

Mr Speaker: The Hon. Mr Bossano was first elected to this House on 23rd June 1972. The
general election took place after the Budget of that year. I calculate that, unless he was unable
to speak on one occasion when the debate collapsed because we could not agree on the order
of speakers, unless he failed to speak on that occasion I calculate that this is his 44th Budget
635 speech.

The Hon. Mr Bossano. (*Banging on desks*)

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Thank you, Mr Speaker. I think we can dispense with the services of a historian now that we
640 have got you. (*Laughter*)

Mr Speaker, for the Department for Economic Development, the decision taken by the UK to
leave the European Union is fundamental to the Economic Plan which our Government is
committed to.

I will therefore explain for the benefit of Members what is *my* assessment of the possible
645 consequences of this decision, and to what extent it is going to affect us in the life of this
Parliament. Any assessment of the longer-term consequences can only be entirely speculative at
this stage.

It has been said that our participation in the EU, or the EEC, which is what we originally joined
with the UK, is the basis for the success of our economic model. However, we all know that our
650 rights within the EU have not always been recognised, so participating in the single market has
come at a price, including having had often to argue for the rights to be recognised.

We have had to comply with EU requirements, whether relevant or not, including of course
the free movement of labour. Members may not be aware that, initially, we were told it would
be possible to get a temporary suspension of free movement, if there was a disruption of our
655 labour market. Many years later when Spain was a member and we were facing rising

unemployment from MOD cuts we tried to access this and were then told – what we had not been told previously – that it required unanimity and was therefore subject to a Spanish veto!

This is the key to understanding the limitation to which the negotiating process will be subjected, when the Article 50 notification is triggered. The precursor to the decision on the Referendum was the concerns in the United Kingdom during the last general election about high levels of immigration. The purpose of the renegotiation of the terms of membership of the UK was therefore seen by much of the electorate as a renegotiation of the free movement of labour requirement.

It is clear that the European Union Member states were not willing to accept any dilution of this requirement, to discourage the United Kingdom from going to an exit referendum in the prior negotiation, and it is unlikely that this position will change in the course of the post-Article 50 negotiation.

This is subject to a maximum period of two years; the UK should not be – and at present is not – in any hurry to end the negotiating process. There is a logic to this. The uncertainty of a lengthy negotiation will hurt both sides; but a short negotiation with the UK coming out virtually empty-handed is likely to hurt the UK more than the other side.

The position therefore is that the projection we make assumes that in this financial year and the next, we shall still be full members of the European Union and have, in the process, an increasingly clear notion of what our relationship with the single market is likely to be in 2018. The direct impact of any changes is likely to be relevant for the 2019-20 Budget and we are sticking with the results predicted for the growth of our economy and the public finances for up to that date, as it is spelt out in the Economic Plan for Gibraltar, published in the manifesto.

In terms of our targets for the Rainy Day Fund, if the results of the public finances turn out better than projected then any extra money should be put into these funds, given that we are entering a period of change and uncertainty in the global economy with no near end in sight.

Understanding what has been happening with globalisation and the stagnation that has followed the crisis, sparked off in December 2007, is the key to forming a view as to what the future may hold.

I have been quoted as saying that the effect of Brexit on the global economy ‘could be the worst thing we have experienced since the 1930s’. This I have said in a number of interviews prior to the Referendum taking place, and at Question Time last week when asked by the Leader of the Opposition to express a view. It is a view increasingly expressed by a number of economists in other countries.

I will explain why, Mr Speaker.

The Great Depression started with an ordinary recession in the summer of 1929 in the United States, followed by the collapse of share prices in October on Wall Street. The effect was felt throughout the Western industrialised world and was the longest-lasting downturn in economic activity until that time.

The Great Recession, which the Western world is still experiencing, also started in the US with the sub-prime financial crisis at the end of 2007.

Why should Brexit then be considered the most serious threat to the global economy since the 1930s? The economic theory developed after the Great Depression was the role of government in pump-priming, by creating economic activity which would result in a revival of the economy which would then be self-feeding on the way up – just as the Depression had been on the way down.

Keynesian economic theory has dominated the management of Western economies since then, except for a short period when the Chicago School of Economics produced an alternative approach based on the control of the money supply, the so-called Monetarist School. These economic theories plus the creation of OECD, the World Bank and the World Trade Organisation developed an approach that consisted in promoting international trade and removing barriers to trade as the way to maximise economic growth based on the concept of comparative advantage.

710 Until the onset of the present recession after 2007, the mechanisms for bringing about a revival had worked. What we have at the moment is a situation where the instruments available to Governments by printing money and manipulating interest rates no longer seem to be working in producing the stimulus that was expected.

715 This has left the Western industrialised countries and in particular the EU – and, within that, the Eurozone – in a particularly vulnerable and fragile state compared to any other point in the last 43 years. The impact therefore of removing one of the fastest-growing economies in the EU from the single market, and what is probably the second largest economy, is likely to be if anything more negative on the remaining 27 states, than on the UK's own economy, who is the one that is leaving.

720 Even more alarming from the perspective of globalisation, is that it seems to signal a shift away from the straight line progression of the post-war period of removing barriers to trade, returning to a position where the fourth largest economy in the world is withdrawing from a free trade area and apparently moving in the opposite direction. It is the implications and interpretations that would be put on the UK's exit that poses the risks rather than the direct effects themselves.

725 The GDP of the UK in real terms has barely recovered the level it had in 2007, by 2015, having in the interim suffered a double dip recession; and notwithstanding the efforts to stimulate consumption by quantitative easing – which is printing money – and by keeping interest rates below 1%. The results of the last quarter in 2015 showed the economy of the United Kingdom already slowing down.

730 The whole of the EU has struggled to come out of the recession, which has been the longest period with below average levels. In that same period, our economy has *doubled* in size. The lesson to learn from this is that it does not follow that because the economy of the rest of the world has been stagnating, *ours* has to stop growing. However, it is self-evident that when market conditions are negative, when there is uncertainty and investors are unsure when, where and indeed whether to invest their money, then it is more difficult to attract new business to Gibraltar.

735 What makes Brexit so serious is not just the effect on the UK economy, or for that matter on the rest of the EU, it is that it could represent a shift away from the globalisation process which has been brought about by the removal of barriers to trade. It could mean introducing tariffs on exports from the UK to the EU, and *vice versa*, 43 years after they were removed. It would mean going back on the creation of a single market for the provision of services to which Gibraltar, with the UK, has been a party.

740 If the UK insists, as it seems to be doing at present, that access to the EU-27 market must not carry with it an obligation to accept the free movement of labour and the EU insists on the opposite view – namely, that there can be no free movement of capital, goods or services without free movement of labour – then there seems little room for compromise.

745 Our position must be to press ahead with market access to the UK and ensure that whatever agreements are done with third parties, we have the choice of joining or not joining as we had in 1972 in respect of the EEC.

750 In the meantime, what has been demonstrated is that it is possible for us to achieve a high rate of economic growth over an eight-year period when neither the UK nor the EU as a whole were growing at their traditional average rate of growth; and they were, therefore, performing below average. That should be sufficient for us to be confident of our ability to make a success of any new situation.

755 Mr Speaker, I have no wish to change the tone of this debate by making it more adversarial or polemical. (*Interjection*) However, I have to draw the attention of Parliament to the statistical data we now have which provides *incontrovertible* evidence of how the economy has performed between 2011 and 2015, and how that compares with the performance between 2007 and 2011 in respect of the source of the economic growth as evidenced by the changes in the labour market.

760 The Members opposite have argued that the economic performance of recent years was the result of a construction boom paid for from public funds – an argument repeated today by the Leader of the Opposition. I have argued that the performance of the GSD administration between 2007 and 2011, in which two Members of the Opposition were Ministers, meets that description – and not what has happened since.

765 The evidence as to what generates growth in the economy is partly obtainable from an analysis of the industrial sector distribution of the labour market, given that one of the most important determinants of the size of the GDP is earnings from employment. In turn, the most relevant source of information to calculate the value of this element is the information contained in the Employment Survey Report, the 2015 copy of which has now been tabled by my colleague, the Minister for Employment.

770 The other evidence, of course, which has been there all the time, is the fact that public borrowing went up from £100 million to £500 million in that period – that is 2007 to 2011 – and that a £1 billion plus capital investment programme was launched, part of which was completed and part of which was started by them and continued by us since 2012. To complete the picture and provide the evidence, we now have the snapshot of the labour market position on three relevant dates: October 2007, October 2011 and October 2015.

775 The source of the information we have to use is table 10 in 2007, which shows all employee jobs by industry, sex and nationality and the comparable tables in 2011 and 2015. It is of course a snapshot of the picture in one month extrapolated for the year but we are comparing three snapshots of the same month in three different years – 2007, 2011 and 2015.

780 The number of private sector jobs at the start of the period, excluding the construction industry, amounted to 13,340. In the four years to October 2011, the figure grew to 14,038, an increase of 698 extra jobs representing a 5.2% expansion of the private sector jobs market outside the construction industry. The growth in GDP in the period was 49%. So it is self-evident that the private sector non-construction employment expansion can only have accounted for a small share of that growth.

785 The construction sector, however, increased by 701 jobs, more than the whole of the rest of the private sector. The construction alone grew by more than the rest of the private sector, with an increase of 31.5% – evidently the main engine of the increase of the GDP, the 49% of those four years.

790 In the last four years, 2011 to 2015, the figures show the opposite. The GDP has grown by 49.1% based on today's estimates. The private sector, excluding construction, has increased in size to provide an extra 2,926 jobs – outside construction. Employees in the non-construction private sector went up from 14,038 that they left it at, to 16,964 – which is 20.8% higher.

795 The contrast with what was happening in the construction industry could not be greater. The extra jobs in the construction industry in the last four years have been 180, amounting to a 6% increase in the workforce.

800 The evidence is clear, Mr Speaker, the growth between 2007 and 2011 was much, much more dependent on a public sector capital programme construction boom because that is where the workforce grew, than it has been in the case of 2011 to 2015 where the workforce was minimally increasing in construction and massively increasing in other areas.

805 Whilst on the subject of the Employment Survey results, I would draw the attention of Members to the number of Gibraltarians now in employment, a new record at 11,010. The available Gibraltar workforce at any one point in time is estimated by combining the numbers registered as seeking employment and those *in* employment. This exercise also serves to indicate the reliability of the results of the Employment Survey, since we are comparing data from two independent sources.

Those registered unemployed in October 2014 were 306 and the comparable figure for that month in 2015 was 268, a drop of 38. The number of Gibraltarians in part-time employment in October 2015 is 38 more than the number in October of the previous year, as shown in the

810 Employment Survey Report. So we have 38 less people registered unemployed and 38 more people working in the private sector in part-time employment.

The total number of Gibraltarians in employment, however, only increased by 19 because in the same period there was a reduction in the numbers in full-time employment in the MOD, well in excess of 19. The close correlation of these figures is, as I have said, a good indicator of the accuracy of the picture painted by the Employment Survey Report. There has been an increase in private sector part-time jobs and a decline in MOD full-time jobs in the year between the two surveys, and that alone is more than sufficient to explain the net effect.

This was of course the trend up to October 2015 and we are now living in a different world, which although it has not yet actually changed we know there are changes on the horizon; some of which may or may not happen but, of those that do, some are bound to have some impact on us and this requires us to develop strategies to position ourselves to take advantages of whatever new opportunities arise, once the dust settles.

To put this year's result in context, we need to consider the impact on local employment in the four-year term 2011 to 2015. There were 10,220 Gibraltarians in employment in October 2011, and a figure of 11,010 in the October survey of 2015, just tabled – an increase in the four-year period of 790, representing a 7.7% increase of Gibraltarians in employment.

In the preceding four years, from 2007 to 2011, the numbers went down by 321 from 10,541 to 10,220 – that is 321 less Gibraltarians in employment in the last term of the GSD. This drop took place notwithstanding the fact that the number of jobs grew over the period by 2,551. Even in this area of job growth, to which a great deal of importance was attached then by the GSD Government, the record for 2011 to 2015 shows a greater expansion of the labour market which went up by 3,897 in this period – 50% higher than in the preceding three years.

In fact, the growth was even higher than this because it happened in a three-year period, since the first year saw a drop of 728 jobs from 22,247 in 2011 to 21,590 in 2012, made up of a reduction in the construction industry of 1,426 jobs and an increase in other sectors of the economy of 698 jobs.

It is likely that we shall see something similar this year when the October 2016 Employment Survey takes place. The reduction will have nothing to do with the Brexit vote, it would quite simply be due to the cyclical nature of our construction industry, which provides between 2,000 and 3,500 jobs, depending on the volume of work – particularly if there are large construction projects.

Last Thursday, Mr Speaker, the former Member of Parliament, Mr Bossino, put forward a very pessimistic view of the consequences of the decision to leave the EU and quoted me in support of his views, saying that I had said we would be doing well if we met my economic growth predictions included in the 2015 Manifesto, but that the future predicted growth that I had in mind was now out of the picture.

Well, Mr Speaker, I actually thought that what I have said on a number of occasions before the vote took place or the result known, and what I repeated in answer to a supplementary from the Leader of the Opposition last week, was actually quite positive for Gibraltar's prospects.

Mr Bossino also demanded that the politicians look him straight in the eye and tell him what the future holds for him. I do not know how many people he used to look straight in the eye and tell them what the future held for them when he was a politician. Nor do I understand why he believes that politicians have the power to see the future but that they lose it when they leave politics, as he has done. *(Laughter)* However I am, I suppose, one of the few politicians that has regularly predicted our country's potential economic future on a four-year timescale. *(Banging on desks)* I thank you! *(Laughter)*

So I am quite happy to look Members opposite in the eye – since Mr Bossino is not here – and repeat my prediction; or maybe, since one is supposed to speak through the Chair, Mr Speaker, I need to look *you* in the eye when I say it. The projected growth of our economy, calculated and published in 2015, is an increase in our GDP of £600 million by the year 2019-20, being 33.3% of the estimated value for 2015-16.

This projected growth was made without reference to whether we stayed in or left the EU after the Referendum took place. The forecast economic growth *still* stands and has not been revised as a result of the decision by the UK to withdraw its membership of the European Union, taking us out with it.

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As I have said previously, we would have expected the level of growth to increase by a further £100 million if some of the potential FDI projects materialised and started generating economic activity in this term of office. This second prediction of an additional £100 million of economic growth is now less likely –not impossible.

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What I cannot do, Mr Speaker, and have never been able to do – however hard I look you in the eye – is predict and chart the course of the Gibraltar economy *after* 2019-20, when the life of this Parliament ends and after we have had the next general election; but I will be able to do it when the time comes, assuming I am adopted as a candidate by the GSLP for the 2019 General Election, as I will only be 80 years old then and expect to be around much longer. (**Two**

875

Members: Hear, hear.) (*Banging on desks*)

I would have thought that my message would be quite reassuring to worried parents like Mr Bossino who knows me well enough to know that I do not say these things (*Interjections*) unless I mean them.

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He also quoted at the same time a much more pessimistic assessment made ahead of the vote by the former Chief Minister, the greatest ever Gibraltarian. (**A Member:** Ooh!) He was quoted as saying:

... if we leave the EU, the whole basis of our economic model is destroyed and there will be significant job losses and a fall in government revenue.

Well, I think we can make some allowance, Mr Speaker, for the fact that the opinion was written as part of the 'Remain' campaign and there was probably some poetic licence in the drafting; and, in addition, as Members who were here before may remember, economic statistics were never the forte of the former Chief Minister. (*Laughter and interjections*)

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The economic model we have today is the economic model designed by myself for the first GSLP Government in 1988, which formed the basis of the first four-year economic plan. The model has been adapted since then, on many occasions, to accommodate changing market conditions and EU requirements. But the model will survive our exit from the single market, whenever that happens, and by then we shall have adapted it to meet the new conditions.

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What will these new conditions be? Well, formal notice of exit under Article 50 has not yet been given and the negotiations on the conditions for limited access to the Single Market have not even started, let alone been completed, so one cannot speculate as to what those conditions will be. Not because we want to repress debate but because in the field of economy, on economic predictions, negative speculation without hard evidence often become self-fulfilling prophecies – and that is what we must avoid

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In the meantime we cannot – and *are* not – standing still and sitting on our hands, or feeling paranoid about the future. The conduct of our public finances going forward, for which I am not directly responsible but in respect of which the general public can expect me to be an advocate for prudential control of expenditure, is not determined by whether we are in or out of the EU.

900

This is a question of good government, of caring for the welfare of future generations of Gibraltarians, and of ensuring that we have a solvent and prosperous growing economy as the best safeguard for the future of our nation. This is the philosophy that the GSLP has subscribed to throughout its history.

905

Mr Speaker, it is not a question of belt-tightening, it is a question of looking after the people's money as if it were your own.

The Budget before the Parliament was prepared before the Referendum took place when most of us here and in the UK thought the result would be a narrow one, but it would be to remain in the EU. The forecast outturn for last year is within the approved recurrent

910 departmental budget; and the Hon. Member Leader of the Opposition has, in fact, welcomed that result. The proposed revenue and expenditure estimates are the spending plans that would have been brought to Parliament if the vote had been to stay – and no one is suggesting that they need to be cut because of the vote to leave the EU.

915 Mr Speaker, the Leader of the Opposition has spoken on many occasions on the need to contain public spending. During the general election he talked of the need to do away with ‘the culture of entitlement’. This, as I understand it, occurs where citizens behave as if the public purse was something that belonged to somebody else – called the Government – who has to pay for everything, irrespective of the individual’s ability to pay for it for themselves.

920 I have told him that I welcome his concern for sound fiscal policies and the concept of living within our means. I believe it is good for our nation not to have a situation where the electorate is converted into individuals entering an auction for their votes irrespective of whether what is being promised is financially or economically sound or affordable in the long term.

925 Believe me, Mr Speaker, I want to believe that this philosophy is true of the new GSD, because it certainly was not true of the GSD of the 15 years in Government who had vision things like ‘the hole in the ground of the Theatre Royal’ that at first was supposed to finish up looking like La Scala di Milano, but finished up looking like the Colosseum of Rome – the hole in the ground.

930 But of course he needs to understand that grandiose capital projects were not the only relic weighing on the public purse that we inherited from his period in Government. The recurrent cost of public services was hugely increased by a policy of fragmenting the service into separate small units. This removed the limited advantage of economies of scale of the unified services – limited because the scope for economies of scale is not that many in a small economy such as ours.

935 The rationale for this policy was never explained in this Parliament; but the cost was huge. The separate units continued to have the same conditions of work as they had before – in most cases the change was cosmetic. The people involved were in the same location, providing the same service with staff with the same job descriptions – but a uniform with a different label.

940 In order to persuade the employees to accept a change in the employment relationship from being employees of the Crown to being employees of an agency or authority, substantial pay increases above the parity analogue rate were offered to the Union as an inducement – which the Union, naturally, recommended to their members.

945 We have given effect since 2011 to some of these commitments entered into by the previous Government, which we have honoured. Breaking up the unified service into small units has created the need for extra work to be undertaken for the internal management of the unit, which has had to be done at an extra cost. There has been no noticeable change in organising the work in a different way which would indicate that there were potential efficiencies not previously available.

950 The only point that the GSD ever made in relation to the creation of these units was that the structure was no longer – as was the historical case in Government departments – fixed in any way, and therefore the Government was free to reduce manning levels by not filling vacancies. However, this did not happen in the GSD's time other than in the Housing Works Agency where part of the agreement was a voluntary early exit package.

955 I need to remind Members opposite, and in particular the Leader of the Opposition, that the commitment they claim to have, to sound policies in relation to recurrent public spending – which, as I say, I *want* to believe is true, because it is good for Gibraltar that it should be so – was seriously undermined by their policy in the general election in this area. If they had won and formed Government, they would have restored the Housing Works Agency to the manning levels it had when it was originally set up – that is what they said.

960 It was set up by offering a huge increase in pay rates and an early voluntary retirement package costing *millions*. And, after all that public expenditure, they want to put it back as it was. The justification for this increase in public expenditure was the reduction in the numbers

965 resulting from the exit package – the element that, in theory, would recover the extra cost of what had been done, and eventually result in lower public spending in the fullness of time for whoever happened to be in Government at that time. This is still a long way off, as Members can tell from the fact that the numbers in this year’s estimate are down by five from 138 to 133, and the cost is over £8 million a year.

970 In the last Question Time the Leader of the Opposition put it to me that he had for some time now spelled out criteria on public finances which were consistent with the approach of the GSLP in the Government of 1988 to 1996; and I acknowledge that it is true that he has been doing that, but he needs to be consistent if he is to convince me that he means it.

975 If they really meant what they said in the election and they were in Government now, this year's Budget in this area would have had to be given a substantial increase to have to be approved by this Parliament to bring back the level of employment to what it was before the exit package was instituted – making the entire exercise even more incomprehensible than it was in the first place.

980 I believe that in the field of the provision of public services to the community, and in particular to potential investors for whom I have the responsibility in the Government as Minister for Inward Investments, we have to move in the direction of delivering a cost-effective and efficient service. The key to adapting to whatever changing market conditions we have to face in the future is the same as it was in the past.

985 I have never subscribed to the idea of pillars that sustain the Gibraltar economic structure. It is simpler than that. Our country has one asset, which is its geographical location. This is what made it valuable as a British military base protecting the trade routes of the Empire and what made it a trading post in its long history. It still has that advantage for some industries – the bunkering and the ship repairing – but, in addition, the equivalent in today's global economy where much of the commerce is no longer geographically determined is our fiscal independence as a jurisdiction.

990 Gibraltar must compete to survive, Brexit or no Brexit. Already George Osborne believes that the Referendum result is likely to put the UK into recession and is now said to be planning to reduce company tax from 20% to less than 15%, as well as abandoning the target of a budget surplus by 2020. We need to take note of what others are doing.

As well as being competitive in terms of the fiscal environment, we must be competitive in terms of customer service and speed of response. International investors do not have to come here there are plenty of alternative locations.

995 We have only two resources: our people and our land; and the efficient use of both resources is the only way we can provide the necessary competitive environment. We cannot grow our economy indefinitely by increasing the size of the workforce with ever-greater numbers in employment. Using the existing pool of labour ever more efficiently, which means working *better* not necessarily working harder, is an important aspect of what we have to consider for the future development of our country's economic stability.

1000 In the area of Public Debt, the Leader of the Opposition is not following the historical and indeed current GSLP view, which is the one we have defended in Government and in Opposition and it is not going to change, because it makes sense.

1005 The main reason for borrowing, whether you are a Government or an individual, is in order to pay for a long-term asset so that the cost of the asset does not come out of one year’s income. The entire western economic system is based on this premise; on the basis that if every citizen had to pay cash upfront for all the consumer durables they now buy, then the volume of consumer spending would be a fraction of what it is in the western world, and the global economy, without doubt, would go down from the stagnation that it now faces to a recession and probably a depression.

1010 No one questions that this would be so, even if there are concerns about a consumer-led basis for economic growth in that it may not be sustainable indefinitely. Everything that is being

done, on printing money, on quantitative easing, on reducing rates, is to make people buy more on credit.

1015 If Government engages in acquiring assets, then the formula is no different. This is either done by borrowing money, or by supplier finance, or by private finance initiatives that do not form part of the national debt. These latter mechanisms were introduced by the GSD Government and, as I have quoted in previous budgets, it was explained in Parliament at the time by the then Chief Minister that such finance was slightly more expensive precisely because
1020 it was not Public Debt but secured by the assets being purchased.

The logic of acquiring assets in this way rather than with cash up front, has always been that you would pay over the life of the asset, and therefore enjoy the benefits of its use earlier.

As regards the size of the element of financing that constitutes Public Debt, this in our case has a legal limit: 40% of GDP. This is below what the EU used to require of member states when
1025 economic and monetary union came into existence, which was – and theoretically still is – 60% of GDP.

Neither the UK nor anyone else in the EU links the debt levels to revenue, and we approved recently the legislation to amend this. As I explained then – obviously without any effect, because it has been questioned again today – the technical reasons why it will not work,
1030 particularly in an economy where there is not a fixed or stable relationship between the increase in GDP and the increase in Government revenue – as is the case with ours – is that very soon it becomes unsustainable, and that is because the GDP is moving at a rhythm and the revenue will not necessarily move at the rhythm, particularly as the Hon. Member knows what are the elements of the revenue. So, if you link it to revenue, you could actually finish up with 1% of the
1035 GDP and still be below the ceiling.

Mr Speaker, a former candidate of the GSD who was not elected, Mr Robert Vazquez, wrote a piece in the *Gibraltar Chronicle*, about the debt, saying:

... inconsistently, Joe Bossano argued that the Government should not have its borrowings constrained, if those borrowings are used productively. Briefly he is saying that Government will increase borrowings, not reduce them.

Well, there is no inconsistency in what I said then in Parliament, because it was simply what I have always said in Parliament, in Government, and in Opposition.

1040 Irrespective of the maximum level of debt that may be established – and I remind Members that on the basis of the estimated GDP of £1.768 billion for 2015-16, it would be permissible, as we stand here today, to have a Net Debt of £707 million, which in any event can be exceeded without limit, by resolution of the Parliament: the law introduced by the GSD administration, which made the limit disappear at the will of the majority in the House.

1045 As I said, irrespective of this level, my view has always been – and still is – that borrowing money should be driven by the economic logic as to what you intend to use the money for.

The GSLP in 1988 introduced what became later known as the 'Golden Rule', when it was introduced much later in the UK and then subsequently abandoned: namely, that borrowing should not be for meeting recurrent expenditure.

1050 Indeed in the UK the current budget deficit, running into billions of pounds every year, is covered by borrowing, and even the policy objective of the UK government to move into surplus by 2020 has now been abandoned as a result of Brexit. So, if we have to meet infrastructure costs that are going to improve the performance of the economy, it is legitimate to meet that cost by borrowing or by supplier finance in order to spread the cost and bring in the economic
1055 benefit before the investments have been fully paid.

The second Golden Rule on borrowing is quite simple. If it results in revenue and therefore the servicing of the debt is financed from the returns on the investment, why should the public sector not do what the private sector does all the time, which is to leverage its equity and increase its returns? We do not believe that there is one rule for the private sector – which
1060 makes it sound economic commercial logic – and another rule if it is state owned. So, we cannot

do for the shareholders: the taxpayers, the citizens, what people in the private sector would be praised for doing if they increase the return to the equity holders by borrowing and gearing up the activity profitably? It is a distinction that nobody who believes in the alternative to the capitalist system can possibly support, but I am not sure whether they do or they do not.

1065 Mr Speaker, I provide Members opposite, regularly, with details of the deposits and investments of the Savings Bank Fund. This year we introduced amendments, which they supported and for which I expressed my gratitude and which clearly set out the priorities in reinvesting money from savers in supporting investment in our economy. There is a balance here that has to be weighed in the choice we make.

1070 Reinvesting the money in the UK, as we have done on a small scale, may be attractive because it deploys some of our assets so that we are not solely dependent on the performance of our economy. However, we have no control over the performance of such assets and have to rely on the advice of our agent in the UK. At present, no one in the UK markets seem to see the way ahead very clearly and it seems likely that there will be large movements in both directions
1075 in quoted stocks, which may create opportunity for those able to take advantage of such short-term movements – but that is not the sort of business we are in.

Only today, for example, the media reported that Standard Life had stopped withdrawals from a £2.9 billion property fund which invests in commercial properties including shopping centres, warehouses and offices, to stop a rush of withdrawals, following Brexit: the first time
1080 this has happened since the 2007 financial crisis.

At some point we may, however, want to invest in the UK in sectors that may provide some indirect benefit to our economy over and above the returns that we get from the investments that we make.

At present, the most valuable part of the role of the fund is in providing direct investment
1085 into our own economy: what the Hon. Mr Clinton calls the ‘development bank role’. This is where, in line with the new provisions in the law, our priority lies as and when opportunities arise.

Although the fund itself may only benefit from the return it gets on the money it provides, from the point of view of the Ministry for Economic Development, there is an additional benefit
1090 in that, by making possible the economic activity that might otherwise not happen, the Savings Bank is contributing to the growth of the economy and the creation of employment. This is why, as I have previously explained, the role of the Savings Bank in the National Economic Plan is there today, just as it was in 1988 to 1996: the last time the fund grew.

Members opposite are entitled to hold a different view and it is a matter for them, should
1095 they be in Government, that they would want to run down the role of the Savings Bank as they did in the 15 years between 1996 and 2011 – that is their prerogative. However, what they have to accept is that I am doing, as the Minister responsible for the Savings Bank, what we promised to do in our two manifestos. The electorate has endorsed this policy with their votes and continues to endorse it with their money.

1100 The figures I provided in Parliament showed that, in the last financial year, deposits from the public produced a net increase of £102 million – March to March – in line with expectation of growth of £100 million a year. This is the net figure; that is, the excess of deposits over withdrawals. The figure I gave for April shows that the inflow was still at the average level of £8 million a month. It remains to be seen if the Brexit vote has any effect on these numbers
1105 from this month, July, onward but there is no indication that this is happening so far.

Mr Speaker, the Hon. Member, Mr Clinton, put a question about the proposed joint venture with our Chinese partners, last week. As I indicated in my answer, although the timetable for all the necessary preparatory work had been made within the deadlines we set ourselves – I have said that publicly already – the start of the projects was put on hold ahead of the Brexit vote and
1110 the viability is now being reassessed following the negative result that we have had.

The concept we had in the agreement was the use of Gibraltar, where the potential is very limited, as a showcase, to be followed by making the model that was working for us here

exportable to other member states due to our access to the single market. Clearly, if we do not have that access, then the question of doing it for the limited time that may be left of that membership of the market, or doing it only for Gibraltar, produces different numbers.

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Some of the projects were very long-term and are therefore no longer possible, since results would not have come through until after the 2019-20 election. No one knows exactly what the relationship will be at that point in the future. However, our partners are still engaged with us and are still exploring what it may be possible to do; clearly, we are committing to encouraging them to staying here.

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Our China Inward Investment Programme Strategy mirrored the initiatives taken by Mr Cameron and George Osborne in setting out the advantages of making London the preferred location in the European Union.

Commentators in the UK have noted that China's reaction to the decision has been to describe it as a 'lose-lose situation that is already emerging.' A spokesperson from China's Foreign Ministry, however, has said that China continues to be willing to work in tandem with the UK to preserve and develop the bilateral relationship.

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Other international observers consider that the expectation raised by the UK initiatives in this area may no longer be fulfilled. At this point, a lot will depend on the composition and policy of the new leadership of the Conservative Party and the individuals holding key roles in the new Conservative Government.

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As I have made clear on a number of occasions, Mr Speaker, given my cautious nature when it comes to predicting the future, I never count my chickens before they are hatched. That is why my Ministry does not include any of these potential projects in the level of economic activity reflected in the National Economic Plan that we are currently working to.

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I have also pointed out previously that much of the activity in the area of inward investment is something that is not visible, because it is not my practice to make announcements each time we receive an approach from a potential investor or make contact with someone with a proposal that we believe can be attracted to Gibraltar. There is good reason for this: I do not believe it is a good idea to raise false expectations. In my experience, bearing in mind that many of the possible investment projects do not reach maturity, however much time and effort one devotes to them. I have explained this in simple terms previously by saying that if one out of 1,000 turns out to be feasible and delivers the results we want, then we would be doing well, and if it is one out of 100, we would be doing *very* well, but one needs to see and hear all the 1,000 prospective investors, otherwise, the one that you do not see and you do not follow through might be the one that would have worked for us.

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What is also true is that some investment projects were not possible simply because we did not have the ability to accommodate the client in terms of space; that is the size of space that they were looking for. Therefore, we need to look at additional land reclamation. That is why we created the land bank that we did in 1996, which lasted until 2011. We need, also, to look at the investment in the creation of industrial units to provide the facilities that will enable us to bring in fresh areas of activity.

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The diversification of the economy, such as it is, is also an important policy objective so that we do not become overly dependent on one type of activity or set of skills, having learned the lessons of the disadvantages of being a one-crop economy from the days of the MoD dependence and the effects of its rundown.

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As I mentioned in answer to a supplementary question last week, my recent participation in the Commonwealth Telecommunication Ministers' Forum in London provided very valuable contacts and increased the opportunities for co-operation with others. As a result of my participation, we shall be taking up associate membership of the Commonwealth Telecommunications Organisation, which will give us access to their technical expertise in the development of our industry.

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1165 Mr Speaker, in the area of training, currently the number of trainees is lower than when we started the policy in February 2012, for the obvious reason that the level of unemployment has been considerably reduced since then.

I gave, last year, a summary of the areas in which we have been providing training and the number of persons that have benefited from them. The training programme has continued in the areas identified last year, but in respect of one area – that of bus drivers – the program has been expanded because of the demand for supply drivers for the Bus Company and for coach drivers for the tourist industry in the private sector, to cater for an increase in the number of cruise liner calls this year.

1170 A total of 120 individuals have been provided with the training opportunity as bus drivers. Eighty two have been successful in obtaining the necessary qualifications and PSV licence and nine continue, currently, in training.

1175 We have also been providing training for lorry drivers where there was difficulty in supplying the market. At the end of their training they will gain a Heavy Goods Vehicle licence. Of the 27 taken on, nine are still in training and 14 have successfully completed the training and obtained their licence.

1180 In both areas, the result of the higher number put through the training programme has been the demand known to exist as a result of our difficulty in finding qualified candidates for vacancies following an approach from employers asking for our assistance.

The Hon. Mr Phillips told us after the General Election that he was informing those employers who had been in contact with him that they should approach the Department to discuss their requirements for apprentices, for which I am grateful. Regrettably, no one has done so, so far.

1185 The Department has been in contact with the Chamber of Commerce and held meetings with the Gibraltar Federation of Small Businesses to get them to contact their members to find out those who were keen to take on trainees and apprentices but, again, without any success so far.

1190 As I pointed out in answer to the question last week to the Hon. Mr Phillips who told us at the General Election that he was informing the employers that the apprentices would be happy to meet and discuss their requirements, but I take this opportunity to, in effect, appeal to anybody that is in fact interested in taking on local apprentices and providing training opportunities, to take the step to approach us.

1195 We have recently taken up, jointly with the employment service, a review of the approved contractor lists, of which I gave a copy recently to the Leader of the Opposition, last week. The purpose of the exercise is to ensure that those on the list are aware that their conditions for being on the list – introduced by the GSD in 2010 and continued by us since then – is to give priority to local workers from the unemployment list who are seeking employment.

1200 The Ministry for Economic Development is responsible for monitoring the approved contractor list and for assisting in providing training if there is a need to upgrade skills to meet the requirements of a contract, so that contractors can comply with their obligations. Although this was initiated prior to the result of the Brexit referendum, the fact that we expect to be outside the European Union in two years' time makes this exercise now more important so that we can ensure that employment in the private sector for Gibraltarian and other resident workers is prioritised.

1205 As regards the problem of identifying areas of training which are employer-based, employers can make the step of making direct contact with my Department. We also arrive at identifying such opportunities by virtue of the fact that, when vacancies are open with the ETB, some of them are passed to us to send or offer trainees to prospective employers and that, in itself, has been successful for openings in the private sector which previously did not have Gibraltarian employees.

1210 Clearly, we want to do more in that area and I think it is important that anybody that is in a position to help us achieve more in terms of penetration in areas where there is very little representation, they should contribute to this.

1215 The Department is also responsible for managing the EU funding from ESF and ERDF. These programmes continue, and we are ensuring that the funds that have been allocated to us are made available to promote employment and economic activity, for as long as we can continue to access them. This will not be the case in the future, once we have ceased to be members of the European Union.

1220 Mr Speaker, with regard to my Department's budget, the last Parliament, a year ago, approved a sum of £70,442,000, which was £409,021 less than the actual expenditure for the year 2014-15.

1225 The forecast for the year just ended has come in at £16,840,000, though there may be some minor changes as there are always adjustments inputted after the close of the year. For this year, my Department expects that it will need to spend £17,018,000 which, although it is £178,000 more than we spent in in 2015-16, it is nonetheless below the amount requested and that Parliament approved in last year's budget by £602,000.

1230 The numbers employed in the Department have increased by two. One is a security guard already in the service who was previously deployed in another Department. The other is an additional AO in the European Union Programme section, where the head of the unit felt that the cost of the EO post which had become vacant could be better utilised to fund two AO posts, thereby gaining an extra body. The section is responsible for the allocation of EU financial support from the European Social Fund and the European Regional Development Fund.

1235 The funding for training will not be affected if and when the EU sources are used up, because the Department will ensure that the budget provided by Parliament from the Consolidated Fund will be deployed to provide whatever training for employment requires funding under the existing structure and going forward to meet future needs.

1240 Although it is a pity that we are losing those funds, which were obtained by the GSLP after a long battle – we did not get it until the late 1980s, having been in the European Union since 1973. For Gibraltar, the millions of Euros that we have received has been put to good use and has helped to produce training, both in the time of the GSD and before that in the GSLP and in the time that we have been in. We have to accept that the money is going to come to an end and we must ensure that the message to our people is that they will have no impact whatsoever in the provision of the service that we give; that, therefore, the money that is needed will be there and it will be from our own resources because it is important to maintain training and to ensure that the skills in the economy meet the requirements of employers.

1245 Mr Speaker, I would just like to close by addressing some of the arguments of the Leader of the Opposition in the remarks he made on the Savings Bank, on Credit Finance and on Community Care. These arguments which he and his colleagues have used before are the ones that he has repeated today. Their analysis is wrong. They have been given an explanation as to why, but clearly they will persist in repeating the same argument, so I have to come to the conclusion that it is something that they think carries political merit and not something that they need to be persuaded or can be shifted from the use of logical argument. But, since I am a perennial optimist, I am going to try to use a logical argument anyway.

1255 The position on the Savings Bank is that they argue for keeping deposits from the public in cash. The comparison that was made today was: well, look, in their time, they kept it in cash and we are making use of that money and reinvesting it. But, of course, the policy of the GSD, in keeping it in cash, was a policy of running down the Savings Bank. If the new GSD still wants to run the Savings Bank down, then, of course, all they need to do is go back to what was being done before: keep the money in cash, because certainly it would not be feasible to have 1260 £1 billion in cash today. So they would have to stop taking money from the public and keep some money there in cash. It is difficult to see what the point is of having an opportunity for savings that in many of the instances of the increase that we are seeing in the deposits in our Savings Bank, which is local money ... A very small proportion of the accounts have addresses outside of the UK. Money that is coming in – £102 million in one year – much of this money is 1265 money that is returning to Gibraltar from people who had savings outside Gibraltar and who are

bringing it back because they feel that the uncertainty outside Gibraltar and the low rates outside Gibraltar no longer makes sense to have that money out. Well, what is the sense of our people bringing their money back to Gibraltar just simply to give it to the bank to keep it in cash in a safe or to lend it to another bank so that the profit, instead of it being made by the Savings Bank, is made by the other bank?

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It is true that they had it in cash, but if they are being critical of the fact that we do not, does it mean that is what they think we should be doing: keeping it in cash? Is that what they would do?

Mr Speaker, criticising something and saying we have a different policy is fine, but the Hon. Member has got to be consistent and understand where the policy takes him. The Savings Bank helps the economic growth. The retention of the balance of the money in the Savings Bank is an additional reserve that the Government has. That additional reserve is generated because we are reinvesting the money. The money that is reinvested in Gibraltar is a good thing. This is not to pay for their wages or their civil servants; this is invested in creating economic activity.

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The Hon. Member also questioned Credit Finance's role as a subsidiary of the Savings Bank and using that money – investing that money – in financing the commutation of pensions. He was quick to say he was not against the commutation; he wants the commutation to carry on, but he does not want it to be paid by using the funds from the Credit Finance.

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Well, how would he pay for the commutation, if he did not use that? When he was in Government and I suggested to the then Chief Minister that the commutation of 100% available in the private sector should be available in the Civil Service, the answer I got from the Government: 'It is impossible to do as part of Government spending. The cost would be prohibitive.' So, I invented a mechanism to meet the requirements and what is being done now is good for the individual. People are not required to commute; they can take 100% of their pension or they can take 0% of their pension.

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The commutation is a good thing; it is a thing that the GSD supported in principle, but did not implement because they had not been able to devise a mechanism to do it. The Hon. Member says he is against the mechanism we have got. He wants the thing to carry on, but he admits that, when they were in Government, they did not do it because it was not possible to do it through the financing from the Appropriation Bill, because it is something that will keep on growing over the years. But he is wrong in thinking that this is shifting away expenditure from the estimates that he has before him, because if he looks at the cost of the pensions, he will see that they keep on growing all the time. So the cost of the servicing of the commutation is reflected in the estimates of expenditure every year.

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Then, Mr Speaker, he also questioned the legitimacy of saying that part of our rainy day fund today, as it was before the principle components in 1996 of what we call 'the rainy day fund', were Community Care and the reserves of the Savings Bank – the same as they are today. We have restored what the GSD took away. But he says it is not legitimate to say that it is. Well, I will tell him why it is legitimate and I will tell him that the proof that it is legitimate is the action taken by the GSD Government, not anything we did.

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We left Community Care with £60 million. The, GSD, came in and said, 'Well, look, we are not going to give an annual grant anymore to Community Care because they have got so much money left over from the money that the GSLP gave them that the income from their £60 million cash is enough to pay the cheques every three months, so they do not need money from us. But, of course, if they use up the revenue from their investments, we do not want them to eat their capital, but we will give them the money then.' That was a promise; it was an electoral promise in a manifesto and it was a promise made in this Parliament, and it was broken.

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Then what happened? What happened with the rainy day fund was very simple: we lost the election and the greatest Gibraltarian ever came in and, even though it was the middle of the summer, he said, 'The rainy day is today' and he started using the rainy day fund and left it at cinch. So the rainy day fund was depleted for the very simple reason that, if in every year you put £7 million or £8 million or £10 million to pay the cheques every three months to our

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1320 pensioners, you have the benefit of saying, ‘Well, look, I am not going to put any money in. I am going to use the reserves, the savings, to pay that cheque. Then I can go down and see all the pensioners in the House of Lords, downstairs, and say to them “You see Bassano was lying to you. You are still getting your cheque every three months” – but he did not tell them who was paying the cheque; the cheque that was being paid every three months, because the rainy day fund was being depleted to pay it.

1325 So, is it true that it was a rainy day fund? Yes. Is it true that it was used when it did not need to be used, because it would have been perfectly legitimate if we had a situation where the reserves of Community Care are now £100 million, and we said, this year, ‘Well, look, although we put in the estimates in February that we will give £20 million – which is half the surplus – to Community Care, because of Brexit we are not going to give them £20 million.’ We are going to say to Community Care, ‘Look, the rainy day fund is for when the Government has problems. We want to guarantee the security of the quarterly cheque to our senior citizens. We, therefore, 1330 when we have got a lot of money, we let you build up reserves to be able to do that, and when we have a problem of receiving less money than we expect, we will stop giving you money.’

The GSD stopped giving them money simply because they thought they had too much money and then they justified it at the end of the 14 years by saying they had planned to do so all along, 1335 because they were going to scrap Community Care and they were going to replace it by direct payments from the Social Security which would have been insane, unless we are out of the EU.

1340 Fortunately, for everybody’s sake, the Leader of the Opposition has now discovered that and is committed to continue with Community Care, which I think is a great thing and I think that it is good that there are things that we can both agree, and where people do not feel that the decision on who they want to vote for should be determined by some people saying they are going to do one thing and the other people saying they are going to do something different simply because they had not thought of it themselves. Because I really believe that some of the things that we have done in the eight years that the GSLP was in Government were simply eliminated by the GSD as if they wanted to remove from the memory of mankind that there had 1345 ever been a socialist Government in Gibraltar. They did not want any trace of anything. So, whether it was good or was bad, ‘Take it out of the history books if it was done by the GSLP.’

1350 Well, look that is the wrong approach. We have carried on doing things that the GSD started. If they started something and it works, why should we want to change it? Therefore, I think that the point that I made earlier, Mr Speaker, is that, if the Hon. Member wants to gain greater credibility, then I think he has got to make a bigger effort and not contradict himself all the time.

Thank you, Mr Speaker. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Mr Speaker, can I, after that *tour de force*, invite the House to recess for 15 minutes.

Birthday wishes to the Clerk

1355 **Mr Speaker:** I think we can enjoy some of the largesse provided by the Clerk on his birthday. May we all wish him very many happy returns.

Several Members: Hear, hear. *(Banging on desks)*

The House recessed at 6.20 p.m. and resumed its sitting at 6.30 p.m.

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**Appropriation Bill 2016 –
For Second Reading –
Debate continued**

Mr Speaker: Having refreshed the Exchequer, I think I will call upon the Hon Roy Clinton.

1365 **Hon. R M Clinton:** Mr Speaker, in the aftermath of the Brexit referendum we live in 'interesting times' as the Chinese curse goes and so, as this House debates Gibraltar's economic and financial future, we must be honest with ourselves and face reality.

The Budget debate in this Parliament has historically turned into something of a collective state of the nation address by both Ministers and Opposition Members. I would like the focus of the debate to ideally return to the financial numbers, pure and simple.

1370 Mr Speaker, the ideal budgetary position is that enshrined in what has come to be known as the 'Micawber Principle' named, of course, after the character in Dickens' *David Copperfield* who wisely observed:

Annual income twenty pounds, annual expenditure nineteen pounds nineteen and six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds ought and six, result misery.

In other words, we should not spend more than we can expect to receive in any year, or afford.

1375 We have been fortunate in Gibraltar to have reported budget surpluses year after year in recent times but, as my learned colleague the Leader of the Opposition has correctly pointed out, the size of these reported surpluses are decreasing and we must take care that expenditure does not overtake revenue if we are to avoid Micawber's misery.

1380 The United Kingdom has, for many years, run a recurrent primary budget deficit funded by increased borrowing and, as the Father of the House correctly pointed out, the Chancellor George Osborne has only last week had to abandon plans to reach a balanced budget and a surplus by 2020, due to significant negative economic shock to the UK economy caused by Brexit.

1385 Our cousins in Bermuda have, in the past, allowed recurrent budget deficits funded by debt to get out of control and, as a result, are struggling not just to reach a balanced budget but also to reduce debt and the debt burden.

And so, Mr Speaker, how can we be sure we are truly living within our means in Micawber happiness? Can we really trust the surpluses reported are not in reality disguised deficits? Are our finances as transparent as they could be?

1390 Let us be clear how our budget surplus has been calculated, and using the words of the Accountant General:

The Government's accounting system is 'cash-based', which means that the books reflect receipts and expenditure actually paid in and paid out during the year and no account is taken of amounts owed by or due to the Government at the year-end.

Put simply it is the total money received, less the money paid out, including any debt repayments as at 31st March every year. In banking terms, simply the money your bank balance has moved from one year to the next, ignoring any unpaid bills.

1395 In March 2014 the reported surplus was £61.1 million; in 2015, £51.3 million; in 2016, £38.8 million; and projected for 2017 is a surplus of £ 20.3 million.

So, are these surpluses real?

The two questions we must ask are simply as follows: does it reflect all Government expenditure? And, has spending been curtailed before 31st March to improve the cash position?

1400 The first question is of course a huge point of contention between the Government and Opposition. Historically, Members of this House will be aware that Government only ran two

main cash accounting systems under the Public Finance (Audit and Control) Act, namely the Consolidated Fund and the Improvement and Development Fund – the first being for recurrent income and departmental expenditure and the second being for capital projects ‘to benefit the social and economic development of Gibraltar’.

1405

All funding for projects and Government-owned companies was channelled through the Improvement and Development Fund. As my learned colleague the Leader of the Opposition has repeatedly warned, the creation of Credit Finance Company Limited and the use of money in the Gibraltar Savings Bank to the tune of over £400 million has enabled this Government to fund capital project expenditure without the need to seek money from the Improvement and Development Fund. This would have inevitably caused the Government to use up its reserves and ultimately borrow more money. **(A Member: Hear, hear.)**

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Perversely – and this is what I find hard to believe – it has also given loans to repay Government arrears to debtors.

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Normally all capital expenditure is reflected in the Improvement and Development Fund and yet the low-cost housing at Eastern Beach that cost £76 million, and the Old Coach Park housing estate that cost a further £39.8 million, being a total of £115.8 million, never appeared in the estimates. In addition the purchase of Gibtelecom shares in December 2014 which would normally have been through the Improvement and Development Fund in the amount of £37 million was paid by the Savings Bank.

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The Father of the House, the Hon Mr Bossano, finally settled the question in February this year by adding to the objects of the Gibraltar Savings Bank the words: ‘preference shall be given to investments that will maximise the social and economic development of the community’. Thus, the Government now has the ability to fund capital projects which do not appear in the annual Estimates book and thus are not reflected in the reported and projected surplus. This greatly diminishes the ability of this Parliament to get a true picture of our financial health, and brings any reported surplus into question; and, to be honest, makes a bit of a mockery of the Budget process.

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As regards the second question, namely, has spending been curtailed before 31st March to improve the cash position? The Chief Minister himself has admitted calling in all heads of department on 5th December 2015 to control spending in the last quarter of the financial year. In answers to questions this month the Chief Minister has also admitted that the Government owed over £30 million of tax refunds to individuals and companies which, of course, if paid before 31st March, would have reduced the reported cash surplus to only £8.8 million. There is further anecdotal evidence that payments to Government suppliers had also been delayed.

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This, Mr Speaker, is what is known in accounting terms as ‘window dressing’ to make the year-end cash position look good by delaying expenditure and payment to creditors. And so I really cannot draw much comfort from the cash surpluses that have been reported and projected – but perhaps I should at least be thankful that they are not deficits.

1440

Mr Speaker, I would now like to turn to Government expenditure and priorities. My learned colleague, the Leader of the Opposition, has already described how recurrent expenditure is creeping up at a faster rate than income. We need to keep an eye on that; but I would first like to add my congratulations to the Financial Secretary for keeping overall departmental expenditure within Budget. I do not know what the Chief Minister told the heads of department on 5th December but evidently it worked!

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The devil, however, is in the detail and whereas overall departmental expenditure was within Budget there were some spectacular failures. The bulk of Government expenditure is in Health and Education which correctly reflects the needs and aspirations of our community.

It was, to me, disturbing that despite a budget of £800,000 for the Dementia Day Care Centre and Residential Centre in 2015-16 none had been spent on the first, and only £10,000 on the second. Whereas I can understand the Health Minister’s argument that he wanted the best deal for the taxpayer, the fact that virtually nothing was spent in the entire year beggars belief. The budget for 2016-17 has now been set at £2.5 million, three times last year’s estimate. The

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1455 Alzheimer's & Dementia Society will get some comfort at least from this and will no doubt continue to press the Minister to deliver this much-needed project.

The specific underspend in 2015-16 by the Minister for Health has to be contrasted with the eye-watering overspend by the Minister for Culture in the 2015 Gibraltar Music Festival; the Budget for which was £870,000 and the net amount actually spent was £2¼ million, representing an overspend of £1.4 million. Whereas I am sure Gibraltar enjoyed the event, I wonder if all taxpayers would have been happy with such a use of their money – or would they perhaps have preferred it going to pay for a third of the £6 million cost of Calpe House?

1460 On a personal aside – and at the risk of being labelled a killjoy by my parliamentary colleagues – it has come to my attention that Members of Parliament have in the past received complimentary VVIP tickets by the Music Festival Organisers. In my view, this is totally inappropriate as we are here to work for the taxpayer and not party at their expense.

1465 In addition we cannot, as a Parliament, scrutinise expenditure while benefiting from it. The Leader of the Opposition and myself will *not* accept any complimentary tickets – VVIP or otherwise – from the organisers; we will be discussing this with our Parliamentary colleagues this side of the House and I would encourage Members on the Government benches to do likewise and decline any complimentary tickets. **(A Member: Hear, hear.)** *(Interjections)*

1470 Coming back to expenditure, Mr Speaker, the point I am trying to make is that we need to ensure we keep sight of our priorities and target our spending accordingly. It will be small comfort to those struggling to pay off housing arrears to see that same money squandered on frivolities and merriment. **(A Member: Hear, hear.)** We need to spend Gibraltar's money wisely and appropriately. *(Interjections)* As you wish.

The Father of the House is fond of talking about rainy day funds and in this I can truly describe myself as his soul mate. A country such as ours with an open and small economy is vulnerable to economic shocks such as we may face in the unfolding post-Brexit scenario.

1480 We need to keep aside a financial buffer to soften any potential blows that may come our way. The Hon. Mr Bossano is proud of the £100 million set aside in Community Care to look after our pensioners, but I ask myself what has been set aside for the young and the sick? Should we not also have rainy day funds for Education and Healthcare which are the largest expenditure areas in our Budget? How is the Government going to ask Community Care for its £100 million rainy day fund back if it finds itself short to fund Health and Education?

1485 The Government needs to look after the entire community and not just one section of it. It needs to stop funding luxuries and start setting aside money in a general rainy day fund for us all. **(A Member: Hear, hear.)** The Cayman Islands was set a requirement by the UK government to maintain a cash reserve or surplus that represents 90 days of expenditure. As at 31st March 2016 the Consolidated Fund had a cash balance of £80.9 million which would represent 54 days of expenditure. We would need to set aside another £54.8 million over the coming years to reach the target of 90 days expenditure.

1490 The Government needs to be honest, as it has done, and is no longer donating every last penny of surplus to Community Care – but halving it. It may have been affordable in the past but I am sure even pensioners will agree that the young and sick also have needs – and our new power station still needs to be built and paid for.

1495 Mr Speaker, a lot has been said in the past about Government debt – whether, of itself, it is good or bad, and whether it is affordable. The Father of the House famously said last year that only the Neanderthals didn't borrow and it was not the borrowing that was important but the use it was put to and if it could be serviced.

1500 In this, I again agree with the Hon. Mr Bossano, debt is not of itself evil so long as it is affordable and put to good use. However, ultimately, debt needs to be repaid and we must be firm in our resolve to pay our own way in this world.

When I questioned the ability of the Government to meet its debt reduction target earlier this year, the Chief Minister immediately responded by stating – and I quote:

I am confident we will meet the targets set out in our estimates'

1505 Well, Mr Speaker, the forecast gross debt at 31st March 2016 was targeted to be £400 million and it is now forecast to be £447.7 million i.e. no change to 31st March 2015. He has missed his target by £47.7 million in what was a confident statement that was made barely two months before the end of the financial year.

1510 The Chief Minister was also confident that he would halve the gross debt from £520 million in December 2011 to £260 million by November 2015 – and again, in that, he failed.

We need a comprehensive debt management plan for Government debt. This should see the setting up of a specific formula to put aside money into the sinking fund to provide for repayment and also ensuring the best possible financing rate for current and future borrowing. It should not be a matter of good luck or chance cash flows that we can repay our debts.

1515 Mr Speaker, I was surprised to hear, in the Chief Minister's Budget speech this morning, his announcement of the raising of £300 million of finance by what looks like the mortgaging of six housing estates. The Government, it would appear, incorporated this company – which is called Gibraltar Capital Assets Limited – only one day before the general election, on 25th November 2015. On 26th April 2016 seven charges were registered against this company.

1520 We have been told that this was an opportunity to benefit from current very low interest rates which come in, it would appear, at an average of 3.85% – which is to be contrasted with the Bank of England base rate of 0.5% which may yet fall to 0.25%. So it cannot be said to be the best rate going.

1525 What we have not heard from the Chief Minister – and no doubt he will enlighten us in his response at the end of the Budget session – is what use he wants to put this £300 million to?

1530 Is this £300 million to be considered part of our national debt? In which case it would explain why the public debt limits went up in February this year. Or is he going to use this money to repay Government borrowing? But then again in the projection for 2017 I see no reduction in Government debt. So I think certainly Members this side of the House would benefit from him enlightening us as to exactly what it is he is going to use this £300 million for – bearing in mind he denied emphatically in January and February this year that he had any need to borrow any money at all!

The public will like to know the answer to that question.

1535 And also of course the granting, or the assignment – I do not know how these leases got into Gibraltar Capital Assets Limited – but I would like to know also what consideration was given for these. Was it for a notional pound? Did they give good value? How much money did the Government get for these leases?

1540 And also, perhaps for those who live in these six, as yet unnamed, housing estates. They perhaps would like to know where is their rent going to go now? Is it going to go to Gibraltar Capital Assets Limited or is it still going to the Government? Or is the Government now acting as an agent for Gibraltar Capital Assets Limited?

And of course is the money from the rent going to even be enough to pay the servicing cost of this £300 million that Gibraltar Capital Assets Limited has raised? And all it is, really, is an asset-backed bond probably with multiple maturities, hence the average rate.

1545 Obviously on this side of the House we have only just heard about this today and we would love to hear a lot more about it in the future from the Chief Minister or indeed the Father of the House. What is this money for? Where is it going to go? What are you going to do with it? How are you going to repay it in future?

1550 And in fact to put it into perspective, this £300 million considering that our net debt at the moment is £345 million, I find it surprising that it is possible for a Government to more or less borrow almost 100% of its national debt without any reference to this House at all. There has to be something wrong with that.

1555 How is it that the Public Finance Borrowing Act requires that a simple bank loan agreement has to be tabled in the House? And yet the Members opposite seem to think its fine to go out and borrow £300 million without telling anyone!

This cannot be another Credit Finance! You need to be open and explain what you are going to do this money. At the end of the day, as you know, it is not your money – it is the taxpayers' money. And at the end of the day it will be the taxpayer who will have to repay this money and not the Members opposite who will be long gone and retired.

1560 And so I move on ...

Mr Speaker, too often in this House when I have asked for financial statements or information the answer is, 'No' or 'Get it yourself'.

The Accountant General avows in the introduction to the report on the annual accounts for 31st March 2014, and I quote:

It is the Government's policy to promote transparency and accountability in public finances.

1565 I ask you ...

Well, Mr Speaker, I regret to say that I have found little evidence of that policy in the short time since I have taken my seat in this House. I have asked the Father of this House for detailed movements on the Sinking Fund and the answer has been an emphatic, 'No!'

1570 I have written to the Chief Minister asking for information that has been omitted from the 2016 Estimates book, namely some information about the Sinking Fund and the forecast split of bank debt and debentures. I asked for a meeting with him in this respect prior to the Budget – and I am still waiting!

1575 I have asked the Minister for Financial Services for the audited accounts of the Gibraltar International Bank to be given to Parliament when they are ready and his answer is, 'Go and get them yourself!'

The Financial Services Commission would have had these accounts by the end of April this year, and yet this House and the public are still kept in ignorance.

1580 I have asked for audited accounts of Gibraltar Investment Holdings Limited, the Government's ultimate controlling company, in February; and the written answer I have been given was:

Unfortunately, given that the former GSD administration failed to comply with the legal obligation to file accounts for these companies for a number of years, we are still in the process of catching up with the GSD's failure to provide transparent access to this information.

Mr Speaker, it really does not take four years to produce a set of audited consolidated accounts and it shows a complete and utter lack of commitment to the ideal of transparency whatever past failures may or may not have occurred. **(A Member: Hear, hear.)**

1585 This really has to stop. This is not a cat and mouse game between two political parties but the Government refusing to be held to account by an elected Opposition whose job it is to do so.

All Government-owned companies need to have their accounts up to date, audited and filed at Companies House. If the Government truly had a policy of transparency and accountability in Public Finance it would table all such financial statements in Parliament. It should also advise the House when it incorporates new companies – that would of course be far too helpful.

1590 What on earth does the Government have to lose?

The Government needs to do more than just pay lip service to a stated policy of 'transparency and accountability'; it needs to be seen to be actively doing so. To this end, I have tabled a motion to not only debate the findings of the Principal Auditor's report but also to create a Public Accounts Committee.

1595 Without wanting to pre-empt the forthcoming debate it is sad that the Government immediately sought to – as the *New People* colourfully put it – 'hijack' my motion by proposing a counter-motion *opposing* the creation of a Public Accounts Committee. *(Interjection)* Indeed.

1600 Mr Speaker, it is said that you are judged by your actions, and unless the Government changes its attitude, sadly it is evident that it has no interest whatsoever in either transparency or accountability; and it should thus stop pretending it does. (**A Member:** Hear, hear.) The electorate will have to judge for themselves if this is the sort of behaviour they want from their elected Government. (*Interjections*)

1605 It seems to me that the only number the Government likes to forecast over more than one year is GDP. The Estimates book only covers income and expenditure and our projected cash and debt position for the next year. It may be that this is a hangover from colonial days, but our economy is much more complex and sophisticated than that in the 1950s.

1610 We need to consider where our future needs are going to arise and how we are going to meet them. We need to prepare financially to meet those needs. I would like to see the Estimates book expand to cover a period of at least three years so that we can see if we are setting aside enough today, for example, to meet capital projects or other needs in future. I, personally, would welcome any Government initiative or ideas from the Financial Secretary – or the Father of the House, or the Chief Minister – in that respect.

1615 I understand that the Chief Minister has created a Gibraltar 2020 Committee; but I also understand that it has yet to meet. The Chief Minister needs to follow through on this, especially given the recent Brexit scenario.

1620 Mr Speaker, it has been my long-held belief that the Chief Minister should not also be the Minister for Public Finance. I have managed to convince my colleagues on this side of the House but it would appear not on the Government benches. It is a truth universally acknowledged – or a self-evident truth – that a Chief Executive Officer should not also be the Finance Director. It would certainly not be accepted in the private sector and generally it is not so in the public sector. So why is it that in Gibraltar it should be any different? There is always a tension between the Finance Director and the CEO; between the realist and the dreamer. (*Laughter and interjections*)

1625 We are entering uncharted waters post-Brexit and I would encourage the Chief Minister to divest himself of the Public Finance portfolio and concentrate on the political negotiations ahead. The obvious candidate to take on the potentially thankless task is, without doubt, the Father of the House upon whom the Chief Minister has already bestowed the title of ‘Titan of Finance’; and, only today, a ‘safe pair of hands’.

1630 Having been personally described by the Chief Minister as the Shadow Chancellor I would welcome such an appointment and I would hope to be able to work constructively with the Hon Mr Bossano in trying to navigate a safe passage through the gathering financial storm. (*Interjection and laughter*) At least I have made you laugh!

1635 Mr Speaker, both the Chief Minister and the Minister for Inwards Investment have spoken of the impact that Brexit may have on our economic model; with the most immediate casualty – or perhaps not – being the Chinese LED project which hopefully is just a pause in the project.

At the risk of stating the obvious I trust that the Government has started a confidential consultation with all sectors of our economy to establish what is truly at risk and what can be done to mitigate that risk. We need to preserve what we have and adjust where needed.

1640 It is disappointing to hear today that the Blue Water project is still delayed due to complex technical engineering problems. But the public needs to hear about the 1,000 low-cost housing units that were promised in the Bob Peliza Mews and Hassan Tercentenary Terraces – and what is it that the Government proposes to do in that respect? Are they going to be built at the Government’s expense or is the developer still going to build those affordable housing units?

1645 And, of course, I welcome the announcement of the Coaling Island reclamation project and, in due course, I look forward to hearing what the position is for any new inwards foreign direct investment and land projects.

Mr Speaker, the Savings Bank is a very important part of our economy since it holds most of our savings, and is also now a declared source for providing finance for social and economic activities that benefit Gibraltar. I would encourage the Government to publish the results of the

1650 Savings Bank in a more timely fashion and also include a statement of investments if any glossy type publications are produced for public consumption. It should also identify what elements of deposits are Government-related.

We may differ as to the impact using the Savings Bank money has had on Public Finances, but the Father of the House needs to stop accusing the Opposition of trying to undermine the Savings Bank as if it was an act of treason. It is our duty to point out what is being done with the public's money – and we will continue to do so.

It is the Government's sole cabinet collective responsibility to keep that money safe and, as the Leader of the House said today, they need to look after that money as if was their own.

1660 Mr Speaker, the small business community deserves as much support as it can get. The Government can help by providing start-up support in the form of subsidised accommodation; and increases in business licence fees are a form of stealth tax. We have today heard some measures in order to encourage start-ups and I welcome that. However, the Gibraltar Federation of Small Businesses conducted a survey in February this year and the result of that survey was 42% of respondents were concerned with the burden of regulation and enforcement following the introduction of the Office of Fair Trading.

1665 The GFSB had this to say, on the implementation of the Office of Fair Trading:

A welcome initiative, however the GFSB's concerns regarding the implementation were not taken into account by Government meaning a substantial increase in licensing fees and companies who previously only needed one license now having to apply for multiple licences.

A further 95% of GFSB members said that they were concerned about the impact of a potential Brexit on the local economy and their business.

1670 The Government needs to do all it can to ensure it is business-friendly and keep red tape to the minimum. It needs to take into account concerns expressed by the GFSB and the Chamber and not ignore them as they are, of course, key drivers of the economy.

Mr Speaker, I am pleased that the Government will not allow the Europa Tanks to be demolished and look forward to a similar statement in respect of Hargraves Parade and perhaps Rosia Bay. We should not allow our heritage to be sacrificed on the altar of profit and progress. 1675 **(A Member:** Hear, hear.) It is far too important. *(Interjection)* No, that has gone already! *(Laughter and interjections)* **(A Member:** Hear, hear.)

The new Heritage and Antiquities Act is still to be launched as a Bill and I invite the Government to add it to the parliamentary agenda this year.

1680 Mr Speaker, in conclusion, as I have expressed I have serious reservations as to how this Government has been able to report surpluses in recent years by the use of money in the Savings Bank. We need to manage the money that we have in a more transparent fashion, reducing waste and ensuring that we are targeting those areas of real need.

1685 We need to build up a general rainy day fund to meet any future eventualities and I would welcome the creation of a dedicated Minister for Public Finance that is someone other than the Chief Minister.

We need to aim for Micawber's happiness and maintain a balanced budget; and we need economic success to guarantee that happiness.

The *New People* – my favourite publication – summed up their expectations of this first Brexit Budget as follows:

We should not expect many give-aways and we should also expect a more rigid control in public expenditure. We have to find our feet before we carry on spending; this is a budget of consolidation and reflection for what the future might hold.

1690 I can identify myself fully with all those sentiments and trust the Government does so too. Thank you, Mr Speaker. *(Banging on desks)*

1695 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, given the hour and that I have duties to fulfil in reading to Sebastian this evening *The Three Billy Goats Gruff*, which appears to be much more interesting than anything I have just heard, I move that the House should now adjourn until tomorrow at 9.30 in the morning.

Mr Speaker: The House will now adjourn until tomorrow at 9.30 in the morning.

The House adjourned at 7.04 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.33 a.m. – 1.13 p.m.

Gibraltar, Wednesday, 6th July 2016

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The Gibraltar Parliament

The Parliament met at 9.33 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

Appropriation Bill 2016 – For Second Reading – Debate continued

Mr Speaker: The Hon. Dr John Cortes.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):

5 Mr Speaker, in a speech I delivered last week at our University of Gibraltar, at the opening of an international conference on promoting sustainable development in further education, I said that the United Kingdom's departure from the European Union was the greatest threat to sustainability the world has seen in decades. Whereas, rightly, much of the emphasis on the impact of the UK's exit has been placed on economic considerations, potentially the greatest
10 long-term impact will be on the environment and on sustainable development.

Without a doubt, over the past 30 years the European Union, as a collection of largely progressive and environmentally aware states, has in its collective environmental decision-making been greater than the sum of its individual parts. Environmental policy and governance have been driven by the EU, not just in Europe but globally, and member states and countries
15 outside Europe have taken steps in responsible stewardship of our planet that in many cases would not have happened if the EU had not existed. This is the case with both the UK and with Gibraltar.

The developed world today sees the economy as the main driver of well-being, and well-being is the very purpose of my task as Minister for both Health and the Environment. This may
20 well be the case on a stable planet where monetary riches or industrial prowess can directly benefit the lives of many, but on a planet in the throes of climate change unprecedented since modern civilisation began this is far from the truth.

The last year has seen a great deal in the media covering the exodus of thousands from Africa and the Middle East, fleeing from war and social collapse. This will be dwarfed many times by
25 the attempts of millions, particularly from Africa, who will need to flee as drought and famine, caused by man-induced climate change, ravage their ancestral homes. Recent estimates put the price of battling climate change in Africa in order to prevent this at £2.7 trillion. The knowledge that 'the West', as it struggles with its own, in proportion, petty arguments about party leaderships and dubious presidential candidates, and as it buries itself in latter-day xenophobia,
30 that 'the West' will do little to assist, gives me no comfort.

Mr Speaker, it is climate change, and neither the economy as a whole nor Brexit in particular, that should make us lose sleep at night. But, Mr Speaker, there is hope. Only last week, scientists

reported a decrease in the size of the ozone hole of 40 million square kilometres, thanks to the work a decade or so ago to ban ozone-depleting chemicals. In the natural world, the control of catches of Atlantic Blue-fin tuna has resulted in a great recovery. And while neither have to do directly with climate change, my conclusion is that every little thing we can do to combat climate change must be given the utmost priority, by us in this House, and by every citizen in their homes.

And so, while I will cover a great deal in this, my fifth Budget speech, my message will be that there is a great deal more to do. When I took the reins of Environment as Minister at the end of 2011, there had been absolutely no direction in the Government, nor appetite in this regard. Gibraltar had decades to make up, and it has been that catching up that has left me pleased with the progress but frustrated still. We took the quantum leap; we must now consolidate and stride on. And so I will now need to push the environmental agenda ever more strongly, both in the public and the private sectors. Both have been increasingly responding to the environmental challenge. And the youth particularly, as we have seen by the success of environmental projects in the Young Enterprise Scheme, is with me.

Mr Speaker, if in the past I have been enthusiastic and passionate about the environment, I will now be ruthless too. In this context I think that it is important for me to state that, regardless of how things pan out, the Government has no intention of diluting environmental standards and will continue to apply in Gibraltar such laws that the EU may make. Moreover, if we do depart from European targets, I will do my utmost to ensure that the departure is in that we will achieve better standards, not worse.

Let me now dwell on the positive. Indeed, as I was working this, my first Budget speech in our second term of office, I reflected on the unprecedented achievements in environmental governance and sustainability. We have taken Gibraltar from the environmental dark ages and placed it firmly in the modern day in that international arena. The level of environmental dynamism and delivery has yet again ranked Gibraltar as the environmental leader among the UK Overseas Territories and many of the small island states.

Mr Speaker, we are making use of our ability to make the socioeconomic system more harmonious with the environment. The environmental policies which we have implemented have encouraged and promoted environmentally friendly products, services, business and technologies. One of the many examples which spring to mind is the steady increase in hybrid vehicles being used in Gibraltar. We led by example five years ago when there were almost no hybrids locally, and now not a day goes by when we do not spot these cars moving efficiently around Gibraltar. The sale of these vehicles is increasing as a result of the market incentives and leadership provided by this administration. This is the vision which this Government set out to deliver four years ago, a vision of environmental action and commitment, endorsed by each Minister within his or her respective area of responsibility. Our new schools and housing refurbishments are energy efficient and allow for the introduction of renewables, we are delivering eco-tourism by investing in the nature reserve, and we are actively looking at inward environmental investments.

These last four years have seen the Department of the Environment and Climate Change network regionally and internationally. We have proudly flown the flag of environmental governance and leadership, leaving our mark in the international arena. The attendance of our Chief Scientist in Cop21 in Paris, the climate change summit, is an example of this, and I am happy to say we will be announcing further developments shortly, again showing how our scientific delegation works at different levels with our international colleagues to deliver meaningful global environmental change. We may be small, but our environmental influence greatly outweighs our geographical size.

Mr Speaker, last year we hosted an international conference on sustainable partnerships, organised jointly with the UK Overseas Territories Conservation Forum. Its focus was on the UKOTs, Crown Dependencies and other small island states. The conference provided a forum for government environmental bodies, NGOs and commercial organisations to discuss key

85 conservation issues, highlight success stories, exchange ideas and, most importantly, forge
partnerships. One of the most important achievements of this conference was the creation of an
Environmental Ministers Council. It is our intention to meet again this year as guests of the
Government of Montserrat and continue our work to push our environmental mandate
internationally.

90 Moving on to our work at home, Mr Speaker, my team at the Department continue to work
in close collaboration with many departments across the public sector, including Education, Port,
Procurement, Technical Services, Tourist Board, GEA, Maritime Authority, RGP and Customs.
They are continuously involved in discussions and decision-making at all levels of Government,
working not only for my Ministry but for all other Ministers who call upon their input and advice
95 on a regular basis. Increasingly too, they continue to engage with the private sector.

The Green filter continues to work well and now constitutes normal practice within the civil
service. By way of example, departmental scientists have attended 15 tender boards and
reviewed 592 building applications in addition to attending all DPC meetings. Four EIAs have
been reviewed. The Environmental Action and Management Plan and the Climate Change
100 Programme are in the final stages of review and will be published before the end of this calendar
year.

Mr Speaker, once again, recycling figures have seen an increase from those reported last
year, with an increase of approximately 15.5% in mixed packaging waste and an increase of
18.6% on cardboard and paper. The biggest achievement, and thanks go to the general public –
105 clearly it is their contribution which is allowing us to fulfil our role in improving recycling
practices. Waste electrical and electronic equipment recycling figures also continue to increase
with a further 51.4% increase during 2016 compared to 2015.

Mr Speaker, I am happy to report that Gibraltar's first dedicated eco-park, a 2011 manifesto
commitment, is now open 365 days a year and has helped to boost our overall recycling rates by
110 25.23%. Greater volumes can now be transported in fewer trips due to the acquiring of a baler
and compactor, thereby reducing costs as well as our carbon footprint.

I can confirm that the Government remains committed to both a waste treatment plant and a
sewage treatment plant during this term of office.

Mr Speaker, since the appointment of our dedicated litter wardens, the number of instances
115 of fly tipping is reducing. These officers patrol Gibraltar daily, creating awareness and educating
and deterring people from irresponsible tipping. They have placed a total of 42 litter tickets in
just seven months. We still seeing certain problem areas where we will be increasing our efforts.
Works continue on refuse cubicles around Gibraltar and two new bin stores will be constructed
this year.

120 Meetings of the Litter Committee continue and we have progressed well on various fronts. I
once again take this opportunity to thank all the members of the committee for their hard work
and dedication, especially those volunteers from community groups and tenants' associations.

Collaboration with NGOs continues. Regular meetings take place between Government
officials, myself and the GONHS and the ESG, both of which continue to make a tremendous
125 contribution to Gibraltar, largely on a voluntary basis. The Nature Conservancy Council continues
to be consulted on all issues associated with the protection of Gibraltar's natural environment in
line with my statutory obligations. I have formally met approximately four times with each of
these in the past 12 months, and there is a great deal of informal contact too on a much more
regular basis.

130 Mr Speaker, this past year has again seen the Department spearhead environmental
education, which involves visits to all schools to raise awareness on key issues. The Department
has delivered a total of 34 talks and many field trips this year. In other work co-ordinated
between Environment and Education, small recycling bins have been delivered to infant schools.

The Department also participated in the World Maritime Day celebrations, organised by the
135 Gibraltar Port Authority last September. This was an opportunity to showcase the underwater
camera and our marine surveillance work.

140 The Government's Geoportal continues to be used both locally and internationally. The interactive map of Gibraltar continues to be updated, providing more specific Gibraltar spatial data than at any other time. To date more than 17,000 hits from 145 countries have been registered at the Geoportal.

Furthermore, the Department for the Environment continues to spearhead the use of GIS. GIS is not only used in relation to the Geoportal and the Government's international reporting obligations, but also in conjunction with leading terrestrial and marine ecological assessments, which support key legislative conservation tools.

145 Both the Gibraltar Electricity Authority and the Department of the Environment and Climate Change continue to work hard to deliver improvements in the field of energy. The recent appointment of a dedicated renewable energy officer is a testament to this. This year will see the delivery of a flagship solar project for the Government. Solar thermal and PV panels will be installed at St Bernard's Hospital, which will deliver large savings in water heating and will place
150 us on a par with many hospitals across Europe.

And the commitment is starting to deliver results, as demonstrated by the launch of the Eco Wave Power project in May. This project, which attracted huge international interest, demonstrates Gibraltar's pioneering attitude in the field of renewable energy. It is the first grid-connected wave energy power plant anywhere in Europe and while in the initial stages energy
155 production is still small, when the full project is completed it will deliver a significant percentage of Gibraltar's electricity needs.

Our interest in marine renewables also extends to marine current energy, and last autumn officials from the Department accompanied representatives of Blue Shark Power during their marine current survey. We remain committed to exploring opportunities with this and other
160 technology providers to find long-term sustainable solutions to Gibraltar's energy needs.

Gibraltar took a significant step in October when we committed to the Compact of Mayors, a global coalition of city leaders dedicated to reducing their greenhouse gas emissions, making their communities more resilient to climate change and regularly reporting their progress publicly. The Department will be making use of the tools and resources provided by the UN
165 through the Compact to deliver more accurate emissions assessments and to refine its Climate Change Programme, due to be published shortly.

In other areas, the Department organised Energy Auditor Training towards the end of 2015, providing an opportunity for individuals to become Accredited Energy Auditors. These audits form part of Government's wider initiative to increase energy efficiency and reduce energy
170 consumption. Energy efficiency has been deemed the most effective way of cutting carbon emissions and tackling climate change. The Government will shortly be introducing legislation which mirrors the UK Energy Savings Opportunity Scheme, requiring large organisations to conduct energy audits every four years.

In relation to the Energy Performance of Buildings, the minimum standards for energy performance for new and existing buildings are being tightened and these will be introduced
175 with the launch of the latest version of the Gibraltar Simplified Building Energy Model. In the last financial year, approximately 240 energy performance certificates have been issued.

Mr Speaker, the Department will shortly be inviting companies to apply for inclusion in an environmentally friendly companies register. This will result in the company being assessed on
180 its environmental policies and performance, and given an environmental rating to allow proper assessment of a company's credentials not just in relation to employment policies, as in the approved contractors' list, but to environmental impact too.

The Department's monitoring and surveillance programmes, which consist of sampling and monitoring of Gibraltar's coastal waters, groundwater aquifers and bathing waters, continue to
185 operate smoothly. The Department also continues to collect and monitor marine sediment, phytoplankton, fish and bivalve tissue samples. In addition, it will be commencing a marine litter monitoring programme as part of its obligations under the Marine Strategy.

190 In late 2015, the Department issued its second River Basin Management Plan, a centrepiece of the Water Framework legislation which classifies our water bodies. With the use of sampling and monitoring data, the classification exercise concluded that both Gibraltar's coastal waters and groundwater aquifers are meeting the objectives set out in the Water Framework legislation.

195 Regarding our beaches, with the exception of Western Beach, which as we know is a transboundary issue, water quality has improved in most of our beaches, two of which are now classed as excellent under the new EU classifications.

200 Mr Speaker, there are those within this Chamber who insist on concentrating on the negative and who pretend to believe that the fact that we still have illegal fishing by Spanish boats in BGTW is proof of the demise of our seas. Apart from the fact that such visits are dropping regularly in numbers and significance, these unfortunate, unwelcome and unacceptable intrusions are far outweighed by the huge positive steps taken in marine conservation over the past four years.

Mr Speaker, the Department continues making steady progress with its marine ecosystem restoration programme.

205 We have been working in close collaboration with the University of Algarve's Centre for Marine Sciences for well over a year. Mature seagrasses have been transplanted from sites in Portugal and the team is now gearing up to plant seedlings later on this year.

The oyster reintroduction programme began in May with approximately 125 kg of mature oysters strategically placed within different areas of the Gibraltar Marine Reserve.

210 Mr Speaker, the Department also installed an underwater camera last spring providing live footage to the general public, which is also being used as a research tool used by scientists. This installation is the first of its kind in Europe.

215 This Government's incessant desire to pioneer marine initiatives in British Gibraltar Territorial Waters also gave rise to the creation of no fishing and no anchoring zones such as that found in Seven Sisters, which is demarcated with specially designed buoys to conserve this important area of reef habitat.

The Department's Environmental Protection & Research Unit, working together with the scientific staff, has been collecting data on marine strandings and sightings involving dolphins and turtles.

220 The Department has noted an increase in sightings of marine mega-fauna, specifically whales such as fin whales, sperm whales and humpback whales. A first for Gibraltar has been the presence of a juvenile humpback in BGTW during the months of March and April. As of late there have already been 14 sightings of fin whales which have navigated through our waters on their route towards the Atlantic. Three basking shark sightings have also been recorded this year. All these give an indication of the improving quality and richness of our waters.

225 The Department is also rolling out a volunteer marine monitoring programme, which will assist in monitoring the ecological status of our waters and at the same time educate and create public awareness.

230 Mr Speaker, fisheries management is an issue that this Government has had the courage to regulate despite the challenges confronting us. Over a year after the implementation of the Marine Protection Regulations and the Tuna Preservation Regulations, I can report that over 7,000 licences have now been issued. This is a significant achievement that many thought would not be possible.

235 The creation of the Fishing Working Group has been critical to the successful implementation of both Regulations. To date, the group has met on eight occasions with representatives from all the different angling fraternities, as well as other stakeholders, actively participating in discussions regarding the sustainable management of marine resources in BGTW. The extension of the Seven Sisters no fishing zone and the creation of the new marine conservation zone inside the Gibraltar Harbour are just some of the outcomes that have been achieved as a result of the close working relationship that I have established with the group. I want to thank all its

240 members, who give of their time for free, for their work in this vitally important role. The revision of minimum fish sizes, the delivery of marine conservation awareness and the collection of valuable marine resources data are all areas that are being tackled in consultation with the group.

245 Mr Speaker, we have now commenced the regulation of Gibraltar's second Bluefin tuna fishing season. Last year's season was managed exceptionally well with officials from the Department and the landing point staff monitoring and recording catch data all the way through until October. I would like take this opportunity to thank local anglers for their co-operation and continued support in ensuring the successful implementation of these regulations. This year, building on the experiences gained during our first season, we have improved the facilities
250 available at the North Mole landing point and revised the procedure for reporting tuna catches. In addition, we have also reviewed the protocols for the Bluefin tuna tagging programme to ensure a higher level of protection for the species.

Mr Speaker, in the field of environmental health, the Environmental Agency continues to work on many fronts and expand its duties in the areas of building control, waste regulation,
255 food inspections and food import controls. In addition to the developments mentioned last year, the Agency has continued to provide the new Ship Sanitation Certificate service, which includes a service to superyachts. The Agency is the main point of contact locally for the UK's Health and Safety Executive and works with them on major projects such as the new power station and LNG plant, as well as any COMAH issues.

260 They service and calibrate all of our air quality monitoring stations and liaise with pollution specialists and form part of the European Network of Drinking Water Regulators (ENWARE).

Additionally, they are now a participant in the EU Vectornet programme. This programme is based on sharing data relative to the distribution of the mosquito, tick, sand fly and other disease vectors. This data sharing will assist those working in the fields of environment and
265 public health.

They also provide specialised training in waste management to waste industry representatives and continue to provide practical Environmental Health training for both local students and students from the University of West England.

270 They advise the Government on the provision of new legislation such as lifts, DNA testing of dogs and the storage of petroleum products, as well as advising on the updating of other existing legislation.

Mr Speaker, works on the improvement of the North Front Cemetery continue. Despite recent negative media coverage, in the past 12 months the surrounding wall of the cemetery has been repaired and maintained and the public toilets inside the cemetery have been repaired.
275 The cutting of the grass is now completed and is trimmed on a daily basis. Areas are cleaned daily and the cemetery is kept as a safe place for visitors. Signs continue to be installed around the different plots as required. We are presently upgrading the drainage system to avoid flooding during the winter months.

280 Mr Speaker, the cemetery is a difficult place to work in. We have an average of 260 burials a year, in addition to an average of 50 transfers of remains. Cleaning of the inside of the vaults is also done by the team, and I have to thank them for their work.

285 Mr Speaker, green spaces are a great benefit to our environment. They do not only provide areas for leisure and respite from the stresses of city life but they also filter pollutants and dust from the air, provide shade and lower temperatures in urban areas and reduce energy consumption by countering the warming effects of paved surfaces. Lawns can be up to 30° cooler than asphalt in summer. One tree can remove 12 kilograms of carbon dioxide from the atmosphere annually, equalling up to 18,000 km of car emissions. With all this in mind, the Government's tree-planting programme has been going from strength to strength. A total of 1,614 trees have been planted between 2015 and 2016 so far, although from a tweet I saw from
290 the Hon. Mr Hammond he has not quite found them yet. Tree planting will continue this year, Mr Speaker. At the same time, the Department continues to work extensively on the

295 maintenance and improvement of existing green areas. And of course the biggest contributor to this achievement continues to be Commonwealth Park. The park continues to be enjoyed by thousands and has now become one of Gibraltar's prime recreational areas. I am looking forward to working on the new park that will be created north of the leisure centre as part of the Midtown project.

300 The Gibraltar Botanic Gardens continue to grow in capacity and influence. Its work extends well beyond the recreational, with a role in taxonomy, ecology, conservation and education. As an Associate Partner of the University of Gibraltar's Institute of Life and Earth Sciences, it is involved in planning of the University's research programmes and other capacity-building measures. As is expected in a dynamic and developing garden, improvements to planted areas continue to be made. Its children's education programme is growing from strength to strength. As well as running activities within the Alameda itself, the Botanic Gardens' education team is now advising schools on the development of their own gardens and horticultural schemes. April 305 this year saw the 200th anniversary of the establishment of the Alameda Gardens. A number of improvements and activities took place to mark this, including articles in the press; a series of wooden sculptures; a special anniversary bed; children's activities; and the bicentenary's main celebration, the inauguration of Bicentenary House, a glasshouse that showcases plants from rainforest and arid environments and further enhances the Alameda's capacity for education work. A commemorative stamp issue is planned for later this year. 310

The Gibraltar Nature Reserve is yet another area where the hard efforts of the Environment, Tourism and Heritage Ministries are paying off and one that I take immense pride in overseeing. Work has steadily continued on all fronts and there is more to come.

315 The opening of the new suspension bridge at Royal Anglian Way serves to highlight the Government's commitment to improving and diversifying Gibraltar's main environmental and tourism assets. The 75-metre Windsor Suspension Bridge offers stunning views of the Bay and the beautiful city of Gibraltar below. It is part of a wider Nature Reserve renovation programme that has seen tonnes of rubbish, including asbestos, cleared from Royal Anglian Way and Rooke Battery to make way for user-friendly trails and the opening up of historic buildings and tunnels. 320 Although the bridge is firmly rooted to the ground, a slight wobble adds to the thrill of the experience. It is therefore no surprise that the general feedback received so far in Gibraltar and beyond has been extremely positive. There is no doubt in my mind that the upcoming Sky Walk in Mount Misery will be just as successful.

325 Mr Speaker, the Gibraltar Nature Reserve has evolved and developed significantly since the Upper Rock was officially designated as a reserve by the GSLP Government in 1993. As part of the continued effort to further protect biodiversity and natural habitats in Gibraltar, the then Upper Rock Nature Reserve was rebranded by this GSLP-Liberal Government in 2013 and its size extended to include new areas that would further help protect important habitats and species.

330 The Gibraltar Nature Reserve now encompasses more than 2.33 km², which is approximately 36% of Gibraltar's terrestrial area: a staggering statistic that shows our enduring commitment to environmental protection. Providing specific habitats with legal protection carries additional responsibilities. It requires a robust management framework together with a plan to ensure that conservation objectives are met. To this effect, the Government is about to publish the Gibraltar Nature Reserve Management Plan, a document that sets out the management priorities for the 335 different components of the Gibraltar Nature Reserve.

One of the key measures included in the plan is a renewed management structure and the creation of a Nature Reserve Management Board. The implementation of a co-ordinated and effective management regime will play a critical part in ensuring that all sites, habitats and species within the Reserve are protected.

340 Achieving the delicate balance between conservation and tourism is by no means an easy task. It must be guided by an adherence to the principles of sustainable development. The new plan seeks to apply these principles by considering the environmental aspects of the reserve as well as the social and economic dimensions. To achieve this, the plan will be a dynamic

document that will be regularly updated in response to changing pressures and management requirements.

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In keeping with the aim of improving the value of the Reserve, the new plan also includes a commitment to the continued removal of introduced invasive species, and to re-introducing species that were once found in Gibraltar. This is one of the most ambitious and exciting measures that the Department of the Environment and Climate Change will have ever embarked upon and it will require continuous effort and co-ordination. Co-operation with regional authorities and experts will also play an important role in the delivery of this measure; one that will undoubtedly increase the recognition of our Reserve internationally. Our success with the reintroduction of wild rabbits and the secretive Barbary partridge shows that we are able to do this successfully. The count of 52 partridges at the January winter bird count, only a proportion of the current population, was higher than it had been in decades.

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Species such as foxes, eagles and other animals that were once common in the area will once again have the opportunity to have a foothold on the Rock for the benefit of all to see and enjoy. A tagging programme and live cameras will also be introduced so that scientists and the wider public may follow the movements of some of the reintroduced species.

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Surveys of Yellow-legged Gulls were carried out during the breeding season of the year 2015-16. Although these surveys took place in the past on an ad hoc basis, the Government has now arranged for surveys be carried out on an annual basis. It is impossible, due to the Rock's topography, to ascertain accurately the number of breeding pairs of Yellow-legged Gulls in Gibraltar. Instead, these surveys provide relative estimates of abundance. The trend is clear: the data estimate an average decrease in numbers of breeding pairs of some 4% per annum, with an estimated 40% decrease in breeding Yellow-legged Gulls between 2002 and 2016. Although this represents a substantial decrease, the trend is not as marked as would be expected from a closed population. For example, approximately 16,000 Yellow-legged Gulls, mainly adults, have been removed between 2012 and mid-2016, and the expected decrease should be much greater if there were no input of gulls from elsewhere. Gibraltar has to contend with what appears to be a considerable repopulation of gulls from nearby Spain and possibly elsewhere in the western Mediterranean, and that makes the control programme more difficult. Even accounting for this, however, the breeding population of gulls in Gibraltar is definitely declining as a result of the culling programme.

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Mr Speaker, I now turn to the management of our macaques. Let me start off by highlighting the fact that the Macaque Management Team is now better resourced than ever before with over nine dedicated staff attending to their well-being and continuously responding to any issues that may arise within and outside the Upper Rock. This development has had an immense impact on the macaque contraception programme, which is increasingly effective in controlling population numbers. As always, the behaviour of the macaques will sporadically attract the public's attention, but the joint efforts of the GONHS, GibVet Clinic and the Department of the Environment have ensured that any incidents are tackled swiftly and effectively.

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Research into our macaques continues to play an important role in their management and the increased resources provided to the team will allow them to embark on a much needed genetic study of Gibraltar's Barbary Macaques this year. Other areas of research are also being investigated.

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Raising awareness on the importance of our macaques forms another element of the management strategy. The collaboration between the Department of the Environment and Monkey Talk Gibraltar is yielding excellent results, which we plan to continue well into the future. To date, there have been two Macaque Awareness Days and these have helped spread the message of seeing our macaques as one of Gibraltar's unique assets and not as nuisances. The awareness events have also allowed the collation of valuable data using a specially designed questionnaire. A Barbary Macaque educational app has also been created to help inform locals and tourists alike and is now available on both Android and iOS platforms.

395 Mr Speaker, the Environmental Protection and Research Unit continues to go from strength to strength. There are now six officers working on a shift basis. The section is making good use of the Department's maritime assets, the Storm Petrel, the Darwin and the Sea Eagle.

Environmental patrols are being carried out daily, both on land and at sea. The fact that our own environmental protection vessels are now regularly patrolling Gibraltar's marine protected areas is clearly sending the right signals, regionally and in the wider international area. Environmental protection officers, together with the departmental scientists, have responded to 41 out-of-hours callouts. Reasons have included illegal fishing from land and sea, wildlife rescues, fallen trees, air pollution and suspected oil spills. The section continues to work hand in hand with the Royal Gibraltar Police and with HM Customs as well as with GONHS, whose excellent Raptor Unit ensures rescued birds of prey are rehabilitated and released. I would like to thank both the RGP and HM Customs for their invaluable assistance in providing training to this section.

Mr Speaker, the Gibraltar Air Quality Monitoring Programme has continued to operate during this past year and has once again achieved levels of data capture above 90% thanks to the efforts of the Environmental Agency and our air quality consultants.

Despite the recent alarmist press coverage of the WHO's urban air quality database, Gibraltar's air quality in terms of particulate matter has actually been improving over the last three to four years. In addition, the monitoring equipment records our oxides of nitrogen at the lowest levels ever since recording was commenced and data to May give our levels as below the EU maximum of 40ug per cubic metre also for the first time. This is a tremendous achievement no doubt due to intelligent managing of power generation. Nevertheless, there is no room for complacency. Government continues to review its policies in relation to air quality and will be revising its Air Quality Action Plan. In conjunction with my colleague, the Minister for Traffic & Transport, the Department will be assisting in the rollout of the Sustainable Traffic, Transport and Parking Plan and will be participating in European Mobility Week and organising an In Town without My Car Day for September.

Mr Speaker, delivering homegrown environmental policies and legislation has always been a strong suit of this administration. We have updated and amended existing environmental legislation and brought new legislation into our statute books. This term will see further work on new environmental legislation in the fields of cemeteries, contaminated land, recycling, pets, caves and dog fouling. In relation to this, I must thank all those advisers, including the Gibraltar Veterinary Clinic, GONHS, the Heritage Trust, the Gibraltar Museum and the Responsible Pet Owners for their hard work and support.

Never before in Gibraltar's history than in the last 12 months has so much been said by a few about energy and energy production. In the run-up to last November, instant experts and prophets of doom sprang up, claiming to doubt the Government's diligence and honesty in respect of the new power station. I am not going to repeat it all now, Mr Speaker, because on 26th November last the people gave an overwhelming vote of confidence to the Government and to the new, clean technology we are introducing. A great deal of hot air expended by some was converted by the electorate into overwhelming support for a gas-powered energy plant. And so the new, clean and efficient gas power station and associated LNG plant, using best available technology and including stack monitoring, will come to be operational in a little over a year's time. I am pleased to say that work on the station is progressing extremely well, with the first of the new engines expected in just a few of months.

Significantly, Mr Speaker, I can report that the laying of much of the new infrastructure, including the construction of the new high-voltage distribution centres, has been contracted to Bouygues, the firm constructing the power station, within the total agreed contract sum, proving once again that the new plant will be much cheaper than the grimy, slimy, dirty diesel one planned by the previous administration.

445 I am pleased to confirm, Mr Speaker, that the ageing ex-OESCO engines have now been decommissioned and the ex-MOD station is now on standby mode only. These steps have greatly reduced pollution in the area.

Mr Speaker, the number of electricity consumers rose to 19,805, an increase of 394, but despite this, total emissions dropped for the second year running from 179,759 tonnes of carbon dioxide in 2014 to 161,543 tonnes in 2015. This shows the success of energy efficiency measures such as promotion of efficiency and conversion to low energy lighting, and the public have to be congratulated for supporting this.

The total amount collected from electricity bills was £24.97 million, with very little backlog in unpaid bills, and the total installed capacity at the end of the year stood at 79.18MW.

455 Training and development of technical staff of the GEA continues with an emphasis on the new power project. We will continue to work on the network, including the SCADA (Supervisory Control and Data Acquisition) system which is used for monitoring and aids response in case of problems. We will also continue to work on the replacement of substations.

Mr Speaker, the community will have noticed that once the specific issues were tackled about a year ago, power cuts due to generation problems ceased. While I do not want to tempt fate, as this is always a possibility until we fully renew the plant and network, I can report that the only significant outages have been the result of cables being cut during works by contractors away from the plant. I must here praise all the staff of the GEA for their incredible commitment to their work.

465 And I must thank and pay tribute to Manolo Alecio, who recently retired as CEO, for his professionalism, dedication and support. At the same time I would like to wish the new CEO, Michael Caetano, and the new Deputy CEO, Ian Payas, every success in their work over the coming year, which will be the most significant and exciting in the history of power generation in Gibraltar.

470 In relation to water production, this year also sees the retirement of AquaGib's CEO, Derek Cano, and I would like to thank him also for his commitment during his many years of public service.

During the past year AquaGib has maintained and improved on its levels of service and performance in respect of the provision of potable and seawater supply, and sewerage services in Gibraltar. In order to achieve this level of service AquaGib has undertaken an expenditure of £12,115,000. In addition, AquaGib has continued to invest over the period on capital projects as part of its asset replacement plan aimed at maintaining and improving the water infrastructure. During this period a total of £730,000 was spent on capital projects, which have included the replacement of potable and seawater mains, improvements to the Reverse Osmosis Desalination Plants, improvements to the Scada system and the replacement of the pumps at the Varyl Begg sewage pumping station.

485 The approved budget set by the company on capital projects for the coming year has been set at £638,000. This includes the following projects: continuing replacement of potable and seawater mains, replacement of RO plant membranes and continuing upgrading to the Scada system.

Mr Speaker, there is a lot more I could say about plans for the environment in the coming year, and omissions are not due to anything other than a desire to not extend the length of my contribution even more.

490 Mr Speaker, the events of recent weeks have left us all on uncertain ground. In relation to the environment and sustainability at large, I would like to close my piece by saying that this administration's environmental ethics have always been deep rooted and have never consisted of doing the bare minimum in order to comply with EU law, as was the case before our time. Our track record clearly proves this.

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

500 Nowhere is the vote of confidence given us by the community last November more appreciated than in the complex, testing, intense and sometimes heart-wrenching world of healthcare. Together with the excellent staff that we have across the GHA, I am looking forward to continuing this exciting journey in providing that outstanding quality of healthcare that our community deserves.

505 Mr Speaker, the challenge is to continue to deliver excellent healthcare while becoming more efficient and reducing the rate of increase in expenditure. This is a challenge indeed, for healthcare keeps developing, treatment and treatment opportunities keep progressing, and the expectations of the citizen keep growing. Healthcare is not about a culture of false entitlement, Mr Speaker. Healthcare is about the obligation to deliver the very best we possibly can to each and every member of our community, from before birth to the very last breath.

510 Expenditure in Health, as the Leader of the Opposition said yesterday in his contribution, has increased significantly over the past four years. Of course it has, Mr Speaker. Four years ago there was no Calpe Ward, no day surgery, one and not four operating theatres, fewer doctors and nurses, 10,000 fewer outpatient appointments in St Bernard's Hospital, and 34,000 not 39,000 entitled persons – a difference of 5,000 – under the Group Practice Medical Scheme. It was a different health service, Mr Speaker.

515 The main thrust of our work in the coming year will be to improve services but at the same time do what we do more efficiently and effectively and bring back to Gibraltar all that we are able to do here and to try and contain the need to travel abroad for treatment

Mr Speaker, the progress made in healthcare over the last four years is a reflection of our central focus on patient welfare and our overriding principle where the patient always comes first, changing the culture where system goals mattered more than the care of the individual.

520 Mr Speaker, since 2011, the number of nurses was increased by over 40 and the training of enrolled nurses recommenced, giving career prospects to nursing assistants for the first time ever. We also increased the number of GPs, non-consultant hospital doctors and consultants. We now have a consultant microbiologist and a haematologist, all part of a holistic strategy of implementing long-term improvements.

525 Mr Speaker, the decrepit, Victorian, KGV institution was finally closed and replaced with the outstanding Ocean Views Mental Health Unit. Health promotion and screening has progressed as never before, with the introduction of colorectal cancer screening and screening for abdominal aneurysms of the aorta, both of which have already diagnosed serious conditions and have saved lives.

530 Mr Speaker, cancellations of operations came down tremendously following the opening of the day surgery unit, with only three cancellations in 2014 and 21 in 2015, down from 118 in 2010 and 114 in 2011. Together with the Day Surgery Unit we have four functioning operating theatres there, compared to pre-2011 when there was only one functioning operating theatre being used regularly. This has resulted in the number of operations being done annually rocketing to nearly 4,000. We have more doctors and more visiting consultants, more patients being diagnosed and treated than ever before. All of this has also had a great impact in reducing waiting lists and waiting times in all specialities.

540 Mr Speaker, I have highlighted some of the successes of the last four years which have improved the service to the point of being unrecognisable with its central focus on patient welfare, but I am fully conscious that there are many challenges ahead and there will be things that we can do even better, and do them better we will.

Mr Speaker, to be able to do this we have a comprehensive and ambitious healthcare manifesto plan which together with the GHA's three-year strategic plan developed by the CEO and his senior management team, will drive change and improvement forward.

545 Our vision is one that sees a move from a narrow focus on access targets to a broader view of what high quality care entails. The change from disjointed episodic care to holistic integrated care, the move to prevention over cure with a much bigger focus on public health and more personal responsibility for our wellbeing. Running through all of these things is a fundamental

550 shift in power from a bureaucratic system where power sat in the hands of politicians and top senior managers, to a democratic system where the most powerful person is not the nurse, the doctor nor the manager but every single member of our community who uses the Health Service every single day.

555 Mr Speaker, October 2015 saw the completion and launch of the three-year strategy with the collaboration of staff across all specialities. The plan sets out the priorities, describes what will be done, individual responsibilities, desired outcomes and benefits, and is intertwined with the Government's current manifesto. The Strategy identifies risks and assurance processes to oversee these and protect patient care whilst delivering significant ongoing transformation. The document has 29 different work streams with over 280 specific objectives. This is a working document with additional work streams being developed at present, which will include dementia, diabetes and cancer services.

560 Mr Speaker, in my last Budget speech, I announced the second Health & Lifestyle Survey, which was to take place during 2015. This follows from the first ever Health & Lifestyle Survey of the Gibraltar people, which was published in 2012. The Health and Lifestyle Survey aims to find out the levels of perceived health in the population as well as gather information on lifestyle parameters like eating, drinking and physical activity. The Public Health department compiled the questionnaire for the survey, which consisted of 46 questions externally validated. The long process of analysis has been completed, with the publication of the survey due this summer.

565 Mr Speaker, as part of the childhood vaccination programme, the GHA introduced a new vaccine against Meningococcus B, which protects the baby against serious diseases like Meningitis B and Septicaemia. Meningococcus B is the leading infectious killer of babies and young children, causing infections that come on very quickly and can leave permanent damage. The Meningitis B vaccine is very safe and will be offered to all babies at the age of two months in line with the UK's vaccination programme.

575 Screening programmes save lives. In my last Budget speech I announced the launch of the Abdominal Aortic Aneurysm Screening Programme. Since its launch a total of over 200 men have been screened. The programme has already detected aneurysms in persons who would otherwise seem perfectly healthy. One of these aneurysms was a large one with the patient being referred to a tertiary specialist vascular centre for treatment. His life was saved. All other persons with smaller aneurysms will be kept under close surveillance.

580 Mr Speaker, in line with the aim of screening programmes, the Colorectal Cancer Screening Programme has shown that it has achieved its key outcome target of 100% cancer detection, following the end of year one audit.

585 Mr Speaker, on health promotion and public education, the Department, now with its full complement of two health promotion officers, has held key health promotion events. These included Heart Health Awareness, the Well Child, Skin Cancer Screening, World Crohn's Disease Day, World Diabetes Day and World AIDS Day.

590 One of the more comprehensive campaigns was the European Antibiotic Awareness Week, which was celebrated by the GHA through several initiatives in order to raise public awareness about the importance of correct antibiotic use and antibiotic resistance. Part of this campaign included the launch of the GHA's comprehensive evidenced-based guidelines on antibiotic prescription now in use by the GHA's doctors and nurses.

595 Mr Speaker, I would like to turn my attention now to an area of healthcare which the Government and the GHA consider a priority: cancer services. Cancer is one of the highest causes of death and touches every single family in our community. A diagnosis of cancer will have a major impact on many areas of a person's life and that of their loved ones. They may be dealing with many medical, emotional and financial issues. The GHA will endeavour to make the patient's cancer journey as seamless as possible, offering advice, support and a range of options. To this end, the new Cancer Services department was established with the aim of improving the patient experience and improving cancer outcomes. The Cancer Services department was created in September last with the employment of a new Cancer Services Co-ordinator. The role

600 entails the co-ordination of services between the different cancer service providers such as
primary, secondary, tertiary care, palliative care and the local cancer charities to ensure best
practice in access to cancer services and active case management. By liaising with all service
605 providers, the co-ordinator identifies gaps in care and implements possible improvements to
GHA services such as new patient care pathways, policies and protocols. So far, communication
between service providers has improved and there is an established link between senior
clinicians both in and outside Gibraltar. Oncology multidisciplinary teams now are meeting on a
regular basis and the draft Cancer Strategy has already been developed.

Mr Speaker, this takes me to the development of the Chemotherapy Suite and the
repatriation of chemotherapy. The Government has listened to patients, their relatives and
610 charities and has understood the great hardship and difficulties encountered when travelling
abroad to have chemotherapy. No longer will patients be required to travel; they will be able to
receive their treatment locally in the company of their friends and relatives.

Mr Speaker, as previously mentioned in this House, the GHA is fully aware that Primary Care
is an area of our Health Service that needed to improve, especially with respect to access to
615 services and availability of GP appointments. The appointment system at the PCC has been
under constant review since 2012. First, the Government, on the advice of staff and patients,
shortened the period of open appointments from three months to one month, and introduced
the last prescription direct appointment system. This system did in fact work much better. This
new system, although better than the previous one, was not without its problems, which is why
620 it has been under constant review. After further consultation, a new system, which entailed
changing from the monthly appointment system to a 48 hour-appointment system, was
introduced in January 2016 with the aim of decongesting the PCC on the first of the month,
increasing the availability of appointments and giving users greater choice, together with
reducing the high number of DNAs (Did Not Attend).

Mr Speaker, this change has not been without its challenges, as is expected with any new
625 system. The first indication is that this system is far better than the previous one, with a marked
reduction in the DNA rate for advance appointments and greater availability and access to
appointments for service users. We have increased the number of routine slots from 1,361 in
January for advanced appointments to 1,905 in May, and from 1,630 for on-the-day
630 appointments in January to 2,805 in May. Now, on most days there are appointments left over,
so no patient needs to be left unseen. This is indeed progress, and rare in other jurisdictions. We
will continue to review this system in order to continue to improve the service.

Apart from the introduction of the new appointment system, the PCC has seen further
improvements during the last financial year. These have been on multiple levels and are now
635 bearing fruit and resulting in improved accessibility for service users. Some may not be obvious
to the public but they have resulted in a better standard of care for users of the centre. Some of
these improvements have included more training for staff, an increase in the number of GPs,
introduction of live video-linked British Sign Language (BSL) translation, introduction of the
electronic health record and additional of a dental clinic. All of these improvements would not
640 have been possible without the professionalism, commitment and hard work of all the staff at
the Primary Care Centre, especially the hardworking records and other counter staff who work
on the front line, under great pressure and subject to abuse from some members of the public,
but despite this never let us down. A very special thanks to you all. *(Banging on desk)*

Mr Speaker, this Government has a firm commitment to look after our elderly population,
645 especially those who have Alzheimer's and Dementia. Not only the patients but their relatives
and carers need our support even more. The Government will continue to improve and expand
facilities and care, as well as promoting awareness and establishing a long-term sustainable
policy that ensures support and dignity for generations to come. On this note I was pleased to
announce last autumn the publication of the draft Dementia Strategy.

650 Government has already improved facilities, such as the opening of Calpe Ward in St
Bernard's and the complete refurbishment of the John Mackintosh Home. We are now in the

process of opening the new Dementia Day Centre and Residential Home at the former RNH site. This facility is already complete and we are aiming to open in September. The day facility will offer day therapy for up to 90 patients on a daily basis. It will also house the memory clinic and other essential dementia services, including a dedicated GP service, offering a one-stop shop for dementia patients and their families. The Government and the GHA will continue to work with the Gibraltar Alzheimer's and Dementia Society, who have been instrumental in the development of the strategy and the development of the new facilities at the RNH site.

This is a good point to refer also to the work of Elderly Residential Services, who are also planning to open the residential unit in September and who work for our elderly in Mount Alvernia and John Mackintosh. Their work goes far beyond what is expected, and they are always providing activities for residents around Gibraltar. They are a great team. This year we will be investing in Mount Alvernia in improving facilities for residents and staff. I must here also thank the Friends of Mount Alvernia for their outstanding contribution to improving the lives of our residents.

Mr Speaker, in 2014 the GHA embarked on what may arguably be its most important quality improvement initiative, the electronic patient record programme. One of the aims was to deliver on this Government's manifesto commitment to computerise all patient notes, but the main aim and benefits go beyond this. An integrated electronic patient record system, the most advanced of its kind anywhere, will assist in improving the quality of the service provided, making it safer, more patient focused, effective, efficient and transparent.

The GHA went live with EMIS Web in the Primary Care Centre and Symphony in the accident and emergency department in June last year. Along with the implementation of eCamis in the registration department, this formed the core of phase 1 of the EPR programme. Prior to this, there was considerable testing of the new clinical systems by end users, GPs, hospital medical staff, nursing and allied healthcare professionals, and extensive training of staff. Access to records is instant at the point of delivery, with all clinicians being able to make use of the system regardless of location. Within weeks, GPs and other practitioners in the community will be able, for the first time ever, to access patients' primary care notes during house calls on mobile devices. Phase 2 will now see the programme rolled out into secondary care and mental health this year.

As with all changes these are demanding and difficult times while staff have to adapt to the transformation. However, GHA staff have been exceptional in the way they have managed the very complex transition in a very short timeframe. The GHA should be considered an example to any other organisation that embarks on a similar journey of transformation.

The Information Management and Technology team continue to manage the GHA's extensive computer network and infrastructure, which due to the opening of facilities such as Ocean Views and the new catering facility, together with the addition of hardware to accommodate the electronic patient programme, is expanding and increasing in complexity. Additionally, they have been involved in planning various development programmes in order to enhance the robustness and the vital security of the GHA's IT systems.

These are some of the many projects in which the team have been involved in: the completion of the deployment of the digital dictation system; the Chemotherapy Suite infrastructure; upgrade of the aging CCTV; in-house development and launch of a replacement bespoke sponsored patients system and human resources system; the in-house development of a hospital stores inventory and stock control system. The team have also completed the installation of the Wi-Fi network. Once fully implemented, it will make a huge improvement to the patient experience and also achieve full mobile device connectivity across the hospital, allowing clinicians to view patient details at the bedside and providing improved efficiency in the delivery of patient care.

Mr Speaker, the services provided by the Estates and Clinical Engineering team, now a combined GHA/GEA team, are crucial to the smooth and safe running of our Health Service. The

team supports health professionals, working in the background in an area which is of vital importance to patient care yet seldom in the public eye.

705 Apart from the work related to departmental requests and emergency callouts, which saw record figures for last year peaking at 3,105 requests, together with a comprehensive lifecycle programme which ensures that all GHA assets are fully operational and up to date, the department is also engaged in major capital projects.

710 Mr Speaker, the following list highlights some of the major initiatives carried out during the last financial year: the new escalators at the entrance to St Bernard's; installation and commissioning of the 128 slice CT scanner; new improved surgical lighting for general theatres; a new surgical microscope for the ophthalmic theatres; new emergency back-up generator for Primary Care; new Dental Clinic at Primary Care; new cardiovascular ultrasound for the Medical Investigation Unit; upgrade to St Bernard's Hospital fire alarm system; works to the new
715 Chemotherapy Unit; and design works for the expansion of the A&E department.

Mr Speaker, given that the GHA is a large consumer of energy, the directorate takes energy efficiency very seriously. The GHA's technical staff continue to be engaged with various initiatives to monitor and improve energy efficiency across the GHA. These have included: introduction of LED lighting in all new developments; smart metering; heat recovery from air
720 conditioning systems; and assisting with the design of the new solar thermal system.

Mr Speaker, it is very encouraging to report that the GHA's sustained commitments with respect to energy efficiency have been formally recognised following an exhaustive energy use audit carried out by an independent energy assessment team. In addition, both St Bernard's Hospital catering facility and Ocean Views were awarded an 'A' rating for energy efficiency and
725 for environmental impact.

In line with the Government's priority and commitment to training and development, the Government and GHA are exploring opportunities for training schemes as part of its workforce strategy for the clinical engineering team.

730 Mr Speaker, the Human Resources department has been working on a variety of policies with the aim of ensuring that all staff starting in the GHA undertake a structured and comprehensive induction programme that will enable them to work and provide a safe and efficient service within their areas. Through this policy the GHA will ensure that all members of staff have the necessary skills and knowledge to achieve excellent customer care and the ability to meet the changing needs of patients, service users and the organisation.

735 Mr Speaker, the GHA's HR department continues to closely liaise with Department heads and the Department of Education with the aim of ensuring that there is a supply of qualified staff and, where necessary, appropriately experienced local applicants for clinical posts, with the aim of increasing employment opportunities for our recently qualified young people. HR staff, along with representatives from other areas across the organisation, continue to visit local schools
740 with the aim of promoting careers in healthcare and future employment opportunities. In this way, we are expecting to shortly recruit at least four Gibraltarians as designate consultants to take on work in Gibraltar when their training is complete. (**A Member:** Hear, hear.) (*Banging on desks*)

745 Mr Speaker, in the last Budget speech I announced that all the relevant legislation with respect to the General Medical Council registration of doctors practising in Gibraltar and the establishment of a Responsible Officer (RO)/Suitable Person for Gibraltar had been completed and was in place. Further work this year has included consolidating the medical appraisal process, a comprehensive CPD programme and getting our Responsible Officer recognised by the GMC as a Suitable Person. Thanks to our diligence, the GMC has made it possible to
750 revalidate GHA doctors by recognising the GHA's RO as a Suitable Person.

Mr Speaker, I am now glad to announce that all the pieces of the jigsaw are in place to ensure that GHA doctors are able to meet the requirements of the GMC to be able to revalidate and obtain a licence to practise. I am expecting similar progress very soon in the private sector. It is a huge step which will lead to significant improvements in standards of practice and good clinical

755 governance. I must here thank both the Medical Registration Board and the Nurses and
Midwives Registration Board for their thorough and often complex work in ensuring proper
regulation of our health professionals.

Mr Speaker, the School of Health Studies offers a wide range of educational activities. The
programmes are proactive, anticipating not only today's expectations but the demands of
760 tomorrow. The school offers academic excellence ranging from those taking their first steps in
healthcare to practitioners with many years' experience in their field.

We are continuing with the provision of an eighteen month enrolled nurse programme,
which upon successful completion leads to registration with the Gibraltar Nurses, Midwives and
Health Visitors Registration Board. The BSc Nursing (Adult) students also apply for registration
765 with the Registration Board and leave the programme with an honours degree. Currently there
are two cohorts of student nurses studying the degree programme. The SHS lecturers, with the
support of in-house clinical staff, teach and assess the programme, with external scrutiny of the
academic standard being undertaken by Kingston University of London and St George's
University. All external appraisals show that our courses, trainers and students have all achieved
770 the highest standards.

I am particularly proud of the fact that we have this year witnessed a total of 19 students
achieving degrees and one obtaining the diploma on a programme delivered here in Gibraltar.
November 2015 saw the graduation ceremony of the first ever totally locally run Degree in Adult
Nursing. These new graduates will become ambassadors of patient care and set the tone of a
775 contemporary and vibrant healthcare service now and, most significantly, in the future. Nursing
has in fact proven its worth once more in getting two nominations for the prestigious British
Journal of Nursing Awards this last year. This success also demonstrates the Government's
commitment to providing training for our youth in key professions.

Mr Speaker, in a complex, challenging and rapidly changing modern healthcare service, it is
important for staff to be able to access relevant and flexible Continuing Personal Professional
Development (CPPD). The GHA continues to invest in CPPD for all staff across the organisation,
780 and this element of the school's work continues to expand.

This year also saw the signing of a memorandum of understanding between the GHA and the
University of Gibraltar, making the GHA School of Health Studies an associate campus of the
University. This agreement will provide greater learning opportunities and an improved teaching
785 environment for all staff and students of the GHA.

Mr Speaker, it is evident that the Government has trained its healthcare staff like never
before, giving rise to greater standards of care for patients and service users.

I would like here to congratulate Prof. Ian Peate, who heads the school, for being awarded an
790 OBE in the UK Queen's Birthday Honours list. Not only has his leadership been fundamental, but
he has also encouraged the students academically, a number of whom have recently had papers
published in learned academic journals.

Mr Speaker, CPD is particularly important in medicine, and this last year the medical body
began a programme of formal professional CPD on a monthly basis, bringing together many of
795 the doctors.

The re-establishment of the Medical Advisory Committee remains successful and the
committee remains active and provides valuable input to the management and to me as
Minister and Chairman.

Agreement has now been reached on the new consultant contract and minor details are now
800 being finalised. Work is also progressing on a junior doctors' contract, and, if I may say, much
more cordially than in the UK.

I would like here to thanks to Dr Antonio Marin, the outgoing Medical Director, for his work,
and congratulate the new Medical Director, Dr Danny Cassaglia, with whom I look forward to
working in his new role.

805 Mr Speaker, as I said at this time last year, as from 1st July 2015 the weekly maximum
allowance for sponsored patients was increased from £427 to £504, with a corresponding

percentage increase in the allowances for those staying at Calpe House. Other improvements have included greater flexibility in arranging return dates and escort conditions for children and the elderly.

810 Mr Speaker, the number of referrals to tertiary centres outside Gibraltar continues to rise, with a total of 6,277 cases managed in 2015 compared to about 3,500 cases in 2014. The first quarter of 2016 has already seen a total of 1,673 cases referred, a trend which, if it continues on these lines, will surpass the record figure witnessed in 2015. This is not a record we seek to surpass, as it means that there are a lot of sick people we are looking after. As more patients
815 survive illness but need monitoring and review, the numbers grow cumulatively. This of course increases costs, which we are aiming to control with repatriation and other initiatives. But it is a financial challenge that is for a worthy cause. The saving of life is surely worthier than any other.

No doubt the new Calpe House, an initiative which I am pleased to support, just as I supported the original one all those years ago, will help not only in improving facilities for our
820 patients, but also in reducing cost.

Mr Speaker, new contracts have been developed with several hospital accommodation centres, which will facilitate the booking of accommodation for patients and relatives. This has been received positively by users since it removes the added pressure for patients and relatives in having to find their own accommodation at a very stressful time in their lives.

825 Finally, with respect to sponsored patients, new international transfer protocols for emergency transfer of patients to specialist hospitals in Spain and the UK have been developed which include retrieval teams for paediatrics and those who require high-dependency care. My thanks to the hardworking staff of the Department for constantly delivering under a great deal of pressure.

830 Mr Speaker, this year saw the commissioning of the new CT scanner. This 128-Slice Computed Tomography Scanner is the most advanced model in Europe and has replaced the 10-year-old 16-Slice Scanner. It is significantly higher in specification and enables greater flexibility in the range of investigations that the GHA can offer in Gibraltar. The new scanner has the capability to conduct brain perfusion, cardiac, colonography and dental scans. These patients
835 would have had to go away from Gibraltar in the past.

Another development has been the establishment of a tertiary reporting service via an electronic link which shares patient imaging. A direct link with the radiologists at St George's Hospital Foundation Trust means that the GHA is able to obtain tertiary expert opinion in complex cases via a prompt and formal process.

840 On similar lines, the GHA has also established connection of an image exchange portal. This network will secure digital exchange of radiology imaging information between the GHA and UK hospitals. It is a fast, efficient and secure method that eliminates the need to transfer patients' radiology images via CDs to the UK for tertiary referrals or second expert opinions.

845 The Radiology department has also been targeting the reduction of waiting lists for ultrasound scans. Routine scans have been reduced to five weeks, with more urgent ones being done within two weeks of the request. We are planning also to replace most of the equipment in Radiology in the coming year.

The department of Pathology last year introduced a range of new tests with the aim of providing an improved service to clinicians for diagnosis and patient care. These include: Brain Natriuretic Peptide tests, which assist in the diagnosis of heart failure; Haptoglobin, used
850 primarily to help detect and evaluate haemolytic anaemia; Beta 2 – macroglobulin (B2M) tests, used as a tumour marker for some blood cell cancers; and the Department has also introduced a Cabapenam – Resistant Enterobacteriaceae (CRE) screening programme to test patients who arrive from tertiary centres and so prevent spread of infection.

855 Mr Speaker, in order to meet European Quality Standards with respect to blood donation and transfusion services, the Pathology department commissioned an external audit review with the ultimate aim of obtaining ISO accreditation.

The Ambulance Service: the number of patient transfers continues to grow and the average local emergency ambulance deployments increased by 7% during the past year.

860 The four paramedics have completed their first year of practice, which has resulted in tangible benefits in prehospital care, particularly in the field of analgesia. Additionally, emergency medical technicians have completed their fourth year of being able to administer a range of safe and effective medications. The new paramedic clinical governance framework has been completed and the major incident response and training has been reviewed.

865 Mr Speaker, the Government has taken the decision to transfer the Gibraltar Fire and Rescue Service emergency ambulance over to the GHA. This will entail the purchase of a new emergency ambulance and the recruitment of the required ambulance staff will be completed this autumn.

870 Mr Speaker, the GHA's new catering facility at St Bernard's Hospital opened in October 2015, replacing the old kitchen at the North Mole. Food is no longer transported by van from the North Mole in trollies but is wheeled directly into the hospital corridors, ensuring much greater freshness. It no longer travels on plates covered with cling film or plastic lids but in bulk containers to be served hot in the wards. The new facility is purpose built to the highest standards of hygiene and efficiency. Flow of food is now a continuous process, reducing both the
875 risk of cross contamination and the amount of food waste. The design, which can cater for the production of up to 2,000 meals a day, also means that the need for daily maintenance is greatly reduced. Staff facilities have been greatly improved. All equipment is energy and water saving, using less electricity than the old unit, and there is a full ventilation system with the building attaining an 'A' rating for energy performance. The new facility will ensure much better quality
880 food, better prepared and served for the benefit of all patients. It has boosted the morale of staff who were working in substandard premises with old, inefficient equipment, and has greatly improved working conditions, which has allowed for training for all the staff.

885 Mr Speaker, we have over the past year, as in other years, welcomed visitors from hospitals and health establishments from the UK and elsewhere. One of the things they almost invariably point out is the cleanliness and tidiness of St Bernard's. Our team of domestics is exceptional in its skill, diligence and, most important, pride in their work, and I want to publicly thank these ladies, and one or two gentlemen, for this. They do us proud. I would also like to acknowledge the maintenance team for their contribution to keeping standards in GHA buildings.

890 Mr Speaker, at my last Budget session I apologised to patients, relatives and staff for the length of time it took to complete the new Mental Health facility, Ocean Views – for good reason – but reported on its opening in February. Since opening the new facility, further change to the services has been introduced in consultation with patients, relatives and staff. The most tangible improvement is the effect of change of setting, which now provides a modern, therapeutic and recovery focused ... with greater privacy in more relaxed and comfortable surroundings. It has
895 even resulted in a decrease in the use of certain types of medication. All clinical areas have benefited from this change, but this has been more evident in the following three facilities: Sky Ward – the Psychiatric Intensive Care Unit; the Multi-Function Suite, which has been used constantly to facilitate the care needs of young adults, forensic cases, vulnerable adults and pregnant patients – cases which would have been unmanageable in the old KGV Hospital; the
900 Rockside Rehabilitation Flats, where patients move into a more independent living environment.

Together with the work being done by the Activity and Rehabilitation Centre and the excellent work of the Community Mental Health team, patients develop existing skills or learn new ones in order to complete their rehabilitation programme and their eventual reintegration into the community.

905 Mr Speaker, critical to the overall Mental Health Service has been the need to review and update the current, the old, Mental Health Act. The new Mental Health Act will make provision with respect to the reception, care and treatment of those with mental illness, the management of personal welfare, property and affairs of persons who lack capacity and consent issues.

910 The Act is concerned with the circumstances in which a person with a mental disorder can be detained for treatment. It sets out the processes which must be followed and the safeguard for patients to ensure that they are not inappropriately detained or treated. The main purpose is to ensure that people with serious mental disorders which threaten their health or the safety of the public can be treated when it is necessary to prevent them from harming themselves or others.

915 Mr Speaker, the Act also covers other key areas such as consent to treatment, the treatment of patients in the community, Mental Health tribunals, and it sets up a Mental Health Board, whose main function will be that of an independent body to review the treatment of patients, similar to the Prison Board.

920 There will be a code of practice being developed locally and work will now commence on a Mental Capacity Act.

Mr Speaker, I am very pleased to report that the overall number of complaints in the last year is slightly up from previous years. This comment may surprise you, and I will explain.

925 On 1st April 2015 Government introduced the new complaints handling service as a 2011 manifesto commitment, passing the complaints process directly to the ombudsman's office. All complaints, even lesser ones that in the past would have been dealt with and would not have been logged as such, are now recorded. In addition, there is a policy to actively encourage complaints to come forward, as this helps in identifying problem areas and generating positive change.

930 Mr Speaker, in line with another of the Government's 2011 manifesto commitments, to make arrangements with a large tertiary centre in the UK for modernisation of services, the GHA signed a new clinical services contract with St George's Hospital NHS Foundation Trust. This new contract will provide the GHA with a comprehensive visiting consultant programme and in-patient access to all their high quality specialist services, particularly neurology and neurosurgery, cardiology and cardiac surgery and endoscopy services in support of our bowel cancer screening programme. Already, for example, the St George's neurology team has hugely improved the service we provide. This has included a visit by a specialist multiple sclerosis nurse, who will now visit every six months, with a phone-in service direct to a specialist in UK for MS patients who need rapid advice. This is a type of service which, together with telemedicine, we are looking to emulate in other areas too.

940 Mr Speaker, we are completely reviewing our delivery of maternity services, including improved access to care for women with threatened miscarriage.

945 The GHA approved the policy to introduce the use of acupuncture as a treatment modality. The modality is research based and provides our chartered physiotherapists with an added tool with which to treat patients with a variety of musculoskeletal conditions. This has been possible through the professionalism and commitment of the GHA's Physiotherapy team who have completed the required training and learning portfolios leading to full accreditation in the use of acupuncture as a modality. The use of acupuncture under their expertise will greatly benefit those whom we care for.

950 Mr Speaker, due to difficulties being experienced by patients affected by HIV, the GHA has taken the decision to repatriate this service from Spain. The main problem being encountered included missed appointments, the need to be re-referred and the language barrier. A visiting consultant specialised in the treatment and management of HIV and hepatitis will be holding clinics twice a month in Gibraltar. These clinics will now be further expanded to incorporate the management of hepatitis C patients who were also being referred to Spain.

955 Following my announcement at last year's Budget speech on organ transplant for Gibraltar patients, I am pleased to say that further work on this field has consolidated the understanding with the NHS Blood and Transplant Service, which now makes Gibraltarians eligible to be included in the UK's official transplant list. This is already happening and it is a huge step forward for Gibraltar to be able to finally have the green light for organ transplant in co-operation with the NHS. Evidence of the progress made is that we have already had a Gibraltarian undergo a

960

successful liver transplant, with several other patients being assessed for kidney and heart transplants. We are currently also working on the logistics for Gibraltarians to be able to go on a donor list so they can donate their own organs.

965 Mr Speaker, once again I round up due to lack of time and not due to lack of enthusiasm nor, even less, lack of plans.

Very quickly, can I mention the work of allied health professionals in many areas such as developing stroke care plans, or the interdepartmental work we are doing to improve Child and Adolescent Mental Health Services.

970 This has been another extremely productive year for the Health Service. To finish, I would like to thank all at the GHA, without whom the achievements outlined would not have been possible. I am incredibly proud of all our staff for their professionalism, dedication and commitment.

Mr Speaker, before I finish, please allow me to thank you and the staff of Parliament for the professionalism and hard work throughout what has been an extremely busy year.

975 I also want to particularly thank my personal staff, both in Health and Environment, for going well beyond the call of duty in assisting and supporting me at all times. I want also to publicly thank my recently retired Principal Secretary in Health, Christine Crawford, who was with me nearly three decades ago when the GHA project started and who has contributed more to the development of healthcare in Gibraltar than most will ever know.

980 I must especially thank the whole team at the Gibraltar Law Offices, who provide exceptional legal advice and drafting support in such a wide range of areas that I cover, and always of supreme quality.

Thanks also to the staff at No. 6 for their support always, and most especially when I have had the privilege of acting as Chief Minister.

985 My thanks too to the staff of Elderly Residential Services, the GHA, GEA, the Department of Environment and Climate Change, Environmental Agency, Aquagib, GIC, Master Service, Gibraltar Veterinary Clinic, Botanic Gardens, Greenarc, Gibraltarflora and Eden, for their continued service to the community, each in their own niche.

990 Thanks too to both of the unions with whom I regularly work, Unite and GGCA, for being an example always of strong but responsible trade unionism.

And to all those health-related charities – too many to mention, but they know who they are – for their commitment to our shared cause of improving health and care in our community and for giving me a well-meant and most acceptable hard time!

995 Mr Speaker, if in finishing up I may return to where I started, climate change is a threat too to the health of many communities, including our own. Hotter weather, fiercer storms, more pollen leading to increases in the effects of allergies, shifting of populations of disease vectors such as mosquitos, can all impact directly on our lives. So, Mr Speaker, I have come full circle.

1000 When I retire from this world of politics I want to be able to look out over Gibraltar, perhaps from our new Skywalk at the very top of this Rock of Ages, while breathing fresh, clean air, with birds singing and eagles soaring, and I want to see below me a prosperous city of healthy and happy people surrounded by pristine shores bathed in crystal clear water, and with the satisfaction of our having become a healthy environmental example to the world.

Thank you, Mr Speaker. *(Banging on desks)*

1005 **Several Members:** Hear, hear.

Mr Speaker: The Hon. Paul Balban.

1010 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, last November the people of Gibraltar entrusted this Government with another term of office; a result that showed the resounding trust that the electorate have for a party that have had

Gibraltar's true interests at heart. It is an honour to stand here today to deliver my fifth Budget address.

1015 Mr Speaker, I will commence my address by turning to my ministerial responsibilities for Technical Services.

During the past financial year, the Technical Services Department has continued to work tirelessly to meet its defined responsibilities, maintaining public infrastructure and supporting and providing technical advice to other Government Ministries and Departments.

1020 The Technical Services Department has been involved with a number of projects covering a wide range of areas which have included coastal works, cliff stabilisation schemes, highways maintenance, sewer maintenance and demolition works.

1025 Mr Speaker, Technical Services has been directly responsible for the delivery of the North Mole Reclamation project that will make way for the LNG plant that will supply the new power station. This project has seen the existing Western Arm extended northwards by just under 120 m.

1030 In all, nine concrete caissons have been placed to create the perimeter of this new reclamation. Approximately 90,000 tonnes of rubble from the Eastside Reclamation site have been processed to create the landfill. This is an important use of existing waste material to create a valuable plot of land of approximately 10,000 m². The project posed various engineering challenges given its close proximity to the airfield and existing shipping routes to and from the marinas. The total cost of this project was £12 million and it was completed earlier this year.

For the coming year, Technical Services will continue to monitor and maintain all existing coastal defences and will offer technical support with the delivery of a new major reclamation project at Western Beach.

1035 Mr Speaker, turning now to cliff stabilisation and rock fall protection projects: during the financial year 2014-15, the Department has developed the design of additional rock catch fences along the northern end of the Eastside water catchments and will be replacing an 80 m stretch of fences during the current financial year. The Department will continue to monitor and develop cliff stabilisation schemes in line with Government's ongoing cliff stabilisation and rockfall prevention and protection programme.

1040 With regard to highway maintenance, the works programme has once again been successful over the past year with ongoing repairs to roads, footpaths and retaining walls.

1045 The replacement of pelican crossing lights and equipment has been undertaken in a number of locations throughout Gibraltar, working jointly with the Gibraltar Electricity Authority. The first countdown timer system was installed along Line Wall Road in the vicinity of the City Hall last financial year. This was an enormous success.

1050 This has led to the recently announced – in fact, just yesterday – introduction of two new countdown timer systems aimed at improving pedestrian safety and fluidity. The first countdown timer has been placed along North Mole Road at the crossing by Block 1 Watergardens. These timers will form part of a crossing system which incorporate signs which will encourage pedestrians wishing to access Main Street and the City Centre to do so at this controlled crossing, which will clearly define pedestrian crossing times and vehicle movement times.

1055 The intention is to alleviate the congestion created by visitors, especially those from cruise ships, when they cross at the uncontrolled crossing adjacent to the Waterport Fountain Roundabout. In doing so, large traffic tailbacks are created as a result of swarms of pedestrians crossing without a means of controlling their crossing times.

1060 A second countdown timer, as announced, was placed at the last pelican crossing leading from the fuel station to Market Place. These new measures are expected to provide better fluidity to traffic flow and safer pedestrian access to town.

Mr Speaker, last year saw the completion of pedestrian improvements to the Trafalgar and Ragged Staff areas with the introduction of a new puffin crossing, together with a new zebra crossing from Ragged Staff parking to the Trafalgar Cemetery. This falls in line with the policies

1065 and objectives of the Traffic Plan which aims to improve pedestrian access, cutting journey times
and make walking safer and more enjoyable – hence encouraging its take-up as, no doubt, the
best way of getting to and from places.

1070 The Department, as usual, continues to successfully manage road closures and diversions on
the Public Highway, both for its own in-house works and for all other utility companies and
contractors, in a manner that allows essential works to be undertaken whilst at the same time
allowing vehicles and pedestrians to circulate in a safe manner with the minimum amount of
disruption. The increased construction activity generated by new projects over the past few
years makes this task increasingly difficult. In order to reduce the impact as much as possible,
road closures are avoided during peak times wherever possible, and after hours and weekend
work is a condition that is normally imposed on contractors in order to minimise inconvenience
1075 to the public.

Mr Speaker, as stated in last year's Budget speech, the comprehensive resurfacing
programme will be continued this year by this Department. Last year, major resurfacing works
were undertaken along the southern section of Queensway from the Dockyard roundabout up
to the entrance to Commonwealth Park. This project also included the laying of new road
1080 channels on the sides of the road and remedial works to existing road gullies to improve
drainage in the area. Additionally, the roundabout leading to the supermarket on Europort
Avenue was also completely resurfaced.

During the current financial year the resurfacing programme will continue and the
Department is currently reviewing various areas for resurfacing which will include a section of
1085 Queensway by the new multi-storey car park at Midtown, the Sundial Roundabout and
Cumberland Road.

Mr Speaker, we are also pleased to announce that the first phase of works to repair the
paving joints on Main Street was completed last year. The works entailed the lifting up and
relaying of the stone blocks and the filling and stabilising of all joints using a special polymer.
1090 Last year a stretch of Main Street from the junction with Engineer Lane to its junction with
Cooperage Lane was completed. In line with our manifesto commitment we are pleased to
announce that Phase 2 of this project will continue this year and will see the repairs to the joints
extend southwards along Main Street.

During the past few years, major improvements have been carried out within Dudley Ward
1095 Tunnel with the installation of a fire-fighting main and emergency telephones along the full
length of Dudley Ward Tunnel. Last year mobile phone coverage was extended within the tunnel
and the Department has been working with specialist consultants to develop a ventilation
scheme which will improve the air quality as much as possible, whilst working within the
constraints imposed by this ex-military tunnel. In line with our manifesto commitment, funding
1100 has been earmarked for the installation of the ventilation system to be commenced during the
current financial year.

The draft Sustainable Traffic, Transport and Parking Plan was published during 2015 and was
open to public consultation to allow the public to comment on the various initiatives being
1105 considered. Their various comments and suggestions have helped to form the final version of
the plan that is earmarked for publication soon and will provide a footprint for all matters
relating to traffic, parking and modes of transport on our roads for the next ten years.

Mr Speaker, on traffic matters, the Department has continued to make good progress this
year and has seen a number of improvements and initiatives. Traffic speed indicator devices
were installed on several of our main arterial roads. These speed indicator devices are vehicle-
1110 activated signs which detect and display real time vehicle speeds as vehicles approach them, in
order to advise drivers of the speed they are travelling at. The aim of the devices is to provide
information that will allow drivers to change their behaviour towards speed and is one of several
measures which form part of the wider speed-management plan. In this respect the Department
has been carrying out a full review of the speed limits on all of Gibraltar's roads and is pleased to

1115 announce that, in the coming year, changes will be made to the current speed limits to a number of our roads, some of which have already started.

1120 During the past year, the Department has also been involved with the installation of speed cameras along Europa Advance Road, Rosia Road and Devil's Tower Road. These sites were chosen in consultation with the RGP who are the experts on the ground when it comes to 'hotspots' for speeding around Gibraltar. These roads have the highest accident rates statistically and it is hoped that the introduction of these speed cameras will reduce vehicle speeds and make our roads safer for all our users. The project is currently at a very advanced stage and it is hoped that the cameras will become operational within the next few months.

1125 Mr Speaker, in respect to parking, the construction of the new multi-storey car park at the site of the old Naval Grounds is now completed and this will provide parking for 1,000-plus cars directly in the heart of Gibraltar. This facility will provide 40 covered parking spaces for large coaches as well as additional spaces for smaller coaches and taxis. It will also provide around 700 public car parking spaces – this is double the number of spaces that were previously available where Commonwealth Park now stands, and 100 more than the combined total of that car park and that of the Naval Ground. Three hundred and twenty-six spaces have been sold and some
1130 let out on a monthly basis. This car park also has 19 parking spaces designated for the disabled drivers and 30 bays fitted with electric car charging points.

1135 Other parking initiatives have included the introduction of additional pay and display facilities at Landport Ditch and the introduction of pay and display parking at Romney Huts car park. A new parking scheme is currently in progress and being developed along Line Wall Road, Orange Bastion and Zoca Flank, including Fountain Ramp. There has been a redistribution of motorbike parking to Zoca Flank and Reclamation Road allowing a greater area for quick turnaround pay and display parking along Line Wall Road, and more loading bays for commercial and residential use in the area which will be segregated depending on user type.

1140 A new pay and display area is also being considered for Waterport Road. These initiatives are aimed at improving the availability of parking in busy areas at peak times by the introduction of a parking fee to encourage vehicle turnaround. The feedback has been very good as increased turnaround means a greater chance of finding parking in the most needed areas, close to commercial and business zones. This has been greatly welcomed by the many that use these
1145 already existing facilities.

During this current financial year the Department is expecting to construct a new pedestrian footpath along Governor's Street from the junction of Bishop Rapallo Ramp to Library Ramp. This area is extremely narrow and there are concerns for the safety of pedestrians entering and exiting the properties and businesses lining the western side of this road.

1150 Mr Speaker, moving now on to sewers: during the past year the Infrastructure section of the Department has been carrying out significant works to the existing sewer that runs along Devil's Tower Road. These have included repairs to a sewer collapse by the Sundial Roundabout as well as the rehabilitation and repair of several brick manholes along the sewer run. During the coming financial year extensive sewer relining works will be carried out along this length of
1155 sewer to deal with the additional flows that will result from developments in the area.

Apart from the works at Devil's Tower Road the Department has been working on a new foul sewer system at Europort Avenue and will shortly commence work to lay a new storm water system in the area. This new system will go a long way in dealing with the problems of flooding along Queensway which has been caused by the collapse of an existing brick culvert and which has required an over pumping regime to be put in place to deal with the problem.
1160

The condition and upkeep of Gibraltar's main sewer and storm water drainage networks continues to be a matter of great concern for the Government arising from a lack of sufficient investment and neglect in the past to what is, arguably, the most important part of our infrastructure. The Department will therefore this year continue to carry out desilting and
1165 cleansing works to the main sewer from the area of the Museum to the Trafalgar Roundabout.

Other works will include improvements to the storm water systems at both Road to the Lines and the southern end of Main Street where flooding has become an annual problem during periods of very heavy rainfall.

1170 Funding is once again being provided for the purchase of equipment to allow the Sewer Infrastructure section to continue to expand and provide an enhanced service in respect of inspections of the sewer network.

Funding is also being provided this financial year to the garage and workshop for new equipment. The garage and workshop will continue to provide its service to maintain the fleet of Government vehicles, including the refuse collection vehicles.

1175 Mr Speaker, the Technical Services Department is one of those Government Departments who are rarely in the limelight but who work tirelessly behind the scenes to deliver on their defined responsibilities, maintaining public infrastructure and supporting and providing technical advice to other Government Ministries and Departments. You will recall that the Department was heavily involved during the major landslide that affected Europa Road in October last year and is testament to the professional and technical ability of the Department to deal with all manner of challenges.

As can be seen, Technical Services will quietly, yet effectively and professionally, continue to carry out this coming year all manner of projects in order to deliver on the Government's extensive and comprehensive programmes.

1185 Mr Speaker, turning now to public transport: the new MAN buses are providing Gibraltar with a much-needed improved bus service and are playing a key role in part of the Government's Sustainable Traffic, Transport and Parking Plan. These buses are fully accessible to all and include wide-step entrances, space for wheelchairs or buggies, kneeling suspension and powerful and reliable air-conditioning. Additionally, the Ministry for Transport, Traffic and Technical Services announced in October of last year that Her Majesty's Government of Gibraltar was working on a real-time bus tracking service that would cover all working routes offered by the Gibraltar Bus Company.

1190 The Gibraltar Bus Tracker WebApp, developed by the Information Technology & Logistics Department, was officially launched in April with Routes 2 and 3, with further routes to be announced in due course.

The Bus Tracker WebApp now offers users real-time bus information. Therefore, from any smartphone or desktop computer with internet access, any citizen will be able to access the website, select a bus route and see a transit map that will display where buses are located within the given route.

1200 Mr Speaker, this is yet another way in which our public transport experience has been enhanced. Why should we wait for the bus, when we can meet it at the bus stop? The Bus Tracker App will revolutionise bus travel in Gibraltar, helping to provide that modal change to more sustainable and shared and environmentally friendly transport. The Bus Tracker App is imperative to give the control to the user so that they have the confidence to leave their vehicle behind and choose the free and efficient service that is being provided. Further bus routes will be rolled out shortly as the routes are further reviewed.

1205 Bus routes are also being modified with consideration given to user feedback and comments. The hardest thing to do is to strike that happy balance that pleases all bus users, each with their own differing and indeed conflicting needs. The hardest compromise is providing a bus service that gives the maximum route coverage, especially to an increasingly ageing community, while providing a reasonably short journey time to satisfy the working population too – hence encouraging that step change of leaving vehicles behind and opting for public transport instead. Although a long and convoluted bus service favours people with a lot of time on their hands, it does little for those who need to get to work quickly. Some routes can take up to between 45 minutes and 1 hour from start to finish – and sometimes even longer if snared up in traffic.

1215

Mr Speaker, Government has made a significant investment in six new buses for the Upper Town in order to guarantee a better bus service all round and to try to encourage the use of public transport as a sustainable and an attractive alternative mode of transport.

1220 These modern buses have not only proved to be the best value for money, but also conform to the latest Euro 6 emission guidelines. They were carefully selected following a series of tests with different makes and models of vehicles carried out around our unique road network and topography. These trials were undertaken to ensure that the vehicles selected would meet the stringent requirements of the Upper Town.

1225 I am pleased to announce that the Ford Transits that were procured have proved to be powerful enough to deal with steep inclines while, at the same, time providing an adequately comfortable and cool environment within – that is, in terms of temperature – for its users. Furthermore, these buses are sufficiently small to be able to navigate our narrow roads while at the same time offer adequate passenger capacity.

1230 Their main specifications are: CCTV for passenger and driver safety; grab rails in order to accommodate standing passengers; and electric sliding doors. Moreover, three of these buses have also been fitted with fully accessible rear-entry wheelchair lifts. These lifts will not only allow access to wheelchair users, but can also enable those persons with severe walking disabilities to access the bus interior using these same means while in the standing position. Provisions are also in place should there be demand enough to fit wheelchair lifts in more buses.

1235 These new buses are now also serving the Mount Alvernia route with its wheelchair facilities. This was a much-needed and a much-sought-out service by the residents of this facility.

1240 Mr Speaker, in order to continue to improve the public transport service, Government will be training two more transport inspectors thereby bringing the complement to seven officers that will further ensure that our public transport meets the expectations of their users, and that they fully abide and conform to all the legal requirements under the Transport Act.

1245 In parallel, Government continues to work hand-in-hand with the Gibraltar Taxi Association in order to jointly identify strategies to continue to better the taxi service throughout Gibraltar. This year a new City Service pilot scheme has been put in place whereby more taxis are available to the public during the busy daytime hours. Although still under assessment, signs of customer service improvements are already starting to show. It is, in fact, the GTA who are the most self-critical of themselves, and taxi drivers generally agree and support these measures with a view of safeguarding an adequate service to the population from taxi ranks and the airport alike. I wish to thank the GTA and its members for their willingness to help improve what is already a very difficult service to provide, amidst daily traffic pressures especially around the Frontier and the Airport.

1250 Mr Speaker, I now turn to the Driver and Vehicle Licensing Department. This Department is working closely with the Driver and Vehicle Standards Agency (DVSA) in the UK for the introduction of the tachograph cards that will serve our drivers, operators and enforcement agencies. All the administrative procedures – application forms, information letters and databases – are now in place; a Memorandum of Understanding and a service level agreement

1255 has been drafted jointly by the Driving and Vehicle Licensing Department and Government Law Offices and is awaiting the DVSA's comments. The Department is actively working to try and find an apt solution in order to record speed, distance and the accurate activity of lorry and bus drivers in accordance with the regulations.

1260 Transport undertakings wishing to complete the new driver Certificate of Professional Competence – also known as the CPC – the initial qualification and periodic training, can obtain the training that is continually being provided by the DVLD. In the past year, 25 more drivers have successfully passed the Bus Certificate of Professional Competence and 16 more drivers have successfully passed the Lorry CPC initial qualification.

1265 The Government, in an effort to ensure that all directive requirements are met will continue to deliver the 35-hour periodic training for existing drivers during 2016-17. Presently, in total, 169 bus drivers and 85 lorry drivers have successfully attended the CPC periodic training. With

1270 this Government initiative, both transport undertakings and individual applicants are now taking advantage of completing the 35 hours of periodic training over a five-year period, necessary to be able to drive in a professional capacity. This structure is now assisting undertakings and individuals to spread the CPC training costs over the full five-year period.

1275 Mr Speaker, the carriage of dangerous goods by road carries the inherent risk of accidents. Taking into account the safety requirements of vehicles in Gibraltar that carry dangerous goods, and in accordance with the Transport (Carriage of Dangerous Goods by Road) Regulations 2010, Government has already trained seven officers. It is envisaged that Government will continue to provide this training in order to qualify officers and allow them to issue an authorisation certificate to these types of vehicles. This year, further courses will be held by qualified persons from the Driver and Vehicle Standards Agency from the UK in order to train the newly recruited vehicle testers. This course will be held locally.

1280 Mr Speaker, the introduction by this Government of the Motorcycle Compulsory Basic Training Course – also known as the CBT – for riders, continues to be a tremendous success. Feedback from parents and the public at large has been extremely positive, with 928 riders having been trained over the last year. I am very confident that this Government training incentive is contributing to continuously improve the road safety and reducing motorcycle accidents, especially in first-time motorcycle users.

1285 Mr Speaker, due to unexpected increase in demand of the photocard driving licence, Government has had to procure an extra 8,000 blank driving licence cards from the UK. Although similar to the previous cards, these cards differ inasmuch as the security feature at the back of card. Nonetheless, the public should not worry as the validity of our licences including our paper models is up to the year 2033.

1290 The Driver and Vehicle Licensing Department, as a means of improving customer service, has introduced a bespoke business counter that is assisting businesses and reducing their respective waiting times. Feedback from its users has been very positive. Furthermore, the Department continues to use information and communication technology as a tool to achieve better customer services. The general public is now actively accessing a number of online DVLD services and applications via the new e-Government portal – mainly roadworthiness certificate bookings (MOT) and driving test and theory test bookings. This is proving to be very popular and is allowing customers to access and pay for such facilities at any time from the comfort of their own homes. These measures come as new e-Government opportunities for the DVLD that will appropriately cater for market demands and service requirements.

1300 Mr Speaker, the Department together with the Government's Law Offices, is working closely in order to update all existing national traffic and transport legislation with a view to making both Acts more user friendly.

1305 The Traffic and Transport Commission continue to meet on a monthly basis. The Traffic Commission is constantly working to assist our citizens in all matters relating to traffic. The Commission is also heavily involved in recommending to Government the improvement of facilities and eco-friendly traffic advice regarding new project applications submitted to the Town Planning Commission. The Transport Commission works hand in hand with all the transport undertakings, the bus company and the Gibraltar Taxi Association in order to mutually find strategies to continue to better the public transport services in Gibraltar. To this effect, I am very satisfied that both these bodies have been able to adopt all traffic and transport regulations successfully. From here, again, I thank all the members of both commissions, many of which give up their personal time on a voluntary basis.

1310 Mr Speaker, the Prüm Convention was signed on 27th May 2005 by Austria, Belgium, France, Germany, Luxembourg, the Netherlands, Spain and the United Kingdom in the town of Prüm in Germany. The Convention was adopted so as to enable the signatories to exchange data regarding DNA, fingerprints and vehicle registration of concerned persons and to co-operate against terrorism.

1320 The Prüm Convention will require that Gibraltar authorities – principally the RGP and the DVLD – are able to exchange fingerprint, DNA profiles and vehicle registration data via the UK with other member states. We are working on legislative requirements to provide for this co-operation and analysis of this is in hand. For exchange of information about vehicle registration data, the DVLD is pursuing advice from the UK Department for Transport and DVLA precisely on how the Prüm obligations might be achieved in order to minimise the outlay and running costs.

1325 Mr Speaker, I now wish to turn my attention to my ministerial responsibilities within the Port. I am delighted to confirm that the Gibraltar Port Authority has recently been granted Essential Services status. This is a very positive step for the authority and its employees, and provides an excellent platform from which to grow the port in the future.

1330 On the subject of finance, during the course of financial year 2015-2016 the Gibraltar Port Authority spent a total of £5,432,663 – including capital expenditure – from a budget of £5,442,000. The revenue was £4,418,047. The reduction in overall revenue has been as a result of previously over-optimistic financial projections against the backdrop of actual global activity, as well as the various discounts being applied to tariffs which, together with a concerted proactive and targeted marketing campaign, have resulted in greater levels of activity across most areas. Capital expenditure included the refurbishment of port assets as part of the Government's commitment to improve port infrastructure.

1340 Mr Speaker, I am delighted to announce that the new Vessel Traffic Services System, the VTS, tender process has been completed and the project is now expected to move forward with the new system being housed in the purpose-built office complex at Lathbury Barracks. This building is well on track for completion later on this year. The delivery of the new system once again highlights the Government's commitment to ensure functionality and resilience in the system that underpins safety of navigation in our busy waters.

1345 As for other developments, the Gibraltar Port Authority recently commissioned the complete refit of the port launch, the General Elliott. The newly refitted port launch is now actively patrolling British Gibraltar territorial waters, providing all-important eyes at sea level to complement the VTS, escorting vessels into and out of British Gibraltar territorial waters and assisting, where necessary, distressed vessels. The provision of a reliable vessel is absolutely essential, especially now with such a large influx of new pleasure craft, with some users inexperienced, following the allocation of new berths at the new small boats marina. The refit does exactly this.

1350 The port has also invested in updating the port fenders as well as also investing in its other assets such as oil spill booms on the northern and southern harbour entrances. Work also continues in evolving the Vessel Management System programme to further facilitate the smooth running of the port.

1355 Mr Speaker, the Government is also in the process of reviewing expressions of interest received in respect of land-based storage facilities in Gibraltar. There are a number of extremely impressive and interesting proposals and the Government will be considering these with a view to making sure that Gibraltar gets the best possible solution, whilst not impacting on other port activities.

1360 Following the procurement process for a new oil spill radar protection system, which failed to attract a solution to meet the GPA's requirements, the GPA now believes that the new VTS system, which includes a more powerful thermal imaging capability in detecting oil spills, will close this capability gap.

1365 In the important area of security, enhanced fencing will also be installed within the Port Estate shortly. This improvement will go towards improving the first impressions of disembarking passengers in the port. Other enhancements are also being considered as part of the Government's commitment to developing the port for cruise passengers in general.

1370 Mr Speaker, the Port Authority continues with its proactive marketing campaign in line with Government policy, focusing on direct engagement with ship owners and key stakeholders; and the GPA once again recently took part in the Posidonia Exhibition in Athens, the world's most

prestigious maritime event. As always the Gibraltar stand, co-sponsored by a number of our key operators and partners, generated a lot of interest.

1375 The Minister for Shipping, my colleague the Hon. Albert Isola, the Captain of the Port and various port operators also undertook a marketing visit to the Far East in April and visited both Singapore and Hong Kong in order to promote Gibraltar to the Asian market; and they also took the opportunity to directly engage with ship owners and other key stakeholders.

1380 The Government held formal receptions in both territories which were extremely well attended. Further marketing visits are being considered and GPA personnel have also continued to attend various bunkering, security, cruise and environmental conferences including in Copenhagen, Rotterdam, Barcelona, Mexico, Sardinia and London, to name but a few.

The impact of these efforts is clearly shown in the stability of our port activity data when compared to other regional ports, given the unfavourable global conditions generally.

1385 Mr Speaker, the Port Authority, in conjunction with the RGP and the GMA, has also recently relaunched the Safety at Sea booklet, in time for all those new boat owners now taking up berths at the Mid-Harbour Marina to be reminded of their responsibilities at sea in order that all leisure boat owners enjoy our local waters in a safe manner.

1390 The allocation of berths at the Mid-Harbour Small Boats Marina has been extremely successful and nearly all allocations have been completed. These allocations have been carried out strictly by the berthing waiting lists and in accordance with the Small Vessels (Moorings Control) Rules 2016 – and to those applicants without Government arrears. The temporary Caretaker Committee will shortly call for a meeting to elect a formal Association Committee who will have responsibility for the running of the marina with the Gibraltar Port Authority maintaining responsibility for berth allocation and oversight of expenditure.

1395 I must thank the Gibraltar Port Authority staff involved in this project for their tremendous efforts in making sure that the process has been quick and efficient. I must also convey my sincere thanks to the temporary caretaker committee who have taken on their role with much enthusiasm and professionalism. The new marina is no doubt the jewel in the crown of berthing facilities in Gibraltar and its western superyacht berthing facilities have already been of interest to yacht owners and yacht masters alike. Indeed, we have already seen some well-known
1400 superyachts making use of this new berthing area. No doubt this facility will serve us well in the future.

The marina itself has also brought back an important recreational area lost when the North Mole was lost to vehicle traffic. Now the area is a magnificent walkway, leisure and fishing area as well as a scenic waterfront drive.

1405 The GPA has almost completed its review of the Port Contingency Plan as part of its responsibilities to continue aligning itself to the Port Marine Safety Code. In addition, a full review of port legislation is also underway, with the delivery of the new Pilotage Act already completed and the modernisation of port licensing currently in hand.

1410 Mr Speaker, I would like to take this opportunity to thank our port operators and service providers who work very closely with the GPA and Government – their support in our efforts to maintain our reputation as a centre of maritime excellence is essential.

1415 I now turn my attention to my responsibilities for Town Planning and Building Control. Mr Speaker, the Department continues to deal with large numbers of applications. In 2015 there were: 451 planning and building applications; 17 demolition applications; 55 advertisement applications; and 21 tree applications.

Some of these were large, complex applications involving assessment of environmental impacts through the EIA process, and extensive discussions with applicants to try and achieve high standards of design.

1420 Government and MOD projects continue to be submitted to the Development and Planning Commission for guidance and advice. In 2015 Government and MOD applications totalled 52 planning and building, and demolition applications. The DPC provides its advice and guidance on

such applications, which are then taken into account by the Government or MOD in finalising its plans.

1425 Mr Speaker, the DPC meetings continue to be held in public with a total of 12 meetings held in 2015. In addition, the DPC's sub-committee meets regularly to determine minor applications. In 2015 there were 40 meetings of the sub-committee. This greatly helps in speeding up the decision-making process.

All agendas and minutes continue to be made available online ensuring that the planning process remains open and transparent.

1430 In October 2015 the first stage of the e-Planning service was launched. This represents a step change in the way that the public is able to access information about applications. E-Planning allows anyone to search and view the details of any application submitted after the launch of the service, including all the plans and other documents submitted with the application. This makes it much easier for the public to be able to see what is being proposed and members of the public
1435 can even submit their comments on an application through this service.

Mr Speaker, e-Planning also makes it much easier for applicants to submit their own applications. These can be done entirely online without the need for applicants to have to post their applications or deliver them by hand. In the first six months of the service going live just over 60% of planning and building applications were submitted online. This level of usage has
1440 exceeded our expectations and indicates that this new service for applicants has been well received.

The Town Planning staff are continuing to develop and improve on the first stage and the intention is to roll out further improvements during the course of the year, including the ability to pay fees online and to provide the public with the facility to carry out map-based searches for applications that may be of interest to them.
1445

The Department also continues to develop its Geographical Information System – the GIS – to enable it to record and analyse data geographically. It has recently completed development work that allows it to identify relevant consultation bodies that need to be consulted on applications based on spatially defined zones. This helps ensure that the appropriate
1450 consultation bodies are consulted on applications that are of relevance to their specific expertise.

In July 2015 we published a Command Paper for the new Town Planning Act with a public consultation period up to the end of September. All the comments received were reviewed and a final draft is now almost complete. We have also been drafting new regulations in preparation
1455 for the new Act. The Gibraltar Development Plan of 2009 is in need of review and work on this will continue this financial year.

The Town Planning Department continues to encourage property owners to improve the appearance of their buildings through the Tax Relief on Façade Improvements scheme. During 2015 there were 26 applications under this scheme. A similar tax relief scheme has been
1460 introduced to encourage the use of solar water heating and photovoltaic cells as a way of contributing towards sustainable energy generation, and my staff encourage homeowners and developers to make use of this scheme whenever it is applicable.

Mr Speaker, 2015 saw the incorporation of the post of Urban Renewal Officer into the Town Planning Department to further strengthen the Department's expertise and capabilities. In this
1465 respect the Department works closely with my colleague, the Hon. Joseph Garcia, who leads on Urban Renewal. Work is currently focused on identifying specific buildings in need of refurbishment and encouraging owners to undertake improvement works and to maximise the use of these properties thereby bringing new life back into these urban areas.

Finally, Mr Speaker, I now turn to Building Control. The Building Control Department's main
1470 duties are the administration and enforcement of the building regulations made under the Public Health Act by inspection of deposited plans. This is followed up with the necessary site inspections in order to determine that the works have been carried out to the approved plans and specifications.

1475 From 1st January to 31st May 2016 the Department has received a total of 391 applications, of which 150 are still pending a decision – a possible record for 2016. It has also received seven demolition applications of which four are Government projects and five are pending a decision. Finally, Mr Speaker, a total of 75 certificates of fitness have been issued this year to date.

1480 Mr Speaker, I would like to conclude my contribution to my Budget address by thanking all my staff who work so hard to see our commitments become a reality. Thanks goes not only to those who ensure the rolling out of our commitments, my senior members of staff, but also to all those who do not go by unnoticed, who perform all the valuable functions within the service throughout all the various Departments and offices.

1485 I also wish to thank all the staff here at Parliament who work tirelessly to ensure that proceedings run as smoothly and efficiently as they do, and for the exemplary organisation of both the general elections and the EU Referendum.

In particular, Mr Speaker, I would finally also like to thank my personal ministerial staff for all of their help, support, hard work and long hours during the past year.

Thank you. (*Banging on desks*)

1490 **Mr Speaker:** The Hon. Trevor Hammond.

1495 **Hon. T N Hammond:** Mr Speaker, it is a cliché to say so, but it is both an honour and a privilege to stand here and deliver my first Budget speech here alongside my colleagues, both as a Member of this Parliament and of Her Majesty's Opposition with a duty to the people of Gibraltar to make enquiry of Government on their behalf.

Mr Speaker, if I may first turn to European affairs as it has featured so prominently in the affairs of Gibraltar over the past few months and crucially in the last fortnight with the results of the EU referendum, and will doubtless be of great import in the months to come if not indeed for the remainder of this Parliament.

1500 I believe that the Members of this House can be proud at the way in which we have come together and worked towards a singular objective of galvanising the people of Gibraltar, to make them understand the importance of the recent referendum and ultimately to have them vote overwhelmingly for the outcome which we all here, and most of Gibraltar, believed would be the best for our community. That we were unable to influence the overall result, that the result was certainly not that which any of us here desired, detracts not one iota from the efforts of Members of this House, both in Government and Opposition, in coming together and working to a common cause.

1505 I agree with the Chief Minister when he said in his speech yesterday that the British people have made a gross error of judgement and I echo his hope that the shock result can be turned into a success.

1510 There is no escaping the fact that the result of the referendum and the exit of Britain from the EU will present challenges for our community. While it is well and good to use platitudes such as 'business as usual' to try and allay fears of an uncertain future, we must recognise that much work will have to be done to ensure that it is actually 'business as usual'. I know, as with the referendum campaign, that those on this side of the House representing Her Majesty's Opposition stand ready to assist and support Government in those areas most critically affected by the referendum result. Our community wishes to see its politicians working together for the common good. They have seen how effectively we can work together already and they shall not find us wanting. (**A Member:** Hear, hear.)

1520 However, there is another important aspect of 'business as usual' which it is important to respect and that is the fact that we are a Parliamentary democracy and, as I have already said, we on this side of the House have a responsibility to the community to make enquiry on their behalf and hold Government to account. So, with this in mind, I turn to matters of transport.

1525 Mr Speaker, it would be true to say that the Government's still-draft Sustainable Traffic, Transport and Parking Plan (STTPP) has been in this draft phase for an extraordinarily long

period of time. We have had public consultations; we have employed expert consultants; we have even had a go at implementing a few of the draft recommendations, all without publishing the final report. Never has a Minister derived so much mileage – no pun intended – from a single document. There are many useful and important measures recommended by the Plan. The Government must stop prevaricating, publish and commit to delivering those recommendations.

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The Plan states in its introduction that it is:

The Government's priority is to provide a high-quality transport system that people choose as an alternative to the car.

and

A new network of bus routes that will provide fast, frequent services to destinations throughout Gibraltar.

I very much support both of those laudable objectives. However, what I see and what I hear from those who most frequently use the bus service is a failure to execute those objectives: a replacement bus fleet that users continue to struggle to access; route changes that have resulted in the elderly, in particular, having to change buses to access areas where previously they had a hop on/hop off option.

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The Minister will surely appreciate that not only are the elderly some of the most frequent users of the bus service, but that they are also most likely to be those who are struggling with the challenges of boarding the new buses. Asking them to have to change at Market Place to continue their journey is simply to discourage them from using the service at all or worse still, where they have no option but to use the service – which is frequently the case – to put them through unnecessary difficulty. I call on the Minister to once more review the bus routes, consult and listen to the user groups and ensure that a service is provided that will best suit the needs of those users.

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While on the subject of buses, I cannot avoid mentioning the other remarkable news from earlier this year: that Government had sold 14 units of the previous bus fleet for the lowly sum of £15,000 without any announcement or tendering process. It is quite astounding how fast and loose this Government can be with public money.

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Parking controls and regulations are, according to the plan, at its core, yet what we have seen is the disbandment of the very agency designed to enforce parking regulations: the Highways Enforcement Officers – the Minister claiming that they were too expensive.

Most of the officers were transferred to the Borders and Coastguard Agency who rightly needed to be brought up to strength, but this means that there was no real saving in the disbandment of the HEO's and frankly, with the amount of illegal parking I see around Gibraltar, I would have thought that continued and proper enforcement would have largely covered the costs of the HEO's.

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Regardless, the upshot is that rather than pursue the enforcement of parking controls and regulations – a core element of the STTPP – the Government has removed resources from this area and suggests that the service might be outsourced, albeit no commitment has been given to do so. Meanwhile, and I repeat, despite parking controls and regulations being a core element of the STTPP, enforcement is entirely left at the discretion of the RGP without guidance or the provision of additional resource by Government. I fail to see how this constitutes a successful execution of the recommendation.

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Meanwhile, resident parking zones are not being properly explored, meaning a free-for-all exists between residents and visitors to areas, and this often includes competing with foreign registered cars in some areas. The availability of parking has never really recovered from the loss of the Commonwealth Parade. The Park is wonderful but it never included the parking that was a manifesto commitment in that '100% delivered' 2011 manifesto.

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Since then, we have robbed Peter to pay Paul over parking and spent vast sums: differing figures have been offered but at least £15 million to build a pharaonic monument to ugliness in

the middle of town. The net result is about the same number of spaces as we had before: poor project execution and wasteful use of public money.

1575 Perhaps Government might consider taking serious measures to encourage the use of the car parks on Devil's Tower Road for their original purpose, and establishing a park-and-ride service which might go some way to alleviating the stresses on parking while at the same time making a serious contribution to the air quality in the town area by reducing congestion.

1580 Moving on to matters which I would have expected to be closed by now – based on previous Government rhetoric, at least – I find myself asking, 'Where are the Redibikes?' It appears they were far from ready when, on 9th of November last year, the Government announced the imminent arrival of this scheme to encourage commuters out of their cars and onto bikes. Of course, that announcement had to come with the expected condemnation of the previous scheme which this Government removed from service but, as also seems usual, execution of the project has not worked as anticipated.

1585 The press release at the beginning of last November, I remind you, announced the 'imminent' launch of a new bicycle hire scheme with the Minister saying that Government had received the bikes and associated infrastructure in early August. 'Imminent' means that something is about to happen and, whereas Government was keen to point out that the previous scheme was 'fraught with problems', one can only imagine how fraught with problems this scheme must be to cause a nine-month delay to the project. One hopes the bikes are rather more carefully stored than the lifts for Laguna Estate or they may not be of much use by the time Government actually delivers the scheme.

1590 Speed Cameras: another project where promises of implementation have proven to be optimistic. Coincidentally, the press release announcing the speed cameras was also issued on 9th of November of last year: an auspicious day indeed for the Minister. (*Interjections*)

We were told that the:

... infrastructure works ... have been completed and fixed speed cameras will soon be sited at different locations.

Indeed, they were, and there they forlornly remain, still wrapped in their somewhat tattered plastic packaging. Back in November of last year, the Minister was saying that:

... this will go a long way in reducing the incidence of indiscriminate speeding which no doubt make our roads safer for all.

1600 It should be recalled also that these cameras were publicly lobbied for after certain tragic events.

1605 So here we are, nine months later with no progress having been made on this project, which was designed to make our roads safer. Is there so little regard for public safety that Government is not even able to see such projects through in a timely manner, even when they are so quick to make announcements of their implementation as if completion is truly imminent? Time and again, we see that their priorities are all wrong.

1610 Remaining on the subject of public safety, I must turn to the condition of our roads. Government, occasionally, makes attempts to persuade us – as the Hon. the Minister has done today – that it is conducting a major programme of resurfacing of our roads. What we actually see is piecemeal activity over small areas where no sooner is the new surface laid than a utility company arrives to dig it up again, soon returning the road to its lumpy and potholed state.

1615 The condition of our roads is a hazard to those on two wheels, whether that be motorbike or bicycle, onto which the Government is keen to claim it is attempting to encourage us. I then look at the budget estimate and it becomes clear why this is so, despite the claims – and I shall quote the Minister here from his press release of 20th October last year where he says he is:

... happy to see the ... continued investment throughout our road infrastructure through the road resurfacing programme ...

That investment last year amounted to £280,000 with £300,000 more for the next year.

Does the Minister really believe that he can accomplish his commitment on such a paltry budget? Let me just put that in context: £40,000 has been set aside to replace the mace here before us, yet the entirety of the road resurfacing budget for next year is £300,000 – again, misplaced priorities. Frankly, it is no wonder that so many people in Gibraltar prefer to buy 4x4 off-road vehicles.

I will finish this part of my address on a positive, however, and that is to both note and welcome the imminent recommencement of the tunnel under the runway. Though this has not quite happened according to the timeline suggested by the Chief Minister after Her Majesty's Government of Gibraltar won the litigation against OHL, his enthusiasm at that time and after that victory was understandable. It does appear that we are now in a position to commence this very important infrastructure project which will remove the delays to traffic caused by increasing numbers of flights at the airport, go far to alleviating the congestion caused by this in town and will also help in improving air quality around town and residential areas to the north of town – more on this later.

Mr Speaker, moving swiftly on – no idling here: from a Ministry which has been sustained by the creation and recommendations of a single draft report for over four years, to a Ministry which has produced so many reports that it is difficult to track them, let alone find the Parliamentary time to make proper enquiry as to the progress of the many recommendations contained within them.

Mr Speaker, on the Environment, the Government has produced the Environmental Action and Management Plan; the Southern Waters of Gibraltar Management Scheme; the National Energy Efficiency Action Plan; the Management of Marine Resources in the Waters Around Gibraltar document, otherwise known as 'the fishing report'; and the Gibraltar Waste Management Plan – to name but a few. We await with eager anticipation the significantly overdue Rock of Gibraltar Management Plan and Upper Rock Management Plan. Of course, it is important to reference two comprehensive documents which were not produced by Government but by GOHNS: the Biodiversity Action Plan; Gibraltar, Planning for Nature; and the Upper Rock Nature Reserve, a Management and Action Plan – now a few years old but both of which provide spectacular detail and are to be commended.

The point I am making is that there is a wealth of valuable environmental information at our fingertips, a wealth of recommendations which Government must decide how to prioritise and decide which to act on and which are perhaps either unachievable or insufficiently cost-effective to proceed with. This is where it is vital that the Minister provides leadership to his very competent team in the Ministry. I do not believe that the Minister is achieving this, not because he lacks the conviction to promote environmental issues – no one could possibly accuse the Minister of that in matters of the environment – but instead, rather like a child in a sweet shop, there are too many goodies and he is not sure where to turn. (*Interjection*)

This has resulted in the single biggest failure by the Minister to deliver on a commitment which should have been his top environmental priority, but which has still not commenced over four years into his stewardship. I am of course referring to the waste treatment and sewage plant which was promised in the GSLP/Liberal manifesto of 2011. Yes, the manifesto claimed to have been entirely delivered – well, not in this case.

I feel ashamed at what I see whenever I visit Europa Point and look out over the Straight to admire the stunning view or, indeed, in search of migrating birds, only to have my eyes drawn towards the slick of brown sludge emanating from beneath the lighthouse. I do not for one moment excuse the previous administration for not having resolved this shameful practice during its tenure, but neither can the Minister seek refuge in this failure to excuse his own abject failure in this regard.

It is not good enough to say that it is a complex project and time is needed to get it right. Given the proper priority, four years should be ample time. The LNG Power Station project must surely be at least as complex, yet it has been commenced. The failure with the waste treatment

plant has been a failure to prioritise while spending on other more publicly attractive projects like Sandy Bay or the small boat marina, or vanity projects such as the refurbishment to palatial standards of No. 6 Convent Place.

1670 I appeal to the hon. Gentleman, the Minister for the Environment – though I recognise the need for great prudence in the coming year as we navigate the effects of a Brexit – please, I ask that you make *this* your top environmental priority; if necessary your *only* priority. Remove this blight from our seascape: this terrible and stinking stain which overwhelms all the other good we might seek to do for the environment.

1675 Mr Speaker, I will turn for a moment, if I may, and look at the draft Estimates of Revenue and Expenditure and, in particular, the Improvement and Development Fund Expenditure on Projects. I find, there, many items with a holding figure of £1,000, which immediately leads me to think that the overall estimate for the coming financial year of £40 million is a low one: worrying in itself as Government continues with its lavish spending plans without any thought to

1680 prioritisation and prudence, in reality, in this post-referendum, imminent Brexit world.

What worries me more is that two of the most significant projects: the power station – construction of which has commenced – and the waste treatment plant, are not to be found amongst these Government projects – or at least their anticipated costs are not – leaving a huge question mark over the financial arrangements in place – more off-book spending by

1685 Government? These are essential projects, but they are also very expensive projects. We must know precisely how they are being financed and the fact is that the true expenditure on projects for the coming year will be higher than estimated.

Mr Speaker, returning directly to matters of the environment, I ask the Minister in future to show firm leadership and conviction on issues which might court controversy but are nonetheless of clear import to the environment. While both the Environmental Safety Group and GOHNS were calling for a stop to the launch of balloons on National Day because of the known damage that the practice causes to the environment – calls I might add, on this side of

1690 the House, were given unequivocal public support – we found Government prevaricating, leaving the decision to the SDGG and, as it does so often, avoiding making a decision on a matter which it perceives might be unpopular.

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Of course, we have become very used to the populist nature of this Government, but I ask that, just occasionally, a little backbone is shown (*Laughter*) and support is given because an issue merits support not because it is necessarily the popular thing to do. (*Interjection*) I, incidentally, must applaud the leadership shown by the environmental groups on this issue.

1700 Air Quality has been the subject of recent exchanges between Government and Opposition in the press. Despite the insistence by Government that things are improving; that there is nothing to see here, the reality is that 2013 and 2014 were the worst years on record when it comes to air quality. The World Health Organisation did rank us below every other city in the United Kingdom in terms of the quality of the air we breathe.

1705 It would appear that we might have turned a corner and things might be getting better. I am accused of being a pessimist by the Minister. I can assure him I am not; I am very much a glass is half full kind of person, but the numbers being offered still require considerable scrutiny in order to determine their veracity, because in this period some of the major contributors to air pollution have risen rather than fallen: there are more cars on our streets now than there were

1710 in 2012; air traffic has been rising by between 5% and 10% each year since the opening of the new airport – a tribute to the foresight of the previous administration. (*Interjections*) These are positive economic metrics which are to be welcomed on the one hand, but which raise environmental concerns and which appropriate countermeasures – sometimes simple expedients – must be deployed. For instance, the Environmental Action and Management Plan recommended the placement of ‘No idling’ signs at appropriate locations where traffic congestion tends to be at its worse. Not only have we not seen this recommendation carried

1715 out, but there seems to have been no communication between Ministries, as the Minister for

Transport, when asked in this House whether this recommendation had been completed, was unaware that it even existed or what 'No idling' signs were.

1720 Stringent emission control at the MoT test centre, to ensure that the vehicles being permitted on our streets are fit to be there and not contributing excessively to the pollution of the air we breathe: simple, inexpensive measures, Mr Speaker, yet crucial to improving air quality and requiring a push to ensure they are enacted.

1725 On to matters of fishing: in recent exchanges between the Hon. the Minister and myself, both in this House and in the media, the Minister seems proud to boast of the fact that there were only 192 illegal incursions by Spanish fishing vessels last year – only! This might be down on previous years, but it is a far cry from his 2011 manifesto commitment that said:

We do not believe it is right to allow illegal fishing in our waters and we will stop this immediately.

1730 That manifesto which Government claims it delivered on 100% is another example where the reality of the situation belies the propaganda. The Government has pumped millions of pounds into the Royal Gibraltar Police Marine Section in order to enhance its capability. The Government has stated that it will enforce the laws contained in the Nature Protection Act. In a Government commissioned report 'The Management of Marine Living Resources in the Waters Around Gibraltar', colloquially known as the 'Fishing Report', published way back in 2012, a recommendation – indeed, the very first recommendation – is:

That given the remaining uncertainties on fish stocks and catches, and the purpose of legislating under the Nature Protection Act 1991, there should be no commercial fishing within BGTW until such uncertainties have been resolved and a suitable management plan is in place if clarification provides sufficient evidence that a fishery is sustainable as part of a wider regional process.

1735 A recommendation conveniently ignored.

As recently as May of this year, GONHS were raising their concerns over illegal raking taking place in BGTW. They said, unfortunately:

Conch rake fishing has recently taken place in our waters, mainly sighted on the Eastern side close to the shoreline, without any apparent action by the authorities, despite the considerable maritime assets available to the RGP and the Department of the Environment ... GONHS wishes to see the law to be upheld robustly and not flouted with impunity as is currently the case.

Indeed, GONHS is basically echoing the view of their previous chairman prior to 2011.

1740 I am not a lone voice in expressing concerns over the upholding of our laws in BGTW. A Government-commissioned report agreed it was necessary. GONHS are dissatisfied and voices on social media criticising Government's failure have been legion. The Minister cannot set these concerns aside and attempt to turn abject failure into success. I acknowledge he has a difficult task, but that does not mean he can be excused failure. He made this issue his *cause célèbre* and he must now deliver on his promises.

1745 Mr Speaker, when we look at the progress on increasing the proportion of energy production by renewables and reduction in overall energy consumption per capita, I find the Minister's answers in interviews with the press both interesting and revealing. His language is always cautious, while trying to play up the success his administration has had.

1750 He knows that in nearly five years in office we have barely moved forward at all. The will is there but, again, there has been abject failure in execution: no real progress in smart metring; little capability for sale of power back to the grid; heavily subsidised power consumption to the tune of over £20 million a year, so that the general public have little real knowledge of the financial cost, let alone the environmental cost of energy usage. These things should have been done by now but, again, Government priorities have been elsewhere and the environment *has* suffered.

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Mr Speaker, the recent announcement of the commissioning of a wave power generator on the eastside did, I must confess, pique my interest. I did think that we were really making progress; alas, only to find that this project – announced with much fanfare, as if it were the panacea to all global warming woes – turns out to be producing about enough energy to power
1760 a dozen light bulbs or, to quote the Minister, a few kettles. Granted this is a baby step in the right direction, but apart from this and a few solar panels here and there, this represents the sum total of our nation's achievements in switching to renewables. That 20% target by 2020 seems very far away at present and I am yet to be persuaded that wave energy is not just an expensive gimmick, too demanding to be a real solution.

1765 Solar on the other hand – and in our climate – would appear to be a far more viable alternative with technology becoming very affordable. Either way, let's be sure to prioritise our efforts when it comes to using renewable resources and do our utmost to achieve that 20% target.

I will finish with the environment by talking a little about the management of invasive species
1770 of plants in Gibraltar. A remarkable transformation has taken place in this regard and in one particular location. That transformation should shine like a beacon for what can be achieved through real effort and application. It is a true demonstration of substance over style as opposed to the Government's more usual style over substance.

The Minister will know immediately that I am referring to the Europa Foreshore, where a
1775 scorched earth policy has been conducted against all plants not native to Gibraltar, to the point that such are now barely detectable. Native species have moved in very quickly – some have been planted to accelerate the progress – and an Edenesque transformation has been accomplished. All this through the efforts of one man – and not even a Gibraltarian at that – a volunteer giving of his own time. I, for one, am grateful to Bart van Thienen for his supreme
1780 effort. I hope that Bart continues to receive the full support of the Ministry and that his work inspires the Ministry itself towards greater efforts in dealing with invasive species, giving our native species of flora, and by extension, fauna the best opportunity in which to flourish.

Mr Speaker, I shall now turn to planning. This GSLP/Liberal Government is doing precisely
1785 what it accused the previous GSD Government of doing, but seemingly on an even larger scale over a shorter period. Gibraltar is being turned into that proverbial 'concrete jungle' with buildings of heights not previously considered being approved by the DPC; not necessarily in the interest of the wider community and certainly not in the interest of the neighbours of these new constructions, which are often schools. There have been numerous instances over the past four years where the schooling of children has been directly affected by activity on an adjacent
1790 building site.

More and more, the people of Gibraltar are finding themselves hemmed in by buildings
planned to reach unprecedented heights, such as the plans approved recently for Eurocity where blocks will reach heights of over 69 metres – and not only this but they then have to contend with construction project after construction project, causing them to suffer year after
1795 year of noise, dust and light pollution being generated by those developments.

If we take the example of Queensway and its environs, we see a concentration of current or
imminent development that is unprecedented. Kingswharf, Mid-Town, Eurocity, West One, the Marriott and Rooke: years and years of building with vistas vanishing and nearby residents
despairing. I am approached frequently by people with young families – in some cases extremely
1800 young – often in tears at the decisions that the DPC is making which will have a direct and immediate impact on the quality of theirs` and their children's lives.

I hope that, as for the environmental and heritage considerations, both of which are rightly
given tremendous prominence in the decisions taken by the DPC, proper weight will be given to the arguments of residents and proper consideration be given to their concerns when these
enormous and irreversible projects are brought before the DPC in order that the commercial
1805 rewards do not always inevitably trump those arguments and concerns, as those on the receiving end often feel is the case.

1810 Mr Speaker, it may be the case that the DPC now sits in public – as the Minister for the Environment is always at pains to point out whenever I attend and possibly on other occasions – but the processes by which it makes its decisions have not changed and it retains enormous discretionary powers.

1815 It is also understood that certain areas must be set aside for development and that, due to the confines of space in Gibraltar, we must often build high-rise, but I would ask that the two Ministers who routinely sit on the DPC and who can influence the decision-making just occasionally listen and accept the views of those who must live as neighbours of projected developments – and not only when it is politically expedient to do so, as was the case for the Europa Stadium proposal, but also when it is simply a case of showing some compassion.

1820 Let us leave some areas aside for future development. I ask Government to reconsider, for instance, its plans to sell the site of Rooke – the largest single site likely to ever come into Government hands – to a developer who will inevitably wish to build high. I ask that Government, and by extension therefore the people of Gibraltar, retain ownership of the site or at least a significant proportion of it in order that it be put to community use, but further that future generations be handed over an area of land – one of the few remaining areas of any significant dimensions – to determine for themselves how they might wish to use it.

1825 I ask Government to stop selling off the family silver at this extraordinary rate: £50 million in the years 2014-15 became £90 million worth of sales of Government property and premia in the last financial year. I see a sharp fall in this revenue for the next financial year and hope that it is not simply because we have sold everything already; that it represents a welcome pause for thought.

1830 Mr Speaker, this Government has made many commitments to the people of Gibraltar and I will not deny that it has delivered, or is in the process of delivering, a number of those commitments, albeit perhaps not in the timelines that might have been anticipated, but scratch the surface and we find many promises that have not been delivered, often in areas of high importance, as I have illustrated.

1835 Within the portfolios of Environment and Transport, in particular, the scattergun approach to delivery of projects has left some of the most important unfinished, or worse still unstarted, while Ministers nibble at the edges of progress, congratulating themselves for minor accomplishments, while not delivering real and necessary progress.

1840 I can assure the people of Gibraltar that, while I sit on these benches, I will work ceaselessly to penetrate the smokescreen of press releases and propaganda put out in a never-ending stream by this Government and ensure that Ministers are held accountable for their promises, their commitments and their actions; pointing out the good, but creating awareness of the bad.

1845 Finally, Mr Speaker, my thanks to you for the guiding hand and patience you have shown as I learn the ropes in this Parliament and my thanks to the Parliamentary team for their continued help and advice. *(Banging on desks)*

A Member: Hear, hear.

Mr Speaker: The Hon. Gilbert Licudi.

1850 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, following our election victory in November 2016, I continued to have responsibility for Education, Justice and International Exchange of Information. Indeed, I have had responsibility for Education and Justice since we were first elected in December 2011.

1855 Mr Speaker, education is, of course, one of the cornerstones or pillars of any society. We have always believed that investment in education is investment in Gibraltar and its future. It is what allows our youth to develop as citizens, ready to make an important contribution to Gibraltar. It is ultimately what allows Gibraltar to thrive.

1860 We have always been a party that has demonstrated the importance we attach to investment in education and the priority we give to this. It is to be recalled that we introduced, in 1988, the concept of mandatory scholarships for all who had a place to study at an approved tertiary education institution. I was one of the first, in fact, to benefit from that system when I went off to study law in September 1988. Thousands of students have done likewise.

1865 So important and successful was this initiative that we decided to extend this to post-graduate studies following our victory in 2011. Again, we have seen the number of students taking this up increase, with almost 1,000 students funded by the Gibraltar Government at university this year alone.

1870 The Department of Education's budget for 2015-16 is £44,767,000. This compares with actual expenditure in 2011-12 of £28,407,000. This represents an increase over four years of almost 60%. It is an extraordinary increase which, Mr Speaker, as you will see, speaks for itself. It encapsulates the level of commitment and investment that the Government has been prepared to make in Gibraltar's youth and in Gibraltar's future.

1875 Our youth of today will be the driving force of Gibraltar's economy and will be responsible for our general wellbeing in years to come. That is why this investment has been necessary. Over the same period, the complement in education has increased from 607 in 2011-12 to 712 this year: again, an important increase in the level of human resources available to meet our children's needs.

1880 A similar commitment has been made in Justice, particularly with regard to the Royal Gibraltar Police. The estimate for this coming year for policing is £15,127,000. In the year 2011-12, the actual expenditure was £11,244,000. The increase has been around 35% over these four years and, again, the complement has increased from 258 to 280 during this period.

Mr Speaker, I have been very fortunate to have led on three landmark projects which have been concluded during this past financial year. Each of these represents a particular milestone for our community.

1885 St Bernard's First and Middle schools were handed over in time for a September 2015 start, as per the Government's 2011 manifesto commitment. The school is fully functioning and staff, children and their parents have all voiced their delight at this brand new facility in the upper town area. The project also included sporting facilities for community use.

1890 The schools replaced the old St Bernard's First and Sacred Heart Middle schools. Both of these schools had reached their sell-by date and it was clear to us that they no longer represented adequate educational facilities.

1895 The second project was the University of Gibraltar. The establishment of a university is something that had been talked about for many years in Gibraltar in political and academic circles and, yet, until we came into office in 2011, no one had given a categorical commitment to work towards the establishment of our University. For us, this had to be a clear priority. It was no longer good enough to talk about a university; it was something that had to be done.

1900 It took much work and many visits to universities in other countries. I was ably assisted by an excellent team, in particular the Director of Education, Joey Britto, and Dr Darren Fa, who subsequently became the University's Director of Academic Studies and Research. (*Banging on desks*)

1905 Mr Speaker, the 21st September 2015 was a proud day for the Government and an important day for Gibraltar as a whole as we inaugurated the University. On that day, Gibraltar became a university city, joining the ranks of those cities that are able to offer its citizens undergraduate and postgraduate education in their own land; professional development; and able to attract students to carry on their studies in Gibraltar or to undertake research.

1910 It was with a huge sense of pride and satisfaction that we were able to welcome over 2,300 visitors to the University over the weekend prior to inauguration. Not only were they able to see the campus, they were also able to enjoy a series of talks on historical and scientific themes as well as on the making of the University. What was an idea not so long ago, has become a living, breathing and functioning institution.

As all who have visited or attended courses at the University will have seen, the design blends in perfectly the old with the new and does so in a way that not only preserves but enhances the architectural features and heritage value of those buildings. At the same time, it creates a marvellous use of space in a modern educational establishment.

1915 Mr Speaker, we have also recently inaugurated the Mid-Harbour Small Boats' Marina together with the wharf, public promenade and super yacht facility. This is now fully up and running.

1920 The marina was completed in one phase to a tight timeframe. The result is a magnificent 700-berth marina with six-metre and eight-metre berths. The marina is protected by a fixed breakwater, which also serves as berthing for super and mega yachts. There is a public promenade which can be enjoyed by people wishing to take a walk right next to the sea or wanting to fish. It is great to see the facilities already being used and enjoyed by so many people. There can be no doubt that this has been a huge success.

1925 Mr Speaker, I now have the honour to report to the House in more detail on the areas that form part of my ministerial portfolio, starting with Education.

1930 Records confirm that 2015-16 saw 411 mandatory scholarships, ranging from first degrees to advanced doctoral studies, and 15 discretionary awards. This amounts to a total of 426 new scholarships: a year-on increase of 40 awards. The number of students who have benefitted from higher education during 2015-16 numbered 948. In addition, we have financed 57 applications for distance learning courses and continue to fund the Washington Internship Programme, which grows from strength to strength and offers unparalleled opportunities for our young people in Washington DC. The Internship Programme, as has been announced, will run for a further three years and 60 graduates will be able to avail themselves of this initiative over this period.

1935 Mr Speaker, the minor works programme for financial year 2015-16 encompassed both external and internal refurbishment works to a number of educational establishments. This included a significant investment in the design and technology workshops at Bayside School. The overhaul will be completed during two financial years. Stage one of the refurbishment saw the internal refurbishment of two workshops combined with the installation of new windows and modern plant and equipment. The overhaul is due to be completed during financial year 2016-17.

1940 Further investment has been required in the replacement of the floor surface of the 'Hexagon' assembly hall at Notre Dame School, plus the installation of a 'soft room' for children with special educational needs.

1945 The gymnasium at St Mary's First School was reinforced with a solid concrete floor after the original wooden floor rotted due to water ingress from outside the building. New flooring and shading canopies were erected to protect pupils from sun exposure in the playground at St Mary's.

Varyl Begg Nursery has been refurbished and new windows installed to improve ventilation.

1950 Westside School saw a number of projects, including the decommissioning of unserviceable overhead water tanks, re-routing and renewing of fresh water supply and the refurbishment of two standard toilet facilities plus the conversion of a spacious disabled toilet and wet room facility.

1955 St Martin's School saw the reconfiguration of several rooms, due to increasing numbers of pupils attending the school, to provide a new classroom and Snoezelen multi-sensory room. Similarly, the old assembly hall at St Anne's Middle School was redesigned to create extra classroom facilities, again due to increased pupil numbers. Various toilet facilities at St Paul's School were also refurbished. Arrangements for the replacement of the old bus used for the transport of children at St Martin's are currently underway.

1960 The second stage of the window renewal programme at Bleak House was completed and the refurbishment of the west-facing external façade at St Joseph's First School was also completed.

1965 Major works to improve disability access at Westside School, consisting of: the building of an extension to create extra classroom space for the Learning Support Unit; the installation of a lift to access first floor specialist rooms; the refurbishment of the student PE shower and changing rooms; as well as a complete render of the external façade to address corroded structural brickwork. This will also provide a much needed facelift for the school.

The Gibraltar College will also benefit this year with an extra ICT suite. It will also see its windows being replaced to improve ventilation. The flooring replacement programme will also continue.

1970 Works to the external and internal façade of St Joseph's First and Middle schools will continue to eliminate perennial water ingress and damp issues affecting both sides of the building. The flooring replacement programme will be continued. The reception lobby, shared by both schools, will also be re-designed to improve access and security.

1975 Given that the school has outgrown its current lunch hall facilities, the much needed construction of new facilities to cater for the needs of the children at St Mary's First School will commence.

Works at St Paul's First School will also include repairs to the external façade; the refurbishment of the student library and the replacement of skylights.

1980 Structural and repair works will be undertaken at St Bernard's Nursery to address water ingress problems and the replacement of windows.

The final stage of the window replacement programme at Bleak House will be completed, with the now obsolete air conditioning units being replaced with more modern and environmentally friendly units.

1985 Mr Speaker, September will see a more formal curricular offering for Year 3 – which is the last year of First School – and Year 4 – which is the first Year of Middle School – for Gibraltar studies. The Department of Education is currently working on a programme of study for both these years to ensure that our children are well versed in Gibraltar, its history, environment and context. Further programmes of study will follow during the course of the academic year and a full curriculum will be developed for our schools. Apart from school-based lessons and talks in schools by local experts, the programme of study is also designed to take education out of the classroom and will involve visits to sites like the Gibraltar Museum, the Botanical Gardens, the Upper Rock Nature Reserve and our shorelines.

1995 A new Language Academy is being set up by the Department of Education in conjunction with the Gibraltar College. This will see a range of languages being made available to children and the community in general, as part of the College's current continuing education programme. An exciting innovation will be that, for the first time, foreign language sessions, including Spanish, will be specifically designed to cater for children of school age after hours. This will follow the current evening class model delivered by the Gibraltar College except that sessions for children will start at an earlier time.

2000 Mr Speaker, as I mentioned in answer to questions from the Opposition during this session, the Department of Education is also working with the Gibraltar College to provide training for those teachers wishing to obtain a qualification in the teaching of English either as a foreign or additional language. The aim is to build capacity amongst staff to teach both local residents in need of language reinforcement as well as creating a professional cadre that our College can access to meet a growing international demand for English language classes and tuition.

2005 The Advisory Service continues to work with schools in order to raise standards and assure the quality of the education we offer to our children. The Department of Education has supported the work of teachers by continuing to fund both locally and UK-based courses for practitioners on assessment and tracking pupil progress. Of primary importance have been the workshops organised by the Department of Education on the current changes to the curriculum in schools in England and their possible impact in the local context. Apart from these workshops, UK curriculum experts have delivered sessions on the future of A-Level and GCSE examinations, as well as the on-going developments in the primary and secondary curricula for schools.

2015 The Advisory Service also led on curriculum working groups from the secondary and middle school sectors on the establishment of common content for science across all middle schools, particularly in Year 7. The aim of this exercise is to ensure a better transition from primary science to secondary science after children transition to the comprehensive schools. This will allow the children to meet the demands of the revised secondary science specifications for GCSE.

2020 Changes to the National Curriculum – that is to say, the removal of ‘levels’ with a modification of content and timing – has provided the Department of Education and schools with the opportunity to examine emerging best practice, both in our schools and abroad. An expert on assessment from the National Association of Head Teachers delivered a two-day workshop on Assessment without Levels to heads, deputies, English and mathematics co-ordinators within the primary sector. These workshops successfully informed the work of the Department of Education on assessment and it will therefore continue to work on producing a framework based on emerging best practice whilst at the same time allowing for local adaptations and implementation strategies.

2030 Mr Speaker, another important development this year has been the availability of subject choices at A-Level. Boys and girls now have equal access to subjects such as economics, sociology and further mathematics at A-Level, as long as the combination is viable and can be timetabled.

2035 This year a repeat facility for science GCSE was started at the Gibraltar College. This should enable students who have not achieved a pass to follow subjects at university where science at GCSE is a requirement. This builds on the already established GCSE repeat package at Bayside – which we introduced – and at Westside, and on the success of the homework club run by the Gibraltar College at the John Mackintosh Hall.

2040 Another crucial development this year has been the launching of a new Code of Conduct for Teachers. This has been delivered to 12 of our schools and the process should be complete by the close of the academic year. The guidance will help practitioners better understand expectations and responsibilities in an evolving profession: a guiding compass to help steer a course through their career in teaching and public service.

2045 Mr Speaker, I am proud to report that, true to form, schools have, this academic year, collectively raised in excess of £56,000 through their charitable endeavour and serviced over 30 local and international charities. I should wish to point out that there is clearly a considerable value in the educational journey for a child giving up his or her time in order to help those that are less fortunate, and this is to be commended.

2050 Schools continue to give up their time to participate in numerous events, opportunities and competitions in conjunction with other agencies and Government Ministries. These include: World Social Workers Day; World Cancer Day; World Mental Health Day; Autism Awareness Day; World Down Syndrome Day; Ministry of Culture Art Competition for Young Artists; Children’s Academy Football Day, held in conjunction also with the Ministry of Culture and Premier Legends International; The Postal Union’s Letter Writing Competition, in conjunction with the Royal Gibraltar Post Office; ChildLine; Blue Week Competition and ChildLine Anti-Bullying Month Exhibition and Presentation.

2060 I am also proud, Mr Speaker, to report, as we have seen in the news already, that a team of Bayside students won the grand final of the 2016 Cyber Centurion Competition hosted at Bletchley Park in the United Kingdom. The competition focused entirely on security aspects of computing systems and how to stop hacking and other malicious IT intrusions. Our students were up against considerable opposition from schools throughout the United Kingdom and still managed a resounding win – congratulations, again, to all of them. *(Banging on desks)*

2065 Mr Speaker, Department of Education initiatives, in partnership with the Kusuma Trust, have also included work in the following areas: the very popular Science Week, in conjunction with the Science Museum, London, was held in schools and at the Ince’s Hall Theatre; Shakespeare in Schools workshops; a representative from Cambridge University advised on interview

techniques for our Year 13 students; the very popular Maths Week and talks on the Enigma Machine were hosted in Secondary Schools; the piloting of coding and robotics for First School and Middle School children.

2070 Once again, children and the schools participated in the Gibunco Group Gibraltar International Literary Festival with top authors addressing pupils both in schools and at the John Mackintosh Hall. This continues to grow in popularity.

2075 Our schoolchildren continue to benefit from the visits that our schools arrange for them involving a wide range of educational events; for example, an exhibition on Jacobo Azagury; Joshua Benoliel; the Gibraltar Botanic Gardens; the Convent and gardens; the Gibraltar Museum; the Nature Reserve and a host of other activities relating to our history, environment and heritage. The latest event being schools' participation in the workshops hosted by musicians and artists from the Gibraltar World Music Festival, as it was called, 'Come to my school', and this happened at the end of June.

2080 Mr Speaker, using technology to increase the level of interactivity in a classroom is an aspect of teaching and learning that has been of particular interest at the Department of Education for some years now. Primarily, teachers are looking to improve the level of engagement with and between pupils through the use of technology and to provide a vehicle for collaborative learning, thus enriching the teaching and learning experience.

2085 Whilst teachers across all sectors have been exploring how tablets can have an impact on pupil engagement for some time now, an exciting trial project involving the use of tablets in lessons is currently being pioneered at St Bernard's Middle School. It is envisaged that this will be extended to a first school and to St Martin's Special School. Although the project is still in its infancy, children and teachers have already reaped the benefits of this simple yet effective way of supporting classroom practice. Staff are supported by an experienced UK-based consultant in all aspects of the use of tablet technology and to enhance and support teaching and learning.

2090 The Department of Education, in partnership with the Kusuma Trust, have linked up with University College London to gain benefit from their experts in the field of computer science. This was initiated as a result of the change from the current ICT curriculum for schools in England to a more computer science-based model for schools.

2095 Staff from University College will be delivering a bespoke computer science course up to Masters level for teachers. This should run for two years and clearly help to build capacity in the skills available to schools in this respect. Training courses in coding and programming will also be made available for teachers wishing to pursue this field. This is a completely new endeavour for our primary schools in general. Having said this, the fastest growing strand in the technology curriculum is that of coding and programming in computer science. The continued use of web-based coding programmes by a handful of pioneering teachers in the primary sector has contributed significantly in informing the type of training the Department of Education will provide and facilitate for practitioners involved in this exciting development.

2100 In relation to computer science and coding, the Department of Education will be working with UCL and the Kusuma Trust as from the first term of the academic year 2016-17 to deliver an introductory training programme for teachers over three days. This first stage will be followed up with a one-year certificate course from the British Computer Society, which will run alongside the training provided by UCL.

2110 As I have indicated, a Masters course levelled at those who require a greater level of expertise is under review and it is hoped that this will attract teachers from the secondary sector, and invite them to provide teaching within an area so young and new that it is currently difficult to recruit teachers who are specialist in this field.

2115 Mr Speaker, we naturally continue to provide much needed support for children with special educational needs through the deployment of additional special needs learning support assistants – or SNLSAs – wherever there is a need.

Although these assistants are currently afforded the opportunity of attending in-house services within their schools, there is a further need to enhance the SNLSA's knowledge and

skills. More and more children with special needs are being taught in mainstream schools and this, at times, will require more specialist support. With this in mind, the new academic year will see more opportunities for professional development through a series of sessions aimed at enhancing even further the quality and level of support that our children obtain in schools.

Mr Speaker, last July, 11 teachers from across the sectors were selected to embark upon an on-line Dyslexia Action Level 4 International Programme, designed to build on existing expertise to further support learners with dyslexia in our schools. In October 2015, the Dyslexia Support Group invited Dr Gavin Reid, psychologist, author, and conference speaker, to give a full day presentation on the identification of dyslexia and removing barriers to learning. Over 30 teachers and SNLSAs attended that course.

In September, six of our SENCOs enrolled on an on-line National SENCO Award course, which is intended to build on practitioners' existing expertise and experience to help further their development. The SENCO has a vital role within our school system and the aim of the award is to maintain a consistent, high-level of quality training. The modules are designed to give an understanding of the skills that can be used to make a positive difference for learners as well as providing opportunities to practice those skills in the workplace. It is envisaged that any subsequent new SENCO post-holders will also be afforded the opportunity to study for this qualification.

This year, nine teachers successfully completed the Dignified Care and Responsibility Training (DCRT) 'Train the Trainer' course. The aim of this course is to make staff aware that most incidents can be defused without the need for physical intervention. It is these skills and techniques of preventative crisis management that DCRT teaches. On completion of the course the staff are then able to deliver the training themselves to other colleagues in their own schools.

Mr Speaker, I now highlight some of the legislative issues we have dealt with, or are dealing with, since my last Budget speech, and this is, of course, in the area of my responsibility for Justice.

In March of this year, we enacted and commenced the Judicial Service (Amendment) Act 2016, which fulfilled an outstanding 2011 manifesto commitment in that it made provision via the amendment of the Judicial Service Act 2007 to make the Chief Justice the Head of the Judiciary in Gibraltar. It had always been the view of this Government

... that the head of the judiciary in Gibraltar should be the Chief Justice, as had always been the case, irrespective of who the post-holder may be.

Furthermore, earlier this year, the Government commenced the Proceeds of Crime Act 2015 in its entirety. This Act consolidated legislation on money laundering in Gibraltar and creates a single regime dealing with the recovery of money from drug offences in the same manner as the recovery of money from other criminal conduct. It also introduced a new procedure enabling the seizure and confiscation of assets arising from any criminal conduct – even where no criminal proceedings are brought against anyone – in a manner similar to those regimes that exist in other jurisdictions such as the United Kingdom. Additionally, the Act provides for the civil recovery of the proceeds of unlawful conduct by way of civil proceedings which are not preceded by criminal proceedings. The Act and its powers are extremely important when considering the global efforts to prevent money laundering and terrorist financing and form a good grounding for the forthcoming Moneyval inspection in 2018. Moneyval is a permanent monitoring body of the Council of Europe, entrusted to improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively. To this end, the RGP has created a specialist unit to deal with the various aspects of the new legislation and the Office of Criminal Prosecutions and Litigation fully support this new regime.

Mr Speaker, the Supreme Court (Amendment) Act 2015 amended the Supreme Court Act so as to set new training requirements for barristers and solicitors who intend to practice law in

2170 Gibraltar. The first academic course in Gibraltar Law, which is part of these new requirements, has already been successfully run by the University of Gibraltar. This Government is now continuing its work alongside the Bar Council of Gibraltar to look at ways of modernising the current system of regulation of legal services in Gibraltar and it is hoped – in fact expected – that a consultation paper on this very matter will be published jointly by the Government and the Bar Council very soon.

2175 Mr Speaker, I turn to matters related to the Gibraltar Law Courts. In October 2015, the President of the Court of Appeal and President of the Courts of Gibraltar, the Rt Hon Sir Paul Kennedy, retired, after having served as Justice of Appeal since September 2006 and as President since November 2011. HM Government of Gibraltar would like to thank Sir Paul for the excellent and important work he has done over the years.

2180 At the Ceremonial Opening of the Legal Year, court staff were praised by all for all the good work they do. The Gibraltar Courts Service has continued to maintain a high standard of performance in the services provided. It continues to find ways in which to modernise and to improve the services provided to court users. Their website continues to be updated and developed. Judgments have been uploaded and are now available for the Supreme Court and Court of Appeal since 1997 to date. Further work is in progress and all available judgments for the preceding years up to and including 1991 will also be uploaded. Additionally, since January this year, sentencing pronouncements for criminal trials at the Supreme Court are now also available for download in pdf format from the website, thus enabling the general public and service users to be up-to-date with court decisions.

2185 The Laws of Gibraltar Judgments website – not to be confused with the Gibraltar Courts Service website – contains all judgments published and contained in the hard copy volumes of The Gibraltar Law Reports commencing in 1812. This website is also fully up-to-date with all reported judgments for the period 1812 to 2015, inclusive, and they are all available for download.

I am happy to report, Mr Speaker, that there continues to be no backlog in the Magistrates or Supreme Courts in respect of dates being provided for criminal trials and of civil and family applications waiting for first hearing dates.

2195 On the whole, court users today enjoy a modern, open and approachable court service that endeavours to work together with stakeholders, to ensure the needs of the court and their users are met.

2200 During 2015, the Gibraltar Courts Service and the Judiciary provided pupils from local middle schools, as well as law students from overseas colleges and universities, including the United States, Sweden and Spain, with organised visits to the Gibraltar Law Courts complex. The visits were intended to be both informative and educational. Visitors and students alike were able to view the courtrooms and facilities and, more importantly, meet a Puisne Judge, who provides them with an overview of the criminal justice system and answered questions on how the system works in Gibraltar. Not only are these visits enjoyable, but in respect of external visitors they serve to enhance the reputation of our legal system.

2205 Mr Speaker, turning to Prison matters, I am glad to say that officer morale is high and prisoner indiscipline cases are low, with most cases being of a minor nature.

2210 This year, improvements to educational programmes on offer include the availability of a full-time teacher for juvenile prisoners. When required, taught classes are provided every day, five days a week.

2215 A new counselling programme will also be on offer entitled, 'Cycle of Change'. The programme is broad in scope, covering a variety of topics including: social and/or family history; one-to-one counselling; building self-esteem; grieving – sense of loss; relationship with self/suppressed feelings; anger issues; consequences – positive and negative; safe boundaries – communication skills; drug misuse – dependency; relapse prevention; motivation for change.

Narcotics Anonymous will be upgrading their weekly prison meetings under a new Hospitals and Institutions subcommittee. This will allow the organisation to offer a more tailor-made service, particularly suited to those in custody.

2220 These additions continue to supplement and improve the array of services on offer at HM Prison and aid in the rehabilitation of offenders. Prison management remains very committed to the ongoing rehabilitation of offenders and enhancing educational and vocational opportunities to all those in custody, with a view to breaking the reoffending cycle and successfully reintegrating offenders back into society.

2225 In May this year, Mr Coom, Chief Officer at HM Prison, attended the FCO Overseas Territories Prison Superintendent's Conference in London. The conference is hosted by the FCO Overseas Territories Directorate. Mr Coom was able to network with senior professionals in the field and secure training opportunities for middle and senior management in areas such as prison management and national offender management services.

2230 This programme of activity is being expanded to cover wider multi-agencies working across the justice sector, co-ordinated by territory criminal justice boards where probation and other staff will also have access to training courses and secondments in the UK to build on their expertise.

2235 Turning to policing, Mr Speaker: the 26th September 2015 saw the RGP mark the granting of the Freedom of the City of Gibraltar with a parade involving serving and retired officers, led by Commissioner Yome. This much deserved honour is appropriate recognition for the work they do.

In January 2016, the RGP were awarded the prestigious Investors in People Gold Standard, the latest milestone in their journey of continuous improvement.

2240 A significant number of RGP constables, sergeants and inspectors, as well as Civil Service support staff, completed leadership and management training during the course of the last financial year. Officers of various ranks have partaken in various forms of training, both locally and overseas, in both generic and policing disciplines, as well as in more specialist areas such as intelligence analysis and financial investigation, all aimed at improving professionalism and overall service delivery at the RGP.

2245 Of note, superintendents Cathal Yeats and Richard Ullger completed senior leadership training and strategic command programmes at the renowned FBI National Academy in Quantico, Virginia and the United Kingdom's College of Policing respectively.

On the international front, the RGP has represented Gibraltar at various fora during the past year at strategic, tactical and operational level. These include:

2250 (1) Executive meetings and annual conference of the European Association of Airport & Seaport Police, chaired by Commissioner Yome in his capacity as President of said body. In 2017, HMGoG are supporting the hosting of this body's annual conference in Gibraltar.

2255 (2) The launch of the Small Island Nations Centre of Excellence for Cybercrime, an EU funded programme involving the RGP and counterparts from other jurisdictions collectively fighting cybercrime. The RGP were invited to deliver a presentation on local cyber threats.

(3) Various Interpol meetings and conferences.

(4) UK Overseas Territories conference on Child Safeguarding where the RGP were invited to present on the model of Safeguarding Children and Sex Offender Management already in place in Gibraltar.

2260 (5) Operational meetings and actions with counterparts in the United Kingdom, Spain and Morocco in counterterrorism, as well as serious and organised crime meetings.

2265 Mr Speaker, the RGP, in partnership with the renowned international watchdog, Internet Watch Foundation, recently launched a new online reporting portal that will allow the public to report any online child sexual abuse imagery found. The system will allow reported material to be analysed by experts, who will, amongst other things, ensure any child sexual abuse content hosted anywhere in the world is removed from the internet and its origin investigated.

On the educational and awareness front, the RGP continue to conduct seasonal campaigns advising the public on areas of concern and issuing warnings of particular crime threats using their social media outlets under the banner of Operation GibWatch.

2270 School Liaison officers continue to perform sterling work in the form of regular talks and presentations to all schools on matters such as road safety, Internet safety, binge drinking and drugs misuse, amongst other topics. This work has been complemented by the RGP's annual summer and mid-term camps for children, as well as the 'Mini Olympiad' held every October under the banner of 'Live Life, Love Sport.'

2275 The RGP Charity Committee and annual recruit intakes are also extremely active all year round, raising substantial amounts of money through various events for local charities. The most recent of which was a Family Fun Day that raised approximately £5,800 for the drugs awareness and support charity, 'Stay Clean.'

2280 As part of an on-going process of developing and strengthening partnerships, September 2015 saw the RGP and Youth Service formalise their existing close relation with a Memorandum of Understanding. The MoU enables the exchange of information on the safeguarding of young persons and creates new areas of work for the promotion of young persons' interests and development.

2285 As I said in the recent passing out parade for new recruits to the RGP, we have a modern, intelligence-led, neighbourhood policing style with a strong emphasis on citizen-focus and problem solving. We have a force that adopts a multi-agency approach to address the needs of our community.

2290 Mr Speaker, we all know that we live in a tough world. Gibraltar needs to be constantly alert and alive to any issue which threatens the peace and safety of our community. There are new threats that we have to deal with, including threats involving cybersecurity and the use of the Internet to commit criminal offences.

2295 We all want to sleep well and soundly at night, and we want to do so in the knowledge that we have a highly professional team of individuals dedicated to law enforcement at all levels. The safety and security of our community is entrusted to these individuals and we must justly feel proud of all our law enforcement officers.

2300 Mr Speaker, this year will see the phased introduction of the Integrated Criminal Justice System. This is a software system, known as Cyclops, which will link up all of the main organisations that form part of the justice system into one information management system. This is a significant investment made by the Gibraltar Government. Once the IT platform is completed and is fully operational, it will positively transform the way departments and organisations in the criminal justice system interact with each other. It will enrich and enhance communication and the processing power of everyday deliverables. This will include custody arrangements, case management and intelligence processes.

2305 The project is being steered by my Ministry and implemented by the various Departments involved in the scheme. This involves the RGP, Courts, Customs, Government Law Officers, Prison and the Probation Service. The first phase of the project is nearing completion and is expected to go live in the next few months.

2310 Not all convicted offenders receive a custodial sentence. Community Sentence Orders may be imposed on convicted offenders and, on this front, again, the Community Services Officer has seen his busiest year yet. A total of 45 offenders were made subject to Unpaid Work Requirement Orders. In real terms, this represents an over 100% increase to the previous year's figure of 22. Unpaid work requirements enable offenders to give back to society, with offenders engaged in positive activities that are of benefit to the community. During the past year, work under this type of order have been carried out in community and church groups, civic buildings, 2315 tourist sites and other associations. Only three offenders have been returned to Court for not complying with an Order. Furthermore, the courts have issued four Youth Rehabilitation Orders requiring some of our young offenders to undertake similar work.

2320 This year, all members of the Probation Service, together with members of the Royal
Gibraltar Police, Prison Service and Social Services, undertook an intensive one-week course on
the identification, assessment and management of sex offenders. The management of these
types of offenders works well in Gibraltar under a trained and committed core group of
professionals that are fully qualified and accredited to deal with these matters.

2325 The Probation Service continues to work with the Prison Service as an integral part of the
offender management system in Gibraltar. Much of its work in this respect focusses around
assessments for inmates eligible to be considered for parole. During 2015, the service provided
35 such reports to the Parole Board, which resulted in 22 inmates being released under the
supervision of the Probation Service.

2330 Mr Speaker, in respect of Civil Contingency, the Department facilitates, through training,
communication and co-ordination between front line emergency services, supporting agencies
and the Ministry of Defence. This has included organising interoperability training courses, which
have been delivered by visiting lecturers from the UK Emergency Planning College. This training
has been based on the UK Joint Emergency Services Interoperability Programme (JESIP), which
encourages operational response under a single co-ordinated command and control system of
management. Two courses were delivered under JESIP, and 34 officers from the blue light
2335 services have benefited from these courses.

Earlier this year, a simulated plane crash into the sea was tested through a table top exercise.
Lessons learnt have already been incorporated into the Airport Emergency Orders which is, of
course, a live document which is updated as required. HM Government of Gibraltar funded, via
the Civil Contingency Department, emergency equipment that will enable maritime responding
agencies easier access for the handling of casualties in the unlikely case of an air disaster at sea.
2340 This equipment and its deployment mechanism is currently being tested.

A full day counterterrorism exercise was also held, during which different challenging
scenarios were tested. Training and planning in this field and the challenges they present forms
part of the Civil Contingency Training Programme.

2345 The Major Incident Response Plan has been substantially updated and issued this year to all
departments and agencies that have a responsibility under the plan. The document provides
information and responses to known threats and risks and is the basis upon which the Civil
Contingency Training Programme is prepared. Central to the plan is the corresponding command
and management structure to be applied at all levels in the case of a major incident.

2350 A major asset in the form of a command/management structure is the Crisis Communications
Centre at No. 6, which is also known as 'the Bunker'. This facility was recently commissioned and
provides a modern and well-equipped centre from where Government Ministers and senior
officials can adequately manage a major incident in an efficient and co-ordinated manner.
Government departments, agencies and other stakeholders are currently familiarising
2355 themselves with the equipment and technology in the centre, mainly through training and joint
operations.

Mr Speaker, 2015 was a year of transition and significant change for the Gibraltar Fire and
Rescue Service (GFRS). With a newly appointed senior management team, together with
promotions across all ranks and the culmination of 150 years of exemplary service to the
community, it has been a time for reflection, self-assessment, adaptation and, indeed, for
2360 forward planning.

As part of the 150th anniversary celebrations, the GFRS organised a number of events during
the year. This included the launching of a set of stamps depicting the various specialist
responsibilities of the GFRS and the publication of a book entitled 'A Tradition of Service' written
2365 by Richard Garcia. In addition, and in an attempt to encourage community participation in the
celebrations, the GFRS organised an open day which served to highlight some of the specialist
skills required of a modern fire fighter. The activities included ladder climbing, abseiling, fire-
fighting. The celebrations culminated on 20th of November with a gala dinner attended by over

2370 120 fire service personnel, past and present, together with distinguished guests – a truly memorable year in fact for the GFRS.

During the financial year 2015-16, various officers attended a number of courses in the UK, mainly at the Fire Service College and other UK institutions and in Gibraltar at various institutions and venues, as required by the courses in question, ranging from management to coxswain courses.

2375 The Fire Safety Department is involved in many processes focusing on fire safety at home, work and in the community. Community fire safety talks have been given to a number of entities including schools, Government and private nurseries, private companies, clubs and Government facilities. The GFRS is also involved in many statutory processes that require the issue of licences, such as building applications, certificate of fitness and petroleum licences. A total of 729 licences
2380 were processed in 2015-16.

In April this year, we saw the launch of the GFRS Integrated Risk Management Plan (IRMP). This document serves as a blueprint of how resources are and will be applied by the GFRS in the fulfilment of their duties. It highlights how the GFRS, in partnership with HMGoG, works to make Gibraltar a safer community in matters associated with fire prevention, protection and being an
2385 effective responder to a wide range of operational incidents. This document demonstrates that the GFRS has a sense of direction and a set of challenging but achievable targets that can be achieved with an agreed level of commitment, focus and resilience. The ultimate beneficiary of the IRMP is the community, and it is with this in mind that the GFRS strives to perform their responsibilities in a professional and efficient manner.

2390 April 2016 also saw the launch of the revised Fire Safety Regulations, specifically Part E of the Building Regulations. The Regulations have been simplified to allow more flexibility to developers and contractors requiring alternatives in fire safety design mechanisms. They also require developers to provide access and facilities to assist the GFRS in the fulfilment of their duties, something that previously was limited to a recommendation as opposed to a
2395 requirement.

As from late last year, retired fire service personnel, who are eligible for community service, have been given the opportunity to come to the GFRS and give back to the community some of their vast knowledge and experience. The opportunity has been well received by interested parties who still feel that they have plenty to contribute.

2400 Mr Speaker, to end my contribution, I will deal with matters in connection with the international exchange of information.

Mr Speaker, Gibraltar Finance is tasked with responsibilities in the area of international exchange of information and co-operation. The Department has been busy lobbying countries that still have Gibraltar on their 'tax haven' blacklists. Recent successes that have directly
2405 resulted in the removal of Gibraltar from these lists include Bulgaria, Canada, Latvia, Estonia and Italy. No doubt we will continue to lobby the few remaining countries that perversely maintain Gibraltar on their lists in an attempt to persuade them to rightly delist our jurisdiction.

In 2014, Gibraltar was rated 'Largely Compliant' in the OECD Global Forum Phase 2 Review. The UK, Germany and USA received the same rating. In 2015, we achieved another positive
2410 rating by the OECD in Gibraltar's confidentiality and data safeguards assessment. In the first half of 2019, the OECD has announced a Phase 3 Review of Gibraltar's Legal and Regulatory Framework and Implementation of the Standard in Practice. Preparations are well on their way for this and I am confident that Gibraltar is set to achieve another positive result in this regard.

2415 Other forthcoming reviews include an FSC statutory review later this year, Moneyval in 2018 and Automatic Exchange of Information monitoring by the OECD leading to a comprehensive review of Gibraltar's adherence to the Automatic Exchange of Information Standard from 2019 onwards. Prior to 2019, the OECD is adopting a so-called 'staged approach' which, although not designed to result in specific ratings, may result in recommendations being made on each module of the staged approach.

2420 Mr Speaker, we continue to handle Exchange of Information on Request applications
received from partner countries on a day-to-day basis together with the various strands of
Automatic Exchange of Information. This includes USA FATCA and the Crown Dependency and
2425 Overseas Territories Intergovernmental Agreement, commonly known as 'UK FATCA' and the
Common Reporting Standard (CRS). The UK FATCA portal, which can be accessed via the
website, has recently been launched with the deadline for submission amended to
1st September 2016. This year's USA FATCA returns are required to be submitted by 30th June
2016. Gibraltar Finance is dealing with the processes and notifications required by the OECD in
preparation for the implementation of the Common Reporting Standard. The Regulations are
expected to be published later this year. Work will also commence on the implementation of the
2430 OECD's Common Transmission Standard, in collaboration with the ITLD and the Government's
legal officers.

On 22nd April 2016, Gibraltar was among the group of 33 Early Adopters of the Automatic
Exchange of Beneficial Ownership Information. This initiative was launched by the so-called 'EU
G5' economies, that is UK, France, Germany, Italy and Spain. The intention is that this initiative
2435 will:

... mirror the ground-breaking steps ... taken on tax evasion under the Common Reporting Standard.'

The Early Adopters are also committed to developing:

... a system of interlinked registries containing full beneficial ownership information as well as for common
international standards for these registries and their interlinking.

In the interim, we executed an Exchange of Notes on 8th April 2016 which was signed in the UK
by the Minister for Europe, David Lidington, on 11th April 2016, affording the law-enforcement
authorities of Gibraltar and the United Kingdom:

.. the automatic right to the provision of unrestricted and timely (where urgently required, within one hour)
beneficial ownership information held in the other jurisdiction ...

2440 All in all, Mr Speaker, it has been a very busy year for all the Departments that come under
my Ministry. We have made great strides during this year across all areas and have positioned
ourselves positively to be able to face the challenges that we are going to face in the next few
years.

2445 Finally, Mr Speaker, let me thank my staff and all those who work in the various Departments
and organisations which form part of my ministerial responsibilities. I am truly grateful to all of
them for their continued support and dedication.

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The House will now recess until 3.15 p.m.

2450

The House recessed at 1.13 p.m. and resumed its sitting at 3.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.15 p.m. – 5.45 p.m.

Gibraltar, Wednesday, 6th July 2016

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The Gibraltar Parliament

The Parliament resumed at 3.15 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

Appropriation Bill 2016 – For Second Reading – Debate continued

Mr Speaker: Perhaps Hon. Members might like to note that a quorum is six – 30% of 17 is 5.1, so we round it up to six. Keep that in mind because if ever there are less than six Members in the Chamber, we do not have a quorum.

The Hon. Albert Isola. (*Interjection*)

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I am delighted that we have a quorum, albeit marginally, and I am sure some of my colleagues from this side of the House and the one from the other will join us in the coming moments.

I have the honour to present my third Budget address in relation to the areas that form part of my ministerial responsibilities, in what is our Government's fifth Budget since the General Election of December 2011 and the first since last year's election.

Mr Speaker, the vote to leave the European Union on 23rd June has led to the greatest period of political uncertainty in my lifetime. The firms and businesses in Gibraltar have, in the main, responded to this uncertainty in the manner I would expect, with a calm and professional period of reflection of the challenges and opportunities that lie ahead.

The one overriding feature of this process is that there is time: time to consider the options, time to consider the challenges and time to consider the opportunities. And this is absolutely necessary as, until we understand the direction of travel, it will not be possible to plan with any degree of certainty. But of course I am not suggesting we do nothing – on the contrary; there are many things we need to be thinking about and working together to achieve, which I will detail later in my address.

Now more than ever, Mr Speaker, our private sector and of course Government need to work closely and quietly together in preparing ourselves to be best placed in the coming months and years. Now that a battered Europe strives to stabilise and cope with the many challenges ahead, I am quietly confident, as is my way, that 'Project Gibraltar' will continue to benefit from the very fine efforts and significant inroads made by this administration – on all fronts, I might add – since it took office in 2011. (**A Member:** Hear, hear.)

Moving on, Mr Speaker, my message is simple: Gibraltar is open for business as usual, but there is much work to be done!

That said, I start by congratulating the Gibraltar International Bank for making a complete success of its first year in operation. Since it opened last year the Bank, led by Lawrence Podesta

35 and Derek Sene, the staff and the Board of Directors have worked tirelessly and deserve the
congratulations and thanks of this House and of the community for the fantastic start the bank
has made in its first 12 months of operation.

Over 7,000 accounts have been opened; over £244 million in deposits; and an increasing loan
book, with some 450 mortgages, is a testament to the work of the team at GIB. Many, at the
40 time, spoke of the doom and gloom at the departure of Barclays in late 2013 and yet today it is a
distant memory, with a seamless transition to this modern, innovative and digital bank. There is,
of course, still work to be done but I believe that the target date for break even and profitability
after three years trading will be met.

As we speak, they are working on new areas in terms of products and functions, including
mobile banking which I much look forward to seeing in operation. My sincere thanks to
45 Lawrence, Derek, the Board of Directors and of course the staff at the bank for their professional
commitment in delivering the quality and service we asked of them.

Mr Speaker, the Hon. Member, Mr Clinton, mentioned in his intervention that we had told
him to 'go and get it for himself' in referring to the accounts of the bank. I think the Hon.
Member is being a little bit unkind – and I know that he likes to dress himself up in this
50 'Rumpole-esque' caricature, with perhaps not sufficient of the humour that Rumpole enjoys.

But what we did say was that as indeed with every other member of our community, the
accounts will be filed in the Companies House and will be available not just to the Hon. Member
but of course to every single member of our community.

Mr Speaker, in the area of financial services we have introduced significant legislation this
55 last year to further support the sector and we continue with our efforts to attract new business
to Gibraltar. We believe, more than ever, that it is right to continue working on improving the
legal and regulatory framework to enhance and develop the business environment across the
whole of this sector. I am most grateful to the Finance Centre Council and the individual
associations with whom we frequently meet for their continued support and co-operation on all
60 matters. As a matter of practice we now share with the relevant association any legislative
changes being contemplated in our legislation, including EU legislation, and work with them to
ensure the provisions meet with their expectation. I must also thank the associations and, in
particular, their technical committees for their support and valuable advice in these areas. It is
critical that we are all on the same page in this process.

65 In the field of private client work Senior Executive Paul Astengo has all but completed a
legislative review process bringing to Parliament a wide range of legislation arising from a
request by STEP some eight years ago. The final piece of this particular jigsaw, Private
Foundations, will come before Parliament during this session. Once again, I am very pleased to
recognise the significant contribution to this process by the private sector members – and, in
70 particular, by STEP who have been at the forefront of this initiative. We have already seen
international firms providing Gibraltar with sourced solutions to their client's needs, using these
new products. The promotion of new opportunities created by this legislation remains a priority
and continues to feature in our chosen international jurisdictions.

In terms of our business development, we pursue our business plan in partnership with the
75 sector and, interestingly, this year we have widened the traditional geographical spread to
include Leeds, Birmingham, Manchester, Edinburgh and Bristol. Of course, Mr Speaker, London
and Switzerland also feature heavily in this programme and last year spent some 24 weeks on
the road promoting Gibraltar. It is interesting, as an aside, that all of these jurisdictions which we
focused on at the beginning of this year, are focusing more on the regions of the UK and not just
80 London itself – something that may become more important in the months and years ahead,
depending on what transpires as a result of the vote of 23rd June.

We advised last year of our desire to increase the focus on Family Office businesses. I am
pleased to say that we have seen some tangible results in this regard, which has impacted
positively on a number of our key private sector areas. We continue to give this area our full

85 attention and we will work this year, in addition, with the Philanthropy Forum in further
delivering possibilities in this area.

We have also driven, with private sector professionals, a review of virtual currencies. In fact,
Mr Speaker, we have consulted twice on this process. The remit has been widened to include,
inter alia, FinTech – an economic industry composed of companies that use technology to make
90 financial services more efficient. We are happy to embrace this development as long as we are
able to regulate effectively in this area and preserve and protect our reputation as a leading
international financial services centre. This method of doing business has been gaining
significant international acceptance and plays to the particular strengths of Gibraltar. There have
been specific expressions of interest from external investors with a view to creating a hub in
95 Gibraltar – and I hope to announce some exciting news in this area in the coming weeks.

I must also at this stage thank the CEO of the Financial Services Commission, Samantha
Barrass, her board and team at the FSC for their work this year. It has been a busy one dealing
with new legislation, directives, the Fee Funding Review and the continuous work to be more
efficient and effective. I must also congratulate them on the creation of a Change and Innovation
100 team at the FSC; an acceptance – and an important one, in my view – by the regulator, that
businesses need to innovate to remain competitive and profitable. The industry has welcomed
this move and so do I.

The sector will also be pleased to learn that the FSC has, immediately after the EU vote,
added additional resources to the Authorisations team to ensure that we are faster than we ever
105 have been in considering quality applications from new firms.

Mr Speaker, our Category 2 and HEPSS products continue to provide effective solutions and
are attractive to the international client. The uncertainty created with the review of the UK's
resident non-domiciled rules provides further opportunity in this space and specific marketing is
taking place. As the Chief Minister has announced, I will shortly reconvene the working group to
110 further consider their proposals and to also consider a new allowance-based system to support
key people living and working in Gibraltar.

We also continue to grow our social media presence, Mr Speaker, as a method of increasing
awareness to a wide, yet appropriate, audience. Our database stands in excess of 4,800
individuals, where we interact with almost on a daily basis. Our 'electronic bookshelf' now has
115 129 publications – up 39 on last year – covering the full range of topics that are of interest to our
readers. It is interesting that, to date, these publications have been read in excess of 9,000
times.

During the year our banking sector has welcomed the addition of Moneycorp – one of the
UK's fastest-growing foreign exchange companies – to our list of licensed banks. We welcome
120 them to Gibraltar in their successful establishment of this specialist firm.

Mr Speaker, in the area of insurance and pensions Mike Ashton is continuing his drive to
improve our product range and develop new and interesting possibilities in this space.

The introduction of Solvency II in January of this year increases the capital requirements for
insurance companies and, in turn, this makes it harder for smaller start-up insurers. As a result,
125 we believe there is an opportunity to attract more Managing General Agents – or MGAs, as they
are known – to Gibraltar. MGAs underwrite business using the underwriting authority of a
separate insurer, e.g. they use an insurance company's paper. A number of new MGAs have
been, or are being, established in Gibraltar and we have seen quite some interest in this area.
The compelling reasons to establish an insurance company in Gibraltar apply equally well to
130 MGAs and we are keen to increase the number of these operating from here.

In the field of Part VII Transfers, I mentioned last year that we hoped to have initiated our
first Part VII Transfer from the UK to Gibraltar during 2015. I am pleased to report that an
application for such a transfer was initiated in late 2015 and is currently being reviewed by both
the PRA and the FCA in the United Kingdom. We have continued our dialogue with the insurance
135 team at HM Treasury in London who have a particular interest in this 'test case' and remain both
supportive and positive that a Part VII Transfer can take place under the UK's existing legislation.

We hope that the regulatory review will be completed shortly allowing the lawyers to apply for a hearing in the High Court in London.

140 We continue to maintain a regular dialogue with the legacy insurance sector so that they are aware of the progress being made.

Mr Speaker, as regards Insurance-Linked Securities, the ILS transaction that was completed in April 2015 is, as we understand, being renewed and should be announced shortly. The major effort during the second half of 2015 was the initiative begun by Gibraltar Finance and ably supported by a number of businesses from the ILS sector, local Gibraltar lawyers and the FSC to create a new class of protected cell company – the Special Purpose Vehicles Protected Cell Company. We announced this in November 2015 and it has been well received.

145 The EU Referendum has acted, in effect, as a brake on some of these new insurance company applications and, likewise, the ILS sector was also waiting for the outcome of the vote before taking any decisions on establishing new structures in Gibraltar. I can say, Mr Speaker, that we remain in close contact with these firms and are hopeful that more will follow shortly.

The new personal pensions regulations have been drafted and will be shared with the pensions sector within the next few weeks. The regulations should come into force in early September 2016. A positive dialogue has been ongoing with both HMRC and HM Treasury in London. We seek to ensure that the regulations will satisfy HMRC's requirements with respect to imported pensions and HM Treasury, as we look to introduce greater flexibility for capital withdrawals for imported pensions, in a similar manner to those introduced within the UK in April 2015. The new regulations will both widen and enhance the existing regulatory framework and will also permit greater use of contract-based pension schemes including, for the first time, the use of protected cell companies for pensions.

155 In Funds, Mr Speaker, we have continued to work closely with GFIA in all of our efforts to develop our product range and market the Gibraltar proposition. I am most grateful to them for their commitment and assistance in supporting our efforts.

We have worked on a number of significant initiatives in terms of our business development, including our Gibraltar day events in Zurich, Geneva, Singapore, Hong Kong and of course London. We will continue with these efforts and are in regular contact with GFIA to understand and agree their priorities.

160 I must also mention the Gibraltar Stock Exchange, which continues to go from strength to strength, and is a catalyst for the further development of this important sector. I understand significant new business will be undertaken by GSX in the coming months and I look forward to reporting further on these.

Our acceptance to Moneyval, which will be carrying out their evaluation of Gibraltar in 2018, is a further example of our commitment to meeting and complying with international standards. I am grateful to both the public and private sectors for their work in preparing for this evaluation, as well of course, as to David Parody for driving this project forward. We are finalising our arrangements for the Central Registry of beneficial ownership which has been delayed as a result of the changes proposed to its operation by the UK and the five EU countries that are driving the new pilot scheme. I would expect the registry to be operational by the end of the year, in advance of the June 2017 required date.

175 Mr Speaker, before turning to Gaming, I must thank Mr Jimmy Tipping, our Chief Executive, and his fantastic team at Gibraltar Finance for the superb work done this last year. It has been a busy year and I fully expect this coming year to be at least as busy as last. Jimmy is a consummate professional, always calm but always a step ahead of the issue in hand; and, of course, a pleasure to work with.

I must also thank the Finance Centre Council and participating associations for their continual support and interaction which, as they know, I greatly welcome and value. I look forward to working further with them in the coming year.

185 Mr Speaker, in Gaming, Gibraltar's continued success in the development and delivery of remote gambling is something we remain very proud of. It is an industry characterised by higher

190 levels of change and uncertainty than many others. The industry has faced strong headwinds in
the last four or five years with numerous new national licensing regimes, new regulations and
additional taxation by other states rapidly becoming the new norm. Nevertheless, the industry
has continued to grow and deepen its roots here in Gibraltar. I can only pay tribute to the
owners, managers and employees of our licensees who have shown such resilience and
commitment to Gibraltar.

195 Likewise, Phill Brear, our hugely experienced and internationally respected Gambling
Commissioner, and his staff, work incredibly hard to support our licensees and ensure operators
of the right calibre are aware that we are keen to have them licensed and located here in
Gibraltar. I cannot underestimate the importance of Mr Brear's work in these areas and I am
delighted to acknowledge and thank him for his knowledge and expertise in everything he does
200 for us. I fully understand and appreciate how fortunate we are to have him.

It remains the case that at any one time a series of discussions are taking place between my
staff and a handful of parties interested in being licensed in Gibraltar. As an aside I would say,
Mr Speaker, that only this morning I received an email from one such prospect. The list is not
endless and it is getting shorter, but it was never the intention of the Government to open the
205 floodgates and we do not intend to do so now. Quality will always prevail over quantity.

The year April 2015 to March 2016 has seen the addition of three new licensees. These have,
in part, cancelled out the five licences lost or consolidated through the international trend of
mergers and acquisitions in the industry. That said, a further three licensees have been added
since just April 2016, so the total number of licensees continues to grow – 31 as at 31st March,
210 and 34 as at 31st May.

Busy as they are, Mr Speaker, the Gambling Division also incorporated the licensing of
Gibraltar's slot machines and bookmaker premises into their offices this year. Members will
know that land-based gambling offers of this type are commonplace throughout Europe and the
rest of the world in different forms and, with their increased sophistication and value, it is
215 important more than ever that all our land-based services meet the standards applied
internationally.

Members will recall that last year the Government commissioned what proved to be a far
more substantial review of the remote elements of the Gambling Act 2005, by four of Gibraltar's
most experienced lawyers in this sector. I was very pleased to be able to circulate their report to
220 the industry at the end of April 2016. I have recently written to the industry inviting them to
meet on a one-to-one basis so that the Government can properly identify the industry's own
views and expectations in this area and help us to develop a comprehensive framework for a full
revision of the 2005 Act into 2017.

I need not emphasise the importance of finding the right balance for the legislation as it
225 underpins the licensing and regulation of this industry in an ever-changing global licensing and
regulatory environment, with equally fast-moving technology, organisational and ownership
changes. It remains our ambition that legislation that has served us so well for the last 10 years
is replaced by legislation that is equally, if not more, effective in supporting this sector through
future decades.

230 Mr Speaker, as I informed Members last year, it remains the case that the GBGA's judicial
review challenge to the UK's point of consumption tax is yet to be concluded. The case has been
referred to the European Court of Justice and the Court's own processes have been initiated and
may soon come to fruition. It goes without saying that, until this key issue is determined, it is not
practical for the Government to proceed with its own plans to review the current regime for
235 gaming fees, charges, duties and taxes.

Whilst we remain totally committed to the highest standards of consumer protection, the
industry cannot compete and thrive if every jurisdiction it touches treats it as some form of cash
cow. The Government hopes to be able to constructively address this matter at least in parallel
to the wider review of the legislation and complete it before the end of this financial year.

240 In terms of Government receipts from this industry, I am pleased to report to this House that the annual licensing charges paid by the gambling industry increased in the last financial year. Similarly, employment in the industry grew by 227 posts to 3,252. So, in licensing charges, in PAYE, in corporate tax and in numbers employed every single one of these have increased from the previous record year that we enjoyed and reported in last year's Budget session.

245 The Government's relationship and engagement with the industry remains very positive and I have taken steps this year to meet with many of the executives and leaders of the industry to gain their direct feedback on their arrangements in Gibraltar; and, while there is more of course to do, this is always positive.

250 To end on Gaming, Mr Speaker, although legislation and taxation in the sector are under review, it goes without saying that this Government remains committed to securing a strong and stable future for both the remote gambling and land-based gambling sectors in Gibraltar. The industry is strong and stable in Gibraltar and is supported by an excellent team of people and staff here.

255 My thanks to Mr Phill Brear and his team, and to Lorraine Britto and her team at the Gambling Division for the great work they do. At the KPMG e-gaming summit held in April of this year, over 60% of those attending cited the Government support and regulatory framework as one of the major reasons for being here in Gibraltar. I thank them for their superb work throughout the year in delivering that for us.

260 Mr Speaker, since the Liaison Department was set up it has been providing valuable service and assistance across the private sector. It operates like a problem-solving hub providing invaluable customer service to the Finance Centre and Gaming sector. Close interaction with other Government Departments is vital for the process to operate efficiently and effectively, and will become even more so as we press to make doing business in Gibraltar even more easy and even more attractive. My thanks to Lizanne and Tania for their support to the private sector, a service which I know they most appreciate.

270 Mr Speaker, turning to Gibraltar Maritime Administration: I am pleased to announce that in 2016 the Gibraltar Ship Registry, managed ably by the Gibraltar Maritime Administrator, Richard Montado and his team, achieved 'White List' status for the very first time and our registry is now considered one of the top 20 in the world. The results have been published in the annual International Chamber of Shipping's Flag State Performance Table for 2015-2016.

275 The registry rates highly in the ICS performance table, with positive performance indicators in every aspect. Gibraltar also ranks highly in its overall technical performance levels by the Paris MOU and the Tokyo MOU ports and is recognised as a quality register by the US Coastguard in their USCG Qualship 21 system, a target scheme used by the US Coastguard to identify poor-quality vessels.

280 In addition to the improvement in quality, Mr Speaker, the overall Gibraltar fleet has increased slightly this year. Increased competition from our traditional strong markets such as Germany and Norway has resulted in a number of ship owners returning to their home flags. The GMA is now diversifying its marketing base by looking at markets in southern Europe, such as Greece and Italy.

I am also pleased to announce that we are reviewing our 'product' at the registry by doing a jurisdictional comparison and identifying areas where we may adapt and improve the registry; as well as its service levels and availability in different and important time zones.

285 Mr Speaker, on completion of the magnificent small boats marina, many Gibraltarians have taken the opportunity to buy a pleasure boat. There are now 700 six to eight metre-long berths available here in Gibraltar. The Yacht Registry is in its final stages of consultation for a completely new registration type for local boat owners. The new Small Ship Registry should be ready for introduction by the end of this month and this service will allow Gibraltar residents to register and operate small boats and jet skis outside Gibraltar waters. Complementing the local 'Red Book' licence, this new 'Blue Book' has no restrictions for berthing allocations in Gibraltar. I

290

must highlight that insurance cover and appropriate qualifications will be prerequisites for registration.

295 I mentioned last year that the GMA is the central authority for maritime training in Gibraltar and is co-ordinating with the Gibraltar Port Authority and Ministry for Economic Development to establish a maritime training programme for young persons, with the financial support of the local bunkering companies. It is absolutely critical to bring young Gibraltarians into this industry. By the end of this year, we will have a number of maritime courses available both in Gibraltar and abroad.

300 Mr Speaker, I now turn to the commercial aspects of the Port of Gibraltar. In spite of the direct and residual effects of the recent economic crisis and increasing competition in the region, the GPA reported growth in both the total number of ships calling at Gibraltar for bunkers and in the quantity of fuel delivered in 2015. This upward trend was reflected more widely with an increase in the number of cruise liners up by over 13%, and superyachts calling at Gibraltar up by over 60%.

305 Mr Speaker, the maritime industry is still fighting its way back from the global recession. There is a general downturn in maritime trade, with ship owners constantly trying to cut running costs. This, of course, has an impact on the number of vessels transiting the Strait. Despite these challenging conditions I am pleased to report that general activity in Gibraltar remains stable, with bunkering volumes pretty much in line with expectations for the year. Initiatives to increase activity will continue and I expect to report more favourably in the next session.

310 I am also pleased to report that, since my last Budget speech, the initiatives introduced to promote the Port of Gibraltar have started to bear fruit, with Gibraltar hosting the International Bunker Industry Association – or IBIA, as it is known – Annual Convention in Gibraltar for the first time ever, later this year.

315 The Port Authority is now also represented on the board of IBIA, with the recent election of Commodore Bob Sanguinetti as a board member. This gives Gibraltar an important and well-respected platform from which to raise our profile globally and allow us to promote the port at the top echelons of the bunkering world.

320 Mr Speaker, the GPA has continued with its targeted marketing campaign based on direct engagement. I recently visited Singapore to meet some of the biggest ship owners and managers in the world. This was followed with a visit to Hong Kong, in conjunction with our Hong Kong office, to build on the relationships established when my hon. colleague, the Hon. Neil Costa, last visited in late 2014. I am convinced that these efforts are crucial in keeping Gibraltar at the forefront of ship owners' and operators' minds, and I must thank those members of our shipping community who joined us in selling Gibraltar PLC in Asia earlier this year.

325 Mr Speaker, with the opening of the Government's spectacular small boats marina comes the opportunity to provide an additional 500 metres of berthing space for superyachts. Whilst early days, it is very encouraging to report that the GPA is receiving much interest from superyacht masters, who are not just considering Gibraltar as a bunkering port but, rather, as a longer stop where crew can enjoy the full range of facilities that we have here. Members will know that we currently have the enormous *Le Grand Bleu* berthed here this week.

330 The Government's plan for land-based storage is also underway with a number of very exciting expressions of interest being considered. These will offer Government the opportunity to carry out a wider review of the Port Estate including its facilities, which has not happened in many years. The GPA is working on its Port Vision 2025 as part of the Government's wider initiative to take a long term view of the port.

335 I must thank Bob Sanguinetti and his team for the superb work he and his team have done over the years. None of these very positive results could have been achieved without the excellent relationship between the GPA and the Gibraltar port operators and service providers. I look forward to continuing to work with them all in the coming year.

340 Before I move on to my closing part, I would like to thank the entire team in my office under the direction of Julian Baldachino and my secretary Lourdes, who are always there for me

providing a professional service, and always supporting the work we do quietly and without fuss. I must also mention and thank Sylvana who has recently retired; I wish her a long and happy retirement. They are all a credit to the Civil Service and I am most grateful to each and every one of them.

I must also thank Vi and her team at the Lotteries section who fight on with delivering a lottery in difficult circumstances, which we are looking to reform and improve for the benefit of them all.

Mr Speaker, I referred at the outset of my address to what measures we were looking to take, particularly in the areas of Financial Services and Gaming in light of the vote of 23rd June.

In conclusion, I would like to inform this House of the measures that we will adopt in the coming weeks and months in Financial Services and Gaming to best prepare to meet the challenges that lie ahead.

As I have already said in this House it is indeed very much 'business as usual' but that, of course, does not mean that we will stand still; on the contrary, we will work harder than ever before to preserve the business that we enjoy today and work to seek out the opportunities that the ever-changing landscape makes available to us. What is clear is that whatever changes may come, they will not arrive until 2019 at the earliest and therefore we need not panic, but focus and be best prepared and placed for whatever change comes our way.

We are already reviewing our processes to ensure that the path for new business is as smooth and efficient as is possible. We have made some progress in this regard but there is more to come.

In Gaming we have already, since the vote, communicated with all our operators in Gibraltar and, of course, with the GBGA. We have informed them that the review of the Gambling Act, announced earlier this year following the proposals of the four Peters, will be extended to analyse and assess the risk of Brexit to our operators and to identify the areas and issues that we, as a jurisdiction, are able to deal with that will maintain our position as the premier online gaming jurisdiction. This will cover and touch many areas, including arrangements with the UK and other markets with whom we may build direct relationships. We will work with the four Peters in these areas as well as, of course, with each of our operators.

The gaming community is fully aware of the absolute commitment of this Government to tackle the issues they have and to meet the challenges faced together in the months and years ahead. I am convinced that we have the knowledge, expertise and will to make this happen.

In Financial Services, Mr Speaker, we have been in contact with the Finance Centre Council and with a number of the major players in our Insurance community, as well as with most of the investment managers, at a face-to-face meeting last Friday morning. It is clear that the UK market is critical and that access to the single market is an important part of some of these businesses.

We will shortly be setting up small working groups with professionals in each of the areas of the sector to assist us in determining the risks arising from this uncertainty; and to prepare a route map for the opportunities that any change to our existing arrangements – if they occur – may present. We will also review our existing product lines and examine new possibilities, as well as review our business plans moving forward.

Uncertainty, Mr Speaker, is bad for business and we must therefore work to deal with these on a step-by-step basis. As I have already mentioned in this House, we have two new insurance licence applications since 23rd June before the Financial Services Commission, and I am reliably informed there are more to come across a number of different areas – which is, indeed, welcome news. These include new lines of business which are exciting and innovative.

At this time our regulator will pull out all the stops to ensure we are efficient and business-friendly in assisting new applicants through the authorisation process. We will work to get better at what we do across all areas of these sectors. I would like to thank, in advance, the professionals who will form part of these groups to assist us in ensuring we are best placed for the future.

395 In political terms, there is no doubt that the first priority must be to confirm unequivocally
our relationship with the United Kingdom enabling our business community to continue to work
in and out of the UK irrespective of the EU relationship. This is critical to our private sector and
noted by this Government.

400 We must also insist and ensure that whatever arrangements the United Kingdom negotiates
for itself must similarly apply to Gibraltar. As the Chief Minister has already said, we are
considering and working on *all* of the options available to us including short, medium and long
term. This is what responsible government is all about and, in that respect, we shall not be found
wanting. The Chief Minister is working with Her Majesty's Government at the highest levels to
secure these arrangements and progress is already being made.

405 Finally, Mr Speaker, last year saw the continued growth and importance to our community
both in the Financial Services and in our Gaming sectors. They both again surpassed their
expectations in every respect. We now face new and unknown challenges and, with the sense
and determination that we all have, we will again rise to the challenge and the opportunities
that will come before us.

410 It is not within our gift to predict what will happen, but it certainly is to prepare – and that is
exactly what we intend to do.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. Neil Costa.

415 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, as always, it is with
great pleasure that I deliver my Budget address in this House. This speech marks my ninth
Budget contribution as a Member of Parliament, and my fifth as a Government Minister. It is, Mr
Speaker, my second Budget address as Minister with responsibilities for Business, Employment,
420 Postal Services and the Department of Social Security.

During the course of my contribution, I will report on the projects undertaken over the past
financial year and I will set out my Ministry's objectives for this financial year.

425 With your indulgence Mr Speaker, I will start with my Social Security responsibilities: Mr
Speaker, as this House will know, prior to 31st December 1984, married women, whose
husbands were paying social insurance contributions, and widows who were in employment or
self-employment, had a choice of paying either the reduced married women rate of
contribution, or, the full rate of social insurance contribution. This option is no longer available,
but continues to apply to existing contributors on a personal-to-holder basis. Married women
who opted to pay this reduced social insurance contribution were not entitled to claim old age
430 pension in their own right on attaining the age of 60. They could only claim an old age pension,
at the dependant's allowance rate, based on their husband's insurance record, once the
husband reached the age of 65. As the House will also know, the dependant's allowance is paid
at half the rate payable to the husband.

435 With effect from April of this year, the Government introduced legislation to allow married
women who paid, or are paying, the reduced social insurance contribution, or women who have
not paid contributions as self-employed persons, to make retrospective payments of the
difference between the reduced social insurance and the full social insurance contribution. If the
minimum contribution conditions for pension purposes are met, they will be entitled to a
pension in their own right when they reach the age of 60 or enhance their existing pension rate.
440 Mr Speaker, I would like to stress that this opportunity will be available until 31st March of next
year.

Mr Speaker, as this House has been informed, the entire process of awarding Disability
Allowance was reformed with effect from July of last year. The Department of Social Security,
which administers this allowance, was finding it increasingly difficult to consider the applications
445 received in a just and equitable manner, based on the brief guidelines available, and in the
absence of professional medical advice. With this in mind, the former Director of Social Security

and I took the initiative of overhauling the Disability Allowance Arrangements and introducing a new set of eligibility criteria together with an entirely new assessment process. In this respect, the Disability Allowance is no longer awarded on the basis of a particular health condition or impairment, but on the impact that such a condition has on the everyday life of the persons or his or her carer.

An assessment panel made up of health professionals from a range of different health disciplines, including a physician, a psychologist, a physiotherapist and an occupational therapist, bringing together diverse expertise and skills, was set up to assess Disability Allowance applications. As a consequence, entitlement to the allowance is now determined in a new, fairer and objective assessment of an individual's needs based on professional medical advice. Panel members may request further assessment from relevant professionals or further medical information to help them in their assessment.

The ultimate decision, however, rests with the Director, who will make a determination on the award based on the panel's professional recommendation and taking into account all relevant circumstances. If an applicant appeals a decision, the assessment panel composed of different members will convene and reassess the application. The procedure will ensure that the second assessment is considered afresh. As a result, those individuals whose health condition or impairment has the greatest impact on their day-to-day lives and require the most support, are fully caught by our reforms.

Mr Speaker, we have worked towards achieving a system that will assess individual needs, ensure consistency of decision-making and make the whole process fair and objective. It gives me great satisfaction to say that nearly a year after the inception of the new arrangement, all historical applications have been assessed and all current applications are being addressed in a timely manner. In this respect, I wish to place on the record my sincere thanks to the hard working professionals who volunteer of their time to fulfil this important endeavour.

Mr Speaker, the House is aware that Gibraltar Old Age Pensions and Survivors' Benefits were increased by 1.6% with effect from 1st August of last year. In previous years, pensions were increased in line with the annual increase in General Index of Retail Prices. Last year, however, the increase was only a mere 0.1%, and, for this reason, it was decided to apply the same increase as in the previous year. Furthermore, the Minimum Income Guarantee was also increased by 1.6%. Mr Speaker, as the Hon. the Chief Minister announced in his budget address, Old Age Pension will increase by the Retail Price Index, with effect from 1st August.

Further, Mr Speaker, last year it was announced that Maternity Grant would increase from £600 to £700 for births that occurred after 1st August 2015. I know that this increase has been very welcome indeed by all parents enjoying a new addition to the family.

Mr Speaker, I now turn to my responsibilities for The Royal Gibraltar Post Office (RGPO): On 1st January, the RGPO launched the UN Universal Postal Union Customs Declaration Kiosk System (CDS) on its webpage to meet the new security requirements for mail items entering the EU. Effective from 1st May, the EU makes the provision of Advance Electronic Information (AEI) mandatory for postal items entering the EU.

Customers sending international mail will no longer have to rely on their own hand-writing being correctly interpreted, or, on a single hardcopy of their customs declaration label safely reaching its destination. They can now use the Customs Declaration Kiosk System to provide their customs declaration data, in a quick and accurate manner, while maintaining full control of their declaration.

At destination, Mr Speaker, the availability of this declaration data allows customs to prepare risk assessments in advance, enabling nimble inbound customs process. Currently, the Customs Declaration Kiosk System makes use of the system's unique postal lookup engine, to suggest tariff-codes for the goods being sent abroad. In the short term, the Kiosk will include warnings on prohibitions and restrictions, as well as postal address validation.

Mr Speaker, it is therefore gratifying that I quote from the *PostEurop News* saying:

The Royal Gibraltar Post Office is one of the postal operators spearheading this revolution, having already integrated the CDS Kiosk on their website. At points of lodging, dedicated customer facing kiosks are being rolled out to enforce the declaration data capture of all international mail items.

500 Further Mr Speaker, the United Nations Conference on Trade and Development has signed a Memorandum of Understanding with the UN Universal Postal Union to facilitate in the area relating to the interface between Customs Declaration and HM Customs' ASYCUDA, where the RGPO is the pilot country.

505 Given the increasingly sensitive aviation safety and security issues facing the global postal network, and in recognition of the Royal Gibraltar Post Office leading in the area on dangerous goods awareness, the RGPO is the cover story in the UN Universal Postal Union Postale Publication, yet again giving Gibraltar very positive global exposure.

510 Further, Mr Speaker, I am also pleased to inform this House, that due to the success of the Post & Go Kiosks, the Gibraltar House Kiosk in London has been to the World Stamp Show in New York to launch its new Macaque stamp. The RGPO kiosk was also on the front cover of the special edition of the *Intelligent AR* magazine. It is important to note that since the installation of these kiosks at Gibraltar House in London and the premises of the RGPO, almost £40,000 of revenue has been raised.

515 Mr Speaker, another area where the RGPO has taken centre stage, is in improving quality measurement between two countries. The RGPO setup a trial of different Radio Frequency Identification (RFID) transponders to give 100% visibility of mail bags arriving in the UK. The trial was a great success and created a demand for the RGPO to share their best practice. The CEO of the RGPO has presented to three different UN Universal Postal Union committees, with other countries, like the Netherlands, that want to carry out a data exchange with Gibraltar. The RGPO has now introduced RFID readers in the cargo shed at the Gibraltar Airport and is now the only
520 country to place passive RFID in all of its mailbags.

Mr Speaker, during this summer, the RGPO should introduce the latest postal track and trace system, called IPS.POST, to meet its mandatory obligations for data exchange. IPS.POST is an application for handling international mail. The IPS.POST application will allow postal organisations to store and exchange data related to the mail handling process.

525 IPS.POST records information about the mail events that happen to an item during each step of the international mail handling process. The RGPO can use the IPS.POST system to identify each mail event, that is to say, the specific steps of the mail handling process as defined in international postal regulations that happens to an item from the time it is received from the customer, until it is delivered.

530 Furthermore, Mr Speaker, it is with great satisfaction that I can confirm that additional cargo space was secured with Monarch Airlines from Monday 6th July of last year. This has meant that backlog of mail is reduced and is delivered to the recipient sooner. The collaboration was the direct result of a meeting held between the Chief Executive Officer of the Royal Gibraltar Post Office, the Monarch Airlines cargo services and myself.

535 I am sure that hon. Members opposite had no idea that postal work could be quite so exciting. *(Laughter)*

Mr Speaker, I now turn to my responsibilities for Commercial Affairs, and before I turn to the tremendous work that the Government has achieved in reducing the costs of doing business, let me ask the Hon. Mr Clinton to take good note of all of the matters that I will highlight. Mr
540 Speaker, his contribution on small businesses, if measured by its length, could politely be described as superficial or perhaps perfunctory. In all Mr Speaker, seven paragraphs, the longest of which, was a cut and paste from the Gibraltar Federation of Small Businesses (GFSB) survey in respect of which there is no analysis beyond repeating the concerns of some of its members. On the other hand, if the hon. Member's comments on small businesses were analysed frankly, for
545 the quality of his analysis, then I must describe it as shocking, for its complete lack of knowledge on all of the work that this Government has carried out, not just in reducing the administrative

burden on businesses, but in revolutionising the way businesses are now licensed and in slashing business costs. I will have much more to say to Mr Clinton at the conclusion of my section on small businesses on the hon. Member's inexplicable neglect of his duties as a spokesperson on SMEs, evidenced, not least, by the absence of a single question by him at Question Time.

I start with the excellent and newly established Office of Fair Trading. Mr Speaker, I am delighted to confirm that in October of last year, the Office of Fair Trading, or the OFT as it is commonly known, opened its doors pursuant to the enactment of the Fair Trading Act. A lot of work continues to be devoted to this project and I am happy to say that Gibraltar now boasts a statutory regulator that caters exclusively to the needs of businesses and consumers.

As the House is aware, three pre-existing Government Departments merged to create the OFT: the Department of Consumer Affairs, the Trade Licensing Section and the Business Support Unit. The OFT is, in addition, responsible for the implementation of the new business licensing system and the establishment of the Single Point of Contact, which I will address shortly. The Office is dedicated to maintaining the highest business standards in Gibraltar and is already serving to bolster the confidence of entrepreneurs and consumers in our local market, which, I am confident, is resulting in a positive knock-on effect in our economy.

The OFT, Mr Speaker, is staffed by seasoned public servants who are experienced in consumer protection, licensing matters and providing support to businesses. Furthermore, the operation and management of the new Office is carried out by a legally qualified Chief Executive Officer who brings to the administration of public services his own experience of working in the private sector. The staff at the OFT have, since before the Office was formally established in October, developed a very productive working relationship with other Government Departments, not least the Income Tax Office, the Department of Employment, HM Customs and non-Governmental bodies such as Companies House. In this respect, Mr Speaker, written protocols are already in place with the Income Tax Office, the Port Authority and the Department of Employment, to ensure the highest level of practical cooperation. In addition, the OFT has, in conjunction with HM Customs, created a new Approved Goods List that categorises all goods that are traded in Gibraltar into a simple, easy to use and informative list. Further, the OFT's staff's experience and contacts are proving invaluable to the one-stop-shop service that the Office offers to start-up businesses. The OFT continues to work towards even greater cooperation with other bodies for the continued improvement of its services.

Mr Speaker, the OFT and my Ministry are involved in a substantially progressed consultation with the Chamber of Commerce and the Gibraltar Federation of Small Businesses to deliver some changes to the Fair Trading Act, which we mutually agree are desirable. In this respect Mr Speaker, I will be in a position to publish an amending Bill in the last quarter of this year that I am certain will iron out the small creases that we have witnessed in the first eight months since the commencement of the Act.

Mr Speaker, under the Fair Trading Act, new guidance codes have been set for tourism service providers, real estate service providers and for businesses handling client monies in Gibraltar. The codes set out industry best practice guidelines and non-compliance will be investigated, and where necessary appropriate action taken, by the OFT. These codes of conduct are, among other matters, concerned with the protection of deposit monies that are paid by consumers, which in our view, require specific protection. Businesses handling client monies or holding financial deposits are required to provide evidence of a separate client account to the OFT. I hope that Mr Clinton has taken note.

Mr Speaker, one of the most exciting changes is the establishment of the OFT's Single Point of Contact, whose aim is to ease the administrative burden of establishing a business in Gibraltar. Mr Speaker, budding businesspersons are no longer obliged to navigate the labyrinthine administrative morass to start up a business, or to keep their business licence extant. It goes without saying, Mr Speaker, that speed to market is essential, and it is important that administrative procedures do not get in the way of entrepreneurialism and innovation.

The Office of Fair Trading assists in focussing new business applications to the right Government Departments by the Office itself, speedily and from one single venue. Entrepreneurs may visit the OFT's conveniently located office at Europort and receive guidance to complete their registration and licensing processes. The team will then distribute all these forms as necessary to the other Departments. In other words, Mr Speaker, whereas before, and certainly during the time that the GSD were in Government, which Mr Clinton now represents in this House, a person would have to attend every relevant Government office necessary to obtain a business licence, such as the Environmental Agency, the Town Planning Department, the Employment Service and the Department of Social Security, among others. Today, that same person only needs to attend one office, the OFT, is assisted by an experienced official in filling the forms and that same official distributes the forms to the Departments and completes the process with the client, so the businessperson who previously had to navigate his or her way through Gibraltar and all of those Government Departments, now only deals in one office with one person.

The call by the business community for a single counter service, ignored for over 16 years, has finally been answered and allows entrepreneurs to concentrate on what they do best, Mr Speaker: run a successful business.

And further, Mr Speaker, in the same way as businesses are called to innovate and provide wide-reaching methods of doing business remotely, we as an administration, are also committed to providing the ability to businesses to deal with Government Departments easily and efficiently online. Businesses are therefore now able to complete and submit the forms required for business licensing online via the eGovernment website. Furthermore, downloadable versions of all the relevant forms for each of the Government Departments are also available on the OFT's website.

Mr Speaker, as I noted some moments ago, the commencement of the OFT saw the absorption of the Department of Consumer Affairs, which has become the OFT's Consumer Protection section. While the team members themselves have not changed, the nature of the work carried out by the team has shifted from a mediatory role to a regulatory one. The ultimate aim of the Consumer Protection division is to prevent harm to consumers. The Act has given the OFT much needed teeth by the creation of Consumer Protection Enforcers to ensure that all businesses comply with this legislation. CP Enforcers can visit local traders to review their business practices, inspect weighing and measuring equipment used for trade and check business licences to ensure they are in place and up to date. Consumer Protection officers are also empowered to monitor and check advertisements for accuracy, inspect and test goods for safety, ensure that no person is selling goods to consumers without a licence and investigate business practices that the OFT may consider to be significantly harmful to consumers. The members of the team have undergone training from the Chartered Trading Standards Institute earlier this year which, with previous training from the Royal Gibraltar Police, ensures best practice methods and procedures when using their enforcement powers.

Mr Speaker, I now turn to Business Licensing, previously known as Trade Licensing. In accordance with the Fair Trading Act, the functions of the Trade Licensing Authority have been transferred and subsumed within the remit of the OFT and are undertaken by the Business Licensing Authority (BLA).

The new licencing system created by the Act now requires that all businesses in Gibraltar that are not regulated by another enactment are licenced. This, Mr Speaker, clears the irrational differentiation in law between the requirements of businesses to trade in goods and those that provide services.

The introduction of the BLA has also marked a significant increase in due diligence checks at the time of applying for a business licence to ensure that, among other things, all applicants carrying on business do so from adequate premises and are properly registered and up to date at Companies House.

650 Mr Speaker, it is well worth remembering that the Act contains a statutory presumption in
favour of carrying on business in Gibraltar, subject to obtaining the licence. As a result, the new
statutory system allows the BLA secretariat to consider and approve straight forward
applications, allowing the BLA board to consider complex applications. All decisions taken by the
secretariat are communicated to the BLA and are based on precedents previously established by
the board. This has the effect of dramatically improving the speed in which applications are
655 processed. Where all documents are received, and the applications do not need to be referred
to the board, applications are processed within three working days, Mr Speaker, quite sharp, I
would say.

Crucially, the BLA has the ability to deploy the OFT's CP Enforcers to investigate businesses
that it suspects are not in possession of a valid business licence. Another significant change that
660 improves the efficiency of the business licensing process is that the BLA is now required, by
statute, to meet fortnightly rather than monthly.

Mr Speaker, I now turn to my responsibilities for small and medium sized businesses. As I
never tire of saying, small businesses are the lifeblood of our economy, and the Government
must enable the right conditions for businesses to flourish. It is significant to note, that
665 collectively, small and medium sized businesses are Gibraltar's biggest employer. It therefore
gives me great satisfaction, Mr Speaker, to set out the many budgetary measures that the
Government introduced to buttress the right legal, regulatory, economic and fiscal conditions for
success.

Mr Speaker, let me highlight some of the main measures: the Government has, in the first
670 place, maintained energy prices at the same rates since 2011, with a promise not to increase the
same for an additional four years. Mr Speaker, I should remind this House that the previous
administration admitted, that had it proceeded with the Lathbury Barracks power plant, utility
costs would have increased by 5% an annum. This therefore already represents a saving for
small business of 20% over four years. Further still, in addition to this 20% saving, we need to
675 add the 5.65% discount over the last four financial years representing inflation over that period.
So, in total so far a saving of 25.65%. Even further still, Mr Speaker, this does not take into
account the important amount by which the Government subsidises the costs of electricity. It is
important therefore for the business community to reflect on the effect on their business costs if
the Government were to remove such a subsidy.

680 Secondly, we have not increased social insurance contributions in four, nay, five financial
years, Mr Speaker. Rather, Government has abolished employer's contributions in respect of an
employee's secondary employment, subject to the full contribution having been paid once in
Gibraltar. As the Hon. the Chief Minister has noted, we will need to consider developments in UK
arising from the Brexit vote and we may have to review the position in later on in the year.

685 Thirdly, we have undertaken import duty reductions on the widest range of goods. This year
has been no different, Mr Speaker, and there have been even further import duty reductions on
12 items. Our anecdotal evidence, however, firmly suggests that, regrettably, some traders are
not passing such savings to consumers.

Fourthly, we have provided discounts for early repayment of rates of 65% for businesses in
690 the first year of trading for new set-up companies. For those new companies that had already
received a 50% general rates discount in their first year of trading since the scheme was
introduced, they were given a 25% discount in the second year of trading.

Fifth, Mr Speaker, we have increased the discount for early payment of rates from 10% to
15% for offices, workshops, construction and manufacturing industries, transport and
695 distribution industries. This discount will, of course, continue once again in this financial year.

We have allowed companies, partnerships and self-employed individuals to claim 100% of its
eligible Capital Allowance in the first year of trade in order to further incentivise new businesses
to set up in what the Economist has called 'our tiger-like economy' and generate further
economic activity. (A Member: Hear, hear.)

700 Further still, following proposals from ATCOM, in order to incentivise training in the workplace, allowed training costs as an expense against profits of a business or company at the rate of 150%. Mr Speaker, that means that a company that invests £1,000 in training its employees with a view to them obtaining an accredited qualification, will now be able to claim £1,500 as a deduction against profit for the accounting period in the tax computation.

705 Even further still, we have raised the audit threshold, that is to say, the level of turnover beyond which audited accounts are required, from £1,000,000 to £1,250,000 – a measure that did not go down very well with my girlfriend, as a qualified accountant.

On the ninth point, Mr Speaker, in order to assist small scale start-ups, introduced a capped 200% credit in respect of the cost of any architect's fees incurred in respect of successful planning applications under the Town Planning Act, and any fees charged by Government in respect of any such planning application, made by such a company in respect of its property in the first 24 months of operation.

710 Further still, to further encourage and assist small businesses and start-up companies, we introduced a Social Insurance Credit of £100 per employee in respect of Employers' Contribution for companies who have 10 or less employees; and, as an 11th budget busting measure for small businesses, Mr Speaker, an additional start up incentive scheme was announced this year by the Hon. the Chief Minister. Any company that sets up in Gibraltar over the next 12 months and meets various conditions, amongst others, that it must be a new business, must employ five employees in the first year and that the business is not a transfer of a business previously existing, or one that is used as a transfer pricing mechanism to allocate profits from a business previously existing is eligible for the scheme. And the excellent incentive, Mr Speaker, is that over the first three financial years of trading, the business, which can be a company, or a limited partnership, will be eligible for a tax credit equal to the tax due up to a maximum of £50,000 over each of the first three years. The tax credit does not carry forward from one year to the next and is not eligible for repayment. Therefore, Mr Speaker, the incentive acts as a mechanism to shelter a liability to tax, up to the maximum of tax equivalent to £50,000 per annum, effectively sheltering half a million pounds of profits every year.

715 Mr Speaker, in the light of all the measures I have just mentioned, the Business Support Unit has carried out an internal exercise to determine how all these measures have affected businesses in Gibraltar. I am very grateful to the two businesses in Main Street and the one just outside Main Street, which helped us in this task. In essence, Mr Speaker, we factored into our financial comparison analysis, the costs in relation to social insurance, the minimum wage, electricity and water, salt water and rates, licence fees and import duty since this administration was elected and compared and contrasted the cost of doing business over the last five years over the average cost of doing business, when the hon. Members opposite were in Government. Mr Speaker, the forensic analysis determined that in five years, the Main Street businesses have made a saving of just over £17,000 and £18,000 respectively, and the business just outside Main Street made a saving of nearly £9,000. It is therefore estimated that with this administration, the businesses that participated in our exercise had saved, on average, approximately a staggering £3,500 every year and the business just outside Main Street made a saving of just over £1,700. Mr Speaker, by any objective measure and analysis, keeping the costs of businesses is well and truly down under this business friendly administration. (**A Member:** Hear, hear.) (*Banging on desks*)

745 Mr Speaker, yet another measure which continues to be of great benefit to businesses is the Gibraltar Business Nurturing Scheme, or GBNS, that was introduced last year. It may be useful, Mr Speaker, to quickly explain the logistics of the process for Mr Clinton and for those who may be interested in applying. The application process for these loans sees applicants complete a simple form. The applications are scored by a committee comprised of a Chamber representative, a GFSB representative and a Government official. The scores take into consideration the purpose of the loan and evaluates the application against set criteria, ranging from evidence of demand, innovation, sustainability, value for money, the safeguarding, and

750

creation of jobs, environmental and health impact, e-commerce, urban renewal and touristic value. Applications are given a preliminary score. Applicants who obtain a satisfactory score meet with the Committee. The meeting allows the applicant to meet with individuals operating in the business field and avail themselves of a steer, prior to launching or expanding their business. After the meetings, the scores are finalised and a majority recommendation is made for my final approval. As always Mr Speaker, I am happy to accept 100% of the Committee's recommendations.

As we all know, Mr Speaker, seed capital is an essential part of starting a business or accelerating an existing business. The GBNS has eased the financial burden on aspiring entrepreneurs who may have had an exciting business idea but lacked the funds to proceed. The GBNS has also assisted existing businesses that required an injection of capital in order to expand or diversify their business. The GBNS has proved to be a popular mechanism, with 19 applications received in the last financial year and seven successful applications approved. The GBNS has received a second batch of 17 applications, which the Committee is currently processing.

The availability, Mr Speaker, of sound and repayable finance is not just vital to grow our economy, but is equally important in creating employment opportunities, generating Government revenue, fostering technological innovation and expanding the range of goods and services enjoyed by consumers – what economists call a 'virtuous economic cycle'.

Mr Speaker, as I have just highlighted, over the past four years and indeed in this financial year, the Government has already introduced a series of budgetary measures to assist and encourage start-ups. In this financial year, we will start work with the GFSB and the Gibraltar Chamber of Commerce to consider the elements of an incubator scheme for start-ups, where start-ups can be nurtured for the first year of their existence. This will be particularly useful for start-ups in the software and technology industries which we will seek to further nurture, and I am personally thrilled to pursue this particular project.

Mr Speaker, I must also mention that the Business Support Unit (BSU) last year organised 16 seminars which became very popular and covered a whole range of topics aimed at providing the local business community with guidance and support. The BSU is currently in the process of preparing a new programme for this year, which I very much look forward to the launch.

Mr Speaker, therefore, there is no question that in the past four and a half years we have worked extremely closely with representatives of the local business community – who I am happy to consider as friends – and that we have heard and moved on their representations and helped, where possible, with individual concerns and cases. Government will of course continue to listen to the business community and move swiftly to tackle any issues that may arise. We will continue to engage in meaningful dialogue with the GFSB, the Gibraltar Chamber of Commerce, and individual traders.

Further, Mr Speaker, in the light of the UK referendum result, and in keeping with the Hon. the Chief Minister's pledge to set up various working groups, I will invite the Chamber of Commerce, the GFSB and other stakeholders to analyse the possible consequences of Gibraltar leaving the EU – of which I will say more a little later – and devise different models depending on the various outcomes.

It is in the light of this robust legal, regulatory, fiscal and economic architecture, that this Government has rolled out in its first mandate and which I have just set out in detail, that Mr Clinton's glib lip service to small businesses must be judged. Mr Speaker, such is the Hon. Mr Clinton's intimate knowledge of the concerns of businesses, that he referred to the Gibraltar Federation of Small Businesses throughout his 30 seconds on small businesses, as the 'GSFB'! In other words, the Gibraltar *Small* Federation of Businesses: not quite the same thing, Mr Speaker; not least given that the GFSB represents at least half of the business community that he pretends to care about.

Mr Speaker, I almost fell off my chair when he called the increase in business licences 'a stealth tax'! Mr Speaker, is he so disengaged with the public political process that he is unaware

805 that the FTA was the product of the fullest consultation with the Chamber and the GFSB over three entire years?

Does he care so little, Mr Speaker, about engaging with the representatives of small businesses that he was not aware that both the GFSB and the Chamber, in fact, agreed with the new licensing fees?

810 Mr Speaker, does he still think that increases of fees – which had not been increased since 1988 and agreed in a public consultation – is a rise by stealth?

Mr Speaker, I think it is fair to say that it has ranked in the course of this Budget debate as one of the most nonsensical statements uttered. (**A Member:** Hear, hear.) It was only fair, surely, to increase fees by inflation in the light of the enforcement powers contained in the FTA? Further, Mr Speaker, if he had bothered to ask at Question Time, I would have told him that
815 moving forward all increases are in line with Retail Price increases.

Mr Speaker, I could say more; so, in fact, I will! (*Laughter*) The hon. Gentleman, in his contribution, does not even refer to any one of the excellent business measures that the Hon. the Chief Minister introduced – not one! Not even the very exciting start-up scheme.

820 Mr Speaker, in complete illogical defiance of the Law of Holes – which helpfully suggests to the hon. Gentleman to stop digging when already in a hole – he says that this Government is not transparent. Mr Speaker, I will urge the hon. Member to pick one – any one – of the Budget replies by the former Chief Minister ... Indeed, Mr Speaker, I will invite him to choose any one single question and answer session reflected in *Hansard* – any reply and any session will do – and, on considering any given one, he will come to the same conclusion as I: that there does not
825 exist any currently accepted mathematical measurement that can fully measure the contrast between our huge level of transparency and theirs, when in office.

In the absence of such a qualitative measure, Mr Speaker, I have settled on the basic measure of ‘bucket load’, and I will tell him, without hesitation or reserve, that this Government is a bucket-load more transparent, a bucket-load more open, a bucket-load more accessible, a
830 bucket-load more effective, a bucket-load more efficient and a bucket-load more considering and caring than the pernicious and poisonous style of politics that they discharged when in office. (*Banging on desks and interjection*)

Mr Speaker, I have to say that every time I come to this House prepared for what I think is quite a statesman-like Budget contribution, but they always have to say something that makes
835 my blood boil and I feel that I must reply.

I have to say, Mr Speaker, it was that pernicious style of politics that motivated me to enter politics in the first place; to excise from the public political life and discourse for good and for better their style of politics, and, may I say, Mr Speaker, mission accomplished!

840 Mr Speaker, I now turn to my responsibilities for Employment, where, I am sure, all Hon. Members will agree, we have not stood still either.

Over the past year, the Department of Employment has been improving the quality of the services that it offers to its customers. The digitisation of forms – that support the Government’s objective to ease the administrative burden on businesses – which offers round the clock on-line functionality with virtual access to the Department, has been live since October of last year. The
845 portal allows members of the public with an electronic identity card to complete and submit all necessary forms on-line.

In addition, I am very pleased to report that ERASMUS 15, a purpose-built program specifically designed to cater for Gibraltar’s particular labour market needs, is fully functional.

850 The program not only performs the basic tasks that are currently carried out by the present system, such as the registration of those in employment, the listing of the unemployed and other tasks. This uniquely tailored software also carries out operations that we were unable to perform with the previous program, such as matching unemployed persons to specific vacancies where certain qualifications or experience are required. The new software accomplishes this by cross-referencing and analysing key information such as qualifications, experience, skills and
855 other requirements.

With the introduction of this program, Mr Speaker, along with the option to submit forms online, staff at the Employment Service will be able to operate more efficiently, allowing them to further assist the unemployed, or those in employment who are seeking different opportunities. In order to enhance the opportunity of those registered as unemployed, the Department will
860 request all unemployed persons to submit their qualifications.

Mr Speaker, part and parcel of our strategy to keep unemployment down is the effective deployment of the Labour Inspectorate. The inspectors work hard in the field to ensure that all employers comply with employment legislation and that, among other things, vacancies are registered with the Employment Services in good time to allow us to choose suitable persons for
865 companies to interview them. From April of last year to March 2016, the section carried out a total of 848 inspections and 38 fixed penalty notices and 37 breaches of the Act have been dealt with by regularising employees' positions.

In respect of the Health and Safety Inspectorate, I am pleased to report that the Principal Health and Safety Inspector position, which had been vacant since August 2006, has now been
870 filled and the newly selected candidate is in post. A further two posts will now be advertised, bringing the complement of the Inspectorate to five. A new programme of inspections is being considered and meetings with contractors are taking place to ensure good working practices.

Mr Speaker, the House will also be aware that the Government is currently conducting a substantive review of the legal, regulatory and practical architecture relating to health and safety at the workplace. In this respect, it gives me great pleasure to say that the Government
875 recently introduced a new health and safety policy specifically designed for Gibraltar as part of this ongoing, wholesale strategy to develop and strengthen health and safety procedures.

Here, too, Mr Speaker, the Government is breaking new ground by creating health and safety codes especially for Gibraltar, and the first policy establishes best industry practice guidelines that will be applicable, initially, to the public sector. Further, a new Health and Safety Advisory
880 Council has been established, the composition of which has been decided under the newly introduced health and safety policy. The first meeting took place in May and the next meeting, Mr Speaker, is scheduled for September.

Further still, the Department of Employment is proud to offer the services of an employment counsellor who is working side by side with the employment officers. The employment
885 counsellor is a qualified therapeutic counsellor whose function is two-fold. The first objective is to guide all persons who register as unemployed with regard to qualifications or training required to increase their employment prospects; and, secondly, for the counsellor to visit the secondary schools and the Gibraltar College and make students aware of the fields or
890 professions in which they are more likely to find employment in our labour market.

The new structured programme is available to young persons between the ages of 14 to 19 in the form of workshops and one-to-one tuition on interview techniques, CV production and any other skills required by the unemployed that will assist them in gaining meaningful employment. The programme complements the services already offered by the Department of Education,
895 which has a teacher in each of the secondary schools who offer career advice.

The Employment Development Service is yet another strand of the Government's multi-track employment strategies which aim to find employment opportunities for those seeking employment.

Mr Speaker, in respect of the Industrial Tribunal reform, given that we will debate the merits
900 of the Employment Amendment Bill, under which the Employment Tribunal reform will be ushered in later on this month, I will only say here that the consultation in respect of this crucial reform is now complete, that the Government is ready to proceed and that I very much look forward to its implementation.

Mr Speaker, I now turn to the rate of employment in Gibraltar. Mr Speaker, before I am
905 unfairly accused – as I was once by the Hon. Mr Phillips – that the Government is somehow playing with figures when citing our *magnificent* unemployment numbers, let me first take the House through the Employment Survey. In the first place, the Statistics' Office confirms – black

on white, Mr Speaker – the fact of growth in employee jobs in our economy. The total number of employee jobs in Gibraltar increased by 1,722 to 26,144. This, Mr Speaker, is the highest number ever recorded and is a testament to the success of our economy. Mr Speaker, we can also boast the highest number ever of Gibraltarians in employment at 11,010.

Further, Mr Speaker, it was the private sector, not the public sector, that saw a growth by 1,629 to 20,070 in October of last year. In this respect, the top three industries were, as you would expect: construction; real estate and business activities; and hotel and restaurant industries. The public sector saw an increase of 132.

As my colleague, the Hon. Minister Bossano, has explained in his contribution, the available Gibraltarian workforce at any one time is estimated by combining the numbers registered as seeking employment and those in employment. The exercise serves to indicate the reliability of the results of the Employment Survey, since we are comparing data from two sources.

The registered unemployed in October 2014 was 306 and the comparable figure for 2015 was 268: a drop of 38. The number of Gibraltarians in part-time employment in October 2015 is 38 more than the number in October of the previous year, as shown in the Survey report.

The total number of Gibraltarians in employment, however, only increased by 19 because in the same period there was a reduction in the numbers of Gibraltarians in full-time employment in the MoD in excess of 19. There has been an increase in part-time private sector jobs and a decline in MoD full-time jobs in the year between the two surveys. That explains the net effect.

The correlation of these results is, as the Hon. Minister Bossano has said, a sound indicator of the absolute accuracy of the picture painted by the Employment Survey report and the unemployment figures.

Mr Speaker, it is in the light of these statistics and the explanatory note provided on the Employment Survey by the Hon. Minister Bossano – which I have had no shame in pilfering just now for the purposes of explaining the Survey – that I turn to consider the unemployment figures. As the House knows, the Employment Survey is, in effect, a snapshot of Gibraltar's labour market in October compared to the previous October, and it is for the purposes of making the Employment Survey intelligible, that I have revealed that the unemployment figure for the month of October 2014 was 306 and that it was 268 for October 2015. In other words, Mr Speaker, there is clearly a downward trend in the rate of unemployment. Indeed, Mr Speaker, as this House is aware, 2015 saw the lowest ever level of recorded unemployment over the entire calendar year. In this respect, the quarterly averages were 282, 204, 207 and 255. It has to be said, Mr Speaker, that these employment statistics and the rate of employment do put to shame the record of the Opposition when in Government, which in almost 16 years saw the employment of fewer full-time Gibraltarians than we saw in one year. Think about that, Mr Speaker! In 16 years, when they were in Government, fewer Gibraltarians were employed than we managed to ensure in just one year in office.

The GSLP/Liberals in four years, since coming into office, have succeeded in assisting our economy to ensure 730 full-time jobs for Gibraltarians, while the GSD, in a period of almost 16 years, had ensured 337 full-time Gibraltarian jobs. Under the GSD, therefore, there was an average of 21 Gibraltarians employed a month, whereas our enviable record is an average of 182 Gibraltarians every year of our first four years in office.

Mr Speaker, in what is certainly further excellent news, 168 of the total of 276 trainees who were employed by the five Government training companies are now employed in the private sector.

Mr Speaker, this House is also aware of the focused and concerted effort between my Ministry and the Department of Employment in identifying vacancies with Government's approved contractors. The conditions of the approved contractor scheme, administered by the Hon. Minister Bossano, stipulate that the companies involved must ensure all employees are registered with the Department of Employment prior to commencing work and throughout the term of the contract. Furthermore, contractors are required to employ workers specifically identified to them by the Employment Service from the list of registered unemployed persons.

960 My Ministry, with the employment officers, have attended to organise interviews for individuals currently unemployed with the respective service providers.

Furthermore, the Employment Careers Service continues to organise training programmes on interviews and other skills, to prepare the candidates for their forthcoming interviews. It is obviously intended that these interview skills' seminars increase an applicants' chance of
965 succeeding at the interview stage.

Mr Speaker, I cannot stress enough the tremendous level of work that has been undertaken to organise the interviews with these companies and I publicly thank each and every member of the staff at my Ministry, and the employment officers, for their meaningful and tireless efforts. I also congratulate the Careers Development Service for helping to improve the interview and
970 presentation skills of the candidates.

Mr Speaker, ultimately, the successful selection of these applicants means that there will be a good number of previously unemployed persons in gainful employment, and even though of course it is very rewarding for us to assist the unemployed where we can, of far greater importance is the stability, meaning and purpose that comes, in fact, from being in employment.
975 Therefore, it is very disappointing when unemployed persons do not attend interviews we arrange for them and, sometimes, turn down a job or sometimes more than one job offer, Mr Speaker. Such a handful of persons may not realise that they make it just that little bit harder for other persons sent by my Ministry and the Employment Service for an interview. As a result, Mr Speaker, the Director of Employment has met with these individuals and advised them, in no
980 uncertain terms, that failure to attend interviews or the refusal of job offers may prevent them from registering as unemployed for a period of time. In this respect, it is important to stress that my Ministry and the Employment Services only arrange an interview with an employer if the unemployed person has already expressed an interest, after being fully informed of the job description and the company.

In any case, Mr Speaker – to continue on a positive note – it is very gratifying, for me personally and as a Government Minister to report to this House, that since we implemented our focused strategy of working closer with the Government's approved contractors in June, we have identified 160 vacancies, we have arranged 202 interviews, and we have successfully ensured the employment of 88 previously unemployed persons over a four-week period.
985 *(Banging on desk)* As a result, I think that there will be no doubt that we will be able to fill the vacancies that we have identified with approved contractors with those who register as unemployed.
990

Mr Speaker, with your indulgence, I will now read from a quote in a local magazine of a young Gibraltarian, who said, and I quote:

I left Bayside with my GCSEs, but I'm not very academic and A-Levels and University weren't really for me, so I went down [or up] to Employment and a really great careers advisor helped me out. We worked on my CV and soon enough I had a job in a Gaming company. The company trained me and after my one-month trial, they offered me a permanent full-time job. I'm happy here and I'm told that if I do well there will be opportunities for me to move up through the company in the future. My parents are really proud of me and it goes to show that there are opportunities for everyone if you are willing to work for it. And I'm not the only one. I've made friends who also got jobs after getting help and advice from the Employment Service and I know that unemployment is down to an all-time low, which can only be a very good thing!

995 Further, Mr Speaker, if I may quote just one more person who recently said that:

Gibraltar leads a blessed life ... we lead a blessed life living in Gibraltar. We have got very low levels of unemployment, we invest hugely in our caring, in our social services, in our education system, which funds our young people all the way to post graduate level.

Mr Speaker, I have to say that I entirely agree with that statement and I wish to place on the record, formally, my thanks to the Hon. the Leader of the Opposition for being gracious in verifying the success of the Government's various employment strategies. It takes courage, Mr

1000 Speaker, for the Leader of the Opposition to admit that the Government's policies are bearing fruit and working effectively.

Mr Speaker, I, therefore, have no doubt that everybody – including, clearly, the hon. Gentlemen opposite – agree that the increased number of Gibraltarians in our labour market and the reduced levels of unemployment is sensational news. Success breeds success, and I strongly believe that our economy will continue to develop even in the face of the recent current political changes that may be caused as a result of Brexit – to which I now turn briefly.

1005 Mr Speaker, the times, they are a changing – or are they? On 24th June, we awoke to the unthinkable reality that a plurality of UK citizens had voted to leave the European Union, even though we here in Gibraltar voted by an overwhelming 96% to remain. Whereas the referendum is merely advisory, the UK has still to start the process of extracting herself from the EU under Article 50 of the Lisbon Treaty, whilst all EU laws and fundamental freedoms continue to apply until the conclusion of the Article 50 process, and whereas there is doubt as to when or even whether the next UK Prime Minister will commence the process under Article 50, the Government and this Parliament, I think, must proceed on the basis that Westminster will give effect to the will of the people as expressed in the referendum.

1010 Mr Speaker, the political storm that has been unleashed in Westminster following the vote to leave is certainly unprecedented since my time following British politics. We do not know who will succeed the Prime Minister on 9th September, but we do know that he has said – (**A Member:** Theresa May!) Sorry? Theresa May, yes: likely.

1015 But we do know that he has said that there may be a case for an early general election. The current frontrunner – Mrs May – however, seems to have dismissed an early election and has said that 'Brexit means Brexit.' Were that it be so simple, though, Mr. Speaker. A report by the top constitutional lawyers has set out that the Prime Minister will need parliamentary approval to trigger Article 50. There are various press reports that suggest – and I recall specifically one reporting on that Tory grandee, Michael Heseltine, who said that because there is a majority of approximately 350 MPs who are against the UK leaving the EU, there could be resistance to vote in favour of the UK Government starting the Article 50 process.

1020 On Monday, a UK newspaper carried the news that a prominent law firm had taken pre-action litigation against the UK Government to seek assurances that Article 50 will not be commenced without an Act of Parliament. The article added that the law firm has instructions to pursue the matter through the courts if they are not satisfied that the UK Government will follow the correct process to – and I quote:

... protect the constitution and sovereignty of Parliament in these unprecedented circumstances.

Of course, it took Government lawyers just a couple of days to come out to say that in their view the Prime Minister could in fact start the Article 50 process without reference to Parliament.

1030 Further, in the event that a snap election were called, we have to wait and see which party, if any, has a majority and how such a majority intend to deal with the referendum result. At this point, the Liberal Democrats have committed to keeping Britain in Europe and the Labour Party are undergoing what can be kindly characterised as an internal leadership tumult.

1035 What is clear, is that the resignation, en masse, of the Labour front bench and the vote of no confidence in Mr Corbyn, resulting in 172 votes against and 40 votes in favour, has arisen due to what is generally perceived to be Mr Corbyn's lacklustre advocacy for Britain to stay within the EU during the campaign.

Further, Mr Speaker, the Prime Minister has announced that there is no chance of a second referendum notwithstanding the Petition that has garnered over four million signatures, and he has set up a new cross-department advisory unit.

1040 Notwithstanding that statement from the UK Prime Minister, one cannot help but remember the time when the Irish voted on the Lisbon Treaty in a referendum and rejected the Lisbon Treaty and then of course held a second referendum and voted in favour, thereby achieving

what the establishment thought was the right result. Straightforward so far, is it not, Mr Speaker?

1050 Mr Speaker, one really is left wondering why the Prime Minister, in a representative
democracy, where Parliament is the supreme decision-making forum, called for a referendum on
the UK's membership of the EU in the first place, not least given that he subsequently
1055 campaigned with so much ardour and enthusiasm for Britain to stay, and where surely it would
have been enough for Mr Cameron to keep to his earlier promise to hold a referendum on any
new EU treaty, rather than to hold a referendum on membership.

I cannot but express profound regret for the various wildly unsubstantiated claims made by
the Leave campaign from which they have subsequent to the vote tried to walk back. It is
nothing short of shameful, Mr Speaker, that statements were made that were clearly not
accurate and which we can assume will have led millions to vote to leave the EU.

1060 It is even more incredible still – shocking really – that the architects of the Leave campaign
have clearly been caught out without a plan for Britain outside of the EU. And, to boot, the
leader of the Leave campaign has decided not to stand for the leadership of the Conservative
Party after having led the Leave campaign and for which he must assume part of the political
responsibility.

1065 The less said about Mr Farage and his resignation, I think, the better!

The House will no doubt condemn such reckless disregard for truth in political debate and for
the very real consequences that could arise for our present stability, Mr Speaker.

1070 Whilst Westminster is consumed by the fallout of the referendum vote, we in Gibraltar have
pulled together and are more determined than ever before to get this process exactly right. Our
community will have seen the Government and the Opposition close ranks and will have
witnessed the Hon. the Chief Minister and the Hon. the Deputy Chief Minister waste no time
whatever in meeting with the UK Government to fully and robustly put forward Gibraltar's
position.

1075 Gibraltar also knows that the Government is exploring every possible avenue to discuss all
options further. We on this side of this House are meeting with all of our respective stakeholders
to discuss the present situation and to analyse, in detail, the various models available depending
on the different possible permutations that may emerge. We stand, Mr Speaker, of course ready
in solidarity with our entire community, to work harder than ever before and leave no stone
unturned in searching for opportunities in what is currently a sea of uncertainty.

1080 Mr Speaker, the fruits of the work of the Chief Minister and the Deputy Chief Minister are
already evident, as the Prime Minister himself has said that the UK Government will involve
Gibraltar when negotiating a new deal with the EU to protect and safeguard Gibraltar's interests.
This, of course, is excellent news and will be welcome by the entire community and by the
financial and business sectors.

1085 Mr Speaker, it is – to the extent that nothing has happened to sever the relationship with the
EU after the referendum – business as usual. Given that no further steps towards separation
from the EU will take place until September at the earliest, this gives the Government, the
Parliament, and all sectors of our community the time and the space to carefully consider all of
our options, firmly establish Gibraltar's position with the UK Government and stress the
1090 importance of full access to the Single Market, and for us of course to continue the vital work of
looking at all models.

1095 It is time, Mr Speaker, for cool heads, sober analysis and a lot of hard work. It is time, Mr
Speaker, for us in this House to lead. Our compatriots can rest assured that the Government will
continue, as until now, to be fully accessible and to be fully engaged in the important work of
addressing their concerns and working to fulfil their aspirations.

Mr Speaker, as I conclude, I thank all of my staff at my Ministry: the Office of Fair Trading, the
Department of Employment, the Department of Social Security and the Royal Gibraltar Post
Office for the, at almost all times, unforgiving pace they have come to expect and love from me,
and for their unstinting support in delivering our exciting program for Government. It is true to

1100 say, Mr Speaker, that it would simply not be possible for me to have been able to stand in this House to make as many announcements or to report on the completion of as many projects without them. I owe all of them, therefore, a very big thank you.

Of course, Mr Speaker, I take the opportunity to thank yourself and the kind, patient and excellent assistance of your staff, namely, the Clerk, Frances, Kevin and Dani.

1105 Thank you, Mr Speaker. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Mr Speaker, after that *tour de force* of business and politics generally, can I invite the House to recess for a few moments for tea.

1110 **Mr Speaker:** And then we will call upon Mr Elliott Phillips to make his contribution to this debate.

The House recessed at 5.00 p.m. and resumed its sitting at 5.20 p.m.

**Appropriation Bill 2016 –
For Second Reading –
Debate continued**

Mr Speaker: The Hon. Elliott Phillips.

1115

Hon. E J Phillips: Mr Speaker, being elected to Parliament in the early hours of 27th November 2015 was a great honour and privilege. I wish to thank all of those who entrusted me with their vote – all 4,784 of them – and who have given me the opportunity to serve this community as a front-line Opposition Member in this House.

1120

My election to this House has given me the opportunity to speak for those people who feel distant from the political process but who also have ideas on how we can do things better. I am grateful to the many people who attempted to make the steep learning curve easier and who have guided me through what has seemed, at times, as a minefield.

1125

I very much look forward to the challenges ahead and serving my community, together with my parliamentary colleagues, in any way I can. I have promised where I can I will help; if I cannot, I will say – but I will always listen.

1130

I became an MP because I am passionate about our young people and about the creation of better opportunities for the young and those who, for whatever reason, have been unable to access opportunity. I believe that our young people are Gibraltar's future ambassadors and each and every young person, irrespective of ability, represents a golden opportunity for our community. That is why, in our view, the building of skills through real training is so very important for the future success of our economy.

1135

It is no secret, Mr Speaker, that we fundamentally oppose the Future Job Strategy – it fails to deliver what it says on the tin. It is reactive, inflexible and inspires us with little confidence on this side of the House that the Government is committed to the delivery of skills for the modern workforce. **(A Member: Hear, hear.)** I know that those Members opposite disagree with me on the subject of skills and training, as is their right and I respect them for maintaining their view; but, despite our attempts at broadcasting our message on skills and training, they do not seem to appreciate the distinction we are making.

1140

It is all well and good building a nation but we need to focus on sowing the seeds of growth even though those green shoots may not be visible for some time. Politics must be about doing what is right and what is in the long-term interests of this community. This is why the focus of my Budget address will be on opportunity – creating better opportunities for our young people, the vulnerable and the unemployed.

1145 The Hon the Father of the House said yesterday that diversification of our economy is important so that we do not rely on one set of skills. I could not agree more with that assessment, it mirrors my own; however, as I will demonstrate, this is not what is being achieved by the Future Jobs Strategy.

1150 Politics has allowed me the opportunity to speak to many young people who can already see the opportunities, but cannot unlock them without support. We believe that by unlocking and harnessing the opportunities that young people present, we can make Gibraltar an even better proposition, just as Tel Aviv and Budapest have done, for example; but we cannot do this unless we have an honest and constructive debate about skills and learning.

1155 I respect the view of Mr Bossano but I cannot agree with his approach. During the election in 2007 he said that he had waited 15 years to implement what was described by some commentators as a Soviet-style job strategy.

1160 Mr Speaker, building a successful economy depends on the creation of better opportunities for our young people. It cannot happen overnight and it certainly cannot happen by operating a 'plugging the skills gap' policy that the Government is determined in pursuing.

1165 I do not say this in any way to score political points or to be controversial. My remark is solely designed to demonstrate through argument and debate that we need to proactively shape our own future by using the human capital available to us, rather than reactively plugging the skills gaps. We need to focus on supporting and encouraging start-ups in IT, software development, coding and maybe, perhaps, industries allied to and supportive of our gaming industry, to name a few.

I remain absolutely convinced that we need to do a lot more to truly harness the human capital we have in our community. After all, our principal asset is our people and you cannot be wrong to invest in your own people.

1170 Our recent outreach campaign to the unemployed demonstrates that we need to do much more to secure the long-term future of the unemployed and our young people. I believe that we are starving our young people of the vital oxygen they need, by not creating employment opportunities and by trying to force young people into random and often unsuitable work.

1175 How are we planning for the future? What skills, trades and degrees will be needed for the future? And, why are we not targeting our efforts in this way? These are just a few of the questions that are being put to me on a regular basis.

1180 Not everyone – thankfully – is an accountant, banker, lawyer or financial adviser – and I think Mr Clinton will absolutely agree with that analysis! Not everyone is destined for academia; but everyone, irrespective of ability, deserves the dignity of work and the opportunity to provide for themselves. We need to create an environment for people to flourish. The modern apprenticeships in Germany and the United Kingdom are an excellent workable example and we need to learn from that experience. We need to bring back apprenticeships in the modern context to meet the needs of new technology business.

1185 Many people we speak to, talk about the old apprenticeships with pride but they also feel that we are losing these old traditional skills. We can learn from the experiences of those who underwent the old apprenticeships – and we all know what they are – and apply the same rationale to building a modern, successful apprenticeship programme

1190 Mr Speaker, I support the initiatives put forward by the Hon. Mr Costa, to get people back into work; but we must do more than simply skills match. I appreciate he is doing more, but I think we need to do it differently.

We must look to where Gibraltar will be within the next 20 years and what industries will grow our economy and improve the lives of our people. We have a responsibility to future generations of Gibraltarians to develop and create better opportunities.

1195 We must continue to encourage a strong work ethic in both the private and the public sector. We must weed out the culture of entitlement and expectation that has become so endemic in our society. Many in our community were not surprised to hear the Minister for Employment so

publicly chastise those persons who failed to engage with the Government's employment initiative.

1200 No-one, in my view, who is out of work and is offered work, should be permitted to pick and choose if they are not in a position to do so. **(Two Members: Hear, hear.)** We need to engender a culture of responsibility, civic pride and respect; and rid this community of the culture of entitlement and expectation. Each and every one has an obligation to this community to leave it in a better position than they found it and make a contribution to its success.

1205 I have long advocated, in and outside of this place, for the need for a robust modern apprenticeship programme which meets the needs of future generations, despite the real reluctance of the Father of the House to accept any criticism and engage with me constructively. I appreciate that the Hon. Mr Bossano has a wealth of experience in this area, but we need to start looking at skills differently. The world has changed and continues to change, Mr Speaker, and we need to be flexible and dynamic to move with it.

1210 The Father of the House challenged me in this House by saying that no employers who had approached me before and after the election came forward. The Father of the House speaks of skills and training with the new tax-free rose-tinted spectacles. The reality of course, is very different. Those companies who have approached me have already approached the Government with impressive plans for creating opportunities for our young people, but there was no interest, I am told by these companies.

1215 These companies have no reason to complain, Mr Speaker; they care about providing opportunities for our young people and getting young Gibraltarians into the IT world.

1220 I am comforted by the fact that the Hon. Mr Costa is thinking along the same lines as I am and I extend to him in particular the hand of co-operation in a genuine attempt to work together, so that we can together build a modern apprenticeship programme that allows those young people who cannot access opportunities, the chance to thrive as others have thrived.

1225 Mr Speaker, we must all, in this House, acknowledge that technology is the future. This has been recognised by the Hon Mr Licudi in his Budget address of June 2015, where he outlined what was being done to encourage 'coding' at primary education level. He repeated that in his 2016 speech and I congratulate him in respect of the work he has done in relation to the primary level. I will talk a bit more about that in relation to education, slightly later.

On that basis, it must be right that we strive for consistency in our approach to the learning of skills at every level, and roll out programmes to the young. I am grateful to those employers who continue to reach out to us and assist us in developing our strategy in this particular area.

1230 We on this side of the House believe that there is a strong relationship with education and more can be done to develop an Information Technology or a School of Computing within the jurisdiction of the University of Gibraltar. I know that Mr Licudi has referred to that in 'Questions and Answers' and we have talked about that before in this House.

1235 When I speak about the modern day apprenticeships I am also talking directly to those young people in their rooms at home who dream about building online games, mobile apps and developing software. I am also talking to those people who do not feel supported by the system so that we can reach out to them to enable them to realise their ambitions. I genuinely believe that we are missing a trick.

1240 We could be, if we focus on skills, learning and identifying the jobs of the future, be the next Budapest or Tel Aviv. Our principal and most valuable resource is our people and we can be that country that harnesses the digital economy. Mr Speaker, all of us in this House know that in order to drive Gibraltar forward we must be the facilitators for growth. Our businesses go into the world to create opportunity and this is what, I understand, is being done in Hong Kong, as described by the Deputy Chief Minister yesterday and the Minister for Financial Services. As we all know, in order for Gibraltar to succeed and thrive it only takes a very small slice of the global economic cake.

1245 With the result of the EU referendum still fresh in our minds, all of us must continue to press our links with the City of London and other important British cities, as outlined by Mr Isola. We

must dominate that space, create new opportunities, dust off shelved business plans and make our voice heard amongst the new policy makers.

1250 I do not like to talk about survival; I like to talk about success. Therefore, when we succeed – as I am sure we will – we will need to demonstrate that we have the people to do the skilled work necessary to meet the needs of new business, and drive our economy forward. This is why I am so very passionate about skills and in the current climate it is absolutely essential that we get skills training right.

1255 We cannot continue to rely on the cyclical construction industry to plug the gap. It does little in the long term to encourage the development of entrepreneurship and the learning of new skills, which we should be attracting.

1260 Mr Speaker, it is my genuinely held belief that together we can build a highly-skilled and trained workforce who will go on to create better opportunities for future generations of Gibraltarians. Political and business leaders who led the development of the financial services industry must also turn their eye to the opportunities that exist in the digital world; and we have an obligation and responsibility to ensure that our people are the first choice for employers because they are the best qualified.

1265 Importantly, we must continue to focus on the unemployed and those persons who, for whatever reason, have turned to criminality – and to get them back into work. I have spoken to a number of people who have found it difficult to get back into work after they have been convicted. We need to do *much* more to improve the prospects of people that want to work after turning their lives around, through a well-developed education and training programme within the Prison service.

1270 Again, we have debated this in Questions and Answers and Mr Licudi, I know reference is made to that in relation to his speech, together with an effort – which I also applaud – which is the counselling that he is running through the Prison service.

1275 Mr Speaker, moving neatly to Justice: the last eight years has seen changes in the physical infrastructure of our justice system with improvements such as the recruitment of judges, the building of new courts, a new prison and the overhaul in the way in which justice is organised at an institutional level. New laws promulgated by successive Governments have improved our justice system.

1280 The criminal law has seen many changes alongside the laws relating to family and children. In the corporate commercial world, new companies, insolvencies and Limited Liability Partnership legislation have been upgraded and brought our laws up to date.

1285 We must not rest on our laurels. More can and must be done in law reform and in particular the individual's interaction with the justice system must be improved. We should now pause and rightly express our pride in the fact that a Gibraltar is the head of the judiciary. Mr Justice Dudley, the Chief Justice in this regard, has the respect and admiration of everyone in our community.

We should also be proud of the very strong Court of Appeal which must be the envy of the Commonwealth. We should also be proud that we have a Gibraltar Attorney General with the ability of Michael Llamas QC.

1290 However, we need to move forward in improving the service for the end user. The appointment of the Director of Public Prosecutions is an important step in our development. It is as yet unclear as to whether the establishment of a DPP will require an amendment to our constitution, or whether this can be achieved through the bringing of primary legislation.

1295 I know that Mr Licudi and I had a debate on television, I think on *Viewpoint*, relating to that specific matter and I note the absence of that particular point in his speech. But I think at some point, Mr Speaker, we will need to move forward quite quickly with that appointment.

Whatever route is decided upon we must press ahead with the recruitment. The Office of Criminal Prosecutions and Litigation needs, in my view, a strong dynamic head to actively progress the case load of the Department and motivate and manage a team of committed

1300 Crown Counsel. Recent criticism by the judiciary has brought into sharp focus the need for the appointment of a Director of Public Prosecutions.

In relation to legal assistance we need to move forward in reforming the system. There are, in our view, many in our community who are unable to access justice and it is right that those who are most in need should also be able to access the system.

1305 In last week's session of Parliament I expressed the view that we need encourage and support the legal profession in creating a Bar Pro Bono Unit, or Free Representation Unit, which will complement legal assistance.

I think it is right to pause there and say that the Minister for Justice had communicated to this House, that discussions were underway with the Bar Council in relation to that very point.

1310 It is obviously right, Mr Speaker, to recognise that members of the Bar, of course, do free legal work but it should in our view be on a formal footing and actively encouraged. I truly believe that we can lessen the burden on the legal aid and assistance funds if we take a positive step towards a vocational obligation on the profession.

1315 Many of our lawyers, if not all, have received the benefit of generous education funding by successive Governments and we are all, in this House, proud that we can still continue to fund post-graduate training in this way. But the commitment by our society to full funding of expensive professional and vocational training must also mean that those receiving the benefit must also give back.

1320 I know that members of the Bar, in this place and outside, have acted in a *pro bono* capacity and that should be applauded; but we must do more than simply encourage the profession to take a positive step towards giving something back to Gibraltar. We must all look at ways in which we can lessen the load of the funding system in order to best direct access to those who most need it. This is how we can improve the individual's interaction and experience with the justice system.

1325 The Opposition has actively tried to persuade the Government of the benefits of a combined Courts and Tribunal Service, which we believe will improve the individual's interaction with the tribunal system and allow for a central point of contact and the administration of Gibraltar tribunals. There is a difference of opinion between the Opposition and the Government on this point. I would, however, invite the Government to rethink.

1330 Insofar as the Criminal Evidence and Procedure Act, it may well now be the time to review the operation of this important piece of legislation in order to look at ways of further streamlining the process so that justice is delivered quickly and at cost.

1335 Mr Speaker, as for prison reform, I am a big believer in education in prisons and we must increase the focus of education in prison so that those who do want to change their lives can do so. I see a number of people trapped in the cycle of criminality and it seems to me that education is the key to unlocking this issue. I believe that we need to cast the net wider and bring education into the prison and look at ways in which the Education Department can actively engage with the Prison service, so that we can tailor-make opportunities for those who have expressed a desire to learn – and to change.

1340 I align myself with the comments that the Hon. the Minister for Justice had made in relation to the retirement of the Right Hon. Sir Paul Kennedy. I also welcome the changes that have been set out in the Minister for Justice's speech in relation to the Cycle of Change – I think that is an extremely welcome development insofar as increasing the counselling opportunities available to those who have addiction problems in prison. That should also be applauded.

1345 It would be remiss of me not to mention the work of the Hon. Mr Costa in relation to the reform of the Industrial Tribunal soon to be known as the Employment Tribunal. The reform is long overdue and is very much welcome. I have had the opportunity of considering the Employment Regulations which will improve the management of claims brought through the new Employment Tribunal.

1350 I know that both he and his legal counsel, Mr Fa, have travelled to England to look at the ways in which cases can be progressed there; therefore I think it is right to recognise the work that he and Mr Fa have done. (*Interjection*)

I have communicated to the Minister my desire to work with him on this important reform and I will be sending him specific proposals on the Bill to reform the workings of the Industrial Tribunal, which I am sure he will receive in a positive and constructive manner.

1355 My footnote on Justice is that much more needs to be done to improve the citizen's interaction with the justice system, and I would hope that those Members opposite would agree that there are clear opportunities for synergy and working together for the benefit of all in our community.

1360 Mr Speaker, in relation to drugs and rehabilitation, it is of great personal satisfaction to me that both sides of this House are unwavering in their support for the Stay Clean charity. I am sure that the Chief Minister, who has taken the portfolio after the General Election, will agree that stories of addiction, recovery and hope are moving – and they demonstrate that drugs and their abuse destroys lives and are the enemy of family life.

1365 I have had the opportunity of sitting down and talking to recovering addicts and their journey from hopelessness and loneliness to recovery and hope. This left an impression on me. Unusually for a politician, I have been left speechless by the stories, life events, human tragedy and loss; and it is right that we continue to support them in ridding our community of the toxic consequences of addiction in whichever form it takes grip on the lives of vulnerable people.

1370 Many addicts who have relapsed tell me about the triggers in our community from social groups to the physical environment. We need to look at ways in which we redouble our efforts by further offering specialised addiction counsellors, from either within the service or from outside. I am heartened by the promise made by the Chief Minister to bring drug awareness and rehabilitation into Number 6 and it is only right that this subject should feature high on the political agenda.

1375 I know that he is a busy man and recent events, naturally, mean that international and diplomatic affairs will dominate his schedule. However, it is my hope that he will keep his promise to those who work in the drugs service and in the various charities, by providing them with the help and resources they need to be as effective as possible in treating addiction and preventing relapse; and also providing the opportunity for those people afflicted by addiction to get back into our community – so that they, too, can make a positive contribution to our community.

1385 Mr Speaker, we really do need to give very serious thought to the use of Arrest Referral Workers at the point at which the individual comes into contact with the criminal justice system – namely at the Police Station and the Courts. The Scottish Pilot Study into this area would be of enormous benefit and I would invite the Minister for Justice to review it to see what lessons can be drawn from the conclusions to that study.

1390 In relation to education: for too long, politicians across the political divide have considered that the building of new schools is the answer. Of course, bricks and mortar and investment into the physical environment of our education are important; but it is just as important to listen to our teachers and the teachers' unions. Listen to them and understand their concerns.

1395 The GTA and NASUWT have called out for an effective and sustainable education road map for the next 20 years. Last year the Chief Minister, in his Budget speech, quoted the World Bank President who believed that countries that invested in people's education, as well as other upgrades in infrastructure, would emerge stronger in the years ahead. I could not agree more with that analysis. The time for investment is now – not just in education, but also in the co-ordination of training and skills.

1400 All of us in this House are the beneficiaries of successive Governments' commitment to education, but we really do need to evaluate where we are and where we are heading. The Government have committed – and recommitted last week in Parliament – to the major investment in the building of five new schools for our community. It is understood that the

Government are undertaking significant preparatory work and it is very much hoped that the Government will complete the building of the five new schools by the end of this parliamentary term.

1405 I have certainly received assurances from the Minister for Education that this will happen. There are concerns from parents and teachers about the practicalities of the building of five new schools and the level of disruption that will naturally bring with it. Let's watch this space.

1410 Having raised the modern apprenticeship at the general election, I firmly believe that we need to offer more than we currently provide. Those who do not wish to pursue an academic future need to be provided with the opportunity of a modern apprenticeship programme, which has the same standing as higher education. We need to create a gold standard for an apprenticeship programme so that employers have confidence in the system.

1415 Despite the general election result I am confident that the co-education debate is one we must have. I remain personally convinced that we should have some form of co-education at secondary level, but I do understand that there is a debate on how this can be achieved. Let us have an open and unrestrained debate on co-education.

1420 At this point, Mr Speaker, and without wishing to steal the thunder from the Hon. Mr Reyes, I would like to say a few words on the question of housing rents. It is another area that I feel quite passionate about given that before I joined the GSD we raised the question of means testing of Government housing.

1425 At the time, I was one of the lone wolves who pressed the debate on means testing of Government housing. The Government has ruled out means testing in their election report and policy paper of 11th Nov 2015, before the election, and the Chief Minister has again ruled out the implementation of a means-testing policy. This, in our view, is a mistake; those who can afford to pay more, should. We must grasp the nettle, stop the abuse and have the political courage and strength of conviction in dealing with the eligibility and the fair allocation of Government housing.

1430 To increase rents, to 49p and 60p respectively, fails to deal with the real issues of abuse and unfair allocation. Small increases in rents pay lip service to curbing abuse and unfairness. The measure does not go far enough and I urge the Government to look to the recommendations of the Ombudsman and seriously consider a policy of means testing.

In times of great uncertainty, the interests of this community must come first and the Government must be prepared to make tough decisions on housing.

1435 Mr Speaker, in summary, we live in interesting, challenging and uncertain times; and in order to weather the perfect storm we not only need an umbrella, we also need wellington boots. *(Interjection and laughter)* Those who can withstand bucket loads, Mr Speaker, no doubt!

We must ensure that we create the right opportunities for our young people, our unemployed and the vulnerable – so that we can thrive.

1440 This Budget should be about opportunity in adversity; let us not make it a Budget of missed opportunity. It is my genuine hope that we can all work together on areas which are crucial for Gibraltar; but also, subject to Mr Speaker's long cane, test the robustness of each other's policies in a constructive and dignified manner – after all, that is why people have put us in this place.

Thank you, Mr Speaker. *(Banging on desks)*

1445 **Mr Speaker:** The House will now adjourn to tomorrow morning at 9.30 a.m.

The House adjourned at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.39 a.m. – 12.57 p.m.

Gibraltar, Thursday, 7th July 2016

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The Gibraltar Parliament

The Parliament met at 9.39 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

Appropriation Bill 2016 – For Second Reading – Debate continued

Mr Speaker: The Hon. Samantha Sacramento.

5 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, another term, after our resounding election success and the public vote of confidence, and with the challenges that lie ahead for us. But we are a strong team, Mr Speaker, and together we will work as hard as we need to, to serve and to deliver.

10 Mr Speaker, as you know, I have an extremely broad portfolio. It would be impossible for me to list all the achievements this past financial year. I will highlight the most notable matters, and that is not to say that anything that I may not specifically mention is any less important.

Mr Speaker, I will commence my intervention outlining achievements in my tourism portfolio.

15 Now, more than ever, the development of our tourism industry is essential. Since the Referendum, we have had a very busy week indeed reassuring our industry partners that it is business as usual in Gibraltar. Our administration has already presided over a tourist boom in Gibraltar in recent years; we have seen growth in an industry that had been greatly boosted as a result of our efforts. Our vision from the outset was to prioritise tourism as a key sector for the sustained development of our local economy and we have demonstrated our political commitment to tourism growth.

20 We believed that the tourism sector in Gibraltar suffered from underinvestment, was underdeveloped and as such it was not the economic driver that it ought to be. My predecessor, Minister Costa, quickly set about to change that in the start of our first term of office. Our Government has invested in the massive, untapped potential and taken Gibraltar to new and impressive heights. In our second term I will continue with the same vision and determination and vigour as I did in the last. We have invested heavily in what we have no doubt is a unique tourist product. We have worked closely with our tourism partners and stakeholders in our community and internationally and we have transformed ourselves.

25 The Upper Rock is a unique feature we have to offer and is certainly recognised as the jewel in our crown. The Tourist Board's unprecedented investment in its sites in the Upper Rock and the transformation of the Nature Reserve, led by the Department of the Environment and Climate Change and, of course, my colleague, Minister Cortes, has been a game changer in upgrading our product. The restoration of the themed country trails and footpaths and the addition of some innovative attractions, the most impressive is certainly the Windsor suspension

35 bridge at Royal Anglian Way; it is breath-taking and a tremendous engineering feat, which we
opened just a few weeks ago. And we will shortly be adding a further attraction when we open
the glass sky walk viewing platform which is perched near the Rock's summit. It will provide
striking panoramic vistas of the majestic geography surrounding Gibraltar, and I look forward to
the inauguration of that too, Mr Speaker.

40 The Northern Defences is another important new addition, and we heard the Deputy Chief
Minister describe to us on Tuesday, this beautiful place of great military significance and
heritage value, but which for decades was merely a dumping ground for anything that could be
thrown over a wall. Wonderful additions to our visitor attractions which, of course, my Tourist
Board is already busy marketing. Symbolically, they are enduring symbols of our Government's
commitment to improve Gibraltar.

45 Our plan for growth has been strategic, and has been focused primarily on niche markets,
such as the weddings and the Meetings, Incentives, Conferences, Exhibitions, (MICE) markets.
One of the most successful niche markets is our events-led tourism strategy. We have become
adept at organising first class cultural events that are thoroughly enjoyed by everyone here and
which act as a magnet for visitors. On the back of these intense and high profile occasions, the
50 Gibraltar leisure and hospitality industry has been able to take advantage of the interest
generated by the tourists we attract.

It has become an important tool in our revitalised tourism strategy and these instruments
help us promote Gibraltar. I work very closely with my friend, Minister Linares, and the Tourist
Board works closely, in turn, with the Ministry for Culture, which takes the lead in organising
55 these fantastic events which the Tourist Board markets.

The Tourist Board is responsible for organising the Gibunco Gibraltar Literary Festival. While
the quality and high standard appears effortless to everyone attending, this is no mean feat to
organise, Mr Speaker. The festival has become one of our flagship events, and will enjoy its
fourth edition this autumn. It has become firmly established and its popularity continues to
60 increase, as does its status. Testament to its prestige in such a short period of time is that we
have been fortunate and are thrilled and honoured that earlier this year Her Royal Highness, the
Princess Royal, agreed to be patron of the festival. This status, of course, also provides us with
fantastic international exposure which attracts high level participants and visitors.

Our festival attracts a constellation of authors, poets and renowned speakers, we have
65 already announced over 20 speakers who will be participating in this year's festival and we are
already engaged in intense marketing of the event in Spain and the UK. As part of our vigorous
marketing campaign of this event it is interesting to note that last year the festival achieved a
radio audience of two million in the UK, commercial radio outlets and seven BBC radio channels
between Scotland and the Channel Islands featured the festival and included extended
70 interviews with a couple of the main speakers.

Mr Speaker, I wish to thank our principal sponsor, Gibunco and all sponsors who by doing so
make the event viable and contribute to enriching our culture through it.

Also, we have upgraded and rebranded our marketing strategy and this is also contributing to
our success. We have an excellent tourist product, Mr Speaker and we want to show it off and
75 we are continually looking for more efficient and effective ways of marketing ourselves.

We actively participate in various fora and are continuously looking to establish new
partnerships such as the ITT conference that I attended in Tel Aviv last month. We will be
hosting the Med Cruise conference next year, another wonderful platform for promotion.

80 Mr Speaker I am delighted to report that we have already seen return on our investments
and growth in the sector. Our figures are up year-on-year so clearly the improvements that I
have outlined have had a positive effect on our visitor numbers. I am pleased to say that the last
published statistics show that arrivals at hotels have increased; in fact we have the highest
numbers since 2007.

85 We are achieving our objective, Mr Speaker, and our transformed tourist product is
translating into growth. The most notable growth since we were elected has been seen in

aviation. This sector continues to report very healthy findings, in all categories, catering for the needs of both the business and the leisure traveller. Inbound and outgoing air passengers on established routes have increased in the past 12 months. Today we have more flights to the UK than ever before. Just last Sunday we saw the arrival of the inaugural easyJet flight from Manchester. Indeed, Mr Speaker, when I was at the Airport last Sunday, I was delighted to see the departure lounge busier than I have ever seen it.

The additional flights and new routes we have secured are: Monarch's Birmingham flight, the new easyJet routes to Bristol and Manchester along with Royal Air Maroc's service to Tangier and Casablanca. These have generated extra passengers. In specific terms, Mr Speaker, this summer alone we have seen a 40.8% growth in capacity and a weekly flights increase of 31.5% compared to last year, which in itself was a record year. (A Member: Hear, hear.)

Among other highlights of this past year has been easyJet's achievement in attending the tremendous milestone last August of carrying a million passengers on the Gibraltar-London Gatwick route – and we look forward to welcoming another million, Mr Speaker!

The Gibraltar-Bristol link carried 35,000 passengers in its first year and is proving extremely successful. I am also delighted to report that easyJet is set to provide extra seat capacity between Gibraltar and London Gatwick by 15% this summer season with an additional 13,000 places being made available since March this year. Overall this airline will operate 18 weekly flights to Gibraltar this summer season, up from 14 last summer. We are extremely pleased about the close working relationship that we have established with easyJet of late, which has enabled us to establish new routes. Given the commitment to Gibraltar we continue to work closely with them on further growth and look forward to being able to introduce new routes in due course.

Additional capacity has also been provided by another long standing partner of ours, British Airways, with two extra weekly flights the London Heathrow-Gibraltar, flights which commenced on the 1st May this year, bringing the total number of flights on this route to 13 a week. Monarch also launched their London Gatwick-Gibraltar route in May this year, offering four flights a week, and this is the airline's fourth UK destination from Gibraltar.

In summary, Mr Speaker, over the summer months, Gibraltar will offer: 17 weekly flights from London Gatwick – up from 11 last year, 13 weekly flights from London Heathrow – up from nine, five weekly flights from London Luton, six weekly flights from Manchester – up from four, four weekly flights from Birmingham – up from three, three weekly flights from Bristol, two weekly flights to Casablanca and Tangier. This represents no less than 50 flights a week – up from 37 in the summer of 2015. Mr Speaker, you will be pleased to know that we recorded our busiest summer in 2015 and in the period July to August we recorded over 45,000 passengers each month. This represents an increase of 12.7% against July 2014, and 10% above the August figures, importantly, visitor arrivals by air increased by 7.1 % in 2015 over 2014.

Mr Speaker, we have recorded an increase of 22% in passenger growth in the first five months of 2016 compared to the same period in 2015. May was already a record month with 49,583 passengers processed, beating even the record number from last August. With the main summer holiday period still to take place, further records are expected to be registered in the next few months.

Mr Speaker, I wish to emphasise at this juncture that the substantial increase in airline activity has come as a result, principally, due to our ability to generate demand for Gibraltar bound seats, and on a broader scale, on our political foresight in making tourism a priority and our success in developing and massively upgrading our local tourist product. It is *not*, as the opposition would have you believe, due to the new airport terminal on which they grossly overspent – I take it they agree, Mr Speaker, because they are nodding.

Gibraltar is one of the most diverse ports in the Mediterranean. Any objective observer closely following the development of Gibraltar's cruise industry in recent years would agree that the Rock is experiencing a golden age of cruising. In 2015 we ranked third in terms of countries that experienced an increase in the number of cruise port calls with a growth of 12.7%.

140 Our extraordinary accomplishment on this front is backed by hard evidence, as the number of
cruise calls, cruise inaugurals and passenger visits continue to grow year after year. We really do
have something to offer for all types of customers and visitors in Gibraltar. In 2015 we had 13
cruise inaugurals, 204 cruise visits and 295,922 passenger visits. In 2016 Gibraltar Port is
scheduled to receive 225 cruise calls, a 10.3% increase on last year, carrying an estimated
344,415 passengers to the Rock, and no less than a record of 18 inaugural cruise calls.

145 Arrivals by sea have this year increased by 14.2%, and that includes yacht arrivals that have
increased by 8%. The robust upward trend reflects the healthy state of the industry and
consolidates the growth registered in 2015, which was in turn a sizeable improvement on 2014's
180 cruise calls.

150 A notable development in 2016 is that Noble Caledonia has chosen Gibraltar as a turnaround
port. This represents a major breakthrough, and there will be two turnarounds this year, one in
October and another in November. It must be noted that growth also demonstrates that we can
successfully handle some of the largest vessels ever built, including the Royal Caribbean's
Ovation of the Seas. The progress demonstrates the confidence that the industry has in Gibraltar
and we look forward to continuing our business partnerships with some of the most prestigious
cruise lines in the world.

155 Mr Speaker, in 2015 visitor numbers to the Upper Rock registered an 8% increase in respect
of 2014, reaching the record breaking figure of 858,508. To end May 2016, visitor numbers to
the Upper Rock have increased by 13.64% over last year. April, this year, is the only month to
have shown a decrease. This we attribute to Easter falling at the end of March, which showed a
significant increase on the same month the previous year.

160 Mr Speaker, it is clear that – whether it be arrivals by land, increased air travellers or cruise
line passengers – it can be said that the international leisure industry firmly has Gibraltar in its
sights. Gibraltar has strengthened its position in the global market as a leading short break
destination and port of call in the western Mediterranean. Mr Speaker, we will continue our
determination that this sector grows as an economic driver and, of course, we are committed to
work tirelessly on this front with our partners and stakeholders to stimulate further growth and
expansion. We are determined to ensure that the positive outcomes experienced in the past 12
months continue unabated. We will continue to diversify and, of course, without a shadow of a
doubt, the message is clear insofar as tourism, as with every other part of our strong and
successful economy – Gibraltar remains open for business.

170 Turning to housing, Mr Speaker, I am proud to say that this past year has indeed been a
landmark year on a number of fronts.

In my speech last year, I referred to the affordable housing schemes that we were
constructing and this year those have become a reality. Earlier in the year, we saw the
completion of two magnificent affordable housing projects at Beach View Terraces and at Mons
Calpe Mews. The homes are spacious and the standard of construction is indeed very high. Many
families have already moved in and I receive frequent reports of how happy people are with
their new homes: Exciting times for many, Mr Speaker.

175 The ingenious idea of constructing for co-ownership, thereby making it affordable and as
such so successful, and enabling people to get on the property ladder, was developed by the
GSLP when we were first in office, and we will continue so as to ensure that the acute demand
for housing that we saw snowball in the last 20 years are not repeated.

180 The construction of a further at least 1,500 flats in the next phase of construction of
affordable housing at Hassan Centenary Terraces and Bob Peliza Mews has already shown
incredible interest, this, Mr Speaker, demonstrates that there is an overwhelming desire to own
property.

185 Furthermore, I am just as proud to be part of a government that will deliver purpose built
flats for the elderly, 142 to be precise. The concept of building flats for the elderly is a great one;
such flats are in high demand. We have taken it to the next level in the new developments at
Charles Bruzon House and Sea Master Lodge, by consulting with every single relevant

190 professional who have been collaborating in the planning and design to achieve the best design
of these flats, and learning from the mistakes of the existing accommodation for the elderly.
These flats incorporate the latest accessibility features, spacious showers, colour contrast for the
benefit of the visually impaired, non-slip tiles and individual panic buttons. The design of the
building takes account of wheelchair users; includes ramps, automatic doors and lifts.

195 Regrettably, Mr Speaker, you will recall that we had to go to considerable expense in
alterations to remedy defects preventing accessibility in Albert Risso and Bishop Canilla Homes,
as well as converting baths to showers so as to make those flats more comfortable for the
elderly tenants. Our purpose built flats will make an incredible improvement to the quality of life
of our elderly community and will help them remain at home with dignity, comfortably, safely
200 and independently for longer.

In turn, a considerable number of larger accommodations will be returned to the
Government's rental housing stock. The first of those, Mr Speaker, Sea Master Lodge at Mons
Calpe Mews estate, has just now been handed over to the Government, and we shall embark on
the process of allocation to applicants very shortly. So in no time at all, Mr Speaker, those
205 individuals who have applied for these flats will be hearing from us.

All in all, the first phase of construction of flats by our Government have given the people of
Gibraltar in excess of 1,000 new homes, needless to say that this will in turn have a considerable
impact on the housing waiting lists. In addition, there will also be flats returned to the rental
stock by individuals who have purchased or who may be moving into the flats for the elderly.

210 In addition to the new construction, we continue with our extensive refurbishment
programme of existing government rental housing estates, which as we heard on Tuesday, the
enhancement has converted these into assets by way of investment.

The major refurbishment works at Glacis and Moorish Castle estates are virtually complete,
and have undeniably contributed to visually transforming what was previously dreary and
215 neglected architecture at Gibraltar's land entry point.

Phases I and II at Laguna Estate are practically complete and phase III is already being staged
in. Again, the improvement to this estate is plainly visible.

Refurbishment works to Alameda Estate also continue, and the blocks remaining will be
completed in this term of office.

220 An extensive refurbishment programme is also underway at New Police Barracks at Willis'
Road.

The general embellishment, road resurfacing and parking rationalisation works to Varyl Begg
Estate is now complete.

225 Mr Speaker, refurbishment works to other major estates will also continue. We are
committed to an ongoing programme of maintenance and improvement of our rental housing
stock. We have invested, and we will continue to invest, in the maintenance and upkeep of our
estates for the benefit of the families who live in them.

230 Mr Speaker, the Chief Minister announced on Tuesday that housing rent will be increased for
the first time since 1984. Mr Speaker, you will be aware that the Ombudsman, in his report,
called for the need to review housing rents. Since the announcement by the Chief Minister, this
step has been widely accepted and indeed welcomed, perhaps more on a matter of principle
than the value of income that it will generate. After all, Mr Speaker, the increase is relatively
minimal and modest by all accounts.

235 I will take the liberty of reminding the House of the statistics that the Chief Minister provided
on Tuesday: average earnings in 1984 were £126 per week. Average earnings in 2015 were £555
a week. That is a rise of 340.5%. Inflation in that time has risen by 153.5%, therefore the
increase in rent, 3%, is therefore considerably lower than if it had been increased in line with
inflation.

240 I will continue to look at the figures and provide an income statistics versus affordability
comparison – In 1984 rent at £18.70 was 14.8% and at income rates in 2015, the cost of the
same rent, because of course it never changed, was 3.4%. On this basis, if the same proportion

of income was expended on rent, the rents in 2015 should now be £82.14 per flat per week and if rents from 1984 had been adjusted for actual inflation in 2015 they would have risen to a level of £47.40 per flat per week. Mr Speaker, it is all relative too, as £100 in April 1984 is the equivalent of £253.36 today.

So all in all, Mr Speaker, a very modest increase indeed, on average will translate to an increase of 60 pence a month. And the increase in rent, Mr Speaker, of 3% will take effect as from the 1st September this year, and tenants will be notified accordingly.

As an aside, Mr Speaker, but important, tenants paying rent by direct debit, standing order or other methods of deduction must remember to make arrangements for the payment of the new rent once due and to adjust their payment mandate, otherwise Mr Speaker, heaven forbid, we would not want anyone to inadvertently fall into arrears on the increase, otherwise an average of 60p will be accrued accidentally each month. In any event, of course, the Housing Department will be checking this and assisting people.

On the subject of arrears, Mr Speaker, perhaps the most notable achievement in the Housing Department this financial year has finally seen the implementation of procedures to recover arrears of housing rent, a long standing problem that has been festering for far too long.

Before I go any further, Mr Speaker, I wish to make one thing very clear at the outset, we are certain that there must be a distinction between those who cannot pay rent and those who do not wish to pay rent, without any reason for not doing so. (*Banging on desks*) Thank you, because firm action has never been taken in the past, it has unfortunately become the norm for the latter not to pay rent. The Department is sympathetic to individuals who genuinely are unable to, or have difficulty to meet their monthly rental instalments, and officials try to be as helpful as possible. Unfortunately, there will always be people who are genuinely unable to pay rent, and in these circumstances it is our duty as a community to assist. They are not the priority in our strategy for recovery of arrears.

Now, Mr Speaker, I sincerely hope that the Principal Auditor is listening because I think that he will be very pleased with what I am about to explain. He will also now have to change the template that he has been using in the auditor's report in respect of the Housing Department for the past, I would say, 15 years. Mr Speaker, I am proud to announce that the problem with the accrual of rent arrears and failing to collect these is no longer.

Upon my appointment as Minister for Housing, just over a year and a half ago, I made it my first priority to tackle this issue that had for a long time spiralled out of control and as such, suffered from the ostrich syndrome. I make the point at this stage that this is in no way a criticism of my predecessors, my friends, the late Charles Bruzon, and Minister Paul Balban. Indeed, I have been fortunate to benefit from their hard work as they had already set about dealing with the other housing priorities which were, of course, to lay the foundations for the construction of additional housing and plan the major refurbishment works, the results and benefits of which we have already seen.

Mr Speaker, it is absolutely unconscionable that we find ourselves in this situation in relation to rent arrears. For too long, far too many people have considered the payment of rent as optional, or have seen it as an interest free loan which they would never be required to repay. They have been allowed to think this and get away with it, as there has been no action taken or even an attempt to recover and no consequences for failure to pay. The collection of arrears, Mr Speaker, is about people understanding their duties. Paying rent is about taking social and moral responsibility and therefore if this is not done, it is right and just that we pursue this debt. Not just because we are contractually entitled to, but it is right that we do so because we have a duty to all other tenants who pay their rent dutifully and on time and to all who meet their mortgage repayments and to those taxpayers who are otherwise having to subsidise those who choose not to pay rent.

Mr Speaker, it took me the better part of a year to organise the Housing Department's databases and IT systems so that we could have clear information to formulate a good recovery strategy and then work on the strategy itself so as to have a clear picture on our plan of action in

295 the most efficient and effective way. We were finally able to embark on the recovery strategy
and implement it in earnest in January this year, with a new team within the Housing
Department dedicated, almost exclusively, to the recovery of rent arrears, so the majority of the
figures that I am about to report are from the progress from that date. Next year, Mr Speaker, I
will be able to more properly report back for the full financial year. More or less at the same
time as we started collecting arrears, the Government's Central Arrears Unit was formed and we
300 have also called upon them from time to time for assistance.

We have a fluid strategy, Mr Speaker, and I meet with the dedicated arrears team almost
weekly, to ensure that we consolidate the process and keep the momentum going. Every week
we review the position and brainstorm as to how we can improve the process further. Given the
large number of debtors, we have broken them down into bands depending on the size of the
305 debt and have varying strategies for the recovery of each band. The priority has been to recover
from the top 25 debtors and everyone who owed under £1,000, as we wanted to deal with this
while the debt was still manageable for them.

In most cases we ask tenants to repay a lump sum and then enter into a repayment
agreement for the balance. Importantly, Mr Speaker, in all cases of arrears, where agreements
310 have been signed, repayment is secured by direct debit, standing order or deduction at source in
the case of public servants. We have updated our systems and databases and updated a
software system for rent collection, we have introduced a new monthly billing format which
highlights the arrears, we have also introduced a revised rent arrears agreement. We have
embarked on an awareness campaign and introduced a facility to make lump sum payments on
315 line via the new e-gov portal of up to £2,500, so that people do not have to physically attend the
Department to effect payment of arrears. No exchanges, inclusions or exclusions on the tenancy
are allowed for people who are in arrears.

No parking spaces will be provided or renewed in cases where people are in arrears. And I
will use Mid Harbours estate as an example, Mr Speaker, only because parking permits in that
320 estate expired on the 30th June this year. For a number of months now we have been writing to
tenants on a number of occasions, reminding them of the requirement that arrears be paid in
full in order for the parking permit to be renewed. A fob is required to activate the barrier to the
car park at that estate for those who are authorised to park. Those in arrears have been clearly
advised, for a while now, that they would no longer be authorised to park beyond the 1st July.
325 On 4th July we deactivated the barrier fobs to all those in arrears. And, Mr Speaker, on the basis
of our strategy to collect rent on arrears in relation to this estate, which historically has suffered
from big arrears problems, the total figure in arrears of which just exceeds half a million pounds
we have collected in this period £90,411, and that is just in a few months, Mr Speaker. Thirty
nine tenants from Mid Harbours have settled their arrears in full, amounting to £84,085, and
330 these are figures that I have as from yesterday.

So, Mr Speaker, that is just by way of example to show that the strategy is working. These
figures say more about the willingness to pay rent than the ability to pay rent because these 39
individuals have all paid what they owed in a lump sum. So, Mr Speaker, the situation at Mid
Harbours is well on its way to being improved.

335 Similarly, Mr Speaker, we have applied the same strategy and not allocated any sheds or
berths in the new small boats marina in cases of arrears – of those offered berths at the new
marina, 32 people were in arrears, of those 26 people have paid in full and in this way we have
recovered £42,747.94 (**A Member:** Well done.) (*Banging on desks*) in a short period of time. And
11 debtors have actually foregone the opportunity of a new berth because they have not been
340 willing to pay arrears.

Requests for non-essential works are not accepted by the Department for people in arrears.
And importantly, Mr Speaker, as from 1st September it will be compulsory for all rent and
arrears to be deducted at source for all public servants, unless payment is already being made by
direct debit or standing order without default. It is totally unacceptable that people who are in

345 employment should be indebted to their employer, this should never have been allowed and for
years no one has implemented any mechanism to prevent it. We now have, Mr Speaker.

Since January to date, in addition to issuing bills in the new format, which highlights that the
tenancy is in arrears, the Housing Department has issued a total of 2,599 letters to debtors. This
figure includes up to three or four letters in some cases. And in the same period, Mr Speaker,
350 this year since January, the Department has arranged 414 appointments with debtors, of which
313 have attended. Officers meet with tenants individually and try to establish the reason for
the non-payment and offer assistance with a repayment plan. Meetings are amiable. Officials
consider the individual circumstances and try to assist genuine cases of hardship as much as
possible. Close liaison with the Department of Social Security quickly verifies whether rent relief
355 may be offered. And in cases of unemployment we have also established a seamless referral
system to the Employment Service, which luckily just happens to be next door to the Housing
Department. At the moment we have two teams of officers who see people daily. There are, Mr
Speaker, a further 687 meetings scheduled. So as you can see a very live process and people are
engaging well. So far, Mr Speaker, 196 repayment agreements have been signed since January
360 this year.

This has secured arrears in the sum of £766,447.99 – payment is mostly secured by deduction
at source and standing order. Essentially so far we have secured the sum of £21,569.77 a month
in respect of arrears via repayment agreements. In addition, and I would say more importantly,
we have secured the payment of monthly rent going forward in the sum of £16,012.14, every
365 month. Of course, that number will continue to increase as the team continues to see people.
We have introduced a mechanism in the software that immediately advises us upon a default in
repayment of the arrears agreement and a letter is issued immediately. The Department is now
working closely with a number of other Government Departments to update information on
tenants. Working together to safeguard arrears by public sector workers and other mechanisms
370 will be introduced for those who work in the private sector. But first and foremost, Mr Speaker,
while the figures that I have quoted are important, the most important thing is that there is a
clear strategy on arrears collection which is being pursued by the Housing Department and is
constantly under review with a view to improving.

This debt has been allowed to accumulate over a period of 20 years. It is still early days in our
375 strategy, but it is clearly working in a very short period of time. The strategy, Mr Speaker, is
twofold. Of course we aim to recover the existing debt, but even more importantly, we want to
stop it from escalating further and by introducing the new mechanisms we are securing the
monthly rent going forward. That is, not only have we reduced the figure of the debt, had we
not implemented the new system it would have continued to grow beyond £6 million.

380 Mr Speaker, I am delighted to report, that since the answer to the last Parliament Question
on the balance of arrears, i.e. people who owe in excess of three months' rent as at the 31st
May, the balance of arrears as at 30th June has again reduced to £5,425,830.21. Mr Speaker, the
debt accrued is not something that can easily be resolved overnight; after all it has taken 20
years for it to reach where it is.

385 It must be recalled, Mr Speaker, that when the GSLP left office in 1996, arrears were
£655,031 and it was under the GSD's watch that rent arrears passed the one million mark and
increased steadily and by about 600% by the time they left office, leaving behind a debt of
almost £4m by 2011. While it is a matter of fact that the debt continued to grow on the same
trend while we were unable to change the system at the outset, we are now addressing the
390 matter and I am relieved that the balance of arrears is, for the first time, in steady decline.

An important factor, Mr Speaker – and I am sure that those opposite, in particular Mr Clinton,
will be glad to hear – this strategy has been implemented without any additional human
resources expense. We have done this by restructuring the Department and redeploying people
internally, so no additional personnel have been employed, and there has been no need and
395 therefore no expense incurred in overtime.

Mr Speaker, it is still early days, but the important point to note is that there is a plan of action. The plan is in place and it is working. The most valuable achievement is ensuring that going forward tenants do not continue to default in their arrears, and I am confident, Mr Speaker, that my report at the end of this financial year will show significant improvement, and I
400 look forward to reporting back to this Parliament a year from now.

Mr Speaker, at this stage I must publicly recognise the commitment and hard work of the arrears recovery team at the Housing Department for their absolute dedication to the process. Previously, unfortunately, they had no mandate to do this despite them wanting to embark on the recovery of arrears, as the diligent public servants that they are. This year they have
405 vigorously pursued the arrears recovery strategy, have seen hundreds of people – and not all meetings are pleasant, Mr Speaker, as you can imagine – they have processed hundreds of payments accurately, and on time, and all with a turnover, vigour and efficiency that you would have thought that they were being paid on commission on the amount recovered, which incidentally they are not, Mr Speaker.

On a final note on housing and a reference to the Ombudsman's report; for the last few years the Ombudsman has noted a downward trend in housing complaints and enquiries. I am pleased that this trend continues, to the extent, according to the Ombudsman, that we should see housing issues being removed from the top of the complaints league. Housing has always been a
410 very difficult sector, but it is indeed very gratifying to read such an acknowledgement because it is even more gratifying that the logical effect is that we are assisting more people and more people are happier with the service.

Turning to equality, Mr Speaker, as a Government we have demonstrated a strong track record on equality in our first term and this will, of course, continue our work as we strive for a
415 more inclusive community.

Mr Speaker, having introduced the civil partnership legislation in our first term in office, the most live issue at present is our manifesto commitment with regard to amendments to the Marriage Act to make it equal for all. As you are aware, in our manifesto we set ourselves a
420 commitment and a time-line for June. We have already undertaken the consultation process, but given the results of the Referendum, we have been overtaken by events and we seek the indulgence of the electorate for a little longer, but that does not mean that we have lost sight of this matter at all.

In July last year the Equal Opportunities Act was amended to include transgender individuals as a class protected from discrimination and we are working with other Government
425 Departments on progressing policies in this regard as appropriate.

A lot of work, Mr Speaker, has been undertaken on the implementation of the UN Convention on the Rights of the Disabled, including substantial consultation with stakeholders and we are finalising documentation to be able to give this effect. This is not the only progress
430 on the rights of people with disabilities and we continue to make progress to assist individuals with disabilities and have introduced various important measures throughout the year, already.

There has also been substantial training, both for the private and public sector, on accessibility to premises as we prepare for the introduction of regulations to make buildings
435 accessible compulsory. Importantly, as part of our work in life planning for the disabled, the Department is spearheading an inter-agency working group with a view to formulating a strategy for people with autism and assisting, as well, people with other learning disabilities.

I also continue to undertake work on gender equality, and this year numerous awareness events have been arranged while we continue to work on the substantive matters on this front. Mr Speaker, this is an area where I am greatly assisted by the support of professionals and
440 groups in the voluntary sector with whom I work very closely, and I wish to thank all those who have provided professional and practical guidance.

Mr Speaker, my final portfolio is, of course, Social Services. The development in this department is ongoing. In the same way, the needs of our community and society change, the
445 service ensures that it adapts and models its services to reflect this. The users of Social Services

encounter in their lives issues which affect many facets and dimensions and the inter agency teams that work to support them have embraced this.

450 I am happy to report that there now seems to be a deeper understanding that Social Services does not work in isolation from other Government Departments. The Social Services Department of the Care Agency provides for children, vulnerable adults, adults with learning disabilities and individuals suffering from addiction.

455 The driving force in Children's Services is the understanding that children want to grow up within their families and the opportunity to grow up in a safe, healthy, family unit is what Social Services aspires for every child. It is for this reason that the dynamic of Children's Services has now changed to promote early intervention to avoid future difficulties such as criminality, substance abuse and domestic abuse from arising.

460 One of the flagship successes, which I am very proud of in the service this year, has been the Adoption and Fostering Service and its development as a way of providing a family life for children who cannot live with their own parents. The Care Agency celebrated its first Fostering and Adoption Awareness Week in October 2015. The success of the campaign has been reflected in the number of children placed with foster parents and family placements in the last few months, as opposed to institutional care. This is a great achievement for children. Training of
465 potential foster and adoptive parents has greatly improved and it helps individuals cope with the sometimes contentious issue of fostering within a small community. The success of the fostering initiative has had an effect on Residential Services, which is undergoing a restructure, as the team there work very closely with the family placements to ensure their success.

470 The process for leaving care children has also been greatly improved, thereby achieving a better result for children who grow up and leave the residential service, but for whom there continues to be support from Social Services where necessary to assist them with their transition to adulthood and independence.

475 The team from Adult Services, who assist vulnerable adults, aged 18 or over, principally support individuals to live safely and independently in the community. This is generally achieved through a multi-disciplinary approach with social workers, carers and other agencies. This year, the service received a total of 472 referrals for social work assessment and support. There is an increasing amount of referrals from the public and self-referrals, and this is as a result of the growing confidence in this service.

480 They are also responsible for the running of the day centre for the elderly at Waterport Terraces, such a valuable investment, Mr Speaker, for the benefit of our elderly community who are able to spend time in this warm and caring environment.

Domiciliary care, of course, continues to be provided to assist vulnerable, elderly or infirm people at home. We constantly monitor this service for clinical standards as well as to ensure that it runs on a cost efficient basis.

485 Social workers are now integrated in hospital and multi-disciplinary teams and bed management meetings which ensures better planning of services and a seamless approach to care. At present, we have 220 individuals receiving care at home through Social Services. This enables elderly people to remain at home safely and independently for longer and in line with their wishes.

490 During this financial year, the focus of the Disability Service has been the emphasis on continued improvements to ensure the highest standards and quality of care are provided at St Bernadette's and Dr Giraldi Home. We have engaged the services of an external consultant to assist in the development of the service and assessment of individual service users. We have refurbished St Bernadette's to improve it and make it more accessible and completely
495 refurbished the sensory room, which is so core to our service.

Finally, turning to addiction rehabilitation and outreach and community services provided by the Care Agency; this Government, Mr Speaker, and all of us who are responsible for drug and alcohol abuse treatment in different ways, are totally and equally committed to assist those who may suffer from this.

500 Mr Speaker, the hon. gentleman opposite yesterday mentioned that he has met with addicts
in recovery and is learning from what he hears. Mr Speaker, that is so important, and that is
exactly what I have been doing for over four years. And Minister Linares, as well, who held this
portfolio last year, because this is how we have shaped our policies and led the service to where
it is. What it is, Mr Speaker, is a far cry from what it was when we first came in. And I am sure
505 that what I found in 2011 is not what Mr Corby, who initially set up Bruce's Farm, left either. I
know what we inherited, Mr Speaker. I was there, I saw it – an empty, dilapidated Bruce's Farm,
forgotten and neglected by the GSD, and I am not referring to the building, I am referring to the
people who needed it at that time. But I do not wish to dwell on the past, Mr Speaker, because
we have to move on and we have to move forward, and that is not what this service is about.

510 In previous answers to questions I have stated that occupancy levels at Bruce's Farm are
higher than ever. Well, guess what, Mr Speaker? Last month I was delighted to be faced with the
problem that it was full to capacity. This had not happened for at least 12 years, and it shows
that the system is now working and help is being provided. Incidentally, Mr Speaker, on that
occasion I asked the staff to immediately buy bunkbeds as a temporary measure as I wanted to
515 ensure, as I always have, that people who ask for help and seek to be admitted always are.

Beyond Bruce's Farm we have important manifesto commitments to meet on a wider
strategy. We are working very hard to achieve this, and once our ambitions are implemented,
we will transform how drugs misuse and its damaging consequences are dealt with in our
community.

520 This is certainly an area where inter-agency working together is crucial for success, as is
engagement with charities and the voluntary sector, with whom I meet frequently, and they
know they have an open door and my full support.

The significance of the progress of the Care Agency is the overall improvement over the past
few years. This has been achieved principally through the employment of staff in a service which
525 never had a full complement, of either professionals or administrative support. And, Mr Speaker,
it is also very important to note that the administrative support in the Care Agency is the
backbone and the essential support to the professionals.

Social Services – as an essential service – has seen growth posts of key staff in our first term
in office and we are clearly seeing the results of this valuable investment. One of the key
530 functions outside the day-to-day professional work is the outreach careers work that is
undertaken by staff to encourage, especially children in schools, to consider a career in care,
whether it be as a social worker, in care or nursing. We are keen to invest in the future of this
service.

535 Finally, Mr Speaker, I would like to give credit to Mr Albert Bruzon who retired as the CEO of
the Care Agency at the end of last year. Albert is a kind man and someone who holds strong
principles and values and has dedicated his career to working in the public sector. Albert
stepped in as CEO of the Care Agency over three years ago, at a very difficult time, and helped
steer the ship and give it the balance it has today. Being at the helm of this incredibly challenging
and demanding organisation is not an easy task, nor is it putting up with a most demanding part
540 of it, Mr Speaker, and that is yours truly. After a short period of retirement, Albert has agreed to
return to work with me again, but in my ministerial office on a part-time basis. I am grateful that
he has, and I look forward to working with him again, his role will now be different, but no less
important.

545 This year has also seen the retirement of Debbie Guinn, the Head of Service of the Adult
Social Work Team. Debbie is a true professional, a kind and gentle lady, who has dedicated her
career to helping others and has done a lot for social services in Gibraltar, and from whom I have
learnt a lot. I wish her well, but ask that she does not go too far, either.

550 It just leaves me to thank everybody who works with me, Mr Speaker, either on a daily basis
or in my departments or in the departments that I call upon for support from time to time. I
have numerous departments that I am responsible for, Mr Speaker, and I work closely with
senior management and officials to progress each service for the benefit of those relying on it.

So I could not make progress without their support. My portfolio is vast, varied and very demanding, with very real and live issues and of late also requires a lot of travel.

555 So, Mr Speaker, my team, particularly those in my immediate ministerial office, while a very small team, are very hardworking and dedicated, and help me keep everything together. They provide me with day-to-day support and also co-ordinate with all the departments and sectors that I am responsible for. Together, Mr Speaker, we will all continue to work hard in order to deliver what we have committed to in our manifesto.

Thank you. (*Banging on desks*)

560

Mr Speaker: The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I am proud and privileged to be delivering my maiden Budget address. The past seven months have been a defined learning curve for me. Sitting on this side of the House is certainly proving advantageous. Mr Speaker, I shall be taking your advice from question time and making a short and important statement.

570 I have to start my speech with what I feel is the most important issue that is depriving people of basic human rights in our society, and even though we keep on hearing promises: that is the delay in bringing to this Parliament the Disability Bill, adopting the UN Convention. With a Command Paper having been issued months before the last general election, to further delay bringing the Bill to Parliament – given it is a 2011 manifesto commitment – is unjustifiable. Any continued stalling will only harvest bucket loads of sour lemons. (*Banging on desks*). It is simply reprehensible for Government to drag its feet on this one and reply with their rhetorical answers.

575 Yes, it is easier to blame a previous Government for delays, but we are not here to question previous administrations, we are here to progress by working with and scrutinising the administration of the day. I do not have to shoulder the blame of past administrations, in the same way as you are not reminded of historical issues. (*Interjection*)

580 The UN Convention was published in 2006. The person on the street does not care who did what and when; what the person out there wants to hear is why is it taking 10 years for Parliament to bring this legislation. (*Banging on desks*)

585 I must stress that, when it finally makes its way through these doors, I expect it not to be the watered-down version published in the Command Paper and, instead, it takes on board the hard work done in preparing the Disability Bill between 2006 and 2011, which Government wants to pretend never existed even though all stakeholders have copies.

I understand that representations have been made to Government by stakeholders with their concerns and advice, and I truly hope Government listens and adopts the UN Convention in its full version.

590 On the other hand, I am able and pleased to congratulate Government on its achievements in making public areas, such as playgrounds, inclusive for those with disabilities. It is gratifying to see playgrounds where children of all capabilities are having fun. I hope to see more of this in the future.

I welcome the estimate item to finally include a lift in Parliament House. I know of a particular person who will be making continuous use of that lift.

595 Returning to another area of pussyfooting is the delay in providing a Family Centre, which was an issue of concern for this administration during their terms in Opposition and which has fallen down the waistline, with one parliamentary term having already elapsed and yet not seeing the opening of this centre.

600 Another important area which is proving difficult to assess is the situation which I believe exists in the Care Agency but is almost impossible to scrutinise, and that is the influx of subcontracted workers. I have, however, been able to identify that 48 subcontracted workers were working under the disabilities umbrella as at February 2016 out of a potential complement of 95. Astounding though it is, this means that more than half of the personnel is subcontracted.

I make this point on the basis of the limited information I have, and which is publicly available, in the hope that the Members opposite can prove me wrong during this parliamentary session. This would make a welcome departure from the smokescreens and diversions to which we have become accustomed from the other side of this House on this subject. (*Banging on desks*)

These workers receive basic training and are entrusted with tending to the needs of the most vulnerable members in our society. It now transpires that there is no independent regulator and that Government regulates the contracted parties. This is wrong in any sector, but when we are talking about the most vulnerable people in our community, it is completely and utterly intolerable and shocks me to the core. Government should not play a surety part in this venture at all. There should be a robust body – such as the FSC in its jurisdiction, as the GRA in its jurisdiction, as is the Environmental Agency in its jurisdiction – that can professionally and independently review this sector without fear or favour.

We understand that annual leave, maternity leave and sick leave may give rise for a need to seek assistance from recruitment agencies in order to keep the services running. However, this should not be in lieu of employing and training long-term staff. Furthermore, there is a bigger issue than just long-term employment for workers, but also the long-term continuity for the service users. There are service users who cannot tolerate sudden short-term changes, and these should be avoided at all cost. Cover should be sourced from the existing team of staff and not externally.

This also gives rise to a slow-developing workforce, who are not trained as they evolve but rather become stagnant and unmotivated. As a result, the sector is run on a continuous firefighting mode instead of having a robust human resources' policy and management, which not only guarantees continuity of service but also factors in long-term training requirements.

I strongly believe a Care Quality Commission is pivotal to the success of the Care Agency, Elderly Care Services, the GHA and Domiciliary Care. It monitors and assesses the quality of the care being delivered and rates it accordingly. It does so with full independence and freedom. This, coupled with an individual Carers' Support Plan and supportive carer policies, would truly take Gibraltar to a different level, in line with other modern, forward-thinking societies around the world.

Stay-home, unpaid carers should be recognised by Government in as many ways as possible, from enhanced employment conditions, respite, financial benefits, training and advice. Some of these may be available to certain carers who have sympathetic employers, but it is important to provide an accessible legislative framework in this area so that it is open to scrutiny, clear, and available to all recognised care-givers. We should be working together on cross-party policies that are for the benefit of those who elect us – beyond elections, beyond administrations, and beyond party politics.

On a more positive note, I am pleased to see an item in the estimates for Project Search. I am surprised it has not been mentioned in this Budget session, even though it is in the Budget book. We strongly believe this to be an improvement on the current Supported Employment Scheme (SEC) given its tried and tested structure in the UK.

It will enable young adults to grow within a framework, whilst at the same time supporting employers in each individual placement. It is all about creating awareness and destigmatising the employment of individuals with learning and/or physical disabilities in the private sector. I look forward to seeing the progress made by this initiative in the upcoming months and trust that those currently employed under the SEC scheme will be transferred onto Project Search so they may also benefit from this initiative.

It has also been encouraging to see and I welcome the awareness campaign in fostering and adoption. This initiative must be maintained and expanded in order to achieve the results we all want to see, and are currently seeing.

As well as the evident usage of fertility clinics revealed in last week's question and answer session, IVF services, formally introduced by this administration for those unable to naturally conceive, is proving successful.

Moving onto the administrative aspect of the Health Care, the Primary Care Centre, we understand and accept it is a work in progress. No administration has got it 100% right; however, it is important for Government to listen to both complaints made directly to them and from the Opposition benches. The system is leading to many cases left unattended for days and weeks, long waiting times on the phones and complicated systems which our elderly in particular find difficult to comprehend. This, inevitably, has a knock-on effect on the overuse of the A&E Department and causes unnecessary delays there.

We also see a huge amount of cancelled operations. We have no reason to doubt the Hon. Minister for Health when he suggests that the majority of cases are not due to the GHA's inability to perform the surgery, but the fact remains that the number of cancelled operations due to bed shortages is staggering. I hope that these will diminish with the eventual opening of the long overdue Dementia Residential Facility.

Once this is opened, it will inevitably not be enough. We are living longer and the older generations need to have infrastructure and policies to cater for their needs. One example which we need to materialise is the accessibility of older people in private accommodation who are unable to access Albert Risso, Bishop Canilla and the upcoming houses. I hope Government initiates, in this area, a user-subsidised residential accommodation where this demographic can enjoy their independence albeit in a suitable infrastructure. *(Banging on desks)*

I have to congratulate the Government on their MS Nurse initiative, which I understand is providing the support and accessibility MS sufferers so needed.

Additionally, we fully support and congratulate the Government on the organ transplant program, which this Government has initiated and enacted on, seeing already one successful case.

We also look forward to the Oncology Centre being in operation and hope it provides the treatment to as many sufferers as possible so they can avoid the added inconvenience of travelling outside Gibraltar for treatment.

Moving on to Tourism, which I feel is an important area for Gibraltar regardless of which political party is in Government and where we should therefore try and develop ideas and steer away from partisan politics as much as possible.

The Government prides itself on the upward trend, but this is following a sharp drop during their first term in office. The Government have spent £4.37 million on tourism marketing over the past four years. One would expect to see tangible results as a result of this level of investment in the tourist sector.

I will accept and congratulate the staff involved in the increase of air passengers and reiterate the fact that the new terminal has allowed for air connectivity for the expansion which could simply not have been possible from the old terminal, let alone parking the planes in the old layout. However, what Gibraltar is crying out for are more connections to cities in mainland Europe. I hope this will become a priority for those involved and wish them all the best in achieving these exciting results.

In cruise passenger figures, I note with pleasure the work carried out in order to restore the levels of passengers that were enjoyed during the GSD's golden age period in office. *(Laughter)* I would now urge those concerned to motivate cruise liners to stay for longer.

Looking through the statistics, there are many cruise liners who only spend a few hours in the port, meaning that passengers have limited leisure and retail time. In many cases, because of their early arrival, in the early hours of the morning, the time available to them in Gibraltar does not even coincide with the opening hours of the Upper Rock Nature Reserve – as well as stifling potential tourist expenditure, the true Gibraltar experience is minimal.

In terms of land frontier figures, there is a drop of 15% between 2011 and 2015. This drop is sufficient to stifle the overall figure of tourists entering Gibraltar. This downward trend is also the case in tourist expenditure, where we are seeing a 29% drop from 2011 to 2015. If the levels of tourist expenditure seen in 2010 and 2011 had been maintained, this would translate into a

tourist expenditure loss of £300 million over the last four years, and all this Mr Speaker, whilst spending unprecedented levels of investment in marketing.

710 These figures are important, Mr Speaker; they cannot be ignored. This trend affects traders and businesses in our streets, which is why I have made the point in the past that the tourist sector is a pillar of our economy; one which can grow in a sustainable manner but not to be meddled with irresponsibly; one that must be handled with care. We can throw all the money you want at marketing, but if we do not have the root and branch planning, organisation and infrastructure, the tourist experience is soured and the long-term vision is impeded.

715 For example, Mr Speaker, we have always maintained, from our first press release following the foreign vehicle ban to the Upper Rock, that we agree with this measure. We were providing ways in which this policy could be implemented in the best way possible for all concerned, with the tourist experience at heart. Additionally, we were urging Government to exempt those with disabilities from the ban. The latter is claimed to have been taken on board, even though there is
720 nothing on the Visit Gibraltar website to indicate that this is the case, and I quote from the website:

No unauthorised private vehicles are permitted in the nature reserve, however a number of walking, taxi or bus tours are available.

On this basis, Mr Speaker, unless you are on an organised tour, you are unable to visit the Upper Rock, and clarification needs to be provided.

725 Of course, this will impact negatively on the level of revenue to Government from the Upper Rock site entrance fees, but where is the infrastructure and the tourist experience? Yes, we have seen unprecedented levels of investment in the Upper Rock: £1.8 million investment on flashy gimmicks between the Suspension Bridge and Mount Misery Lookout – which at a personal level I love as I am an adrenalin junkie; I really, really like them. However, we are still seeing filthy water habitats for the macaques and inadequate priority and foresight to improve the basic
730 health and safety for tourists by introducing balustrades. Whilst we are encouraging tourists to walk around the Upper Rock, this is an accident waiting to happen.

Europa Point is another tourist hot spot; it is visited by millions of tourists every year. It is an idyllic location, overlooking the majestic Straits of Gibraltar, yet the old shop that was demolished has been left there as an eyesore – a simple provisional landscaping of the site could
735 have at least brought the land in line with the rest of the area – not to mention the state to which the popular playground, built by the GSD Government, has been allowed to deteriorate. What is the point, Mr Speaker, in permitting the destruction of a popular area which is enjoyed by so many Gibraltarians just to score cheap political points? Surely the community comes first, or do the Members opposite care only about votes at election time?

740 Moving on to another of my assigned portfolios, the Port. The Gibraltar Port recurrent revenue is coming in at staggering downward figures. The tonnage dues once enjoyed by Gibraltar of £4.3 million at a peak in 2012-13 have disintegrated to £2.6 million estimated for 2016-17. If the up-going trend up until 2012-13 had at least been levelled and maintained, Government would have had an extra £4 million to play with, more over the last three years and
745 £6 million by this time next year. Where is this money going to? Our neighbours across the bay?

On a lesser scale, the same can be said for the bunkering revenue, from nearly breaking the million pound mark in 2010-11, the forecast for 2016-17 is a measly £400,000 in comparison. It is safe to say that approximately £1 million of revenue has been lost, probably due to migration of business across the shores, meaning local businesses are also losing out in these trades. It is a
750 worrying downward trend and I genuinely hope to see an upward trend in both these areas.

Still, Mr Speaker, we have a beautiful small boats' marina, coming in at £24 million. Seven hundred lucky owners have been gifted berths to the tune of £34,000 each, in exchange for which they are liable to pay service charges to a sinking fund for the maintenance of the same.

755 If this is not a clear example of the culture of entitlement we have so often spoken about, I do not know what is. The cost of each berth, which has been gifted to each user, is roughly equivalent to the 50:50 mortgages which the new homeowners have had to obtain under the recent affordable housing schemes. It simply does not make sense.

760 It is not all bad, though: it has brought back recreational fishing as we used to enjoy in the North Mole, and I am happy for those who have obtained the berth – good for them. I hope Government will publish the successful applicants so that the electorate can see that it has been a fair process.

765 As a stand-alone project, it clearly has its merits. In the context of prudent management of our economy, particularly with the threat of an EU referendum looming over us at the time, I am convinced that there are much more meritorious projects which could have been prioritised, such as the dementia facilities, St Martin’s School and all the other schools for that matter. **(A Member: Hear, hear.)** *(Banging on desks)*

770 I must say, we welcome the new yacht registry being prepared – it will see the requirement for vessel insurance amongst other important prerequisites – together with welcoming the Fast Launch Act amendment. I highlighted both issues recently in a Viewpoint programme where I stated that these measures should have coincided with the opening of the Midtown marina before owners began to purchase their vessels. Having said that, I must say we were actually told about the amendment on the Fast Launch Act by a seller up the coast who already knew that this was coming into force before it was even published. *(Interjection)* No, it is not consulting; it is people volunteering information.

775 Moving swiftly on to animal welfare issues, it is sad to note this Government’s abysmal failure in respect of investing in dog parks. The £25,000 investment out of an earmarked £50,000 last year at the Alameda Gardens has seen an attempt to convert a footpath into a park, but unfortunately it is still a long way away. As highlighted back in January, the surface needs rethinking as well as the basic fencing and gating of the area. Unfortunately, I can only say it looks like a waste of money from where I am sitting or standing. Looking from the Estimates Book, it looks like no further investment will be directed that way in the current financial year leaving the gloomy area as it is and the plans shown to the public as a mirage – something which will inevitably not go down well with dog owners in Gibraltar, especially in light of the 500% increase in dog licenses and 250% hike in dog registrations as from November. Clearly, you are better off owning a boat than a dog! *(Laughter and banging on desks)*

780 I understand that the increase in licenses is to subsidise the DNA testing to match dog fouling to its owner: a measure which I fully support; however, it is sad to see that this model which has been mimicked from the Island of Capri will not be met with the equivalent fine for offenders of €2,000 as exists in Capri. The money from irresponsible owners should be subsidising this venture and not just the responsible owner.

790 I hope to be given the opportunity to work with Government on issues of concern and adequate management and care of feral street cats, breeding and sale of pets, welfare and neglect, and all other areas in which we are underdeveloped and need modernising.

795 Finally, Mr Speaker, I wish to thank you, the Clerk, and his staff, for the help and support you have all provided me with in the short time as a Member of this House.

I would like to end by reminding the House that I come in good faith to hold the Government to account, as well as to ensure that its policies and commitments are fulfilled effectively and justly – and congratulate them when they do so.

Thank you. *(Banging on desks)*

800

Mr Speaker: The Hon. Steven Linares.

Mr Speaker: The Hon. Steven Linares.

805 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, it is an honour and privilege to deliver as Minister for Sports, Culture, Heritage, Youth and Civic Rights my fifth Budget speech to this House.

The Civic Rights aspects of my portfolio are two main areas. The first is that of the Office of the Ombudsman and his team. We provide guidance and support when required.

810 The second is the Citizens Advice Bureau, which is known as CAB for short. Both these offices are run as independent entities. However, they are funded by the taxpayer, therefore it is my duty to monitor their expenditure and their role; and for this reason I am accountable to this House. This has been the procedure since the two organisations were established.

815 Since mediation was introduced in Gibraltar in 2010, UK Mediation has partnered with CAB to develop and grow mediation services locally. Four staff members from the Gibraltar Bureau are now accredited and trained mediators after obtaining the Mediation Practitioner's Certificate which is accredited by a number of UK institutions. This certificate equips them to resolve disputes and complaints involving employment, consumer, neighbourhood and family issues.

820 CAB is running the Here2Help website. This website is being used to spread the word through social media networks and showcase volunteer and community needs. They have inspired charities to work together and advise how people can volunteer for their respective organisations. This gives members of the public an opportunity to find out what roles are on offer, to allow them to take part in events and to take inspiration to help communities through volunteering.

825 Their website's address is www.here2help.gi

CAB has also initiated a Money Advice Clinic as part of the services that it offers; this has increased client contacts this year. The aim of this clinic is to help clients stabilise their financial situation so that they can safeguard their homes and their belongings, have sufficient money to feed and clothe their families, and pay their debts at an affordable rate.

830 Mr Speaker, the Money Advice process is a systematic way of working with clients to achieve this aim. CAB works in partnership with the Utility Companies and it uses Community Care officers with a financial or banking background to assist clients in this process as part of their community care duties.

835 CAB staff have been engaged in giving presentations and talks under their 'Staying safe with Advice' campaign. This covered energy saving advice and other safety information. The campaign targeted senior citizens who feel more comfortable in their own homes, those in elderly accommodation or elsewhere. However, this comfort can also reduce awareness of hazards that could lead to injury. Accurate information, advice and planning are essential to their well-being. The Bureau was joined by the essential services in this campaign. Together,
840 they issued wallet-sized cards with useful numbers to senior citizens for them to call in the event of an emergency.

Mr Speaker, I now move on to the Office of the Ombudsman.

845 In the past year the Ombudsman's Office has been given responsibility to handle GHA complaints. The Office now also deals with ADR and reports on complaints against Government Departments and related bodies.

The Ombudsman assumed responsibilities for health-related complaints from May 2015. This was in accordance with our 2011 manifesto. Government also provided funds for two extra members of staff. An office sited at St Bernard's Hospital, to provide an *in situ* service to deal with complaints and enquiries, was also provided.

850 This new task has proved to be quite challenging with a very steep learning curve. The aim of the Ombudsman and his team is to meet the expectations of the service user whilst never forgetting the GHA staff themselves. It is important to point out that in the vast majority of instances the staff provides an excellent service and standard of care.

855 May I take this opportunity to congratulate the Ombudsman and his team for the professional manner in which they have handled complaints against the GHA.

Mr Speaker, in June 2015 the Consumer (Alternative Dispute Resolution) Regulations 2015 came into force. The Public Services Ombudsman was named as the Competent and Reporting Authority for Gibraltar. The responsibilities of the Ombudsman grew as a result of this and the Office attracted an increased workload. Government has made available an extra officer to be
860 redeployed to assist the Ombudsman with this task.

ADR is a means by which a consumer may wish to resolve a dispute with a trader or service provider. These provisions are aimed at consumers and have no effect in disputes between traders.

865 Ever since the Ombudsman first became operational in Gibraltar this office has always aimed to deliver the best possible service to those who seek their assistance. To this effect members of staff as well as the Ombudsman continue to travel abroad to learn about the service which is provided elsewhere. The Ombudsman regularly attends ombudsman meetings, conferences and seminars.

870 The Office in Gibraltar belongs to different organisations and this contact is used in order to keep abreast of the developments in the Ombudsman world. Their stated aim is to consistently make their office a beacon of not only good administration but also of excellence in the delivery of service to the people of Gibraltar.

875 Mr Speaker, as a result of these meetings, the Ombudsman has recently introduced a Systems Improvement Officer – called a SIO. He has designated a member of his staff to undertake the responsibilities of SIO which will include, amongst other things, ensuring that the Ombudsman's recommendations have been put into effect and actioned. Other aspects of this role will include undertaking a review of their own internal working methods and procedures.

880 The Ombudsman is always conscious that they owe a duty of service to those who seek their assistance and is therefore keen to ensure that their service delivery is on target, or whether it needs improving.

885 Mr Speaker, I will move on now to the Youth Service. Over the past year the Gibraltar Youth Service has undergone a number of significant changes, most noticeably within its structure and staffing arrangements. This has led to an increase in face-to-face work with more young people, and we are also reaching out to other Government Departments, agencies and NGOs. The Youth Service is working with them by advocating an improvement and better services for young people in our community.

890 The administration for the Gibraltar Youth Service continues to be based at the main offices of the Ministry of Culture where the staff continues to provide support for the Youth Service. The professional complement at the Youth Service consists of a Principal Youth Officer, two Senior Youth Workers and five Youth and Community Workers.

895 Since September 2015 all Youth Service staff members have completed a consultation with Unite the Union, the Human Resources Department and Government legal officers. In November 2015, as a result of that consultation, the Gibraltar Youth Service produced a set of policies and procedures called 'Delivering Youth Work in Gibraltar'. These sets of policies and procedures have now been adopted by all staff members who work in the Youth Work team.

900 Mr Speaker, the Youth Work team is complemented by supply Youth Support Workers who provide backing to the full time Youth and Community Work team. The Youth Service has worked very closely with Human Resources in regularising the employment status of all employees.

The Service has continued to work closely with Human Resources and Unite to ensure that we support our employees by putting measures and systems in place. These measures and systems have ensured that we continue to maintain and raise the standard of our Youth and Community Work team as we aim for best practice.

905 Mr Speaker, in addition to supporting the work carried out at the Youth Clubs and Youth Projects we have once again offered the locally recognised and assessed course in

'Understanding Youth Work' to volunteers and prospective Youth Support Workers. This year, trainees were given a choice between the assessed or the non-assessed route. The non-assessed route offered the trainee a certificate of attendance along with the chance to volunteer their services to various youth work projects.

910 Due to the success of their training, plans are at an advanced stage to offer Understanding Youth Work training to anyone interested in working with young people from October 2016.

Mr Speaker, the Youth Service is committed to personal professional development and it constantly continues to update its skills audit of all its employees. All full time employees and some Youth Support Workers have undergone training in the following areas: Safeguarding
915 Children Tier 1, Health and Safety, First Aid at Work, Basic Fire and Rescue Training. In addition, two Youth Support Workers have recently completed Food Hygiene Courses.

The Youth Service is a member of the Child Protection Committee and, following a request by the Care Agency in November 2015, the Youth Service agreed to join the Safeguarding Children and Young People training team as from January 2016.

920 In January 2016 all Youth Service staff underwent a very successful and inspiring weekend of personal professional development training organised by the Youth Service itself. This was delivered by Moira Smith and Lesley Buckland who are renowned academics from the YMCA, George Williams College.

The Government, Mr Speaker, has invested in people and in facilities and during the past year
925 both Dolphins and Plater Youth Clubs have undergone significant refurbishment. In addition to their current facilities, these now have new modern and up-to-date kitchens for young people to use and learn necessary life skills.

On Thursday 17th September 2015 the Youth Service and the Royal Gibraltar Police signed a Memorandum of Understanding to consolidate the areas of joint working which both
930 organisations carry out. This has allowed the two organisations to build a professional relationship of trust to address any issues that young people may have in the actual youth clubs and also in the wider community.

The Youth Advisory Council has been expanded; the Duke of Edinburgh Award, Guides and Scouts have provided advice to Government about issues that affect young people. In order to
935 improve services for young people we have included representatives in the Council from the RGP, the Department of Education, the GHA, the Care Agency and also the Drugs Co-ordinator.

As Minister for Youth, I felt it important to give young people a voice in our community. The Youth Service set up a Youth Forum and a number of meetings were arranged which included
940 members of this forum where these young people raised any issue that they wanted. As a result of the meetings, young people have had the opportunity to meet with my colleague, Minister Sacramento, and I at the Youth Centre and to discuss a number of matters. This went very well.

Mr Speaker, the Youth Service is working closely with young people and advocating on their behalf so that the issues raised by them are taken seriously and acted upon. Members of the Youth Forum also met the GHA General Manager, Mr Darion Figueredo and the Director of
945 Education, Joey Britto. This forum will continue to expand. There will be more meetings arranged in order to give our young people the opportunity to raise issues that concern them.

Mr Speaker, the Youth Service has a well-established working relationship with the Department of Education. We have worked very effectively together with Bayside and Westside Schools and with the College of Further Education. In order to reach out to more young people
950 the senior team held a meeting with the Director of Education recently. They agreed that the Youth Service would start work with the school Year 7 pupils from all middle schools. This initiative has been extended to private schools with a view to offer the services of the Department and to reach out to as many young people as possible in our community.

Mr Speaker, the Youth Service has been involved in organising many events for young people.
955 These events have included residentials, attending outdoor pursuit trips, fundraising, projects such as Healthy Lifestyle, environmental awareness, and performing and production. The aim is

to make our young people conscious of their rights and responsibilities and that they are an important party of the society that they belong to.

960 Mr Speaker, the Youth Service is an extremely busy Department which has been leading on and successfully achieving many projects, thanks to the very committed workforce. With the new Youth and Community Workers in post, and as the team continues to develop their profession they hope to continue their successes. The Government looks forward to an even busier and more promising year ahead where the needs of young people will always be at the top of the agenda.

965 I would like to take this opportunity to thank the management and staff of the Youth Service.

I would also like to thank the Luce Foundation which helps out the Youth Service by helping them fund many of the projects that they deliver.

970 Mr Speaker, I move on now to Heritage matters. Throughout this busy year we have been consolidating existing works in anticipation of future projects. The Department has committed itself to securing and following through on a number of important projects. The Museum-led World Heritage bid for Gorham Caves and the surrounding area is progressing well.

975 The Gibraltar Museum team has been working tirelessly to finalise our bid, its contents and its public outreach components. To this end, a whole new wing of the Museum was recently inaugurated on International Museum Day. This new wing exhibits ground-breaking Neanderthal models, state-of-the-art interpretation panels and previously unseen items from over 20 years of research at Gorham's Cave.

This year the museum open day was a resounding success with over 1,700 visitors, which is a new record.

980 On the ground itself, access to and protection of the caves has been guaranteed through the construction of new walkways. A partial approximation of the Neanderthal environment has been reconstructed with the successful introduction of tamarisk plants. This will be extended in the coming years.

985 It is a tribute to the museum team led by Prof. Clive Finlayson and Dr Gerry Finlayson that they have been able, almost single-handedly, to bring together the necessary expertise, drive and knowledge to produce this world-class bid. Whatever happens, there can be no doubt that this is a world-class site of outstanding universal value.

990 Professor Gabriel Cooney – the World Heritage Site Evaluator on behalf of ICOMOS – was suitably impressed by the exceptional progress of the site. As part of the ongoing five-year management plan supporting the bid, they produced a film called 'Making of the Neanderthal models'. The film will assist to give publicity to the growing Gibraltar Neanderthal experience. This has been aided by new cutting-edge documentaries by BBC and GBC, a brand new website, as well as ongoing research at the cave complex.

Although the final result of our bid will only be known within a few days, our commitment to exhibiting and enhancing our Neanderthal past will endure.

995 Mr Speaker, the Ministry for Heritage has continued to refurbish the City Hall, following the opening of our National Art Gallery. I can now inform this House that a lift has been installed and that plans are afoot to consolidate the façade of the building as well as refurbishment of the Mayor's Parlour. In subsequent years we will be able to count on an even bigger and better National Gallery and a fitting hall for our mayors and their functions. This will include the housing of all the Government's collection of artworks and the development of the third floor, once Gibtelecom moves out to its new premises.

As we said in our 2011 manifesto, the City Hall will be a cultural building.

1005 Mr Speaker, a monument to Gibraltar's fallen from both World Wars was recently erected at the National Arboretum in the UK. Carved out of our own limestone, conceived by Mr Joe Brugada and designed by Mr Anselmo Torres, the monument stands as a fitting tribute to those Gibraltarians who gave their lives in these conflicts. As the living witnesses of these past conflicts fade, their names will live for evermore. They fought against oppression in the past, for a better future.

1010 Mr Speaker, in this year's estimates we have provided funds for a monument to women in Gibraltar. This has been a project that has gone out to public participation in the form of a competition and which we will be commissioning in the next few months. The monument will also fulfil another manifesto commitment.

The Government is looking to finalise the Gibraltar Heritage and Antiquities Act. I am happy to report that this legislation is now near completion.

1015 The public consultation period is over and we have received many insightful comments. These have been looked at, often amending the Bill as it stood. The process has considerably improved the end product. I would like to thank all those who sent their views and visions concerning our heritage. The final Bill will be a combination of many ideas. The role of the Government has been to temper hope with reality, conservation with mitigation.

1020 As I said last year, and I reiterate on this occasion, this Bill will set an important benchmark, bringing Gibraltar firmly into the twenty-first century insofar as heritage best practice is concerned. Aside from greatly deepening our heritage protection, we will have in place comprehensive and exacting listed-building legislation, protection of monuments and a legislative framework for developer-funded archaeology and heritage recording.

1025 Mr Speaker, through the efforts of the Heritage Department working closely with the Government's Planning Department, much of the proposed legislation has already become commonplace guidance for the day-to-day running and recording of our heritage. In this, the private sector has also been instrumental. Where we have led, they have followed; and I can honestly say that the future prospects for the protection of our heritage is better now than at
1030 any point in the last twenty years.

During 2015 and 2016 we have worked together with developers to combine development with conservation. The results could not be clearer, from the restoration of previously neglected World War Two structures, the undertaking and standardisation of archaeological watching briefs and the increasing frequency of historical desk-based assessments means that we are
1035 recording our past at an unprecedented rate. And I hasten to add that this is being done without restricting the building developments that Gibraltar demands and needs.

In the last year we have shown that heritage protection does not hamper development, indeed it enhances it by helping to preserve the past in our construction of Gibraltar's future. Needless to say, this would not have been possible without the unstinting support of the
1040 Gibraltar Heritage Trust who have advised, remonstrated and broadly agreed with our views. Their vision and impartiality is much appreciated.

As for the future, we have an exciting year ahead of us which will see the completion of the Wellington Front refurbishment and numerous other projects. For instance, we are looking into management plans to restore our walls to their ancient standard. We aim to start small but
1045 envisage a three-year plan where, working closely with the Department of the Environment, we will start removing plants and tidying up our city walls. This will complement, and work in close tandem with, the Government's urban regeneration programme which aims to consolidate and enhance our Old Town product.

Mr Speaker, in collaboration with the Gibraltar National Archives we have started a project
1050 entitled 'Mapping our Past', whereby all the old maps of Gibraltar will be scanned and placed online for all to be able to access. Not only will this aid developers in their own plans, but it will be of great service to all those interested in the development of the city of Gibraltar. A first teaser of the potential of the 'Mapping our Past' project has now been developed and it should be online shortly.

1055 Mapping our Past will also serve as the keystone product that will enable us to pursue the setting up of a Historical Environments Record. A Historical Environments Record is the cornerstone of any Heritage Department. It aims to provide as complete as possible a catalogue of all the heritage assets in a given place. We are currently studying the feasibility of undertaking this together with other Government Departments.

1060 Mr Speaker, our collaboration with the University of Cambridge on the study of human remains from the ex-St. Bernard's Hospital continues for another year. Our research in 2015 has shown that the cemetery located here dates *not* to the 16th through to the 18th century, as was originally assumed, but it actually dates to the mid-15th century – which is in itself significant, as
1065 the last Islamic or the first Christian cemetery on the Rock.

Well-preserved human remains from this period are rare and, beyond the University of Cambridge, this discovery has already interested scholars from Germany, Spain and the United States of America.

1070 Mr Speaker, we expect great things from these collaborations and it serves to understand the international research potential that Gibraltar holds. We may be small but our vibrant history, and especially its study, enthral experts everywhere.

1075 Mr Speaker, on the cultural front no-one can deny how, in the past five years since we came into office, events, facilities and cultural development has moved forward in leaps and bounds. We have been able to export our culture as well as expose our cultural identity with high-quality exhibits and events.

We hosted, in Gibraltar, the Little Constellation Network project – 'The Voices of the Sirens'. The final exhibition brought 14 international artists to exhibit in Gibraltar. A Voices of the Sirens book which is about the project held in Gibraltar has been launched in London and in Milan.

1080 We participated in the Tourism and Culture Expo in Tangier to promote cultural links with Morocco. Gibraltar Cultural Services has been instrumental in producing and organising a Retrospective Exhibition with Royal Academicians: Anne Desmet, Ann Christopher and Barbara Rae. This is part of our ongoing cultural development initiatives and this is the first time that any Royal Academician has exhibited in Gibraltar.

1085 We have supported the participation of local artists in competitions abroad, such as the Royal Academy Summer Exhibition and backed a Gibraltarian artist doing a residency with the Island Games in Jersey in 2015.

Further, we are currently in the process of organising the Gibraltar-Berlin Art Residency which will start this month. This will see a Gibraltarian artist taking up a residency in Berlin, and a Berlin artist doing a residency in Gibraltar.

1090 As we promised in our 2011 manifesto we opened the Mario Finlayson National Art Gallery in June 2015 and the Gibraltar Exhibition for Modern Art Gallery (GEMA) in November 2015, giving Gibraltar its first two permanent National Art Galleries. A total of 34 artworks have been purchased during the current year.

1095 The Annual Drama Festival held in March 2016 was the biggest to date, with 14 entries and over a whole week of theatre.

Support was given to the GNDO to organise the European Show Dance Championships in October as part of our event-led tourism initiative. Over 700 dancers participated and the show was seen by over one million viewers online via website and live stream throughout the four days of competition.

1100 The Gibraltar Cultural Services who run many of our cultural events together with, and at times on behalf of, the Ministry of Culture are not only involved in organising and/or monitoring events they are also involved in managing all the facilities in which these events take place. We have seen the vast improvements to the John Mackintosh Hall and works to the courtyard to extend the cafeteria and the installation of a new gutter system have been completed. This
1105 included all new appliances for the cafeteria.

Repairs were made to the external walls and ceiling of the private High School area. The entire John Mackintosh Hall Theatre roof, which had not been maintained for years, has now been replaced. The theatre now boasts a number of new technical upgrades, from new PA systems to lighting equipment.

1110 The refurbishment of the theatre with new flooring and seats is currently taking place and should be complete by the end of summer. The library at the Mackintosh Hall has seen 400 new

books added to the collection. The library catalogue is now digital and can be accessed online. This went live on 3rd March 2016. Book titles, authors, and subjects can be searched remotely; members can also reserve books or extend the lending period online.

1115 Additional furniture for the children's section has also been purchased. The Central Hall and the Retreat Centre have also seen much-needed refurbishment carried out.

GCS have also taken on the responsibility of maintaining many premises held by cultural, sporting, charitable associations and clubs. This never used to happen with the previous administration – in fact what we had when we came into Government in 2011 was a claim from a tenant for damages caused by water penetration from windows and the roof. This made us survey all the premises owned by the Government and during the last five years many of these premises have now been upgraded and therefore this should now avoid any future claims.

1120 I would like to thank the staff at GCS especially Mrs Angela Bula who is very proactive in maintaining the Mackintosh Hall, Central Hall and all the other venues I have mentioned.

1125 Mr Speaker, after hearing the Hon. Member, Mr Clinton, reference the GMF: it is disappointing to hear from him that the GSD Opposition will not be accepting the invitation of the Government as organisers to attend the Music Festival this year. He will nonetheless receive an invitation, as will all Members of the House. We encourage them to attend, as they have every other year. (**A Member:** Hear, hear.) (*Banging on desks*) Indeed, I am surprised that he is
1130 so entirely calling into question the judgement of his colleagues who have previously attended.

A Member: And boogied with all of us!

A Member: I agree!

1135

Hon. S E Linares: You see, Mr Speaker, it is completely wrong to think that attending the Music Festival is a jolly of any sort for us on this side of the House. Perhaps he could ask Mr Feetham, Mr Hammond, Mr Reyes and Mr Bossino, to name but a few of the Members of the Opposition who accepted the invitation and attended.

1140 For Ministers, the Music Festival gives us, the Government, more work to do. We spend the time there dealing with problems which are ... You might laugh, but it is true and if you want you can come to the actual festival and follow me all day, and 24 hours and 48 hours that I am organising it. Follow me, and you will realise, and then you will laugh.

1145 I spend a couple of days organising and not having a grand time. The other Ministers spend their time attending to those who are attending from outside Gibraltar, in particular the gaming and financial services companies that bring their international boards to Gibraltar for the weekend and who want to have their many issues dealt with and resolved on the day – this actually happens. It is called networking, problem-solving and engaging with the people who bring business to Gibraltar. We also spend considerable time with MPs and MEPs, briefing them
1150 on all aspects of the Gibraltar issue, and building relationships.

The GMF is many positive things for many people, Mr Speaker, but for the Ministers, it is hard work; he can ask those of his colleagues who have been there with us. It is also true that, for the Opposition, it is none of these things. They come and enjoy themselves and they do not solve problems for the Festival, and they do not solve problem for the gaming and financial services' company boards, and they do not meet the international boards of these companies
1155 either. For the Opposition, Mr Speaker, it is really a jolly. It is. (*Interjections*) It is really not work for them k at all.

1160 Mr Speaker, he would certainly be right to say that attendance at the GMF is a jolly for the Opposition. It is, in fact, one of the examples of the way that they "stick the nose in the trough" – (*Laughter, interjections and banging on desks*) as his former colleague in the executive of the GSD, Mr Bossino, used to describe the cocktail parties to which they always were so keen to be invited.

1165 In addition, Mr Speaker, I have to tell him that the approach to innovation he has shown suggests that, under the GSD Government in which he would be the Minister for Public Finances, there would be *no* Music Festival.

A Member: Within budget!

1170 **Hon. S E Linares:** There will be no Music Festival: what a pity, because it is not a festival which costs £2.25 million, as he suggested (*Interjection*) I will give him the explanation: it is one of those that also produces much more than that amount, almost for the whole of Gibraltar.

Let us look at the wider picture, which Mr Clinton's myopic view does not reveal, because the Hon. Member, Mr Clinton, is a classic case of knowing what the cost of things are, but not the value. I was told that by the previous Chief Minister when we used to criticise the Theatre Royal.
1175 The only thing there is that there was loads of costs and no value, because we ended up in a hole. (**Several Members:** Hear, hear!) (*Interjections and banging on desks*)

First of all, the worldwide exposure (*Laughter and interjections*) that the Festival buys us is almost incalculable. (*Interjection*) Okay, I will give you the formula ... We appear in massive numbers of media, and the name and the image of Gibraltar goes further and wider as a result
1180 of the GMF – some other festivals, we establish and support – than we could afford to pay for in advertising terms. Surely he recognises that at least. Just that benefit is probably worth close to millions in advertising. I will give him an example later.

From the data obtained from the GMF, we can see that many businesses in our economy benefit massively from this event. The attendance was 14,000 last year. Indeed, last year was
1185 our first two-day festival. We carried 65 acts on four stages.

Online survey data indicated that all Gibraltar hotels were sold out for three days – that is unusual and is of course hugely important. That is not a week when we usually fill up the hotels. All flights were sold over the weekend; again, not something that has happened before. From the tickets sales we can see that 85% attended both days. 95% rated the event as 'very good' and 'excellent'.
1190

As a result, let's see what the Music Festival does for Gibraltar. (**A Member:** Hear, hear.) There were 4,500 tickets sold overseas. So, that means that we received at least that number of visitors in Gibraltar for those events, and that does not include the people from outside who have tickets purchased for them by those inside Gibraltar, like the members of the boards or the directors of gaming companies who I referred to before and who hold their international board meetings in Gibraltar for that weekend. That is a huge bonus in numbers of people visiting and spending in Gibraltar.
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According to UK music reports of 2014, the overseas music tourist spends an average of £750 per event, with hotel accommodation, food and drink, merchandise and other costs thrown in.
1200 This means that during the GMF weekend, people from overseas spent approximately £3.4 million, although this is obviously not direct income for the Government.

Spending inside the GMF facilities has also been analysed and I want the Hon. Member to see the benefit of this information that I have been provided by the organisers. The catering industry benefitted to the tune of £154,000; local charities and clubs by £32,000. In addition, of course,
1205 Calpe House had an additional £23,270 from the Government's donation of the amount left over from the bracelets, bringing the total to £55,000 of benefit for charities. Arts and crafts and merchandise: £26,000. One thousand people were employed on the two days of the GMF and benefitted and also enjoyed the event. This is what spending on these events means to the whole of the economy.

1210 Events-led tourism works and, as we get more and more data, we can see that this policy is beneficial. We work closely with the Tourist Board to market events abroad. An extra benefit is that people from overseas attend the event, and most of the time come to Gibraltar on other occasions.

1215 In addition, Mr Speaker, the fact is that, even more directly we will see how we directly
recover the £2.25 million. You see, Mr Speaker, we do things with a business plan and our
business plan sets out how we are going to not just recover these costs, but also cover future
costs directly, and not just indirectly. The cost to the taxpayer this year is the high point of costs
in an eight-year plan which will see us take the Festival into profit in the seventh year, from
which we start to repay the expenditure to the taxpayer. It would not be easy to predict the
1220 period of repayment, but it is not unfair to imagine payment in the following two to three years.

That is long-term planning, Mr Speaker, which will see us recover not just the £2.25 million,
but all of the monies invested by the taxpayer so far in respect of this event – but this is direct
recovery.

1225 For all the reasons I have already talked about, it is clear that indirect recovery starts almost
immediately, given the huge numbers of visitors and their average expenditure which I have
already mentioned. So, Mr Speaker, instead of just looking at the headline-grabbing cost, which
he has done today, the House will want to understand the massive wider benefits to Gibraltar
and the way in which we have designed the Festival in order to ensure that it pays for itself in
the context of the business plan we have established.

1230 Indeed, with potential sponsorship and other deals in the offing, it could be that the Festival
pays for itself sooner and adds even greater benefit to Gibraltar plc. This is the case with the
best chess open tournament in the world that attracted 450 participants; the Gibraltar Darts
Trophy, where over 100 participants, officials, attended and over 200 spectators to see the
tournament.

1235 The same can be said with: the World Music Festival; the International Song Festival; the
Backgammon Festival; the Gibraltar Snooker Championship; the Ten Pin Bowling Tournament;
the Literary Festival; the Jazz Festival and many more. But the value is not only that people come
to enjoy these events, the real value is that most, if not all, of these events are televised,
streamed, or programmes are transmitted worldwide. This exposes many different facets of
1240 Gibraltar.

I will give the House an example of the value of these events in relation to coverage these
have attracted. The Snooker Championship was televised live on Eurosport 1 and Eurosport 2 for
22 hours of broadcast and had a total reach of 13.6 million viewers throughout the whole of
Europe. The Chess Festival was reported on the main Indian and Chinese channels, as well as
1245 CCTV sport channels, as well as on South African Channel. The exposure for Gibraltar, since they
reported by going to different locations ... And it is important that the programmes that they do,
they do go to different locations in Gibraltar and they film the whole of the Rock. They are
actually doing a tourist programme for us. It is incalculable, the value that has. The exposure to
Gibraltar plc is worth more than placing an advert on those channels, which could cost
1250 approximately £20,000 for a 30-second slot.

Mr Speaker, I now move on to sport. The Bayside Sports Complex construction and
refurbishment project was completed and inaugurated in March 2016.

It consisted of a number of areas:

1255 (1) The construction of an extension of the Boat House Centre to provide a dedicated single-
storey facility for stay and play activities for those with additional needs. The facility was
designed with the needs of specific users in mind and followed a period of consultation with
some of the agencies who would eventually utilise the facility. The extension incorporates soft
wall finishes, adaptive lighting and dedicated sanitary facilities incorporating proper equipment.
The facility was handed over in time to be used for the 2015 Summer Sports Stay and Play
1260 Programme during which it was considered a welcome addition to the general facilities at the
Bayside Sports Complex. Since then, the extension has been used regularly by the Guardian
Angel Foundation. I am glad to say that they have also used it, and they are using it currently
very successfully this year as well.

1265 (2) The relocation of the existing lecture rooms and the cafeteria in the administration
building: these works have seen the relocation of the existing ground floor lecture rooms to the

first floor together with the additional boardroom. On the ground floor a basic shell was prepared for use as a cafeteria, which was subsequently fitted out by the end user. The lecture rooms/boardroom were completed by the end of summer 2015 and since then have been used by the GSLA and other entities.

1270 (3) The provision of eight, first floor rooms in the hockey stands by inserting mezzanines in
the excessive headroom of the existing shower and sanitary facilities to make the best use of the
structure: the works included the erection of an external steel walkway/stairs, and fitted with a
lift for all areas to be accessible. These works have required phased working as only two sanitary
1275 facilities could be handed over to the contractor at any one given time. The Government
welcomes that some association headquarters that were housed at the Retrenchment Block,
well away from the place where they operate, have now moved to these excellent facilities.
They can now administer their sports where they actually practice the sport.

(4) The construction of an Annex to the original Victoria Stadium main building as well as
some minor conversions to this. The Annex comprises three floors in which one can find – and I
1280 will not go through the whole list, but they are things like: players' first aid room; doping control
facility; medic centre; TV studio; spectator bar facilities; VIP lounge; TV camera platform;
additional needs viewing platform and many other things.

I welcome everyone to go and see it whenever they wish to. I am sure the staff there will
allow you to go and see it.

1285 The Annex, now known as the Elizabeth II Sports Annex, was originally conceived as a means
of bringing the stadium's facilities up to a standard to permit specific categories of international
football matches to be played. In order to achieve this, the UEFA Stadium Infrastructure
Regulations were used as a basis for the design brief. However, it is clear that the facility can be
used by any other sporting organisation requiring access to such facilities. The building is used
1290 several times a week by recreational groups and was recently the organisational centre for the
EuroHockey Challenge III women's competition, which was hosted locally. In addition, both the
basketball and rugby fraternities will make use of the facility when hosting international events
in the very near future.

In all areas of works, use has been made of LED lighting, much of which is controlled by
1295 occupancy sensors, which will result in a more efficient use of energy. Apart from this, the
Annex's main water and heating system incorporates heat pumps to minimise energy waste. All
areas of the works have been designed with open access for all, and to facilitate this lifts have
been installed.

Mr Speaker, this is the important aspect of these four projects: these four projects were
1300 costed before it was commissioned to the tune of £4.4 million and I am glad to report to this
House – although I have overspent on one, I have underspent on the other, or at least in this
case – that the overall cost of the four projects has been approximately £2.9 million. So,
basically, £1.5 million below what was originally costed.

The main contractor has been Sharrock Shand Ltd and the project manager, contract
1305 administration and clerk of works' roles being provided by the Government's Technical Services
Department.

Mr Speaker, I now move on to the swimming pool. The major refurbishment works to the
renamed 'Accessibility Swimming Pool' started 26th May 2015 and were completed early into
the summer season the same year.

1310 The project included the installation of a photovoltaic system and dehumidifier that replaced
the previous system which was getting close to a complete shut down and was beyond
economical repair. It had not received any sort of maintenance since the facilities were
inaugurated. The new system has now: improved air quality and water temperature
maintenance that were bordering on inadequate; provided savings in terms of water, electricity
1315 and fuel; conformed to HMGoG environmental policies regarding carbon footprints, etc.;;
reduced overall maintenance costs.

In addition, the interior of the facility underwent a much need refurbishment that included: essential attention to poolside issues; refurbishing of changing rooms; reconfiguration of easy access/family changing rooms ; replacement of flooring; general facelift.

1320 Mr Speaker, the overall cost of the project was £510,000. However, a third of the costs regarding the air treatment system will be recovered through the European Regional Development Fund: approximately £120,000 – long live the European Union! The project was approved by the EU Secretariat with all applications submitted accordingly. The savings we are currently making will pay for this project within three to four years.

1325 This project is in addition to the one undertaken in the 25 metre pool the previous year and thus has resulted in both pools receiving attention during this administration's terms in office.

1330 Mr Speaker, as far as energy saving is concerned, the combined projects have resulted in the production of 368.54 MWh of renewable energy as of 10th May 2016. In addition, the fact that there is no longer a need for diesel fuel as the main source of fuel has also resulted in a reduction of consumption from 36,189 litres of fuel – which in money value was £26,118.11 for the financial year 2013-14 – to 4,000 litres – which is £3572.50 in the financial year 2014-15 – to 1,000 litres – which is £596 in this financial year, 2015/2016. Basically, from paying £26,118 every year in fuel, we are now paying £595 and that £595 is a necessity because it is a backup, just in case the photovoltaic system stops.

1335 Phase two of the Bathing Pavilion project was completed and the facility opened to the general public during the summer months. The issues regarding the main pools were solved with the main contractors absorbing the costs, and this resulted in an improved swimming environment with positive feedback received from end users.

1340 Improvements have now been made in terms of accessibility to the sea and pools and the general public will now be able to enjoy a fantastic facility year on year.

1345 HM Government of Gibraltar, via the GSLA, have been involved with the following events, both at a logistical and financial level: the UEFA Champions League, which we had yesterday and for a couple of days; the FIBA Europe Under 18 C Division Championships Men and Women; UEFA Futsal Champions Cup Preliminary Rounds; World Snooker; Netball U17; PDC Darts; Tradewise Gibraltar Chess, which we support and sponsor; the 6th International Junior Chess Festival; the first International Backgammon Tournament – and that seems to be going very, very successfully this year and we are oversubscribed to that one; the Gibraltar Squash Open; the Gibraltar International Regatta; the Ten Pin Bowling; International Dog Shows – which I am sure the Hon. Member is usually involved in and likes and gets a lot of help from the GSLA; Harley Davidson's Rally; Classic Vehicle Rally; and the Gibraltar Amateur Boxing Association bout.

1350 Mr Speaker, I would like to take this opportunity to congratulate the Gibraltar Amateur Boxing Association for hosting a very successful boxing bout locally and for their win at this event.

1355 In addition, the GSLA offers logistical support and facilities for local sports associations to complete their league and development programmes throughout the year as well as assisting schools in fulfilling their PE curriculum, both at the Bayside Sports Centre and at the GSLA swimming pool complex.

1360 Mr Speaker, the Summer Sports and Leisure Programme 2015 proved to be a great success again. The programme ran for six weeks and recorded almost 9,000 attendances throughout its different elements. The Sports Train offered sporting and leadership activities every weekday morning for seven-year-olds to 14-year-olds. The Children's Corner offered appropriate sport and recreational activities three days per week for five-year-olds and six-year-olds.

1365 The Stay and Play programme offered sport, physical, arts and leisure activities for children with special needs, five days per week. The new purpose-built facility added to the already excellent quality of delivery and made the surroundings much more comfortable for both children and leaders.

The GSLA also worked in partnership with the sports associations – 25 in total – to provide a wide range of sports coaching courses and taster sessions for children and young people. Other

1370 positive leisure providers, including HM Government's Department of Culture and Heritage, the RGP, St John Ambulance and ChildLine, also offered the children and young people a diverse range of activities including arts and crafts.

Mr Speaker, the Government, via the Gibraltar Sports Advisory Council (GSAC), administered by the GSLA, has continued to support local athletes and teams when travelling abroad to official international competitions.

1375 The GSLA advocates the fact that it is not purely enough to be a member of the international governing bodies, but local entities need to be active within them via participation at events and competitions or by participation at congresses or annual general meetings.

1380 The sports development initiatives have been supported with a view to increasing the qualifications, knowledge base and experiences of local coaches and administrators, whilst some funding has also been provided to associations in order for them to effect vital improvements and adjustments to their facilities.

1385 In addition, some individuals have presented cases for financial support under the 'elite athlete' categories and have been supported, after applications were considered on a case by case basis. Total funding provided under sports grants – and that includes all of them – is £507,979.83.

1390 GSLA/GSAC have also been working on revamping and updating the criteria booklet that regulates the funding highlighted above. Particular emphasis has been made on minimum requirements in terms of background checks and police vetting with regard to those who work with young children. A GSLA representative sits on the Child Protection Committee and lessons learned, as well as policies implemented in this forum, are being adapted to the sporting association and how they are regulated.

1395 Mr Speaker, the Island Games: as the Ministry for Sports and the GSLA have worked alongside the Gibraltar Island Games Association (GIGA) and supported them in submitting Gibraltar's successful application to host the NatWest Island Games in 2019, an opportunity presented itself after the initial host Island pulled out of organising the Games and GIGA, together with HMGoG, decided to submit the application. Since then an organising committee has been formed, subsequent contracts have been signed, and the wheels are firmly set in motion.

1400 GIGA and the GSLA have already hosted two visits from the International Island Games Association (IIGA). The initial familiarisation visit was followed by the IIGA Executive Committee's decision to hold their Annual General Meeting in Gibraltar and subsequently they visited the proposed venues. The feedback received was very positive and the Executive Committee was particularly impressed with how advanced the local associations are with their respective preparations at this early stage and how enthusiastic Gibraltar in general felt about the Games.

1405 The GSLA and GIGA have already met all the associations who have submitted their initial requirements and work has started in earnest regarding this aspect of the Games. Both the CEO of the GSLA and the chairperson of GIGA returned from Gotland where the 2017 Island Games will be held and gave presentations to all islands on the Gibraltar Games. They are both confident and satisfied that our facilities and preparation are well scheduled and that we will be able to produce an excellent Games.

1410 Mr Speaker, all in all, this last financial year 2015-16, in relation to the portfolios that I am responsible for, the Government has been able to fulfil manifesto commitments. It has also achieved many goals in many of the areas that I have highlighted. For this, I would like to thank all the staff of the Ministries, companies, authorities and offices that I am responsible for; especially, I would like to thank the staff at the City Hall who go beyond the call of duty and, at times, against all odds.

1420 Mr Speaker, the organisation, attendance at different events and running Ministries such as Sport, Culture, Heritage and Youth is not just a nine to five job but one which heart and soul must be devoted to. The management and staff have succeeded with flying colours.

Thank you, Mr Speaker. *(Banging on desks)*

1425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to allow those who supported the arrival in Gibraltar of Lord Monckton some years ago, and to demonstrate how right the Hon. the Minister for the Environment has always been about climate change, can I invite the House now to recess for a short comfort break and for people to see how badly it is raining in summer. I propose that we should be back very quickly indeed, in five to 10 minutes.

1430 **Mr Speaker:** We will have a short recess and then I will call upon the Hon. Mr Edwin Reyes and then the Hon. Marlene Hassan, whereupon the House will adjourn until tomorrow for the Chief Minister to exercise his right to reply. I think it is going to be tomorrow at about midday.

1435 **Hon. Chief Minister:** Mr Speaker, yes that is my intention. I was going to give Hon. Members an indication of that.

Mr Speaker: The Chief Minister will make his right to reply, then we return at about 3.30 p.m. in the afternoon when we go into committee to consider the estimates in detail. I think Hon. Members are now in a position to make their plans for today and tomorrow.

1440 **Hon. Chief Minister:** And for committee, if only Mr Clinton and Mr Bossano want to turn up, I think that is perfectly all right with all of us, Mr Speaker. *(Laughter)*

The House recessed at 12.01 p.m. and resumed its sitting at 12.13 p.m.

**Appropriation Bill 2016 –
For Second Reading –
Debate continued**

1445 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, sir, this happens to be the ninth consecutive year I address this House in what is commonly known as the Budget Session and in all these nine addresses, on whatever side of the House I may be sat in any particular year, my contributions under the section dedicated to sports and leisure have always been the most enjoyable at a personal level.

1450 As a firm believer in unity, where possible, for the benefit of Gibraltar's greater interest I am glad to see that Government continues with the long existing policy to assist all local sporting bodies to overcome any foreign government's politically inspired attempts to block our membership of international sporting bodies. In the past we have rejoiced together in respect of landmark achievements and this year we have yet another memorable achievement to rejoice about – namely the acceptance of the Gibraltar Football Association as a full member of FIFA. *(Banging on desks)*

1455 The policy of assisting Sporting Associations will certainly continue to receive the Opposition's wholehearted support and I sincerely wish other sporting associations, such as Rugby and even the long standing claim by the local branch of the IOC, amongst others, all the very best in their continuing battles to obtain their respective international memberships which are rightfully and legally theirs.

1460 The GSD Opposition wishes the Gibraltar Football Association all the very best in building its own stadium, especially now that they are moving to an alternative site, rather than Europa Point. I am particularly pleased to hear of the latest developments which indicate that the GFA will receive substantial funding which covers almost the entirety of the costs of building a new

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1470 UEFA, hopefully Category 3 stadium. However, irrespective of what the GFA does or does not
build, the GSD believes there is a need for more and better football facilities to be provided for
the benefit of our community at large and across all age groups. I believe Members of this House
should work together in order to provide our football fraternity with adequate facilities in which
1475 to train and from where a serious programme of youth development may take place. It breaks
my heart to see so many football teams having to go into Spain in order to be able to train and
prepare for local and international matches. Indeed, more facilities are very much needed if we
are to continue to aspire to progressing to the second rounds and beyond of the qualification
stages in respect of European Champions League and the Europa League in order to proudly
face, at home, legendary teams such as the Scottish champions, Celtic, and the likes from other
countries.

Another summer sports season is already upon us, Mr Speaker, but as yet the Gibraltar
Cricket Association still has no permanent home of its own and has to make do by playing its
competitions in the limited and inadequate facilities available at Europa Point.

1480 I urge Government to be ever mindful that a level playing field must be provided for all
sporting associations, more so as it is a commitment of theirs, and I quote:

to monitor the demand for additional facilities for all sports to ensure that existing facilities are developed further
in line with our community's needs.

The Government is committed through its election promises to provide renewed facilities for
the playing, teaching and development of both cricket and rugby at the Europa Point area but,
unfortunately, these have still not materialised despite having been first promised through their
1485 2011 elections list of commitments.

Gibraltar is now set to host the Small Island Games once again in 2019 and we look forward
to the announcements of refurbishments and/or construction of new facilities which will serve
our local community beyond these 2019 games.

1490 Mr Speaker, although I am a firm believer that individual Sports Governing Bodies should be
allowed to manage their own affairs with no political interference, I once again urge the Minister
for Sports, in his capacity especially as Chairman of the Sports and Leisure Authority, to take a
particular interest to ensure that publicly owned facilities are used in a fair manner for the
benefit of all sports lovers. There is both a duty and moral obligation for the Sports Authority to
ensure that, where desired by a club or individual citizen membership in their relevant local
1495 sports governing body is open to all in an equal and fair manner. I offer myself to sit down and
discuss with the Minister for Sports possible avenues which may be looked into in order to set
up a special independent body tasked with matters pertaining to and requiring arbitration
especially related to local sporting issues. Some disputes have been dragging on for a bit too
long now and I am hopeful that by working together with all affected parties, solutions can and
1500 should be found.

Mr Speaker, through the collective celebration of social events, participating Gibraltarians
contribute towards reinforcing our identity, culture and history as a people and a community.
Both the performing and fine arts fraternities always prove themselves to be very proactive
within their own specialised areas and I take this opportunity to congratulate all the groups and
1505 individuals who have done Gibraltar extremely proud through their international participations
and, especially, those numerous cases where we have obtained top grades. It is always a
personal and collective pleasure to be able to say how proud we are of the international
achievements of our fellow Gibraltarians.

1510 During their last term in office, Government purchased both the Queen's Cinema and
Queen's Hotel sites for the development of a theatre and related activities. However, there are
somewhat mixed feelings among the local community as to how these sites will be developed
and at what cost. Given that Government has pledged to make the old Queen's Cinema complex

a venue for touring productions, I sincerely hope that the development of these sites will be real value for money and that our local culture, in the widest sense of the words, is enhanced.

1515 If Government can afford to set aside in the Estimates £1,500,000, which actually resulted last year in a gross expenditure of £3,600,000 or net of £2.25 million to subsidise a mega-concert, then surely our local performers and entertainers are entitled to ask for a theatre which is fit for purpose so that they too may offer live entertainment and in turn develop their own skills. (*Banging on desks*)

1520 Mr Speaker, in respect of repairs and refurbishments of Government rental homes, what has happened over the last few years is that an ever increasing number of home refurbishments are contracted out to private companies without going through any type of clear, transparent and accountable tender processes. Unfortunately feedback from tenants who have had remedial works carried out in their homes indicate that, at times, the quality of the finished product
1525 leaves somewhat to be desired.

The Ombudsman, in his latest Annual Report, says that his Office continues to face difficulties when seeking information related to works which have been passed by the Housing Authority on to the Gibraltar General Construction Company Ltd (GGCC), which is the entity tasked with repairs to rental housing stock.

1530 When the works will be undertaken or, indeed, who will carry out the works, is not information available to the Ombudsman directly from GGCC. Sadly the Ombudsman had to add in his report:

It is very often a very tedious and difficult exercise to obtain information via the Housing Manager who in turn finds it difficult to obtain information or indeed even replies from GGCC. The above situation prevents the Ombudsman from providing a good, efficient service to those who have lodged a complaint, which in general are in respect of delays as to when works will be undertaken.

Mr Speaker, these difficulties which the Ombudsman highlights in his report coincide with the feedback I receive when I meet tenants during clinics held with them. Indeed I have even
1535 had cases where tenants claim to be holding back payment of rents as a sign of protest in respect of the length of time they have been waiting for essential repairs to be carried out in their rental home.

Mr Speaker, the Opposition agrees with Government that action needed to be taken in order to ensure that all tenants are up to date with any rents due. Indeed, I go further and congratulate the Minister for Housing for having commenced a programme of agreements which will ensure all debtors are up to date with their rents within a given period of time.
1540 However, it is also equally just that tenants should have remedial works carried out to an acceptable standard and within a reasonable period of time. If the Ombudsman finds it difficult to get answers to his questions, one can only imagine what it is like for a tenant trying to obtain any answers directly by themselves.
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Mr Speaker, both the Ombudsman and Action for Housing have expressed concern at the manner in which housing allocations are currently being made. Government had a 2011 Manifesto commitment to provide a home to everyone on the Housing Waiting List, and on the pre-list, as at 9th December 2011, all of that will happen before the next general election. The
1550 pledge was to eliminate the then existing waiting list and pre-list. Unfortunately this target was not met by the time the 2015 elections came along and from the statistics available in January 2016 there were still 413 applicants awaiting the allocation of a home, despite their names having been on the waiting lists prior to 9th December 2011.

The Government's website that gives a breakdown with statistics by Department was last
1555 updated in February with figures in respect of Housing matters, and that is with figures as at the end of January 2016. This information is therefore now six months old and I would welcome an update of statistics which I know and hope Mr Speaker would also appreciate, as it curtails Questions which I otherwise have to pose at Question Times and these questions are purely of a statistical nature.

1560 Based on the January 2016 figures, there were 1,566 applicants on the waiting list with an additional 520 on the pre-list, giving us a grand total of 2,086 applicants.

As at January 2016, the Minister for Housing informed this House that she expected 21 rental homes to be returned to the Housing Authority upon completion of all co-ownership homes. Given the extremely small number of rental homes which will become available for applicants who cannot afford to purchase co-ownership homes, I recommend that Government takes a serious look at constructing new rental homes, not just for senior citizens, worthy as these are, but we must address the housing needs of all current applicants.

1570 The Opposition had suggested prior to the last general elections that rents in respect of rental homes should be means-tested. Therefore, we note and welcome the views expressed by the Ombudsman that there should be periodical reviews of rental charges. Not everyone is able to obtain a mortgage and therefore purchase their own home through the co-ownership scheme. However, there are many who do and yet they opt out of purchasing knowing that their monthly rents are a pittance when compared to the level of their personal wages.

1575 Mr Speaker, many new home owners have expressed to me their sense of unfairness as the only way in which they could obtain a home in keeping with their family requirements was through co-ownership and this in turn brings with it new financial burdens. Their claim of unfairness is that not only do they now have a mortgage to pay of say around £200 a month for an average two-bedroom home, but they additionally have to pay community fees or service charges which at current rates are even greater than what a Government rental tenant pays in rent per month. Indeed Mr Speaker, there are more and more people asking why should the taxpayer have to subsidise rental homes, given that the annual cost of expenditure for upkeep of these homes is greater than the sum received from rents due.

1580 Mr Speaker, I would be grateful if Government were able to explain why despite the recently announced increases in House Rents, of which no notice of intention to introduce increases was given at election time, the estimated revenue under this heading for 2016-17 is now estimated to be, from a net of £2.9 million, to about £300,000 only, therefore less than the forecast for last year. Likewise, Mr Speaker, given that six rental housing estates have been recently mortgaged by Government, can these tenants be enlightened as to whether they remain Government tenants or are their new landlords now a company or some other entity?

1590 Mr Speaker, there are now many Gibraltarians who have very recently moved into their new co-ownership homes. I have had an opportunity to see some of these homes myself and I am happy to report that many aspects of these new constructions are very welcome by their new owners. However, there are some aspects which I would like to bring to Government's attention in the hope that the relevant Minister will be able to look into this further.

1595 Mr Speaker, numerous purchasers at Beach View Terraces have brought to my attention their concerns in respect of the quality and reliability of the lifts installed. A recurring example of why the new lifts already give cause for concern is the unfortunate frequency with which they seem to break down. I sincerely hope that this will be looked into with some priority and that, likewise, proper monitoring during the installation of lifts at the existing rental estates which are currently having refurbishments will be monitored as and when the lifts are being installed.

1600 Before I conclude, Mr Speaker, I would like to ask the Hon. Minister to spare some time and look into the new problems which have arisen within some homes in the estates where refurbishments are presently being undertaken. I have received information from a few tenants, some with photographic evidence, showing that as a result of the cladding and installation of new roofs, they are now suffering from water ingress – an issue which had never occurred in the many years they have been living in the same home. In wishing the Minister all the best and hoping that refurbishment works are completed on time as per the schedules she has already provided through answers to questions I have posed in this House, I appeal to her that new remedial works such as those I have just given examples of are also completed within the same time span as all major works are due to be finished.

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1615 Mr Speaker, the Chief Minister has already in the past given a public indication that he will carry out a reshuffle of ministerial responsibilities at some stage after this year's Budget Session. In anticipation of this I wish to restate – as I have done on previous occasions – to all my colleagues currently sitting on the Government benches, in particular those Ministers whom I will have the honour and privilege to shadow, that I remain always ready to work collegiately within this House when embarking upon reasonable, responsible and, above all, affordable initiatives so that together we improve the quality of life of this precious community of ours. I sincerely hope Government will accept this genuine offer of mine in the spirit it is intended. (**A Member:** Hear, hear.) (*Banging on desks*)

1620 Mr Speaker, I know I repeat myself as in previous years but I cannot sit down without thanking you, the Clerk and all the staff here behind the scenes because although the general public rightly think that parliamentary work is the sessions that they are able to follow through the media, a lot of work does happen on days when there is no official sitting and especially I know the opposition can be a bit of, as they say, a pain in the neck when we come here and keep
1625 on asking the Clerk for information and so on!

So Mr Speaker I thank them all and especially I thank the Clerk for the lovely birthday cakes he shared with all of us yesterday. (*Laughter and banging on desks*)

Several Members: Hear, hear!

1630

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker.

1635 Mr Speaker, before I commence my address, my young son has told me that I must mention today here in Parliament last night's event at our very own Victoria Stadium, where Gibraltar's champions, Lincoln managed to win their first round game and are now drawn against Celtic from Scotland. (**Members:** Hear, hear.) (*Banging on desks*) This is a great achievement and we will now be able to host Scottish fans in what I hope will be a great event for Gibraltar.

1640 Mr Speaker, it seems that since the referendum result, Gibraltar and Scotland seem to be making huge strides together!

1645 Mr Speaker, it is an honour for me to rise to deliver my first budget speech as an Independent Member of Parliament. When I was first sworn in as a Member of this House, I felt not only a strong sense of privilege, but also one of immense responsibility in keeping with this Chamber's long and close association with the history of democracy in Gibraltar. And it is with the confidence of the mandate that was given to me at the last general election that I stand here today, determined as ever to meet these responsibilities as a minority Member, as indeed a number of independent parliamentarians have done before me. It is their passionate commitment to the people of Gibraltar, Mr Speaker, that I hope to reflect in myself. And it is in this spirit that I would like to state my first response to the Government's Budget.

1650 This budget and its reflection Mr Speaker, follows a bruising Brexit campaign and result. The conviction to remain part of the EU unified people of Gibraltar across political party lines, religions and economic sectors – across all traditional divides. Now that the result is known, it is important for Gibraltarians to focus their attention on its growth engine – the economy. It is a time to work with the Government of Gibraltar in its quest to find the best solutions for a post-Brexit Gibraltar. Until the UK itself comes into solid ground though, as to what are the effects and new stipulations of a Brexit within the EU, any pretence that there is a clear policy to offer with regards to Gibraltar's place going forward would be purely speculative.

1660 While talks and ideas for a redefining of the UK is underway, I wish to add that I have no doubt, Mr Speaker, that Gibraltar will continue to thrive and reinvent itself as it has always done, in order to move forward with the times and continue to be a successful economy for generations to come. We have seen this so often in our history and this latest challenge, Mr Speaker, should be no different.

Mr Speaker, I am aware that there will be some overlaps with what has been discussed this week. However, I am hopeful that my unique position will offer a different insight.

1665 I would like to start with the people of Gibraltar, for whom the budget has a direct impact on their daily lives. I am glad to report that my invitation to Gibraltarians to provide me with their issues and queries was heeded by many concerned citizens. As I have committed, I will start with some of the main concerns and comments. I will in due course be sending a letter to the Chief Minister in which I will articulate their suggestions and concerns.

1670 Mr Speaker, over the years, Gibraltar has seen a spate of lifts being installed in many estates around the Rock. I am pleased for those in our community who are now finding mobility easier as a result of these lifts being installed. However, I have been made aware that such facility has not yet been extended to those living in many areas of Gibraltar.

1675 I was recently approached by residents of Sandpits House, where many are struggling up and down flights of steps while they wait for their promise of a lift to be materialised. As people living in these estates get older, Mr Speaker, and their mobility is reduced, so is their independence as a result of this delay, something which is greatly affecting their quality of life. I therefore call on Government Mr Speaker, to honour their manifesto commitments and complete the installation of lifts in estates around Gibraltar as soon as possible and within the 1680 2016-17 financial year.

With regard to the cemetery and its upkeep, Mr Speaker, it has also been brought to my attention that people are aggrieved for the condition in which their beloved friends and relatives are lying to rest. People would like to know whether there is a structured maintenance programme in the cemetery, and although I do note the hon. Member, Minister John Cortes 1685 saying yesterday that there was a plan and structure in hand, I am sorry to say that up until now, the cemetery has not been dealt with by way of priority. Mr Speaker, if we really are the caring society that we purport to be, we need to be reflecting this by restoring dignity to our cemetery, a place of peace, solace and comfort, as a matter of urgency.

Mr Speaker, I will, if I may, now touch upon the topic of tax arrears, which is another issue 1690 that is distressing many in our community, some of those who are in arrears, others whose employers are not paying their taxes for them, and a few who are waiting for their rebates.

On 7th June, arrears stood at £28.71 million or 4.86% of Government estimated revenue for 2016-17. Since first being published for 2011, the tax arrears for individuals have remained fairly static. The breakdown only provides for four categories – namely, individuals, self-employed, 1695 companies, and PAYE – and does not afford an understanding of the aged debtors. In order to gain a sense of how realistic the expectation would be for Government to be able to collect the tax arrears, I call on the Government to release a schedule of aged debtors.

From my dealings with many employees, I have a particular concern with PAYE, which is withholding tax on income payments to employees. As I understand, PAYE means that the tax 1700 was deducted by the employer from its employee's salary, but not paid over to Government. This means that on 31st March, 51.72% of tax arrears were attributable to companies. Is there a relation between the company tax arrears and PAYE arrears? As I understand it, the collection of PAYE is a function that Government transfers to companies, so companies act as their agents. So if the companies do not pay over the PAYE, they have effectively taken money due to 1705 Government. What sanctions does Government impose on these companies in these instances?

And Mr Speaker, during last week's Chief Minister's Questions and Answers, the hon. Member, the Chief Minister, alerted this House to the fact that £30 million is owed in refunds to the taxpayer. Various people over the last few months had approached me with a view to voicing their need to receive these rebates, something I believed would be forthcoming in the 1710 not-too-distant future, or that it would not be an issue, Mr Speaker.

However, after noting that Government have only budgeted £10 million for the current financial year to allocate for rebates, I have to ask, on what basis can this be justified? Last year £7 million was budgeted for rebate but even then, £560,000 was held back from being returned. 'Is this the new and improved rebate mechanism put in place?', I ask.

1715 There is no excuse for the delay in refunding people's monies, Mr Speaker, especially when the sums are extortionate and in effect being borrowed by Government but not included as part of its Public Debt – a Public Debt figure which would have broken the legal limit approved by this House had it been accounted for. **(Several Members: Hear, hear.)** *(Banging on desks)* *(Interjections)* Mr Speaker, I ask Government, would not rebating at this rate inevitably
1720 compound the rebate amount while people await their money indefinitely?

Mr Speaker, this delay seems unfair on the public and unfair on the staff at the Income Tax Office whose will to solve the problem is stifled due to Government budgetary decisions. And having said that, Mr Speaker, I hope that there is or will be a process in place to ensure that people who are in arrears on their rents do not get a refund, should such be due to them.

1725 On the subject of rent Mr Speaker, I am pleased to note the increase, however small it may be, on rental charges, but hope that Government has thought through a mechanism to ensure how those in arrears will be complying with such a rise as well as paying those outstanding arrears. I also hope that Government intends to have annual or regular increases on rent, to catch up for the last few decades. At this point, I think it is important to recognise the work of
1730 the Hon. the Minister for Housing for working tirelessly and firmly to decrease Housing arrears, and putting this mechanism into place, something that needed to be done desperately, but a thankless task that is not easy or popular to see through. *(Banging on desks)*

On the subject of arrears, Mr Speaker, we have not even begun to discuss arrears in electricity, which actually stand higher than rental arrears, at over £6.6 million. I call on
1735 Government to explain to this House how it plans to retrieve this other large arrears sum.

As highlighted, Mr Speaker, the general feedback I have been receiving, the feedback that matters, the feedback from our community is, in part, the result of my shout-out through my press release of 6th June stating that it is important that Gibraltarians from all walks of life be involved in, and are able to participate in, the compilation of the Budget.

1740 An interactive budget is more than just cameras and extra parliamentary sessions, Mr Speaker. What is important is that all Gibraltarians should understand the budgetary process and for their voices to be heard. No contribution should ever be trivialised or rejected out of hand. It is with this intent that I am pursuing my call that this, and all future Budgets, honour the trilogy of evaluation – namely transparency, accountability and probity.

1745 In addition, the Budget should be acknowledged as a living document. It should be a process rather than an event. Following its delivery, we should not need to wait 12 months for another. I am proposing and calling for the introduction of a biennial Budget review – a six-month review, if you will. The United Nations (UN) adopts such a budgetary process – its Office of Programme Planning, Budget and Accounts. This budgetary process allows the UN to implement, monitor,
1750 evaluate and provide feedback on the budget.

Similarly, in the UK, we see each year what is known as an 'Autumn Statement' some time in November or December, when the Chancellor of the Exchequer provides an update on the Government's plans for the economy based on the latest forecasts from the Office for Budget Responsibility. In a world where the only constant is change, we no longer have the luxury to wait 12 months, Mr Speaker. The budgetary process needs to be as resilient as we Gibraltarians
1755 are.

Mr Speaker, while on the subject of planning and interaction, this House will recall the Chief Minister's announcement, on 4th May 2015, of the creation of an Economic Advisory Council, named 'Gibraltar 2025 – In Partnership', to assist the Government in:

its development of a ten-year strategic economic plan in partnership with the private sector and unions.

1760 More than a year has passed since this announcement, so I would ask the Chief Minister to give us an update on the progress of this Council.

Mr Speaker, let me offer my reflection and observation on Gibraltar's tax base. According to the Estimates Book, Import Duties and Income Tax are estimated at £150 million apiece, or

1765 collectively at 50.78% of total revenue. Company Tax is estimated at £105 million, and inclusive of Customs Duty and Income Tax it equates to £405 million or 68.55% of total revenue. Should one add Group Practice Medical Scheme of £25 million, these four taxes equate to 77.35% of total revenue. There are 110 revenue items, so three or 1.82% of the revenue items accounts for 77.35% of total revenue.

1770 It is quite evident, Mr Speaker, that Gibraltar has a very narrow tax base. Though this ought to be of concern to all Gibraltarians, more concerning is that very little is, for instance, known about the nature and extent of the revenue collected by means of Import Duties – the tax on imports.

1775 The most recent import statistics are for 2014, as contained in the Abstract of Statistics 2014, which was released in December 2015. However, there are a few concerns with this dataset. For one, and I quote:

The source data for 2014 is incomplete and will be revised once all the declarations have been processed by HM Customs.

The 2015 dataset is, as yet, not available. The partial dataset then also excludes petroleum products. Why is that?

1780 Then, there are no statistics as to the products being imported, nor of the aggregate Import Duties that they attract. So imports tend to be a closed book, despite, as mentioned by the Chief Minister, a substantial growth in Customs staff. I call on the Government to release more detailed import and export statistics; as do I require clarification as to how, for instance, Government is able to budget for Import Duties when these datasets are not complete.

1785 I must say however, Mr Speaker, it was refreshing to note the Government's removal of Import Duty on nappies, tampons and sanitary towels. While I, and I think I speak for all women in Gibraltar between the ages of 12 and 50, congratulate the Government on their decision to eliminate Import Duty on these essential items, lament the fact that this was necessary in the first place, it is however, comforting to see Mr Speaker, that these vital products are no longer considered luxury items and that they are no longer bunched up in the same category as hair extensions! (*Banging on desks*)

1790 And Mr Speaker, now to Government Companies – wholly owned Government Companies, are normally confined to page X in the published Approved Government of Gibraltar Estimates of Revenue and Expenditure for a given financial year. I call on Government to publish and include additional pages containing the names of all companies in which the Government has an interest, inclusive of minority shareholding, and also for all Commissions and Agencies which it has established. If past practice is anything to go by, then the Estimates Book, will contain the standard diagram of the 'Government Companies (wholly owned)'.

1800 In essence it consists of two holding companies, namely Gibraltar Investment (Holdings) Ltd and Gibraltar International Bank Ltd. The expenditure item 'Contribution to Government-owned companies' accounts for 4.99% of total expenditure, or £25 million. So what do we know about these companies? Where are the revenue and expenditure reflected? Would one not expect it to form part of the Budget? (**A Member:** Hear, hear.) (*Banging on desks*)

1805 Then, do these companies submit annual returns? And if so, to whom? And are these annual returns available for public scrutiny? Do we know if these companies have boards? If so, who are the members of these boards, and what is their remuneration to serve in such capacity?

Also, to who are these board members and companies accountable to, and what is the sanction if they do not fulfil their mandate? These are but some of the questions which I call on Government to clarify and answer in the name of transparency, accountability and probity.

1810 I would have expected, Mr Speaker, that since the Government is allocating expenditure, which is essentially the redirection of revenue to these companies, namely in the figure of £25million, as announced for this year, that these companies should have accountability to this House.

1815 While having just dealt with Government Companies – wholly owned Government Companies, of which this House has at the very best, very little, if any financial information – in the Chief Minister’s address a couple of days ago, yet another has been created, via Gibraltar Capital Assets Ltd, a newly incorporated subsidiary of the Gibraltar Development Corporation.

This latest development – the £300 million new institutional investment – raises many more questions, and a matter which I ask the Government to provide more details on to this House.

1820 Mr Speaker, I would like to clarify exactly what this is, so the man on the street understands in no uncertain terms that when the Hon. the Chief Minister refers to institutional investment of £300 million, what he is in fact referring to, is a long-term loan – additional Government borrowing of £300 million, secured against six Government estates where ordinary people live. In short, a massive mortgage.

1825 So the question is: on what terms has Government entered into an agreement of this magnitude and is it right to commit future generations to such an agreement? I call on the Government to inform this House how the structure works, inclusive of the source of finance for repayments. In addition, I would also ask Government to explain to this House and Gibraltarians what would happen in the event of the Government defaulting on any of its commitments. Because, Mr Speaker, in the trying times facing Gibraltar, people want to and need to feel safe about our nation’s financial arrangements and decisions, so more disclosure on this latest agreement would be very welcome.

1830 I also ask Government to explain to this House and to the people of Gibraltar how it could enter into an agreement without consultation of this House – an agreement that binds Gibraltar for such a long period of time. A period of time that would conceivably extend well beyond this administration’s term of office. Although the Government might profess this to be a better strategy than ‘selling off these prized assets’, Mr Speaker, what it is doing is to borrow against these prized assets, while acting as facilitator employing a wholly owned Government Company, which finances are not reported to, or receiving the scrutiny of this House.

1835 This is why I ask for clarification as to why money needs to be raised, particularly in light of the recurring Budget surpluses that the Government have been recording, and the glowing testimonial given on the performance of the economy.

1840 Mr Speaker, people are asking me why is an amount as large as £300 million required, an amount equivalent to 50.78% of estimated revenue for 2016-17? Is the intention to use the full amount and offset the net public debt at £345 million?

1845 Why is this amount needed, particularly when the Chief Minister, in his address stated that, and I quote, ‘We have the liquidity necessary to deal with the issues that do confront us and we have the liquidity necessary to deal with the issues that could confront us’? I await the Chief Minister’s answers to all these questions.

1850 Mr Speaker, on a personal note, and to recap what I have been doing in the last seven months since being elected to Parliament, I would like to remind you and the House of a few of my endeavours. In Education, I have highlighted concerns by teachers and parents ranging from the practical to logistical, questioning manifesto commitments, which have now turned into consultation exercises like school lunches, to matters of health, safety and security in the new schools that we eagerly await to be built.

1855 Likewise, in Health, I have brought to the House people’s concerns with the current system at the Primary Care Centre and St Bernard’s Hospital, as well as those of doctors, for example, in connection to the upcoming implementation of the General Medical Council, a dynamic and ambitious move, but one that sadly I feel has not been properly thought through and could have negative repercussions for the Health Authority if we do not get it absolutely right.

1860 In general, Mr Speaker, I have spent much of my time talking to, but most importantly listening to, constituents and bringing their causes and concerns to Government, this House and responsible bodies. And on that note, I would like take this opportunity to thank the Minister for Health for collaborating with me when he has been able to do so, for having always given me the time to present to him the cases that I have come across when shadowing the Health portfolio,

1865 and listening to the constituents who have approached me needing action to be taken. To this day, the hon. Member, the Minister for Health has always been willing to help me to help others and I thank him for this. *(Banging on desks)*

I would love to see more cross-party collaboration for the good of the average Gibraltarian who needs to be heard and helped.

1870 In order to, in future, facilitate a more conducive and productive budget deliberation, I call on the Government to next year release the full copy of the Draft Government of Gibraltar Estimates of Revenue and Expenditure 2017-18 to this House, including the information it provides in the copy which is only subsequently published for public consumption.

1875 In accordance with my commitment to foster a culture of an open Budget, I have written to a number of international institutions which champion this cause. I believe that much could be gained from Gibraltar being an active participant in these initiatives.

I call on the Government to adopt a biennial Budget review, making it a living document, increasing transparency and including all Government Companies (wholly owned), joint ventures, agencies and commissions in a single Government Budget, presented to this House.

1880 By way of conclusion Mr Speaker, I want to reiterate, that I still have a responsibility to the electorate to form part of an effective Opposition that is so essential to the democratic process. Mr Speaker, I want to work in partnership with the majority party in Opposition to hold the Government to account, but for me, it is also important to hold the majority Opposition to account when I feel that their sense of perspective may be distorted. **(Several Members: Hear, hear!)** *(Banging on desks)*

1885 And Mr Speaker, I would like to remind the people of Gibraltar that I am here as their voice in Parliament, to represent them and bring their causes and concerns to this House, and to try and help the vulnerable and those in need in any way I can.

1890 I would also thank the Leader of the Opposition, the Chief Minister, the Clerk of the House and his wonderful staff and in particular you, Mr Speaker, for helping me ease into my first year as a parliamentarian. And despite the upheavals between myself and some of my former colleagues, I would like to reassure them that they, as well as all other Members of the House, shall remain on my Christmas card list! *(Laughter and banging on desks)*

1895 And if there are any doubts to my loyalties, Mr Speaker, then I would like to make it clear that my loyalties today, as they have always been, are to democracy, to this House, and to the people of Gibraltar. *(Banging on desks)*

1900 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, after hearing a veteran give his contribution and hearing a maiden give her contribution which sounded very much like a veteran's contribution, I now propose that we adjourn till tomorrow at midday, when I will exercise my right to reply to everybody else.

Mr Speaker: The House will now adjourn till tomorrow at 12 noon.

The House adjourned at 12.57 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

FIRST AFTERNOON SESSION: 12.05 p.m. – 2.55 p.m.

Gibraltar, Friday, 8th July 2016

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The Gibraltar Parliament

The Parliament met at 12.05 p.m.

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

[CLERK TO THE PARLIAMENT: C McDonald *in attendance*]

Order of the Day

Appropriation Bill 2016 – Debate concluded – Second Reading approved

Mr Speaker: I now call the Chief Minister to exercise his right of reply on the Second Reading of the Appropriation Bill.

5 **Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker.

Well, we started on Tuesday to debate this Bill and it is already Friday – doesn't time fly when we are enjoying ourselves!

The Appropriation Bill this year has been held in the context of the result of the Referendum, now exactly two weeks ago since we heard that result – the context of 14 difficult days for Europe; 14 difficult days for the United Kingdom; and, of course, 14 concerning days for Gibraltar. And I think that has had the effect of tempering the way that perhaps this Appropriation debate has gone.

I want to thank hon. Members for that, although I have detected some element of the partisan in some of the things that were said in the context of the debate; and I am afraid I am going to have to respond to those aspects of what was said and ensure that the record is not in any way tarnished by some of the incorrect – and frankly misleading – statements that we have heard in the context of the debate in this House. Mr Speaker, despite the moment in which we live it is important that *Hansard* should not rest with those incorrect references in it.

For most of the Members on the other side, I think this was their first Budget debate and I want to congratulate them all without exception for their maiden speeches. In 2003 all of us who were new on the other side were congratulated – bar one – and that one now replies for the Government. And I was not congratulated, obviously, because the greatest Gibraltarian of all time – as the Hon. the Leader of the Opposition referred to him – did not like to single me out for praise on any occasion.

25 Well, Mr Speaker, I thank him for the whip that made me strong enough to be able to usurp him from his position five years ago.

They made maiden speeches which contained many, many rookie errors and I will have no alternative but to deal with those to correct the record, of course.

30 Mr Speaker, in 2003, the year that I made my maiden address from those benches, I reminded the House that Gladstone had observed in Westminster that:

Finances, as it were, are the stomach of the country, from which all the other organs take their turn.

Well, this is a *very* healthy country indeed, because the finances of this nation are now stronger than ever and anybody who cares to look at the state of our finances and analyse them with a critical eye, but without a view of simply denigrating for the sake of it, would take exactly that view. (**A Member:** Hear, hear.) Thank you!

35 In these difficult, challenging times it is absolutely right that it should be that way; and the management and the stewardship of the economy for the past five years – and of the public finances in particular – is what brings us to that moment.

But, Mr Speaker, the debate about public finances that hon. Members have engaged in, and the way they have addressed issues in the past three days has been little different to the
40 attitude that they took during the general election. And when I say ‘hon. Members’ and then I say ‘Members opposite’, I do not mean to include the Hon. Independent Member whose contribution I will address on its own at the end because she shadows all of our portfolios. I am referring to the current official party of Opposition.

Well, Mr Speaker, that debate that we have had not since last Tuesday and in fact, not since
45 last November – we have had that debate since the Hon. the Leader of the Opposition took the leadership of the Opposition three years ago – is one which is really based on attempting to present an excessively negative view of everything that relates to the public finances of Gibraltar, simply for the purposes of trying to create a fear in people that the Government is somehow not managing finances properly.

And I say, Mr Speaker, in the three years since the Hon. the Leader of the Opposition took
50 over in the leadership of the GSD, because it could not have been thus under the former Leader of the Opposition – the Hon. the Backbencher, as we used to know him, in the days before he left, but the former Chief Minister, the oft-referred to greatest Gibraltarian of all time. The first meeting that we had in this House in 2011 when we came here as fresh-faced Ministers, the lot
55 of us – except for the veteran, Joe Bossano – to take over Government, we heard ... and it is important that Members opposite understand this because this is the political moment which they inherit and which they still live. We heard the Hon. Sir Peter Caruana tell us that under the GSD administration which had ended days before, they were burning so much cash on projects that they were about to hit the ceiling of debt and that he would therefore support a
60 GSLP/Liberal Government bringing a motion to the House to *exceed* the ceiling of debt.

So, Mr Speaker, the prudence that they have pretended to make their own since the Hon. Mr Feetham became the Leader of the Opposition, is one which ill befits them because the inheritance ... what the Hon. the former Deputy Leader of the Opposition used to say with his usual smirk, was ‘the golden legacy of the GSD’ which Mr Llamas has now taken to referring to.

65 The golden legacy of the GSD was an abject surrender, Mr Speaker, on the day of the ceremonial opening – not on the first day for questions, not on the first day for debates, not at the first Appropriation debate ... on the ceremonial opening! We were just giddy with having got into Government and still trying to work out that when they said ‘Chief Minister’ I was the one who had to stand up and not him!

70 He was saying to us, ‘I recognise that the cash burn rate is so high that you are going to exceed the ceiling of debt and so if you bring a resolution I will support it’.

Now, Micawber would be happy to know, Mr Speaker, that in fact what we did was *not*
accept the invitation to breach Gibraltar’s ceiling of debt because of GSD spending – we stopped
it! We stopped every single GSD project until we were able to analyse it, until we were able to
75 make it more affordable, until we were able to ensure that Gibraltar did *not because of the GSD’s administration of our public finances* have to breach the ceiling of debt by Resolution of this House, as the former Chief Minister had invited us to do.

So, Mr Speaker, with that context ... let alone with the ‘doomsday memo’ from Dilip Dayaram, the then Financial Secretary telling us that we were running out of money if we did
80 not bring the motion. With that context, the things that they have said today – and, again, I am talking to the current official party of Opposition, not to the Hon. Lady – ring hollower than the inside of a drum. Because, you see, there was talk of there being elephants in this room.

And I have to take issue with that, Mr Speaker, only in one particular respect: *there is not an elephant in the room*. It is nonsensical for hon. Members who have referred to *an* elephant in the room – there are 10 elephants in this room ... ten elephants that have a memory that will not allow Members opposite to forget what happened when *they* were in charge of the administration of Gibraltar's affairs. Ten long memories that will not allow them to get away with pretending to be prudent when in fact they are spendthrifts – absolute spendthrifts!

I am going to deal with those issues in detail as I go through their contributions – in particular I am going to deal with the issue of Mr Clinton saying, 'Oh, but the interest rates are lower now than they were before!' Well, interest rates may be lower now – and do the analysis that he does not need me to do about LIBOR and the Bank of England rate which he probably understands but which just was not convenient to deal with the reality of in the context of the speech that he wanted to make.

But it is true that today, as six months ago ... and that is probably in six months from now, if the hon. Member went to DFS to buy a sofa he will see from the advertisements on the Sky News channel that you can probably get it with 0% interest if you finance it over 10 months. But that is not what a nation financing over 30 years through its company structure is going to pay – as he well understands, and I will deal with that. And that is why 3.85% was such an excellent deal; but I will deal with that in detail as well, Mr Speaker.

I would prefer, like the CIA – rather than elephants – we do not forget, either the things that they say now or the things that they used to say under the banner of GSD in the past four years, or in the past 16 years.

I want to start, however, with an excellent contribution in one of our daily newspapers by a gentleman by the name of Jonathan Jeffries. I do not know whether hon. Members read his contribution, but it deals with all of the issues that we have been dealing with in this House since the Hon. the Leader of the Opposition took over the current official Opposition party, the GSD, and his attempts to taunt us, or trick us, into the road of austerity versus the road that we have pursued – which is of investment in Gibraltar, investment in public services and ensuring that our community prospers as it has.

And it starts like this, Mr Speaker, from yesterday ... I am sure hon. Members might have read the first few sentences and decided it was not worth going on. But I think it is worth them hearing it from me because it is important that this letter be on *Hansard*, Mr Speaker.

'Spending Taxpayers' Money' is the heading of the letter:

Dear Editor, I wish to congratulate the Government of Gibraltar on their budget for Brexit.

I guess they stopped there, Mr Speaker, but it gets very good.

The Government of Gibraltar has made a sound judgement in not following the United Kingdom in its austerity plan. I do have concerns about the economic judgements made by the Opposition in particular in relation to the Government of Gibraltar debt.

I wanted to point out by way of this letter to Gibraltarian voters how important it is that a government spends money. In the context of Gibraltar, the Government pays for many things like Mount Alvernia, the Health Service the Victoria Stadium, the buses, schools, housing estates and now, in the summer, the Bathing Pavilions. All these things are important to have.

If the focus was to pay the debt then there would have to be spending cuts. To the ordinary worker or pensioner spending cuts would be like living in America where you have to pay for everything after paying tax, rather than the tax to be used by Governments to pay for things that people need to have fulfilling lives.

Even where the government debt exists governments borrow –

they borrow –

that money at a cheaper interest rate than any citizen going to their local bank and asking for a loan or having to use a credit card There are no fixed dates or times that the debt would have to be paid. Plus a government can have the ability to increase taxes, let's say on businesses or tourists to keep finances stable –

But if you do it really well, like we do, Mr Speaker, you can actually bring taxes and costs down.

If you look at the UK the experiment that is austerity has been sold to the working class as the need to cut government debt in a hurry or else you mortgage the country's future. So for the last six years the Government has been cutting its spending and therefore increasing the university tuition fees that now students have to pay to the tune of £9,000 per year of study. You now have to pay for your own social care or sell your house to pay for it. Children's centres providing subsidised childcare have closed. Libraries and swimming pools have also been closed.

Or in the case of my college, making half of the teaching staff redundant, closing down courses and not having had a pay rise for 6 years.

Contrast that to the position in Gibraltar where we have just opened our University.

Yet taxpayers are paying more tax than ever and there has been no cut to the UK Government debt – in fact, it has increased.

As spending cuts have led to job cuts in the public sector and less investment in the private, so less tax is paid. No wonder the cuts in Government spending have been linked to a rise in mental health problems as people feel they have to pay more for things with less money.

So I would argue to voters in Gibraltar to be cautious about *el cuento* of the Government debt. Those that argue about the debts, to my mind, only want to cut services to allow business to pay even less tax. Good government means investment and spending in areas where the people and the economy need it the most – that is why workers pay taxes, because it makes common sense and you get something back for it.

So enjoy your publicly taxpayer-funded summer nights in the knowledge you do get something back.

120 I am tempted to sit down and commend the Bill to the House! And, in addition, in Gibraltar in the context of business costs going *down*, as well.

I know they would wish me to do that, Mr Speaker, for then I would not spend the time I am required to spend, correcting everything they said which just has absolutely no basis in fact. They should be so lucky, Mr Speaker.

125 Well, in fact, I am not surprised that 'Danny and the Yes Men' do not want to come to the Music Festival this year – they are not an act that we were thinking of signing anyway, and they do not want to hear what I have to say!

And, seeing the new configuration I am almost reminded of that great old poem The Charge of the Light Brigade ... 'Yes man to right of him, yes man to left of him, volleyed and thundered' – as he is about to be.

130 Although I must just pause to give an element of advice to hon. Members opposite because, having sat in this place since 2003 – but by no measure the longest-sitting Member of this House because I am of course of the age that is the pedigree of Joe Bossano – he has been here for 44 years, I have been *alive* for 44 years so I am very far from being able to claim to be the longest-sitting person here.

135 I have been here for all the time that the Hon. the Leader of the Opposition has been here, because he arrived in 2007 and I had arrived in 2003. And I have to tell him ... and, in fact, I have to tell Mr Hammond and Mr Phillips, that if they go back and look at the photographs at the people who have sat next to Mr Feetham since he arrived here in 2007, have not come back after the following election because they have either been left out by the voter – (*Interjection*) on both sides – or left out by the executive committee that might have selected them. So, their seating arrangement is a matter entirely for them, but I think this is more than a coincidence, Mr Speaker. (*Interjections*)

Maybe Mr Phillips should have stayed in the 'rocket chair' at the end of the row.

145 Mr Speaker, I am going to go through doing the analysis – whether 'Danny and the Yes Men' want me to or not – and I am going to ensure that I deal with the issues of Government rents, etc. which they have raised as well. They seem to want us to increase rent further and we have been very careful with how we have increased rents because we do not want to increase rents in the way that is punitive, for the reasons that Mr Phillips suggested that it should be punitive. I detected in him a desire to see people pay more. And that should never be the attitude of people in administration.

150 In my initial address on the Appropriation Bill I said that in Gibraltar's history we are now in the time for extraordinary people to do extraordinary things. I heard very little from the official

Opposition that suggested that they were ready to be our partners in doing so; but they did say some extraordinarily contradictory things in the context of the six speeches that they delivered.

155 They demonstrated, Mr Speaker, that there was very little vision in their approach. There was very little positive critique – there was much more petty critique. And at a time when we do need substantive understanding of what is going on and substantive contribution from different sides of the House.

160 This is a time of great challenge. Indeed there is a fantastic quote from Lenin, who is not somebody who one should often quote, (*Interjections*) although the Hon. Mr Bossano might take issue with that! But Lenin is reputed once to have said, no doubt in his mother tongue:

There are decades where nothing happens; and there are weeks when decades happen.

And I would say that in the past two weeks, decades have happened.

165 Mr Speaker, the Hon. the Leader of the Opposition started his contribution in effect trying to say that whatever we might have done in this Budget – because I think he had written the contribution before he knew what I was going to say, so he tried to do it in the way that it might have gone in either direction. In effect he was laying for us a Gordian knot: whether I raised costs or whether I lowered costs in Gibraltar, of doing business or of taxation, I would be doing the bad thing.

170 Of course, if I *raised* costs then his attack would be because the cost of business was going up or because taxation was going up, etc.; and if I lowered costs then I was being Father Christmas and I was not responsible. And it would have been a good tactic if it was not so transparent.

But it is not a question, when you are dealing with a sophisticated community like the one we are dealing with, of being either Father Christmas or Scrooge. It is not that easy; it is about careful calibration.

175 But he never gives us the advantage of saying that we have got it right. Although I did hear him through gritted teeth congratulate us for this year's economic performance. Through gritted teeth, Mr Speaker, of course because you see he congratulates us for this year's economic performance which demonstrates that three years of his performance as Leader of the Opposition has been based on a false prospectus – namely, that the economy was going to fail the minute that the election happened.

180 So, what does he do? He recognises that he has been wrong for three years, but he says, 'Ah but this year I am going to be right' and comes back to his mantra of us not being prudent and we are about to run out of money, etc. – which is what he has been saying since he took over as Leader of the Opposition.

185 I am not going to tell him the story of Santa Claus because he does not want to be known as the person who wanted to kill Father Christmas; I am not going to tell him the Christmas Carol, because I am sure that the only person who will feel characterised by Scrooge on that side is not him. But I am going to tell him the story about 'The Boy Who Cried Wolf', because he has been crying Wolf now for so many years – that we are going to run out of money – that he has now recognised through gritted teeth that the performance of the economy for the year ended 31st March 2016 was magnificent.

190 So, Mr Speaker, he has to accept that at least in financial years 2012-2013, 2013-2014, 2014-2015, 2015-2016 he got it wrong!

195 He could say, 'Well, chaps, you know what? We have no choice now we have stuck our colours to the mast. Even a clock that is broken is right at least twice a day – let's stick with it.'

Well, on this issue, Mr Speaker, the clock will never be right, not even once.

200 Last year, to set things in context – and I will come back to this issue later on – the whole debate was not just about, 'You are about to bankrupt Gibraltar' ... and if hon. Members who were not here last year, who would be excused for not listening into a whole budget debate if they were busy doing other things, would care to go back and read the *Hansards*, they will see that the accusation was that we were about to bankrupt Gibraltar. The hon. Members felt that

they were a moment away from a general election and scaring people was the only way that they thought they could produce the votes. A bit like *Monsters University*.

205 I do not know whether Members opposite have seen that fantastic cartoon where the monsters scare children and the children's screams are what produces the energy and, in that way, the monsters power their university.

Well, the scaring did not work. But they were not just scaring on the financial side; last year we had probably the most acrimonious debate in respect of the Appropriation Bill, over the issue of whether or not we were going to blow up Gibraltar!

210 The CIA on this side, the elephants in the room, have not forgotten that last year the accusation was dual – it was two-pronged. On the one hand we were going to bankrupt Gibraltar and this would be seen the minute the election was over, and the real numbers were there; on the other hand, we were going to blow up ... And in one of the moments of greatest gusto that I saw the Hon. the Leader of the Opposition on television pointing to one of his charts with the
215 Hon. the Air Traffic Controller – they were pointing to most of the north-western side of Gibraltar being potentially erased from the map!

Now, I know that they lost the election ... well, they did not just lose it, they *thumped* it – they really did lose it. But we have not heard them say for one moment after the election, that there was a danger with the LNG plant and the power station. And I commend them for it, Mr
220 Speaker, because it demonstrates that they knew they were wrong throughout the process and they were *only saying that*.

Obviously, if it were true that we were going to blow up Gibraltar the debate is not wiped clean even if seven out of 10 Gibraltarians rejected them ... (**A Member:** Hear, hear.) I would have expected that there would have been at least six members of the Opposition chained to
225 the gates of the new power station works.

Mr Speaker, I must tell him that if I, or John Cortes or any other Member of this side of the House believed that they in Government were about to install a plant that was going to potentially blow up all of the north-west face of Gibraltar – whether I was elected or even if I was completely rejected and left out of the three who fall off from the 10 being elected ... If I
230 was Kim Karnani, Robert Vasquez or Chris White that would not matter to me, I would still chain myself to the gates to stop the irresponsibility of bringing to Gibraltar a plant that would blow up the north-west face.

And so, Mr Speaker, they either have not got the courage of their convictions or they never had their convictions – which they have demonstrated because eight months after the election
235 all of those complaints were dropped. But I will come back to that later.

The Hon. the Leader of the Opposition wanted in his address to ... well, I assume he had written, at least he must have had the prescience to write both, but I do not know with him ... to either have written the speech that said, 'I can't believe Mr Picardo is going to tell us he is going to deliver on his manifesto commitments' – if I had recommitted myself to them. Or the other
240 one, which said, 'I can't believe Mr Picardo has said he will *not* deliver on his manifesto commitments – he should never have won the election because he never intended to do that.'

I would have thought he would have written *both*. He delivered the first one, 'I can't believe Mr Picardo is going to commit himself to deliver his manifesto commitments, he should not have done so, this is a time to pause and reflect.'

245 Although I see that he adopted my language of 'pause and reflect' in an interview with the fantastic *Daily Panorama* that I have read today – or at least, Mr Speaker that is what the interview says, unless he is suggesting that the *Panorama* reporter has put the words in his mouth. Something which I am sure would not be the case.

Of course the problem he had was that I said we would be looking constantly at the performance of the economy to determine what we could and could not do. But I think that
250 what will become evident during the course of my response is that the five others did not get the memo.

255 You see, whereas Mr Feetham went on television to say, 'I cannot believe that the Chief Minister has recommitted himself to his manifesto commitments' – we were then treated to five speeches telling us that it was dreadful that we had not yet completed on our manifesto commitments ... never mind the fact that we are only six months in!

260 So I think, Mr Speaker, what must have happened at GSD Headquarters ... and it appears that there is an element of disarray there since the Hon. Lady left their ranks. She must have given them the speech saying, 'Budget debate: push them on their manifesto commitments'. Then gone home, taken better advice and been told, 'Prepare to tell him that he should *not* comply with his manifesto commitments' – and then he forgot to press 'send' on the email telling the others to change tack.

265 As we will see, this has been a Budget debate where the Opposition contributions have been inherently contradictory *inter se* – and in a way that I have never seen in this House. I have never seen it in this House. But that is what happens, Mr Speaker, if there is not leadership.

270 The Hon. the Leader of the Opposition said, 'You must stop the projects; you must not deliver the manifesto commitment'. John Cortes said, 'Look, we have got an issue with the sewage waste treatment plant; it is an easy obligation. Where are we? There is Brexit – pause.' Daniel Feetham said, 'That is not enough. It is not enough to just pause in respect of the waste treatment plant.'

He said this, Mr Speaker – on page 9:

Indeed the GSLP/Liberal Government has announced that the sewage plant will be put on ice in order to save funds in the event of a full Brexit, while adopting measures that would encourage start-ups on the Rock with more than five employees. But the GSD Leader feels more needs to be done.

275 More needs to be done! So it is not enough that we have put the sewage treatment plant on ice and, yet, the hon. the air traffic controller, Mr Hammond, chastised Mr Cortes in respect of the sewage treatment plant. He said it should be done; it should be a 'priority' for this term!

Mr Speaker, I cannot understand how it is that two people who sit so close to each other do not co-ordinate their messages. I just cannot understand it.

280 Then, Mr Speaker, we were subject to complaints about dog parks, and 'build more for rental', and 'build more rental for the elderly', and 'where is the theatre?' Well, Mr Speaker, it seems to me, that the Hon. the Leader of the Opposition Party is not singing from the same hymn sheet as him. We are not doing enough, according to him, for putting the sewage treatment plant on ice, and yet the others are saying that we are not doing enough because we must complete on all of these commitments.

285 Well, look, Mr Speaker, it is a very good thing, too, that one of the first things I do when I get into the office every morning is to read *Panorama*. It is a very good thing too, because I am going to come back to some of the things that the hon. Gentleman has said there, to demonstrate just how out of kilter most of their contributions are with each other.

290 In any event, Mr Speaker, didn't they all hear the consistent message from this side of the house, which is that we are constantly reviewing where we are going because of Brexit – not for any other reason. But it is really, Mr Speaker, quite something to see how not joined-up the other side is and how, from contributor to contributor, the goal posts were moving.

295 Mr Speaker, it was clear to me in the context of the contribution of the Hon. the Leader of the Opposition that he does not understand how the commutation of pensions work. He was suggesting that, if we were not doing that or we were doing it out of Government, somehow better results would be yielded. Well, Mr Speaker, he is wrong on both fronts. First of all, the Government still pays Credit Finance Company Limited the amount of the pensions that we would have paid the individuals who commuted, so there is no flattering of the Government accounts in that respect. The pensions are paid, even in the context of a pensioner who has commuted, in the same way as they would have if that person had not commuted, but, of course, they are paid by assignment of the pensioner to Credit Finance. We gave him a copy of the assignment, Mr Speaker.

300

Now, Mr Speaker, we had a very detailed debate about how, nonetheless, the accounts might be flattered in the small amount, in the context or not of having to pay the 25% commutations that might have been paid before. He can go back and read them, Mr Speaker, because we had a sensible, reasonable, careful debate, where we dealt with every penny of this issue in the presence then of the Hon. the former Chief Minister, who understood the issue and then accepted how it was being done. It was a sensible debate; in the same way as we had a sensible debate with the then backbencher in the context of LNG and risk and de-risking: a very sensible debate, which I think really helped people to understand what the issues were and clarified the cloud that the hon. Members were creating.

Mr Speaker, he also does not seem to understand how the Community Care issue worked and why it is that an amount is given by the Government in respect to Community Care, and why the surplus is also given so that the total amount given this year is in the context of £27 million. But, of course, if Community Care were not able, in any particular year, to pay the Household Cost Allowance and the Government were not able to contribute, it would have the kitty from which to pay. That is why, in part, it is a Rainy Day Fund.

But, then, Mr Speaker, he got up to reply to me – and I think the only bit that he had done on his feet, although I was not sure because I thought he was reading it – was his analysis of Community Care as not being a rainy day fund. Here, again, Mr Speaker, his analysis lacks complete consistency.

I will explain to him in ways that he can understand why that is the case. You see, he says, ‘I am with Bossano.’ Bossano created the rainy day funds and before 1996 and that is what he would have wanted to be doing now, and, ‘Look at you. You are throwing money away.’ Because, of course, ‘Community Care is not a rainy day fund; it is not accessible.’ Well, Mr Speaker, doesn’t he know that the rainy day funds that he prays in aid, in the context of this argument ... I know that he does not like to listen to me, Mr Speaker, but this is actually an important thing for him to understand – it is up to him. What he prays in aid, in the context of this analysis are the rainy day funds Joe Bossano created before 1996, which were Community Care; which were the Reserve of the Savings Bank. Of course, Mr Speaker, there was then the Sinking Fund for payment of debt, which the GSD got rid of, and, Mr Speaker, even before the Hon. Mr Clinton – who I will come to in a moment – was in this House to recommend that we should bring it back, we brought it back.

Mr Speaker, these were all the rainy day funds which the Hon. the Leader of the Opposition nostalgically refers to. They are the rainy day funds which are back today and the ones that he today says, ‘Well, those are not really rainy funds; they are the ones that Bossano had, not the ones that Picardo has today.’ Well, look, Picardo has the benefit of having – thank God – someone like Bossano next to him to help to understand these issues and to create the same rainy day funds. So, if he wants to enjoy the benefit of some lustre, pre-1996, of the GSLP, he has to realise it is the same lustre that shines on us today as GSLP/Liberals in respect of those sinking funds.

Mr Speaker, the £300 million loan, as they like to call it; mortgage, as they like to call it; financing arrangement, which they now appear to be gearing up to say is the worst thing since sliced bread. Well, look, they really must think that the people of Gibraltar are very stupid indeed – and I have so much more respect for voters, Mr Speaker. I think that voters here have the most analytical eye in Western Europe, if not the world. They see through things, Mr Speaker. They see through gas clouds that ignite and blow up north western districts; they see through threats of bankruptcy; and they see through the idea that this is the worst possible thing. Because you see, Mr Speaker, when you say to people. ‘You see, we have created this financing arrangement; we have raised this money as an alternative to selling it off’ – I come to the detail of it in a minute when I answer Mr Clinton. I will give the detail, Mr Speaker, that I gave already, which is more detail than we would ever have got from the other side. Because the stated policy of Members opposite, when they were here ... I know they do not like history, but I will come to that too, Mr Speaker. There are two of them who were here; two of them who

were doing these things from these benches. They were going to sell off every single post-war apartment that the Government of Gibraltar had, including the ones at Mid Harbours! Every single one! They were going to alienate ownership of those assets from the people of Gibraltar and lose them forever.

The hon. Members have to realise that they have said something that I am going to remind them of for the next three and a half years, mercilessly, if they think that this is going to be an issue they can use in the General Election. They said we are 'mortgaging the family silver'. Well, Mr Speaker, you know what we are doing if that were the case – which it is not – at least we are keeping the family silver; they were going to sell the family silver for less and never have recourse to it again, whilst we get to keep the family silver in the family. Everybody in the family gets to use it and we have raised cash for the community against it: a much, much better deal by any analysis.

When they come to analyse the transaction, Mr Speaker, they need to remember and set it in the context that GSD policy was to sell those assets, but whilst retaining a responsibility to maintain them for 12 years. Mr Speaker, I do not think Micawber would have thought much of that, when he was pulling out his pencil to do his *cuenta la vieja*.

Then, Mr Speaker, I heard the Hon. the Leader of the Opposition say that we had 'distorted the accounts of the Government'. He used the words 'he distorted the accounts'. Well, look, Mr Speaker, I try my best to do my job to the best of my ability, every minute of the waking day: my job as Chief Minister; my job as Minister for Finance; my job in respect of all my ministerial responsibilities; and my job as a son, husband and father. The one thing he knows, Mr Speaker, that I would never claim to be is the person that puts together the Estimates' Book. I do not put together the Estimates' Book, Mr Speaker. When Joe Bossano was Minister for Finance as Chief Minister, he did not put together the Estimates' Book, Mr Speaker.

We have professionals in the Ministry of Finance and in the Treasury who put together the Estimates' Book; who give us the numbers. So, Mr Speaker, any allegation that there has been a distortion of the numbers in this Book is a gross allegation against the professionalism of the professional men and women who work for the Government and these Departments. Mr Speaker, on their behalf, I deprecate it. They do not deserve it.

Mr Speaker, in the context of what he was going on to talk about, he has to remember as well, in terms of the cost of doing business in Gibraltar, that one of his electoral commitments was that he was going to means test the subsidy in respect of electricity and water. I mean, it went down like a lead balloon when he explained it as one of his key commitments at the GFSB question and answer session, because, of course, the cost of doing business in Gibraltar would go prohibitively through the roof. At the moment, before the new LNG facility is completed, with the systems we have in place today, if you were not to subsidise electricity and water, we would probably lose most of the international businesses that we have if we charged the full amount of producing electricity and water, in the context of the oil prices as they have been and the hedge that we have, Mr Speaker. So, when he wants to talk about the cost of doing business in Gibraltar, Mr Speaker, I will mercilessly remind him of what businesses would be paying in respect of electricity and water if he had put a foot into Convent Place – other than by invitation of mine, for a few moments, and in a very ring-fenced capacity, Mr Speaker.

Mr Speaker, the hon. Gentleman has given this interview to *Panorama* where he has set out, in some way, what the message that he wants his Budget address to be remembered for. He said, talking about the increase of GDP to debt ratio under the law:

Bermuda did the same thing and is now in huge financial difficulties,

The Hon. Mr Clinton called the Bermudians, 'our cousins', Mr Speaker. Well, Mr Feetham said this:

... wishing that borrowing would have remained at 80% of current income as has been the case on the Rock before the coalition came into office.

400 Mr Speaker, current income is £590 million. Eighty per cent of that is £456 million. Net debt is £350 million. We are well below 80% of current recurrent revenue, with the coalition in power, Mr Speaker.

I gave him a calculator, Mr Speaker, in an act of supreme political generosity two years ago. He needs to use it more often, because you see, Mr Speaker, with income at closer to £450
405 million and net debt at £520 million, in net debt terms, when we took over, the GSD were nowhere near 80%. Even if you went to gross debt at £447 million, Mr Speaker, £456 million is above that. So we are well below, in gross and net debt terms, 80% of current income.

Mr Speaker, the readers of *Panorama* will not be pleased to have seen the attempt to have the wool pulled over their eyes in this way. I am sure they, with their calculators, will be able to
410 do the maths more easily than he has.

But, Mr Speaker:

It is not true that the GSD is advocating austerity measures which would lead Gibraltar into a recession.

I do not know where he gets that from. It is clear that he wants to cut spending and not deliver manifesto commitments. That is austerity, Mr Speaker, full stop. He has been advocating it before Brexit, before the Conservative Party won the 2010 General Election in the United Kingdom and the referendum was even on the cards. He has been advocating austerity since he became Leader of the Party: totally contrary to the position that the former Chief Minister was advocating.

‘We do not have information about the £400 million in Community Care, now in Credit Finance.’ ‘Now, they do not want to tell us more about the £300 million that they borrowed.’ Mr
415 Speaker, the hon. Gentleman needs to understand that he, as Leader of the Party, went to a general election arguing *inter alia* bankruptcy explosions, raising the debt limit to £900 million – or is it that they have forgotten? Their argument in the general election was, ‘We will take the debt up to £900 million and then we will pay it down from there. £900 million: look, I do not see what it is that now makes them concerned, because in the context of the information that we have given them of what Credit Finance does – which we do not have to give them, but we give
420 them – they can see how much Credit Finance is loaning to third parties, which is part of creating income; it is a business. They can see how much it is doing in respect of commutations – and I will deal with more detail in respect of commutations in a moment, answering Mr Clinton. They can see that, Mr Speaker.

They can see what our plans are to reduce debt; they can see what the ratios are. But, Mr
425 Speaker, look, to say in November 2015, ‘We are going to put the public debt of Gibraltar up to £900 million’ and to now say, ‘There is a problem with the borrowing’ is really to be inherently self-contradictory.

Mr Clinton said that he did not want to talk about the past. Well, Mr Speaker, it is really quite
430 incredible that a shadow spokesperson for heritage does not want to talk about the past. (*Laughter*) It really is quite incredible, Mr Speaker, but I am not surprised. I am not surprised that this is happening on the Opposition benches, because he is sitting next to Mr Phillips who said in a fit of pique during Question Time, ‘We are not here to defend anyone’s record. The past is the past’. Well, look, the attitude that history will teach us nothing is very dangerous indeed and it is not one that the community is going to accept being duped into by Members opposite. Of
435 course, what they have disclosed by saying that is that they realise that their political past, the GSD’s political past – for which they will remain answerable in this House, whilst they have Mr Feetham here, Mr Reyes here, who are vestiges of the GSD in Government and therefore answerable for its actions – is littered with so many political problems that they would rather not be referred to it.

Well, look, Mr Speaker, he wants to talk about preserving things today, but he does not want
440 to talk about the GSD’s destruction of the Rosia Tanks. Mr Speaker, I suppose that this is the sort of thing that the Hon. the Leader of the Opposition used to say to me was a ‘Clinton moment’

because he spent much of the last four years saying to me, 'The Hon. the Chief Minister is having a Clinton moment'. Well, Mr Speaker, I suppose this is what he meant. I could not quite work out what it was, Mr Speaker.

Mr Speaker, we have disclosed Credit Finance's balance sheet and we will disclose it monthly. In respect of the £300 million financing, we have disclosed that in a speech by the Chief Minister at the first sitting at Parliament after the transaction was closed. Both of them are things that the law does not require us to disclose, but we are disclosing them. So where is the secrecy and the lack of transparency that hon. Members want to talk about?

What about the things that we found out, Mr Speaker, only after we were elected? What about those? What about the way that the balance sheets were dressed up before 2011? These Micawber principles, Mr Speaker, brought me in mind of that fantastic novel of Dickens and how Micawber used to work alongside Uriah Heep, with his 'cloying humility', his 'insincerity' and snake-like attitude. *(Laughter)* That is the description of the character, Mr Speaker, in the novel. *(Laughter)*

Mr Speaker, all of that was said by the Hon. Mr Clinton in the context – he said – of surpluses getting smaller as we go forward. Mr Speaker, look, he of all people, I thought, understood the Book, but he clearly does not. He of all people could have looked back and seen that this was the third highest surplus in history. To try to denigrate it and to say, 'You still owe this; you still owe that' – I will go through the detail of that in a minute – is absolutely ridiculous, because that happens in every single year and would have extinguished most, if not all, of the GSD's surpluses.

So, Mr Speaker, we have to compare like with like, and the third highest surplus in our history, especially at this moment, is something to crow about, not something to denigrate. I will show him, as well, why it is not dressed up, because we are not in Bermuda: a people who I am warm to, who I respect and who I work with. They have their own issues and they have their own advantages, and we have our own issues and our own advantages, and all comparisons are odious.

Mr Speaker, to get up in this House and to say, 'How can we trust that these budget surpluses are not actually hidden deficits?' 'Are the surpluses real?' 'Do they reflect all Government expenditure?' 'Have payments been slowed down before 31st March?' Mr Speaker, does he think that the job of Chief Minister entails receiving the bills, checking them through, stamping them as correct and saying, 'Pay not before 1st April so that my surplus is dressed up'? Does he really think that? Does he think that the people who work for the Government of Gibraltar, aka, the people who work for Gibraltar, would allow a Chief Minister – this one, or the one before, or the one before the one before, or the one before the one before the one before – to dress up the accounts and to pretend that a deficit is a surplus? That is the worst sort of insult that he knows he can level to people who work with numbers and who do their job so seriously. It is beneath him, Mr Speaker. I am sure that next year, when he comes back to this debate, at last with an element of experience – with one year's experience – in dealing with public finances ... He can have all the experience that he likes as an accountant and as a banker, but he has zero experience of public finance and he will not level that sort of accusation against the people who do such fantastic, hard work for Gibraltar, Mr Speaker – incredible.

Then, Mr Speaker, he wants to put on his hair shirt and talk to us about how we must do less, and there must be less merriment and there must be less spending on frivolities. Well, Mr Speaker, can he send the memo to those who are arguing that we should be spending money on dog parks and on theatres, because it seems to me that they are not really in the same Party. Of all the things that we could be talking about, in the context of Brexit and the challenges our community is facing, the adequacy of dog toilets is not something that I think is top of the agenda – but I will come to that in a few minutes. *(Laughter)*

The hon. Gentleman will say, 'Well, how is the Power Station going to be built? How is it going to be paid for?' Again, the mortal sin of writing ones speech before one hears what is going to be said, because he had already had an explanation in that respect. I guess it is a rookie

495 error in his case. The Hon. the Leader of the Opposition does not have the benefit of being able
to pray in aid the rookie's error, but he does, Mr Speaker, because he is a rookie – a complete
rookie – when it comes to public finances, as he has demonstrated and been at pains to
demonstrate in the way that he addressed this House.

At last the Power Station came up: 'How are we going to deal with it?' Look, he needs to go
500 back and see where we were last year in this debate; the things that were being said in this
House. In fact, Mr Speaker, hon. Members might recall that I had to adjourn the debate of this
House last year. I had to leave here to have a meeting with the directors of Spark in my office. It
was really not the circumstances in which one wanted to be in. We had had repeated,
unexplained power cuts. It is one thing to have a power cut; it is quite another to have an
505 unexplained power cut, Mr Speaker – quite another. I will be as careful as I want to be and not
as careful as you want me to be.

Unexplained power cuts: something that this community had never suffered before and has
not, by the way, ever suffered again once Spark has been out of the equation. I had to adjourn
and go to meet the directors of Spark. One of the professionals who acts for the Government of
510 Gibraltar in this field has said to the Government that we have never in this community, in our
history of power generation, experienced power cuts like the ones that we have experienced
with Spark, which are unexplained. Of course, there have been power cuts before, lengthy ones:
somebody goes through a main cable, you have a power cut, but you know what it is, you fix the
cable. But unexplained power cuts: that had never happened in our history before.

515 I had to go to my office to meet with the directors of Spark. But I want to inform the House,
Mr Speaker, of what happened in the context of that meeting, given that I had to leave the
House to have the meeting. Mr Speaker, I wish I had recorded that meeting, so I could play it
back to hon. Members here. I wish I had recorded it so I could literally press play and let the
people of Gibraltar hear what happened in that meeting.

520 I met with Vladimir Kusch and Damian Carreras at No. 6 Convent Place. I told them that I
could be a very good friend in good times and a very, very bad enemy to have in bad times. I told
them that they had lied to my face about the commissioning of the Lloyds' Register report – they
could have been free to commission whatever report they wanted; it was not a matter for the
Government. It was really quite something to lie to the face of a Chief Minister, especially about
525 something that was becoming so politically relevant and which was at the core of the issues that
were effecting our nation last year.

I told them Mr Carreras, in particular, had sat in my office a week before and told me that he
had not been responsible for the commissioning of the report and that he had not shared it with
the GSD who he had no contact with. I told him, Mr Speaker, that people who lie to my face are
530 people I never trust again – something which I commend to every Member of this House, in the
interest of the people of Gibraltar, because we do very serious business here.

I told them I got up in front of the whole Parliament to suspend the Budget debate –
something that had never happened in the history – to explain to the people of Gibraltar that
the report which had been trafficked by the Opposition as a report which was independent was
535 actually prepared for them, for Spark: one of the parties seeking to have a power station; a
failed bidder in respect of LNG Fuel in Gibraltar and a failed bidder for a power station in
Gibraltar.

I told them, Mr Speaker, I had the Financial Secretary with me, who controls payments; the
Attorney General, who deals with prosecutions; and the people who were in charge of
540 electricity, because I had Manolo Alecio with me, Mr Speaker – that fine man who was in charge
of the GEA as Chief Executive until that time.

I reminded them that section 413 of the Gibraltar Crimes Act makes it an offence, punishable
by five years' imprisonment, to waste or divert electricity – and, by the way, Mr Speaker, I
peppered this with a good element of expletives, as you can imagine.

545 I told them, if it came to my attention in the slightest that any of the power cuts that we had
suffered in Gibraltar over the past four weeks were their responsibility and which had been

brought about intentionally, and if they did not tell me about it, then I would make sure that the Government laid a complaint through the Attorney General to prosecute them to the fullest extent of the law.

550 I said, Mr Speaker, I hoped that they understood that and what that meant. I told them I was looking at them – and Mr Carreras in particular, because he was the one who lied to me. He came to the office of the Chief Minister of Gibraltar – I said to him – and ‘You lied to me, to my face’. Nobody should want to get away with lying to the Chief Minister of Gibraltar, Mr Speaker. Nobody should get away with lying, full stop, but certainly not to the elected representative of
555 the people of Gibraltar.

I told them, if I found out that they had endangered our community and if they had interfered with critical national infrastructure, I would make sure that the Government would be responsible for pursuing them to the full extent of the law.

Hon. Members need to know that if it had not been because the Hon. the Minister with
560 responsibility was particularly careful – with those who advised him at the time who were, as usual, totally responsible – we could have had a power cut during Calentita when a number of thousand people are in Casemates and its environment – with children, with young people, with open fires! But we took care, Mr Speaker, and we put specific generators to power Calentita.

And, lo and behold, Mr Speaker, no sooner had the sun gone down and the dark come, that
565 Casemates lost power from the Spark Plant. They would have endangered, Mr Speaker, hundreds of lives, but we took care to ensure that did not happen.

That is why, Mr Speaker, I was so annoyed on behalf of the people of Gibraltar. I told them that was their last chance to explain the reality of what had happened and that they had better accept that from me, and that I had got confirmation from Lloyds Register of what was
570 happening.

I really wish, Mr Speaker, I had recorded that meeting and was able to play it to the people of Gibraltar.

I told them that they needed to understand, therefore, where we were in respect of that relationship between us and Spark; I wanted them to understand where it was going. I told them
575 I did not want any more electricity from Spark for the people of Gibraltar; I wanted it from Energyst – who are the supplier that provided it – because I no longer trusted them. I told them I would not take £1 million from them if they gave it to me now to maintain that relationship. It was a complete breakdown of trust. It was a relationship that was no longer worth having.

I told them that that breakdown of the relationship between us – which I had expressed to
580 them in trenchant terms with the odd expletive here and there – would be pursued in writing by those Government’s officers or lawyers who were able to pursue it in writing in the appropriate way.

I told them they would never have anything to do with any Government organisation I was involved with, ever – because they needed to understand how I felt, Mr Speaker – and that the
585 people who were responsible for running Gibraltar’s affairs would be in touch with them in respect of the termination of that agreement. Then I told them to get out of my office.

Mr Speaker, since then and since the relationship with Spark was terminated, we have not had any unexplained power cuts in Gibraltar. We have had power cuts: somebody went through a main cable in naval ground which connects north and south, but we knew what it was, Mr
590 Speaker – and so did the poor fellow who went through the cable, as you can imagine – but nothing unexplained.

I am sure, Mr Speaker, that the people of Gibraltar would have felt exactly as I felt in respect of that matter.

Mr Speaker, luckily, we are now in a much happier place. The power station is under
595 construction, Energyst is providing reliable electricity in the context of the period and, if there is a power cut, we know why it is happening and we are able to fix it – although electricity generation is always a complex thing; you can never say it is an exact science and anything could happen at any time.

600 So, the Hon. Mr Clinton, when he raises power and the cost of power in Gibraltar – the Power Station – he needs to put it in context of where we were, not just there but where we were under the GSD, with a power station that was going to cost near £140 million, with a loan that was going to be financed off-balance sheet: that which, to him, seems such an offence and sin. Yet, to the greatest Gibraltarian of all time, their former leader, the man who threw him out of Europort for having the temerity to read the *New People*, the man who when he challenged his reading of the *New People* he had the gumption to walk out on, Mr Speaker – (*Interjection and banging on desks*) because a right riveting read it is. He wanted to do the £140 million off-balance sheet – that was what we were letting ourselves in for – and he supported the GSD in that general election, Mr Speaker.

610 But it was not just a borrowing off-balance sheet, through a Government company; it was a borrowing off-balance sheet with a 5% per annum escalator in the consumers' electricity charge to go up 100% from where we were in 20 years, and 100% increase in the cost of doing business in Gibraltar in terms of your electricity bill; and 100% increase in the cost to every home owner in Gibraltar, Mr Speaker. That is the off-balance sheet transaction that they were planning.

615 That is where we were in respect of power, not where we are today with the £55 million payable over 10 years without the need for a commitment to raise electricity prices from where they are in respect of subsidy, Mr Speaker – which is where they put us.

620 He says that we need bigger rainy day funds than the ones that we have today. Well, look, Mr Speaker, he needs to understand that the rainy day fund today is bigger than the rainy day fund that we inherited. Community Care was at zero; the Savings Bank Reserve was at zero, Mr Speaker; the rainy day fund was not there. We turned up, Mr Speaker, to find, in No. 6 Convent Place, a little piggy that had had a hammer put through it and nothing left, with a memo inside from a very worried Financial Secretary saying, 'The clock is ticking: £28 million left.' That was their rainy day fund. The Hon. the greatest Gibraltarian of all time might as well have left me a note saying, 'Sorry, there is no money left', which at least is what it is reputed one junior Treasury Minister in the last Labour Government did to his successor in the Treasury.

625 But, Mr Speaker, to say that we need a sinking fund to repay debt, etc. and to have missed that we have one is really quite something for somebody who purports to be learned in numbers.

630 I think he was very disappointing, because he just delivered the easy speech, Mr Speaker. He delivered the speech about the hair shirt, about spending less, about austerity: 'I am the one who will save. I am the Scrooge. Look to me in these difficult times.' It was the easy speech, Mr Speaker, and I must say so – because I have known him for many years – that I think he let himself down considerably, especially in the eyes of those in this community who expected him to do a better analysis.

635 Mr Speaker, he asked about the context of the increases in Government rents and how those were related to capital assets. Well, look, Mr Speaker, he needs to understand that minimum wage did not exist in 1984. It was a measure introduced by Mr Bossano: another one of the many prescient things he has done for this community, amongst scholarships, Community Care, etc. – and I will come to that in a minute, Joe will be happy to know.

640 But, the minimum wage, introduced in 1988 by the first GSLP administration: in 1984, with a weekly salary of £126 a week, based on a five-day week and an 8-hour day, the minimum wage was about £3.15 to today's £6.28. That is a 100% increase, let alone the 340% increase in average salaries from £126 to £555.

645 In respect of the people who we are working with in relation to this transaction, I gave him the names: Babson, M&G, for example. M&G is one of the largest financial institutions involved in property financing, in the world. I sometimes see him having lunch with his beige friend, the *Financial Times*, Mr Speaker. Well, look, M&G were on the front page of the *Financial Times* on Wednesday or on Tuesday. Babson is even bigger. It is probably one of the largest property funds in the world, managing approximately £20 billion, if not more.

650 He said, 'You are paying much more than the base rate of the Bank of England of 0.5%. You
 have not done a good deal.' Mr Speaker, I think instead of quoting at us Micawber from David
 Copperfield, he should have quoted to us from a Tale of Two Cities, because they seem to live in
 one and we seem to live in another. They live in the one where we cannot make ends meet and
 any day the whole of it is going to crumble, and we live in the one where we are doing careful
 655 financial planning, getting the best products in for this community, spreading it over the longest
 period of time, which is what he, as a banker, would know is the safest and best thing to do, but
 what he, as a politician, is saying is 'mortgaging generations to the future'.

Mr Speaker, that is, he knows, irresponsible, and I would ask him, if he wants to be taken
 seriously – as he believes he should be because of his experience – then he needs to act
 660 responsibly in the analysis that he does in respect of these issues. Otherwise, Mr Speaker, he is
 not going to be favourably characterised as the man who says, 'Bah humbug' in respect of every
 spending – another Dickensian character who I mentioned earlier.

He can talk about saving and about not spending unnecessarily and the growth of the public
 sector if he moves his chair slightly to his left and sits next to the Hon. Lady, with her, but he
 cannot sit in the same political grouping that went to a general election promising to undo the
 Housing Works Agency Agreement – which had cost millions of pounds in terms of the exit
 packages, based on two out/one in – to say that you were going to bring them all back and
 spend even more millions there, but say that you are looking at how we save pounds, shillings
 and pence. Because you are either saying, 'I did not agree with the Leader and with the Party
 670 manifesto' or 'We were saying it for the sake of saying it, for the sake of trying to dupe them into
 voting for us, but we had no intention, whatsoever, of delivering it.' It is either one or the other,
 Mr Speaker.

It is not unfunny to think of him as Scrooge and to think of the Hon. Leader of the Opposition
 running around after Father Christmas, trying to cut his head off – which is what he himself said
 675 on Newswatch he felt he was doing. Mr Feetham said, 'I feel like I am the man trying to kill
 Father Christmas.' Well, they do not make for a happy Christmas carol, together, Mr Speaker.

Although, Mr Speaker, I must say that his criticisms in respect of the Music Festival were so
 politically naive that I thought that he would have better nous, because, of course, I saw Mr
 Feetham enjoying it last year. I saw and had, as usual, convivial conversations with Mr
 680 Hammond there last year. I think I saw Mr Reyes there last year. Mr Bossino was there with us
 last year. But, if there is one thing which is absolutely true – and the Hon. Mr Linares has already
 said it – we really do spend most of the time working there rather than doing anything else. I
 spend most of my time glad-handing members of international boards of gaming companies and
 financial services companies, talking to them about the Rock; dealing with issues; making notes;
 685 sending emails, etc; let alone the analysis the Hon. Mr Linares did of how the income for
 Gibraltar is generated, what the business plan is like and how we deal with it – and I think some
 potentially even more exciting announcements in respect of that going forward, Mr Speaker –
 but anyway.

It is so easy to put our hair shirt on, Mr Speaker. I wonder if he would assist me with a nod or
 690 shake of his head, but I do recall – of course not on the Government's billet – that I saw him
 there last year. *(Interjection by Mr Speaker)* I am sure you did, Mr Speaker – because I did not
 invite him, that is for sure. *(Laughter)* But he was there, Mr Speaker.

You see, I just wondered, Mr Speaker, whether he was going against the Festival because he
 just does not want to go? The hon. Gentleman and I have known each other for many years and,
 695 perhaps, I ungenerously categorise him as the sort of person who would, on Mastermind,
 choose as a specialist subject, the operas of Wagner, rather than the Spice Girls and any of the
 acts that are coming this year. Although, given that he is the shadow Minister for Heritage,
 perhaps instead of Mastermind I should have said How Much Do You know chaired by the
 legendary Charles Hunt.

700 It may be, Mr Speaker, that he just does not want to come to the Music Festival, he does not
 like the music, but, look, there are other ways of doing that, instead of trying to persuade

everybody not to come, because we have to do a job for Gibraltar. They will be lots of MPs and MEPs there; there will be lots of gaming companies there; lots of insurance companies there, so I think he should reconsider his position. There is a job of work to be done there and I ask him to join us doing that job of work. Because, otherwise, what he is going to demonstrate is that, as we often used to be told by the greatest Gibraltarian of all time, Mr Speaker: that he knows the cost of everything but the value of nothing. Every time we attacked the huge spending that we were seeing from hon. Members, we were told, 'Oh, this lot on the other side, you know the cost of everything, but the value of nothing.'

Mr Speaker, what we are doing is growing Gibraltar and just nitpicking and trying to find issues where there are none is not going to help Gibraltar grow. The hon. Gentleman surely must understand these things. If he were not there and he were here, Mr Speaker, with me, with Joe Bossano, with Albert Mena, with my Ministerial team, he would know – as he knows today, but of course it is not politically expedient to say – that we are doing exactly the right thing. This is how we are building a nation, Mr Speaker.

Mr Speaker, you see, you can be very pennywise and very pound foolish if you are not careful. If he lifts his head from that pennywise and pound-foolish attitude, he will have me as a partner in working together across the floor of the House in issues which are in the interest of the community. But if all he is going to say is, 'What is the exact price of the Panadol that the GHA are purchasing?' he is not, because that is not going to take this community forward.

It is important to understand the price of Panadol; it is important to get Panadol for the best value for the Taxpayer, but there are some very good people who help us with that.

He is not a person who I think is devoid of talent, but I think he has demonstrated that he is devoid of judgement in the way that he has approached this Appropriation debate. He has really taken the attitude of just the bookkeeper, Mr Speaker. I work with many accountants and I work with many bankers and I work with many economists. They are not boring bean counters. Many of them are imaginative and they point to things that can be achieved and how they can be more self-financing. To take the attitude of a junior bookkeeper, Mr Speaker, is not going to assist him in this House and it is not going to assist us to do the job of Government in Opposition that we need to do together.

You see, Mr Speaker, people do not elect bookkeepers; they employ them. People do not need to go to an election to elect a bookkeeper. We need people of vision; people who understand where the community is going; that know how to take that community forward in the context of the public finance available – of course; that know how to save money and not waste money – of course; but it is not a question of electing bookkeepers, Mr Speaker.

You see, if that were the case, Mr Speaker, and if that were what his party stood for, what would he have done as bookkeeper to Peter Caruana's £9 million hole in the ground where the Theatre Royal was? What would he have done? Mr Speaker, as bookkeeper and Minister for Heritage – as I assume he would have been in that Government – I would have thought he would have been completely apoplectic. He destroyed a heritage asset and it cost £9 million for nothing. Those are the labels he carries here: GSD. Those are the labels – forget the Rosia tanks for now – £9 million to destroy a heritage asset like the Theatre Royal.

Or, if he were the junior bookkeeper who was told, 'Here is the project for the new airport: £24 million' and to have the project manager come back with the bill of £84 million. £84 million: a £60 million overspend on one project! How does he feel – as a member of the GSD, who supported the party in the election before and after that debacle – with his bookkeeping view?

Or what about the Leisure Centre? The Leisure Centre cost £9 million just to demolish and prepare walls, Mr Speaker, let alone the additional cost of preparing it – linked to the Midtown, which we will come back to in a minute, because we have had accusations about us selling land, Mr Speaker.

The deal at the Midtown did not go out to tender, by the way. It was just done and the premium was paid by the £10 million of preparation of the Leisure Centre. When are we ever

going to get the £9 million from the Leisure Centre back? Never, but it is a prized asset, an important asset for this community, for families, for leisure.

755 I do not know, Mr Speaker, as bookkeeper for the GSD, how he feels about those things? We will not get anywhere if his attitude is that of a 1970s colonial bookkeeper, Mr Speaker. We will not get anywhere like that. This community has moved on from people who did sums for our colonial masters at the dockyard.

I must say, Mr Speaker, I would have had to go on at greater length in respect of the hon. Gentleman's contribution if it was not for the Hon. Mr Costa's magnificent way of dealing with it.

760 Let me just deal with one particular issue: 'There is very little evidence that you are a transparent Government' he said. Mr Speaker, in the context of the Government's record of which he defended and defends, we are positively see-through. I am going to come to some of the things that we found out when we were elected, Mr Speaker, to demonstrate to him just how see-through we are.

765 The Hon. Mr Clinton has accused us of window dressing, Mr Speaker: window-dressing by curtailing spending before 31st March. Now, if we do not curtail spending, we are spendthrifts; if we curtail spending, we are trying to dress things up or it is austerity. 'You see, they are curtailing spending. It is austerity, which they said they were not going to do.' Mr Speaker, the public can see that it is an obvious silly trap.

770 'Disguised deficits', 'pending bills hanging over', 'has Mr Picardo lost control?' 'He has not a clue' he said. Well, Mr Speaker, doesn't the hon. Gentleman realise that, if I had been doing that, if all of the public officers of Gibraltar who have responsibility for the accounts of Gibraltar were to hock themselves to me and allow me to control them in so perverse a fashion, and if I had done it in the first year and the second year and in the third year and in the fourth year and in the fifth year, where would I be now? I would have had to be retaining five quarters of bills. My payments would be a year and a quarter out.

775 Doesn't he realise, therefore, that it might be, for him, his first Appropriation session of this House; it might be, for him, his first Estimates' Book, but it is our fifth as a Government. If we had been holding bills over, if that was our way of doing things, it would have caught up with us by now. The surpluses would have been affected. Perhaps I might be declaring the third lowest surplus in our history, not the third highest surplus in our history.

780 I could have done the £25 million in another way, but I accepted the advice from the first moment I was elected: to take £25 million out to give to the companies to deal with the issue that we inherited in the companies when we were elected. If I had not taken the £25 million out, I would be declaring the highest surplus in the history of this nation. This is not a disguised deficit, as the hon. Gentleman has purported to suggest.

785 At this careful and difficult time of our history, he comes to this House and, instead of praising the economic performance – which at least the Leader of the Opposition did, through gritted teeth – he says, 'Could this be a disguised deficit?'

790 What signal does he think he is sending the rest of the world about the economic stability of Gibraltar? I think it is obvious, but it is very serious. This is not a dressed-up deficit. This is an understated surplus which, with the £25 million extra, would have been the highest surplus in the history of our nation.

795 In fact, Mr Speaker, I am informed by the Treasury that, prior to the last year end, the Treasury had its usual flurry of payments – not of withheld payments, of payments. This is the argument about whether spending is done in the fourth quarter, which has to be done, or unnecessary spending. They had a flurry of spending, so there was control, but there was the usual flurry of payments that had to be made before the end of the financial year. So it is actually quite the opposite: there is pressure for things to be paid before the end of the financial year, not after the end of the financial year. But then again, there is his inexperience in respect of matters of public finance. He does not understand that, Mr Speaker.

800 I am told, Mr Speaker, that this year they actually, in the Treasury, set a record for payment vouchers processed in the period which was above their monthly target for payments. So, in

805 fact, the payments were not decelerated, payments were accelerated and we are still declared
the third highest surplus in the history of our nation – and without the £25 million, the highest
surplus ever in the history of our nation. So he might care, Mr Speaker, to send the signal to the
world that whether he is GSD or GSLP or Liberal Party, he does not believe that Gibraltar is a
place where the Estimates' Book, where the public finances, are fiddled with in a way that is set
810 to mislead the world and that actually our public finances are sound, Mr Speaker. Because that is
the best message he could send the world today, not the message he purported to send.

Mr Speaker, if any invoice has been held up for payment – and there may be one or two – it
may be because some invoices are challenged. He would not want to us to pay invoices which
are to be challenged if we do not accept an invoice, simply because we should be paying it
815 before the end of the financial year. He should be saying to us, no doubt, 'Of course, if you want
to challenge an invoice, you challenge it in the usual way.'

But I must tell him that in a recent meeting with the executive board of one of the largest
building companies that is building in Gibraltar, which is not a Gibraltarian company, it was put
to me – and it is something of which we should be very proud indeed – that the Government of
820 Gibraltar and the Government of Germany are the only governments that this company deals
with that pay in 30 days, and that everywhere else they find it difficult to get payment in
180 days, even when invoices are accepted. So this community does not have public finances
where deficits may be masqueraded as surpluses – as the hon. Member purported to suggest, to
endanger our economic stability if that analysis were to catch fire. This community has public
825 finances that are able to pay on the nail like only Germany does in respect of the experience of
the board of directors of this particular company: something to be sincerely proud of.

But, if the Financial Secretary or any controlling officer is questioning an invoice, they are
absolutely right to do so and they have my full support in doing so. Anyway, if there are
payments which are going to straddle the financial year; for example, if an invoice comes in late
830 in March, provision is made for it in the accounts in the following year and you can see that, for
example, in the I&DF.

Mr Speaker, I am left with the impression that, in fact, the only thing in the context of the
House's debate on this Bill which is window-dressed was his statement because actually the
numbers demonstrate just how healthy our public finances are.

835 Mr Speaker, we saw earlier in the analysis how the Hon. the Leader of the Opposition has
said that we should be 'pausing and reflecting' – to take my language – in respect of manifesto
commitments; that we should not be 'committing ourselves to deliver', etc; and how others are
saying something different. Well, Mr Speaker, I would have thought one who might putatively,
from the outside at least, be considered to be the top of his team might have got the message
840 right, but Mr Clinton went on to chastise the Hon. Mr Cortes for the failure to finish the
refurbishments at Glacis, Laguna and Moorish Castle – which on Monday they denigrate and on
another day they like. Then to question why the dementia facility, the residential care facility, is
not open; and 'When are we going to do the 1,000 low-cost housing units which are on our
manifesto?' So, which is it? Do you want us to do them? Do you not want us to do them?

845 I really do not understand what side they are on, Mr Speaker, or whether it is, that actually
behind the veil of the GSD there are divisions that one cannot even imagine from the outside,
Mr Speaker. Because certainly they seem to be singing from entirely separate hymn sheets.

The Hon. Mr Clinton then says that we should have a comprehensive debt management plan,
Mr Speaker. It would be very good advice indeed, Mr Speaker, to rationalise our debt and to
850 have a comprehensive debt management plan. Of course, it would be very good advice if it was
not what we already have and if it was not obvious, Mr Speaker. And if it did not suggest, simply
in advising it, that none of the professionals who work with the Government would not already
have in place, with the Government, a comprehensive debt management plan to rationalise
debt.

855 Now, Mr Speaker, he might have thought that, as a GSD supporter, knowing that the GSD got
rid of the Sinking Fund to pay debt. But with an eye to the estimates he should have spotted that

that fund is back, and that we are in the process of rationalising debt and having a comprehensive debt management plan. So I am surprised that he is going to give us advice that is obvious that we are already implementing.

860 Mr Speaker, our job on this side of the House is to govern; to ensure that this community progresses; to ensure that we take this country of ours where it needs to be. There's, Mr Speaker, of course, is to oppose and to question, but it is *not* to throw pebbles and to talk about lack of transparency where there is complete transparency. Where there is, for example, in relation to community care, they have the details; we give them on a monthly basis the
865 numbers, Mr Speaker. We put them online! At the first meeting of this House after we have done the £300 million transaction I have come and talked about it. At the first meeting of this House, where we have done the public power station deal, I have come and talked about it, the £55 million.

870 But what a difference, Mr Speaker, on the question of the £300 million institutional investment in Gibraltar: the approach of Members opposite, with the approach from the market – because in the market, Mr Speaker, all we have had is sincere congratulations for having been able to close such a transaction. It closed in May, the last day of May – to close such a transaction with the Brexit vote looming. That transaction would not happen today! The risk built in to the cost of interest over 30 years would probably be 20 basis points higher now,
875 probably closer to 6%, 5.85%, than 3.85%. That is why if he was not where he is sitting now, if he was where he used to be sitting before he would have picked up the phone, he would have called Albert Mena, he would have called Peter Montegriffo and he would have congratulated them for having done an absolutely excellent deal for the people of Gibraltar. Not mortgaging to future generations, but assuring the future of future generations. Not selling the family silver;
880 *retaining* the family silver.

885 There has to be something wrong, he says, if you can go and borrow £300 million without asking my permission first – that is what he said. It is absolute nonsense, Mr Speaker. He wants to rewrite the Rules of this House. He wants to rewrite the rules of public financing, not just for Gibraltar but for most of Europe. To come here before we do it – look, Mr Speaker, the obligation has always been, in relation to Government financing, to lay on the table after it is done. This is not Government financing; this is Government company financing. There is no obligation. And yet he gets the information, which he has scribbled down dutifully I see – he has even scribbled down the dates on which I told him it had completed, Mr Speaker. He has got the information. So what is he complaining about?

890 He is pretending – as they will spend the next three and a half years – pretending and complaining that there is a lack of transparency, where there is absolute clarity, Mr Speaker, absolute clarity.

895 All of that: the context of the £300 million, the context of the £55 million for the power station, all of that has been brought to the House in the context that I have illustrated at the first meeting of the House after the transactions have completed, Mr Speaker. Is that what they would have done, I ask myself? Of course, the Hon. Mr Clinton does not want to talk about history. Of course Mr Phillips does not want to defend anybody's record, because that is what they did *not* do when they were in Government.

900 We were not told about the deal to mortgage all of the car parks. We were not told about the deal to give 1% of the £1 billion transaction to a particular company that was close to the former administration, in breach of European Union rules. In fact, we were not even told that there was advice that it was in breach of European Union rules. We knew because I had raised in the House that it was. And the Hon. the former Chief Minister did not want to answer.

905 But he asked us, 'why weren't we told that the estates were being sunk into companies?' He suggested that we should have come to the House and defended that and explained to the House why Government estates were being put into companies and at what price had they been put into companies. He wanted to know, had they gone in at nil value?

Mr Speaker, the Government estates have been put into companies at nil value by the GSD, not by us, and we know not because we were told in this House, but because we found out after we were elected, so I can understand why Mr Clinton does not want to defend Mr Feetham's record in Government, why Mr Phillips does not want to defend Mr Reyes's record in Government, because their record in Government is of having done all the things that he condemned during the course of his speech. Having put Government estates into companies, at nil value, without the permission of the House and without informing the House, so neither before it was done to seek consent, neither after to seek to inform. So, Mr Speaker, I hope he knows a little more of what his party was up to and of the initials that he currently defends in this House actually represent.

If he wants to make the points that he is making, shuffle up a little to the left, abandon the initials that represent everything that I have just gone through and stand for the things that he is pretending to stand for. Then, Mr Speaker, when he says that looking at the Bank of England base rate and looking at the 3.85%, nobody can say that the 3.85% is the best rate going, that *really is beneath him*, and he knows exactly why it is, Mr Speaker. Of all the shots he took, that is the cheapest shot he took. He knows it was a cheap shot, he knows it is absurd.

And, Mr Speaker, the hon. gentleman is a chartered accountant. He is a banker with many years' experience. He led one of the top banks in Gibraltar. He knows, Mr Speaker, that the overnight lending rate of the Bank of England is not the lending rate available for 30 years. But if he does not know that, Mr Speaker, and with the Bank of England rate at 0.5% today, as it was when they were last in administration, he needs to explain to me how 3.85 is not a good deal, when all *they* got when they mortgaged the car parks and the Bank of England rate was exactly the same as it is today, 0.5%, they got 7%. **(A Member: Shocking!)**

Well, Mr Speaker, and to think that Mr Feetham calls him 'El Guru!' *(Laughter)* I think I have been unfortunately able to demonstrate that he has gone from high financier to an effective colonial bookkeeper in an hour analysis! *(Laughter)*

And I am not going to give him, Mr Speaker, every balance sheet of every management account of every payment that the Government does at the end of every month, because we are not here to give the management accounts of the Government. No company does that. Mr Speaker, the shareholders in Gibraltar plc, who all of us represent, would not want to see the management accounts of this company, and if we were a company they would not be entitled to see the management account of the company. But nonetheless, we are going to give them a million times more information than they ever gave us when we were in opposition.

Mr Speaker, in respect of Credit Finance, which we have used to invest in Gibraltar, do they not understand when he is criticising the commutations – because he criticised Credit Finance and commutations are part of Credit Finance ...? Do they not understand, Mr Speaker, that the hon. gentleman to my left – and the hon. gentleman to my left is always on the left, he does not change – has created in Credit Finance in respect of the commutations one of the most ingenious and positive things that could have happened to this community?

When the Hon. the former Chief Minister was here he used to say one of the biggest problems that we have in Gibraltar is the pension scheme of the Civil Service. After 16 years in Government, the last thing he did was end it, and there was an element of controversy as whether it should also end for hon. Members opposite, the final salary scheme. But in Credit Finance the Hon. Mr Bossano, through the payment of commutations, has given people what they want in commutation of their pensions, on the formula, I think, of 12. You have seen the documentation.

But, of course, what has he done? Because the Government keeps paying the pension. He has created a new kitty, a new Sinking Fund, because Credit Finance keeps getting that money. But hon. Members opposite just do not understand it. They do not see the ingenuity. They do not see the benefit. I think, from the debate we had, that the Hon. Mr Caruana did see it by the end, absolutely understood it, Mr Speaker. And if they care to please be careful and analyse

things in a way that is appropriate, they too would understand it and understand just how good it is in the context of open-ended final salary schemes and increased life expectancy.

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People can now live 30, 40, 50 years on their Government pension, and yet everybody is very happy to take their commutations, or a large number of them are very happy to take their commutations, invest it for themselves, have control of their own destiny. That gets rid of a huge problem.

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If he is going to tweet instead of listening to me, I will not bother to explain it him, Mr Speaker, because this is really important!

But that gets rid of a huge problem for the Exchequer in a way that is ingenious and creates a long-term benefit for Gibraltar, both for the person taking the commutation and for the Government of Gibraltar. And just for that, Joe Bossano deserves huge recognition except that there is so much more that that brilliant idea, which deals with such a growing problem, would probably be a footnote compared to everything else that we say about him going forward, which is even more deserving of praise.

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Mr Speaker, the fact that Credit Finance has given loans is a very good thing too, because Credit Finance is managing the money in the Savings Bank and we have to pay interest to the depositors in the Savings Bank because not Isola, Licudi, Balban, Bossano, Picardo, Garcia, Costa, Sacramento, Cortes and Linares chose to do so. Because the GSD in 2008, when the Bank of England rate came down said we will pay 5% to our pensioners and lower amounts to others so that we insulate this community from the big problem that there is in the context of saving and income from savings. We would give 5% to our pensioners, which we have honoured, we have lowered the other rates, but we have honoured that.

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Does the hon. gentleman know how that was paid before? I did a very careful analysis of this in my budget speech last year, so he should look at it because I did all the ratios; but it was paid *out of Taxpayers' money*. The Taxpayer literally put his hand in his pocket. You give me £10; I, the Taxpayer, will give you the interest on it, on a Government bond, which we transferred to the Savings Bank. The Taxpayer was paying for that 5% in effect as the cost of borrowing from pensioners on Government bonds.

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The Savings Bank, where we have transferred the product, is going out and trying to make the money work to pay the interest rate. So we always charge more than we pay so that the money works for us. Now, this is an area where he does have experience, this is banking.

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When the concept of banking is born, when the Medicis and the Rothschilds start the business, they do not take money for people and put it in a safe. They take money from Peter to lend to Paul at a fee. Look, there can be moral issues with this, it is called 'usury' as well, but it is modern banking! (*Laughter*) And what we are doing in that way is guaranteeing further the future of our pensioners, because we are making a turn on the money, ensuring we can pay them, and if we ever have to put our hands in our pockets that is what the Savings Bank Act says we have to do. But they put their hands in their pockets every month to pay the interest. The Taxpayer was paying the interest every month, Mr Speaker. So look, as a banker unless he did not just leave the profession, he also decided to turn his back on its principles, he must be telling us that we are doing the right thing.

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No financial institution would ever take £100 from somebody, put them in a safe, and from its own resources pay them 5% interest. It would take the money, put it to work and use that to pay the interest. And in terms of Credit Finance, that is what Credit Finance is doing with £70 million. He will see from the breakdown. Loans, Credit Finance loans and then the other amount is the commutations. And if the money is going or part of the money is going into what is happening with Gibraltar Investment Holdings, he says, why are we not seeing these accounts? Well, Mr Speaker, look, I recognise that we have not yet filed the accounts but he cannot pretend not to understand why.

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When they were in Government, the party that he currently sits with was in Government, the initials that he currently defends were in Government, they stopped filing the accounts! They stopped filing them.

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Now we need to rebuild those accounts, because you have to go back. The hon. gentleman will know if you are doing this year's accounts, it is not difficult. But if you are having to go back, you cannot do this year's accounts if you have not done the accounts 10 years ago, because it is a cumulative process.

1015 Anyway, Mr Speaker, I hope that this has resolved some of his concerns, but he might care to look at what Sajid Javid has said this week, also on page 2 of his beige friend, where he has asked for the United Kingdom to have a fund of between £100 billion and £150 billion to 'grow Britain' in the period of instability in respect of Brexit, and he might better understand, Mr Speaker, why it was absolutely right to ensure that we were able to have investments in Gibraltar looking
1020 forward.

On tax refunds, Mr Speaker, the position is extraordinarily clear. These are not refunds that the Government is holding back in any way, and in fact the Head – and this applies to the question the hon. lady raised – has not been there before. There has been money for payment but we have added a Head and we have added the largest amount ever given to that Head to
1025 repay. But it is not true to say that people at the Income Tax Office want to repay this money and the Government does not give them enough to repay. This requires a lot of work to do, Mr Speaker, and that process is being undergone. And it is not a question of window dressing. As I said on GBC, I do not want to keep anybody's money, I would quite happily give it back, as soon as we are able to in a proper and rational way in keeping with the advice that we have from the
1030 Tax Office, Mr Speaker. But we are in a much better position than we were, when the opposite was true, which Members opposite surely will also not defend. When the taxpayers you owed a much larger amount.

And so, Mr Speaker, frankly to have started in the process of saying that this was window dressing I think was really to suggest that we were trying to hide the truth of our accounts, and that is a *much deprecated* allegation that he made.
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In the context of the company accounts, the hon. gentleman will allow me to say that even if they do not want to go back and look at history, even if they do not want to go back and learn the lessons of history, we are not going to allow them to go away from the reality of what they did when they were in Government, because the general public does want to learn from history.
1040 The general public does want to understand what the GSD stands for. And the general public will want to look at what the GSD says in opposition versus what it does in Government.

Mr Speaker, those of us who have memories like elephants remember that in 1996 the GSD was elected on the ticket of getting away from Government companies and doing what they called 'the web', publishing all the accounts of the Government companies and when they were
1045 elected, Mr Speaker they made the web of companies bigger than it ever has been before. The companies started to trade, which they had never done before, they just held assets and they failed to publish the account of the companies. So if they do not want to look back at history, Mr Speaker, we will ensure that the people of Gibraltar realise that the GSD says one thing in opposition and then promptly goes and does the complete opposite in Government, Mr
1050 Speaker.

And whilst he sits with the GSD, that is the record with which his contributions will be infected and with the spectacle through which we will see every contribution that he makes.

Mr Speaker, the Hon. Mr Hammond started by saying that parking had never recovered from the loss of parking at Commonwealth Park. Well, Mr Speaker, the ugly pharaonic project costing
1055 £15 million, as he described the magnificent new Midtown coach and car park does not provide 355 spaces, as the hon. gentleman well knows. But that is what he said, he said we would never recover from the loss of Commonwealth Park, although the park is lovely and Mr Figueras who used to sit there used to say exactly the same thing – 'I am against the park, but I am in favour of the park because people love the park so I do not want to be the person who is against the park.
1060 I love the park, but I wish I could park there.'

Look, Mr Speaker, despite that nonsense which he has tried to perpetuate, because you are either in favour of the park or you are against the park, the idea that parking has never

recovered from the loss of Commonwealth Park's 355 spaces lost, might have been something he could have written when he started to think about what he was going to say the morning after he was elected in November. But it was something he should have struck out of his book before he came to the House this week. Not something we could have an argument about where one of us may be right and one of us may be wrong, Mr Speaker.

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On this I am going to be claiming to be speaking from what was St Peter's chair, because the answer is empirical. I am going to take him through it – does he have a pencil, Mr Speaker? There were 342 spaces in the place known as Commonwealth Park now. There were 233 spaces at the little car park at Naval Ground, on the southern side of Naval Ground. There were 47 places at Wellington Front and there were 369 places at the Regal House Meccano car park – that much criticised car park that the GSD insisted they were going to demolish their first day after the 1996 election, and which we demolished last year. Another thing to put in your list of things the GSD say versus the things the GSD do.

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Did he get those numbers? I am assuming that he did. It is 991. Can I just remind him, Mr Speaker, that of those 991, in a deal that never saw the light of day, in an annexation of land which was never put to tender or to expressions of interest, which was the Midtown deal, Gibraltar would have lost the 369 car parking spaces at the Meccano car park – 991 minus 369, 622. We would have lost additionally the 45 at Wellington Front, because the GSD project at Wellington Front also included no parking – 622 minus 47, 575. And we would have lost the 233 at the Naval Ground as well, as part of the secret Midtown deal which was not advertised and involved an annexation of land, which was not put to tender – 575 minus 233, 342.

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So, Gibraltar would have been left, under the GSD, with 342 parking spaces because Midtown would have parking but it was going to be private paid parking. I do not know whether he has understood what I have told him, Mr Speaker, but if he goes backwards, what I have done is I have demonstrated to him that the 342 spaces at Commonwealth Park, where Commonwealth Park happily now is, are all the parking spaces that were going to be left.

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Now, does he know how many parking spaces there are at the magnificent Midtown coach and car park? 1,041, Mr Speaker, of which 715 are totally free for residents of Gibraltar. In political terms it does not get worse than to have attempted to make the calculation that the hon. gentleman attempted to make. Because he said that we had never recovered from the loss of 355 car parking spaces. I am not including there the car parking spaces at Coaling Island that we now have, which we recovered. I am not including there the number of parking spaces that were at the King's Wharf, Mr Speaker, because that is now going back into private hands. We were using it whilst we were building the Midtown. And those 715 may be fewer because there is huge pressure – I do not know whether he is on the list – but people want us to sell them more of the parkings and rent some of those parkings for the people who live in the area of Edinburgh House – who of course were the people who were having to fight for parking spaces around. The people who the GSD would have left with 342 parking spaces.

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So, Mr Speaker, everything else that he says, which is empirical, in particular in relation to something as complex as particulate matter, has to be seen in the context of the way that he has failed to do his maths on car parking spaces. It was an easy one, I do not know why he did it.

But the one thing I am not going to do with him, Mr Speaker, is to try and establish bus routes in the Parliament, Mr Speaker. I think this Parliament needs to be looking at other things in greater detail than establishing bus routes for Gibraltar.

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What I will not accept, Mr Speaker, is any suggestion from him that the Government is playing fast and loose with public money. That is one of the most serious allegations levelled across the floor of this House, Mr Speaker: fast and loose with public money. I do not know whether the hon. gentleman opens his mouth and says things he does not know the meaning of, but if he does, Mr Speaker, that is a very serious allegation indeed.

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Because if anybody was paying fast and loose with public money, it was the party, the initials of which he currently represents in this House, that did a deal to give somebody 1% of a £1 billion transaction, without going to tender, without going to expressions of interest. It is a

1115 Government, Mr Speaker, that he defends the record of in this House, that alienated the whole of the Naval Ground, without going to expressions of interest, without going to tender in respect of the Midtown. *That* is playing fast and loose with public money. Breaching EU rules, Mr Speaker, and having legal advice that *told* them they were breaching EU rules. That is absolutely a disgraceful playing fast and loose with public money.

1120 Not, Mr Speaker, selling buses that you can only sell to people with a specific type of licence for the maximum that you can sell. Or is it that he thinks that we did not want to make more money from those buses? Was it that he did not hear or read the press releases that the Hon. Mr Balban had cause to issue at the time that he raised it, or is it just that he wants to play politics, say things that sound bad and hope that some people believe them? If he does, Mr Speaker, he will find that the voters in Gibraltar are such astute analysts of what their politicians say to them, that he is going to be toast sooner than he thought.

1125 To accuse those who were involved in the development of the Midtown parking of ‘poor project execution’ really hits a new low. It hits a new low in respect of the magnificent work done for this community by Gibraltar Joinery and Building Services (GJBS) – a company that the person sitting next to him tries to praise once in a while, a company that the former Chief Minister went, during the course of a general election campaign, in breach of every rule in the book and gave a 16% pay rise, in the middle of an election campaign, because they are so good. Yet, now the GSD has said, by the mouth of Trevor Hammond, they are responsible for poor project execution. I will make sure that the directors of GJBS understand what his view of their ability to deliver a project is.

1130 But, of course, they did not work alone, Mr Speaker. They worked, also, with the group that was involved in developing the Midtown; that was involved in delivering King’s Warf; the group to which the GSD granted Coaling Island – also outside of a tender process as a swap for King’s Warf; the group, Mr Speaker, whose project execution the GSD and therefore he thought was so magnificent that they gave them, without procurement, a 1% deal on a £1 billion transaction – a £1 billion transaction! And he says that group are responsible for ‘poor project execution’. My goodness, that is playing fast and loose with public money when they were in Government or fast and loose with people’s reputations today and not caring what he says about people’s professional reputations or fast and loose with his own reputation because nobody, I think, will be able to recover from having said something as magnificently irresponsible as that.

1140 When he accuses us of a ‘piecemeal’ attitude to resurfacing, I must say that I am shocked that he has once again not bothered to go and look at the numbers, because, Mr Speaker, if hon. Members care to do their homework with all the publicly available information that there is in the library of Parliament here, they would be able to see how much has been spent on highway maintenance and resurfacing in every year at least going back to 1995, 1996.

1150 Our ‘piecemeal’ approach to resurfacing has produced £5.3 million of investment in the past four years, not including this one. The former administration spent £5.2 million – less money – in the four years before, and £3.3 million in the four years before. It is about one point something million each year, except, of course, for the years in which the least money ever was spent in resurfacing: 1997-98, when they spent only £31,000; 2004-05, when they spent £308,000 or 2005-06, when they spent £468,000.

1155 Mr Speaker, the people of Gibraltar are paying him £34,000 a year not to come here and say what he likes, but to do his work; to research and to not make allegations which are completely unsustainable; to at least get out his abacus and count how many parkings there are; to realise that he cannot make allegations that less is being invested now because less was invested when they were there; and to understand whose reputation he is shredding with the allegations that he is making, because in the end it is his own.

1160 The idea, Mr Speaker, that we are creating a concrete jungle in Gibraltar because of the way that Queensway is developing is also quite fantastical. Doesn’t he remember that the development of the area at Eurotowers was approved under them and that we had people – children – approaching us in tears because they were going to lose their carpark? Doesn’t he

remember that Midtown – which I have now reminded him of – was actually much higher? It was like a needle in the centre of town, and it was granted in secret to a consortium, without tender, without expressions of interest, and planning permission was given by a secretive DPC that nobody got a look into. Doesn't he remember that the same is true in respect of King's Wharf?

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Doesn't he therefore realise that the concrete jungle that is Queensway was one that they created and that we modified because we brought the heights down? In the context of our negotiation, we took away a third of the land that Midtown had, and we required that the next King's Warf tower be lower.

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Shouldn't he therefore stop trying to mislead people in the way that he has done? Because, Mr Speaker, to pretend that Rooke is the last large plot available in Gibraltar for development and ignore that the largest plot available in Gibraltar for development was Naval Ground ... We at least went out to expressions of interest. We have said to the community what we are going to do. We are negotiating with them. It will have to go to an open DPC. Yet, they gifted Midtown, without expressions of interest, without tender, and now they complain about what is going there, which is lower than what was there when they approved it.

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Mr Speaker, this is 'Carry On Opposition'. *(Laughter)* I am surprised that Sid James does not come in now and sit alongside them – perhaps Barbara Windsor would be a better sight!

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This is not about coming in and criticising and stifling every plan. This is about doing a careful analysis. You do not come in here and say, 'There is less parking than there ever was' because there is a pond and grass where you used to park, you do the calculation. It is all public. Disgraceful, Mr Speaker!

Didn't he hear me say, Mr Speaker, that we have to build more in this House; we have to build more in Gibraltar? We have to build more because one of the big issues now is whether people will be able to house their employees: the gaming company employees, the insurance company employees. I am going to be introducing a measure at the end of my address today, Mr Speaker, to deal with those issues, because the House will be very happy to know that I have had more detailed discussions even since I presented the Appropriation Bill in the First Reading. I am now minded to bring to this House, for approval, a new measure, Mr Speaker, that will be even more advantageous for the growth of Gibraltar and to ensure that the gaming and insurance companies we have here are entirely satisfied that their needs will be catered for.

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Mr Speaker, in that context, to have heard the hon. Gentleman say that the Hon. the Minister for the Environment has, in effect, done nothing, because his Government has done nothing and he is just relying on reports from GOHNS. Again, if he had done his homework, he would have realised that those GOHNS' reports were completed before 2011 – when we were elected – and that the Hon. the Minister was the author of them. *(Laughter)* His dreadful accusation, therefore, is that John Cortes is relying on his own work. *(Banging on desks)*

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Then he says there is no provision in the Improvement and Development Fund for the Power Station or the Sewage Plant, but I had given a speech before saying how we were going to fund the Sewage Plant and I had given the speech explaining how much we were going to spend from the I&DF in respect of preparation of infrastructure for the Power Station. So, when he talks about air quality and I have to choose between his analysis or the analysis of John Cortes which comes down to interpreting data, given the way that I have demonstrated he is incapable of interpreting even numbers of car parking spaces, on something as important as this particular matter I am going to side with Mr Environment, John Cortes. I am not going to think he is an abject failure for not having been the one who issued the press release on the balloons, because his position has been clear throughout and he has been one of the forces for good in that respect.

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Neither do I think that John Cortes is ever 'lost in a sweetshop', because you just have to look at him to know he knows exactly what he is going to eat *(Interjection)* and he ensures that he takes a good portion of it, and I wish I was there with him but I am not allowed any more, Mr Speaker. *(Laughter)*

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1220 Just because we have not finished the most complex re-engineering of Gibraltar's traffic does
not mean that we have not started and that we have not had the courage to be the ones who
started doing that work. Just because we have not kept the most expensive cadre of highways
enforcement officers that the GSD created does not mean that we are not committed to this –
and watch this space, Mr Speaker. Just because residential parking has not happened yet does
not mean it is not going to, but you do not implement one thing unless you are implementing
1225 the whole of the holistic plan, which is what we are doing now.

Mr Speaker, given the analysis that I have done of a number of parking spaces at the
Midtown, I think people in the town area and people driving into the town area and the
Strategic Plan will all benefit hugely from the car park that he denigrates. Because he knows it is
an absolutely magnificent thing and he has nothing to say about it other than he does not like
1230 the look of it, Mr Speaker.

In respect of speed cameras, etc., that is something that is going to happen very quickly.
There needs to be an amendment to the Traffic Act. It will be happening as soon as possible and
in the Autumn, no doubt, we will have that. But to hear him then say that because we do not yet
have the speed cameras, we have little regard for public safety – words that rolled off the
1235 tongue, because that was what he spent most of the first six months before the election saying,
although he no longer has the gumption to say it about LNG and Shell – it is really quite
something because I seem to recall that we were the ones who had to get rid of the *quita multas*
helmets; we were the ones who had to enforce legislation for the right helmets to be used, not
the GSD who were obviously in a position of little regard for public safety, Mr Speaker.

1240 So, when another member of the GSD says that what he is going to say is not designed to
'score politic points', I am going to be forgiven for at least being sceptical. The hon. Gentleman
knows I was unable to be in the House for his address, but I was able to hear most of it and I
have been able to read most of it. I am grateful that he sent a copy to the press. If he deviated
from the text and I was not listening at a particular time, I may have got a thing wrong.

1245 He says that, 'some commentators' described the Future Job Strategy as a Soviet-style
employment system. (*Laughter*) Now, although, of course, Mr Bossano would think that is a very
good thing, Mr Speaker, (*Laughter and banging on desks*) he was not saying it in that vein. He
was trying to pretend that was actually a very bad thing. But I am not going to let him get away
with saying that 'some commentators describe the Future Job Strategy as a Soviet-style
1250 employment system'. Now, I do not know whether he knows who the commentator was,
because I do. You see, Mr Speaker, those with memories like elephants recall that he was not in
the GSD at the time, that he was in the PDP at the time, that his Leader was then the highly
esteemed Mr Keith Azopardi, now the Chairman of the Bar, and that he was very deprecating
indeed about the man who is now his Leader, Mr Feetham. But, of course, it was the man who is
1255 now his Leader – at least in name – Mr Feetham, who said in the press conference – which they
hastily convened to try and undo what was clearly another brilliant suggestion from Joe Bossano
– that this was a Soviet-style employment system – or maybe it was in a debate, Mr Speaker.

It is absolutely misleading of this House to come here and to say that some 'commentators'
describe the FJS as a Soviet-style employment system. You can say, 'Look, we, as your political
1260 opponents have described it that way.' 'We' because you are now together – before you were
not; you could not stand the sight of each other, politically – but it is not some independent ...
This is not Daniel Finkelstein in *The Times* who has brought an independent mind to the analysis
– come on! Mr Speaker, maybe he can share with us – in one of his sponsored Facebook
messages that must cost him a bomb to try and get somewhere near the top of people's
1265 readings lists – who he thinks the commentator was.

Mr Speaker, that sort of 'I am here; I am there' and a stab here and a stab there, that sort of
thing has not stood people well in the past couple of weeks in English politics. He needs to be
careful to be pretending to say one thing when in fact it is another.

1270 Anyway, how does he explain to people who are now happily in jobs, who were not in jobs
when the GSD was in Government; who have gone from the Future Job Strategy start into full-

1275 time employment in the private sector, how does he explain to them that he, even now, is against the Strategy that got them to work? If he was dying to make this speech in 2011; if he had been elected into Opposition with us in Government and he wanted to hammer the FJS, I would have understood it. The FJS has had five successful years of operation now. These guys work in the private sector, Mr Speaker. How does he explain this? This is nonsense, Mr Speaker; absolutely nonsense.

1280 In fact, this is an impressive plan which created employment opportunities and which created opportunities in companies in the private sector. The sort of thing he keeps talking about but which we never see because, if he is genuine about not wanting to score political points and working with us and if people in companies have approached him to create impressive opportunities, why is it they do not approach us? Why is it that he cannot tell us who they are so that we can take up those impressive opportunities? If there are people who are unemployed today who could take advantage of those opportunities – and there not many unemployed today – shouldn't he want to help them? Or is he saying to them, 'Wait three and a half years. I think we will win the election and then maybe you can get a job'. Frankly, that would not be a duty of a loyal Opposition. More likely, Mr Speaker, it is just nonsense and double speak. It is just, 'What shall I put in my speech?'

1290 Of course, one of the things one can always put in one's speech is a little bit of *peloteo* to the Attorney General and to the Chief Justice. It stands one in huge good stead if one is in the profession, I imagine. I could not come away from the thought that the sycophancy that I saw in that speech was really quite dramatic; I never quite heard anything like that. Although Mr Dudley and Mr Llamas deserved all the praise that he heaped on them, it was really quite something to see how it was being heaped on. I just wonder, Mr Speaker, what it is that the hon. Gentleman has pending in court at the moment? (*Laughter*)

1295 Mr Speaker, he encourages us to have the political courage to raise rents *even* more. He seems to want to see people pay more and be means-tested. But does he not know that there is already a means test, by the way? In all of this talk of means-testing, does he not know that we have something called 'Rent Relief', that the most deserving in our community already get; that the elderly in our community who deserve it get; and those who cannot pay their rents already get. We do have a means test already, to stop those who cannot pay.

1300 Look, he encourages us to put rents up higher. We have said it is going to be going up annually; it is something that has got to happen. We think that we can do it in the way that is as demonstrably not going to affect people's ability to pay as what we are doing now.

1305 At the same time we are tackling arrears, because everybody should pay and those who have not paid must pay and they must pay current rent too. The hon. Lady is doing an absolutely magnificent job in that respect, if I may say so. A rent hike which is, for example, the equivalent of having to give up your *Panorama* – something which I recommend people never do, and that they should pay their additional rent *and* buy their *Panorama* – to be able to read the dross that the Hon. the Leader of the Opposition has tried to get past the journalists, who will no doubt be able to point out that he is not going to have the wool pulled over the people of Gibraltar. It is a good measure by which to demonstrate that rents are going up, but not in an unaffordable way.

1310 As I said before, Mr Speaker, the first thing I do every morning is read my *Panorama* so I certainly would not alienate my purchase of that magnificent newspaper because of the rent hike.

1315 Mr Speaker, the Hon. Mr Llamas said, in a much more affable tone, that he was not here to answer questions for those who had been here before; he was not here to shoulder their burden and that we are not reminded of the history of our Party. (*Laughter*) Well, Mr Speaker, he must have taken tea breaks at all the appropriate moments in the short time that he has been here or not ever listened to Parliament before he was here.

1320 Mr Speaker, I will take at least the affability of his tone and try and return it in this way: all of us care about people with disabilities – all of us. I am not going to pretend that people care more or care less because I do not think there is a Member in this House who does not care about

1325 people with disabilities, but the hon. Lady has done a magnificent job in that respect. She has really reinvented the Department. She has brought to it her usual vigour. People are very happy indeed with how things are going. People want more; she wants to give more. We have to make sure that we do more in the appropriate way. But, when the hon. Gentleman says, 'This should have been done 10 years ago', Mr Speaker, for six of those 10 years, it was them that were in Government. It was Mr Netto who he is criticising.

1330 He says he has not got to shoulder the responsibility. Look, I tell him what I tell Mr Clinton; what I tell Mr Phillips; what I tell Mr Hammond and what I will tell him: whilst he sits with the GSD, he is infected with the things that they did; whilst he sits, in particular, with Mr Feetham and Mr Reyes, he is infected by the fact that they were part of the Government that did all the things that I am telling them and did not do some of the things which he says they should do. I will accept from him that he must have been able to do the calculation that 10 years puts him
1335 firmly in GSD territory and that he was therefore being entirely non-partisan, entirely straight with the community, accepting a criticism of his own side and asking and encouraging us to proceed. But, the hon. Lady – he can be assured – is the strongest advocate of those with disabilities in a Government that is already very caring and wants to ensure, not just that we give to people, but that we encourage people to do more. This is not just about handouts; this is
1340 about mechanisms for people to be able to do more than that.

The very ungenerous reference to 'sour lemons' in his introduction is one which really was beneath the affability of his tone, because even those who for reasons of wanting to illustrate a point suggesting that the Hon. Minister should have sour lemons, said that in every year that she has been elected, she would have had punnets of strawberries for the work that they had done.
1345 I think, if only they had stopped to talk to us about some of the work that is coming, they would have, once again, visited upon her punnets of strawberries, because in the context of that analysis, Mr Speaker, for Samantha Sacramento it really should be strawberry fields forever.

But he said, Mr Speaker, in the context of looking at care, that we should not have people from agencies involved. Well, I have asked for the statistics so that he understands it. We have
1350 332 people from agencies. This is a number that fluctuates: on some days we have more, on some days we have less. The requirement changes: we need people to leave hospital, so we give them care for a couple weeks; that care is extended domiciliary-wise or not extended. But, Mr Speaker, 332 people from agencies.

Let us just do a very simple calculation. If we were employing these people in the public sector, as he has suggest that we do, for the money that we pay, we could afford about 100. So he is denying 230 people care, because that is what it means.
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People who come through agencies are employed on agency terms and they are paid private sector rates. We are very comfortable with that. We have put the minimum wage up considerably since we were elected. I think the minimum wage has gone up something like 15%
1360 in the past four years. But, if we do not do it that way and if we do what the GSD is proposing now, for the money that we have – which they already say is more than we should have spent on everything – we would be able to pay for 100 instead of 332. That is not an accurate calculation; it might be 150, it might be 90. A public sector worker costs us about three times what an agency worker costs us. So, if you want to spend less, you cannot do it, Mr Speaker, and the problem is you are dealing with people's care here and people would lose their care.
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And, of course, he did not get the memo from the hon. Gentleman saying, 'I am going to be complaining that they employ too many people in the public sector.' Because he has just proposed to me that I should either employ more than 332 or at least 100, depending on how he wants to do the analysis once I have done it. Mr Speaker, of course, these are additional to the people employed in the public sector. So, you have got all the people employed in the public sector – who are in all of the areas where we provide care – and an additional 332, because we can afford them, because we can pay for them in this way.
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Mr Speaker, Project Search was not mentioned in my speech because it is in the Book and we will be dealing with it and making an announcement when the time comes.

1375 With issues like the Care Quality Commission, for example: look, that is creating a new public
body, at a new cost, which involves employing more people and spending more money. I think if
he goes to his pigeonhole at GSD HQ, he is going to find a memo from the Leader of the
Opposition saying, 'Do not suggest employing more people; do not suggest spending more
1380 money, because I am going to say they should not deliver on their manifesto commitments and
that they are spending too much and they are employing too many people.' Otherwise, it is all so
inherently contradictory that nobody knows what it is that they stand for. *(Phone rings)*
(Interjection) Yes, that is the one! *(Laughter)*

But if he felt so passionately about the Care Quality Commission, in the same way that he
said to me, 'You did not mention Project Search but it is in the Book' I will say back to him, you
1385 are talking about the Care Quality Commission, it is on your manifesto.

Although, I am grateful, Mr Speaker, that he recognised the good work that has been done in
respect of fostering and adoption, which is important work that is being done in this community,
which has been promoted by the hon. Lady and which I fully support and encourage.

But, when it comes to IVF, Mr Speaker, this really was a thing of this Government; it is
1390 something that was denied by the former administration. It was brought in by the Hon. Minister
for Health. I do not know whether he meant to recognise that but, if he did, I am very grateful
that he did. When the hon. Members have said, in campaigning mode, that 'the new dawn never
happened', I am very, very proud indeed to say, Mr Speaker, that the new dawn did happen,
because I have met the new dawn. She has got a name; she has got a surname; and she is
1395 running around Main Street now because John Cortes introduced IVF – and she is not the only
one; she was just the first one. There are very many more, Mr Speaker.

When it comes to bed shortages in the hospital that lead to cancellations of operations – I do
not know whether the hon. Lady also mentioned this – look, you have to understand – although
this does not apply to her now, because she has moved away from the contagion. Those who
1400 still wear the GSD sticker need to understand that they reduced the number of beds in St
Bernard's in the move down from old St Bernard's to new St Bernard's; there was one ward less.
So every day that there is a bed missing, I will say, 'They cut the numbers of beds'. The idea of
putting or building accommodation for the elderly in terms of private, is something that we are
looking at in detail, but it is not something that can be done publicly. In other words, we cannot
1405 now create – in the same way that we create for those in public tenancies – tenancies for the
elderly who are in private accommodation.

I see him nodding his head in agreement, although, of course, he does not know, as I do, that
the GSD made a commitment to house one person in such a home who was going to be allowed
to sell his private property and go into one of the Government rented elderly accommodations,
1410 and he was an ex-GSD Minister. Mr Speaker, I was very disappointed when I saw the letter, and I
told the hon. Gentleman who it was that I did not think it was appropriate to honour that
commitment because it was an unfair and inappropriate commitment and that, if necessary, we
would got to court over it. It was one of the commitments of the former administration I did not
honour, because I thought it was improper; I thought it was immoral; and I thought it was illegal
1415 and outside the rules.

I do not think, Mr Speaker, that a new airport allows for connectivity with other places. I
think an apron does and we have an apron. We could have gone to other places with a
refurbished old terminal; we could have built a different sort of terminal; we could have built a
terminal for £24 million instead of saying it was going to cost £24 million and spending
1420 £84 million on it, Mr Speaker. Therefore, Mr Speaker, he will understand, in the context of what
I have been saying during the course of this morning, that I do not believe that there is a golden
GSD age in office, Mr Speaker, and that in fact if there is a golden age coming, it is coming soon
under the GSLP/Liberals.

I do not want to go into the detail of what he said about the bridge and the skywalk, although
1425 I think he will find that it was fairly ungenerous for him to say that they were just 'flashy
gimmicks', Mr Speaker. To say, simply because the water for the apes is dirty, that things are not

going well in the Upper Rock ... Mr Speaker, the water is sometimes very clean indeed, but the monkeys dirty it themselves because they jump in it, and they get up to things that I have sometimes had to shield my children's eyes from what they are doing to each other in the context of those Upper Rock baths.

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But there is one thing that is certainly not going to happen: we are not going to permit destruction of areas. That is why there are already balustrades in the Upper Rock in different areas, in new areas. This is something that we have invested in. The neglect that he sees is the neglect of not one penny invested in the Upper Rock between 1996 and 2011. I recognise that he is not suggesting that the contrary happened.

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What happened at the Lighthouse was not that John Cortes decided to go and destroy all of the plants; it is that John Cortes advised, before the 2011 General Election, that the plants being put there would not survive and, lo and behold, at the end of that winter they were gone.

Although I must say that he does not endear himself to me in his analysis of the bunkering revenue and the tonnage dues, because he does not understand what he is talking about, for this reason: the tonnage has nothing to do with the work that is being done in Gibraltar; it has got to do with other states changing their rules. We had a lot of German fleets registered in Gibraltar. The Germans have now changed their rules for registration, and German fleets have left Gibraltar, Singapore, and other registers to go back onto the German register.

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The bunkers, Mr Speaker, are only going in one direction, and that is up. So he does not need to think ... he said, 'Is the tonnage going to our neighbours across the bay?' Look, Mr Speaker, Algeciras does not have a register that is recognised by anyone. These fleets are not going to Algeciras, they are going to Germany.

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Mr Speaker, publishing lists is not something that one is now able to do because of data protection, so he is not going to get a list of who got the berths. But he does not need one because this is not something that is given, like the mid-town was given, on the quiet, Mr Speaker; this is something that is given based on a list not by Ministers but by people who are officials at the Port. It is something that he can see in broad daylight. He can go and sit there and see who has got the berths. And it is a very convivial place to sit; it is very inviting, in fact, and he can fish – as he recognised, we have brought back fishing. It is a lovely place to sit, Mr Speaker, and you can see who got the berths.

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I do not know if there are friends of mine there, no friends of mine, relatives, no relatives; I do not know who has got the berths, Mr Speaker. I get a better indication of this when I put on Facebook, but he must not think that we have been directing berths to one or the other.

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But to say that we should have prioritised St Martin's over the berths is really quite something from the party that said to the people who represented the children of St Martin's that they were not going to do a school for them; and to say that we should have pushed the fast launch changes even quicker so that we could have done that in time for the small boats marina and the legislation in insurance etc. Well, Mr Speaker, doesn't he know that this House has not sat for six months because of the Referendum? Otherwise all of that could have been done.

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He wants the cost of owning a dog to go down and the cost of owning a berth to go up. Mr Speaker, the reasons for that are so transparent, I am not even going to go further into them. *(Laughter)* But I congratulate him for his *chutzpah* in that respect!

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I also congratulate him, Mr Speaker, for not waiting for the Government to install zip lines on the Upper Rock for quickly politically mounting it, Boris Johnson style, and letting himself go down the zip line that was his contribution. I think we all look forward to seeing those in the Upper Rock sooner rather than later.

Mr Speaker, I saw Mr Reyes, in his usual style, his veteran style in this House, play the trick of saying both something and nothing so that he is very difficult indeed to grasp at the moment of deciding how to respond. But he did encourage us to complete the stadium for the GFA in one place or another. Of course, something that I do not know whether the Hon. Leader of the Opposition was so keen on; but, given the disjointed style, I am happy to see him suggest it, I am

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1480 happy to see him suggesting we should continue with our plans for the theatre, also against the
background of the Hon. the Leader of the Opposition, suggesting we shouldn't complete our
manifesto commitments.

1485 But I thought it was a little brave of him to complain about works done in people's houses
and how those works might in some instances require correction, when in fact when we arrived
we inherited thousands of pending jobs. People had been waiting in some instances five years,
ten years for a change of shutter. Ten years! The GSD had been in power 16! Ten years! Now we
are down to almost no waiting list. So, Mr Speaker, look, I think it is a bit rich to say that, 'You do
thousands of jobs, some of them need correcting'; well, fair enough, you do no jobs, none of
them need correcting! That is absolutely clear, Mr Speaker. I have made the point on the
Housing Works Agency, so I am not going to make it again.

1490 I am grateful that he was generous in his congratulations of the hon. Lady for her collection
of arrears. I think it is absolutely right that she should be congratulated for the work that she has
done, but I do not think it is right to make complaints about allocation; the allocations have now
been made and the way that we have done them is entirely in keeping with the rules and with
the commitment that we gave in our manifesto that we would prioritise those who were on the
1495 waiting list in 2011, at the time that we were elected.

He encouraged us to build more rental homes. Mr Speaker, I have to pause there because
that is an important aspect that Mr Reyes touched upon and it deals with issues raised by the
Leader of the Opposition, by Mr Phillips and by Mr Clinton.

1500 We were told to build more rental homes because not everybody can afford to buy. Mr
Phillips said something slightly different, about people being forced to buy if they can buy and
not being given rental homes. But of course all of this is in the lexicon of understanding of the
GSD, which would be selling all of the post-war properties. They were going to sell all of the
post-war properties *and* build new properties for rental!

1505 So what we have done, Mr Speaker, is we have built new properties for rental by the elderly,
which moves them out of their existing post-war properties, frees them up for new families to
use, and we are keeping all our post-war property with an excellent finance arrangement that
we have. I want him to understand that, because I think, of all the people who contribute in
respect of this debate, he is the one who is usually fairer in his analysis and if he has understood
the point I think he will be with me on it, Mr Speaker.

1510 We take the point in relation to the minor snagging suggested in respect of Beach View
Terraces. No doubt we will have to look at that. But nothing compared to what has been the
case before. But, look, this is an issue that afflicts all governments and what there has to be is a
commitment to fix the things that go wrong, if we are a developer – full stop.

1515 If he says that there are issues affecting people who have had the new cladding and
refurbishment in the estates, if he was so kind as to write to me and tell me who they are – or to
the hon. Lady – we will immediately pursue those, because we have of course complaints about
work not being finished; everybody wants things done quickly on their block first, but it is
sometimes very difficult to ensure that. Of course what we would have is the happiness then
when it is done; we are not being told that there is water ingress where there was. If he tells us
1520 then we shall ensure that we look into it.

I move now on, Mr Speaker, from the official Opposition to the hon. Lady who is
independent. She now shadows all portfolios, not just those which had been entrusted to her by
her former Leader, Mr Feetham.

1525 Mr Speaker, she started by reminding us all, rightly, that we should congratulate the Lincoln
Football Club for their magnificent success in qualifying for the second round of the Champions
League. I think all of us on this side of the House want to join her in doing that. I think they have
really done Gibraltar proud and this is only the beginning of, I think, the work that Gibraltar can
do in football.

1530 She understands, obviously, the synergy that there is with Scotland and I want to make clear,
because it appears, from what the Leader of the Opposition said in *Panorama* today, that he has

not quite understood the point, that this is only one potential solution for us going forward, in that we must explore *all* potential solutions going forward. (*Interjection*)

1535 Mr Speaker, I am reminded by a veteran player of the GFA, the Hon. the Minister for Justice – although I did not know the result – that Europa FC also qualified yesterday for the second round of the Europa League. (*Banging on desks*) We have been in for two years and we are already in the second round! In 15 years, the Champion League and the Europa League will be in Gibraltar for sure! (*Laughter*) If not this year!

1540 She spoke of the association of this place with democracy in Gibraltar – words which I want to associate myself with. I thought she rose above the partisan debate at the beginning of her address when she talked about how Gibraltar will thrive if we are able to work together as a community. I talked about that she knows extraordinary people doing extraordinary things and I think she captured what I was trying to say in that respect.

1545 She has told me that she is going to write to me about some concerns that citizens have. As she knows, when I receive her communications I will be dealing with them, in respect, in particular, with this issue of lifts which had not been installed. One of the issues that we have is that to install lifts we need to put in something called three-phase electricity.

1550 That is taking longer than getting the lifts there and that is also an issue that makes it impossible to install lifts in an affordable way in some estates; and, indeed, some of the building and the architecture of some estates make it impossible to install lifts in some blocks. Sandpits is actually one of the ones where a lift will be installed and it is just a question of getting enough people to install three-phases in the other estates which are ongoing, to then install three-phase in Sandpits and then be able to give effect to the lift.

1555 But we cannot do everything at the same time. The hon. Lady knows we have a finite resource. We could bring people in from around the world so that at the same time we can put three-phase into everything; it would then all be done in a week, it would all then cost a huge amount of money and it would not be in the interests of the community.

1560 We all agree on this side of the House that the cemetery needs better upkeep and the Hon. Minister has already explained what work is being done there, because that is, Mr Speaker, the only tenancy we all are going to have in common at the end of the day. As the hon. Lady's much appreciated, father used to say, 'That place is full of people who felt that they were so important,' Mr Speaker. So she is absolutely right to care about that.

1565 On the issue of tax arrears, I think I have dealt with the questions that she raised in the context of my other addresses, but, look, in PAYE if somebody does not pay PAYE it is a theft, Mr Speaker, it is a criminal offence and there is specific provision in the law in that respect and the Government is never going to tolerate that; and the Commissioner, in particular, does not tolerate that. Some of the problem that there is, is that the accounts are sometimes littered with old arrears of PAYE, of companies that have gone on liquidation – issues that we dealt with before, and one of them is flattering accounts or dressing them up; this is actually untidying accounts and making them unnecessarily seem to be large, and that has to be dealt with.

1570 In arrears of electricity, there is actually a lot more movement, Mr Speaker, than she might think. There is a lot of work done, but sometimes arrears build up in any event. As you are dealing with old arrears, new arrears are coming up and the totals sometimes do not seem to move; but we have been very aggressive in that respect with cutting people off and, unfortunately, in some respects it is the only thing that works.

1575 I recognise her welcome in respect to the rent arrears and her clear view that it should be annual, which I have already said it will be, Mr Speaker.

1580 When she talks about feedback from the community in respect of the Budget, I am grateful that she is undertaking that work. The Hon. the Deputy Chief Minister and I were very keen to get the cameras in here, to get people to be able to see what is happening. She is right that it is about more than just that, but this is at least a beginning and part of a process; although I heard, with interest, some of the things that she said.

She said, 'You should never even have had to take away the import duty from women's sanitary instruments,' so I looked into who had put them in. I put in what Government had introduced them and I am sorry to say that it predates 1988, Mr Speaker. I will leave it at that!

1585 *(Laughter)*

The hon. Lady called on us to publish and include pages which relate to GIH accounts of the companies of the Government etc. These are public. They should be even more public than the hon. Lady has suggested! In other words, they should not be public and confidential for three months for Members of the House. These accounts should be public and they should be public in the Companies Registry so that everybody can see them online, Mr Speaker – as they will be. But of course, when we have caught up with the huge delay that the party that she used to be infected by created, which means that we are having to recreate accounts and it is costing a lot of time to be able to do.

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I think I have given a lot more details now of GCA, but people can feel entirely safe, Mr Speaker, because their homes are not at risk at all. Nobody's home is at risk at all in respect of GCA, which is the issue that she raised. I think that will be something that she will be pleased to hear, given the question that she raised.

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We have not turned any special commitment into consultation exercises, although she was sitting on the other side with the other representatives, the GSD, that might have been at least speaking or singing from the Hon. the Leader of the Opposition's hymn sheet if we had done that, so I would complain that she was accusing us of something that the Leader of the Opposition was inviting us to do. But actually in respect of one of the commitments that she wrote or talked about, the commitment was actually to carry out a consultation exercise – if she looks at our manifesto.

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I was grateful, Mr Speaker, for the mature approach from her that saw her recognise the sterling work done by Samantha Sacramento and John Cortes, but I did not understand the point that she said that we should bring the things that are in the final book into this book. This book is an estimate and the final book reflects the agreement of the House to things etc.

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The White Book, as we sometimes call it, then becomes the Blue Book, Mr Speaker, or sometimes different colours, and that is the book that is the final account. So the hon. Lady will receive a book which is not draft estimates but Government estimates, which is fine.

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I was very heartened to hear, Mr Speaker, that she sees herself as an effective opposition to the Government and also as an effective opposition to the Opposition where necessary, and I salute her independence in that respect.

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Mr Speaker, before I move to conclude, I want to announce a new measure as a result of meetings I held this week after coming to this House and the very positive progress that I believe there will be in the market to build homes for key workers in Gibraltar sooner than I expected. So therefore I announce a new budget measure today, that where any property is constructed in the next 30 months from 1st July 2016 and that property is rented for residential purposes, the owner of that property will receive a tax credit equal to the tax payable on the profits earned on the first 24 months of rent occurring in the first five years after the completion of construction of that property. The tax credit is not refundable and can be offset against the tax payable to extinguish any liability to tax.

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Mr Speaker, this is not just a Government of colleagues, this is a Government of friends. We understand each other well, we work together well and that is why we are a team. Perhaps that is what has already caused a fracture to happen on the other side and might in future cause others. We are not just colleagues, Mr Speaker, we are friends, we are part of a team; as are the people who work with us – the civil servants of Gibraltar who have helped us to deliver these results; the civil servants in particular who have been so insulted at the Treasury and in the Ministry of Finance, with the suggestion that we might be able to prevail upon them to somehow present an untrue picture of the accounts of Gibraltar. They do the work, Mr Speaker; we are not the masters, we work with them and, as President Jimmy Carter once said at one of

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the G7 meetings, 'Thank you, Mr Speaker, to all of them for allowing us to take the credit for their work.'

1635 I also hope that we will have friendships across the House, Mr Speaker, in these four years, as I said at the ceremonial opening. Let us not see the Members opposite adopt a sixth form debating style, as they have in some instances in the course of this debate, which is neither helpful nor edifying.

1640 Mr Speaker, if they look at the work that this Government has done and this Government is doing and they think at the moment in which Gibraltar finds itself now, they will agree with me that there is no better team to broach the next 24 to 36 months.

1645 Mr Albert Isola has been doing fantastic work in the gaming and financial services industry. Gilbert Licudi has probably delivered more projects single-handedly in four years than any Minister, with a university, two new schools and a marina, Mr Speaker. Paul Balban has finally had the courage to seek a wholesale plan in order to deal with the traffic problems there are in Gibraltar, who has dealt with housing, who has dealt with the Port. Joseph Garcia, who is lobbying with me around the world, who is the backbone of my Government with me, Mr Speaker.

1650 Neil Costa, who works tirelessly every hour that God sends, that does not allow one moment to pass without hard work. Samantha Sacramento, who is dealing with tourism, who is dealing with housing, who is skidding the problem of arrears at last, who has introduced the first hike in rents in 30 years. John Cortes – Mr Environment – who is dealing with health like it has never been dealt with before, who is carrying out under him more operations than have ever been carried out before. And Steven Linares, a man who introduced the Music Festival to Gibraltar, the Jazz festival and so much more. Gibraltar is not the place it would be if it was not for this team.

1660 All of us of course, Mr Speaker, building on the work that Joe Bossano started in 1988 when it was first time to turn around Gibraltar's economy when the MOD were leaving Gibraltar. That was a time of great challenge. Who better to have in the team now than Joe Bossano, again to face that challenge! Those who have criticised them, I now sense are starting to change their attitude and instead of trying to criticise Joe Bossano, what they are trying to do is build him up, Mr Speaker, in some way to try to suggest that those of us around him might feel that we are less than him. Well, Mr Speaker, you know what, we all know that we are less than him; we all know that we are building on the legacy that he has started to build for Gibraltar from the minute that he arrived here in 1972 and started the battle for parity, to today when he is still creating ingenious new funds, ingenious new rainy day funds – exactly the sort of medicine that Gibraltar needs to navigate these difficult Brexit waters.

1670 These are the team that Gibraltar needs, Mr Speaker. I am not one of them, but they are part of the extraordinary people doing extraordinary things; and to only hear petty party criticisms from some of the Members on the other side was really very unedifying. Now is not a time for party political electioneering; it is not a time for spin. As I said before, this is a time for substance, but unfortunately that is not what we got from them.

1675 Mr Speaker, instead of joining us – and, I must say, perhaps also the hon. Lady – in raising our eyes beyond today to look out for our common tomorrow, unfortunately we have seen them looking back to try to replace some of the arguments that lost them the election with the worst defeat ever suffered by a party in a two-horse race in the history of democracy of Gibraltar. Mr Speaker, nothing, unfortunately, seems to be changing in their approach: more crying wolf, more talking Gibraltar down – nothing extraordinary, no one extraordinary; just the same old, same old which the nation has already rejected.

1680 Nothing I have heard, Mr Speaker, persuades me to do anything other than to commend the Bill to the House. **(A Member: Hear, hear.)** *(Banging on desks)*

With that, can I propose that we return at 4.30 p.m.?

Mr Speaker: May I? I have to put the question. **(Hon. Chief Minister: Oh, sorry!)** *(Laughter)*

1685 I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2017 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

The Hon. the Chief Minister. (*Interjections*)

1690 Sorry, I think the Clerk should now say ... I can say it on his behalf: the Appropriation Act 2016. The Chief Minister.

COMMITTEE STAGE AND THIRD READING

Appropriation Bill 2016 – Committee Stage and Third Reading to be taken at this sitting

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

Unfortunately, Mr Speaker, I have got your crib not mine, but –

1695 **Mr Speaker:** You have mine and I have yours.

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

1700 **Hon. Chief Minister:** Mr Speaker, I now move that the House now recess until 4.30 p.m. this afternoon.

Mr Speaker: The House will now recess until 4.30 this afternoon.

The House recessed at 2.55 p.m. and resumed its sitting at 4.36 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

SECOND AFTERNOON SESSION: 4.36 p.m. – 8.00 p.m.

Gibraltar, Friday, 8th July 2016

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The Gibraltar Parliament

The Parliament resumed at 4.36 p.m.

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

[CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

Order of the Day

BILLS

COMMITTEE STAGE

In Committee of the whole Parliament

Appropriation Bill 2016 – Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2017.

Clause 1.

5

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2, Head 1, Treasury; subhead 1, Payroll; subhead 2, Other Charges.

10

Mr Chairman: Stand part of the Bill.

Hon. R M Clinton: Mr Chairman, may I? (*Interjection by Mr Speaker*)

I beg your pardon? (*Interjections*)

No, no; on Treasury 1.

15

Mr Chairman: Clause 3, I have received notice from the Hon. Mr Clinton that he wishes to move an amendment and I have circulated this to all hon. Members.

The Hon. Mr Clinton.

20

Hon. R M Clinton: Thank you, Mr Chairman.

The amendment I would like to make to the Bill is in respect of clause 3(1), that clause 3(1) be amended by the deletion of £32,501,000 at the end of that subclause and that be substituted thereof by £7,501,000.

25

Mr Chairman, my thinking behind this is, at the moment we are blind as to what that £25 million is intended for. There is nothing that I can see in the Estimates Books that gives a breakdown as to how that money would be expended and furthermore, as I understand it, the Government is not yet in a position to provide any audited accounts for any Government

companies that may require this supplemental funding; and, on that basis, I would propose that amendment.

30

Mr Chairman: The House may wish to focus their attention on Rule 33 – Bill in Committee, subparagraph (4) about preference to an amendment there; subparagraph (5), as well.

35

The question may arise as the Hon. Mr Bossano was telling me privately, there was a view taken in the past under the old constitution that no amendment could be moved, certainly to the Appropriation Bill, but certainly that would result in increased expenditure from the Opposition – that was out of the question.

But he tells me that on one occasion even a reduction was proposed and again the ruling – and, in those days, the Attorney General was a Member of the Government and was sitting on those benches – and the ruling was that that was not allowed.

40

When I received the amendment this morning, I looked through this section on the Appropriation Bill, Bill in Committee and obviously there is no suggestion that no amendment shall be moved. But, no amendment can be moved which is inconsistent with any clause already agreed upon.

45

My limited knowledge of accountancy does not allow me to make a ruling on the matter and that is why I took the precaution this morning of giving a copy to the Financial Secretary so that he could have a look at it.

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, but there is an issue also with section 35 of the Constitution.

50

Section 35 of the Constitution says that:

Except on the recommendation of the Minister with responsibility for finance, the Parliament shall not –

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding in the Parliament ...

Mr Speaker that is you –

... makes provision for imposing or increasing any tax, rate or duty, for imposing or increasing any charge on the revenue or other funds of Gibraltar, or for altering any such charge, otherwise than by reducing it, or for compounding or remitting any debt due to Gibraltar; or

(b) proceed upon any motion ...

and of course, Mr Speaker, an amendment is a motion,

... (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Parliament, would be to make provision for any of the purposes aforesaid.

55

Now, Mr Speaker, in my submission, although this looks like a reduction, and not the imposition or increase of the revenue or other fund of Gibraltar, of course that £25 million will go somewhere else and that may result in an increase somewhere else.

I think therefore, at first blush, my view is that it is possible that the proposed amendment is unconstitutional before you even get to the Standing Orders and Rules of the House.
(Interjection)

60

Hon. D A Feetham: Mr Speaker, our position is very simple, this is a Bill – perfectly entitled to amend a Bill, the rules provide for it – and, of course, Mr Speaker is not in a position to make a ruling on the constitutionality of something.

65

At the end of the day, this is not a court of law and from my reading of what the Hon. the Chief Minister – I do not have it in front of me – but what he has read to me, it does not appear to infringe the Constitution.

But of course with these things and, being a lawyer myself, these are not easy things; and I am just not sure that Mr Speaker is in a position, quite frankly, to make a ruling based on the interpretation of the Constitution and something that is not straightforward.

70

Mr Chairman: There is something that can be done for the moment.
Would hon. Members look at subparagraph 6 in the Rules:

A clause may be postponed, unless the decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

That gives us an element of time if we wish to involve that rule.

75

Hon. Chief Minister: No, Mr Speaker –

Mr Chairman: But ultimately, what we cannot do is to have an impasse here and leave the matter in abeyance. I am not a constitutional lawyer, I am not an expert and I certainly do not think the deliberations of Parliament on this Appropriation Bill should be delayed whilst we get a constitutional expert to advise me on the ruling.

80

I do not think we want to proceed down that route.

Hon. Chief Minister: Absolutely and if I may say so, Mr Speaker, the Hon. the Leader of the Opposition has said that there is provision in the Rules for amendments etc.; well, he needs to read the section that I am talking to him about, which deals specifically with Bills – which are Bills which relate to finance and this is *in the Constitution*, Mr Speaker, and it is very clear.

85

My interpretation is that somewhere in the context of what is being considered here there will be a consequent increase of £25 million potentially or an uncovering of it. Therefore, Mr Speaker, I would urge you to rule that this motion, which is what it is, or an amendment to a Bill which is specifically provided for, is unconstitutional and outside Section 35 of the Constitution.

90

Hon. D A Feetham: Mr Speaker, I just really do not understand that point.

How an earth the Speaker of the House, who is not a lawyer, can rule that if something is unconstitutional is beyond me, Mr Speaker, I have to say.

95

Mr Chairman: The Speaker of the House, whether he is or is not a lawyer, is empowered to make rulings and does so. I have done so; Major Robert Peliza did so on many occasions, and so on. (*Interjection by Hon D A Feetham*)

Not on the Constitution, on what is before the House – given the reality of what the Constitution says about the Appropriation Bill and that is what we are involved in this afternoon.

100

Hon. Chief Minister: And not just that, Mr Speaker, the hon. Gentleman has just raised another issue.

How can the Speaker of the House rule that something is unconstitutional?

105

Mr Speaker, because the Constitution says that he shall; the Constitution says that the person presiding in the Parliament determines that and this is the Constitution that he came back with from London, Mr Speaker.

Hon. D A Feetham: Yes, Mr Speaker. Of course you can make a ruling on the Constitution if you take legal advice, Mr Speaker.

110

But, for you to rule on the hoof as to whether the Hon. the Chief Minister's interpretation of section 35 of the Constitution applies here ... well, I really think that it is placing Mr Speaker in a completely invidious position.

115 The proper way to proceed with something like this is as follows: Mr Speaker can, in my view,
in my humble opinion – and I know that the hon. Gentleman does not like to listen to my
opinion, but I am the one expressing it at the moment – in my view the way to proceed is, we
will just take a vote on the amendment, the Government is going to vote it down with the
majority because we all know the Government is going to be voting it down, but it is an
important point; and then Mr Speaker can take advice on this.

120 I think that the danger here, Mr Speaker, is for Mr Speaker to be making a ruling on the hoof
on something that actually may arise later on without the benefit of legal advice, it places Mr
Speaker in a disadvantageous position and it places everybody in an invidious position.

Mr Chairman: I am not afraid to face issues.

125 I helped this morning, the Hon. Mr Clinton in drafting the amendment knowing that I was
going to have to have a look at the Rules and knowing that the amendment might not or should
not be allowed; and, knowing that there was that possibility, that did not stop me from giving
him the help which he needed in getting an amendment that could be understood by all hon.
Members.

130 Now, obviously the easy way out – and I also thought of that – in any case the amendment
can be put, I am sure I have heard the Government was not going to accept it; and if that is the
case and he seems to think along the same lines, that would be the end of the matter as far as
the Appropriation Bill is concerned.

135 Now if there are issues arising from that – and perhaps there are – then they can be referred
to, and eventually I will get advice and make a ruling on the matter.

Hon. D A Feetham: I think this is –

140 **Hon. Chief Minister:** No, Mr Speaker, with respect, the hon. Gentleman does not like to listen
to my opinion but given that he has just given us his, he might give me the benefit of sharing
mine with the rest of the Members, Mr Speaker.

145 We are talking about the Constitution of Gibraltar. We are talking about the overriding and
empowering enactment which allows us to progress, Mr Speaker. This is not something that,
because Mr Clinton has decided to move a motion which he has failed to understand, is covered
by the Constitution, we are simply going to allow to go and then take a vote, Mr Speaker,
because it would be a precedent (**Mr Speaker:** Absolutely.) to determine, constitutionally, that
this can go forward and we can take a vote and just vote it down like that.

150 The Government is not satisfied with that, the position under the Constitution is clear, Mr
Speaker, and I invite you to find that the motion is therefore not one which cannot be
proceeded upon. It is exceedingly clear, Mr Speaker, and I invite you to find therefore that the
motion is not therefore one that can be proceeded upon so that the House can continue with
looking at the detail of the Estimate if hon. Members want to.

155 As the Hon. Member has said just now, this is about making a point and they know that they
are going to be voted down. This is how they make points; they now decide that instead of
raising them, they make points by way of motion. Mr Clinton has made a number of points when
I invited him to do so by way of contacting the Government if he wanted to make a motion
which would enjoy support, Mr Speaker, he could.

160 But he does not want to do that; he wants to make his point, he wants to get his headline, he
wants to get his air time by doing something which is not what he has to do.

If he wants to make the point he can make the point when we get to the item and he can tell
us exactly the same thing he would have told us in the motion, in the context of pointing to the
figure and giving us that view. He just wants more air time, he wants more headlines and that is
all that this is about.

165 The Constitution is an overriding and principal enactment and we *have* to respect it,
otherwise everything is up for grabs.

Mr Chairman: Personally, I am not satisfied that it is correct to proceed with this amendment. I am not satisfied that that is the case.

I am not saying that it is out of order but I am not satisfied that it is *in* order, which is a difference.

170 Therefore, my preference would be not to proceed with it and we carry on with the Estimates. In all the years that I was a Member something that never happened, no-one from the Opposition ever *dared* do anything akin to this – it has not happened in the intervening time. (*Interjection*) We have a Constitution that you have to have regard to the provisions of the Constitution, before you come up with an amendment here at this stage.

175 All these matters have to be looked into carefully.

As I say, I am not satisfied that we ought to proceed with this amendment. Really, I am not satisfied, I am very much in doubt about it; but, as I say, subsequently if that is the view of the Leader of the Opposition he himself, can seek advice from the Attorney General from a constitutional lawyer and the matter can be ventilated subsequently.

180

Hon. R M Clinton: Mr Chairman, if I may?

Would I be correct in saying then that there is no way that the Opposition can in any way, shape or form influence any of the numbers on the Appropriation Bill?

185 **Hon. Chief Minister:** Mr Speaker, this is something that happens quite often.

We are going to have a detailed debate now; we are going to look at the numbers together. If the hon. Members spot an error, for example, and it has happened before, I have spotted errors; we have had pages replaced when the hon. Members were in Government. We have had new pages brought to us because there have been errors which we have spotted and shared with Members opposite.

190

But this is the proposal that we are making in respect of the Bill going forward. If there were to be a proposal which is required to be brought by way of amendment, then the Constitution is clear. Hon. Members have to persuade *me*, in effect, to bring the amendment and then it is brought and the change occurs – and Mr Bossano can probably enlighten us more about when those things have happened.

195

Hon. D A Feetham: Mr Speaker, it appears to me that there are two separate points here, with respect. One is Mr Speaker's concern as to whether it is in order or out of order.

The second point, which concerns me more than the first, quite frankly, because if Mr Speaker had said, 'I am not sure about this, I want to rule it out of order for these reasons' ... it is Mr Speaker's ruling at the end of the day; and Mr Speaker draws in aid, for example, past practice and Mr Speaker makes a ruling on the basis of past practice and the Opposition accepts that.

200

What concerns me more about these exchanges, Mr Speaker, is that the Chief Minister should read to you, a non-lawyer, a section in the Constitution where the Leader of the Opposition who is also a lawyer – and I have got a lawyer next to me as well who has also read it – and we are reading and it says:

205

... for altering any charge otherwise than by reducing it ...

And we have our doubts and I put it no higher than that because I have been practising law long enough not to state opinions on a 100% basis, particularly in relation to interpretations of the Constitution.

210

But what I do not want, Mr Speaker, is for Mr Speaker to make a ruling about the constitutionality of something without taking advice; because that, I think, would not be the proper way to proceed.

215 **Mr Chairman:** I am certainly not going to make such a ruling.

As I said my reservations were clearly as in the first instance and I am certainly not going to be here listening to legal opinions from the number of lawyers that we have (*Laughter*) otherwise, Mr Bossano and I who are not lawyers will probably come to the same conclusion: *a plague on all your houses!* (*Laughter*)

220 So, as I am not satisfied, we are not going to proceed therefore with the amendment and if other issues arise they can be ventilated as appropriate; but I am going to give the Hon. Mr Bossano an opportunity as well.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the reason why I brought this to your attention when I came in was because I was stopped once from making an amendment, from the Opposition, to reduce somebody's salary – which was a reduction and not an increase.

230 This was in the previous Constitution where it said that you could not make any change without the consent of the Financial and Development Secretary, which was replaced then in the new Constitution by the Minister for Finance.

As far as I can tell the text is the same except that now it is the Minister for Finance instead of the Financial and Development Secretary – and it is quite obvious why that was there historically. It was there historically because of course the control of public spending, going back to the 1969 Constitution ultimately the person that had the last word was the Financial and Development Secretary – and you will remember, Mr Speaker, in the old days he was the one who answered for what was in the Appropriation Bill.

235 I think now that function and that role and that responsibility was for the Minister for Finance and that is why it requires the consent of the Minister for Finance, whereas before it required the consent of the Financial Secretary.

240 But I can definitely tell Members that what I proposed at the time from the Opposition was not an increase, it was a reduction and it was about reducing by £1. (*Interjection*) I think you might have been on this side at that time. (*Laughter*) Yes.

Mr Chairman: It was a view generally held that if you were not satisfied with the performance of the public servant or of a civil servant, one way to register that view was by reducing his salary by £1; and when he tried it he was not able to succeed.

So let's carry on.

Clerk: Clause 3

250

Mr Chairman: Clause 3, stands part of the Bill.

Clause 4, stands part of the Bill.

Clause 5, stands part of the Bill.

Clause 6, stands part of the Bill.

255

The Schedule, which is a book, Head 1.

Clerk: Head 1, Treasury; subhead 1, Payroll.

Hon. D A Feetham: Mr Speaker, as the Chairman, you have left out 7.

260

Mr Chairman: I have left out 7? My apologies.

Clause 7, stands part of the Bill.

The Schedule, Head 1, Treasury.

265

Clerk: Head 1, Treasury; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Now, when he calls Payroll, for the benefit of the new Members, you can ask any question and you can raise any matter in respect of the items listed under Payroll.

270 I will pause for a moment in case any Hon. Member wishes to ask something; otherwise we will then proceed to Other Charges. Again, the same procedure, you may ask any questions that you wish and then at the end of it all, I will move that it stand part of the Bill.

So Hon. Members, on Payroll or Other Charges in Head 1; are there any questions? Head 1, Treasury, stand part of the Bill.

275 **Clerk:** Head 2, No. 6 Convent Place; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: No, do not call the subhead Other Charges until we have dealt with Payroll. Payroll first.

280 Head 2, subhead, Payroll.

A Member: Mr Chairman, I do not think we have done –

Mr Chairman: Any questions arising from –

285 **A Member:** Sorry, Mr Chairman, I do not think we have done Other Charges of Treasury. *(Interjections)* Oh, you did it together, sorry. *(Interjections)*

Mr Chairman: The Hon. Roy Clinton.

290 **Hon. R M Clinton:** Mr Chairman, on the Payroll side of No. 6, I assume the Establishment numbers of Chief Secretary is under No. 6, Establishment?

I could not help but notice on the green pages at the end, on the salary scales, that the Chief Secretary seems to be getting a pay increase of 28% from £123,219 to £157,978.

295 Is that correct? *(Interjection and laughter)*

Hon. Chief Minister: Yes, Mr Speaker, I think this was giving effect to a commitment of the former Chief Minister in respect of the salary of the Principal Auditor, which is connected. These salaries are all connected, they are all in a grid – the Attorney General, the Chief Secretary. They were all connected under the former administration and this is a historical undertaking that had been given by the former Chief Minister which was given effect to.

300 I can write to him and let him have the details if he likes, because it was something that was brought to my attention, I think, by the Auditor or by the Chief Secretary himself on behalf of the Auditor; and with the consequent effect which he explained to me also that his own salary would rise as a result of it, and he was transparent at the time.

305 But I am quite happy to let you have a note that sets out how it arises.

Hon. D A Feetham: Yes, I think that I recall that in fact the Chief Secretary's salary – it was the Chief Secretary or Attorney General I think, the Financial Secretary's salary – they are all on the same level.

310 Does that mean that all of those three post holders, their salaries have also gone up, because we have not actually seen that reflected in the book?

Hon. Chief Minister: Mr Speaker, I understand that they are all connected, I do not know which of the three or four that are connected but I understand that there is a connection. But I am quite happy to let them have a note, a copy of the note that I got at the time explaining why it was and whose commitment it was that it would rise. *(Interjection)*

315 I do not know whether mine goes up or not; I do not know whether the allowance goes up or not.

Mr Chairman: Any other questions?

320 Other Charges.

Clerk: Subhead 2, Other Charges.

Hon. E J Phillips: Yes, Mr Chairman, I have got just one question in relation to No. 19 on the
325 co-ordination of the fight against illegal drugs.

Given that in Item 18 Project SEARCH has been given a healthy amount of £10,000 I was just wondering, given the commitment by the Government to the fight against illegal drugs, whether that is just a nominal figure or whether there will be further amounts dedicated towards the co-ordination at No. 6?

330

Hon. Chief Minister: Mr Speaker, £1,000 when it appears in the Book is usually a nominal amount, as it is here. There is an amount in respect of the fight against drugs in another section in the Book. This opening of the line is in order to be able to work together in the process which the hon. Gentleman knows we are embarked upon.

335

Mr Chairman: Other Charges continue on page 26 and page 27.

Hon. T N Hammond: Mr Chairman, just with respect to Other Charges on page 26, I believe it will be paragraph 5(f) Maintenance Agreements and Licences, Contracted Services, I notice the
340 total for Maintenance Agreements and Licences goes up by £400,000 by about 40% for the coming year as an estimate.

Is there any particular reason for that? I am assuming it is not an inflationary increase, with inflation being so low?

345

Hon. Chief Minister: Mr Speaker, the reasons for the increase are as follows. The discount which was given to Governments, local authorities etc. around the world by Microsoft, has now been reduced so we get less of a discount from Microsoft.

The additional licences required for the server firm, the additional licences required as a result of the audit undertaken by the suppliers of this equipment, and changes to Microsoft
350 licensing procedures that has made us carry out benchmark testing with our suppliers to achieve the most cost effective solution possible in respect of software.

Also, new contracts for Rendezvous software, backups of exchange databases, the maintenance of the Government website and preventative maintenance equipment which has been required.

355

So it is all IT-driven.

Hon. D A Feetham: Mr Chairman, on the same clause we have got the forecast outturn for Travel, Protocol and Entertainment and we have got a figure of £1.2 million, and then the estimate next year £650,000 – £500,000 for travel and £150,000 for Protocol and Entertainment.

360

Now I understand that factored into that – I do not know, maybe I am mistaken about that – but probably is the downsizing of the Gibraltar Day in London of making people pay in relation to that.

But given that we are in a post-Brexit situation and no doubt there is probably going to be more travel rather than less, is it realistic to suggest that travel and entertainment is actually
365 going to go down? It is going to be halved?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is right, these are pre-Brexit estimates – and I am happy to give notice now so that it is clear on the record – it maybe that those numbers have to rise because we may be travelling a lot more than we expected to travel
370 and we may be taking people with us who we would not usually take with us on trips.

And in any event, Mr Speaker, the creation of the august office of the Deputy Chief Minister which now has its own pages, will have a part of the travel etc. because the Deputy Chief Minister, of course, does his own travel and therefore the hon. Gentleman will see part of the cost is there as well.

375

Hon. D A Feetham: And also, Mr Chairman, if we go to number 9, we will see that the forecast outturn for the end of this year was £1.5 million in grants and donations, and that has been reduced by over two thirds to £420,000.

380

Can the Hon. the Chief Minister explain the considerable reduction in expense in relation to that particular Head?

Hon. Chief Minister: Yes, Mr Speaker, the Hon. the Chief Minister found he was often criticised for a lot of the costs arising for No. 6 Convent Place which in fact related to other Departments.

385

So those charges which related to other Departments are now in the other Departments; and a number of them related to matters relating to Health, for example, and the hon. Gentleman will see that those Departments are now carrying their own costs rather than subjecting the Chief Minister to those unfair and entirely inappropriate allegations that were made before.

390

Mr Chairman: Any other questions?

Hon. T N Hammond: Mr Chairman, in the same section on page 26, paragraph 11, Research Development Studies and Professional Fees, I note that the forecast outturn is almost double the estimate of £450,000 rising to £870,000, and the estimate for the coming year is £500,000.

395

Just two questions on that: is the £500,000 realistic based on this year's outturn? And is there an explanation for such a significant overspend in that particular area?

400

Hon. Chief Minister: Yes, Mr Speaker, this is a head that is usually demand driven. If the hon. Gentleman looks at the Actual in 2014-15 and the Estimate, and then the Actual now, the Actual would have been more demand led than anything else and the Estimate should not be any much larger, so much more increased than the Estimate for last year was, other than trying to see that we keep it within that. But if there are professional fees, then we have to meet them and that is how the outturn is usually larger.

405

Those professional fees may not be related to No. 6 Convent Place but we are still a bit of a bucket, despite my best efforts, for other people's professional fees as well, because if there is an agreement that something happens and there needs to be advice taken, very often there is not the budget in the other Departments and it has to be dealt with out of No. 6.

410

Mr Chairman: Anything else on page 26?

Hon. T N Hammond: I do have some more on page 26, but just mainly on that point.

Can I ask, Mr Chairman, if the Chief Minister is saying that the £500,000 is likely to rise as it has in previous years and therefore would it be sensible to put a higher estimate to reflect the likely true figure there?

415

Hon. Chief Minister: No, Mr Speaker, what we are saying is that we think that £500,000 is the right figure. If you look at 2014-2015 it was closer to £500,000 than to £870,000, and so there must be an attempt to keep it towards the £500,000 and not to allow it to increase. But there may be demand-led reasons why it has to increase.

420

For example, I am looking at some of the fees which relate to the current year and I can see they are all about professional fees incurred in the context of some of the issues that the hon. Gentleman may have read about in the paper, and where we have had to take advice and

understand what Gibraltar's rights are internationally etc. and that comes out of this head very often.

425

Hon. T N Hammond: Yes, I understand that, I think the only point I was trying to make was obviously an estimate tries to reflect a reality rather than an aspiration, and so if the expectation is that the ... certainly in the last year it was a significantly higher cost. Unless the Chief Minister is telling me that he is not anticipating a similar year coming up, and in the Brexit scenario obviously I think we can expect to have – certainly in terms of professional fees – the significant potential there, whether it would be wiser.

430

But I do accept the Chief Minister's point and I will not press that any further.

Hon. Chief Minister: Mr Speaker, the book was done well before Brexit and it may be that there is a need to take further advice and we may exceed the amount, or we may be taking a lot of advice from other sources that do not come out of this head.

435

So I am not one for encouraging people to think that there is more money available; and it is also a tool in my negotiating arsenal to say to people, 'I have not got money in the head', so I can try and get better fees.

440

So I would not encourage him to give succour to those who would take us for suckers.

Hon. D A Feetham: Yes, Mr Chairman, two items at 14, Government General Advertising and Official Notices.

If the Chief Minister looks at the Actual for 2014-2015 it is £1.1 million. I would be very surprised if that did not actually come above the estimate for that year but certainly, if you look at the Estimate for 2016 was £600,000, the forecast outturn is £900,000 and now we have got a figure which is £500,000 which is less than what was estimated last year.

445

Unless the Government has taken a conscious decision to really decrease the level of Government General Advertising that is likely to increase isn't it, during the course of this year, to an Actual probably closer to the £900,000 in the forecast outturn, bearing in mind that if you look at 2015 it was £1.1 million.

450

That is one. Secondly, in relation to 17 there is an ex-gratia payment there of £460,000 in the forecast outturn for the end of 2016. Can he explain what that is when the Estimate last year was £25,000?

455

Hon. Chief Minister: Well, Mr Speaker, whilst the information on 17 is provided, in line 14 what he is seeing is another one of the effects of the Office of the Deputy Chief Minister being created, because one of the largest areas of expenditure was property in relation to property advertising, Mr Speaker. So he will see, for example, that one of the lines that is open in respect of the Office of the DCM is a line in respect of Land Advertising and Official Notices which is now going to be dealt with there, Mr Speaker.

460

Different rules will apply in relation to advertising so that it is controlled in the way that we think is more appropriate. So if the hon. Gentleman looks at the Estimate for last year and he looks at the Estimate for this year based on what I have told him, he will find that we are estimating the same amount and we are going to continue the exercise of trying to keep the cost down. But again, with the caveat that this was a pre-Brexit book and that *these* areas may be areas where more expenditure is required.

465

In relation to ex-gratia payments, Mr Speaker, he needs to be very alive to the fact that it is a plural, it is ex-gratia *payments*, and there are nine payments which are the ones that make up the £460,000, including the £25,000 which was the approved estimate so it is an overspend of approximately £435,000.

470

But this is again demand-led and this relates to a settlement in one Department; all of those settlements come to No. 6 Convent Place for payment. The other Departments, I think, apart from the GHA, do not have a head for ex-gratia payments so they all come here.

475 There is the argument to put £1,000 in as a line rather than £50,000. There are some years when you find you are entirely underspent on the line and there are some years where you are overspent on the line, it depends on settlements.

480 **Hon. T N Hammond:** Mr Chairman, if I just may take us back to paragraph 15, Media Monitoring Services. Again, I notice that the Actual for years 2014-15 was £450,000, the forecast outturn for the last financial year was £550,000, and yet the Estimate for the coming year is £180,000 – quite a significant cut.

485 It has never been absolutely clear what those Media Monitoring Services are, but whatever they do presumably it costs money and has cost £550,000. Why is there an expectation that that budget should be cut by a third this year?

Hon. Chief Minister: Mr Speaker, we do not talk about what the details of that is, but I will give him the confidence that none of it is national, so I do not pay anyone to tell me what he tweets. This is all about outside of Gibraltar and I think that has been made abundantly clear.

490 Mr Speaker, we had an expectation that the services we were going to need outside of Gibraltar were going to be considerably reduced. Nothing has changed in that respect except Brexit.

495 So the aspects that we thought we were going to need regarding – if I may put it this way – the more traditional issue that we have consistently had, is adequately dealt with in the context of the reduction, because we are now able to do things in a slightly different way; technology changes and therefore those who were doing things for us can do them in a slightly different way. But Brexit may require us to change our view in respect of that figure as well.

500 At the moment it may be that we are talking a lot about Brexit costs, etc. and that we may not incur a lot of that in this financial year, it may be that the real work in respect of what we need to do internationally comes later because this is a process that is not necessarily going to be over in this financial year – we may not even see an Article 50 notice given by the United Kingdom in this financial year, or we may.

505 So it is either something that is going to start to affect our costs in the three-quarters that remains of this financial year, that may affect the following financial year, or may continue to affect us even into a third financial year.

For now all I can say is that we will nonetheless seek to stick to these estimates wherever possible in all matters that are not Brexit-driven, because I think it is important that we should try to.

510 **Mr Chairman:** Any other questions?
Head 2 stands part of the Bill.

Clerk: Head 3, Customs; subhead 1, Payroll.

515 **Mr Chairman:** Any questions?

Clerk: Subhead 2, Other Charges.

Mr Chairman: Head 3, Customs, stands part of the Bill

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Clerk: Head 4, Broadcasting; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 4, Broadcasting, stands part of the Bill.

525 **Clerk:** Head 5, Income Tax; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 5, Income Tax, stand part of the Bill.

Clerk: Head 6, Parliament.

530

Mr Chairman: Stand parts of the Bill. *(Laughter and banging on desks)*

A Member: Hear, hear.

535

Clerk: Subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill. We can carry on in business.

Hon. E J Reyes: Mr Chairman.

540

Mr Chairman: Yes.

Hon. E J Reyes: I was just trying to ask a question –

545

Mr Chairman: Yes, go on.

Hon. E J Reyes: On Other Charges, 2(a) about the Commonwealth Parliamentary Association. I see that a token of £40,000 is standard.

550

It is just that looking at the forecast outturn we seem to have hit the nail on the head and I thought there might have been a saving this year given that, for reasons of security mainly, the hon. Lady and myself along with I believe, most of our regional representatives, did not attend the Islamabad Conference.

So maybe the actual outturn may even be slightly lower. I am asking if perhaps the hon. Lady can enlighten us.

555

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Chairman, to set that off Gibraltar did host a CWP Conference; while there was a saving because we did not travel to Pakistan last year, Gibraltar did host a conference in February for CWP.

560

Hon. E J Reyes: Yes, that more or less puts to rest the suspicion I had. I am glad to see that.

And obviously, Mr Chairman, I think the hon. Lady and myself are happy to report that there might even be a saving this year, although in the following year there will have to be an increase because Gibraltar will actually be hosting – very proudly hosting – and this is where we certainly prove that we can work together for the benefit of Gibraltar. We will be hosting the regional meeting and I wish those Members who still have not had an opportunity to get themselves well acquainted with CPA matters, that they take advantage of the one that will be held in Gibraltar and therefore we can get more people on our side because we are very much part and parcel of the Commonwealth family. *(Banging on desks)*

565

570

Hon. R M Clinton: Mr Chairman, I just have just one question.

In relation to Item 2.2(f) Recording Equipment, I notice that the outturn is £2,000 and for this coming year we are talking about £26,000. I wonder if somebody could explain that for us.

575

Hon. Chief Minister: Mr Speaker, I understand this is the new maintenance contract for recording equipment – the original one expired and this is the new one. Of course the equipment is now outside of its initial purchase and maintenance agreement period so this is, I think from memory, the first total maintenance agreement which is not linked to the acquisition.

Mr Chairman: Any other questions?

580 Head 6, Parliament, stands part of the Bill.

Clerk: Head 7, Human Resources; subhead 1, Payroll; subhead 2, Other Charges

585 **Hon. E J Phillips:** Mr Chairman, just one question in relation to 2.4 Funding of University Students – Summer Jobs.

I note there is a decrease in the Estimate for 2016-2017. Does that represent a reduction in the number of opportunities or summer jobs available to students? I would have thought that the number of students would have remained the same, or at least around the same figure.

590 But I would just like some clarification as to whether the funds available for summer jobs have been reduced.

Hon. Chief Minister: Mr Speaker, in fact what we wanted to do is to ensure that people who came to work with us had something meaningful to do rather than simply give people dead end jobs for which they were paid to be around, which hon. Members across the floor have repeatedly said they do not want to see us do, and we do not want to see people do.

But we inherited a system when we were elected, which had been introduced the year before the election – surprise, surprise – that whoever wanted to have a job for summer, had a job for summer and we found many idle and bored students hanging around Government.

600 So we made provision for less of them to be employed this year, well at least to have the same number to be employed but to be divided between the two months. In fact, just very few over the number that we had allowed for have applied, so we have allowed everyone who has applied to actually have the opportunity.

605 I think this will make for a much more engaging period with the Government during the summer, so that those who are with us are actually doing something with us, not to have such a large number that they are sitting around idle. I sincerely hope that this is a process that they continue to engage in as Gibraltar students because I think we get a lot out of having the opportunity to have them with us in the Government if we have them in manageable numbers.

Hon. R M Clinton: Mr Chairman, just one question.

610 In relation to Other Charges 2, item 5, Early Exit Schemes: I notice that seems to be creeping up year-on-year. I was wondering if an explanation could be provided as to what these exit schemes cover. What it is in respect of – other than, obviously, exit?

615 **Hon. J J Bossano:** Well, Mr Chairman, the early exit package originally was introduced in respect of the Housing Works Agency, and then it applied to the Public Works Garage; now we have made it available in other areas where we had representations from the Union where people have got a number of years ahead of them, and we are giving them similar exit terms on the basis that they are jobs that are not replaced, so that eventually the cost that appears here will be offset by the savings in the salaries of the job that disappears.

620 So the early exit package is in fact a voluntary reduction in numbers employed in the public service.

Hon. R M Clinton: Just to clarify for my own information, this would only apply to civil servants, yes?

625

Hon. J J Bossano: It applies to public servants, not just to civil servants. The Housing Works Agency were people who left the Civil Service.

630 The distinction made by the GSD was that people were paid to stop being civil servants, which is something which I explained earlier. So in the Public Works Department they were civil servants.

In order to sacrifice their status as employees of the Crown and become employees of the greatest Gibraltarian, clearly acknowledging how much worse that was, there was a 16% or 18%, 18% for craftsmen, 12% acknowledging that working for the Queen was better than working for the then Chief Minister. People had to be paid to make the move and therefore the exit was not available to civil servants.

Even now, strictly speaking, it is not available to civil servants. When we have somebody who wants to take the early exit package, we put them through the route of exiting the Civil Service first.

Hon. T N Hammond: Mr Chairman, still under Human Resources, paragraph 6 under Relief Cover: I note here also that there are ex-gratia payments amounting to, in the last financial year £169,000 and the year before that £113,000.

No estimate has been set aside for that in the coming financial year, so considering the last two years payments of in excess of £100,000 have been made, would it not be wise to place an estimate there?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman needs to understand and I am not making any criticism, I know it is their first year, and I was probably much worse at understanding it in my first year than they are.

When it is in italics and indented it means it is a disappearing subhead so that head will not be there anymore. *(Interjection)*

And, as another little clue, if it goes somewhere else, it has a footnote and it tells you where it is going. If it does not have a footnote it is just disappearing.

Hon. T N Hammond: I thank the Chief Minister for that. The reason I ask the question is of course the footnote refers to the indented clause above it and it was not clear, therefore, that it also applied to the clause below. *(Interjection)*

Hon. Chief Minister: Mr Speaker, the footnote applies to the one above which is going somewhere else – the one above Contribution to GDC Staff Services is going to page 171; but the ex-gratia payments line is completely disappearing and that is why it does not have a footnote.

Hon. T N Hammond: Again, I thank the Chief Minister for that clarification. In which case, could I just ask for the last year as he provided the figures for the number of ex-gratia payments made under the Head 4 number 6, if he might do the same for this particular head in the last financial year?

Hon. Chief Minister: Eight ex-gratia payments, Mr Speaker.

Mr Chairman: Head 7, Human Resources, stands part of the Bill.

Clerk: Head 8, Immigration and Civil Status; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 8, Immigration and Civil Status, stands part of the Bill.

675

Clerk: Head 9, Financial Secretary's Office; subhead 1, Payroll.

Hon. R M Clinton: Mr Chairman ... *(Interjection and Laughter)* with bated breath.

Head 1, Payroll Item 1(d) Temporary Assistance: I would be grateful as to what that temporary assistance was in respect of, seeing as it seems to be a permanent item?

Hon. Chief Minister: Mr Speaker, this is the amount that is paid in respect of the former Financial Secretary who continues to assist and has an arrangement to come in and help us with some issues where he is still involved.

685 The hon. Gentleman may want to go to the press release that we issued at the time which actually provided exactly for what Dilip continues to do for us. For example, he continues to be the director of some of the Government companies where I have asked him to continue doing that work.

690 He is a fantastically able man who has done sterling work in his career in the service and there was no reason why – if he would agree to continue to do that – why we should burden the new Financial Secretary also with that work; and that is the difference there.

Hon. R M Clinton: I thank the Chief Minister for that answer.

695 So I take it this is purely in respect of Dilip. Can I ask: is there a fixed term contract for Dilip?

Hon. Chief Minister: Mr Speaker, I tend to try not to use the names across the floor of the House, out of courtesy, but if he has worked it out accurately he has worked it out accurately. But just for the sake of the record I would rather not go down the road of using names.

700 Is there a fixed term contract? It is not fixed term, Mr Speaker, I have asked him to please continue; and at some stage Dilip – the former Financial Secretary – will say to me, ‘I would rather *not* continue.’

705 So it is not something that is indefinite but it is not something that is going to end this year, I hope. I sincerely hope that he will continue to assist me for the time that I am Chief Minister and I would hope that it is going to go on for a very long time indeed.

Hon. D A Feetham: Mr Chairman, are we talking about the £75,000 that relates to the former Financial Secretary or does that take into account more than one individual? Because in previous years there has already been temporary assistance in previous years, so the £75,000 may not relate to him alone.

710 **Hon. Chief Minister:** It does, Mr Speaker, but what I understand is that the issue is that we did not provide for the full year effect and so in 2014-15, the Actual period worked is charged. In 2015-16 the salary put in was not the full year effect but the outturn is the full year effect, and you can see the full year effect now, as well, going forward.

715 **Mr Chairman:** Head 9, Financial Secretary’s Office, stands part of the Bill.

Clerk: Head 10, Procurement Office; subhead 1, Payroll; subhead 2, Other Charges

720 **Hon. R M Clinton:** Mr Chairman, if I may?

I happened to notice, in just doing an analysis of headcount, that the headcount of the Procurement Office does not seem to have changed much over certainly the last four years.

725 I just wondered if there are any plans ... obviously there is nothing in the Estimate for 2016-17 and maybe it is not appropriate for me to ask now, but are there any plans to increase the establishment?

Hon. Chief Minister: Mr Speaker, is he encouraging me to do so? *(Laughter)* I am just trying to work out which wing of the GSD I am dealing with at the moment. *(Laughter)*

730 The answer is no, Mr Speaker, and – *(Interjection)* well, I do not know! Given your speeches, I do not know any more.

But the answer is no, there are no plans to increase in the Procurement Office. Brexit may have many consequences and, if we do not have to do EU procurement, it may be possible that some of the people who are in Procurement today may wish to work in other wings of

735 Government, where there may be more post-Brexit activity than there may be in others, where there may be less post-Brexit activity.

EU Procurement, as the hon. Gentleman may know, is one of the most demanding things that Government does these days.

740 **Mr Chairman:** Head 10, Procurement Office, stands part of the Bill.

Clerk: Head 11, Government Law Offices; subhead 1, Payroll; subhead 2, Other Charges

745 **Hon. E J Phillips:** Mr Chairman, just in relation to Other Charges 2, Operational Expenses (a). I just wanted to know whether the Government had thought about online resources in relation to law books, or the replacement of law books for this cost with online resources; or whether, indeed, this £90,000 also includes online resources – legal resources, should I say?

750 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Chairman, yes, this is an area that is being looked at in terms of subscriptions and the law books and making the system more efficient and certainly, as the hon. Member well knows, having access to databases clearly costs money but makes it more efficient research and sometimes you do not have to buy the physical book.

But certainly that is something that has been in discussions and is in line.

755 **Hon. R M Clinton:** Mr Chairman, as a non-lawyer I wonder if the Minister for Justice perhaps could clarify for me, what is meant by parliamentary counsel officers? Are these people going to be available to Parliament and in what sort of capacity or is this a generic term common in the legal fraternity?

760 **Hon. Chief Minister:** Mr Speaker, in the context of Westminster, somebody who works to draft laws is called a Parliamentary Counsel and somebody who advises the Treasury is called Treasury Counsel but they are all lawyers who do all different things in the Government Law Offices.

765 And if the hon. Gentleman wants more detail there was a very detailed press release issued at the time of the reorganisation which detailed all of that and set out what parliamentary counsel were and all the rest of it.

770 **Hon. T N Hammond:** Mr Chairman, referring to the Payroll under Government Law Offices and I just may not have seen how some things have moved from one head to another here, so just requesting some clarification on the forecast outturn for the last financial year of £959,000 rising to an estimate this year of £2,437,000 – is that because extra resources are being shown from another head that has been transferred or is there another reason.? It is not clear to me.

775 **Hon. Chief Minister:** This is the amalgamation of – in the same press release that I have just referred the hon. Gentleman to – the amalgamation of all the Law Officers that were in different parts of the book, they are now altogether in one part of the book.

780 I am told it is in the footnotes, Mr Speaker. This is a debate where the ‘devil is in the detail’ is really one of those things that is very true. It is in the footnote, Mr Speaker, I am told. If the hon. Gentleman follows up the footnotes 2 and 3 and throughout, it then sort of explains what is happening.

Mr Chairman: Any other questions?

Head 11, Government Law Offices, stands part of the Bill.

785 **Clerk:** Head 12, Office of the Deputy Chief Minister; subhead 1, Payroll; subhead 2, Other Charges.

Hon. T N Hammond: Mr Chairman, if I may just again ask for clarification. As far as I can see there are no travel or entertainment expenses as suggested by the Chief Minister under the No. 6 Head that we might find under the Head of the Deputy Chief Minister and which may have been shifted to explain for the reduction in those costs under the No. 6 Head. Is that correct?
790

Hon. Chief Minister: Mr Speaker, because the Lobbying Head carries a lot of those charges, I mean part of the lobbying work is travel costs. Now, let me just try and explain this in a way that is easy to understand.
795

Ministerial travel comes out of the Central Travel vote at No. 6. Not that they care, but every time that they unfairly accuse the Chief Minister of travelling more etc. – it is not just the Chief Minister, it is the cost of all Ministerial travel.

Lobbying includes the travel costs of third parties. So for example if you are bringing people over, you are moving people who are not Government Ministers then that travel cost comes out of there and so that is the cost that we are dealing with in that context.
800

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Chairman, there have been instances when we have invited for example, Members of the European Parliament to come to Gibraltar. That might come from the Lobbying Vote.
805

Mr Chairman: Head 12, the Office of the Deputy – *(Interjection by Hon. E J Reyes)* sorry –

Hon. E J Reyes: May I ask as well, on subhead 2(5) under the Archives, there are general expenses of £30,000 which is certainly a figure higher than what any other Department tends to have under that general heading. Is there any type of clarification? Because it could or could not include that there is a breakdown in other subheads such as rent or telephone charges or whatever. Here there is nothing except just a very general title.
810

Hon. Deputy Chief Minister: Mr Chairman, this relates to the digitisation programme going on in the archives, as I explained during my contribution.
815

Mr Chairman: Head 12, the Office of the Deputy Chief Minister, stands part of the Bill.

820 **Clerk:** Head 13, Civil Aviation; subhead 1, Payroll; subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, may I ask under Head 2, subhead 4, Aviation Projects £105,000 – I would be very grateful for any clarification as to what that might relate to.

Hon. Deputy Chief Minister: Mr Chairman, yes. This relates to ongoing work into the possibility of setting up an aviation register for Gibraltar like we have a shipping register and a yacht register.
825

Mr Chairman: Head 13, Civil Aviation, stands part of the Bill.

830 **Clerk:** Head 14, Health; subhead 1, Payroll; subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, I would be grateful under Other Charges for some explanation as to the grants item, £770,000.
835

Hon. Dr J E Cortes: They are the ones, Mr Chairman, that the Chief Minister referred to earlier that have been moved from his No. 6 to Health and if memory serves me correctly they include the Hospice and the Oxygen Therapy.

840 **Hon. R M Clinton:** I do not suppose that a sub-analysis would be possible. (*Interjection*)

Hon. Dr J E Cortes: The breakdown, I think the Financial Secretary just showed me it, I did not realise you needed detail – £468,000 for the Therapy Centre, £300,000 for the Hospice –

845 **Hon. Chief Minister:** Mr Speaker, we have given it now, it is 5.45 on a Friday afternoon. I dare say we are probably the only people listening.

I just caution hon. Members, if they want more detail of that I am quite happy to let them have it but not in public because we do not want everybody to think that they can ask for the same amount.

850 These are two important ones that have gone to the GHA and they are in a greyer area, if I may say so, but in respect of grants what we do we say, well I am quite happy to tell you what it is, but I do not want everybody else to know because then everybody says ‘I am also a *whatever*, *whatever* charity and can I please have because you give ...’ and so if hon. Members have that we can share that information in respect of any public grant in the future on a more private basis, not to encourage others.

Mr Chairman: Head 14, Health, stands part of the Bill.

Clerk: Head 15, Environment; subhead 1, Payroll; subhead 2, Other Charges.

860

Mr Chairman: Head 15 – yes, the Hon. Trevor Hammond.

Hon. T N Hammond: Mr Chairman, just under the Cemeteries section, I note that the outturn for salaries is £123,000 and the estimate for discretionary overtime is £180,000.

865 I just question whether that is the best way of operating any kind of manning protocol or whether the Government should perhaps consider employing someone else, it may be cheaper I do not know.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): The cemeteries are run virtually on a seven day a week basis so there is a lot of overtime involved. Also you never know when a funeral might be necessary and in Gibraltar because our correct tradition of having funerals as soon as possible, sometimes they are called on bank holidays and so on.

875 This is not always foreseeable and therefore this has always been like this, it is nothing new, it goes back to a former administration and probably the one before that. And that is really the reason why it is dealt with in that way, there is a lot of overtime because sometimes you just have to do it at awkward times.

Hon. T N Hammond: I appreciate that and obviously the Health Authority also runs on a basis where you have people seven days a week 24 hrs a day and normally you work shifts which do not bring overtime in.

880 If I may just finish, the reason I ask the question, it is a fairly unusual situation to have a circumstance where your overtime expense is actually a third again higher than your salaries and normally that would trigger a response by perhaps employing more staff to deal with the situation.

885

Hon. Dr J E Cortes: I do not think the Health Authority is a good comparison because there you know you are working 24 hours but it is predictable and people are on shifts. In the cemetery you cannot foretell and therefore you may have people who are on shifts who end up having nothing to do. So you know, it is not as simple as that.

Mr Chairman: Any other questions?

Hon. Dr J E Cortes: I assume that Payroll is okay then?
I do not think we have called the Other Charges yet.

Clerk: Subhead 2, Other Charges.

Hon. T N Hammond: Mr Chairman, just relating to paragraph 4(f) Commonwealth Park, I note that the forecast outturn is £390,000 above the estimate of £100,000 and that the estimate for the coming year is £450,000 which clearly shows a higher than anticipated cost for what I assume is maintenance of the park. Is there a particular reason why the costs have gone up so substantially in the space of two years?

Hon. Dr J E Cortes: None other than what the hon. Member has said, higher than anticipated, more in line with the previous year which only had about half a year. There has been a considerable expenditure particularly in water in what was a very dry and very hot year last year and that can take a considerable amount, so it was just higher than anticipated and therefore we have provided for this year.

Hon. T N Hammond: Can I just clarify then that the additional cost is down to what would appear to be utilities rather than perhaps the assumption that the lawn may have to be re-laid each year?

Hon. Dr J E Cortes: No, no, absolutely not, absolutely not. The lawn in this sort of situation would probably have to have considerable relaying every two to three years but not because it is taken that it will happen every year.

Hon. T N Hammond: But may I assume the costs for the outturn, last year's outturn of £490,000 do include the cost of the new lawn.

Hon. Dr J E Cortes: That presumably does include the cost of the lawn. No that was capital, that is right yes; no it does not include that.

Hon. R M Clinton: Mr Chairman, if I may, under Item 3, on Other Charges, subhead M – Environmental Security Services, I was just wondering what that relates to and how it is that we have an outturn for this year of £296,000 and nothing forecast in the Estimates Book last year and why that has now dropped to £90,000 for the coming year.

Hon. Dr J E Cortes: We are reviewing the security operation there which last year included quite a large number of security officers around many different places including the Upper Rock, around town and elsewhere.

We are reviewing that this year, have not completely changed it yet but some of these things that they were doing for example in some of the litter hot spots and so on seem to have improved so that is under review and we suspect we will be able to cut costs there considerably.

Mr Chairman: Head 15, Environment, stands part of the Bill.

Clerk: Head 16, Utilities; subhead 1, Payroll; subhead 2, Other Charges.

940

Mr Chairman: Head 16, Utilities, stands part of the Bill.

Clerk: Head 17, Collection and Disposal of Refuse; subhead 1, Payroll; subhead 2, Other Charges.

945

Hon. R M Clinton: Mr Chairman, under Item 1, subsection 6, Finance Repayment and £90,000 showing up for this coming year, I would be grateful for some clarification on that number.

Hon. Dr J E Cortes: Yes, that is the purchase of a number of new refuse lorries which is financed I think by a loan and then is repaid. So that relates to new refuse lorries.

950

Hon. T N Hammond: Mr Chairman, in the same section under Line 4, Employers' Contributions: I note that they do rise by approximately 20% for the estimate for the coming year. Is there a particular reason for that as the wages do not seem to go up so I am assuming there are no extra personnel employed?

955

Hon. Dr J E Cortes: There have been more employees taken on, so I am assuming that is in order to take account of that.

960

Hon. T N Hammond: In which case I would have anticipated a rise in the estimate for the wages as well.

Hon. Dr J E Cortes: Right, I am told that this is related to pension contributions. We were down on people so the wages are alright but because people will subscribe to the pension schemes and the Government has to match it so therefore the implication is that higher contributions of pensions which the Government then has to match.

965

Again I am sure we can give a breakdown in slower time but I am advised that it is to do with the pension contributions which have to be matched by the Government under the Providence Scheme.

970

Mr Chairman: Head 17, Collection and Disposal of Refuse, stands part of the Bill.

Clerk: Head 18, Gibraltar Health Authority, Elderly Residential Services Section; subhead 1, Payroll; subhead 2, Other Charges.

975

Mr Chairman: Head 18, Gibraltar Health Authority, Elderly Residential Services Section, stand part of the Bill.

Clerk: Head 19, Technical Services; subhead 1, Payroll; subhead 2, Other Charges.

980

Mr Chairman: Head 19, Technical Services, stands part of the Bill.

Clerk: Head 20, Driver and Vehicle Licensing; subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 20, Driver and Vehicle Licensing, stands part of the Bill.

Clerk: Head 21, Port; subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 21, Port, stands part of the Bill.

Clerk: Head 22, Town Planning and Building Control; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 22, Town Planning and Building Control, stands part of the Bill.

995

Clerk: Head 23, Statistics Office, subhead 1, Payroll.

Hon. R M Clinton: Mr Chairman, just curious: Payroll costs, salaries, I notice the establishment is still eight, with the same mix but the outturn was £319,000 for this year ended and the estimate for next year is £285,000 which is lower. It does not seem to be right to me but I would welcome an explanation.

1000

Hon. Chief Minister: One vacancy and two maternities, Mr Speaker.

1005

Clerk: Subhead 2, Other Charges.

Chairman: Head 23, Statistics Office, stands part of the Bill.

Clerk: Head 24, Economic Development; subhead 1, Payroll; subhead 2, Other Charges.

1010

Mr Chairman: Head 24, Economic Development, stands part of the Bill.

Clerk: Head 25, Equality and Social Services; subhead 1, Payroll; subhead 2, Other Charges.

1015

Mr Chairman: Head 25, Equality and Social Services, stands part of the Bill.

Clerk: Head 26, Tourism; subhead 1, Payroll; subhead 2, Other Charges.

Hon. L F Llamas: Mr Chairman, I have a question with regard to Other Charges, 3(c) Consultancy. I would like to have a bit more detail as to what this £80,000 is.

1020

Hon. Miss S J Sacramento: Mr Chairman, these are two engagements that the Tourist Board has. People are not employed as public servants but rather they are on contracts.

Hon. L F Llamas: Do I take it that it is a new item or is it – ? I cannot see it having been included in previous years.

1025

Hon. Miss S J Sacramento: Mr Chairman, it is not a new item, it was included in previous years but it was included in a different head. So for accounting purposes we have just moved it from one to the other.

1030

Mr Chairman: Head 26, Tourism, stands part of the Bill.

Clerk: Head 27, Housing Administration; subhead 1, Payroll.

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Hon. E J Reyes: May I, Mr Chairman? On the Payroll, subsection 2(a) where it says Industrial Wages – Basic Wages, there is a provision for £24,000 we are having a forecast outturn the previous year of £17,000. There was no expenditure the years before that and if I ask you sir, could you please turn back a page to page 96 on the Actual Establishment, Industrial Staff was zero. So who are we paying if there is no-one in the industrial staff?

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1045 **Hon. Miss S J Sacramento:** Mr Chairman, this reflects something that was undertaken by the GSD when the Housing Works Agency was created and this represents a migration from the Industrial staff in the Housing Department to the Housing Works Agency but the fund comes under the Head of the Housing Department.

1050 **Hon. E J Reyes:** I have not quite understood that. I can understand the part where we came to certain arrangements and in fact the Hon. Joe Bossano was even using that as an example. You were a civil servant and then you came to a package and you moved on to the Housing Works Agency and so on. Why in 2016-17 should we still have a charge for basic wages? That at the end of the day reflects as if we were paying a civil servant who is no longer there. Surely that person already received the ex-gratia payment and so on. I am not an accountant and I am not a lawyer; I am a simple school teacher like Mr Speaker, but we need some sort of clarification please.

1055 **Hon. Miss S J Sacramento:** Mr Chairman, that is actually in relation to – if we turn to page 96 there is a ‘supernumerary staff – messenger’. (*Interjection*) Yes, Mr Chairman, he is an industrial, reflected as supernumerary staff and that is his salary. He has been transferred from another Department into the Housing Department.

1060 To clarify, Mr Chairman finally, it is because the post is a non-industrial post and the incumbent is an industrial, which is why the salary is reflected where it is.

1065 **Hon. T N Hammond:** Mr Chairman, just reference, no sorry ignore me, I have jumped to Other Charges.

Clerk: Subhead 2, Other Charges.

1070 **Hon. T N Hammond:** I will have a go now. Under Other Charges, paragraph 2(f), I note again that there is quite a significant difference from Estimates to Actuals and forecast outturns to the tune of over £100,000 in the last two financial years.

Does again this represent a realistic estimate for the coming year or is it worth considering raising that estimate which may be more in line with the reality of the situation?

1075 **Hon. Miss S J Sacramento:** Mr Chairman, this is the cost that we envisage for this financial year. Sometimes decanting can happen due to unforeseen circumstances. In particular years if we have a very bad storm it may require more decanting than if the weather is better.

1080 This is the estimate that we foresee is reasonable if, due to unforeseen factors we require further expenditure, then we will deal with it at that stage. But certainly I would feel more comfortable leaving it as the lower end of the scale which is what we envisage and that is what we anticipate.

1085 **Hon. Chief Minister:** The hon. Gentleman might like to know there is £9 million of supplementary funding built into the book which is there to enable these sorts of charges to be provided for. So it is not as if we are not going to have, in any event, a built-in contingency for these sorts of areas which traditionally tend to overspend on a demand-led basis.

1090 But from the point of view from the time I have been here and I think from the point of view of others who have been here for longer, the more you put in, the more you will definitely spend. Better to put in less and allow the demand to be what leads to cost rather than anybody thinking that they can take something from a head that is likely to be underspent because it is higher and that year there may not have been storms.

Hon. R M Clinton: Mr Chairman, under Head 2(5), Rates and Government Housing Stock, I have taken note of Footnote 6 which says previously offset against Revenue Head 5, subhead 50, House Rents page 8.

1095 The accountant in me, I cannot resist asking the question, there is also a comparative missing for the forecast outturn for 2015-16 for the equivalent rates number for Government Housing Stock.

1100 If I were to, as it were – and I hate to use the words reverse engineer – but if I was to work backwards and effectively set the income to same methodology as the prior year, would be showing an estimate income of only £330,000 in terms of house rents versus £2.9 million last year. I was just wondering if I could be provided with the forecast outturn equivalent number for rates and Government housing stock which would be adjacent to the £1,670,000.

1105 **Hon. Chief Minister:** All that we are doing by adding this line is showing independently a line that was not previously shown. So the hon. Gentleman sometimes asks us to provide more detail in respect of some lines, this is the more detail or one of the elements of more detail in respect of that line.

1110 But if he is asking us will we go back and provide that more detail going backwards, because what I understood him to say is, will he give me the figure for the forecast outturn 2015-16, he has just given me a figure 2016-17, the answer is the line did not exist and therefore it was not there.

But I will certainly look to see if we have the figure and if I can provide it I will.

1115 **Hon. R M Clinton:** Mr Chairman, perhaps because also what we are talking about here is a net-off that would happen in previous years and now you are grossing it up. But would I be correct or perhaps the Chief Minister could confirm my assumption, if I was to net that off the income line on page 8, that the net amount to be comparable to the prior year for forecast outturn 2015-16 would be £330,000?

1120 **Hon. Chief Minister:** I cannot, because he is asking me questions as an accountant and I am a lawyer. But I am quite happy to look at it with somebody who would be able to answer it. We may not be able to do it now, but I am quite happy to reach a conclusion in respect of the question that he has asked me and give him the answer, if we cannot do it now.

1125 **Hon. R M Clinton:** Mr Chairman, with respect, it is just two numbers in the Estimates Book. I am sure the Financial Secretary could work this out in two seconds.

Mr Chairman: Any other questions?

1130 **Hon. E J Reyes:** May I, Mr Chairman? On 2(i) there is a new expenditure of £20,000 that says Office Rent and Service Charges. I have looked but I do not see any footnote and no expenditure for the year that has just ended. So are these new premises that have been acquired?

1135 **Hon. Miss S J Sacramento:** Mr Chairman, yes. The Housing Department moved from the City Hall to New Harbours in January of last year.

1140 **Hon. E J Reyes:** Yes, Mr Chairman, I suspected that. Therefore there must have been some expenditure between January and the 31st day of March 2016 and there is nothing here under forecast outturn.

Hon. Miss S J Sacramento: Mr Chairman, because that building was shared with other Government Departments. The Ministry for Culture was also there, then I suspect that the cost

was probably borne under another head and not necessarily reflected under the Housing Department.

1145

Hon. E J Reyes: So, just to make sure I understood it right, they have got the new premises since January which are physically in New Harbours and that before was being paid for by another Department, was it Culture you said? And therefore Culture has done like a swap.

1150

Hon. Miss S J Sacramento: Mr Chairman, both Culture and the Housing Department were in the City Hall so you had more than one Department in the same building. So that instead of being split was just being borne by one Department so that would be the Culture. That remains there so there will be no difference in the cost that is reflected under Culture because they still remain in the building.

1155

Hon. Chief Minister: Mr Speaker, the answer to the hon. Gentleman is that the £1,670 would have to be as he says added to the lines at Head 5, subhead 50 and then he would reach for this year, a figure of £3,600,000. The increase between the earlier year's figures and that figure would be accounted for in the context of the arrears that we are hoping to recover and the better payment of rent because he would then have rent and rates together in the blue pages.

1160

Hon. R M Clinton: Just to clarify, the rates are obviously an expense. The line at Head 50 is an income. If it was previously netted off and now we are grossing up rather than going up to 3.6 would we not be going in the other direction?

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Hon. Chief Minister: Mr Speaker, it is not as simple as he suggests so if he agrees, I will get to him the answer in writing.

Hon. R M Clinton: Thank you, Mr Chairman.

1170

Mr Chairman: Head 27, Housing Administration, stands part of the Bill.

Clerk: Head 28, Business; subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 28 –

Hon. T N Hammond: Sorry, Mr Chairman, just under line 5, I notice the Business Nurturing Scheme which last year was funded to the tune of £250,000, there is an estimate this year of £20,000.

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Have the funds for that scheme or a similar scheme been diverted elsewhere within the book?

Minister for Business and Employment (Hon. N F Costa): Mr Chairman, the £20,000 is to service the interest of the £250,000 for this financial year.

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Hon. T N Hammond: So I understand the £250,000 effectively represents a loan to businesses or a loan.

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Hon. N F Costa: Remember, I said in the course of my Budget Speech that there have been various applications and only so many businesses have been successful. If I recall correctly I think there were 18 applications and seven have been successful.

There has been a second batch of applications which the Committee is currently considering. So £250,000 is the sum that has been put to one side in order to provide loans of up to £25,000

1195 per application and the interest that we foresee paying this financial year on the lump sum is £20,000.

Hon. T N Hammond: How does that work? Sorry, to whom are you paying interest? I am slightly baffled.

1200 **Hon. N F Costa:** Mr Speaker, we issued a press statement sometime back making it clear that the £250,000 had been loaned to my Ministry by Credit Finance. The press statement certainly made that clear.

I was surprised the hon. Gentleman opposite did not make an issue out of it when I issued the press statement, but there you are. (*Interjection*)

1205 **Hon. J J Bossano:** The subsidy is on the rate of interest here like it is in the I & D in respect of loans that are made to estates, to management companies of estates. So the loan is made by Credit Finance at the normal commercial rate. The borrower pays a reduced rate and what we are subsidising is the differential in the interest rates. That is what is there.

1210 **Hon. D A Feetham:** But the loans to estates, we do not know how much has been loaned to estates because that is nowhere. This at least is here.

1215 **Hon. J J Bossano:** The item in the I & D that says 'Loans to Estates' is also the element of the subsidy, not the actual amount of loan, the same as it is here.

Mr Chairman: Head 28, Business, stands part of the Bill.

1220 **Clerk:** Head 29, Employment; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 29, Employment, stands part of the Bill.

Clerk: Head 30, Social Security; subhead 1, Payroll; subhead 2, Other Charges.

1225 **Hon. T N Hammond:** Mr Chairman, if I could refer us to Line 7, Contribution to Statutory Benefits Fund for the year 2014-15, there was an Actual of £7 million for last year there is no outturn and then we find for the next year an estimate of another £7 million. I am just not really clear where such a large sum of money is going to quite honestly.

1230 **Hon. J J Bossano:** This is the amount that goes to the Social Insurance Fund to meet a shortfall between the contributions on the payments. It is the same amount every year.

Hon. T N Hammond: But there was no amount set aside in the previous financial year.

1235 **Hon. J J Bossano:** It has got to be there... Because that is shown... The previous financial year...it is on page 103: Contribution to Statutory Benefits Fund and it is shown as disappearing this year because it appears somewhere else and there is a footnote.

Hon. N F Costa: If the hon. Gentleman were to go to page 103.

1240 **Hon. T N Hammond:** I do see it on page 103, thank you. The footnote was not clear because it was not directly associated with that particular line.

1245 **Hon. R M Clinton:** Mr Chairman, just a quick question again, following up on the point from my hon. Colleague, am I correct in saying that the Statutory Benefits Fund does not appear in the Estimates Book or its own right?

1250 **Hon. N F Costa:** Sorry, Mr Chairman, if the hon. Gentleman could repeat the question, I did not quite hear him.

Hon. R M Clinton: Yes, just following on from the question, am I right in saying that the Statutory Benefits Fund itself is not part of the Estimates Book or there is no information on it in here?

1255 **Hon. J J Bossano:** Mr Chairman, it is not part of the Estimates, because we do not approve the expenditure. The expenditure is the entitlement to pensions, unemployment benefit and so forth and the revenue does not go into the Consolidated Fund. What we are approving is money that is being removed from the Consolidated Fund.

1260 The bit that is being removed from the Consolidated Fund is the amount of subsidy which is the £7 million we are voting.

Mr Chairman: Head 30, Social Security, stands part of the Bill.

1265 **Clerk:** Head 31, Postal Services; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 31, Postal Services, stands part of the Bill.

Clerk: Head 32, Education; subhead 1, Payroll; subhead 2, Other Charges.

1270 **Hon. E J Phillips:** Mr Chairman, apologies, one question in relation to Payroll D – Temporary Assistance to Prison Enterprise. I notice that the figure for Actual 2014 stands at zero and then £10,000 for the Estimate and then moving forward repeats the same pattern.

1275 Could there be some explanation as to what is meant by Prison Enterprise and in relation to the figure as well, please?

Hon. G H Licudi: Mr Chairman, there was provision there for the engagement of additional teachers, for example when we engage a retired teacher or a supply teacher to provide additional support.

1280 The reason it is zero is because this provision, this service which I mentioned during my Budget debate that there is full time provision of teaching services when there are juveniles in prison in particular, that is now being provided by a qualified teacher that is employed by the Department of Education who actually works in the Department of Education offices.

1285 He previously worked as a teacher in schools and now he is in the Department of Education offices and he is the one who goes up to the prison so he is already engaged as part of the complement and therefore because he was providing that service then the figure was zero. But we are making provision just in case we do need to engage either supply teachers or retired teachers as additional support.

1290 It has not been necessary because we have had the services of a qualified teacher whenever it has been needed this year.

Hon. E J Phillips: Just one further question, so that falls outside the expenses for prisoners which we come on to later at 34, but that falls outside workshop and rehabilitation for offenders, that is specifically for an education requirement at the prison.

I am grateful.

1295

Hon. G H Licudi: Yes, this is specifically under Education and it is being provided by the Department of Education itself.

1300 **Hon. E J Phillips:** Just in relation to Other Charges on page 116, 2(l), School Lunch Supervision. I was just wondering why there have been increases in relation to school lunch supervision. I would have thought that would have been a fairly standard cost across the board but it seems to have increased.

1305 **Hon. G H Licudi:** Yes, we do have somebody, in fact JBS carries out all the payroll in respect of this matter and they have advised that the projection for this year should be what it reflects there, £1,013,000 because that is to cover the average cost of not just the supervisors but supply cover, social insurance and pension contributions.

1310 **Hon. E J Phillips:** Just one further question in relation to (q), Hot Lunches for Schools. Obviously given the Government's commitment to provide lunches for schools, obviously now subject to consultation; I would have expected that figure to be higher.

1315 **Hon. G H Licudi:** It is a token amount that has been provided but what we have done is include the provision in the Book so that when we do need to carry out expenditure, then we can decide what additional expenditure will be required.

1320 What we do not have at the moment, is Actual expenditure being incurred at the moment, nor do we know if it is going to be incurred next month in relation to preparation and provision of the service. And because we do not have a clear amount as to what we will incur, it is not appropriate to include in the Estimates Book but we have included a token so that we can start work on this.

1325 **Hon. E J Reyes:** Mr Chairman, on subhead 2.(12) there is a provision for students' support. That incurred an expenditure for last year forecast of £5,000 and now the estimate is six or seven times as much £33,000. Can we have some indication what project that is about?

Hon. G H Licudi: Mr Chairman, this is to cater for additional support that we have announced and we are already carrying out which is particularly to do with the homework club which is being run by the Gibraltar College and the GCSE repeats.

1330 As you know the homework club is carried out outside hours, it has been supported by qualified teachers and therefore either retired teachers or supply teachers come in to provide that support and this is the amount that we expect to incur during the course of this year in terms of that support which is given to school children outside of school hours.

1335 **Hon. E J Reyes:** And therefore, Mr Chairman, should that not to a certain extent, so that we get the full picture, if we go back to subhead 1 where we have under Temporary Assistants, we have got all the breakdowns of specialists, special needs, learning support assistants and so on.

1340 It would have looked a lot tidier, especially for us, Mr Speaker as our education list to see in the same way that I fully understand and I support what the Minister explained a few minutes ago in respect of the Prison Enterprise, that Student Support I get the impression is to deal with Human Resources expenses and the Hon. Mr Bossano might even be very supportive that it comes under that heading and is easier for all of us to keep tabs on what is actually going on in Human Resources as opposed to the general expenses or Other Charges which are nothing to do with Human Resources.

1345 **Hon. G H Licudi:** I am not sure that I understand. Is the hon. Member saying that this would have been better reflected under the more general supply heading, Temporary Assistants?

1350 **Hon. E J Reyes:** Yes, Mr Speaker, sorry Mr Chairman, I think because it is actually expenses in respect of Human Resources, I think it would have been better reflected in a subsection under Payroll because it is not the purchasing of any equipment or the running of the teacher centre, for example ... and so on. It is actually payment to teachers to deliver something in the same way, exactly the same example the Minister gave before about the Prison enterprise.

1355 **Hon. G H Licudi:** Mr Chairman, I suppose it could have been included there, it has been provided elsewhere with a specific provision for this specific area rather than a general heading which caters for all types of student support.

I imagine the reason it is there is that Payroll and Temporary Assistants generally is related to additional cover like there is provision for maternity, there is provision for supply teachers, there is provision for SNLSAs. That is to cover during school time.

1360 This is a slightly separate provision and that is why it has been shown separately under Other Charges because it is outside of school hours for an additional provision, an additional enterprise that the Government has engaged in rather than the normal run of the mill cover, temporary assistance that is provided whenever teachers or learning support assistants are absent.

1365 **Hon. E J Reyes:** Yes, I understand that. I know I run the risk of being over pedantic but in the same way as for example under Payroll E, does that Temporary Assistant, Adult Education which is obviously taking place after school hours and so on, I just believe it looks tidier and easier especially for us educationists to understand if that one ... I suggest that for next year we consider ... The item came in brand new last year, it seems to have worked well and therefore
1370 the Minister carries my support in taking it forward another year and even if need be to ensure we deliver the best educational product with additional expense, perhaps for the following year we can transfer it to Payroll and put it just below the Adult Education. At a glance, it gives us a better picture of what we are actually paying.

1375 **Hon. G H Licudi:** Mr Chairman, I take the point and will certainly be happy to consider that for next year.

Mr Chairman: Head 32, Education, stands part of the Bill.

1380 **Clerk:** Head 33, Policing; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 33, Policing, stands part of the Bill.

Clerk: Head 34, Prison; subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 34, Prison, stands part of the Bill.

Clerk: Head 35, Gibraltar Law Courts, subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 35, Gibraltar Law Courts, stands part of the Bill.

Clerk: Head 36, Justice; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 36, Justice, stands part of the Bill.

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Clerk: Head 37, Fire and Rescue Service; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 37, Fire and Rescue Service, stands part of the Bill.

1400 **Clerk:** Head 38, Civil Contingency; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 38, Civil Contingency, stands part of the Bill.

1405 **Clerk:** Head 39, Sport and Leisure; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 39, Sport and Leisure, stand part of the Bill.

Clerk: Head 40, Culture and Heritage; subhead 1, Payroll; subhead 2, Other Charges.

1410 **Hon. T N Hammond:** Mr Chairman, just reference Line 3.(g), Other Events – I note a steady rise in expenditure this year, an estimate of £110,000 has been set aside. Would the Minister be able to give us a flavour of what those other events are expected to be?

1415 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** No, Mr Speaker, it is to do with events we did last year, like the Winter in the Town, and other events we do in conjunction with the GTB for example, the Extravaganza at the Beach and we are looking at different things like that so that is why there is a slight increase there so that we have that income available, that money available.

1420 **Hon. E J Reyes:** And, Mr Chairman, if I may on 2.3.(h), under Academy, from an original estimate of £20,000 we ended up having an expenditure of £104,000 and yet for the current financial year we are just asking for £1,000.

What does it mean by Academy and an explanation of why such a big overspend and why no need to have anything else?

1425 **Hon. S E Linares:** Well, Mr Speaker, as the hon. Member knows, the Academy started actually that financial year. What happened was that we had put £20,000 originally because we did not know how much it was going to cost.

1430 In the setting up it has cost £104,000. The only thing is that the Academy has now got a revenue stream so we still do not know exactly how much the Government is going to have to contribute on an annual basis once it is set up.

1435 Therefore, we have left the head there as a token of £1,000 for this year because as I have been saying we have 360-odd students who actually pay in to the Academy so the accounts are not quite sorted out yet so we would rather put the £1,000 there so that when the accounts come in we will then know more or less exactly how much we will be giving every year.

Hon. R M Clinton: Mr Chairman, if I may ask, Item 3.(c), Mega Concert, this year projected to come in at a cost of £1.5 million, last year £3.6 million. Can we explain the decrease in cost?

1440 **Hon. D A Feetham:** A general election year.

Hon G H Licudi: Because you are not invited. *(Laughter)*

Hon. S E Linares: We will be selling his tickets actually at a very high cost!

1445 No, Mr Speaker, if he is actually trying to, because as I explained it is a business plan and therefore because it is a business plan we invested heavily last year because we moved from a one-day mega concert to a two day concert.

1450 The concept is what I went through in my Budget speech. It is better to have a two-day concert because people staying the night here in Gibraltar and spending. Therefore, what we have tried to do is we are going to offset expenditure and therefore that is why we are keeping the same as if it were £1.5 million last year. So it was not an overspend, it was an investment, we

are hoping to get more revenue this year, but we are trying to keep the production at that expenditure again.

1455 **Hon. R M Clinton:** Sorry, Mr Chairman, you say 'that expenditure again' [**Hon S E Linares:** The £1.5 million.]...for this coming year as opposed to the £3.6 million that just went by. *(Interjection)* Not me; the press! *(Interjections and laughter)*

1460 Mr Chairman, moving on to another item, Item 6 – Contracted Services – Culture and Heritage. Can he advise, is that one contract or several contracts, do we know who it is contracted to and what for?

Hon. S E Linares: Mr Speaker, it is two contracts. It is to do with Knightsfield Holdings and GCS. Those are the two contracts.

1465 **Hon. R M Clinton:** Could he explain, is that GCS Ltd, what is it?

Hon. S E Linares: It is Gibraltar Cultural Services, who are the employees and the company that is running in place of what was the old mess, the agency.

1470 **Hon. R M Clinton:** Would you be able to provide a split between the two or is that too commercially sensitive?

Hon. S E Linares: Yes, it is commercially sensitive.

1475 **Hon R M Clinton:** If I may move on to Item 9, Purchase Cultural Items, £1,000 is obviously a notional amount. Would I be correct in thinking that the £200,000 spent on the Marrache collection would appear there in the future?

Hon. S E Linares: No, not necessarily because it might be -

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Hon. Chief Minister: Mr Speaker, the one-off amount paid for the Marrache collection is not going to appear in the recurrent expenditure.

It is a one-off payment and you said, is it going to appear here in the future? This is a recurrent cost.

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Hon. R M Clinton: Perhaps you could clarify where it would appear?

Hon. Chief Minister: It would be in the outturn. The line provides for that sort of expense but it will not be next year, it will be in the outturn.

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Hon. R M Clinton: I think that was my point, Mr Chairman, I would expect that line to be used in that respect.

1495 **Hon. Chief Minister:** That is the line that would be used but there will be no provision for it next year because it is a one-off payment, we are buying it once.

Hon. R M Clinton: I guess, Mr Chairman, I was assuming that the purchase occurred in 2016-17 financial year. *(Interjection)*

1500 I guess, Mr Chairman, I assumed that the purchase will be occurring in the 2016-17 financial year.

Hon. Chief Minister: That is right.

1505 **Hon. R M Clinton:** And it will appear in the outturn for that year on this line.

Hon. Chief Minister: It will appear in the outturn for this year, but it will not appear next year. In other words... Next year there will just be £1,000 as an estimate.

1510 **Mr Chairman:** Head 40, Culture and Heritage, stands part of the Bill.

Clerk: Head 41, Youth; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 41, Youth, stands part of the Bill.

1515 **Clerk:** Head 42, Financial Services; subhead 1, Payroll; subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, if I could on the charges at subhead 2.(b), no sorry, 4, Consultancy Services of £120,000, I would be interested to know what they would be in relation to.

1520 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Chairman, it is in relation to the engagement of a consultant who is assisting us in a series of areas relating to the fourth anti-money-laundering directive and for such work in that area.

1525 **Mr Chairman:** Head 42, Financial Services, stands part of the Bill.

Clerk: Head 43, Gambling Division; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 43, Gambling Division, stands part of the Bill.

1530 **Clerk:** Head 44, Maritime Services; subhead 1, Payroll; subhead 2, Other Charges.

Hon. T N Hammond: Mr Chairman, referring to line or rather paragraph 2(b), Marketing and Official Visits. I note again that it is another of these lines that seems to differ in the reality from the aspiration insofar as again, the £100,000 has been spent in the last two years whereas consistently the estimate is £60,000.

1535 It is surely sensible in order to provide an accurate estimate of Government's overall spending, to actually reflect what has gone on in the past two years or hold whoever is responsible for that budget to account and ask them not to overspend by almost 50%.

1540 **Hon. Chief Minister:** Except, Mr Speaker, things are not ever really quite that simple and what we were dealing with – sorry, this is your Head – but what we were dealing with was a sponsor who pulled out at the last minute in respect of one particular conference and therefore the Government had to pick up the difference.

1545 So this was not somebody failing to deal with their budget as they were expected to do; this was somebody letting us down at the last minute and the Government having to provide the additional cost.

But I will let Mr Isola if necessary deal with other details.

1550 **Hon. T N Hammond:** And that happened on two consecutive years, I presume.

Hon. A J Isola: Mr Chairman, I can only speak, because it was my responsibility in the year that we are talking about now, and as the Chief Minister has just explained, there was an exceptional item having been let down at the last minute.

1555 Having arranged the Gibraltar Maritime Week with three days of full conferences, and therefore we had no choice but to pick up the shortfall which was as a result of the sponsor dropping out late and not giving us the time to be able to do it again.

So we do not envisage that happening again this year and therefore it is back to where we thought and will be this coming year.

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Hon. T N Hammond: And for the record, Mr Chairman, I would just like to say I am not actually criticising the level of expenditure either way here, I was just trying to understand why an estimate has been set when the reality has consistently in this, and other heads, not reflected that estimate.

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Therefore, in order to achieve a truer overall estimate for the year across Government Departments, it would be helpful if you tallied all these up to see just how far off – and of course we will find out next year what those are, but it would be helpful for me to understand what the overall estimate might be.

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Hon. J J Bossano: Mr Chairman, we are doing what they have been asking us to do for a year. *(Interjection by the Chief Minister)* And what we are doing is in fact is looking at the money that was provided this year, because if the hon. Member looks at the result of the year, which they congratulated us on, they will see that notwithstanding the fact that for example this is £100,000 rather than £60,000 there have been savings elsewhere.

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Therefore, if you put £100,000 there and you finish up spending £100,000 there it means that perhaps the savings can be used for something else. So it is more logical to try and look at the book as a whole and to see that what we have tried to do is, last year we achieved an extremely good result in terms of the overall expenditure being within a miniscule percentage of what was originally provided by Parliament and we want to try and do the same this year. So in fact, we expect that even if there are heads that go beyond what we are providing, there will be other heads or other subheads which come in under.

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Therefore, if each head that goes up in a couple of years was provided for then if the hon. Member looks back at the previous year, that has been a longstanding approach to putting the book together because otherwise in effect what you do is you finish up spending more than you asked the Parliament to provide originally.

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This is something that assists to keep public spending under control.

Mr Chairman: Head 44, Maritime Services, stands part of the Bill.

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Clerk: Head 45, Gibraltar Audit Office; subhead 1, Payroll; subhead 2, Other Charges.

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Hon. R M Clinton: Mr Chairman, Audit Office is always something I like to look at. I was just curious on the payroll the total cost has gone up by £236,000 compared to last year in this year's estimate and yet the head count has only gone up by one and in fact the mix of staff, there seems to be a change in the mix in that there are now five assistant auditors compared to nine and now four of what is described as an Audit Clerk.

I would just be curious to know why the increase in cost when there is only one increase in head count.

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Hon. Chief Minister: A senior officer has returned to the Department who had left for a period. The pay increase that the hon. Gentleman picked up in respect of the Chief Secretary, which I told him, alerted to him, was related to the Principal Auditor. So the post of Deputy Principal Auditor was covered on substitution, and now somebody is back substantively to the post; and there are a couple of re-grading of posts which have produced higher salaries.

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Hon. R M Clinton: Mr Chairman, just for clarification, obviously the Principal Auditor is a charge on the Consolidated Fund and will not appear here but the Deputy was there last year presumably.

1610 **Hon. Chief Minister:** On substitution. This was covered on substitution internally. Now there is a person back, Mr Speaker.

Hon. R M Clinton: No fine, Mr Chairman, obviously the Financial Secretary knows what he is doing in this respect.

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Mr Chairman: Head 45, Gibraltar Audit Office, stands part of the Bill.

Clerk: Head 46, Gibraltar Regulatory Authority; subhead 1, Payroll; subhead 2, Other Charges.

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Mr Chairman: Head 46, Gibraltar Regulatory Authority, stands part of the Bill.

Clerk: We now move to clause 3, Head 48, which is on page 154, Contribution to Government-Owned Companies. Subhead 1, Contribution to Government-Owned Companies.

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Hon. R M Clinton: Mr Chairman, as you know, this is the area specifically looking at my motion, but I will be grateful if the Government could provide a breakdown by entity in terms of legal entity, to whom they wish to make this contribution.

This is nothing new, this information was provided in 2013-14 and also the year before that in 2012-13 and then seems to have been dropped off in subsequent years.

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I was wondering if the Government would be kind enough to provide that information and also update the Estimates Book on publication with this information and the tabular format that was provided before in terms of outturn and estimate.

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Hon. J J Bossano: Can I just deal with the concept that the hon. Member suggested in his motion in wanting to remove this figure? The motion that we have not taken, to amend – *(Interjection)*

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Hon. R M Clinton: Thank you. May I just explain, that was a motion which, as I said, the reason being is that we did not have the information in relation to that head of expenditure, which is why I raised the motion in those words.

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Hon. J J Bossano: Well, there is no reason why we should have that there if we had not taken the policy decision when we came in, which was to provide funding in advance for estimated losses in the companies.

If that money was not there, then what would happen, which is what used to happen until 2011, is that the Consolidated Fund would make advances to the companies because the companies cannot be operating in the red. And those advances would not appear anywhere, because the figure of the Consolidated Fund would show what the balance was and there would be a note to the extent that an advance had come out of it.

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We originally started by correcting the historical position of the advances that accumulated and then we decided to put in a sum of money. The sum of money that is put there now is intended to be paid in the course of a year to Gibraltar Investment Holdings and then Gibraltar Investment Holdings will distribute it to its subsidiaries because in fact since they are wholly owned subsidiaries, it is in the consolidated accounts of Gibraltar Investment Holdings that the ultimate deficit appears.

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Hon. R M Clinton: So, Mr Chairman, would the Government be amenable to just put in a footnote saying 'contribution to Gibraltar Investment Holdings'? I presume this would be by way of purchase of share capital or preference shares or –

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Hon. J J Bossano: No, it is made as an advance from the parent to the subsidiary.

The money that goes into GIH is money that is being gifted by the Government because that is what is being voted in Parliament. What you are voting is not the purchase of shares, it is a contribution. So the Government previously contributed the money as an advance on the premise, theoretically that the companies would eventually become profitable and repay the Consolidated Fund.

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When we came in, I think it had reached something like £68 million and it is clear that although we would like the group of Government owned companies to effectively break even, we are nowhere near that yet.

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The reality of it is that at the moment what happens is that the Government puts an amount of money, that amount of money is in effect a payment to the companies to cover their losses and it goes to the parent company of the group which is Gibraltar Investment Holdings which is the structure that we inherited in 2011 when there was operating companies under Gibraltar Investment Holdings.

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And of course the kind of company we are talking about is the Bus Company which clearly made losses when the previous Government decided that people should not pay to go on the bus. No, if you are paying people to run buses, and you are paying people to buy fuel to run the buses and you are not charging the passengers, then the only thing that can happen is that the Bus Company loses money.

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If there were some companies in the group making money then ultimately in Gibraltar Investment Holdings, theoretically profits in one company could offset losses in the other. That is not happening at the moment and therefore the figure that we have got there is the figure at which we are trying to contain the collective losses of the group through the holding company which is GIH.

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Hon. R M Clinton: Mr Chairman, I am very grateful for that explanation. So this is a gift as it were by Government to the holding company in – he may or may not be able to answer this question – in the accounts of GIH this I guess would not even be a revenue item it would just be a balance sheet item of some sort of increase in reserves.

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Would I be correct in assuming that?

Hon. J J Bossano: I think in the accounts of GIH this comes in in the way that it is there as shown, this is contribution to Government-owned companies and on the receipt side of the company it has contribution from the Government. So the Government in effect contributes to the Gibraltar Investment Holdings £25 million to cover the losses that are sustained by the company.

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As I say, had we for example accepted the motion of the hon. Member, what would have happened would have been we would not be voting to pay £25 million, what we would find would be that our surplus would go up by £25 million which might look better, but in effect the money would be advanced to a company to cover the losses.

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Hon. Chief Minister: You have dressed up our balance sheet. *(Laughter)*

Hon. R M Clinton: Mr Chairman, again I ask, would the Government be amenable to a little footnote saying to which company this contribution is going?

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Hon. J J Bossano: No, Mr Speaker, we do not know anyway until the accounts of the companies are finished, which company is going to need what amount of money.

1710 But at the moment our position is that this is for Gibraltar Investment Holdings and that is what has been happening in the previous years and that is when it was originally advanced it was advanced to one company, to the Investment Holdings. So in effect we are giving the money to one company and that is the company that would receive the money.

1715 As far as that company is concerned it will use that money to make advances to its subsidiaries to cover their losses. We are not providing a breakdown of those subsidiaries.

Hon. R M Clinton: Mr Chairman, again I am grateful. I understand the point that the hon. Member is making, I am just saying in terms of the entity to which is going to be in receipt of this £25 million, regardless of the subsidiaries, whether a footnote may be appropriate just saying 'to Gibraltar Investment Holdings'.

1720 **Hon. J J Bossano:** I understand what the hon. Member was asking was the companies that the money goes to. Well that is the companies that are subsidiaries that are shown in the chart and those are the operating companies that have got employees and therefore have got expenses. There are companies that are just holders of assets and have no movement.

1725 **Hon. R M Clinton:** Mr Chairman, yes I understand what you are saying. I only had the last analysis available; I assumed perhaps incorrectly that the money was going to individual companies directly rather than via the holding company. I just made that assumption based on the analysis.

1730 All I am saying is purely out of information, for future generations, could we just put there 'paid to Gibraltar Investment Holdings'?

Hon. J J Bossano: The Gibraltar Investment Holdings has been in receipt of the money from the Government all the time. That is to say not only since we have been making cash contributions but all the time including the period when it was receiving the money as an advance on the premise that it would go back.

1735 So the relationship in terms of the money is that it has only been paid to one company. That one company if you like loans money when the cash flow of a subsidiary requires it. In some cases we know that the example that I gave of the Bus Company, if it has no revenue then it means in effect that it is over running costs because it has no revenue.

1740 Other companies do have some revenue but not enough to cover the costs. For example the car parks get revenue but cannot cover everything so the companies that are covered are the companies that are shown in the chart and identified as being operating companies instead of asset holding companies. And the information we are providing, the money is being voted to be paid to GIH.

Hon. D A Feetham: At what point in time does the Government know which of these operating companies make a loss and therefore there is a payment to the operating companies from Gibraltar Investment Holdings Limited?

1750 **Hon. J J Bossano:** I think as I explained some time ago, the system that is operated is the system that was introduced by the previous Government which is that in practice, all the cash of all the companies and the cash of the Government is administered by the Treasury. In reality it is one pot of money and one bank account.

1755 On paper, as the accounts are progressed and eventually closed, there is an exercise of identifying where the money has actually been spent and therefore debiting the relevant account.

1760 But when I explained to the hon. Member that the cash advance of Credit Finance to GIH was part of that pool of managing, if you like, the public service cash flow as one single entity because it is done with one account with internal sub-divisions and done by the people in the

Treasury who deal with it as one thing, when the accounts are closed is when you know that if the Bus Company has lost £3.5 million then that £3.5 million has disappeared down that particular hole.

1765 **Hon. D A Feetham:** At what point, so it is at the end of the financial year? (**Hon. J J Bossano:** Sorry?) So it is at the end of the financial year that we would know how much, where this £25 million and I know that the £25 million is pooled with the money from, *inter alia*, amongst other things the Credit Finance money that has been transferred to Gibraltar Investment Holdings, it is pooled in the Treasury.

1770 I understand all that but at what point would the Government know where this £25 million has gone to, or part of?

Hon. J J Bossano: The final figure is known when the accounts of the companies have been closed. In practice, the whole Treasury accounting system is one that runs behind time, in the sense that revenue streams are inputted and they are credited but there are piles of invoices both in terms of Government direct expenditure, Government agencies, Government authorities and companies, all of which are debits on the cash flow.

1775 So where each item is going is known for example just like this book is not finally closed, what we have got here is a forecast outturn. The final figure of this book for the year that ended on 1780 31st March is not really known until the end of December because it is then passed on to the auditor at the beginning of January. And there are, in effect, this is why it is a forecast and not a final figure.

There are adjustments because something that should have shown up has not shown up here in time to go into the printed book, and if this is true of the accounts of the Consolidated Fund and the Improvement and Development Fund, it is equally true of the authorities, the agencies and the companies.

1785 Because in effect it is as if ... I mean this is what I referred to originally in my Budget speech about the consequences of the decision, the policy decision that was taken to fragment the public service into different units, for reasons that were never very clear from both sides of the House.

1790 If we go back in time to where a lot of these activities would have been in the Government, then it would have been not in different pages at the back where what we are doing is money comes into the Consolidated Fund and the money goes out of the Consolidated Fund and it goes into the Health Authority then comes out of the Health Authority. That movement in and out of money sometimes, the same money moving several times, has made the whole exercise more complicated and more cumbersome.

1795 But at the end of the day, nothing really can be if you like accurately identified until the Accountant General closes the accounts and sends it to the Auditor. And even in that period, not all of the companies would have been done. We started the exercise of compiling the company accounts in 2011 when the majority of them had not been done since 1996 and they were part of the system and they had been receiving advances from the Consolidated Fund.

Hon. D A Feetham: And in relation to the operating companies that this £25 million is basically being used to fund, are the accounts in relation to those operating companies because it cannot be as the hon. Gentleman said asset holding companies.

1805 Have those accounts been completed, are we up to date in relation to that?

Hon. J J Bossano: Not in relation to that, no. The company that has got its accounts most up to date is JBS which is not part of the system which was the only operating company that existed in 1996 and JBS in fact operated from day one in the eight years of the GSLP and in the 15 years of the GSD as a stand-alone with its own accountants, its own auditors and its own management

and its own bank account. But it is the only company that operates like that so they are able to produce their accounts because they are in full control of the situation.

1815 In some of the other companies where we go about the internal books of the company which clearly records ... I mean, every month they record what they spend on fuel, what they spend on repairs of buses and what they spend on wages and what they spend on insurance contributions and on pension contributions. All that is recorded in the internal but the actual finalised accounts of all these companies are all in arrears.

1820 **Hon. D A Feetham:** And I beg your pardon, Mr Chairman, but I think this is quite important.

Now in the past you have answered and you have touched upon it and we have touched upon it today, that the money from Credit Finance, it was over £300 million at one point and it went into the name of Gibraltar Investment Holdings.

1825 As I understand it, the name of Gibraltar Investment Holdings, kept by Treasury in a pool with other monies from the Gibraltar Savings Bank presumably it would have been. (*Interjection*) But that is not the point, it is this and in answer to a question that I posed to the hon. Gentleman, he said to me that the money was being used in order to fund the activities of Government-owned companies. It was being pooled.

1830 Now do we know how much over and above in past years, a proportion I mean roughly, you know obviously I am not asking for, you are not going to have the information. But what proportion over and above this £25 million, what kind of monies are we talking about over and above the £25 million that will go from Gibraltar Investment Holdings via Credit Finance Gibraltar Investment Holdings in order to fund the activities of Government owned companies? That is the –

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Hon. J J Bossano: As I pointed out to the hon. Member, the advances initially were made from the Savings Bank Fund and then they were repaid to the Savings Bank Fund and it was put into Credit Finance.

1840 The amount that was originally advanced was something like £350 million and I think the last figure that I saw it was down to £304 million so in fact the payments have been in the opposite direction. That is to say the payments initially were in one direction, there was quite a lot of movement in and out because I gave the hon. Member a schedule of the payments on a month which he asked me once from the Savings Bank Fund and there were, because it was about cash flow, I mean there were months when £50 million went in one direction and then the following

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Especially when there were things that were ... it is the kind of situation where you have got, for example, levels of expenditure which have got big movements in one direction or another and those levels of expenditure you are meeting through a short term overdraft not through long term funding. And that is in effect what Credit Finance did was to augment the cash pool of

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what is generated by Government activities, by authorities, by agencies and by companies on one side of the balance sheet and the money that goes out in terms of income and expenditure on the other side of the balance sheet.

But the situation has been that for many years the extent of the reliance on that cash advance has been declining to the extent that we make the companies more efficient, that will

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be a reducing balance and it is going in that direction. The figure is constantly coming down, it is not going up.

1860 **Hon. D A Feetham:** Why put it in there? This is what I find hard to understand. I mean why put this £350 million in the name of Gibraltar Investment Holdings if effectively what you are telling me is that you are just simply pooling it with other Treasury money and using it for general expenditure rather than expenditure in the companies themselves as I understand it, from listening to what the hon. Gentleman is telling me now?

1865 **Hon. J J Bossano:** Well I can see that the hon. Member has difficulty understanding it, but I can assure him this is nothing like the difficulty I have in understanding why they created the whole system in the first place, which is what I have explained to him.

Look, this system is a system we inherited, it is a system that he did, he was in Government for four years and he does not seem to know that this was happening.

1870 They fragmented the public service (*Interjection by Hon. D A Feetham*) It was difficult to understand why it was created in the first place because I think it regrettably, you know the cost of creating that structure is an expense which we are going to continue to carry for many, many years because it is very difficult to undo and go back in the other direction.

1875 **Hon. D A Feetham:** Yes, but it does not answer the question.

Hon. J J Bossano: No, I know it does not answer the question but what I am saying to the hon. Member is that if he does not understand this, then look, he does not even understand what went on in his time. When originally the advances started from the Gibraltar Savings Bank, my position as the Minister responsible for the Savings Bank was to say well look, this has got to be, this is not the same as the advances from the Consolidated Fund and therefore this has to be on the basis that Credit Finance advances the money but has to be paid for the cost of that money.

1885 Therefore a relationship had to be created which was at arm's length between a company that was licensed to make loans and able to charge for it rather than the Savings Bank Fund being the Savings Bank Fund and it is a special fund for the Government.

I thought it was a better system and one that allows the Savings Bank to separate its activity from the role of being part of the cash pool.

1890 **Hon. D A Feetham:** I understand that part of the equation but you see there are three parts to this equation. There is the Gibraltar Savings Bank that has the money. That is invested in Credit Finance and I understand why it is done in Credit Finance, Credit Finance is licensed by the Hon. the Chief Minister and basically it has provided a number of loans, amongst other things, one to the Sunborn which we know about.

1895 I am asking why the £350 million in Gibraltar Investment Holdings. That is the answer that I ... and that is where the money has been placed, pooled I understand that, with all the other money, but in the name of Gibraltar Investment Holdings.

Why do that, why in Gibraltar Investment Holdings?

1900 **Hon. J J Bossano:** Well, because Gibraltar Investment Holdings is the one that he was advancing money to from the Consolidated Fund even though he did not know it because he was the Minister for Justice. Why did he do it then?

Hon. Chief Minister: Collective responsibility.

1905 **Hon. D A Feetham:** No, no, with respect, of course I know that Gibraltar Investment Holdings is the company that has stood at the top of the pyramid. We had this three years ago and I knew then and the company has always been funded from the Consolidated Fund.

1910 If the answer is that the £300 million, all it is doing is funding other Government-owned companies underneath Gibraltar Investment Holdings, then I understand that is the answer and it is a simple answer and that is the answer.

Unless of course, that money is being used for something other than the funding of Government-owned companies because £350 million is an awful lot of money to fund Government-owned companies.

1915 **Hon. J J Bossano:** The answer is, that is all it is doing; that is the answer.

Mr Chairman: Any other questions?

1920 **Hon. R M Clinton:** Mr Chairman, I think we have had quite a comprehensive discussion on this. Just finally, I assume that although the money is of course going to Gibraltar Investment Holdings, whether the Government will be minded to produce this type of schedule in the future or do you think it is completely redundant?

1925 **Hon. J J Bossano:** Well, if we are minded to change something in future we will tell him when we are minded to do it.

Mr Chairman: Head 48, Contribution to Government-Owned Companies, stands part of the Bill.

1930 **Several Members:** Hear, hear! (*Laughter*)

Clerk: Head 49, Transfer from Government Surplus; subhead 1, Payment to Social Assistance Fund, Import Duty, Transfer from Government Surplus.

1935 **Mr Chairman:** Stands part of the Bill – Head 49, Transfer from Government Surplus.

Clerk: Head 50.

1940 **Hon. D A Feetham:** Can I ask a question in relation to this? The Hon. the Father – (*Interjection*) well, I am actually travelling to Seville as well, taking my wife for a birthday break so, but we have got to do our job here first.

1945 The hon. Gentleman, this year, he was present last year – we are making progress this year! He was present to listen to my Budget speech! In the previous two years he has not been present. But in the last two years, I have been making the point that in 2014 the practice changed whereby the contributions that effectively go to Community Care, prior to 2014 were an expense because they were an expense that was paid into the Social Security Fund and from there to Community Care. The effect of that obviously, it increases expenditure reduces the surplus.

1950 As from 2014 what has happened is that it does not appear above the line anymore it is now below the line and it is basically taken out of surplus. Can he explain the change of practice, please? Unless you want to massage Government figures!

Hon. J J Bossano: Well, there is no massaging, Mr Chairman. The position is very clear.

1955 At the beginning we continued with a system that we inherited which was to put the money in the Social Assistance Fund and then from the Social Assistance Fund to pay it to Community Care.

We announced the policy in our election campaign and we put it in the manifesto that we would increase over and above that payment, capital grants – which is what we were doing before 1996 – and therefore what we have here is a capital grant which this year is 50% of the surplus and in the previous year has been 100% of the surplus.

1960 Because the surplus is being handed over, it means that the need for recurrent spending of Community Care decreases as it has its own investment income from the reserves that are growing so it is not the case that what we are doing is replacing something with the other.

1965 If tomorrow we were not able to make a payment, then Community Care would be where we left it in 1996 because it has got £100 million which it has invested. And after this it will have £120 million. It is not that we have taken the money that was in the Social Assistance Fund and stuck it in here, if the hon. Member looks at the –

Hon. D A Feetham: I did not say that.

1970 **Hon. J J Bossano:** Yes you have because you are saying we have massaged it by removing it from the current expenditure – no?

1975 **Hon. D A Feetham:** No, what I said was that in previous years, up to 2014, the Government when it made a contribution to Community Care, paid into the Social Security Fund and then from there to Community Care. So therefore it appears in the accounts as an expense whereas now, it is basically taken directly out of surplus. It is not an expense, I am asking him to explain.

1980 I know what the hon. Gentleman's explanation is historically in relation to Community Care is. He says I created a fund in relation to Community Care right up to 1996, you stopped making contributions to Community Care, which meant that Community Care had to eat into its capital, in other words the fund. All that I understand, I am talking about the change in accountancy practice in relation to how the contribution to Community Care was accounted for.

1985 **Hon. J J Bossano:** The money that we have got in front of us shows that we are voting a token sum of £1,000 right. That £1,000 is payment to the Social Assistance Fund from import duty okay. The forecast outturn is £20 million. If he looks at the Actual in 2014-15 it shows £30 million and there has been no change, it is payment to the Social Assistance Fund from import duty. Transfer from Government surplus.

1990 So it goes from the Consolidated Fund into the Social Assistance Fund and from the Social Assistance Fund into Community Care, the same route.

1995 **Hon. D A Feetham:** But the point is that it does not appear as an expense of the Consolidated Fund, as part of Departmental expenditure – that is where I say, maybe I have been harsh, using the words 'massaging a figure', but it is a change in accountancy practice that has an effect on Departmental expenditure by decreasing Departmental expenditure increasing in effect, the surplus.

Hon. J J Bossano: Mr Chairman, in Appendix K there is the £20 million transferred from Government going in, right? This year we have the recurrent £7.5 million, right?

2000 If we make a £20 million contribution at the end of the year then there is no need to make the £7.5 million which is what happened in the last year.

2005 The reason for the change is that the payment of the capital grants are intended to make the charity self-sufficient so that it does not need to depend on recurrent grants. But we continue to make provision for recurrent grants in case we are not able to tap the surplus to give them the capital grant. And that is the change that he can see in Appendix K. So he sees in Appendix K there is a recurrent originally in 2014-15 which is no longer there because there is a transfer of £30 million.

2010 But the £30 million or the £7 million or the £20 million still goes as import duty into the Consolidated Fund and out of the Consolidated Fund by the Appropriation that we are voting. What we are voting is moving £20 million into the Social Assistance Fund in order to pay the money to Community Care.

The estimated recurrent contribution this year is £7.5 million which compared to last year which was £7.35. In Appendix K he can see the movement.

2015 **Mr Chairman:** Head 49 stands part of the Bill.
We move on to Head 50.

Clerk: Head 50, Contribution to the Improvement and Development Fund; subhead 1, Contribution to the Improvement and Development Fund.

2020 **Mr Chairman:** Head 50, Contribution to the Improvement and Development Fund, stands part of the Bill.

Clerk: We now move to clause 4, Improvement and Development Fund; Head 101, Works and Equipment; subhead 1, Works and Equipment.

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Mr Chairman: Questions on Head 101, Works and Equipment. It goes over the page. Head 101, Works and Equipment, stands part of the Bill.

2030 **Clerk:** We move back to page 153, clause 5, Head 47, Supplementary Provision; subhead 1, Supplementary Funding.

Mr Chairman: Still on clause 5, Head 47, Supplementary Provision, stands part of the Bill.

Clerk: We move forward to clauses 6 and 7.

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Mr Chairman: Am I correct, Head 102, Projects – is that where we are? Page 162, Head 102, Projects under Improvement and Development Fund Expenditure. I have not called that out. 102 stood part of the Bill.

So we are now on Head 102, Projects – any questions?

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Hon. R M Clinton: Thank you, Mr Chairman, in relation to Projects, Head 102, subhead 1, A(1) Tunnelled Road to North Front, outturn £8.5 for this last year, Estimates £4.5 million. In the light of the OHL settlement is this in relation to completing that tunnel infrastructure?

2045 **Hon. Chief Minister:** Mr Speaker, this book was obviously compiled before the settlement and provided for the cost that might have been incurred in the context of the works that were programmed at the time.

2050 **Hon. R M Clinton:** Mr Chairman, would I be correct in saying those numbers will change from the estimate?

2055 **Hon. Chief Minister:** Yes, in the context of what I said yesterday when I gave the figures in the context of my – well, not yesterday – in the context of my speech on Tuesday. And in fact the hon. Gentleman will have seen that there were more figures and more details provided in the fuller press statement that the Government made, I gave a summary to the House of the Statement because the item was on the pink pages.

2060 **Hon. R M Clinton:** Mr Chairman, in relation to subhead 3, Reclamation Projects, in light of the Chief Minister's Statement about Coaling Island reclamation, would we expect to see any expenditure on this line item for 2016-17? I note there is a nominal £1,000.

2065 **Hon. Chief Minister:** Mr Speaker, if the progress that we want to make is made we will see some progress very soon and we will either see it here or elsewhere, but this is a £1,000 cost, yes, which is put in as a nominal so that we can incur more charges if we need to.

Hon. R M Clinton: But, Mr Chairman, would it be specifically for the Coaling Island project or for other reclamation projects that he has in mind?

2070 **Hon. Chief Minister:** As I said during the course of my address, there are a number of different reclamations being looked at; Coaling Island is one of them.

Hon. R M Clinton: Mr Speaker, moving on to subhead 4(c) Old Naval Hospital Conversion Refurbishment works. I note there is an additional £3.1 million envisaged for this coming year compared to the outturn £1.4 last year.

2075 I am just wondering what additional works needs to be done in respect of the Old Naval Hospital since it seems to be substantially complete.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has to remember that the book is compiled in March and we are dealing with the expenditure that is incurred from 1st April. So what seems to be substantially complete is something that he would have seen substantially completed about that time but in respect of which payment vouchers are coming in as the works are being finished.

So this is payment for the process of completion.

2085 **Hon. R M Clinton:** I have possibly a similar question in relation to subhead 4 in relation to Item V – St Bernard’s Catering Facility at £1.2 million. With a forecast outturn last year as £3 million and in 2014-15 we spent £2.9 million that is £6 million already.

Is this £1.2 million in relation to anything new or is it in relation to a timing issue in terms of invoices?

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Hon. Dr J E Cortes: Yes, Mr Chairman, it is nothing new this is picking up invoices and so on which ran over from last year.

Hon. R M Clinton: So, Mr Chairman, on that basis are we saying the cost of this facility is coming in at something like £7.2 million?

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Hon. Dr J E Cortes: I do not know whether you can pick that up from here but that is probably about right.

2100 **Hon. T N Hammond:** Finally, Mr Chairman, reference subhead 4.(j), Sustainable Traffic, Transport and Parking Plan, I note £250,000 set aside as the estimate for this year, can I just confirm that is for presumably a project contained within that plan rather than for the development of the plan itself or the publication of the plan itself?

2105 **Hon. P J Balban:** Mr Chairman that is actually for the implementation of the sustainable Traffic Plan.

Hon. T N Hammond: So on the basis that it is for implementation of recommendations contained within the plan, the final plan will be published any time now?

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Hon. P J Balban: Mr Chairman, as I have said many times, just because the final plan is not there yet does not mean that we do not progress with the plan itself.

But yes, the intention is that the final plan will be available shortly.

2115 **Hon. T N Hammond:** Yes, I appreciate that because the whole point of a draft is that it can be amended at any point without commitment, whereas once you publish the final plan it is a final plan. Of course it can be amended, but it is a somewhat different scenario at that point.

Hon. Chief Minister: Like an LNG report.

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Hon. P J Balban: Just like an LNG report, as just highlighted! The hon. Gentleman will notice, the final plan itself will not teach a wonderful amount of new things. A lot of what is on the draft plan will be there on the final plan – in fact all of it, there are just a few other modifications.

2125 What the final plan will provide is a lot more detail as to what went down in terms of the research, all the public feedback comments will be there, all the statistical data, all the data collected will be there. But if the hon. Member is expecting anything great and wonderful, he may be disappointed.

2130 **Hon. T N Hammond:** I am not expecting a significant change from draft to final report, it is just that I think it is a significant milestone to move any report from a draft phase to its final published phase. That is the only point I am making but the point that I was originally making, reference this particular item being for the provision of projects within the plan is really what I wanted to know and the Minister has answered that and I thank him for it.

2135 **Hon. P J Balban:** That is correct.

Hon. T N Hammond: If I may also, Mr Chairman, for subhead 4.(y) – Commonwealth Park – I note a nominal £1,000 has been set aside.

2140 In view of the previous discussion under the Environmental Head for the costs of the Commonwealth Park, is it anticipated that there is going to be some significant change in the park that is going to result in some capital expenditure there?

2145 **Hon. Dr J E Cortes:** No, it is not going to be turned back into a car park. Again, this is a nominal amount there in case there is anything untoward, but we are hoping that we will not have to touch that at all this year.

2150 **Hon. R M Clinton:** Mr Chairman, in respect of subhead 5, Equity Funding, Government-Owned Companies, item (b), Gibraltar International Bank, I notice that the Government has contributed £25 million as previously stated into the equity of the bank. I notice that there is a £1,000 item still there for this coming year and I am interested to know whether the Government intends to make any kind of capital injection.

2155 **Hon. Chief Minister:** Mr Speaker, it is a token in the eventuality that there might be a need to make any injection of capital, but there is not any suggestion that this could happen, it is just an open line.

Hon. R M Clinton: Thank you. Mr Chairman, the last item down the list is the University of Gibraltar. I see a further amount of £3.25 million required for this coming year and £6.7 million for last year.

2160 Is this to cover capital, I presume it is capital cost, is this part of the overall £10 million funding originally announced to the university and is it envisaged that this will be the final amount that the Government will be contributing towards the university.

2165 And perhaps as a final rider, has the university provided any financial information to the Government as regards its funding requirement?

Hon. G H Licudi: Mr Chairman, this is just a balance of £10 million which I had announced would be contributed by the Government to the university. We have made some capital expenditure and there is a contribution to the university which is ultimately going to reach £10 million and that represents the balance which is payable in respect of that £10 million which had been previously announced.

Hon. R M Clinton: Mr Chairman, thank you very much for that. Is there any reason why the full £10 million was not paid up front? (*Interjection*)

2175 **Hon. G H Licudi:** Simply because it was not necessary. The university did not need £10 million up front. It was originally a Government project and we were spending money on the project as and when we were required to spend those monies on the capital expenses and then on the recurring expenses once we started engaging staff.

2180 The university then became a statutory body and has become an independent institution and we now have a contribution to make to the university as and when they require the money, up to the £10 million which we had indicated we would be contributing.

2185 **Hon. R M Clinton:** So, Mr Chairman, would I be correct in saying that the £10 million would cover both the capital cost and initial running costs of the university and how many years would that cover in terms of running costs?

Hon. G H Licudi: Mr Chairman, that is correct. It covers the initial capital costs and the running costs of the university on the basis that it is a contribution to the University of Gibraltar Limited.

2190 As I explained when we launched the project, and in particular we brought a Supplementary Appropriation Bill, I seem to recall in respect specifically of the £10 million and I explained exactly how those – I appreciate it was before the hon. Member's time – how that £10 million was going to be split up.

2195 We anticipated that there would be largely around £6 million in setup costs and initial recurrent costs for the first year and the opening phase, and then approximately something like £2 million a year. So the £10 million was always intended to cover the initial start-up phase the first year and then two more years of operation thereafter.

2200 **Hon. R M Clinton:** Thank you very much, Mr Chairman.

Mr Chairman: Are there any other questions?
Head 102, Projects, stands part of the Bill.

2205 **Clerk:** Moving back to page 153, clause 5, Head 47, Supplementary Provision; subhead 1, Supplementary Funding.

Mr Chairman: Clause 5, Head 47, Supplementary Provision, stands part of the Bill.

2210 **Clerk:** Moving forward to clauses 6 and 7, starting at page 170, Gibraltar Development Corporation.

Mr Chairman: Are there any questions arising?

2215 **Hon. R M Clinton:** Yes, Mr Chairman, perhaps more for the benefit of my education. The contribution to the Economic Development and Employment Company Limited in the order of £11 million for last year and this year, I would be grateful for some explanation as to what it is that this entity does. Sorry, that is in Item 17.

2220 **Hon. J J Bossano:** This is the money that has been voted every year to fund all the training programmes and the costs of operating the training programmes and the amount that is being paid to the individuals.

2225 We have been able to keep the costs virtually unchanged because although there have been pay rises in line with the minimum wage and the pay of the people who are employed to do training and so forth, the numbers have been coming down because there are less people unemployed and therefore there are less people going through the programmes.

Mr Chairman: Moving to the Appendices, page 179, Borders and Coastguard Agency as well? Then at page 182, Appendix D, the Gibraltar Health Authority.

2230 **Hon. R M Clinton:** Mr Chairman, this maybe simply a typo but on page 184 about halfway down the page on the Establishment numbers, I do not think the totals quite work for the comparative for 2015-16.

2235 As you can see it comes out £897 and then with nine people jumps to £1,308. I think that should be £897 and £82 and £856. I think it was just probably a slip of a formula in a spreadsheet somewhere.

Hon. Dr J E Cortes Yes, I think that was a typo ...

2240 **Hon. R M Clinton:** Yes and then I have just one question and that is the establishment and all the various grades here, would I be correct in assuming that they should all appear in Appendix Q?

A Member: Yes.

2245 **Hon. R M Clinton:** Yes. Mr Chairman, I cannot seem to find one grade and that is the Cancer Services Co-ordinator.

2250 **Hon. Dr J E Cortes:** That is an SEO grade. Perhaps that should be specified but it is actually graded as an SEO, Senior Executive Officer. It is that the job title has been included rather than the grade title but we can make that clear in the final document.

Hon. R M Clinton: Thank you, Mr Chairman.

2255 And just talking about the Dementia Care Facilities, Item 52 which is Contracted Services for Day Care, and I think that the rest is probably in the Elderly Care Agency, how is it that the estimated cost has gone from £400,000 to £954,000 for what I think is, if I remember correctly, a 90-bed facility or I may be wrong? And how is it that we have spent nothing on it in the last year?

2260 **Hon. Dr J E Cortes:** Well this has been the subject of several exchanges that for a number of reasons we were not able to open at the time.

Last year we had made provision for approximately six to seven months, or rather five to six months because we were expecting to open about half way through the year. The £954,000 is provision for what we estimated it would be for the full year effect.

2265 **Hon. R M Clinton:** Mr Chairman, I fully appreciate that a lot of healthcare is of course demand driven, but I cannot help but notice, certainly on the sponsored patients line 36, we tend to under budget for this cost, £12 million in the original estimate, £15 million in the outturn and yet for 2016-17, we seem to be going down to £11 million. Would it not be more realistic to put that number more in line with maybe even higher, maybe £18 million given the trend?

2270 **Hon. Dr J E Cortes:** I think we are trying very hard, as I think I said in my Budget speech, to repatriate a lot of services. Chemotherapy is about to come on stream, probably some neurology as well. So we are looking very carefully at how we spend sponsored patients money this year.

2275 So we are fairly confident that we can, well we are going to try very hard to make efficiencies in the way we do things rather than what we do in order to try and contain that expenditure.

Mr Chairman: Any other question on the Health Authority?

2280 **Hon. R M Clinton:** Just one question, your CT scanner, how much did it cost? What was the capital cost of that?

Hon. Dr J E Cortes: It was about ... *(Interjection)* Ah it is on the next page, I am told. *(Interjection)* Ah yes, it is there, £563,000.

2285 **Mr Chairman:** We then move on to Appendix E, which is the Gibraltar Electricity Authority, page [*Inaudible*]

2290 **Hon. T N Hammond:** My apologies, Mr Chairman. I thought we might stop at Health Authority, Elderly, which seems to be a different head in the Bill. *(Interjection)*

Hon. T N Hammond: Thank you for that education! *(Laughter and interjections)*

2295 **Mr Chairman:** Yes. *(Interjection)* Appendix F, we have the Gibraltar Health Authority – Elderly Residential Services Section.

Hon. R M Clinton: Sorry, Mr Chairman, have we gone through E – the Electricity Authority? *(Interjections)*

2300 **Mr Chairman:** Appendix G, the Care Agency.

2305 **Hon. T N Hammond:** No, Mr Chairman, I do have one question on Appendix F, please. It is under the Payments, line 31, Rent and Service Charges. The estimate this year is £78,000 from a forecast outturn for last year of £6,000. Can I just ask for clarification where the rise occurs from?

Hon. Dr J E Cortes: Yes, this is in relation to a number of initiatives including the renting of a stall and also service charges and so on related to the taking on of the new dementia residential facility, which is going to have considerable service charges, maintenance charges and so on.

2310 **Hon. R M Clinton:** Mr Chairman, coming back to the dementia residential facility, Item 30 – again is it the same explanation that we have £400,000 in the estimates and the outturn this year, not the outturn the estimate for 2016-17 £1.5 million, is that just pro rata or are there additional costs that were not originally envisaged?

2315 **Hon. Dr J E Cortes:** Yes, except that last year we were looking at about a quarter of the year which was about that and this year we are looking at about three quarters of the year. So we are roughly expecting it to cost about £2 million so this is a year, this is the pro rata.

2320 **Mr Chairman:** Appendix H, the Housing Works Agency.
Appendix I, Gibraltar Port Authority.
Mr Edwin Reyes' favourite, Appendix J, the Gibraltar Sports and Leisure Authority.

2325 **Hon. E J Reyes:** Yes, Mr Chairman, just one quick word. I did notice before that under Capital Projects and so on there is going to be an investment of I think it was £100,000 for the Europa Gymnasium and I have no query on that.

2330 But coming down to subsection 17 from the estimate last year of £12,000 we only spent £1,000. I just want the Minister to clarify, I think it was because it was a change of use and so on but looking forward, he is just making a provision for £2,000. Is that £2,000 a token figure with a safety margin or perhaps if he enlightens me now it avoids future questions in a couple of months' time.

Hon. S E Linares: Yes it is, it is to do basically with running costs. Water, electricity, stuff like that for the actual Europa Gymnasium so we are going to invest in it and the type of running costs like those, that is why we have got £2,000 because we do not know exactly how much it is going to be.

2335

Mr Chairman: Appendix K, the Social Assistance Fund. There is a breakdown there. Appendix L, the Savings Bank Fund. Appendix M, the Note Security Fund. Appendix N, Gibraltar Coins Account. Appendix O, Scholarships ... *[Inaudible]* Appendix P – is the last one. Any questions? Right, so clauses 6 and 7 stand part of the Bill.

2340

Clerk: The Scheduled Parts 1 to 5.

2345

Mr Chairman: Chief Minister? *[Inaudible]*

Hon. Chief Minister: Already Mr Speaker?

2350

Mr Chairman: The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILL FOR THIRD READING

2355

Appropriation Bill 2016 – Third Reading approved

Mr Speaker: And now, the Chief Minister.

2360

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Appropriation Bill 2016 has been considered in Committee and agreed to, without amendments, and I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Appropriation Bill 2016 be read a third time and passed.

2365

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

Mr Speaker: Chief Minister.

2370

Hon. Chief Minister: Mr Speaker, at the hour which we have reached, I have the honour to move that the House do now adjourn until Wednesday, 27th July at 11.00 a.m.

Mr Speaker: The House will now adjourn until Wednesday, 27th July at 11.00 in the morning.

The House adjourned at 8.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.13 a.m. – 12.43 p.m.

Gibraltar, Wednesday, 27th July 2016

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The Gibraltar Parliament

The Parliament met at 11.13 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Clerk: Mr Speaker.

5

Congratulations to Mr Clinton on recent marriage

Mr Speaker: The Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand that in the period of the adjournment, one of the Members of the House has entered into a contract with a member of the public which is oft referred to as a nuptial contract. (*Laughter*) It is no doubt an occasion for happiness, and I am sure the whole House will want to join me in wishing Mr Clinton and his wife all the very best for years to come in every sense, except the political of course. (*Laughter and banging on desks*)

Personal Statement by the Leader of the Opposition

15

Mr Speaker: The Hon. the Leader of the Opposition wishes to make a personal statement.

20 **Hon. D A Feetham:** Mr Speaker, I rise to deliver a personal statement and it is to give my thanks, not only on my behalf but also on behalf of my wife, Julia and my family, to the brave men of the Fire and Rescue Service, who the day before yesterday, at one o'clock in the morning, came to the Upper Rock in order to rescue my dog, Blue, which had actually fallen off a cliff opposite our house at the Genoese Battery. Anybody who knows the Genoese Battery will know that they are very, very steep cliffs indeed around the area. He had fallen 50 metres and had landed on a ledge and had he fallen off that ledge, it was a vertical slope downwards and he would have perished.

25 The operation took, Mr Speaker, five hours in total, involving seven firefighters, three of which had to go down with the use of pulleys and ropes, and I want to thank Station Officer Mañasco, Leading Firefighter Navarro, Firefighters Yeo, Cruz, Abudarham, Sivers and Buttigieg – in particular, Firefighters Yeo, Abudarham and Buttigieg who were the Firefighters who actually went down, descended and got the dog up. They were literally risking their lives in doing so.

30 Just to give hon. Members an idea, the dog is a Swiss Shepherd, which is the equivalent of a white Alsatian. It is a big dog, and Firefighter Yeo actually strapped the dog to his chest, a dog that was obviously very nervous, and with the weight of the dog, actually dragged himself up a cliff in order to save the dog.

35 I am just lost for words, Mr Speaker, in relation to the bravery that these men have shown in order to save our dog, and from the bottom of my heart and the bottom of the hearts of my family, I want to thank them and stand up and recognise their bravery today in Parliament.

Thank you very much, Mr Speaker. *(Banging on desks)*

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I, as the representative of those in public service, thank the hon. Member for his kind words. I think there has never been any doubt of the bravery of the Gibraltar Fire and Rescue Services, the work that they do and how essential it is and how delighted we are in this part of the House that they had the resources necessary in order to be able to do the rescue in question.

45 We pride ourselves, Mr Speaker, in funding our public sector to enable them to have the resources to do the work that they need to do, which on occasion involves the happy resolutions that the hon. Gentleman has alluded to in what is no doubt probably the least important work that the Gibraltar Fire and Rescue Service do in the scheme of things, but hugely important to those who benefit from it and to the hon. Gentleman's family.

50 So on behalf of the Fire and Rescue Service, thank you for the hon. Gentleman's kind words and on behalf of the Government, we are very proud indeed that we have been able to spend on the public services with the resources that they need in order to undertake these operations.

BILLS

FIRST AND SECOND READING

Pensions (Widows and Orphans) (Amendment) Bill 2016 – First Reading approved

55 **Clerk:** We now go back to the Order Paper and we carry on with Bills, First and Second Reading.

We commence with a Bill for an Act to amend the Pensions (Widows and Orphans) Act.

The Hon. the Chief Minister.

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a first time.

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

65

Clerk: The Pensions (Widows and Orphans) (Amendment) Act 2016.

Pensions (Widows and Orphans) (Amendment) Bill 2016 – Second Reading approved

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

70 Mr Speaker, the purpose of this Bill is to enable former contributors to the Widows and Orphans Pension Scheme to apply, to resume contributions.

The scheme was closed off to contributions more than 25 years ago as new pension arrangements were put in place for the Civil Service. Contributors to the scheme were refunded their monies and these refunds were subsequently applied to the new pension arrangements.

75 Over the years we have received representations from numerous former contributors, some 200 to date in fact, who consider that the terms of the scheme suit them better than their current arrangements.

We have listened, Mr Speaker, and therefore propose to open up the scheme to these and only to these former contributors. The proposed legislation requires a contributor to first notify
80 the Government of his intention to resume contributions and for the Government to approve such a resumption.

Importantly, the Bill allows a contributor's widow to make the necessary contributions in the contributor's stead if the contributor has notified the Government of his intention to resume contributions but then passes away.

85 Mr Speaker, this Bill allows those who were required to leave the Widows and Orphans Pension Scheme to help secure their future and those of their loved ones, and I commend it to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?
90

I now put the question, which is that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Widows and Orphans) (Amendment) Act 2016.

**Pensions (Widows and Orphans) (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

95

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

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

**Limitation (Amendment) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Limitation Act.
The Hon. the Minister for Education, Justice and International Exchange of Information.

105 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Limitation Act be read a first time.

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

Clerk: The Limitation (Amendment) Act 2016.

**Limitation (Amendment) Bill 2016–
Second Reading approved**

115 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to move that a Bill for the Limitation (Amendment) Act 2016 be read a second time.

This Bill, Mr Speaker, implements one of our manifesto commitments by amending the Limitation Act to remove the limitation period for claims against the Government in cases of child abuse whilst under the care of Social Services and in respect of Mesothelioma alleged to have been caused by exposure to asbestos during the course of employment under the Crown.

120 This Bill also makes an amendment to dis-apply the Limitation Act with regard to proceedings initiated by the Government for the recovery of any debts owed to the Government. Certain types of Government debt, Mr Speaker, have gone uncollected for a number of years, especially with regard to housing arrears.

125 This has led to that debt becoming time barred under the Limitation Act. By dis-applying the limitation period for such actions, the Government is ensuring that claims for the recovery of debts owed to the Government will not in future be subject to the limitation period and also allow for the recovery of present debts allowed to the Government which had become time barred under the Limitation Act.

130 Mr Speaker, I commend the Bill to the House.

Hon. D A Feetham: Mr Speaker, before the hon. Gentleman sits down, can he give way?

135 **Hon. G H Licudi:** Yes, I will.

Hon. D A Feetham: Mr Speaker, I am grateful. It is just that I do not want to, in my reply, ask the hon. Gentleman questions. I would like to ask this question of the hon. Gentleman before I reply.

140 Has the Government taken advice in relation to the dis-application of the limitation period in a situation where effectively a debt is statute barred in the light, for example, of the Constitution and whether that infringes the Constitution in terms of rights to property and other such rights?

145 Because it strikes me that, effectively, a situation where a debt has become statute barred because it has not been pursued over a period of six years – some of these debts may go back years and years and years, even longer than six years – and then all of a sudden the Government comes back and says, ‘Well, actually now we can sue for all these debts’, that that may have Constitutional implications. I just wonder whether the hon. Gentleman can enlighten this House in relation to that. Because of course the Government would not bring a Bill to the House if it felt that there were provisions that were unconstitutional.

150 **Hon. G H Licudi:** Mr Speaker, that is most certainly the case: we would not pass legislation here which we believed, or had been advised, were contrary to the provisions of the Constitution. The point that the hon. Member makes is certainly a very valid point from the point of view of what we are doing in this case, and it is clearly something that the Government had considered.

155 I have made the point during the course of my intervention in moving that the Bill be read a second time, that this not only acts in terms of the future by removing the limitation period for any debt that might become time barred as from the commencement of this Bill, but it removes the limitation period in respect of all Government debt so that the Government can go back and recover and take steps to recover those debts.

160 There will be practical questions as to whether in practice it is possible to recover a debt that might have accrued say ten years ago and whether it is feasible, and those are practical considerations that the Government will have to consider in taking any steps.

165 As regard the issue of the legal point, we are aware that there are different opinions but the
opinion that we have taken and the view that we have taken is that it is possible to dis-apply the
limitation period, notwithstanding that that limitation period might have expired and therefore
the debt might have already been time barred.

170 There is the issue whether somebody has essentially an accrued right because the limitation
period has already expired and we have taken the view that it cannot be considered a right, it
cannot be considered, somebody who has had a debt and who is simply taking advantage of the
flux of time, of the limitation period having expired, and that debt not being enforceable as a
result of that limitation period having expired, that is not a right which has accrued but simply
taking advantage of a certain provision in the legislation which we are now undoing in respect of
Government debt.

175 So for those reasons, we believe that it is not unconstitutional, that it is right that we can do
this, there are practical considerations as I have said, but it can become a question which can be
argued at a later stage. We acknowledge that it can become a live issue in respect of those
matters, and that is clearly something that the Government may take into account in deciding
what practical steps it takes in respect of any of these debts.

180 I give way to the hon. Member.

Hon. D A Feetham: Yes, I am thinking in particular for example a situation and I do not know
whether such a situation exists, but I am thinking of a situation where the Government is
currently suing someone.; that person by way of a defence files a defence saying, 'This debt is
statute barred.' By us legislating now, effectively what we are doing is we are removing that
185 person's defence, a defence that existed for that person.

Now that is something that would not normally be done by Parliament. Parliament would
not, a Government would not normally pass an amendment to legislation, depriving a litigant
against it of a defence. Certainly I can think of several arguments why we should not be doing
something like that.

190 Does he know if such a case exists, for example, that someone is being deprived effectively of
a defence, although I am conscious that of course everybody is going to be deprived of a defence
who had a debt that was statute barred. But does he know of any proceedings currently afoot
where the Limitation Act is being raised as a defence?

195 **Hon. G H Licudi:** Mr Speaker, I do not. Personally I do not believe ... our understanding is that
there are no proceedings afoot in which a defendant might have taken advantage of the right to
present a defence. Therefore, as far as we are aware, there are no such proceedings currently
afoot.

200 But the point really is that whether a defence has been filed or has not been filed, the right to
file a defence is being denied for future cases in respect of people that without this amendment
to the legislation would have had that right. So are we denying a present right or are we denying
a future right and are we entitled to deny that future right to file a defence in a prospective case
in the future given, that our understanding is that there is no current case where such a defence
has been filed?

205 The view that we have taken is that we have to show the community at large that this
Government is serious about recovering Government debt. For whatever reason, debts have
accumulated – they accumulated during the period that the hon. Members were in office and
some debts have accumulated during our period as well – and it is important that the message is
sent out that simply because the Government has not acted in a particular time frame, does not
210 mean that those individuals who owe debts to the Government can get away with it.

That is the message that this Parliament is sending by passing this piece of legislation and I
would hope that the hon. Members opposite would want to join us in sending that message to
the community, that this community is serious, not only about recovering debt but about the
whole issue of becoming indebted to the Government.

215 What we are trying to do is to discourage people from becoming indebted to the Government and making it clear, loud and clear, that where a person becomes indebted to the Government, that person can be pursued whether it is next year, in three years' time or in six years' time, which would not otherwise have been the case after six years had passed under the limitation period.

220 So that is the extent of the seriousness of the commitment that we are engaging and what we are trying to do is discourage people from becoming indebted to the Government in the first place.

I give way once again.

225 Let me just say, Mr Speaker, that I am happy to give way but the hon. Member will have an opportunity to make a contribution as part of the Second Reading and therefore instead of this exercise, I am happy if the hon. Member wants –

Mr Speaker: And in Committee as well.

230 **Hon. G H Licudi:** And in Committee as well, but he can make his contribution – (*Interjection by Hon. D A Feetham*) Right, but during the Second Reading he can make a contribution and I can answer all his points. If he wants me to give way before that I am happy to do that, but it is up to him.

235 **Hon. D A Feetham:** Just one more question.

Hon. G H Licudi: I am happy to give way.

240 **Hon. D A Feetham:** Mr Speaker, yes. The hon. Gentleman, what he is really saying and this would allay concerns on this side, is that whether or not this Act is effective in order to deprive somebody of a defence will be very fact specific, and it will depend on the facts.

245 For example, I can think of a situation where a debt has become statute barred, there may have been correspondence with the Government or the Government may have had correspondence with a particular individual. That particular individual through lawyers has said it is statute barred. That person may have changed his position to his detriment.

But what he is saying is, and I would just ask him, it is very fact specific and that it does not deprive any individual, should he be advised by his lawyers or should he be inclined, to effectively raise whatever constitutional arguments that he may have in relation to this.

250 And that there may be circumstances, we do not know whether that person may be able to rely on constitutional rights, we just simply cannot really foresee the circumstances at the present moment. We cannot cater for everybody at the present moment in time, but there is no intention here to effectively deprive anyone of constitutional rights that may have accrued.

I think that is important and it would allay our concerns on this side of the House.

255 **Hon. G H Licudi:** Mr Speaker, we can certainly say there is no intention to deprive anybody of any constitutional right. There is no ability by this Parliament to deny anyone of a constitutional right, even if we had that intention, which we clearly do not.

260 This does not stop anybody in the sort of situation that the hon. Member has mentioned from filing a defence, that the debt is in fact time barred and that that person has the right to raise the defence. And if that person raises that defence notwithstanding the amendment that we are proposing today, then the issue will have to be determined by the court.

265 So if that person is alleging a constitutional right which we clearly do not intend and cannot in any event take away from that person, then that argument can be presented to the court, we believe what we are doing is correct from a constitutional point of view. It does not deprive anybody of the ability to raise the point, raise the defence and say, 'I am entitled to put forward this defence because this amendment is invalid because it infringes the Constitution', and that

will be determined by the court, so the same point can be raised in any of these proceedings and the court will be the arbiter as to whether the Constitution is engaged or not.

270 The view that we have taken is that it is not and that is why we have proposed to go down this route. I sincerely hope that allays the hon. Members' concerns and that they will be able to vote with us to show that the whole House is united in the commitment to recover Government debt.

275 **Mr Speaker:** Does the Hon. the Leader of the Opposition wish to speak on the general principles and merits of this Bill?

Hon. D A Feetham: Yes, Mr Speaker, very briefly. Mr Speaker, I thank the hon. Gentleman. It has gone some way of allaying concerns – not all, but we will be voting in favour of the Bill.

280 In terms of the constitutional impact of a provision like this, when we talk about constitutional impact, there are two types of impact. One is whether the section itself is unconstitutional in the light of the fact that it seeks to deprive people of accrued rights in this particular case and an accrued defence, because that is what it is. The debt is due and owing. It is a defence to a claim, that is what this seeks to deprive. And that the hon. Gentleman has said he has received – or the Government has received – advice and the advice that the Government
285 has received is that the section itself is not unconstitutional.

I would not expect him of course to come to this House, putting before the House any legislation that is unconstitutional, although there are mechanisms indeed, and in that context I note that the Government is going to be moving in due course, amendments to the Constitution Declaration of Compatibility Act. And I introduced the original Act and the purpose of that Act was effectively to be able to put in the hands of the court, any Act where there was a doubt as to whether it was constitutional or unconstitutional.
290

And in this particular case the Government must therefore feel very confident that this is not unconstitutional because otherwise it would have gone through that mechanism. I am very grateful for that and we on this side of the House also rely on the Government's view in relation to that.
295

Then secondly, there is the point about whether in any given circumstance the reliance by the Government on this section would deprive an individual of his constitutional rights. That is the point that I made earlier during the course of our earlier interventions. And in relation to that of course, it is almost impossible to predict because it is going to be very fact specific. There may be circumstances where somebody may say, 'Well look, this was determined some time ago in correspondence between myself and the Government.' And for the Government now to rely on this section is unconstitutional.
300

I think the hon. Gentleman is right that in relation to that obviously it is impossible to predict. It is very fact specific and it would just simply be an impossible task. Obviously I rely on the reasonableness of the Government in any given situation to do, obviously on advice, the right thing by individuals that are faced with that kind of situation.
305

As far as the general principle is concerned of this particular amendment, I say this: that on this side of the House, we have been consistent proponents of the principle that Gibraltar, and the Government and Opposition, politicians in particular, have got to be responsible and have got to tackle the culture of entitlement and expectation that unfortunately has gripped parts of Gibraltar society.
310

The fact that we have Government debts that accrue years into our years in Government, but also the hon. Gentleman – and I am grateful for that because it shows objectivity in his address – has accepted that it is also during their years in Government – but there are people who believe that they do not have to pay their debts to the Government, they do not have to pay rents for their homes when rents have been historically very low; that that is not right.
315

And there is always a balance to be struck between the state's duty to an individual and the individual's duty not only to the state but also to the rest of their fellow Gibraltarians, because

320 the person who does not pay, it then means that unfortunately everybody else is having to pay
for them, and that is wrong. It is for that reason, Mr Speaker that we are going to be supporting
this Bill today, whatever concerns that we may have at the back of our mind in relation to this
particular amendment.

325 It is also right that the Government should bring an amendment in order to amend legislation
to dis-apply a limitation period in relation to asbestos-related claims. I have had, in my
professional capacity, cause to represent people who have been dying of cancer and who have
since died of cancer as a consequence of handling asbestos, and I think it is right that the
Government should take responsibility and should say, in relation to those types of claims, it is
just simply not right that there ought to be a reliance on a limitation period, particularly when it
330 is a disease that develops over time, sometimes over decades, and by the time that somebody
knows that that person is dying of cancer, the limitation period would have expired.

So the Opposition will be supporting this Bill, we think that it is a worthwhile Bill to support
and we will be voting in favour, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is a source of great pride to me that this Bill
335 is moved by the Minister for Justice. In the time that I was in practice as a lawyer, I met a
number of people who suffered from asbestosis and who had a very difficult situation indeed as
a result of the limitation period affecting their ability to bring claims. It was as a result of that the
executive committee of the party that I lead considered that it was appropriate that the 2011
manifesto should include a commitment to legislate to remove the limitation period in respect
340 of such claims.

It has taken us some time in respect of this matter to be able to bring the amendment, which
although it seems simple at first blush, has required a lot of advice indeed to be taken on the
subject and we are now able to move the Bill, which apart from dealing with issues relating to
debt, will also I think deal with this important area of personal claims that has been provided for,
345 for some time, in the United Kingdom, but had not been provided for in Gibraltar. I am very
happy indeed that the Government which I lead is bringing this Bill.

Mr Speaker, in relation to the issue of debt and the constitutional issues that the hon.
Gentleman has raised, I must say I have been surprised to hear him make these arguments.
Because he will recall, Mr Speaker, that the last time that we had this discussion in relation to
350 the limitation period, it was when we were dealing with the issue of the arrears at Question
Time and I was the one who raised the issue of limitation and how that affected some of the
claims.

And the hon. Member opposite then, with the former Chief Minister, Peter Caruana, was
making the argument that whether or not limitation periods had expired, we should not write
355 off the amounts, that they should remain on the books and that we should use other methods of
pressure to be able to recover those amounts.

So, Mr Speaker, to now hear him argue in favour of the constitutional rights of those who
may have thought that they had got away without paying a debt to the Government, is to see
him in effect in my view, argue for an entitlement not to pay the Government. That culture of
360 entitlement that he says he is against but which at least in respect of those who have owed
money for more than six years, he seems to be defending, Mr Speaker.

Because you see, really there is no constitutional right to owe money. There is no
constitutional right, Mr Speaker, to see others around you pay and you get away without paying.
There is no constitutional right, Mr Speaker, which this Government would ever trammel over.
365 And we have very carefully taken advice to ensure that we are able to make this legislation,
although of course, the ultimate arbiters of whether or not a constitutional right is infringed, as
the Hon. the Minister for Justice indicated in his statement, are not the Members here either on
one side of the House or the other; it is in fact the Supreme Court and the Judges of the
Supreme Court who, if the defendant to any action brought by the Government were to assert
370 that they had an accrued right, would then determine whether this Bill is able to undo that right

or not, given that the Constitution is a principle, an overriding enactment, as I do not tire of reminding the House.

And, Mr Speaker, in respect of the recovery of arrears, if I may say so, everybody in this House must value the work that has been done by the hon. Lady's Department and by the hon. Lady in particular, in driving down those debts in ensuring that at last the issue of arrears is being addressed.

In ensuring that despite the fact that we have been in Government for a much shorter period than they were, we are the ones tackling what he calls the culture of entitlement and I call a failure of people to pay their debts, a failure of people to understand the privilege that they have when they are in a Government tenancy at a low rent and the fact that this Government is tackling that which the Government that he was a Member of failed to deal with.

And, Mr Speaker, if I may say so, the hon. Gentleman also needs to get used to the fact that he cannot talk about those on that side of the House. I have the advantage, Mr Speaker, of being able to say, as do all my colleagues when we get up to present Government Bills and other motions, that we speak on behalf of those on this side of the House. He now needs to remember that he speaks for those on that side of the House that he represents. He no longer represents all of them.

Hon. G H Licudi: Mr Speaker, I am glad to see and to hear the hon. Member say that the Opposition will be voting in favour and will be supporting this Bill. I had a sense of uneasiness and concern when the hon. Member first stood up and put a little bit of doubt as to whether the Opposition would be supporting this or not. And although I did say, as the hon. Member has repeated, that debt accumulated during their period in office and there has been some debt which has accumulated during the time that we have been in office since 2011; but let us be clear about one thing: the only debt that today is time barred, in other words that is at least six years old, is debt created during their time in office.

Several Members: Hear, hear. *(Banging on desks)*

Hon. G H Licudi: And for the hon. Member to say that they were thinking of voting against this Bill so that we would not be able to recover debt accumulated during their time in office, really takes the biscuit!

Several Members: Hear, hear! *(Banging on desks)*

Hon. G H Licudi: The hon. Member has also spoken about ... so I am glad to see that they have finally come round to their senses and they will be voting in favour of an amendment which will see us recovering their debt.

The Hon. the Chief Minister has also spoken about this, the so-called culture of entitlement that the hon. Member refers to. We really need to show that this so-called culture of entitlement is no more than a myth. As the Hon. the Chief Minister said, there is no entitlement and there cannot be a culture of entitlement not to pay.

And there is no entitlement anymore for a berth in the small boats marina, whilst you have accumulated debt and you have decided not to pay. So by taking the action that we have taken, which we started with the provision that we included in the regulations on the allocation of berths for the small boats marina so that people with debt were not entitled – were dis-entitled, essentially, from their ability to acquire a boat or to acquire that particular berth – what we are doing with that and with this measure and with the practical measure that we will be taking, what we are doing is doing away with any notion of any possible myth that there is a culture of entitlement in Gibraltar in respect of Government debt.

It is important to point out lastly, Mr Speaker, that this Bill as has been acknowledged, is not just about Government debt, there are also other fundamental provisions in relation to the Bill

425 which we had included in our manifesto commitments. In particular, cases of child abuse whilst
in the care of Social Services in Gibraltar and in respect of the very serious disease of
Mesothelioma and suffering from cancer caused by exposure to asbestos. And it is right that we
move on and that we give people the entitlement to make claims where those claims are valid in
respect of those very important issues which will have affected their lives very seriously indeed.

430 For all those reasons, Mr Speaker, I commend the Bill to the House and I certainly look
forward very much to a full vote of the House in favour of the Bill, to allow us to recover GSD
debt. *(Banging on desks)*

A Member: Hear, hear.

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

Clerk: The Limitation (Amendment) Act 2016.

**Limitation (Amendment) Bill 2016–
Committee Stage and Third Reading to be taken at this sitting**

440 **Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, I beg to move that the Committee Stage and Third Reading of the Bill be
taken later today if all hon. Members agree.

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

**Fast Launches (Control) (Amendment) Bill 2016 –
First Reading approved**

445 **Clerk:** A Bill for an Act to amend the Fast Launches (Control) Act 1987.
The Hon. the Minister for Education, Justice and International Exchange of Information.

450 **Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, I beg to move that a Bill to amend the Fast Launches (Control) Act be read a
first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Fast
Launches (Control) Act 1987, be read a first time. Those in favour? **(Members: Aye.)** Those
against? Carried.

455 **Clerk:** The Fast Launches (Control) (Amendment) Act 2016.

**Fast Launches (Control) (Amendment) Bill 2016 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill for an Act to amend the Fast Launches (Control) Act be read a second time.

460 This Bill, Mr Speaker, amends the 1987 Fast Launches (Control) Act so as to allow for the exemption of certain vessels from the regime created under that Act, if those vessels meet certain and very specific criteria.

The Bill comes about particularly as a result of the substantial increase in pleasure boats arising from the opening of the Mid-Harbour Small Boats Marina. From the Government's point of view, Mr Speaker, we are very glad to see that the marina and the associated amenities and the public promenade have been universally welcomed by both the boating and the wider community and it has become in fact a very much resounding success.

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Mr Speaker, boat manufacturers are increasingly moving to outboard engines for larger boats due to reliability and low maintenance issues, including traditional fishing or pleasure boats that previously have used inboard engines. Those boats that require higher than 200 brake horse power engines would currently be classified as fast launches under the Act.

470 Mr Speaker, boat manufacturers are increasingly moving to outboard engines for larger boats due to reliability and low maintenance issues, including traditional fishing or pleasure boats that previously have used inboard engines. Those boats that require higher than 200 brake horse power engines would currently be classified as fast launches under the Act.

The Government has received numerous representations for a change in the law in order to allow the licencing of these boats without the boats falling under the fast launch regime, and there has also been an online petition to this effect. The Government has acknowledged the force of these arguments and has decided to create an exemption to the fast launch regime provided that certain criteria are satisfied.

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At the same time, the Government has recognised that law enforcement agencies are equipped with faster and better boats than they were in 1987 when the Fast Launches (Control) Act was brought into force. As such, it is now possible for a new category of vessels to be created outside the restricted regime under the 1987 Act.

480 For the purposes of putting together this Bill and this new category, Mr Speaker, there was a Ministerial sub-committee created composed of myself, my colleague the Minister for the Port, the Hon. Paul Balban and the Minister for Maritime Services, the Hon. Albert Isola. We have all consulted with relevant stakeholders, in particular with the Captain of the Port and his staff, as well as the Royal Gibraltar Police and with Customs. All of those stakeholders with whom we have consulted have agreed the measures which we are proposing to introduce by this Bill today.

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Mr Speaker, under the proposed regime, owners or prospective owners of vessels may apply to the Captain of the Port in order to certify certain vessels which are currently defined as fast launches as being exempt vessels, if they meet the criteria which is set out in the new schedule to the principal Act.

490 Mr Speaker, under the proposed regime, owners or prospective owners of vessels may apply to the Captain of the Port in order to certify certain vessels which are currently defined as fast launches as being exempt vessels, if they meet the criteria which is set out in the new schedule to the principal Act.

This is a very strict set of criteria and is intended to cover such vessels which currently fall within the fast launch regime but which due to their nature, design and purpose it is felt should no longer be as strictly controlled. The criteria, Mr Speaker, are that (1) the vessel does not under normal operating conditions exceed a speed of 40 knots; (2) it is not of a type, characteristic, colour or description, the certification of which would be in the opinion of the Captain of the Port, in consultation with the Government, against the public interest; (3) it is not an inflatable boat or a rigid inflatable boat; (4) it is of a particular minimum hull beam, hull length and hull displacement; and (5) it is not equipped with an engine or engines with a brake horsepower which exceeds the manufacturer's maximum engine recommendation.

500

If the vessel, Mr Speaker, meets all the criteria and the Captain of the Port in his discretion and with the approval of Government certifies the vessel as exempt, certain restrictions included in the principal Act as to its use will no longer apply. These restrictions are mainly concerned with those contained in Part 3 of that Act relating to the vessel's use within the controlled area, the need for users other than the holder of a valid licence to be authorised, the use of a vessel at night, restrictions on where the vessel may be moored, annual surveys and the need to report arrivals and departures.

However, Mr Speaker, exempt vessels will not be exempt from all of the restrictions contained in the principal Act. The vessels will still need to be marked for identification purposes, engines may not be modified without permission of the Captain of the Port and there are restrictions on the carrying of fuel.

It is our view, Mr Speaker, that this new category of exempt vessels should cater for most vessels that boat users will want to own for recreational purposes and which are currently caught by the fast launch regime. In a way, we expect that regime to become – the fast launch regime – to become almost redundant. We have not, however, done away with the regime altogether as there may exceptionally be some vessels which may be licensed already as fast launches and which will continue to be subject to all of the restrictions and conditions contained in the Act.

Mr Speaker, when we were putting this together, the view that we took was that we should not change the fast launch regime at all and that instead we should simply create this new category of exempt vessels. However, after the publication of the Bill, we decided that there were in fact a couple of changes to the fast launch regime which ought to be made.

These, Mr Speaker, are set out in a letter to Mr Speaker, which we sent earlier this week, containing a number of amendments which I will be moving at Committee Stage. The main amendment, Mr Speaker, is the insertion of a provision for a new section 14A into the principle Act.

Mr Speaker, the Government has taken the view that it is desirable and indeed it is necessary, for certain types of vessels to be required to be insured and for users to have successfully completed a relevant proficiency test. These are new requirements which we are now introducing for recreational vessels.

We have not, Mr Speaker, formed a final view as to all the types of vessels for which there should be the insurance and proficiency requirement, but we have nevertheless determined that at this stage, we should impose these requirements on at least three categories of vessels, jet skis, fast launches and those vessels that fall within the new category of exempt vessels which we are introducing under this Bill.

Mr Speaker, with regard to jet skis, these provisions will be contained in rules, not in the current Bill or the Fast Launches Control Act. These rules will amend the Seaside Pleasure Boat Rules 1989. The rules will be published at the same time as we commence the amendments to the Act which we are debating today. In addition, the rules will introduce a restriction on the operation of jet skis at night, which is not currently the case.

We acknowledge, Mr Speaker, that the insurance and proficiency requirements cannot reasonably be imposed immediately on the coming into force of legislation or the rules, as these may take some time to organise. We do not want to prejudice existing users of these vessels and therefore, we will allow a period of grace of three months for those jet skis that are already licensed in Gibraltar and operational in Gibraltar. New jet skis coming in will of course be subject to the new requirements in order for them to be licensed.

Turning to the specific provisions which affect the Bill today, the new section 14A of the Fast Launches (Control) Act imposes the insurance and proficiency requirements on fast launches and exempt vessels. These new requirements are that the vessels may only be used if covered by a policy of insurance in respect of third party risks as may be approved by the Captain of the Port and also that such vessels may only be used by persons who have successfully completed a

proficiency course approved by the Captain of the Port or who are accompanied and supervised by a person who has completed such a course.

555 There are offences included regarding the use of the vessels contrary to these provisions and also regarding the failure to produce a copy of the insurance or evidence of successful completion of the relevant proficiency course.

560 Mr Speaker, in order to ensure that persons who currently own, in a similar way to what I mentioned in relation to jet skis, so for those persons who currently own and operate a launch which is licensed as a fast launch under the current regime, and again to give them an opportunity to regularise their position, we are proposing an amendment to clause 1 of the Bill which delays the application of the proposed section 14A for a period of three months from the commencement of the Amendment Act, in relation to the use of fast launches which have already been licensed under the Fast Launches Control Act, prior to the commencement of this Act and in relation to which, there is in operation on the date of commencement of this Act, there is a licence in operation.

565 Finally, Mr Speaker, I will be proposing two further amendments which I included in the letter at Committee Stage, in the form of tidying up of the principal Act. The first changes the time when the use of a fast launch is prohibited which, under the current legislation is between 10.00 p.m. and 7.00 a.m. to between half an hour after sunset and sunrise. This is simply to give a more realistic definition of night-time operation. As it stands at the moment, it is 10.00 p.m. to 7.00 a.m. all year round. As hon. Members will know, night changes essentially on a day-to-day basis.

570 We have adopted in part and the Hon. Mr Trevor Hammond will be very familiar with the rules on night-time operation in relation to aviation, whereby in the UK and Gibraltar, it is half an hour after sunset and half an hour before sunrise. In Spain for example, it is sunset to sunrise and we have adopted almost a halfway house between those by saying that night operation for these purposes is half an hour after sunset and up to sunrise.

580 The second amendment, Mr Speaker, allows for the Captain of the Port to provide for alternative manners of reporting arrivals and departures. The reason for that is that currently there is a need to go to the reporting berth every time a fast launch leaves or arrives in Gibraltar. There is, as we know currently no reporting berth and therefore there is a need to give a discretion to the Captain of the Port to propose and to prescribe an alternative manner of reporting those arrivals and departures.

585 Mr Speaker, I commend the Bill to the House.

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

590 **Hon. L M Llamas:** Mr Speaker, I would just like to say that I am extremely pleased in the way that the Government has handled this Act. In particular, in the way in which it plans on dealing with the rules for other vessels in the future, in conjunction with this Act and the timely manner in which it will all come into operation.

I have to commend that they have done a very good job. Thank you. *(Banging on desks)*

595 **Mr Speaker:** I now put the question –

Hon. G H Licudi: Mr Speaker –

Mr Speaker: Yes?

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Hon. G H Licudi: Simply in reply, to acknowledge the very kind words of the hon. Member. I do want to acknowledge that in relation to insurance and proficiency, the hon. Member made

the point in a recent *Viewpoint* programme when he was interviewed in relation to the small boats marina, that this would be desirable.

605 We have made an amendment, not just because the hon. Member said so, but because we have received representations and as I have said, this is a start of the imposition of that requirement to all vessels. How far we should go on insurance and proficiency requirements – clearly a small dinghy and a small rowing boat will not have them – where do we draw the line is a matter that we will have to debate and we will have to decide. But we have taken this opportunity of this amendment to impose these requirements on fast launches and exempt vessels and at the same time we were advised that we should do it particularly in relation to jet skis that can be quite fast and can be quite dangerous if in the wrong hands.

610 I am very, very glad to see that the Government will not just be supporting the Bill but they agree with the way that we have been doing this.

615 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Fast Launches (Control) Act 1987 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

620 **Clerk:** The Fast Launches (Control) (Amendment) Act 2916.

**Fast Launches (Control) (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to move that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

**Employment Regulation (Offences) (Amendment) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Employment Regulation (Offences) Act.
630 The Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Employment Regulation (Offences) Act be read a first time.

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

640 **Clerk:** The Employment Regulations (Offences) (Amendment) Act 2016.

**Employment Regulation (Offences) (Amendment) Bill 2016 –
Second Reading approved**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

645 Mr Speaker, the Bill seeks to amend the Employment Regulation (Offences) Act by extending the circumstances in which the Director of Employment may revoke a Fixed Penalty Notice. The power to evoke a notice was previously limited to labour inspectors; the power now rests solely with the director.

650 Whilst labour inspectors may recommend the revocation of a notice, it is ultimately the director who will take a final view on the revocation. The power to revoke a Fixed Penalty Notice was previously only exercisable where a labour inspector had reason to believe that an error or misapprehension of their part, or to the provision to them of incorrect information, had caused a Fixed Penalty Notice to be inaccurate.

655 This power has now been amended to circumstances where the director believes there has been an error, misapprehension or provision of incorrect information to a labour inspector. The power to revoke has also been extended to circumstances where the Director has reason to believe that the service of a notice operates against the public interest. The Bill also clarifies the Director of Employment has discretion to serve a new Fixed Penalty Notice or not, upon the revocation of an existing notice.

660 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

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

665 **Clerk:** The Employment Regulation (Offences) (Amendment) Act 2016.

**Employment Regulation (Offences) (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Financial Services (Listing of Securities) (Amendment) Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to amend the Financial Services (Listing of Securities) Act 2006.

675 The Minister for Business and Employment on behalf of the Hon. the Minister for Financial Services and Gaming.

680 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Financial Services (Listing of Securities) Act 2006, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Financial Services (Listing of Securities) Act 2006 be read a first time.

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

685 **Clerk:** The Financial Services (Listing of Securities) (Amendment) Act 2016.

**Financial Services (Listing of Securities) (Amendment) Bill 2016 –
Second Reading approved**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

690 Mr Speaker, this Bill amends the Financial Services (Listing of Securities) Act 2006. The Bill inserts two new subsections to section 28 in order for the Minister to be able to prescribe fees with regard to the application for listings made under the official Listing Rules 2007.

New subsection (5) provides the power to prescribe such a fee after consultation with the listing authority.

695 New subsection (6) states that the prescribed fee must be published by notice in *The Gazette*.

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

700 I now put the question, which is that a Bill for an Act to amend the Financial Services Listing of Securities Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Listing of Securities) (Amendment) Act 2016.

**Financial Services (Listing of Securities) (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

705 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Financial Services Ombudsman Bill 2016 –
First Reading approved**

715 **Clerk:** A Bill for an Act to establish the Financial Services Ombudsman to provide for the alternative resolution of Consumer Disputes in respect of Financial Services and for Connected Purposes.

The Hon. the Minister for Business and Employment, on behalf of the Hon. the Minister for Financial Services and Gaming.

720 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to establish the Financial Services Ombudsman to provide for the alternative resolution of consumer disputes in respect of financial services and for connected purposes, be read a first time.

725 **Mr Speaker:** I now put the question, which is that a Bill for an Act to establish the Financial Services Ombudsman to provide for the alternative resolution of consumer disputes in respect of financial services and for connected purposes, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

730 **Clerk:** The Financial Services Ombudsman Act 2016.

**Financial Services Ombudsman Bill 2016 –
Second Reading approved**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

735 Mr Speaker, the introduction of the Financial Services Ombudsman was a manifesto commitment which will be met with the introduction of this legislation.

The Act aims to provide an alternative resolution of consumer disputes in respect of financial services. The Act establishes the Financial Services Ombudsman and sets out its powers, functions and duties. It requires financial services providers to participate in dispute resolution procedures conducted by the Ombudsman.

740 The legislation will enable the Ombudsman with the consent of the consumer, to impose binding solutions upon financial services providers. The Ombudsman will have the function of investigating facilitating, mediating, proposing or determining solutions to disputes, including the power to make compensatory awards to consumers.

745 The Act also requires financial services providers to give consumers certain information about the Ombudsman. The Ombudsman will be appointed by the appropriate Minister.

I commend the Bill to the House.

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

750

Hon. R M Clinton: Mr Speaker.

Mr Speaker: The Hon. Roy Clinton.

755 **Hon. R M Clinton:** Mr Speaker, those of us in this House who dealt with family, friends and relatives who were involved or caught up in the TEP plan saga a number of years ago, will very much welcome the introduction of a Financial Services Ombudsman, which has been very sadly lacking in Gibraltar, in that in the past anybody who had any dispute went to the Financial Services Commission only to be told, 'Well actually, we do not deal with these types of disputes.'
760 So certainly this side of the House will welcome the introduction of this legislation which is probably long overdue and probably is required to meet EU requirements and certain legislation as well.

765 I have perused the legislation and with the assistance of my learned colleague, the Hon. Mr Phillips, and I have certain questions that perhaps the Minister, the Hon. Mr Costa, will be able to address in terms of the funding of the Financial Services Ombudsman.

It may be a question of drafting and maybe we will get to it at the Committee Stage, but there is a very important principle that arises, and that is who pays for the cost of the Ombudsman?

770 Now, we are all aware that in the UK it is done by way of levy on industry and certainly I would not from an industry point of view, I am sure the industry has enough levies to deal with at the moment and it would be very welcome by the industry that it would be the Government picking up the Bill for this.

775 However, having looked at the charging section, and this is where the constitutional lawyers amongst us will have some fun, I notice in section 6(4) where it talks about the appointment etc. of the Ombudsman, it says:

The salary, expenses and allowances of the Ombudsman are to be—
(a) approved by resolution of Parliament; and
(b) a charge on the Consolidated Fund without the need for appropriation.

Now to me, that seems to be a contradiction. Either it is approved by resolution of Parliament or it is a charge, but it cannot be both. So that may be something the hon. Member may wish to check.

780 And then this is where as I said the constitutional lawyers will have some fun, because looking at – and I cannot help it, the book-keeper in me, I cannot avoid this – looking at the accounts of the Government, the charges on the Consolidated Fund are very specific officers. Some of which are normally laid down in the Constitution and in fact the Constitution provides that officers of Parliament, for example the Principal Auditor, the Ombudsman, the Clerk to Parliament etc. are officers of Parliament and then become charges on the Consolidated Fund
785 without any further reference to Parliament, which is logical and the same goes for the judges and other officers such as the Governor. Those are enshrined in the Constitution.

Now, and again I am happy to be enlightened by the lawyers in the House, but it strikes me that either apart from the charging clause being slightly contradictory and I can see perhaps the logic in that if the Ombudsman is a charge, then surely a Financial Services Ombudsman would
790 be a charge. But then does he become an officer of Parliament? Also I notice that he reports to the Minister and not to Parliament.

So which is it? Is he an officer of Parliament or is he not an officer of Parliament? If he is not an officer of Parliament, I do not think it should be appropriate that he should be a charge on Parliament to the Consolidated Fund without reference to this Parliament, especially since he
795 reports to the Minister and not to this Parliament. There is no requirement in the legislation as I can see, that says that his report will be tabled to Parliament.

So that is the crux and my question really is the funding of the Ombudsman and the scrutiny of his expenditure. Perhaps the Hon. Minister can shed some light or maybe we can deal with this at Committee Stage, but I think there is a fundamental principle here in terms of scrutiny.
800 Because if we just by legislation keep on adding charges to the Consolidated Fund, and nor am I suggesting we do this, it is entirely possible that you could make everything a charge on the Consolidated Fund and there would be no need for any parliamentary resolution for anything.

I think it is an important point to make in that when you do create a charge on the Consolidated Fund it is for an office that is either laid out in the Constitution or it is of such public interest that it is a charge on the Consolidated Fund without reference to Parliament. I
805 think this is an important question that we need to address in respect of this legislation.

Personally I do not believe that the Financial Services Ombudsman in any case which is dealing with commercial entities is an officer of Parliament and should be a charge on Parliament but rather a charge on the Consolidated Fund by way of resolution.

810 And that, Mr Speaker, is my contribution.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Mr Bossano.

815 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, I think there is no conflict between the Parliament deciding what the pay should be initially but then not having to approve it every year. Because the only reason why this mechanism exists is, theoretically, to give a higher level of independence to the entity that is directly charged to the Consolidated Fund so that once the decision is taken, the pay then becomes an obligation under the law over which the Parliament no longer has control.

820 It is a matter of choice for the Parliament to do this or not do this, but I do not think there is a conflict in saying we are creating a Financial Services Ombudsman and we are going to link him or grade him in line with some other entity, but in order to give the same kind of theoretical independence, which I think is just frankly a way of sending a message – no more than that because it is not as if the Parliament ever interferes with the Civil Service in the cases where it boasts a salary ...

825 But one thing that never gets amended in this Parliament and I think when we had the recent debate about being able to amend things from the Opposition, I reminded Members that at one stage when Mr Speaker was part of the Government and I was in the Opposition, I tried to reduce somebody's salary by £1 and I was told I could not do it. So there you have got a situation where Parliament in fact was already inhibited from being able to do anything in respect of those salaries that are in the Consolidated Fund and paid from the Consolidated Fund by an Appropriation Bill.

830 The mechanism is not that it makes him a servant of the Parliament; it is that it makes him in theory, and on paper, enjoy a greater degree of independence from control by Parliament by virtue of the fact that he is guaranteed that the salary is by law payable from the Consolidated Fund and the Parliament cannot interfere with the salary.

835 I do not think there is any other intention to the creation of this mechanism. It was something that was done a number of years ago. Initially there were very few positions and a few have been added but out of the 5,000 public servants we may have four or five whose salaries are not controlled by Parliament.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

845 The Hon. Samantha Sacramento.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, by way of assistance, this mechanism for payment of the Ombudsman already exists and it is the same as it is in section 4 of the Public Ombudsman's Act 1998. So, Mr Speaker, the mechanism which the GSD introduced back in 1998, Mr Speaker.

850

Mr Speaker: I call upon the hon. mover to reply?

Then I put the question which is that a Bill for an Act to establish the Financial Services Ombudsman to provide for the alternative resolution of consumer disputes in respect of financial services and for connected purposes, be read a second time.

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

Clerk: The Financial Services Ombudsman Act 2016.

**Financial Services Ombudsman Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

860 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

COMMITTEE STAGE

**Pensions (Widows and Orphans) (Amendment) Bill 2016;
Limitation (Amendment) Bill 2016;
Fast Launches (Control) (Amendment) Bill 2016;
Employment Regulation (Offences) (Amendment) Bill 2016;
Financial Services (Listing of Securities) (Amendment) Bill 2016;
Financial Services Ombudsman Bill 2016**

865

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

870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Pensions (Widows and Orphans) (Amendment) Bill 2016; the Limitation (Amendment) Bill 2016; the Fast Launches (Control) (Amendment) Bill 2016; the Employment Regulation (Offences) (Amendment) Bill 2016; the Financial Services (Listing of Securities) (Amendment) Bill 2016; as well as the Financial Services Ombudsman Bill 2016.

In Committee of the whole Parliament

**Pensions (Widows and Orphans) (Amendment) Bill 2016 –
Clauses considered and approved**

875

Clerk: A Bill for an Act to amend the Pensions (Widows and Orphans) Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

880

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Limitation (Amendment) Bill 2016 –
Clauses considered and approved**

885

Clerk: A Bill for an Act to amend the Limitation Act.
Clauses 1 to 4.

Mr Chairman: Stand part of the Bill.

890

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Fast Launches (Control) (Amendment) Bill 2016 –
Clauses considered and approved**

895

Clerk: A Bill for an Act to amend the Fast Launches (Control) Act 1987.
Clause 1 as amended.

Mr Chairman: An amendment has been proposed by the hon. mover. It has been circulated
to all hon. Members. May we take it as read?

900

This amendment stands part of the Bill.

Clerk: Clause 2 as amended.

905

Mr Chairman: Again, in the same letter the Minister informed Members of his intention to
move this amendment. May we take it as read?

Therefore it stands part of the Bill.

Clerk: The long title.

910

Mr Chairman: Stands part of the Bill.

**Employment Regulation (Offences) (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Employment Regulation (Offences) Act.
Clauses 1 and 2.

915

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Financial Services (Listing of Securities) (Amendment) Bill 2016 –
Clauses considered and approved**

920

Clerk: A Bill for an Act to amend the Financial Services (Listing of Securities) Act 2006.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

925

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Financial Services Ombudsman Bill 2016 –
Clauses considered and approved**

930

Clerk: A Bill for an Act to establish the Financial Services Ombudsman to provide for the alternative resolution of consumer disputes in respect of financial services and for connected purposes.

935

Hon. R M Clinton: Can I say something at some point or are you going to read it all? I can say something now, yes? (*Interjection*) Right.

Clerk: Clauses 1 to 10.

Mr Chairman: Stand part of the Bill.

940

Clerk: Clauses 11 and 12 as amended.

Mr Chairman: Now, back in February, earlier this year, the Hon. Albert Isola gave notice to me of some minor amendments which have been circulated to all hon. Members.

945

May we take them as having been read? (*Interjection*) Yes, and I understand that the Hon. Mr Clinton wishes to speak on one of these clauses.

Hon. R M Clinton: Thank you, Mr Chairman.

950

Coming back to the intervention by the Hon. Mr Bossano, I would just like some clarification as to how clause 6.(4)(a) and (b) are going to work in operation.

He says well, Parliament can set the salary and then they will have to set it thereafter, but if you read clause 6.(4)(a) and (b), salary expenses are to be approved by resolution of Parliament and a charge without the need for appropriation. But how does this work in practice?

955

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): If you have a resolution where the Parliament approves the budget of the Ombudsman, then it is coming to Parliament independent of the Appropriation Bill. That is what that clause provides.

960

And where you have got a reference to the charge being without any appropriation, it is that it does not have to be included as part of the Budget. Where that is there symbolically the only significance – because in practice it does not make any difference – is that it enhances the concept of the level of independence enjoyed by an Ombudsman and this is why there are very few officers that are defined in that particular way.

965 **Hon. R M Clinton:** Mr Chairman, yes I understand that, but in practice does that mean that there will have to be a motion presented by Government every year, setting out the expenses and salary allowance every year separately to the Budget?

Hon. J J Bossano: In effect it is the budget of the office, not just his personal emoluments.

970 **Hon. R M Clinton:** Mr Chairman, so I take it we are agreed that basically every year there will have to be a separate resolution of this Parliament setting out the salary expenses or at least agreeing to them.

975 **Hon. J J Bossano:** I think the only way that that can be interpreted is if there was a case where the provision that was approved by a resolution did not change in a subsequent year then there would not be any need for a resolution.

But if there were changes and the first resolution carried specific numbers then clearly what becomes a direct charge is the numbers that are in the original resolution.

980 **Hon. R M Clinton:** Without wanting to create a rod for my own back, I guess if he removed clause (a) he would not have a problem at all because then he would not have to seek a resolution of Parliament each year or whenever there was a change.

985 **Hon. J J Bossano:** Mr Speaker, if the hon. Member has been persuaded by the exchanges since the First and Second Reading but now he is suggesting removing a little (a), then in fact there would be less control; but a few minutes ago he wanted more control. I have no problem with less control. *(Laughter)*

990 **Hon. R M Clinton:** As the hon. Member will know I am always in favour of more control, I am just saying in terms of practicality as to how he is going to do this, if what he is saying is that every year he will present a resolution to Parliament and if there is no change at least the resolution is saying there is no change but you still have to present a resolution even though there is no change.

995 **Chief Minister (Hon. F R Picardo):** The Government does not read the section like that. The Government reads the section in saying that there has to be a resolution of the Parliament to approve the salary, expenses and allowance of the Ombudsman. It does not say that it has to be every year. It has to be that resolution, once that resolution is in place; if the resolution has to change then you have to come back to Parliament because the Government is not able to do
1000 resolutions on its own. But once that resolution is in place, whilst it does not change, that creates an expense which is a charge on the Consolidated Fund and we do not need to come back here.

1005 **Mr Speaker:** Is there a need for other officers whose salaries are paid out of the Consolidated Fund to have an annual resolution? It just does not happen.

Hon. R M Clinton: Mr Chairman, I thank the hon. Members for the clarification. One other point I have in relation to – I do not know if these clauses have been called yet –

1010 **A Member:** One to 10 have been called.

Hon. R M Clinton: One to 10 have been called yes, was in relation to 16 so I will wait.

1015 **Mr Chairman:** Can we ask the Clerk therefore, to call clauses up to 10 so that it is clear after these exchanges, that they do stand part of the Bill.

Clerk: Clauses 1 to 10.

Mr Chairman: Stand part of the Bill.

1020 **Clerk:** Clauses 11 and 12 as amended.

Mr Chairman: There are very minor amendments as I said for which notice was given some time ago.

We will take them as read and they stand part of the Bill.

1025

Clerk: Clauses 13 to 18. I believe –

1030 **Hon. R M Clinton:** Mr Chairman, it is just a point on the annual report to the Ombudsman: clause 16.(1) is providing a report to the Minister, but there is no requirement to table any copies to this Parliament. I was just wondering if the Members opposite may wish to consider whether a report to the Minister or a report to the Minister and a tabling in Parliament.

1035 **Hon. Chief Minister:** Mr Chairman, the Ombudsman reports to Parliament and tables his report because in effect he is a parliamentary Ombudsman. In a financial services situation of the sort that we are dealing with here, there are different ways in which the Ombudsman can report, the position is the report to Ministers. There may be other sensitivities involved in a report of this nature and we do not think it is in Gibraltar's wider economic interest that such a report be laid in Parliament.

1040 **Hon. R M Clinton:** Mr Chairman, if I can direct the Chief Minister to clause 16.(3), the Ombudsman must publish a copy of any report under this section on its website, on a durable medium upon request and by any other means the Ombudsman considers appropriate.

1045 **Hon. Chief Minister:** Mr Chairman, that is the report like the report that comes here after the report has gone to Ministers. But, Mr Chairman, what the hon. Gentleman surely cannot be telling me is that he wants us to bring to Parliament something that is public. We do not think that is appropriate.

1050 If something is public then it is in Parliament. The hon. Gentleman and the Government have this debate constantly, he wants things which are filed in the public companies registries delivered to him. He wants things which are filed in the public companies registers laid in Parliament.

Mr Chairman, we lay in Parliament things that are published by the laying in Parliament, not things which are otherwise published.

1055 **Hon. R M Clinton:** Mr Chairman, that is exactly the point I am making, that the Ombudsman surely should provide his report to Parliament rather than making it public before Parliament sees it and this is exactly at this stage in the process of writing legislation where we can do this.

1060 I am not asking for a document that is in the public domain already; I am just saying that here we have an opportunity for these reports to come to Parliament and do the hon. Members opposite wish to do that or not? And he is obviously saying not.

But he just contradicted himself in that he said these are sensitive reports: does he really want them to come to the public domain where the requirement is already there in legislation where they will be published publicly? So which is it?

1065 **Hon. Chief Minister:** Mr Chairman, the hon. Gentleman has not been in Government. He does not know that Ombudsman's reports are brought to Ministers before they are published. So in the case of the parliamentary Ombudsman, the Minister receives the report before it is laid

in the Parliament and I would expect that in relation to this, Ministers will receive the reports before they are published, Mr Chairman.

1070 There is good reason for that and it is set out, if he cares to read back to the *Hansard* that the Hon. Sir Peter Caruana was speaking on the Bill when he presented the Ombudsman's Bill, the Parliamentary Ombudsman's Bill, he will see why that provision exists.

1075 Now, Mr Chairman, this is not about bringing things to Parliament. This is about publication of things and we think that things in some instances need to be published more widely than just in Parliament. Now, if things are brought to Parliament, they can be published from Parliament and after Parliament. But there is no reason, Mr Chairman, that today things should be brought to Parliament when they can be put on a website, whether they are accounts of banks or things which are filed by companies in their public accounts and which are accessible online to people. We think that is a better and wider publication of things than the hon. Gentleman suggests in terms of bringing things to Parliament.

1080 There are things which are appropriate to bring to Parliament. In respect of the Parliamentary Ombudsman, it is particularly relevant that his report be brought to Parliament. This is financial services, Mr Chairman, and therefore we think it is appropriate that it should be dealt with in this way and not as the hon. Gentleman suggests. This is a more modern and wider way of dealing with publication than simply bringing things to Parliament and he is not going to persuade the Government, we are not going to narrow the publication as he wishes. We are going to continue to have it in this way as set out in section 3.

1090 **Mr Chairman:** May I point out that, of course as hon. Members know, if a report is going to be laid on the table here, it is confidential until it has been laid. If it is published elsewhere on a website then it immediately becomes a public document.

1095 **Hon. R M Clinton:** Mr Chairman, thank you very much for that. Of course as the Hon. Chief Minister knows, his documents that are laid here are made public as soon as they are tabled in this Parliament and I am just a bit concerned as to the suggestion that it is far better to put these documents on public registers and issue them outside Parliament.

For example, why table the Auditor's Accounts and the Gibraltar Electricity Authority? Why bother, why not remove all references to Parliament in any legislation?

1100 **Hon. Chief Minister:** Mr Chairman, I think it is a very good idea that follows the Government's thinking, (*Laughter*) because I think the publication online of reports is much better than simply the laying of things in a tradition that comes from a time, from Parliaments beyond Gibraltar, where people used to bring documents which would then be in a library which people would then be able to find in some instances only there, Mr Chairman.

1105 But if the hon. Member wants to now move a motion to amend 16(3) to produce a laying in Parliament, he is going to find he does not enjoy the support of the House. If in future he finds clauses which slip past us which suggest that things should be laid in the House instead of being published online and he moves an amendment to have them published online, he will have our support. Because that means, as the hon. independent Member has said, it is about making information more accessible to people, about making budgets more accessible to people, about making this sort of report more accessible to people, not more accessible to him.

1115 **Hon. R M Clinton:** Mr Chairman, I think we have exhausted this line of exchange and obviously it is not about things being accessible to me; it is about transparency and the relevance of this Parliament. But I venture to suggest that one of the hon. Members will add this to his bucket of transparency. But never mind.

Hon. Chief Minister: Well, Mr Chairman, the hon. Gentleman would be completely wrong, Mr Chairman, because if you want transparency then you want things published not just to

1120 yourself and 16 others first and then to the world; you want it published to the world and to every citizen so that every citizen can access the report and every citizen can see it and that is what this Government stands for, and I am sorry to see that he is still in an age where things are only published in Parliament.

1125 **Clerk:** I shall recap. Clauses 13 to 18.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1130

Mr Chairman: Stands part of the Bill.

THIRD READING

**Pensions (Widows and Orphans) (Amendment) Bill 2016;
Limitation (Amendment) Bill 2016;
Fast Launches (Control) (Amendment) Bill 2016;
Employment Regulation (Offences) (Amendment) Bill 2016;
Financial Services (Listing of Securities) (Amendment) Bill 2016;
Financial Services Ombudsman Bill 2016 –
Third Reading approved: Bills passed**

1135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Widows and Orphans) (Amendment) Bill 2016, the Limitation (Amendment) Bill 2016, the Fast Launches (Control) (Amendment) Bill 2016, the Employment Regulation (Offences) (Amendment) Bill 2016, the Financial Services (Listing of Securities) (Amendment) Bill 2016, and the Financial Services Ombudsman Bill 2016 have been considered in Committee and agreed, in some instances with and in some instances without amendment, and I now move that they be read a third time and passed.

1140

1145 **Mr Speaker:** I now put the question, which is that the Pensions (Widows and Orphans) (Amendment) Bill 2016, the Limitation (Amendment) Bill 2016, the Fast Launches (Control) (Amendment) Bill 2016, the Employment Regulation (Offences) (Amendment) Bill 2016, the Financial Services (Listing of Securities) (Amendment) Bill 2016, and the Financial Services Ombudsman Bill 2016 be read a third time. Those in favour? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

1150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn to Friday, 9th September at 3.30 p.m. I take this opportunity to wish all hon. Members all the very best for what is left of the month of July and August, for the summer months.

Mr Speaker: The House will now adjourn to Friday, 9th September at 3.30 in the afternoon.

The House adjourned at 12.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.40 p.m. – 4.57 p.m.

Gibraltar, Friday, 9th September 2016

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The Gibraltar Parliament

The Parliament met at 3.40 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to lay papers

Clerk: Meeting of Parliament, Friday, 9th September 2016.
Suspension of Standing Orders, the Hon. the Chief Minister.

5

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

10

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

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

Tribute to Mr Derek McGrail

Chief Minister (Hon. F R Picardo): Mr Speaker, before I proceed to lay the report on the table, can I ask the House to reflect for a moment on the sad passing recently of a member of the local Press Corps, Mr Derek McGrail who was for many years, the Editor of one of our local newspapers, *The Vox* which recently became an online only medium.

15

He passed away over the period of the summer break and I am sure the whole House will want to reflect on the work that Derek did in the period that he was with us as a journalist, a member of the press.

20

Members of the press discharge an extraordinarily important function in getting the message of politicians to the general public and in challenging and testing the message that we wish to put out. Derek was an exemplary member of that corps. He will have had contact with all Members of the House in that context and I am sure that we will all sadly miss him. He was well known, Mr Speaker, amongst all of us for turning up to the most formal function in the most informal of gear, and well loved by all of us for that.

25

I have no doubt that the whole House will want to associate itself with my call for reflection on his passing.

**Celebrating National Week –
Welcome to friends of Gibraltar from other Parliaments**

30 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I also, before I move to lay on the Table, can I recognise in the Gallery a lot of friends of Gibraltar from many other Parliaments – not just from the United Kingdom Parliament, but also from the European Parliament – who are with us to enjoy the celebration of National Week, many who are returning to celebrate National Day with us, some who are coming for the first time; all of them, however, people who have long been looking out for Gibraltar and the issues that concern this community beyond our shores.

35 They are, of course, not just welcome in Gibraltar for these events, but also in this Parliament, given that we are lucky enough to be sitting this week, just ahead of our National Day celebrations.

PAPERS TO BE LAID

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2016.

Mr Speaker: Ordered to lie.

45 **Clerk:** The Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I have the honour to lay on the Table the audited accounts for the Gibraltar Electricity Authority for the financial years ending 31st March 2012, 2013, 2014 and 2015.

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

Clerk: The Hon. the Minister for Education, Justice & International Exchange of Information.

55 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the Table the Annual Report of the Parole Board for the years 2014 and 2015.

Mr Speaker: Ordered to lie.

60 **Clerk:** The Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to lay on the Table the Employment Survey Report 2015.

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

Questions for Oral Answer

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q385/2016

Disabled bays –

Plans regarding unauthorised use

Clerk: We now continue with Answers to Oral Questions.

We commence with Question 385, the Hon. L F Llamas.

70

Hon. L F Llamas: Mr Speaker, what plans does Government have to take action against the unauthorised use of disabled bays?

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

75

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I want to start by condemning the improper and unconscionable abuse of disabled bays by unauthorised drivers. (**A Member:** Hear, hear.)

80

Government is aware of the current unauthorised use of disabled bays which appears to be mainly by foreign vehicles. We are constantly reviewing this unacceptable and abusive behaviour as part of the provision for Blue Badges under the Sustainable Traffic, Transport and Parking Plan and trust that the new parking enforcement arrangements will ameliorate the situation.

85

I want to end, Mr Speaker, by saying that anyone who uses a disabled bay without authority should be ashamed of themselves. (*Banging on desks*)

A Member: Hear, hear.

Q386/2016

Mid-town Small Boats Marina –

Publication of list of owners; annual rental income

Clerk: Question 386, the Hon. L F Llamas.

90

Hon. L F Llamas: Mr Speaker, does Government intend to publish a list of the owners, together with details of the vessels registered to each berth and the annual rental income payable at Mid-Town Small Boats Marina?

95

Clerk: Answer, the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, publication of such lists breaches data protection legislation. Allocation of berths has been carried out strictly by the berthing waiting lists and in accordance with the Small Vessels (Mooring Control) Rules 2016 and to those applicants without Government arrears.

100

Annual rental income information will be managed by the elected Mid Harbour Small Boats Marine Association in line with the constitution of the Association.

Hon. D A Feetham: Mr Speaker, May I?

105 Mr Speaker, the Small Boats Marina has cost the Taxpayer £24 million. That is £37,000 per berth. That is the cost to the Taxpayer.

110 Has the Hon. the Minister received advice to the effect that providing this information is actually in breach of the Data Protection Act and I mean legal advice from the Attorney General's Chambers. Because quite frankly, I cannot see – and I speak from my own knowledge as a lawyer – that it could possibly breach the Data Protection Act to provide details of the owners of the berths who have benefitted from these berths to the tune of £37,000 of Taxpayer's money per berth.

A Member: Hear, hear.

115

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, it is the view that has been taken by the Government.

The view that has been taken by the Government is the disclosure of this information *would* be in breach of the Data Protection Act.

120 The hon. Member says that the Marina has cost £24 million. That is correct, that is £24 million very well spent. Or is it that the hon. Member has not made his way round the Marina as the rest of Gibraltar has? Is it that he has not seen the 700 boats that are now currently berthed at that Marina? Is it that he has not seen how Catalan Bay, Sandy Bay and Eastern Beach is, every single day of the summer, teeming with boats, with families, with children, enjoying something which they were never able to do when they were in office? Has he not seen that? (Banging on desks) (A Member: Hear, hear.)

125

Certainly money well spent, certainly we would have done it again, but what we certainly cannot do is disclose the names of the berth holders. (Banging on desks)

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

Hon. D A Feetham: Well, Mr Speaker, of course it is a jolly good idea to provide berths at the cost of £37,000 per berth to everybody that wants one, Mr Speaker. But the reality is that when you govern, there are priorities and the Government has spent, Mr Speaker, let me remind them again, £750 million in four years, which is more than we spent in 16 years when we were in Government, Mr Speaker.

135

And it is about priorities. There are many more priorities that the Government could have spent £24 million, rather than providing berths at a cost of £37,000. A pop, Mr Speaker, for each individual and therefore it is incumbent on the Government in these circumstances, to come to this House and to provide the information that allows the Opposition to hold it to account. Because we want to know who has benefitted, Mr Speaker, of this largesse of £37,000 per berth.

140

And, Mr Speaker, he has not answered the question, because the question was has the Government obtained advice. I am not interested whether the Government collectively, as a Government, has taken the view that it infringes data protection, I am interested in whether the Government has obtained legal advice to that effect. That is the question.

145

Mr Speaker: May I warn the Hon. Minister that in answering the previous question, he was debating.

150 **Hon. G H Licudi:** Yes, thank you, Mr Speaker.

Of course it is about priorities. Of course being in Government is about exercising judgement and of course it is about deciding how we spend Taxpayers' money. And the Marina has not been started in the last few months; it was finished a few months ago. But it was started a couple of years ago during the first term in office. And let me remind the hon. Member, how

155 many was it? Almost 70% of the electorate voted to return this Government to office (*Banging on desks.*) in the last election! (**Several Members:** Hear, hear.)

Why did they do that? They did that because they saw that we were building the Marina at a cost of £24 million and therefore the electorate endorsed that, 100% endorsed that. They also saw that we built a university. They also saw that we built two new schools and everything else that we did in the first term of office, something which no other Government has done in the history of Gibraltar (*Interjection*)

160 And let me also remind the hon. Member, when he criticises this, that it is not just the berth holders that are enjoying the 700 berths. Has he not seen the road and the facilities that are provided there? Has he not seen the people fishing, giving back the sea to the people after a lot of reclamation has been done and denied access to the sea during the 16 years that they were in Office? Has he not seen that, has he not gone with his family to enjoy what every single Gibraltar is now enjoying as a result of the policy that we have taken? And has he not seen the super yachts that now visit Gibraltar and –

170 **Mr Speaker:** No, no, order. Super yachts have nothing to do with the Small Boats Marina. (*Interjections*) You are beginning to debate once again and you are not answering the question, you are actually asking questions yourself.

Hon G H Licudi: Mr Speaker, the project that we have built was for a small boats marina for 700 berths, a public promenade with fishing facilities and a super yacht wharf. That was the project. That is what we spent £24 million on – not on just the berths.

175 So when the hon. Member just divides the figures by 700 and comes up with that figure, he seems to forget that we have a public amenity there. And not just a public amenity, a commercial amenity also for the Port, which is actually generating revenue, something which Gibraltar has never had, the possibility of attracting super yachts to berth in Gibraltar for a while and to be able to benefit, for the whole of Gibraltar to be able to benefit.

180 We are very proud of what we did, we are very proud of the commitment and so is the rest of Gibraltar. (*Banging on desks*)

185 **Several Members:** Hear, hear.

Mr Speaker: The Hon. Roy Clinton. A supplementary question, I take it?

Hon. R M Clinton: Yes, it is.

190 Mr Speaker, I will be brief and I would be grateful if the Minister could advise this House, whether he has personally been allocated a berth in the Small Boats Marina?

Hon. G H Licudi: Sorry, whether I have been personally allocating berths or allocated a berth?

195 **Hon. R M Clinton:** Allocated a berth.

Hon. G H Licudi: Yes, Mr Speaker, I do have a berth.

I had a berth in Water Gardens Marina and all berth holders at Water Gardens Marina were offered the opportunity of transferring to the new marina, which I did.

200 I was also, as it happens, on the Port waiting list, irrespective of the berth that I had in the Small Boats Marina, I was number four hundred and something on the list. So given that we have 700 berths, I would inevitably have been able to enjoy, as with the rest of the Gibraltarians, the right to be allocated a berth, in accordance with the criteria set out in the Small Vessels Mooring Controls Rules, which has been strictly controlled by the Captain of the Port, strictly controlled by the Captain of the Port and his team.

205

And we set out, for the first time in legislation, how that criteria was to be adopted. We are 100% convinced that that criteria has been faithfully adopted by the Port Authority and that those who were entitled to a berth – and let me say including myself – have been allocated the berths.

210

Mr Speaker: Next question.

Hon. R M Clinton: Mr Speaker, if I may just ask one more supplementary on that. While the question has been answered, I wanted to be absolutely clear in my mind that while it is the... I understand the position of Government, that it is not necessary under the Data Protection Act, or not possible under the Data Protection Act to release the names of berth holders, as it is the view of the Opposition that it should be possible to release those names, that no advice has definitively been received from the Attorney General that those names should not be released under the Data Protection Rules?

215

220

Chief Minister (Hon. F R Picardo): No, Mr Speaker that is not the position. The hon. Gentleman has not got it right and he needs to understand what the position is.

I have told them before but of course because of the politics that they want to do of this, the answers that they get are not relevant because they are not going to assist them in what they want to do.

225

I have told the House before, Mr Speaker, in the context of lists relating to housing, that the Data Protection Commissioner has told us that we are not to publish lists, because those lists with names are not things that the Government, as a data controller, should publish.

Whether it is a list of people who have taken berths at the Small Boats Marina, whether it is a list of people who have put their names down on the housing waiting list for 2 RKB or 3 RKB or any other permutation, the advice the Government has from the Data Commissioner in Gibraltar, is that that, as a data controller, the Government cannot publish, Mr Speaker.

230

So it is not the Attorney General, Mr Speaker, it is actually the authority itself that has the obligation to protect the information that we have gone to and who has given us that advice. And if, Mr Speaker, they do not like it, they might like to reflect upon the fact that that was a piece of legislation that they brought to this House that they enacted in this House, the Data Commissioner that they appointed in keeping with European obligations and that therefore, we have to comply with.

235

So, Mr Speaker, I think it is abundantly clear that the position of the Government is based on advice, not from the Attorney, it is based on advice from the party that determines and has in law the right to determine whether or not something being published is in breach of the Act or not in breach of the Act.

240

Now, Mr Speaker, if what they are saying is that we should publish just because they want lists even though we put ourselves in breach of their law, I would not be surprised. Because given how they are taken to act contrary to the things that they used to do when they were in power, I would not be surprised to see them ask us to act against one of their own Acts.

245

Mr Speaker, but now that I am on my feet it may be a propitious moment to add to the things that the hon. Gentleman, my hon. Ministerial colleague, was saying in the context of these answers relating to the Small Boats Marina.

250

Because if the issue, Mr Speaker, is cost and the list should be published because they want to know who has benefitted from the costs that we have incurred, Mr Speaker, and who has advised us that we cannot publish the list, well Mr Speaker, I must tell them the cost is (a) very close to just double the amount that they sunk in a hole in the ground at the Theatre Royal, for which there has been no benefit to anyone.

255

But principally, the people who have benefitted from the Small Boats Marina are the people who have been on waiting lists for the 16 years that they were in Government. People who were laid up with their boats not in the water (*Banging on desks*) for the 16 years that they were in

Government, and as for the amount of money that we spend, Mr Speaker, we spend it on this
and all the many other great things that we did, including the creation of homes for our people,
260 which when it is convenient to them, Mr Speaker, they urge us to do more of because there is a
question on the Order Paper from the Hon. Mr Clinton, asking us when we are going to get on
with the housing estates. So, on the one hand they tell us not to spend and on the other they are
going to ask us when are we going to spend. On the one hand they tell us that Brexit is the most
important thing and we must not complete our manifesto and on the other hand they tell us
265 that we have not completed our manifesto. *(Interjection)* Mr Speaker, it is such obvious
contradictory politics that even the most basic journalist could see through it, and the electorate
certainly has. *(Banging on desks)*

A Member: Hear, hear.

Q387/2016

**Gibraltar Development Plan –
Date for completion of update; publication of the revised plan**

270

Clerk: Question 387, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say when will the Gibraltar Development
Plan update be complete and when will the revised plan be published?

275

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker,
instructions have been given to commence a review of the 2009 Development Plan. The detailed
work is yet to commence so it is therefore not possible to provide an indication of the time that
280 this process will take at such an early stage.

The House will recall that the precursor of the 2009 Development Plan was dated 1991.

Q388/2016

**Installation of speed cameras –
Date for coming into service**

285

Clerk: Question 388, the Hon. T N Hammond.

Hon. T N Hammond: In a Press Release of 9th November last year, Government announced
that all infrastructure work for the installation of speed cameras had been completed and that
combined with a review of the speed limits, the measure would go a long way in reducing the
incidents of indiscriminate speeding which will no doubt make our roads safer for all.

290

The cameras do not appear yet to be in service. When does the Government believe that
they will be in service?

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

295

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, this
project is currently at a very advanced stage and it is hoped that the cameras will become
operational in the next few months.

300 The Traffic (Amendment) Bill, Mr Speaker is in the agenda and may be proceeded upon in this meeting of Parliament. These statutory amendments are required for the implementation of the speed cameras.

305 **Hon. T N Hammond:** So, Mr Speaker, just referring to the Press Release by the hon. Gentleman, issued on 9th November last year, when he said that the project is expected to go live in early 2016 after a period of public awareness. Does the Hon. the Minister agree with me that the project is now somewhat delayed from Government's initial expectations as to when that project will be delivered?

310 **Hon. P J Balban:** Mr Speaker, as I replied in my answer, without this Bill going to Parliament it is impossible for us to proceed with the speed cameras and that is the reason why they have taken that bit longer.

Q389/2016
Speed limits –
Publication of review

Clerk: Question 389, the Hon. T N Hammond.

315 **Hon. T N Hammond:** Mr Speaker, has the Government completed its review of speed limits announced seven months ago, in fact now nine months ago and if so, is it intending to publish that review?

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

320 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Government can confirm that the speed limit review of all existing roads in Gibraltar has been completed by the Highways Section of the Technical Services Department.

325 The review has drawn on data obtained from multiple speed radars erected around Gibraltar's roads, as part of the development of the Sustainable Traffic, Transport and Parking Plan. Implementation of the speed limit review will be phased and it is therefore not considered prudent to publish the document whilst works are ongoing.

330 As part of this review I can now confirm that the Technical Services Department in consultation with the Royal Gibraltar Police, have already effected changes to the current speed limits from Waterport Roundabout to Coaling Island Roundabout through North Mole Road, Europort Avenue and Bishop Caruana Road. This has seen the existing speed limits in the area increased from the previous 30 km per hour to 40 km per hour.

335 Full details of all changes to existing speed limits will be advised to the general public as each phase of works is implemented.

Q390/2016

**Road resurfacing programme –
Roads resurfaced since 1st January 2016**

340 **Clerk:** Question 390, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister for Transport say what roads have been resurfaced as part of the road resurfacing programme since 1st January 2016?

345 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, as part of Her Majesty's Government's Highways Resurfacing Plan for 2016-2017, sections of Reclamation Road and Queensway at the entrance and exit points to the new Midtown multi-storey car park have been completed resurfaced.

The Technical Services Department are currently finalising the contract documents for further resurfacing works at both the Sundial Roundabout and the north section of Cumberland Road.

The tender for these works will be announced imminently and will see a continuation of Government's ongoing commitment to Highways resurfacing which, in 2015-2016 saw the resurfacing of the southern section of Queensway from the Dockyard roundabout until the entrance to Commonwealth Park, as well as resurfacing of the roundabouts leading to Morrison's supermarket on Europort Avenue.

Q391/2016

**Redibike scheme –
When it is due to be made available to the public**

360 **Clerk:** Question 391, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 74/2016, can the Minister for Transport say when the 'Redibike' scheme first announced by Government nearly a year ago now during the election campaign, will actually be ready and available to the public?

365 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Government is presently considering options to outsource the management, running and maintenance of the scheme by a third party. We are waiting to carry out the final infrastructural works until the scheme is absolutely ready to launch to avoid unnecessary damage to the hardware.

Hon. T N Hammond: Mr Speaker, to quote the Minister, in August, in fact, last year, he said:

I am pleased to announce that the Government received a consignment of bicycles and the associated infrastructure on 5th August. All enabling works for the bicycle stations has now been completed...

It would seem therefore, from the Ministers answers, that there are still infrastructural works to be completed and does the Minister really believe it is reasonable that 13 months ago now when this scheme was announced imminent and to be launched early in 2016, that in fact the scheme has still not been launched.

Hon. P J Balban: Mr Speaker, the scheme, as the hon. Member rightly says, the bicycles were received back in August and they are kept ready for the launch of the project. In fact the reason why a very small part of the infrastructure has not been completed is because there was a need for some negotiation as some land was privately owned. One of the locations where the bicycles were meant to be situated the land did not belong to Government; hence we needed to negotiate with the private company.

In doing so we have decided to relocate the bicycles to a nearby location and that is the reason why the infrastructure part of the project has not been completed.

Hon. D A Feetham: Mr Speaker, surely if the Hon. the Minister makes an announcement and he says he has received a consignment of bicycles and their associated infrastructure and he says, all enabling works for the bicycle station have now been completed and we are aiming to be in a position to be able to launch by early 2016, surely he must have undertaken all the necessary enquiries to determine whether the land on which that infrastructure is going to be located is land available to the Government.

I mean otherwise, Mr Speaker, what he has clearly done is used this as an election gimmick, because this is something that he announced, as I understand it, during the course of the election campaign. Now does he accept that it was an election gimmick?

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, of course not. The hon. Members opposite seem too keen to clutch at any straw to grab a stick and if the hon. Member takes the trouble to walk around Europort area, he will see that the area where the bikes were previously placed has since actually been dug up and it is in the process of being re-laid.

Consequently, that kit and that infrastructure could not be left so if you have a walk round you will see that it is still dug up, the new paving has not been laid and the infrastructure works cannot be set in. That is simple. No need to make accusations, allegations of cons or tricks as the hon. Member continues to do. There is a very simple explanation, if he asks the question, he will get the answer.

Hon. D A Feetham: Mr Speaker, with respect to the hon. Gentleman that does not answer the question unless, of course, the hon. Gentleman is confusing the answer that he has given.

As I understand it, the answer that he has given is, we are not able to complete this because part of the land on which these stations or some of the infrastructure has been located does not belong to the Government and the Government is negotiating.

The point that I am making is, well surely that was something that was known to the Government, and to the Minister, when the Minister made his announcement with great fanfare in November of last year, during the course of the General Election. I think it is a fair enough question for me to ask him, well look if you knew that at the time and therefore you must have known that you could never have met that deadline, was it an election gimmick?

That is the question and perhaps he can enlighten me on that.

Hon. A J Isola: Yes of course, Mr Speaker.

The land on which the pavement areas which were going to be used for the siting is partly public and partly private, so it is public and private land. The developer has agreed to re-pave the entire area and consequently the area where the bikes are going to be situated is part public and part private and those discussions are ongoing.

So there is no misrepresentation, there is no secret, it is a simple fact of the paving being done and therefore the statement made, aiming to be ready in early 2016, was true and accurate at the time it was made but since the new paving works have started in the last months, it has delayed the implementation of this programme. It is quite simple.

430 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister, in the original statement there was talk of a private sector sponsor I believe Gib Oil and I believe they would be sponsoring Phase 1 comprising 105 bicycles and 120 docking points spread over 11 locations.

I would be grateful if the Minister can confirm that Gib Oil will be meeting the cost of Phase 1 in full or is it on a fifty-fifty basis and does he have an estimate of what Phase 2 might cost?
435 Thank you, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may rise to deal with that question. I understand that Gib Oil paid all of the capital cost of the bikes and of the ancillary kit (*Interjection*) and the installation of kit, the hon. Gentleman will be pleased to know. But I am
440 grateful that the hon. Gentleman has opened the issue of election gimmicks, Mr Speaker, because I do recall many of them. Not in the manifesto headed 'Strongest Foundations' but in the one that dealt with the issue of – Mr Speaker

Mr Speaker: Yes, I am beginning to get a bit hot under the collar –
445

Hon. Chief Minister: Mr Speaker, the hon. Gentleman... Mr Speaker, you will know and you will have seen for longer than me –

Mr Speaker: Hon. Members are debating –
450

Hon. Chief Minister: No, Mr Speaker –

Mr Speaker: Let me tell the Chief Minister one thing. I had intended to make this afternoon a statement as to my attitude and how I intended to proceed in future Question Times. I did not
455 do so because there were Members of Parliament from the UK here present and therefore it was not an appropriate occasion.

But I must insist that hon. Members do not debate at Question Time. I have not got any power unfortunately to curtail the length of answers from Ministers but, of course, I urge them to make them reasonably short and certainly not to go back to what happened at previous
460 elections, I mean that is past history.

Hon. Chief Minister: Mr Speaker seems not to want to recall the way that this Parliament is modelled on the British Parliament, where although in answers one is not debating, one is allowed to deal with the politics of the subject. Mr Speaker, the Government will deal with the
465 politics of the subject brought up by the Opposition in answering their questions in the context of answers and that is why, Mr Speaker, I want to remind the hon. Gentleman that there were many gimmicks at the last General Election. None of them, Mr Speaker, in the manifesto entitled 'The Strongest Foundation'. Many of them, Mr Speaker, in the policy booklet that they referred to as a manifesto and all of them, Mr Speaker, in the context of the campaign that they run and the public demonstrated that they saw through them with the result of the last election.
470

And this Parliament, Mr Speaker, is having to see that a lot of what we were treated to at the last General Election, they had absolutely no intention of seeing through, because the minute that the votes were counted and they were licking their very many wounds, they abandoned all of the arguments that they were deploying.

475 An election gimmick, Mr Speaker, it was to try and play with the security of our nation and its fuel supply for the future. An election gimmick, Mr Speaker, it was to talk about the finances of our nation as if there were an issue with them, Mr Speaker. An election gimmick it was, Mr Speaker, it was to present to people a short booklet that frankly in any other democracy they would have been ashamed to present as a serious programme for Government.

480 Those, Mr Speaker, were the gimmicks deployed at the last General Election, everything that we said we would deliver, we will.

Q392/2016

MOT tests –

Time for each test; number conducted

Clerk: Question 392, the Hon. T N Hammond.

485 **Hon. T N Hammond:** Mr Speaker, could the Minister say how long an MOT test takes on average and how many have been conducted by day, on each day since 1st January 2016?

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

490 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Roadworthiness test takes 20 minutes on average, except for lorries and buses which take 40 minutes. There are an average of 20 tests carried out per lane, per day.

The statistics that have been requested regarding the number of MOTs conducted since 1st January 2016 is available online for the general public.

Q393/2016

**Southern Waters of Gibraltar Management Scheme –
Installation of oil interceptors in storm drains**

495

Clerk: Question 393, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say if oil interceptors are now installed in all storm drains, as recommended by the Southern Waters of Gibraltar Management Scheme?
500

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, with respect to the public storm water system, the Technical Services Department works very closely with the Ministry for the Environment to review areas where there is a risk of oil contamination entering the system.
505

The Government can confirm that oil separators or interceptors are being placed whenever new public storm drains are laid.

510 In fact as part of the recent developments at both Mons Calpe Mews and Beach View Terraces, three separate oil separators have been placed at the following locations: Eastern Beach Road by the beach multi-storey car park; at the east side or east end of Devil's Tower Road by the new roundabout currently under construction and the Commercial Mole Road by Mons Calpe Mews.

515 We would also like to take this opportunity to confirm that there are several existing oil interceptors at various locations around Gibraltar which are strategically placed to reduce the risk of oil contamination entering the storm water system.

520 These interceptors are located at Varyl Begg Estate, the ex-coach park by the Mons Calpe Estate interceptor pit, Sandpits Car Park, by the Park and Ride on Devil's Tower Road, Landport Ditch and at all petrol stations.

The Technical Services Department is not responsible for placing obligations on private developments for the installation of oil separators.

525 **Hon. T N Hammond:** Mr Speaker, can I confirm or otherwise then, that the Government is satisfied that it has dealt with the recommendation in the Southern Waters of Gibraltar Management Scheme that oil interceptors are installed in all storm drains?

530 **Hon. P J Balban:** Mr Speaker, all storm drains that have been built, as the question has been replied to, all storm drains that are in place have adequate oil interceptors apart from the oil interceptors that already exist. So as new developments proceed, these interceptors are placed as they are constructed. So, as I said, from this stage forth this recommendation has been observed, yes.

Q394/2016
Sewage infrastructure –
Enhancements made since 1st January 2012

535 **Clerk:** Question 394, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say what enhancements have been made to the sewage infrastructure system since 1st January 2012?

540 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Technical Services Department is responsible for the public sewage and surface water infrastructure network in Gibraltar. Since 2012 numerous works have been carried out to the network and they are as follows:

545 To the sewage network the main sewer at Line Wall Road from the manhole 4A, opposite the bus stop at City Hall, to manhole 12 at the junction with Bomb House Lane, the repair of collapse by The Haven, cleansed and reinforced crown of sewer, construction of a new manhole opposite City Hall to access overflow for maintenance and cleansed outlet down to Reclamation Road. Relined the main sewer from the junction with King Street to junction with Bomb House Lane.

550 Commonwealth Park; upgrading and enlargement of combined sewer overflow.

Wellington Front and Queensway; re-routing and upgrading of the combined sewer overflow from Line Wall Road under Wellington Front and Queensway.

The New Eastside Sewage Pumping Station to facilitate growth and development from Beach View Terraces and future eastside development.

555 Europort Avenue, new sewer for the discharge from Charles Bruzon House and future development in the area.

Re-routing improvement and enlargement of combined sewer overflow and surface water under Mid-Town development, Reclamation Road and Queensway.

560 Devil's Tower Road enabling works in preparation for the programmed relining of the sewer runs along the north and south of Devil's Tower Road from the junction with Eastern Beach Road to the Sundial Roundabout.

565 Europort Avenue, replacing and upgrading of a section of the old large diameter combined sewer overflow, phase 1. Phase 2 has been advertised and consists of rerouting and upgrading the section from the east boundary of Charles Bruzon House to junction with Queensway (Regal House).

The main sewer at Rosia Road, desilting and survey from manhole 32 to manhole 37A.

Main Street, desilting of sewer from Bell Lane to King Street down to Line Wall Road.

Desilting of the combined sewer overflow from City Hall to Europort. Part of the system was rerouted under the Mid-town development.

570 Now to our surface water network: The Marina, enlargement and upgrading of the downstream end of the large diameter surface water culverts, enlargement of the outlet through the quay wall and construction of additional manhole to facilitate maintenance.

At Chatham Counterguard, new surface water system and pumping station and inspection. The study and design of improvement to system at Main Street north junction with Cooperage Lane. Flood alleviation measures.

575 Ex-Coach Park North Mole, laying of new surface water system to remove flooding by the entrance.

Engineer Road surface water system, upgrading of the downstream section.

580 Commercial Mole, new surface water system to drain the road and provide for the connections from Mons Calpe Mews development.

Re-routing, enlargement and re-routing surface water system from Wellington Front.

Mr Speaker: Next question.

Q479/2016

Development & Planning Commission – Adoption of recommendations; rejections

585 **Clerk:** Question 479, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, since 1st January 2012, and in reference to Government projects submitted for guidance to the DPC, have any DPC recommendations not been adopted and can the Minister say which, if any recommendations were thus rejected?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): No, Mr Speaker. It is impossible to provide this information without doing a detailed exercise which would involve a large amount of resources.

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The information that the hon. Gentleman has requested would require a pain-staking exercise which would take at least three months by the Town Planning and Building Control Department, as the information being requested is not presently available in any of their databases.

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Hon. T N Hammond: Mr Speaker, that answer does surprise me considering I have just asked for Government projects. But I should point out that this question was actually tabled back in June, so the three month timeline being required I would suggest has been available to Government to provide an answer to that question.

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Will the Government come back and provide an answer to the question at the earliest opportunity?

Hon. P J Balban: Mr Speaker, what I have said and I do not think the hon. Gentleman has understood, is that the amount and drain on our resources does not merit us having to go through the very cumbersome and painstaking exercise of sifting through many hundreds of files to make sure, to see whether recommendations given by the DPC are something which our Government did from 2012 onwards. Before Government policy did not go for recommendations to the DPC. Now this is something which increases the transparency of the whole project, it is impossible for us to go through all these files to see whether the guidance provided at DPC stage has been implemented or not. I am pretty sure that things like on many

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occasions swift nests or swift boxes, our hon. Member and Minister for the Environment is very adamant that these are observed because it is a very important environmental feature. But many of these projects also may not have been completed so maybe a project has gone to DPC and it still has not been completed so it is impossible for us to see whether the project is ongoing, has been completed.

So, as I said, it is too laborious for us to use our staff, to actually tie them down for months on end, just to provide an answer to the question that the hon. Gentleman is asking.

Hon. T N Hammond: Mr Speaker, Can I ask the hon. Minister how many Government projects there have been passed through DPC over the period, even approximately?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, the Government would have to have notice of that question.

Very often a lot of what these questions are trying to get at are matters which are public. I have one complaint with the way that the Hon. Minister expressed his answer to the hon. Gentleman is that he also did not add, because we now all rightly take it for granted, that the DPC now meet in public, Mr Speaker.

So the conditions imposed are imposed publicly, or the advice given is advised publicly and the erection, if I may put it that way occurs also in public, Mr Speaker. So it is a Government project, it is erected as a building in public and if you have been told to put swift boxes on it, you can go and check whether you have. So in effect, Mr Speaker, we are almost being asked to do the hon. Members work for them. They can sit in the DPC and scribble what the conditions advised are and they can go and look at the erection and decide whether the whole thing has the swift boxes in the place required. It is that simple, Mr Speaker.

Hon. D A Feetham: Well, Mr Speaker, I will avoid talking about erections in this House. But, Mr Speaker, the hon. Member answers the question in his usual style and he has done this before he has done it before in relation to Credit Finance and mortgages. *(Interjections)*

Mr Speaker: Do not even utter the words 'Credit Finance'. *(Laughter and banging on desks)*

Hon. D A Feetham: Mr Speaker, he has done it before in relation to it that shall not and cannot be named, Mr Speaker.

But, Mr Speaker, how can the hon. Gentleman expect the Opposition to go round Gibraltar with a list and ticking off whether birds' nests have been erected here or there, Mr Speaker.

I mean surely, Mr Speaker, it is the obligation of the Government to be accountable to this House and accountable to the Opposition in relation to Government policy and this is Government policy and it is their policy in this regard that is being tested.

And it must follow that it is a proper question to ask the hon. Gentleman whether the Government has followed its own policy and how many times the Government has not followed its own policy.

Mr Speaker, is it that the Government refuses to provide this information or will the Government provide this information in the future if there is some difficulty in compiling this information, because certainly it is information that I think is perfectly proper.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman poses his question in the style that we have become accustomed to. *(Laughter)*

Let us be very clear, Mr Speaker, the hon. Gentleman makes complaint that we have grown the public sector. Well, we will have to grow it even more, Mr Speaker, if we are going to invest public employee time in compiling the sort of information that the hon. Gentleman wants, which in any event I am saying to him, would be information that is available to him.

He needs to understand, Mr Speaker, that the regime changed and the policy changed. A policy which hon. Members opposite not only did not believe in, Mr Speaker, because they did not implement it when they were in Government, that there should be public meetings of the DPC, they actually spoke against from Opposition.

670 So when we implemented public meetings of the DPC and when we made the Town Planner Chairman, we were urged from those benches to reconsider. We did not reconsider, Mr Speaker. The meeting is now public. In fact the hon. Gentleman, the Deputy Chief Minister, was very keen to subject Government projects for guidance and advice from the DPC. We were told
675 by the greatest Gibraltarian of all time, as he by then was Mr Speaker, Sir Peter Caruana, that we should not pursue this folly.

So we were wrong to make the DPC public; we were wrong to subject our projects to guidance and advice, that is our policy. And now the hon. Gentleman gets up and says we want to check whether you are complying with the policy. He should complete the sentence, Mr
680 Speaker. We want to see whether you are complying with the policy that we think you should not be complying with and if it requires a lot of public sector employee time to do so then, well, if you have to employ some more do so. And all, Mr Speaker, to follow up things which are now, as a result of our policy which they were against but we have insisted on, public.

Mr Speaker, you could not make this up. I think that I shall continue to be grateful for the
685 Opposition that I have been blessed with, Mr Speaker. But the hon. Gentleman needs to know that if he thinks that it should not be up to the Opposition to keep a list of the conditions and to check whether they have been implemented, well Mr Speaker, it certainly should not be up to us to get somebody to check what conditions have been imposed on us and whether they have been implemented.

690 We are a Government that acts in keeping with advice and guidance because that is why we are voluntarily subjecting ourselves to advice and guidance being provided on our projects. But we are not going to divert precious public sector time in doing the Opposition's homework for it.

I have no doubt, Mr Speaker, that he will get up and pose again.

695 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Yes, if I may continue. Perhaps I can make it a bit simpler for the Members opposite or the Minister.

700 Could the Minister confirm yay or nay whether the Government has actually taken on board all DPC recommendations in respect of Government projects? Surely he must know that.

Hon. Chief Minister: No, Mr Speaker. But let me try and make it simpler for the hon. Member to understand. What we are saying, Mr Speaker, is that if we were able to provide *that* answer, we would have done the exercise, Mr Speaker.

705 Now I know that logic may not be his forte, but if I am saying to him that we are not going to do the checking against the list of advice and guidance that has been given, I must also be saying that I cannot give a confirmation that all of it has been done. Otherwise I would have answered in the first place, giving that answer.

710 **Hon. R M Clinton:** Mr Speaker, if I may complete the thread of logic, following on logically, then obviously the Minister or the Chief Minister in this case, must be saying to this House he just does not know, because if he did know he would have given us the answer.

715 **Hon. Chief Minister:** Mr Speaker, what I am saying is a little bit more sophisticated than that. But let me make it simple for the hon. Gentleman to understand, because I thought the Hon. the Minister put the answer across very clearly. Some projects may not have been completed yet. Some projects may have had parts done and other parts not done yet, Mr Speaker. And there may be some projects where guidance and advice has not been possible to pursue.

720 Now, Mr Speaker, it would be potentially possible to do the exercise of going back to the very first project, analysing what the DPC said, going to the building and checking on the building whether the things that the DPC said have been done in the way the DPC said they should be done.

725 But, Mr Speaker, there is also the process of round robin which every applicant to the DPC can take advantage of, which is to go back and say look, we are unable to find ... let's give an example: swift boxes that are two by two and we are going to use swift boxes that are three by two, is that alright. And you may look at the building if you are going to do the checking and you will see a three by two swift box instead of a two by two swift box.

730 Therefore, Mr Speaker, this is a complete and utter waste of time. The Government is not here to waste its time and we are certainly not going to waste our time for the Opposition's benefit. If they want to waste everybody's time they should go to the meetings, they should make a note and then they should go and check against the buildings whether those things have been done in that way, varied or otherwise.

735 Until then, I hope they will congratulate us, again, for holding meetings of the DPC in public for subjecting ourselves to guidance and advice and for developing this nation in the way that it deserves and not holding such meetings in private, not even publishing the minutes and then people finding huge 30 storey erections appearing in the centre of town.

Hon. T N Hammond: Mr Speaker, I am very grateful to the Chief Minister for his answer actually.

740 So, can I just, for my own benefit, be clear then that what the Chief Minister is saying is that he is inviting me to go into any building in Gibraltar that has been subject to a Government project, including No. 6 perhaps, and do the rounds and check whether what the DPC has said about the building itself or the project, the works within the building comply with the recommendations of the DPC. Is the Chief Minister actually saying that I am welcome to do this at any time?

750 **Hon. Chief Minister:** Well, Mr Speaker, invitations to the Opposition are things that I now routinely have thrown back in my face. I send them invitations and some of them send them back because they are not prepared to enjoy a drink which is funded by the Taxpayer with all the consequences that will have. Because, of course, I take them at their word and if they do not want to have a drink which is paid for by the Taxpayer and, of course, that is not all of them because they are divided on everything, I shall take them at their word, Mr Speaker.

755 But I am certainly not inviting the hon. Gentleman into any public building but most of the conditions that are imposed relate to the outside of buildings, Mr Speaker, because the Development and Planning Commission deals with the look of things in most instances. And if he does not like it, Mr Speaker, well I suppose that he will have to say that although I have told him that these things are public there may be some, because they relate to a corridor of a public building where he may not be able to see whether we have done what the DPC has asked us to do or not.

760 But then, of course, he would then have, Mr Speaker, a short finite list of things which he can ask us whether we have done or not, which would not mean that public servants have to spend many hours pursuing a frolic of the hon. Members opposite and we will be able to give him a list of a few things that he cannot observe from the outside of the buildings. Although he knows, Mr Speaker, that as long as he is not elected to be there, he is very welcome at No. 6 for a cup of coffee and a discussion on any matter of policy on which we might agree.

770 **Hon. T N Hammond:** Of course, Mr Speaker, this is not a frolic. This is a genuine test of Government policy and whether it is adhering to its policy. And going back to the Minister's original answer, which was that this process could be done in three months, is the Chief Minister reversing that and saying that this process cannot be conducted at all and it is not possible for the Planning Department to conduct the audit?

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Hon. Chief Minister: Mr Speaker, given the issues that affect the affairs of our land today, to see the Opposition concentrate on this subject is either hugely potentially beneficial to the Government or a real waste of Taxpayer's money. But, Mr Speaker, let me just take them through it again.

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If Members opposite ask us something which it would take us three months to do, what we are saying is, we are not going to do it because that is not proportionate. We are not going to invest three months of public sector time, of a public officer going off to do the exercise for the hon. Members, of checking whether we have complied with all the advice and guidance that we have been given in a public meeting of the DPC, which they have not bothered to attend, they have not bothered to make a note of, although it is now available to them, and they have not bothered to check off against a facade which is where most of these things manifest themselves.

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What I am prepared to do, if the hon. Gentleman does the exercise, and says of the however many conditions of guidance and advice that have been provided, I have been able to observe on the outside of buildings so many of them, these relate to the inside of buildings, can you please go and check this finite list of things which relates to the inside of public buildings. That, if it is a sufficiently short list, we will surely check. Other than that, Mr Speaker, in terms of checking the Government, holding us to account and checking our policy, it is their job to do it, Mr Speaker, and they are doing a mighty terrible job of it if what they are trying to do is to get us to give them our notes so that they can then use them to attack us.

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I mean, Mr Speaker, really you could not make this up. They should be ashamed of themselves.

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Hon. D A Feetham: Mr Speaker, the only shame is in the answers that we are getting this afternoon, Mr Speaker. And of course, Mr Speaker, we do not control the agenda, we do not control which questions are asked today and which questions are asked next week. Of course, there are many, many questions on a very wide range of topics, because this Opposition is in fact on top of its brief on a very wide range of issues, Mr Speaker.

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But is the hon. Gentleman not even prepared, Mr Speaker, to provide us with information of how many of these recommendations have actually been accepted? Not completed, but accepted. Surely that is something the Government ought to be prepared to provide. That is far less onerous, even though I do not accept the arguments that have been postulated by the Government from the benches opposite.

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Hon. Chief Minister: Mr Speaker, Opposition and brief I think are statements that are worth considering including in a different sort of sentence. Because I think they are going to have very brief Opposition careers, Mr Speaker, if they carry on as they are, and not because they come over to this side, but because the public will soon be tired of hearing this sort of petty nonsense at a time when we are looking after serious issues which affect our nation.

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And logic, Mr Speaker, seems to have evaded the hon. Gentleman. I can neither tell him the bits that we have not complied with or tell him that we have complied with everything because we do not have a list against which to check. That is what I was discussing earlier with the Hon. Mr Clinton. So in the same way as I cannot say I have completed everything, I also cannot say we have not done the following. I cannot start the list from the top, Mr Speaker, or start it from the bottom.

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But, Mr Speaker, let us be clear, because I do not think they have got it. This is now something that happens in public. We have made a rod for our back, Mr Speaker, because we

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are democrats and because we believe that people should have an influence in the shape that their nation takes physically, we have made this public. They tried to persuade us to keep it private, secret. We could have legitimately asked them, Mr Speaker – look any Government projects that have been subjected to the DPC – oh no, because they did not subject their projects to DPC control even when the DPC was private and secret. And, Mr Speaker, we could have asked them about any conditions imposed on private sector developments and whether those had been followed and they might have had to tell us because it was secret, only they had access to the information. They might have deployed the answer they frequently deployed which we very infrequently deploy but which we are deploying today. It is just too onerous to compile that information. But with the added lair, Mr Speaker, that this onerous information to compile, this information which is too onerous to compile *is public*. And so, Mr Speaker, they can go and check for themselves.

Mr Speaker, if they do not get it now, I do not think they will. This debate is really descending into having an argument for the sake of it. We are not going to give the information because it is too onerous and it is public. You can go and get the information. And if you are not able to go now because you cannot go back and sit in on those meetings of the DPC, you should make sure that you are at every meeting of the DPC and you make a note of everything that is said there. That is why you are paid the salary that you are paid to be available not just when this House is called, but to do your job for the community 24 hours a day, as we all do.

Mr Speaker: This matter has been sufficiently ventilated –

Hon. Ms M D Hassan Nahon: Could I just –

Mr Speaker: I am going to allow a supplementary to the hon. Lady as she has not intervened previously and then we are going to move on to the next question.

So this is the last supplementary on the matter.

Hon. Ms M D Hassan Nahon: I am sorry to interject. I do not know enough about the e-Government or how things have been placed on the digital sphere but one thing is – and I understand the side of the argument that the Chief Minister is putting that it is for Opposition to try and find out and it is our job, especially if we are going to test them on their policies, but how about the commitment of Government to be more transparent. Would they not want to publish their decisions on digital format or on Government websites and have procedures carry on in the name of transparency, which they have committed to?

Thank you.

Hon. Chief Minister: Mr Speaker, if I may say so, the first sensible suggestion I have heard this afternoon certainly in relation to this matter. Except for one aspect, Mr Speaker, which is that it all already is online.

All of the Government's applications are entirely online. So the hon. Lady has actually put her finger in the wound if I may say so. If they have not had the time to attend the DPC meetings, then hon. Members can download all of the Government's applications. In fact, I am reminded by the Hon. the Deputy Chief Minister, we have compelled ourselves by law to put those things online (*Interjection*) in the new Act, Mr Speaker. Therefore, we are doing it already, they are online, they can download our applications, they can go outside the building and they can say this is what you applied for; you have not done that, why?

Mr Speaker, we could not be more transparent. We could not have gone further than we have. Compared to where we were, Mr Speaker, it is not five years since I have been Chief Minister, that happy anniversary will be on 9th December this year. And in those five years we have abolished the secretive planning system that was in place under the GSD.

875 We have ensured that everything happens in public and we have subjected Government
projects to that DPC control for guidance and advice. The former power station, which hon.
Members insisted on building before the 2011 Election and before the 2015 Election, was an
emanation of no advice. The GSD wanted it there, there it went, no planning. The current power
station has gone to planning, it will have received guidance and advice and yesterday, Mr
Speaker, on the way back from the procession hon. Members were treated to a fantastic view of
the huge progress already being made in that respect.

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Q480/2016

**Blue bus fleet sale to Calypso Transport –
Inclusion of spare parts in sale agreement**

Clerk: Question 480, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, further to Questions 191 and 192 of 2016, can the Minister
say whether as part of the sale of the blue bus fleet to Calypso Transport at £1,000 per bus,
there was a transfer of any spare parts or engines associated with those buses and if so, whether
those parts were part of the sale agreement or were sold separately to Calypso Transport and if
the latter, at what price?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, no,
there was no transfer of any spare parts or engines associated with those buses.

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Hon. D A Feetham: Mr Speaker, may I just refine or scope in to the answer. The question was
in relation to the spare parts and engines in relation to, or associated with those buses.

Were there any other engines or spare parts that were not associated with those buses that
were transferred to this particular company?

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Hon. P J Balban: Mr Speaker, not that I am aware of.

Mr Speaker: Next question.

Q481/2016

**Register of road vehicles –
Breakdown according to petrol, diesel, hybrid and electric**

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Clerk: Question 481, the Hon. T N Hammond.

Hon. T N Hammond: Of the road vehicles registered in Gibraltar, can the Government
provide a breakdown of how many vehicles were petrol, how many were diesel, how many
hybrid and how many fully electric, as of 1st June 2014, 1st June 2015 and 1st June 2016?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the
information requested by the hon. Gentleman is detailed in the schedule I will now hand over.

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Mr Speaker: It is a short schedule, it is not very long, so I am going to give the hon. Member an opportunity to have a look at it and if he wishes he can ask any supplementaries.

920 **Hon. T N Hammond:** Just one question. Does the Government consider, in terms of its policy towards encouraging the use of electric vehicles in Gibraltar, that policy to have been a success, when in the two years since 2014 the number of electric vehicles on our roads has risen from 15 to 25, by 10 vehicles – when you consider that there are over 25,000 petrol vehicles on the road at the same period?

925 **Hon P J Balban:** Mr Speaker, the Government has got rid of the import duty on these vehicles. Apart from actually paying for the vehicles ourselves and encouraging people to buy them in that respect, in as much as, and there is also cash back, we do give, I think it is £1,000 if I am not mistaken, to encourage people and incentivise people to buy electric vehicles. But it must be said, electric vehicles are still more expensive than their petrol or diesel counterparts.
930 Hence people when they are purchasing vehicles, their economic situation may not allow them to buy an electric vehicle and I think that is really the battle at hand.

With time, I am pretty sure that the manufacturers of vehicles will be reducing the prices of these vehicles and that in itself would encourage people to buy them. If you look at Hybrids, Hybrids have increased and we are seeing an ever increasing amount of hybrids being sold. The
935 jump from 10 back in 2014 to 113 in 2016 is really proof that our policies to encourage people to purchase more environmentally friendly vehicles is actually happening, it is actually working.

Hon. Ms M D Hassan Nahon: Excuse me, are there enough charging stations for these electric vehicles because it is one thing encouraging them but is there an infrastructure to keep
940 them going?

Hon. P J Balban: Mr Speaker, every time a new car park is built or constructed, the Government had the foresight, from the very beginning, to include electric power points in all the garages. So in fact, every single car park intended for public use as Mid-town is and as Devil's
945 Tower Road is, or if it is a car park which is dedicated to residents only, as for example Theatre Royal or Engineer Lane, they all have that facility.

Now in the future, should... and there has never been any complaints brought to my attention, so there is no need to have electric power points elsewhere. Most of these cars can be charged from a normal electrical point, you do not need special chargers. So as and when we
950 hope in the future more people buy electric cars, then we will need to consider whether we place in sufficient locations, electric charging points for that purpose. But at the moment, I think we are extremely well catered for.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can be of assistance.

955 I think one of the things that is relevant, of course, is that people do not just buy cars to use in Gibraltar, they buy cars which they want to use in Gibraltar and take abroad so to speak. And when one is abroad, Mr Speaker, there is a dearth of charging points on the road.

I was able to discover that there is one charging point on the highway between Gibraltar and Seville and it may be possible to use my electric vehicle to Seville now, as a result of that
960 charging point which we have discovered. But there is literally one place that does it. It has one charging point with chargers going in one direction and another, two charging points for every vehicle between Los Barrios and Seville. So I think the issue is not just charging where you park, but also, given the range of these vehicles in some instances, charging *en route*.

Q482/2016

**Residential parking scheme –
Consideration for south district**

965 **Clerk:** Question 482, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, arising from the answers given to Questions 663 and 664 of 2014, has Government now made a decision in respect of a possible residential parking scheme for the whole of the south district which could or could not include Alameda Estate and which
970 was being considered under the Government's Traffic and Parking Plan?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I can confirm that the south district and Alameda Estate are being actively considered in order to
975 introduce a residential parking scheme in the near future. We hope to make further announcements in the coming months on conclusion of this review.

Hon. E J Reyes: Mr Speaker, so as in 2014 it was actively being considered. Can I press the Minister for more or less by when does he expect a decision will be taken, given that it has been
980 under this consideration for a couple of years now?

Hon. P J Balban: Mr Speaker, the actual concept of the residential parking scheme is one that we promoted in our manifesto and is something which we are committed to. As to when the south district and Alameda Estates will be included, that is a different question.
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The planning of the residential parking scheme is far more complex than even I would have imagined and there are many, many factors that need to be considered for this to be done correctly.

At the moment we are very advanced and actually what we have done is, we have gone for the hardest part of Gibraltar first. The previous administration when they did their traffic plan and their residential parking scheme, they went for an area which was relatively simple, which
990 was part of the north district where there was an ample amount of, well at least more parking spaces available to be able to accommodate the cars.

Our plan is to concentrate on the hardest part first and that is the centre of town. The centre of town is an area where residents compete with people coming to town for commercial matters, for shopping etc. and they are the ones who suffer most, in my opinion, when it comes
995 to parking in Gibraltar.

So we are concentrating on the centre of town as a whole, including the upper town and that will be our first scheme. Following on from that, we will then move out in that respect. So it is impossible for me to give a date as to when the residential scheme will happen in the south
1000 district but it is something that will progress from the centre of town.

Q483/2016

**Cyclists as road users –
Initiatives to increase awareness**

Clerk: Question 483, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm what initiatives are in place to increase the awareness of cyclists as road users and thank you very much for contacting me this
1005 week to clarify the nature of the question.

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

1010 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, there have never been any initiatives in place to increase the awareness of cyclists on our roads.

Happily, however, under this administration, two of the key objectives in the section Promoting Cycling in the Sustainable Traffic and Transport Parking Plan make reference to educating other users of the hazards confronting cyclists, publishing and promoting cycling and raising awareness amongst all users.

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Hon. E J Phillips: Mr Speaker, it is all well and good having that in the Traffic Plan but what initiatives does the Government intend to roll out in respect of education for our young people and in fact other road users so that they respect cyclists?

1020 I think the Minister will agree with me, that cycling is a very healthy activity and it is important to encourage cycling in our community and the respect of cyclists.

1025 **Hon. P J Balban:** Mr Speaker, there are many aspects to cycling. One of them is to increase the awareness of cyclists themselves, which is the subject of a conversation we had, and actually highlighting the risk to other road users, this was the confusion in the question. When it comes to cyclists themselves, some cyclists cycle proficiently and are very sensible, others will overtake vehicles and act in ways which are dangerous to themselves.

The RGP themselves, they have cycling proficiency courses whereby they try to educate and teach cyclists that they are also a vehicle on our roads and they need to observe all of the traffic signs, indicate etc. So that is one of the things that already happens.

1030 The Government is looking at initiatives to be able to help cyclists even further. As part of the Traffic Plan we are exploring the possibility of, I think they are called 'Advanced Junction Boxes', which in a nutshell is allowing an area just by the traffic lights where vehicles cannot stop, where only cyclists and motor cycles can stop, giving cyclists especially that bit of extra time to get cycling before the cars come after them. So those advanced stop boxes, I think they are called, is something that we are actively considering.

1035 Now as far as teaching or educating other drivers, that is something which we will explore because it is in fact the Traffic Plan itself which is telling us that this is something that should happen. I have an excerpt of that which is a similar public document which we will be looking at how to teach people to keep their distance from bicycles as they overtake for example. So it is all part of the plan which I committed to some time back which should be seen sometime towards the end of this year.

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ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn until Thursday, 15th September at 3.00 p.m.

1045 **Mr Speaker:** May I ask the Hon. the Chief Minister, we have now dealt with all the questions that were originally submitted for the July meeting. I understand that there are a number of questions that have been submitted by the Opposition since then. Are we going to be dealing with those on Thursday of next week at 3.00 p.m.?

1050 **Hon. Chief Minister:** Yes Mr Speaker.

Mr Speaker: Thank you.

1055

The House will now adjourn until Thursday 15th September at 3.00 p.m. in the afternoon.

The House adjourned at 4.57 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 4.45 p.m.

Gibraltar, Thursday, 15th September 2016

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Statement on Question Time

Mr Speaker: Hon. Members may recall that I mentioned very briefly, when we met last Friday, that it had been my intention to make a short statement on Question Time, but having regard to the presence of the United Kingdom MPs I did not think that it was appropriate that I should do so then, but I am going to do so now. Because I think that it has become necessary for me to explain briefly to hon. Members how I intend to proceed at Question Time from now on within the standard rules and orders applicable to questions.

I have no problem whatsoever in allowing whatever number of supplementary questions require an answer from Ministers, provided that they are relevant and provided that they are not made at pretext for a debate.

But should the questioner make a statement instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then having allowed the Minister to reply, I will move on to the next question on the Order Paper. As I have previously said, I expect supplementary questions to be in the main short, sharp and to the point. Needless to say, however, I will always exercise discretion.

If hon. Members begin to debate during the course of supplementaries, particularly about what they allege may or may not have happened during the last 20 years or so, then I will take it that the questioner does not wish to seek any further information on the subject matter of his original question – which is one of the most important reasons for asking questions – and I will therefore call the next question on the Order Paper.

Although I do not have any powers under the Standing Rules and Orders to curb the length of Ministers answers to supplementary questions, I would like to urge them not to make such answers longer than is absolutely necessary.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I perhaps on behalf of the whole House, thank you for that reflection on how we should be conducting the business of Question Time and assure you, on behalf of this side of the House, that we will endeavour to follow the guidance that you have given as well as we can.

Mr Speaker: It has taken me a number of months, obviously I have given an opportunity to the new Members to acquaint themselves with the rules and to get in to the spirit of Question Time, but I was slightly perturbed, I must confess, at one stage in the July meeting, as to how matters proceeded in a way that I did not think was in the best traditions of parliament and therefore I am leaving this as guidance.

As I say, I will always exercise discretion. Members of the Opposition, in particular, can feel sure that I will give them all the assistance which my office demands that I should. I will exercise discretion and help them in any way that I can. But I must, now that they have been in parliament long enough, I must urge everybody to abide by that spirit.

I wish the Select Committee of Parliament would be able to deal with various matters in the rules which I feel are totally unsatisfactory, and I would like to have powers to curb the length of Minister's answers to supplementary questions, but perhaps I am living in a fool's paradise!

45 **Hon. Chief Minister:** Well, Mr Speaker, in the same way as we take into consideration everything that you have said already, we shall of course take that hint to the Select Committee and we will take it very seriously indeed, although in most instances you might have found that you might have been told that you were trying to climb Mount Everest without oxygen to make such a suggestion. But in this case, and given the length of your own parliamentary experience,
50 anything that you say in relation to this subject will be taken indeed very seriously by this side of the House in that Select Committee, and thank you for it.

Hon. D A Feetham: Yes, Mr Speaker, it is of course a statement that Mr Speaker has made that is principally directed at the Opposition. Because as Mr Speaker has rightly pointed out, Mr
55 Speaker does not have any power in order to curb the answers and the debate nature of the answers that come from the Government side.

I have to say, I do not agree with the way that Mr Speaker has characterised some of the performances from the Opposition side, but Mr Speaker is Mr Speaker and Mr Speaker is the one essentially that is tasked to uphold the rules of this House and certainly we will follow
60 whatever guidance Mr Speaker provides.

But I have to say, that I feel, Mr Speaker – I would not be honest if I would not say this – that I think that your ruling is one sided because it does not take into account the fact that actually it takes two to tango and that when Members on both sides of the House enter into a debate, they may enter into a debate because of the length of the answers and indeed, the remarks that are
65 made within the answers provided by Government Ministers. That is all I have to say, Mr Speaker.

Thank you very much.

Mr Speaker: If hon. Members care to look at the rules, they will find when dealing with questions that by and large, Rule 17 – Rules governing rights to ask questions, invariably there are 15 sub-paragraphs in Rule 17 and invariably they place a burden on the Opposition. By the nature of Question Time these rules are directed at Members of the Opposition. (*Interjection by Hon. D A Feetham*) and there is nothing of a similar nature as to – this is where I find in a way that they are deficient and that they are heavily balanced in one direction.

75 But rules governing the right to ask questions is all about the Opposition –

Hon. D A Feetham: Mr Speaker, may I –

Mr Speaker: Just a moment, let me finish.

80 But I do guarantee that I will exercise my discretion and I will do so in favour of hon. Members on the Opposition bench. And if they feel aggrieved at any stage, if they feel that I am being too draconian, I invite them to stand and bring the matter to my attention and I will try to be as liberal as the situation may demand.

85 **Hon. D A Feetham:** Mr Speaker, I am very grateful for that indication, certainly on this side of the House.

We do not want any amount of favouritism, at all. We want a sensible, common sense approach to these things. And a sensible, common sense approach to these things, in my respectful view, demands that Mr Speaker always has at the forefront of Mr Speaker's mind, the fact that the rule against debating at Question Time, is a rule that applies to both sides of the House.
90

And as I say, it takes two to tango. Therefore, even though Mr Speaker, rightly, according to the rules does not have the power to curb the length of the answers, Mr Speaker certainly has the power to curb any tendency towards debating in the answer, because very often it is the answer that then provokes a question with a preamble.

That is all I wish to say on the matter, Mr Speaker, and I am grateful to Mr Speaker for the indication of fairness and even handedness.

Mr Speaker: The Leader of the Opposition reminded me of something which I did say in my statement which may have escaped his entire attention.

I said if hon. Members begin to debate during the course of supplementaries, particularly about what they allege may or may not have happened during the last 20 years or so, then..., both sides do that, certainly Ministers do that, and I will curb the practice as far as I think that I should.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I just say, I thank you for your part in that and I would just like to remind the Government side of the House that these days there is an independent Member so as to what you were saying before about reminding about the last 20 years when they do answer their questions, I would be grateful if they do cut to the chase and to the point, because there is somebody now in the House who is not defending the last 20 years and wants the answers short and sharp.

Thank you.

Hon. Chief Minister: Well, Mr Speaker, after all that may I commend what I think has been, is and I have no doubt will continue to be, your sensible and common sense approach to everything that you have done in that Chair, even when I may not have agreed with that, coming from your long experience in this House.

Can I just tell the whole House, Members on that side and Members on this side, that I have absolutely no desire to tango with any of them, whether we may be personally closer or less so, that this is not a place for us to practice our *Strictly Come Dancing* moves and that we shall always be short and sharp in our responses when the questions put to us are short and sharp.

And, that if we do fall into the trap of being more political in our answers it is inevitably, Mr Speaker, because we have been baited in questions that have gone on too long but you shall no doubt assist us in resisting that temptation and you will have the full co-operation of this side of the House in the work that you are endeavouring to do.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q484/2016

Government approved care service providers – Numbers provided care

Clerk: We now carry on with Answers to Oral Questions.
We commence with Question 484, questioner the Hon. L F Llamas.

130

Hon. L F Llamas: Mr Speaker, further to Government Press Release 371/2016 can the Government provide details as to how many people have been engaged or are in the process of being engaged, to provide care services by a Government approved care service provider, including care service provider, start date or expected start date, role and establishment under which the worker will be providing services?

135

Clerk: Answer, the Hon. the Minister for Business and Employment.

140

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, 20 people have been engaged to provide care services via Grand Home Care, a Government approved care services provider. Their role is care worker and are working at the Elderly Residential Services. The start dates are as follows: two on 26th June 2016; six on 25th July 2016; two on 26th July 2016; three on 9th August 2016; two on 22nd August 2016; five on 6th September 2016.

145

There are currently 50 persons in interviews for a care worker at Grand Home Care for Elderly Residential Services.

Hon. L F Llamas: Mr Speaker, may I ask were other Government approved care service providers approached?

150

Hon. N F Costa: Mr Speaker, the hon. Gentleman will surely realise that that question certainly does not arise from the question that he asked me originally. He asked me specifically to tell him when had people started and through which approved contractor, which is the information that I have.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q485-486/2016

Gibraltar Music Festival 2015 – Cost of the VVIP area; tickets issued

155

Clerk: Question 485, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the cost of the VVIP area of the 2015 Gibraltar Music Festival?

160

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 486.

165 **Clerk:** Question 486, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many VVIP tickets were issued for the 2015 Gibraltar Music Festival and identify the split between private and public sector guests?

170

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there were a total of 730 tickets issued at the VVIP area in 2015 GMF.

175 600 were purchased by the private sector for their corporate guests, 130 were public sector guests including 14 tickets which were issued to members of the then Opposition, none of which were returned.

180 Regarding the cost of the VVIP area, it is not possible to answer this question accurately. The cost of the building staff and running the VVIP areas is linked to, and not easily divisible from, other festival costs. As a ball park figure, it is estimated that the cost is around £167,000. Income generated by ticket sales considerably exceeds the cost of the area which was £270,000.

Hon. R M Clinton: Mr Speaker, I am grateful for the answer. Perhaps the Minister could advise, for the private sector to buy tickets, at what price were they pitched, was it a package, can he enlighten us? (*Interjection*)

Hon. S E Linares: He can do the sums actually, if he divides the £270,000 by (*Interjection*) well he can go backwards (*Interjection*) you can go backwards, yes of course you can, you can work it out. I mean the hon. Member can work it out with the figures that I have just given him.

190

Mr Speaker: Next question.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q487/2016

Energy efficient home improvement loans – Number, amount, criteria provided

Clerk: Question 487, the Hon. T N Hammond.

195 **Hon. T N Hammond:** Mr Speaker, further to Question 314 of 2016, can the Government say how many loans for energy efficient home improvements have been provided by the Ministry of Finance, what was the minimum and maximum amount of those loans and under what criteria, such as interest rates, those loans were issued under?

200 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, one loan has been provided. The details, however, need to remain confidential for commercial reasons.

205

Hon. T N Hammond: Mr Speaker, can the Hon. the Minister just confirm whether the loan was therefore given to a private or a business entity – is that much information permissible?

210 **Hon. Dr J E Cortes:** I am told that this has been raised before, but I have no problem. It was given to a private estate. I believe it was in order to install solar panels.

Q488-490/2016
Wave generating capability –
Negotiations, contract, cost compared with LNG

Clerk: Question 488, the Hon. T N Hammond.

215 **Hon. T N Hammond:** Further to Question 323 of 2016, can the Government say whether negotiations have taken place with Eco Wave or another similar company as suggested by the answer given by the Hon. the Minister for the Environment, for the expansion of the wave generating capability installed this year?

220 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 489 and 490.

225 **Clerk:** Question 489, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Further to Question 323 of 2016, can the Government say what length of contract it envisages entering into with Eco Wave or another similar company, for the generation of up to 15% of the power needs of the community by wave energy?

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

235 **Clerk:** Question 490, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 323 of 2016, can the Government say how the cost of purchase of the electricity produced by Eco Wave or another similar company, will compare with the cost of generation at the LNG power station?

240 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker.

245 The Government has entered into negotiations with Eco Wave Power. The power purchase agreement which was signed with Eco Wave Power is for 25 years.

The cost of purchase of electricity produced by Eco Wave or another similar company cannot be compared that easily with the cost of generation at the LNG power station for a number of reasons.

250 For example, projects at Eco Wave and others are renewable energy projects and use varying leading edge technologies and methods to harness energy. This implies that the cost for units of

electricity produced by these installations will be different in each case. Therefore the negotiated costs of purchase of electricity for the Government could be different from one project to another.

255 In the case of the cost of generation for the LNG power station, this will depend on the price of gas. Prices have been very low over the last few years.

It is also worth noting, Mr Speaker, that the efficiency of the new power station will be significantly greater than that of our existing ones, thus further contributing to making the cost of the generated unit even lower.

FINANCIAL SERVICES AND GAMING

Q520/2016

Gibraltar International Bank –

Details on figures released during 2016 Budget session

260

Clerk: We now move to Question 520, and the questioner is the Hon. R M Clinton

Hon. R M Clinton: Mr Speaker, during the 2016 Budget session, the Government advised that the Gibraltar International Bank had achieved deposits of £244 million with over 7,000 accounts and a lending book of £43 million with 450 mortgages.

265

Can the Government advise for what point in time do these figures relate and where did the Government obtain this information?

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

270

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker.

These figures relate to the end of June 2016 and were provided to the Government by the senior management of the Gibraltar International Bank in order that Government may report to Parliament on the latest data at the Budget session on the bank's first year of operation.

275

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for that answer. Given that the financial year end is in fact 31st December and effectively what the Government was given was the benefit of an interim position, will the Government undertake to supply the Opposition with information in relation to the bank as and when this House sees the need for it and will ask the bank for that information accordingly?

280

Hon. A J Isola: No, Mr Speaker.

We do not believe that would be appropriate. What we sought to do on this occasion as an exception at the end of the first year of operation was to report to Parliament at the Budget session on the bank's progress and that is what we have done.

285

Hon. D A Feetham: Mr Speaker, so is the position that beyond this information the Minister does not intend to report to the House any further progress in relation to the bank, next year for example?

290

Hon. A J Isola: Mr Speaker, the bank is a private company with its obligations under the Companies Act Reports and files its documentation, its annual reports and accounts which are available for the whole of the population to see, and not just Parliament.

295

What we said is, we believed it was relevant at this particular time, at the end of the first year, to report to Parliament on its first year of trading.

If we see fit to do so in 12 months' time we may well do so, but we are certainly not going to commit to giving information other than that on a regular basis to Parliament.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q491/2016

**Seaweed on Western Beach –
Cause of build up**

Clerk: We now return to Question 491, the questioner is the Hon. T N Hammond.

300

Hon. T N Hammond: Mr Speaker, Western Beach has seen unprecedented amounts of seaweed along its shoreline this year. Can the Government say what has been the cause of such build-ups?

305

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

310

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, initial observation suggests that the growth of the brown algae can be attributed to changes in regional currents and nutrients. Rising sea temperatures as a result of climate change are also likely to be a contributing factor.

The Department of the Environment and Climate Change will continue to monitor the growth of this species in the bay in order to try and understand and manage the phenomenon.

315

Hon. T N Hammond: Mr Speaker, I note that the Hon. the Minister suggested that changes in currents maybe one factor that has caused this. Do we know what may have caused the currents to change their patterns in the last 12 months or so?

320

Hon. Dr J E Cortes: Mr Speaker, these are just suggestions. The increase in this particular species of sea algae is one that is affecting the whole of the bay and further afield. In fact, it is washing ashore on beaches around the bay. If you care to have a look at the underwater camera, you can see it growing there whereas it was not there in as much profusion, say a year ago.

325

So it is clearly something that is having a general effect and it is likely that climate change is one of the main factors. Currents also, because it does depend on nutrients and clearly the area of Western Beach, sadly, we know that there are issues to do with sewage there, they contributes nutrients as well and any changes that there might be due to different structures on any part of the bay may affect it. But this is just speculation. In fact there are increases in sea algae around the world, and not just in this particular area.

330

Clearly things are changing in nature. If you look at the way that temperatures around the world are hitting new records virtually every month, then clearly we would expect something like this to happen. I cannot be more specific than that.

335

Hon. T N Hammond: Mr Speaker, is the Government in the process – or is the Department of the Environment in the process – of conducting work in order that the Minister can come back to this House with a more specific answer?

Hon. Dr J E Cortes: These things are constantly being monitored and we are in fact in contact with marine biologists in the region, who have done a lot of work in the Spanish sector of the

340 bay. Whether that will come up with a conclusive answer I do not know. Sometimes these things are cyclical and it maybe that in a year or two the algae disappear or reduce in numbers.

But clearly, whatever information we gather, we will be very happy to share in this House and in the wider community because it is clearly a concern.

345 **Hon. T N Hammond:** Mr Speaker, I understand what the Minister is saying. He did not quite answer the question, however. The question was looking for something a little more definitive as to whether work was being carried out to assess whether this situation is something which we can expect to occur every summer and the reasons for it to have occurred or whether we are just relying on more anecdotal evidence as to why this is happening?

350

Hon. Dr J E Cortes: Scientists use anecdotal evidence to perhaps direct them to research but they do not base conclusions on anecdotal evidence. And precisely because I do not have any scientific data, I cannot be more specific.

355 It would be very simplistic of us to think that the changes in the environment that are leading to the increase of algae around the world, not just in the bay, could be analysed and identified specifically from Gibraltar.

360 So I do not think I will be able to give an overarching conclusion, if I did I would probably get it published in *Nature* and not just mention it here in this House. The team in the Department of the Environment is monitoring the situation. They are taking samples of pH, nutrients and other things. In fact the camera that we have on location does actually take readings as well as images and therefore it is something that we are trying to gather and this will feed into the network of results elsewhere in the region.

365 As I say, we are in contact with scientists in Spain and hopefully we will build up a picture which as I say, we will be very able to share. Our own work in isolation is not likely to give us something that can make us 100% certain but it will make a contribution.

Hon. T N Hammond: Is it possible, Mr Speaker, that any reclamation works in and around the bay have affected the currents or have affected the nature of the water in the bay and that that may also be contributing to this algal bloom?

370

Hon. Dr J E Cortes: I do not think so. The way that reclamation ... again I have to say I do not think so because in science, it is very difficult to be specific.

375 Currents can have an effect, but that would be a current – if the problem is due to increased nutrients – then if it is a current that changes direction so that there is a source of nutrients like a river estuary or sewage, sadly, and there is reclamation that changes the direction of that current then perhaps, but because it is such a wide ranging problem I would have thought that reclamation is not likely to be the prime factor.

380 There is a lot of reclamation happening in the Spanish side. If that is having an effect in perhaps not allowing the currents to circulate enough and does result in accumulations on the northern side of the bay, perhaps, but because we are seeing the phenomenon also at the southern side of the bay, it is very difficult to tell. It would need a major research project and, as I say, we are gathering information. It is something that I could not pin down to reclamation.

385 **Hon. T N Hammond:** But the Minister is not denying that the reclamation could be a factor affecting this not least potentially the extension of the Western Beach car park, (**Hon. Dr J E Cortes:** No, no.) if I may finish my question, Mr Speaker, I am asking whether – as the Minister has not denied that reclamation could be a factor and we have reclaimed on the Western Beach car park which is clearly adjacent to the site being affected and we know on just the other side of the Western Beach car park there is a very significant and very smelly algal bloom forming on
390 a very frequent occasion – whether the two can be connected, that is the question. Is it possible that the Western Beach extension could, could, have had an impact on the currents around

Western Beach and whether that impact could then have increased the seaweed on Western Beach?

395 **Hon. Dr J E Cortes:** There are two questions here, Mr Speaker.

It is very difficult to be scientific and political at one and the same time which is probably why most politicians are lawyers and not scientists, but anyway. (*Interjection*) Thank you.

There are various considerations here. One is that clearly no reclamation will be responsible for the increase of seaweed in the Bay of Gibraltar. This is a factor which is general and therefore that is not the case otherwise you would not get it off Camp Bay. There has been no reclamation
400 there, off Camp Bay; that is one thing.

The other thing is does it affect accumulations? There would have to be a study made but the reclamation was carried out in 2012 and in 2012, 2013, 2014 there was not the seaweed problem, the reclamation was already there, therefore it cannot be that. So if I am going to be
405 political and not scientific I would say no, sir.

Hon. D A Feetham: Mr Speaker, may I?

Mr Speaker: Yes.

410

Hon. D A Feetham: Just one question. How near are we, Mr Speaker, to a possible resolution of the one factor that he has identified as a probable or possible contributory factor to the algae in the area which is the drainpipe from Spain into that area of Western Beach?

415 **Hon. Dr J E Cortes:** Mr Speaker, I have not quite said that.

I said that it is possible that one of the factors contributing to the increase of brown algae is nutrients, and nutrients do come from sewage as well as from a number of other factors. I have not said that it is cause and effect, so I think that is a point I have to make.

The question of the pollution from Spain has been widely discussed here and the hon. Member knows that we have taken steps within the EU, we have supported the ESG in their own programme and so on and we are pursuing this separately. But what is absolutely clear is that you cannot relate one to the other because, as I said before, this is a problem across the bay and not at Western Beach. That we see it more at Western Beach because it happens to be the only area on the west side of Gibraltar which has a beach of that nature and which is not swept by the south westerly which you would get in Camp Bay, is coincidence. If we had more beaches on
420 the western side like they have on the other side of the border, there would be seaweed there.

My personal opinion is that it is an increase in temperature due to climate change. To me that is the main reason. The other things, in order to be helpful we have put it in as possibilities, my personal opinion is that it is climate change and climate change, sadly, is something that is
425 certainly not caused by the Western Beach sewage outflow.

430

Q492-493/2016
Fishing Working Group –
Number of meetings since its creation; subjects discussed

Clerk: Question 492, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how many times the Fishing Working Group
435 has met since its creation?

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

440 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 493.

Clerk: Question 493, the Hon. T N Hammond.

445 **Hon. T N Hammond:** Can the Government provide a list of subjects discussed by the Fishing Working Group since its creation?

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

450

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Fishing Working Group has met on eight occasions.

The subjects that have been discussed by the Fishing Working Group include: fishery statistics; legislative amendments; marine protected areas; protection of species; blue fin tuna, artificial reef programme and marine restoration programme.

455

Hon. T N Hammond: Can the Minister say what legislative amendments have been enacted that have come out from the Fishing Working Group?

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

The legislative amendments are in the public domain. Most of them have been by regulation so if you look at *The Gazette* on a Thursday you will pick them up.

465 Out of memory, I recall there have been some amendments in relation to declaration of the new island created by the Small Boats Marina has been declared a no fishing zone. So that not only do we have a wonderful facility for boat owners, we also have as a result of the work, a reef virtually a reef, which is protected. So that is one of the things I remember.

There has also been some tweaking, for example, on the number of hooks allowed in long lines and the size of hooks, that sort of thing, which is discussed, as I say, in the Fishing Working Group and they make recommendations to me. So far I think we have acted on most of those.

Q494/2016

Illegal fishing –

Why commercial fishing vessels have been permitted in BGTW

470

Clerk: Question 494, the Hon. T N Hammond.

475 **Hon. T N Hammond:** Can the Government say why throughout August and despite a 20/11 manifesto commitment to stop illegal fishing with nets that Spanish vessels, sometimes up to four at a time, have been permitted to fish with nets in BGTW and in contravention of the Nature Protection Act which this Government insisted it would uphold?

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

480

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, commercial fishing vessels have not been *permitted* to fish with nets in BGTW. Government continues to work towards stopping all illegal fishing in our waters.

485 **Hon. T N Hammond:** Can the Government say why the Spanish fishing vessels have not been prevented from fishing in BGTW?

Hon. Dr J E Cortes: No, Mr Speaker. If we are talking about law enforcement I think it is very clear that the law enforcement is down to the Royal Gibraltar Police.

Q495-498/2016
Marine camera –
Cost; number of times unserviceable; bio-indicators

490 **Clerk:** Question 495, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how much the marine camera installed in the spring of 2015 cost?

495 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 496 to 498.

Clerk: Question 496, the Hon. T N Hammond.

505 **Hon. T N Hammond:** Can the Government say how much the marine camera installed in the spring of 2015 costs to maintain?

Clerk: Question 497, the Hon. T N Hammond.

510 **Hon. T N Hammond:** Can the Government say how often the marine camera installed in the spring of 2015 has been unserviceable since its installation?

Clerk: Question 498, the Hon. T N Hammond.

515 **Hon. T N Hammond:** Apart from the monitoring of fish species, can the Government say what other useful bio-indicators within the Rosia Marine Conservation Zone, the underwater conservation camera has monitored?

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

520 **Hon. Dr J E Cortes:** Mr Speaker, the marine camera installed in spring 2015 cost \$65,000. The cost associated with routine maintenance is absorbed by the Department of the Environment and Climate Change, whose dive team carry out regular cleaning, equipment calibration and in some cases, the replacement of parts.

525 The estimated routine maintenance costs will vary, but we envisage that these will be approximately £200 to £300 per year provided there are no major faults. These costs relate to the procurement of wiper blades and the required service kits.

530 The underwater camera has never been unserviceable but rather offline, for one prolonged period from December 2015 due to a major power surge in the Gibdock area which affected the system.

Apart from the fish species in abundance, the other useful bio-indicators monitored within the Rosia Marine Conservation Zone, using the underwater camera, includes sea grass growth, algal species diversity and growth, coral species diversity and growth and other indicators include pH, salinity and temperature.

535

Hon. T N Hammond: Can the Minister just confirm, when he says the camera was offline from December 2015, until when was that?

540 **Hon. Dr J E Cortes:** I do not know exactly, but it took probably around three months to be able to put it back online because we had to source some of the equipment from the United States.

On the whole I think it has been operational for about 11,000 hours since we installed it.

Q499-501/2016

CCTV cameras at Upper Rock –

Cost, contract, publication of Nature Reserve Management Plan

Clerk: Question 499, the Hon. T N Hammond.

545

Hon. T N Hammond: Can the Government say how much did the programme to install 57 CCTV cameras across the Upper Rock cost?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 500 and 501.

Clerk: Question 500, the Hon. T N Hammond.

555

Hon. T N Hammond: Can the Government say how much the maintenance contract costs for the 57 CCTV cameras across the Upper Rock and which company if any, has the maintenance contract?

560

Clerk: Question 501, the Hon. T N Hammond.

565 **Hon. T N Hammond:** Further to Question 306/2016, can the Minister confirm when the nature reserve management plan will be published. The Minister will recall that he said it had been held back pending the question asked on Wednesday 29th June, but that the report was otherwise ready?

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

570 **Hon. Dr J E Cortes:** Mr Speaker, the cost of the 57 CCTV cameras was £44,664 pounds. During the first 24 months the whole system was under warrantee, thus no maintenance costs were incurred. There is a fixed monthly maintenance fee of £304.16. The contract for all the above is with Securitek Limited.

575 The Nature Reserve Management Plan has been published as a consultation draft and is available online. The plan is available via the Department of the Environment Thinking Green website as well as HM Government's official website.

Q502-503/2016
Benzene and Nitrogen diffusion tube statistics –
Reasons for lowering of figures

580 **Clerk:** Question 502, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government explain why the Benzene statistics for 2015 were lowered this past May when the data had been up on the website for a few months and almost a year for some of the earlier dates?

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

590 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 503.

Clerk: Question 503, the Hon. T N Hammond.

595 **Hon. T N Hammond:** Can the Government explain why the nitrogen diffusion tube statistics for 2015 were lowered this past May when the data had been up on the website for a few months and almost a year for some of the earlier dates?

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

600 **Hon. Dr J E Cortes:** Mr Speaker, both questions relate to the non-automatic data obtained by diffusion tube samplers.

The Gibraltar Air Quality website is a public information resource that strikes a balance between fast data provision and accurate robust data archiving.

605 It is common to provide provisional measured concentrations as they become available. These are flagged as such on the website with red colouring and an asterisk. Provisional data are then superseded with ratified data, marked on the website in green with no asterisk, after formal quality assurance procedures have been completed and the data has been signed off.

610 The figures that appeared in May were the ratified figures and therefore they were different to the previous ones which are the non-ratified figures.

Q504/2016
Dog fouling laws –
Strengthening of this law

Clerk: Question 504, the Hon. E J Phillips.

615 **Hon. E J Phillips:** Is it the intention of the Government to introduce and strengthen dog fouling laws and to make it a criminal offence for dog owners not to carry with them, disinfectant and equipment for the appropriate removal and disposal of dog faeces/urine?

620 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, Government is looking at ways of further strengthening dog fouling laws.

625 **Hon. E J Phillips:** Can the Government expand on what they are looking at and ways in which they are looking at further reducing the dirty, filthy, habit that some owners have about having their dogs urinate and produce faeces on our streets?

Hon. Dr J E Cortes: Yes indeed, Mr Speaker.

630 These aspects like the carrying of disinfectant and so on are among the matters being considered. We are hoping that the imminent introduction of the DNA ID system will have an effect and we are going to be monitoring that effect to see whether that will in fact be sufficient or whether in fact after that, we have to take further steps to strengthen that.

635 But the Government is at one, I am sure, with the Members opposite in wanting to resolve this issue. The majority of dog owners are very responsible. Sadly, the few who are not affect the quality of life of people who live in those areas.

So we are considering it, we are looking at various things including the ones that have been mentioned by the hon. Member. We are just going to see how effective our DNA monitoring system is going to be.

640 **Hon. E J Phillips:** Mr Speaker, just one further question.

Would the Hon. Minister agree with me that it is incredibly difficult to enforce types of laws relating to the DNA testing, it is awfully expensive for this process to happen.

645 Would he not agree with me though, that in relation to introducing a criminal offence for those who do not carry disposable bags with them and disinfectant makes it easier for fines to be imposed at the judicial level so that people are dissuaded from letting their dogs urinate and have faeces on our streets. Do you not think it is a better idea to pursue that avenue rather than the very costly DNA process?

650 **Hon. Dr J E Cortes:** Mr Speaker, the DNA process is not as costly as is suggested. This has been factored in to the review of licensing fees so it is not expected to cost the public purse any more than the administering of the licence fees does at the moment because of the increase.

It is not part of the question so I do not have the figures in my head to provide. It is not going to be that expensive and it is aimed so that it should not be. Then obviously if there are fines then some of that is recoverable.

655 Legislating to force people to carry things on them is a possibility. There are those who, maybe the purists, who think that is interfering with personal liberty, why should I be forced to carry certain things, when...it is not the same as carrying an offensive weapon which is the other way round. There are things that are possible but if it can be avoided then I think we should avoid it. Nevertheless, as I have said, it is something we are considering. But we are committed

660 to the DNA fingerprinting, it has made a difference in other areas and we think it can make a difference and will make a difference in Gibraltar.

It does not mean to say that if it does work then we will not consider this suggestion further, I think we will, we have to. I do not think I want to commit myself at this point in time but I am committed to continuing to look at this and other measures.

665

Hon. E J Phillips: Mr Speaker, just one further question arising out of that response and for the avoidance of doubt, the increase in the licensing fee will clearly, if that is what the Minister is saying, cover the entire cost of the DNA entire project. Is that right?

670 **Hon. Dr J E Cortes:** Again, Mr Speaker, I am working from memory now, I do not have the figures. I am happy to share them with him if he writes to me or calls me and I will clearly provide them.

The exercise has been done in such a way as the increase in licensing fees. I believe even without assuming that there will be some fines because we want there to be no fines because therefore it means there has been no fouling – well it would be nice if it meant that – but I think the House knows what I mean – it has been factored in that the increase in licensing fees will cover the cost of the DNA analysis. That is the intention. It is not intended to cost the Taxpayer any more other than the dog owner who happens also to be a Taxpayer.

675

Q505/2016
Animal welfare officers –
Number and function

680 **Clerk:** Question number 505, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many animal welfare officers are currently employed and what are their functions?

685 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there are no animal welfare officers employed in Government.

690

Hon. L F Llamas: Mr Speaker, can I just ask, because I recall having seen an advert for a vacancy at one point, but I may be mistaken. Is it possible that there were animal welfare officers employed and they have been discharged or dismissed somewhere else?

695 **Hon. Dr J E Cortes:** Mr Speaker, I think the advert he is referring to is from a private entity and not from the Government.

The Government does not employ an animal welfare officer. I think the advert, as I say, is from an entity which is private and *not* a Government employee.

Q506-509/2016

**Elderly care establishments –
Admissions policy for respite care**

700

Clerk: Question 506, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what is the admissions policy for respite care under the elderly care establishments?

705

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

710

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 507 to 509.

Clerk: Question 507, the Hon. L F Llamas.

715

Hon. L F Llamas: Mr Speaker, are the admissions policies in respect of respite care and residential care applied equally across the various Elderly care establishments?

Clerk: Question 508, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, since December 2011, have there been any exceptions made to the admissions policy for respite and/or residential care at any of the elderly care establishments?

Clerk: Question 509, the Hon. L F Llamas.

725

Hon. L F Llamas: Mr Speaker, what is the admissions policy for residential care under the elderly care establishments?

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

730

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there is a one point of access process via Social Services which also determines admission to the elderly residential respite.

735

In order to access respite care, persons must conform to the requirements for admission as residents. Non-emergency respite is available under a number of circumstances, dealt with on a first come first served basis. For example, if the carer is due to undergo surgery or go on vacation etc.

740

Requests for emergency respite are referred to the senior social worker who will assess whether there is a 'substantial' or 'critical' need to allow admission. In particular, a person 'at risk of significant harm' would normally be admitted.

Q510/2016
Dementia Day Care facility –
Update; details on award of contract

Clerk: Question 510, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the Dementia Day
745 Care Centre Facility and to whom has the contract been awarded?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr
750 Speaker, the contract has not yet been awarded.

Hon. R M Clinton: Mr Speaker, if I can refer the Hon. Minister back to his answer to Question
755 361:

Mr Speaker, we are projecting to open in September... I am confident we should be able to meet the September
target.

Is he now saying that he will not be able to meet that target seeing as he has not awarded a
contract. It would be unfortunate if he cannot seeing that this month is World Alzheimer's
Month, and obviously there is an awareness this Saturday opposite the Cathedral.

760 But coming back to the question is he saying then that he will not be able to open the centre
this month?

Hon. Dr J E Cortes: Mr Speaker, it would be wonderful to open the centre this month to
coincide with the awareness month to which the Government will be contributing and working
765 with the Gibraltar Alzheimer's and Dementia Society in promoting awareness, as we always do.
My colleague, the Hon. Minister responsible for Social Services, and I work together very closely
in all our different departments and agencies in contributing to this. However, we cannot have
opening dates dictated by whoever sets the international diary for special months.

770 If I may assist, I expect the contract to be awarded *very* soon, possibly as early as tomorrow,
and other things are moving regarding the equipping of the centre and so on. And until earlier
today, it seemed likely that we would be opening during the month of September, certainly
some of the facilities that are currently housed elsewhere.

775 However, we had a discussion with the society internally and we want to be absolutely sure
that we are going to be able to provide an improved service. So I am not discounting the
possibility of opening in September, we have plans to open part of the facility in the last week of
September, but I just want to be doubly sure that we will be able to do so, but it is going to
happen very soon after that.

780 Everything is now on track. As I say, we intend to award the contract within days.
Recruitment has already started for the specialist posts including the therapists and so on and
admin staff. The grounds are now being looked after; security is in place and so on so this is now
imminent. But I would rather open a place safely than keep to a particular date because it
happens to be a date on which we need to be aware, or there is an awareness day of it.

I think we have to be careful that we do it properly. We will have a wonderful centre there;
we have got a very hard working team getting it ready. It is almost there and hopefully we will
785 make it in September. If not, it will be sad but I think the final product will be worth the wait.

A Member: Hear, hear.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his answer.

Again, referring back to his answer to the question in June, he made a statement saying:

The process of dealing with expressions of interest is current.

790

Now I ask him, would he be able to advise the House when expressions of interest were actually sent out for the Dementia Day Care Centre?

795

Hon. Dr J E Cortes: No, Mr Speaker, I would need notice of that. These are things that I direct the personnel and I do not have a date with me. I would have to have notice of that and I am very happy to look into it and let the hon. Member know.

800

Hon. R M Clinton: Mr Speaker, the Minister may wish to check with his Department but I actually have documents to suggest the expressions of interest were only sent out earlier this month with a deadline to submit expressions by 12 noon today.

I am sure he must have access to that information and no doubt when he gets back to his Department he will find that out.

805

Hon. Dr J E Cortes: Yes, Mr Speaker. As I say, I am aware that the closing date was today, but the question was asked when did it go out. I have access to the information; I just do not have it here. I can find out but I just do not have the information here.

810

Hon. R M Clinton: Mr Speaker, that is all I needed to know, he has confirmed the date for submission was today, yes?

Hon. Dr J E Cortes: I believe it is. The hon. Member has mentioned it and I think it is because we want to take an early decision and I believe the closing date was today. That is not anything that is a secret or anything. *(Interjection)*

815

Well, Mr Speaker, if the hon. Member has a document and has the answer, I do not know why he has asked me. *(Interjection)*

820

Hon. R M Clinton: I shouldn't be asking the question, Mr Speaker, if it is a public document. I would have assumed the Minister would know the answer to a simple question. *(Interjection)*

Hon. Dr J E Cortes: Mr Speaker, if I knew the date that all the directions that I give and all the discussions that I have, are actually actioned by the hard working public servants, then I would have an ever bigger brain than ... **(A Member: Ooh!)** *(Laughter)* I stopped – than the Member opposite! *(Banging on desks and laughter)*

825

A Member: Good recovery!

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q521/2016

Hot lunches manifesto commitment –
Cost to the taxpayer

Clerk: Question 521, the Hon. E J Phillips.

830 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how much their hot lunches manifesto commitment will cost the Taxpayer?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

835 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Government manifesto commitment in relation to hot school lunches is to carry out a full process of consultation with parents, headteachers and their unions so that we can start the provision of hot school meals to all children whose parents agree. As with other manifesto commitments which have no fixed date, this commitment will be fulfilled during this term of office. A final decision will be taken once the consultation process has been completed.

840 It is not in any event envisaged that the provision of hot lunches will result in any significant cost to the Government. Lunches will be paid for by parents who require that their children have hot lunches. We can, however, categorically state that no child in Gibraltar will be denied a hot lunch simply because their parents cannot afford it. There will therefore, be some cost to Government which we do not expect to be significant but this is impossible to quantify at this stage.

845 **Hon. E J Phillips:** Mr Speaker, on 21st September 2015, approaching a year ago, the Chief Minister made an announcement at the inauguration of the University, that there would be an introduction of hot lunches in all Government schools. There was no mention at that inauguration of consultation.

850 What is the position, how long is it going to take? He said that it will be completed in this term of office which almost seems to be their standard pro forma response to every question we ask about their commitments, but it is quite clear there is a commitment to introduce all hot lunches in Government schools, it has been a year on, why the delay, Mr Speaker.

855 **Hon. G H Licudi:** Well, Mr Speaker, the hon. Member either has not understood or has not listened to what I said, or has not wanted to understand or has not wanted to listen to what I have said. Or is it that he has not read the manifesto? I am sure he has if he is the Opposition spokesman on Education; he has read the various pages on our manifesto in which this particular issue is set out. The words that I have read out in relation to the manifesto commitment are precisely what appear in the manifesto.

860 Now, the hon. Member talks of a standard response. The hon. Member should know by now, because we have said it so many times, that when we have a manifesto commitment that has not got a fixed date, we will deal with that commitment and we will fulfil that commitment during this term of office. Is it clear enough? During this term of office, that is our commitment.

865 **Hon. E J Phillips:** Can the Minister then confirm, at what stage the consultation process has currently reached?

870 **Hon. G H Licudi:** Mr Speaker, we are currently preparing for the consultation process.

Hon. Ms M D Hassan Nahon: Mr Speaker, I remember I asked the same question about four or five months ago and I was told that the consultation was ongoing. Apparently now it is being prepared to be consulted. Where are we at exactly?

875 **Hon. G H Licudi:** Well, Mr Speaker, if the hon. Member is going to talk about what we said four or five months ago, I would expect the hon. Member to come with *Hansard* and say, this is exactly what you said. If the hon. Member is going to refer to public records and suggest to us that we have said one thing at one stage and something else is being said now, then I would

expect the hon. Member to come with *Hansard*. Unless the hon. Member produces *Hansard* to us, I cannot say what it was that was said four months ago, perhaps the hon. Member has it.

885 **Hon. Ms M D Hassan Nahon:** Excuse me; one thing is for me to say that from now on there is a third party here or an independent Member. So please, when you come back with your answers, do not refer back to twenty years and making the other side defend their record because there are people here who do not have to defend their record and it is only fair that we should be given straight answers.

890 But another thing is for you to use that comeback for now when I am discussing something that only four months ago was told back to me in a question which I passionately asked. I will say why, because last year I put out a broadcast because it had been an idea that I had had, alongside with many other mothers about hot lunches.

895 And then the Chief Minister, when three months later, in the University opening hailed this concept as his idea, so I was very curious to see how far they had got with it and the hon. Member told me they were already in consultation.

900 And yes, I am not talking about going back 20 years, but I do remember that four months ago a different answer was given. If he would like me to send him a copy of *Hansard* I will do that, but it has only been four months and I had received a different answer to the one he has just supplied to the hon. Member and I think it is only fair to point it out.

905 **Hon. G H Licudi:** Mr Speaker, this has nothing to do with 20 years and I do not know where the hon. Lady gets that idea from (*Interjection by Hon. Ms M D Hassan Nahon*) what did I say about 20 years ago? (*Interjection by Hon. Ms M D Hassan Nahon*) This is nothing to do with 20 years ago or the record of the GSD whilst in office. That is totally irrelevant, I have not referred to that at all today. Where have I said it? (*Interjection by Hon. Ms M D Hassan Nahon*) may I ask Mr Speaker where I have referred to 20 years ago in the answer that I gave the hon. Member.

Mr Speaker: I did in my first statement I made earlier today.

910 **Hon. G H Licudi:** Yes, Mr Speaker, but not me five minutes ago, as the hon. Member seems to suggest. If the Hon. Member is suggesting that I said something five minutes ago which is not correct, she is also suggesting that I said something four months ago which I cannot recall. So the hon. Member may or may not be right as to what I have said but if she is suggesting, and she is accusing me of giving now a different answer to what I said four months ago, the very least I would expect from the hon. Member is to come with a paper, a clear paper, *Hansard* and say this is what you said and then I will be able to answer.

920 **Hon. Ms M D Hassan Nahon:** The question was not mine, Mr Speaker. I was just remembering, and I did not realise it was a flaw to have a memory of four months plus here and all I was referring to was that a few moments ago the hon. Member was accusing me of hitting back at something when previously I had said let us not talk about the past and I am saying that four months ago is not the past and he has provided a different answer.

925 But the bottom line is he should know better than anyone if there has been a consultation process started or not. I do not know why we are going round in circles, it is pretty simple. Has the consultation started or has it not? Because four months ago apparently it had.

930 **Mr Speaker:** If a question has been on the Order Paper four months ago and a substantive answer will have been provided, that is certainly available it is on the record already. But if it was as a result of a supplementary question, the *Hansard* may not yet be in the possession of hon. Members.

A Member: Yes, it is.

Mr Speaker: It is? Well then the answer is to look at it and have chapter and verse.

935 **Hon. G H Licudi:** Yes, Mr Speaker. And we have looked at it now and we do have chapter and
verse and the hon. Lady is completely wrong. How on earth can the hon. Lady come to this
House and start accusing Members of the Government of giving a different answer now to what
was given four months ago without even doing her homework, without checking what was said.
940 And only two seconds ago she has said a different answer was given because we had said that
we had started the consultation and that now we had said we are planning the consultation.

Well let me read to the hon. Lady exactly what we said given that she has not done her
homework and she has not come to this Parliament prepared. But she has come prepared to
accuse Government Members of misleading this House. Let me read to the hon. Member exactly
what I said four months ago or in February or whenever it was:

945 A full process of consultation with parents, head teachers and their unions, will take place so that we can start the
provision of hot school meals to all children whose parents agree.
Government is in the process of planning such a consultation exercise with all the necessary stakeholders.

That is what we said four months ago, and that is what I have said today. There is absolutely
no difference and I expect an apology from the hon. Member.

950 **Hon. Ms M D Hassan Nahon:** So the planning is still ongoing to start the consultation. So it
has been seven months that you have been planning, yes?

Hon. G H Licudi: Yes, Mr Speaker. The planning is ongoing and we did not say four months
ago that we had started as the hon. Member has suggested. *(Interjections)*

955 **Hon. Ms M D Hassan Nahon:** Thank you, I was about to apologise –

Hon. G H Licudi: Yes, well, do not, but get your facts right before you get up.

960 **Mr Speaker:** Order!

Q522/2016
Westside Girls' Comprehensive School –
No plans to move location

Clerk: Question 522, the Hon. E J Phillips.

965 **Hon. E J Phillips:** Now, for something completely different. *(Laughter)* *(Interjection by Hon. G*
H Licudi)

Mr Speaker: No, listen. I understand Spanish and I do not wish to hear any words of that
nature. I said 'order' and I expect the Hon. Minister to calm down.

970 Next question.

Hon. E J Phillips: Can the Government confirm that there are no arrangements to move
Westside Girls' Comprehensive School from its current location?

975 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of
Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, there are no arrangements in place, nor is it envisaged that there will be, to move Westside Comprehensive School from its current location.

**Q523/2016
A/AS Levels –
Inequality in delivery**

980 **Clerk:** Question 523, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, how does the Government intend to address the inequality that exists in relation to the delivery of specific A/AS Levels?

985 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, no inequality exists in relation to the delivery of specific AS and A Level subjects. I can confirm that any student wishing to undertake an existing A/AS Level combination offered at any of the secondary schools, can do so.

As I explained in answer to Question 99/2016 and I quote, Mr Speaker:

995 It is the Government's policy that all students, irrespective of whether they are a boy or a girl, should have access to all subjects which are offered at A-level, irrespective of whether that subject is offered only at Bayside or only at Westside. This is of course subject to timetable constraints and the student satisfying the subject's entry criteria, in the same way as would apply, for example, to a Bayside student choosing subjects which are offered at Bayside.

1000 Although some strides have already been made in the implementation of this policy – for example, we have girls this year doing Further Mathematics and Sociology at Bayside; there has not been a formal structure in place to make sure that the choice of all subjects is available to all students. Such a formal structure will be in place as from September 2016. This will mean that, subject to the constraints that I have already mentioned, all students will be offered a full choice of subjects which are available at both Bayside and Westside.

1005 The result of certain choices could mean that a number of boys could become Westside students and a number of girls could become Bayside students. As an example, a girl wishing to do Sociology, French and Spanish can do so at Bayside and a boy wishing to do Economics, Physics and Maths can do so at Westside.

The effect of the Government's policy is that no student will in the future be denied the opportunity of opting for a particular subject at A-level solely because that subject is not available in the school which they are due to attend. Students will in the future have a full choice of all subjects offered at A-level across both secondary schools.

1010 Mr Speaker, I mentioned in my answer, which I have just read to Question 99/2016, the need for the student to satisfy the subject's entry criteria. In this regard, I would mention specifically that Design Technology is subject to a requirement of at least a Grade C at GCSE in Design Technology. Given that Design Technology is only available at GCSE level at Bayside, then only Bayside students are clearly able to satisfy that entry requirement.

1015 But other than in this respect, I can confirm that the structure which I explained in answer to Question 99/2016 which we envisaged was indeed put in place for the purpose of the options chosen by students for study as from September 2016. All students were in fact given a consolidated list of all subjects available in three schools from which they could choose. In fact I can say that some students have chosen some subjects which are available in one school and other students have chosen subjects which are available in the other schools.

1020 So that structure is now formally in place and as far as we are concerned, there is no inequality.

Q524/2016
Institute of Professional Development –
Student enrolments

Clerk: Question 524, the Hon. E J Phillips.

1025

Hon. E J Phillips: Mr Speaker, can the Government confirm how many students have enrolled at the Institute of Professional Development, specifically in relation to the Government's Second Chance Initiative.

1030

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1035

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Institute of Professional Development is part of the University of Gibraltar. As such, any questions relating to the Institute should be directed to the University.

It should, however, be noted that the establishment of the University, including the Institute of Professional Development, was a Government initiative to provide opportunities for second chance learning in the form of part-time degrees and other courses.

1040

As explained in the manifesto for the 2015 elections, this allows those who might not have been able to go to study previously or those who have but want to continue with their education to do so in a first class setting.

1045

Furthermore, the Government has also fully committed to a second chance initiative in other ways. It continues to support discretionary awards both for study abroad and through distance learning. The Gibraltar College also prides itself in offering young people a second chance. As an example, a student may typically enrol to retake Mathematics and English at GCSE and combine this with an A-level such as Spanish.

1050

Finally, it must not be forgotten that this Government set up a GCSE repeat year at Bayside, in line with what Westside School was already offering. As such, students who perhaps have not done as well as expected are able to try again, safe in the knowledge that they will be guided and supported.

1055

Hon. E J Phillips: Thank you for that long explanation to the question. So the Government cannot give me an answer in relation to the enrolment numbers? Just to clarify that position because obviously you have accused me of not reading questions properly, or at least listening to you. What I am trying to explain, what I would like, is an answer in relation to the enrolment numbers, but what you are saying is that the University can provide me with that figure because Government is not prepared to do that, correct?

Thank you.

1060

Hon. G H Licudi: Government does not have that information; it is the University that has that information.

Q525/2016
HM Prison, Windmill Hill –
Drugs testing arrangements

Clerk: Question 525, the Hon. E J Phillips.

1065 **Hon. E J Phillips:** Can the Government confirm what arrangements are in place for drugs testing for inmates at HM Prison, Windmill Hill?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1070

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Gibraltar Prison Service provides a voluntary drug testing system for inmates at HM Prison, Windmill Hill. The aim is to encourage rehabilitation, wellness and good conduct. Inmates are offered the possibility to enter into a 'compact contract' whereby extra privileges and enhanced conditions are offered through good behaviour and industry and a clear commitment to remain drug free.

1075

Details of the scheme were given by me in answer to Question 77/2014. As I explained at the time, this has a very positive effect on numerous prisoners, especially those serving a longer sentence, who have come to realise that life without drugs enhances their relationships with their family and put themselves in a position where they can receive proper help to succeed on the outside.

1080

I would also highlight, Mr Speaker, section 61 of the Prison Act 2011 which allows a drug testing requirement to be imposed on inmates who are released on parole. This is achieved by including this as a condition in the parole licence. The licence may include such a condition where a probation officer is of the opinion that the offender has a propensity to misuse any controlled drug and the misuse by any offender of any controlled drug caused or contributed to any offence of which he was convicted, or is likely to cause or contribute to the commission of further offences.

1085

Procedural and practical arrangements are in place for oral, saliva and urine drug testing to be carried out in respect of any person who may have such a condition included in his or her parole licence.

1090

Hon. E J Phillips: Just one question in relation to the section 61 Drugs Test. How is that carried out? Is it carried out at the Prison or other locations in Gibraltar?

1095

Hon. G H Licudi: Mr Speaker, offhand I cannot recall. It is carried out under the arrangement of the probation officer, because it is a condition of the licence and therefore the parolee is in contact with the probation officer in respect of all conditions and any requirements.

1100

My recollection is that the Prison Superintendent was reluctant to have this carried out at the Prison itself because once inmates are released and part of the rehabilitation process is that things happen on the outside, so my recollection is that this does not happen at the Prison at all but by arrangements with the probation officer through a private provider of these tests.

Hon. D A Feetham: Yes, Mr Speaker, may I?

1105

These were amendments in fact that I introduced when I was sitting opposite, undertaking the role that the hon. Gentleman now discharges, in 2009 I think it was. Indeed, the hon. Member has left out of the equation, mandatory drugs testing which is now possible at the Prison itself.

But my question is, there are three strands. There is voluntary drugs testing, mandatory drugs testing at the prison and then the third strand, as the hon. Gentleman rightly pointed out, is drugs testing as part of a condition of the parole licence. Now my understanding – and my question relates to the latter – is that in fact there have not been any conditions imposed on anyone in relation to drugs testing as part of their parole licence and I wonder whether the hon. Gentleman has information in relation to that. And if I am correct in my information, then why not, because of course for all the reasons that the hon. Gentleman has elaborated in his answer

1115

to my learned and hon. Friend, it is a very worthwhile provision, section 61 and it is a shame that we are not invoking it in order to make sure that people remain clean.

1120 **Hon. G H Licudi:** Mr Speaker, I agree entirely that section 61 is certainly a very worthwhile provision and it is the reason why this is something that I personally took up.

The hon. Member is correct that there was not previously the possibility; the practical arrangements were not in place for this drug testing to happen. We have been in contact with the GHA, there were some issues with the calibration and the machine that was required and the training that was required to do this.

1125 What I have explained in the answer is that we have now made all the necessary practical arrangements for these tests to be carried out. This is something that has been raised with me and I have discussed personally with the Chairman of the Parole Board, who was himself keen on these practical arrangements being in place so that whenever the Parole Board felt that it was desirable and necessary to include, subject to the requirements of the Act as set out in section
1130 61, which is the view of the probation officer etc., whenever that is desirable or necessary, the Parole Board felt that it should have the ability.

What I can confirm is that we have now made all the necessary practical arrangements. To the best of my recollection, there has not yet been a section 61 condition applied to any of the licences, but the possibility which did not exist before but as a result of making these
1135 arrangements which we now have, and putting the structure in place for the probation officer to be able to administer this condition, the Parole Board has this, simply as a power. It has this in its armoury should it consider that in the appropriate case it wishes to impose this condition as a condition of the parole licence.

1140 So the hon. Member is correct, it has not happened until now. Now the arrangements are in place and the power exists and the power can now be implemented by the Parole Board.

Hon. D A Feetham: Mr Speaker, but can I ask the hon. Gentleman, because of course that was my understanding and it came as a surprise to me that there had not been any conditions of parole imposed on anybody using section 61, bearing in mind that it was introduced so long ago.
1145 And my question is why has it taken so long for the arrangements to be put in place?

It may well be that the matter has only come very recently to the attention of the hon. Gentleman, I mean sometimes these things operate in that particular way. I remember – for example, trying to be helpful – a year and a half ago where I received a communication from some prison officers who were telling me, ‘But we do not have this power’, and my response
1150 was, well actually the power is there because we amended the law late last decade in order to give you the power.

But as far as the Minister understands it, why has it taken this long in order to place those arrangements to make effective what is a *very*, very important provision in our legislation?

1155 **Hon. G H Licudi:** Mr Speaker, it certainly is not because this has only recently been brought to our attention. It certainly has been raised with me, when I say recently, in the last months by the present Chairman of the Parole Board.

I did explain briefly earlier that there were some issues with the machine at the GHA and the ability of the GHA to be able to cope with these tests. And as a result of the passage of time, I
1160 came to the conclusion that we should make arrangements with private providers so that these tests could be done. So there came a time when I said well let’s go ahead anyway and let’s make arrangements through the probation officer with private providers and those arrangements have now come to fruition and are now in place.

But this is something that I have been dealing with for quite a while.

1165

Hon. D A Feetham: And in terms, Mr Speaker of mandatory drugs testing, which did not form part of the answer, but clearly is encompassed within the scope of the question because the question is not limited to either voluntary or mandatory, it says what arrangements.

1170 Does the hon. Gentleman know whether there have been mandatory drugs testing in positions, if I can call it that, or directions by the Superintendent at the Prison in order to effectively force inmates to undertake this test, where there is obviously reasonable grounds.

Hon. G H Licudi: Mr Speaker, I acknowledge that the question talks of arrangements and that there is provision in the Act for mandatory testing within the Prison. It is not an oversight in the answer; the answer has given the arrangements that actually are in place.

1175 Arrangements for mandatory drug testing have not been in place because the statutory provisions are that it is for the Prison Superintendent to issue a notice empowering officers to issue this mandatory drug testing. When I enquired about this last week, the information I got was that no notice had in fact been given; therefore there have been no such arrangements.

1180 And the reason for that, according to the advice that I have received, is that the Prison Superintendent has preferred to go down the voluntary scheme route, which he feels has been working quite well, rather than imposing the mandatory requirement. But as a result of the questions and the enquiries I made last week, I know that the Prison Superintendent was in the process of drafting some sort of notice so that in the future this power that exists under the Act, can actually be implemented. So those arrangements have not been in place until now, the power is going to exist going forward, whether the power is used or not is a matter for the Prison Superintendent and the Prison authorities, rather than for the Government.

1185 But the present thinking is that the scheme, which is a voluntary drug testing scheme coupled with privileges or loss of privileges, seems to be working well and the Prison authorities seem to prefer to continue down that route for the moment.

1190

Q526/2016
Legal Assistance Bill –
Update on progress

Clerk: Question 526, the Hon. E J Phillips.

1195 **Hon. E J Phillips:** Can the Government update this House on the progress of the Legal Assistance Bill?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1200 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the position remains as explained in answer to Question 401/2016.

Hon. E J Phillips: I take it from that answer that the process of consultation with the Bar Counsel is continuing. Is the Minister sited on how and when this is going to be concluded?

1205

Hon. G H Licudi: Mr Speaker, when I said the position remains as set out in answer to Question 401, the position is exactly as I set out in answer to 401/2016 which is that we have embarked on a process of consultation, we prepared a consultation paper for the purposes of that internal consultation, we provided that consultation paper to the Bar Counsel and we are awaiting the comments of the Bar Counsel on that process.

1210

What the hon. Member will be aware of, and I seem to recall that I did briefly touch upon this in supplementaries to the previous question, is that we were also engaged in a parallel process of consultation with the Bar Counsel in relation to the Legal Services Bill. I seem to recall that I gave some information on that.

1215 That process is coming to a conclusion because we issued the consultation paper, we issued the draft Bill and I seem to recall it was the 21st September, yes, that process comes to an end on 21st September which is the closing date for that consultation process, and I would expect that once that comes to an end and we deal with the issue of the Legal Services Bill, that some focus will come back to this. Because there has been these parallel consultation processes, that
1220 may have been the reason for the delay. But as far as we are concerned we embarked on that process of consultation and we are awaiting feedback from the Bar Counsel.

Hon. E J Phillips: You see the difficulty, Mr Speaker, is that even more and more people are unable to access our justice system because of the low thresholds and can the Minister give any
1225 reassurance to those people who may be watching or at least listening to the question and answer session, that the Government will expedite this. Because for people that need to access our justice system for claims, particularly in those family situations where you have single mothers with children who are trying to work and have a number of jobs that do not fall within the threshold, can the Government give any assurance to those people?

1230
Hon. G H Licudi: Mr Speaker, I am just trying to find in the exchange we had in answer to Question 401/2016, whether we did give any kind of indication as to timing. Certainly from our point of view, we want to proceed with this as quickly as possible. There is no reason in principle or as a matter of policy, why the Government is either holding back or not progressing this as it
1235 should be.

As far as we are concerned, this is an issue that we want to resolve as soon as possible.

Hon. D A Feetham: Mr Speaker, may I? Thank you very much.
1240 Obviously with legal assistance in the UK, legal aid here, legal assistance for civil, legal aid for criminal cases – there is always going to be a balancing exercise. I mean the State is effectively spending an awful lot of money in order to increase access to justice for the citizen.

In the United Kingdom there has been a considerable debate about this and there has been a decision to focus legal aid, as it's their call generically, in certain areas. So there has been a
1245 removal of legal aid from, for example, personal injury cases and those resources have been put into other areas. And with personal injury there has been an attempt to replace the funding of personal injury with other funding arrangements: conditional fee agreements, no win no fee, that kind of arrangement, that sort of arrangement, although that has also historically developed quite quickly in the United Kingdom.

1250 Is the thinking of the Government to undertake reforms of that sort? In other words, to focus public funding into areas which the Government believes it is justified, criminal law for example, perhaps even family law, away from other areas where it might be easier to obtain alternative funding arrangements.

1255 **Hon. G H Licudi:** Mr Speaker, I do not want to pre-empt the outcome of a consultation exercise that we are currently embarked on, but clearly the issues that the hon. Member has raised are very much part of what is currently being considered.

There is a long list, in fact, of areas where legal assistance, legal aid in the UK, is not available and the hon. Member is right to differentiate between legal assistance and legal aid. Legal aid in
1260 Gibraltar we apply to criminal cases that has been the subject of reform already with re-published rates and therefore as far as we are concerned, the legal aid system on criminal cases

is what it is now, because that has been agreed with the Bar Counsel and the new rates published.

1265 We are just talking in terms of the consultation exercise so as not to confuse issues with the civil side of assistance, of public assistance in legal cases. And there is a long list in the UK where legal assistance is simply not possible, including for example, consumer and contractual disputes, personal injury or death which the hon. Member has alluded to, tort and other general cases, company and partnership laws and including even, private family law. That is excluded from the provisions of legal aid or legal assistance in the UK except where there is evidence of domestic violence or child abuse. So other than those very narrow areas of a case of child abuse or domestic violence, private family law cases are completely excluded from legal assistance.

1270 Now we know in Gibraltar a lot of work is done on legal assistance in relation to private family assistance and it is not the Government's thinking, at this stage, to remove that from legal assistance. But that is an area as an example, of what is excluded in the UK.

1275 So that is very much part and parcel of the mix of everything that is in the melting pot for discussion as to the ambit and the scope of legal assistance in the future. But an important aspect of the work will also be the extent to which there are alternative avenues of funding available and the hon. Member talks of conditional fee agreements, no win no fee agreements.

1280 Certainly something that we would like to see at the end of this process is the Registrar of the Supreme Court, who will be the one who considers applications, to have some sort of duty to consider what alternative funding might be available in those cases. Because I believe we would all agree that public funds should be available, especially where there are limited public funds in any area that there will be budgets, should be available to those that are deserving cases and those that are needing cases. If there are alternatives to public funds being made available and that person is still having access to justice, then that is an avenue which we should certainly encourage and I hope that we will be at one with the Opposition on that.

1285 So again, that is an area – and the hon. Member is right – which has very much been part of the consultation exercise, including the scope of legal assistance. But, as I said, I do not want to give much away because there is not much to give away because at the moment we are involved in an exercise of looking at all these things, putting them all in the mix and coming up with the best solution as to the improvements that are necessary to the system in Gibraltar for court users.

Hon. E J Phillips: Just one further question on the alternatives to funding.

1295 Has the Government looked at – and this is just piggy-backs on what you said about funding – litigation funding as a potential option? Maybe the Minister for Financial Services might be able to make this House aware of how many funds or litigation funds have been set up in Gibraltar to assist in that process. Is it any angle that the Government has been looking at to alleviate the burden on the public purse?

1300

Hon. G H Licudi: Not to my recollection. I certainly do not recall that issue having been raised but it maybe something that might be useful to consider as part of this process.

1305 **Hon. D A Feetham:** Mr Speaker, in relation to lessons that have been learned on the legal aid side, it is not the Government's intention, is it – bearing in mind the experiences of the *Marrache* case and the expenditure that has been incurred by the Taxpayer in relation to that, £10 million in total – to amend the law in order to allow enhanced recoverability in serious and complex crime in other areas, in other areas, non-fraud, other areas and indeed in fraud? Because I think the Government reversed its original amendments in relation to fraud, it reversed.

1310

So what is the intention of the Government going forward bearing in mind the experiences in the past?

1315 **Hon. G H Licudi:** Mr Speaker, I do not have the full details of that because the question was on legal assistance and therefore I have got some information, some papers on the civil side. So this is just from memory.

1320 We were not able to fully implement the legal aid reform until the end of that particular case because of the affect that that litigation was having on legal aid generally. And I do recall the hon. Member asking me at some stage in a previous session, whether we agreed that there could be serious and complex cases other than fraud and I believe – I stand to be corrected – I agreed that that was the case.

Logic tells me that if I agreed with that and we did a reform after I agreed with that, although I do stand to be corrected on this one, logic tells me that we would have included that in the reform that we did in the legal aid provision.

1325 As far as we are concerned, the reform on legal aid has happened and there is nothing pending to look at. If the hon. Member wants to look at that particular point and see whether we have actually missed something which we may have indicated previously that we had agreed with, but my recollection is that we dealt with that specific point in the regulations that we published after the hon. Member asked that question. If I am wrong, I am happy to look at it again.

1330

Mr Speaker: Any more questions?

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move therefore that the House do now adjourn until Thursday of next week at 3.00 pm.

Mr Speaker: At?

Hon. Chief Minister: Thursday at 3.00 p.m.

Birthday wishes to the Hon. Roy Clinton

1340

Mr Speaker: Before we adjourn may I take the opportunity on behalf of all Members and the Clerk, to wish the Hon. Roy Clinton a very happy birthday. (*Banging on desks*)

1345 **Hon. Chief Minister:** Mr Speaker, I was not aware of this happy event. (*Laughter*) May I wish the hon. Gentleman, on behalf of the Government benches in particular, a very happy birthday and say that perhaps we should choose today as the day to have that drink that he and I corresponded about.

1350 **Mr Speaker:** The House will now adjourn until next Thursday at 3.00 p.m.

The House adjourned at 4.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.11 p.m. – 6.50 p.m.

Gibraltar, Thursday, 22nd September 2016

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The Gibraltar Parliament

The Parliament met at 3.11 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

STATEMENT BY THE HON. G H LICUDI

Clerk: Mr Speaker.

Mr Speaker: I have received notice from the Hon. Gilbert Licudi that he wishes to make a
5 statement.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Thank you, Mr Speaker.

10 Mr Speaker, last Thursday, after answering questions on hot lunches for schools and after turning the microphone off and sitting down, I made an aside comment to the effect that the hon. Lady should get her facts right. In making that comment, I used a term which was unnecessary, uncalled for, excessive and out of character. I accept that I should not have used that term and for that I apologise to the House. (*Banging on desks*)

15 **Mr Speaker:** I welcome the Hon. Minister's statement.

May I now take the opportunity to explain that I did not hear the Minister's remarks on an aside, and so, on conclusion of last Thursday's proceedings in Parliament, I asked the staff to examine carefully the video and audio recordings of what transpired between the Hon. Gilbert Licudi and the Hon. Marlene Hassan Nahon. I myself have since watched and heard these
20 recordings and at the maximum level of audio output it is not clear as to what exactly the Hon. Minister said. The Government's IT staff, those who are familiar with the equipment, were then asked by the Clerk to enhance the audio levels. It is then possible to confirm that the Hon. Gilbert Licudi did in fact use the 'F' word. However, I have to point out to hon. Members that since *Hansard* is not produced on the basis of enhanced audio levels, those words will not in fact
25 appear in the record of last Thursday's proceedings.

Mr Speaker: The Hon. Marlene Hassan Nahon.

30 **Hon. M D Hassan Nahon:** Mr Speaker, I am moved to hear the hon. Gentleman's words and wish to thank him for them.

In order to ensure that there are better procedures in future, I have written to you, Mr Speaker, to overcome the issue of independent Members not having access to tabled Opposition questions so that they can prepare more thoroughly for supplementaries. And, if the hon. Member is so willing, I would be happy to meet with him to share my reflections, especially
35 on the matter of school lunches. I have no doubt this would help put the past behind us and build bridges for the good of our community.

Thank you. (*Banging on desks*)

Mr Speaker: Let me add that I have asked the Clerk that, in future, once the deadline for questions has passed and the questions have been sent to Government, then those questions asked by the official Opposition will be made available to the hon. Lady, the independent Member, and likewise her questions will be made available to the hon. Members of the Opposition, so that when they arrive here at Question Time they are aware, they know exactly what is likely to come up, and that will avoid any unfortunate suggestion that Members have not done their homework. They may not know exactly when a question is going to come up, but at least they will be able to prepare well beforehand and know that there are questions in which each of the Members of the Opposition may themselves be interested in pursuing. Okay?

Hon. D A Feetham: Mr Speaker, may I, as well, on behalf of the official Opposition, welcome the hon. Gentleman's statement. From this side of the House we had refrained from making any comment because we knew that the hon. Lady had made a complaint and we wished the matter to be dealt with by the Speaker before we made any kind of comment. Of course, having heard the hon. Gentleman's explanation and his apology to this House today, as far as we are concerned, the matter is closed.

Mr Speaker: I think we should all hope that on that basis we now have closure of the whole incident and we can proceed with other business.

Questions for Oral Answer

CHIEF MINISTER

Q534/2016

**Bob Peliza Mews –
Update**

Clerk: We now move to questions to the Chief Minister.
We commence with Question 534. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide an update in respect of the construction of Bob Peliza Mews and is it still intended that Camoren Holdings Ltd be the developer and financier of this affordable housing project?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 535.

Q535/2016
Hassan Centenary Terraces –
Update

70 **Clerk:** Question 535, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide an update in respect of the construction of Hassan Centenary Terraces, and is it still intended that Camoren Holdings Ltd be the developer and financier of this affordable housing project?

75

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, these projects are still progressing as planned and the Government expects construction to commence soon, as has always been the case.

80

Camoren Holdings Ltd continues to be the developer and continues to have the responsibility for arranging the finance for the project.

Hon. R M Clinton: Mr Speaker, would the Hon the Chief Minister have an idea as to an anticipated start date in respect of each project?

85

Hon. Chief Minister: Mr Speaker, no, sir. The position is that we expect construction to commence soon and we are committed to these homes being delivered during the lifetime of this Parliament.

90

Hon. D A Feetham: Mr Speaker, the last part of the answer by the Hon. the Chief Minister was that Camoren Holdings were responsible for the financing of the project. Does the Government know whether Camoren Holdings have indeed obtained the financing for this particular project; and, of course, the second question arising out of that is has Camoren Holdings then paid the premium to the Government in respect of this particular development?

95

Hon. Chief Minister: Well, Mr Speaker, neither of those questions arise from the principal questions, in my view. I can tell the hon. Gentleman that it is not a matter for the Government to determine how Camoren is going to raise this financing at this stage; it is a matter for the Government to be satisfied over the time we are ready to sign contracts.

Q536-561/2016
Gibraltar Capital Assets Ltd –
Maturity Date, Interest Rate & Holder

100 **Clerk:** Question 536, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide details of the loan notes issued by Gibraltar Capital Assets Ltd, identifying each monetary tranche by maturity date and giving the associated interest rate and holder?

105

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 537 to 561.

110

Clerk: Question 537, the Hon. R M Clinton.

Hon. R M Clinton: Sorry, if I may interrupt. Mr Speaker, did I hear the Chief Minister correctly? Did he say from –

115

Mr Speaker: From 537 to 561.

Hon. R M Clinton: All of them?

120

Hon. Chief Minister: Yes, Mr Speaker, from 537 to 561.

Mr Speaker: To 561, all of them?

Hon. Chief Minister: Yes, all of them, Mr Speaker.

125

Hon. R M Clinton: Mr Speaker, before I commence I must register my protest at this procedure in Parliament. I do not think it is appropriate or fair to lump together 30-odd questions in one go, as you yourself have expressed in the past.

130

Mr Speaker: Whilst I do not necessarily quarrel with the sentiments that the hon. Member has expressed, I am bound to inform him that this is not a precedent and that *Hansard* can be made available to him of previous years, when he will see that many more questions have in the past been answered together.

135

In order to help him, unless the Chief Minister disagrees, I think he ought to be and he could be made available with the answer to the question. Otherwise, it is not very easy to identify what applies to what. Is the Chief Minister agreeable? It is up to him, it is his prerogative.

Hon. Chief Minister: I am grateful for your indication. I do not think that issue will arise.

140

Mr Speaker: Sorry?

Hon. Chief Minister: I do not think that issue will arise from the answer.

145

Mr Speaker: Once the Chief Minister has made his main answer, make it available to the hon. Member and to the Speaker, because I do not have it myself either.

Clerk: Question 537, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, I will apologise for my speed of delivery.

Mr Speaker: No problem, carry on.

Hon. D A Feetham: What about Question 536? It is 536, not 537. *(Interjection)*

155

Hon. R M Clinton: No, he has not done Question 536. It is 536 to 561. I have read Question 536.

Mr Speaker, can the Government please advise whether loan notes issued by Gibraltar Capital Assets Ltd were issued at par?

160

Clerk: Question 538, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise if the £300 million raised by Gibraltar Capital Assets Ltd is to be used to refinance public debt; and if so, how?

165 **Clerk:** Question 539, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is the interest cover covenant set out in clause 11.2 of the Note Purchase Agreement issued by Gibraltar Capital Assets Ltd?

170 **Clerk:** Question 540, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain the role of James Stocks & Co Ltd as financial adviser to Gibraltar Capital Assets Ltd?

175 **Clerk:** Question 541, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the agreed assets cover ratio of the Loan notes issued by Gibraltar Capital Assets Ltd and the valuation of the estates as at the date of completion?

180 **Clerk:** Question 542, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the length of the under leases obtained by Gibraltar Capital Assets Ltd over the six housing estates and what consideration was paid if any?

185 **Clerk:** Question 543, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise who forms part of the nomination and remuneration committees of Gibraltar Capital Assets Ltd?

190 **Clerk:** Question 544, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise who are the appointed auditors of Gibraltar Capital Assets Ltd?

195 **Clerk:** Question 545, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, will the Government undertake to table in Parliament audited accounts of Gibraltar Capital Assets Ltd?

200 **Clerk:** Question 546, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please explain why no civil servants – nor in fact GDC (Directors) Ltd nor the Financial Secretary – are Directors of Gibraltar Capital Assets Ltd?

205 **Clerk:** Question 547, the Hon. R M Clinton.

210 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how much each of the professional advisers in the Gibraltar Capital Assets Ltd transaction, including Royal Bank of Canada Capital Markets, have been or are due to be paid, identifying each party?

215 **Clerk:** Question 548, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the change in definition of the public debt limit suggested by the Financial Secretary was in any way linked to the conception of the £300 million loan notes issuance by Gibraltar Capital Assets Ltd, which was also, it would appear, suggested by the Financial Secretary?

220 **Clerk:** Question 549, the Hon. R M Clinton.

225 **Hon. R M Clinton:** Mr Speaker, can the Government please outline the terms of the Rent Collection and Property Management Agreement and the Property Maintenance and Repair Agreement as regards Gibraltar Capital Assets Ltd and the Government of Gibraltar?

Clerk: Question 550, the Hon. R M Clinton.

230 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many Government rental units are caught by the mortgage over the six housing estates, namely Varyl Begg Estate, Moorish Castle Estate, Laguna Estate, Alameda Estate, Glacis Estate and Mid Harbour Estate; and what proportion does that represent of total Government housing stock?

Clerk: Question 551, the Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the Minister for Housing has signed a tenancy agreement with Gibraltar Capital Assets Ltd in respect of Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour and Varyl Begg Estate; and, if so, what are the terms of such an agreement?

240 **Clerk:** Question 552, the Hon. R M Clinton.

245 **Hon. R M Clinton:** Mr Speaker, can the Government advise the valuation basis for the consideration paid by Gibraltar Capital Assets Ltd for the underleases granted by Gibraltar Residential Properties Ltd in respect of Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour and Varyl Begg Estate?

Clerk: Question 553, the Hon. R M Clinton.

250 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much Stamp Duty was charged in total on the issue of the underleases granted by Gibraltar Residential Properties Ltd to Gibraltar Capital Assets Ltd, in respect of Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour Estate and Varyl Begg Estate?

255 **Clerk:** Question 554, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, has the Government obtained confirmation from Gibraltar Capital Assets Ltd that it has insured Moorish Castle Estate, Glacis Estate, Laguna Estate, Alameda Estate, Mid Harbour and Varyl Begg Estate?

260 **Clerk:** Question 555, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, is the Government aware that Gibraltar Capital Assets Ltd has, by way of mortgage covenant, agreed that the benefits of any property insurance over the six

265 housing estates is assigned to Prudential Trustee Company Ltd as security trustee for the noteholders in its sole discretion?

Clerk: Question 556, the Hon. R M Clinton.

270 **Hon. R M Clinton:** Mr Speaker, can the Government please explain the early repayment feature agreed to between Gibraltar Capital Assets Ltd and its noteholders?

Clerk: Question 557, the Hon. R M Clinton.

275 **Hon. R M Clinton:** Mr Speaker, can the Government please explain the terms for the Government to purchase the notes issued by Gibraltar Capital Assets Ltd from the noteholders in accordance with the 'Call and Put Option Agreement'?

Clerk: Question 558, the Hon. R M Clinton.

280 **Hon. R M Clinton:** Mr Speaker, can the Government please explain the terms whereby the noteholders of Gibraltar Capital Assets Ltd may put, or rather force, the purchase by the Gibraltar Government of the notes and the terms of, I quote, the 'Call and Put Option Agreement'?

285 **Clerk:** Question 559, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain how the option fee of £122 million was calculated and by whom in respect of the agreement for surrender entered into on 23rd March 2016 between Gibraltar Capital Assets Ltd of the first part, Ernest Gomez, Chief Secretary, for and on behalf of Her Majesty's Government of Gibraltar of the second part, and Gibraltar Residential Properties of the third part?

Clerk: Question 560, the Hon. R M Clinton.

295 **Hon R M Clinton:** Mr Speaker, can the Government advise how it is intended that Gibraltar Capital Assets Ltd will obtain revenue to service capital and interest payments?

Clerk: Question 561, the Hon. R M Clinton.

300 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how much in the way of director's fees it is intended to pay each of the directors of Gibraltar Capital Assets Ltd, as identified by the Chief Minister in his Budget address?

Clerk: Answer, the Hon. the Chief Minister.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with your leave for the speed of my reply, James Stocks & Co Ltd were engaged as the financial advisers for the transaction and their role was to manage the transaction process from start to finish, including arranging for a valuation of the estates, advising on the structure of the transaction, co-ordinating the work of the professional advisers and the preparation and finalisation of the offering memorandum for investors, amongst others.

310 As at the date of completion, the estates were valued at £370 million. The asset cost ratio was therefore 1:23.

315 Mr Speaker, the underleases obtained by Gibraltar Capital Assets Ltd were for a term of 149 years.

The housing estates were already held under the Government-owned company structure by the time we were elected; in other words, before 9th December 2011.

Other than Mid Harbour Estate, which was originally financed by the then GSD administration through Government-owned companies from its inception, all other estates were transferred to
320 the Government-owned companies by the former GSD Government at nil consideration.

There are no nomination and remuneration committees of Gibraltar Capital Assets Ltd. All executed decisions are the responsibility of the directors of the company.

The appointed auditors of Capital Assets Ltd is PricewaterhouseCoopers (PWC), who all hon. Members will know is one of the biggest accountancy practices in the world.

325 As has been the case with other Government-owned companies for many years under the GSD when they were in administration, the accounts of these companies are not tabled in Parliament, nor at the time that they were in Government were they filed at the Companies Registry for the public to have access to them. The GSLP Liberal Government now in
330 administration will, however, file in public at the Companies Registry all the accounts for the Government companies, both those that the GSD failed to file and those due for our time. That includes the accounts, of course, for Gibraltar Capital Assets, which will be entirely public.

Finally, Mr Speaker, the financing arrangements entered into by Gibraltar Capital Assets Ltd are quite complex and the relevant documentation running into many hundreds of pages of technical detail. They are also, of course, commercially sensitive and we do not believe that it is
335 right in this forum to provide a detailed dissection of the terms of the agreements, other than to focus holistically on the arrangements, as I have already done at the time of the Budget, and give the information I have been able to give this afternoon.

Since most of the questions being asked by the hon. Member in any event are about the technical details of the transaction, it would be best to address these by way of a separate
340 meeting with the technical experts rather than by way of open exchanges in the House. I would therefore be happy to host such meetings for the benefit of two GSD Members opposite and for the independent Member also – and, Mr Speaker, the coffee will be on me.

Hon. R M Clinton: Mr Speaker, as you will appreciate, having asked 30-odd questions it is
345 rather hard for me to go back and assimilate the Chief Minister's reply and try and pigeonhole those into questions. Would you allow a recess?

Hon. Chief Minister: Mr Speaker, I would not think it is appropriate to have a recess simply to think about an answer that has been given. One is expected to be able to deal with this
350 information quite quickly. I mean, we have had occasions where we have been required to ask 50, 60, 70 or 100 questions and then deal with it. All that there is, Mr Speaker, is the information the hon. Gentleman asked for and an invitation to a meeting to provide the other information which we are not able to give across the floor of the House. I would have thought it was
355 imminently reasonable.

Mr Speaker: As far as the Rules are concerned, if a Member of the Opposition puts down a question for oral answer, strictly speaking under the Rules they are not entitled to receive anything other than an oral answer.

When a number of questions have been lumped together, as they have been lumped today, I
360 have taken the liberty myself ... and on one occasion a Minister rightly exercised his right to object because he could always say, 'Well, look, the questions have been put down for oral answer and I have given an oral answer. If they want something else, if they want to see the written answers, then they should have asked for written questions instead.' So I have taken that initiative since I became Speaker, in order to help Members of the Opposition to do their
365 work here in the House most effectively, and that is what I had intended to do today, because there are 20-something questions that have been answered. However, the answer that the Chief Minister has given is not that long – it is not a lengthy answer. We will make it available to the

370 hon. Member as soon as we have it and we can photocopy it, and I will then give him an opportunity, without recessing the House, to come back and ask supplementaries arising from that answer. Is that clear?

375 **Hon. R M Clinton:** Mr Speaker, I am grateful for your guidance, as ever. I have one problem, in that yes, a lot of my questions are technical in nature, but a lot of them are factual. I wonder if the Chief Minister could clarify for me how is it that 'How much stamp duty is collected on the sale of properties?' is such a technical question that he cannot come to this House with the answer? I am sure it is a perfectly easy question and an easy answer. Perhaps you could guide both of us as to what is deemed to be too technical for this House?

380 **Hon. Chief Minister:** Mr Speaker, it is not that anything is too technical to be able to calculate what the stamp duty is. It is that I am making what I think is actually a very generous offer, the like of which this House has not seen before, which is to invite the hon. Gentleman and a colleague of his, of his own choosing – I do not have to presuppose who it might be that might turn up – to sit down with me and with the experts who have advised us, to give him chapter and verse of that which is fact and that which is related to the other parts of the deal, the complexities of the detail, including that stamp duty information, if he wishes it – that is a
385 straightforward calculation – in the context of what I think is indeed something which is ground-breaking, generous and is really reaching out to the other side to help them to understand why this is such an excellent transaction for Gibraltar.

I would have thought, Mr Speaker, that although they may wish to ask a little more about
390 some of what I have said, the first port of call might be to have the meeting. If we are going to try and approach an issue as important as this in a way that is in keeping with our obligations to try and work together for the benefit of Gibraltar, let's meet, let's get round the table, let us give you the detail, let us explain some of those complexities, let us even – as I often am prepared to do, but I find that very often my offer is turned down – let us share some details with you
395 confidentially. You may see, once we share that information confidentially, why it is that it is market sensitive and why it is that it is not something that can be shared across the floor of the House. Hon. Members will know, I would have thought, that the hon. Member, more than others would know, that in banking arrangements and in commercial arrangements it is sometimes the lender as well who has terms that they do not want to be put out publicly,
400 because they have others in the market to whom they are offering different terms. We have secured very favourable terms for Gibraltar and I am quite happy to sit down, have the discussion, exchange the information, tell him what bits of the information we are happy for them to refer to publicly and which bits we are not. After that, there might still be room for an argument if the hon. Members really, really do want an argument, but it may be that there is
405 not.

I will not ask them, if we persuade them, to come out publicly and say that this is an excellent deal. They may just wish to keep their counsel. But can I suggest that they accept our offer that we get round the table and that we do what Gibraltar expects, which is to work together for the good of our community.
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Hon. R M Clinton: Mr Speaker, I welcome the Chief Minister's offer for a briefing on what is obviously, from the dossier of the managed accumulator, a complex transaction. I would have to confer with the Leader of the Opposition as to whether it is an offer and what terms their offer would be, and, if so, to what degree we would be bound by confidentiality. It might be that your
415 own advisers have bound the Government, and obviously by sharing it with us then we would have to be bound as well.

Mr Speaker: I think we should now carry on with Question 562. The Chief Minister's answer is going to be made available to the Opposition. Study it, look at it, and if you wish to ask any supplementaries do so – which we can do at any moment later on today.

Hon. R M Clinton: Mr Speaker, unfortunately, I think we have moved beyond the question, in the sense that the Chief Minister's offer is something entirely separate to asking questions that have been tabled. The suggestion is that we sit round the table outside this House and go through the complexities of the transaction. Therefore, the question of coming back with supplementaries is not really the issue. The issue at stake now really is ... or what is being discussed is whether the Opposition is really in a position to consider to accept the suggestion as proposed by the Chief Minister – and I need to consult with my Leader.

Mr Speaker: I understand perfectly well, but that of course is not an issue for me. The issue for me is to get on with the business before the House.

Hon. Chief Minister: Mr Speaker, if I can be of assistance to you and to other hon. Members, I do not need an answer today. I am quite happy for the hon. Members to get in touch with me and we can just fix a date, or not fix a date, and they can come back at the next meeting of the House.

I do not anticipate that there is any speculation in Gibraltar about an early election next May – that is only in the UK – so there will be many other meetings of the Parliament before the next election if they are dissatisfied with the arrangements I propose for a meeting. But, for now, can I propose that this way of proceeding may obviate the need for unnecessary conflict in this House and a suggestion that we may not be willing to give information where hon. Members, when they see it, perhaps might say, 'Well, fair enough, we understand why that is the case.' And, Mr Speaker, I think it is perhaps, I accept, a novel way of dealing with parliamentary business, in the sense that it opens up an opportunity for hon. Members to understand from the inside why an arrangement has been done in the way that it has been done and for the reasons why we think it is the best possible arrangement for Gibraltar, but I do commend it to them. It may be that if this works well it may open the doors to working well together in other areas.

Hon. D A Feetham: If I may, Mr Speaker, there are two separate issues. One is the invitation to meet in order to explore some of the technical aspects in relation to this particular transaction. The other separate strand is, of course, supplementaries, should we choose to ask supplementaries, because I can foresee that I have some supplementaries in relation to this. So can I therefore commend Mr Speaker's suggested course of action that we just park it for now and that we come back to it in relation to supplementaries, because there are going to be supplementaries in relation to even the answer that the hon. Gentleman has given.

Mr Speaker: We have done that previously, there is no reason why we cannot do it again.

Q562/2016
***Sunborn* –**
Rescheduling of loan

Clerk: Question 562, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the *Sunborn* loan has been rescheduled at any time since the date of original issue by Credit Finance Company Ltd?

Clerk: Answer, the Hon. the Chief Minister.

465 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Members are aware from previous
question and answer sessions, the detail of this loan is commercially sensitive and cannot
therefore be made public in the House. They must therefore only be asking in order to create
further negative bluster about the excellent initiative taken by this Government to bring the five-
star *Sunborn* Floating Hotel to Gibraltar. Everyone else has welcomed it, Mr Speaker – I wonder
470 why they do not.

In addition, Members opposite for the GSD spent much of the last four years predicting the
failure of the *Sunborn* project before the last election. It did not happen and I guess they are still
hoping against hope that they can create enough negative publicity around the project so that
their dream of its failure might come true. What a pity they are so negatively motivated.

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Hon. R M Clinton: Mr Speaker, I believe only last week you were encouraging us not to make
political statements in answering questions or asking questions. I think the Chief Minister has
just made a political statement.

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I only asked a simple question: has it been rescheduled or not? It is obvious he is not willing
to answer the question, as he has stated.

Hon. Chief Minister: Well, Mr Speaker, because if hon. Members are not going to be taken to
have been politically born the day that they were elected they will know that this was an issue
where we exchanged views during the course of the lifetime of the last Parliament, where this is
485 a loan not granted by the Government but by a Government company, that the terms are
confidential because Credit Finance Company Ltd is the lender and lenders are not able to talk
about the terms of their lending to third parties. Therefore, either to come here and ask that
question is to try and be political – pretending not to – or to be completely at a loss as to what it
was that has previously been debated in this House about this matter.

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So, Mr Speaker, it is not that the Chief Minister is failing to comply with Mr Speaker's
indication that one should not be political; it is that the last time you checked, the Chief Minister
of Gibraltar was a political office.

Hon. D A Feetham: Mr Speaker, yes, we are of course dealing with a Government-owned
495 company in Credit Finance – that is what it is – using money from savers, and indeed taxpayers'
money as well because there is £30 million from the taxpayer in Credit Finance Ltd, in order to
provide loans to third parties. That is the context in which I ask the question.

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Mr Speaker, in 2014 I asked the Hon. the Chief Minister whether the *Sunborn* had paid its
loan on its due date. That was the question – not in exactly those words, paraphrased – I asked
him in 2014. The Hon. the Chief Minister stood up and said yes, so he confirmed that.

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What is the difference in substance between the answer that he gave me then – which was
not, according to him, a commercially sensitive answer – and today, when the hon. Gentleman
asks him whether the debt to the *Sunborn* has been rescheduled? In other words, he is asking, in
a different way, the same question: whether the *Sunborn* has paid its debt on its due date or
whether there has been some reschedule of the loan. What is the difference?

Hon. Chief Minister: Mr Speaker, it is not only in Gibraltar that Government-owned
companies grant loans to third parties, although there are some in Gibraltar which are not Credit
Finance Company Ltd. There is one called Royal Bank of Scotland, there is one called National
Westminster Bank, there is one called Gibraltar International Bank and there is one called Lloyds
510 Bank, although they are no longer doing lending in Gibraltar. Mr Speaker, nobody would pretend
to ask either the Prime Minister of the United Kingdom, or the Chief Minister of Gibraltar in
relation to GIB, to confirm the details of any lending that those entities do. But, as the hon.
Gentleman knows, because it was *his* gambit which did not pay off, they tried to make it

515 something which was a political issue to try and scare savers into thinking that they should not
deposit moneys with the Gibraltar Savings Bank – something, Mr Speaker, which did not just
work for them but actually was a huge advertisement for people to deposit more money with
the Gibraltar Savings Bank, given that it was obvious it was now being prudently managed.

Therefore, Mr Speaker, at the time, what the hon. Gentleman was trying to do was create the
520 spectre – funny, that was the name of the naughty organisation in the latest James Bond film –
of the possibility that somehow savers' money might not be repaid, and it was important that
we should confirm that. I had cleared with the directors of Credit Finance Company Ltd and with
the borrower, with *Sunborn*, that if that question came – because it is not as if we do not see the
hon. Gentleman coming – we would be able to answer it clearly in that way.

525 What one is left with, Mr Speaker, however, is that they appear not to have learned their
lesson. They appear not to have realised that those tactics did not work. What is clear is that on
this side of the House there is a five-star team looking forward to a bright future for Gibraltar,
and opposite, absent the hon. Lady, there is just a usual dingy B&B team just talking about
taking us back to the past.

530 **Hon. D A Feetham:** Well, Mr Speaker, I am glad that the people of Gibraltar can see that it
only takes one minor push for his reasonableness mask to slip off, because that is what we have
seen in the answer that he has just given. He has been all 'butter could not melt in the hon.
Gentleman's mouth' during the course of this afternoon, except when I stood up and asked the
535 first difficult supplementary – and then the mask slips.

Mr Speaker, he has not answered the question. If, in 2014, when I asked 'Has the *Sunborn*
paid the debt on its due dates?' he said, 'Yes, sir, it has,' and today the hon. Gentleman asked
the question 'Has the *Sunborn* loan been rescheduled at any time since the original issue by
Credit Finance?' and he says it is commercially sensitive, what has changed? From our point of
540 view, to use the colloquial, the answer stinks. It looks as if the hon. Gentleman has something to
hide. In 2014, yes, it was paid on its due date; today, all of a sudden, the whole thing becomes
commercially sensitive. Could he please give a straight answer to a straight question?

545 **Hon. Chief Minister:** Mr Speaker, the test of reasonableness is a subjective one, as the hon.
Gentleman knows. It is he actually who looks entirely unreasonable from this side, so if I look
unreasonable to him I am not surprised. The man on the Clapham omnibus would judge us, if we
were in London, and Juan Alcantara, a very learned and distinguished member of our judiciary,
once said, 'It is the man at the piazza who will judge us in Gibraltar. They will be the barometer
of reasonableness.'

550 I think it is not unreasonable at all, Mr Speaker, to stand up and give the same answer that I
have been giving for some time to the hon. Gentleman in relation to the very easy questions
that he poses. One of the problems the hon. Gentleman has is that he has not yet, in the time
that he has been Leader of the Opposition, been able to ask us a question to which we have not
been able to give the answer. He does know that he sometimes asks us questions which we are
555 unable to give answers to because of legal obligations, and he does that in the attempt to
suggest that we are not transparent. So he may as well get up and say to me, 'Will the Hon. the
Chief Minister please provide the medical records of every Gibraltarian to the Opposition and
read them out in this House' – because he knows that we are bound equally not to disclose that.
But if he thinks that simply by getting up and saying that I am not being reasonable, that my
560 mask has slipped, that butter would not melt in my mouth before and that immediately he
springs up he somehow has a different effect, I will tell him that I am not enjoying my butter as
much as I used to these days, as people might see, and that a lot has turned into yoghurt in my
mouth – unfortunately, of the Greek and slimming variety – but it has got nothing to do with his
questioning. But what is clear, Mr Speaker is that as a B&B he cannot ever go full board.

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Q563-567/2016

**Government employees –
Secondments; promotions; union convenors; recruitment**

Clerk: Question 563, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to Question 440/2016, can the Government provide details as to the reasons for the external secondments into the Department of the Environment and for what period is this situation expected to continue?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 564 to 567.

Clerk: Question 564, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to my Question 442/2016, in answer to which the Chief Minister stated that it had not been possible to provide the information in the time available, is he now in a position to do so?

Clerk: Question 565, the Hon. D A Feetham.

Hon. D A Feetham: Further to my Question 443/2016, is the Government now in a position to provide details of which employees in the public sector, Government-owned companies, authorities and/or agencies are currently temporarily promoted, detailing acting posts, date temporarily promoted and department?

Clerk: Question 566, the Hon. D A Feetham.

Hon. D A Feetham: Further to my Question 445/2016, that dealt with the disclosure of allowances given to union convenors, is the Government now in a position to provide the information requested to my original question?

Clerk: Question 567, the Hon. D A Feetham.

Hon. D A Feetham: Further to my Question 446/2016, is the Government now in a position to state how many people are being promoted in the public sector, Government-owned companies, agencies and/or authorities without advertising or circulating bulletin in this respect, as requested in my original question?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the reason for these secondments, as asked in relation to Question 563, is to increase manning levels during the tuna season. The secondments are for an initial period of three months.

No persons have been recruited into the public sector, as asked in Question 564, without the vacancy being advertised to the general public.

In relation to Questions 565 to 567, I have reviewed the answer provided by the Human Resources Department and I believe it is not reliable. I have asked that it be checked against the data and the answers that I have previously provided. I will write to the hon. Gentleman once it has been checked again. The hon. Gentleman sometimes asks, when I tell him that I will look at

it again, whether he has to write to me. On this occasion, I am happy to undertake to send him the answer as soon as it is provided to me.

Q568-569/2016
Contracts for goods and services –
Details of companies and consultants

Clerk: Question 568, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, further to my Question 454/2016, can the Government now provide details of persons and companies who, since March 2012, have been awarded a contract for goods and services by direct allocation for more than £20,000? And I put a note in that question saying 'one contract'.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, we interpreted it as being one contract per annum.

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I will answer this together with Question 569.

Clerk: Question 569, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, further to my Question 445/2016, is the Government now in a position to provide details of the names and remuneration of all consultants currently engaged by Government, Government-owned companies, authorities or agencies, whose disclosure will not damage the national interest, as requested in my original question?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as far as the Government has been able to ascertain, all but one such parties are listed online or are specifically provided for in the Estimates. The only party we have been able to identify is OSG Security in respect of the contract for the provision of security at No. 6 Convent Place. Those details are being added to the website online content at the next revision date, Mr Speaker.

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Hon. D A Feetham: Mr Speaker, surely that is the answer to Question 568, but there is no answer to Question 569. I have read two questions – the OSG Security is in answer to Question 568, not 569.

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Hon. Chief Minister: No, Mr Speaker, it is in answer to both because the preamble to my mentioning that company is, as far as the Government has been able to ascertain, all but one such parties are listed online, and that deals with the first and the second question.

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Hon. D A Feetham: Yes, Mr Speaker. It may be possible, bearing in mind the answer that the hon. Gentleman has given, to undertake an exercise and compile every single list of consultants that are online, except OSG Security, and the contracts. But, Mr Speaker – and I know that he is not going to agree with me and he will not provide the answer – quite frankly, when you are talking about potentially hundreds of entities, when you are talking about hundreds of these contracts, and I am asking a question here in this House, surely the Government ought to be able to provide me with that answer and actually list the number of consultants that are

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being retained by the Government, Government-owned companies and authorities. That must be easily capable of ascertainment by the Government, because it must have a list somewhere, rather than effectively navigate my way through all the information in the Government website and in the various headings in the Government website in order to compile this information myself – and that is the practice that I commend the hon. Gentleman.

Hon. Chief Minister: Mr Speaker, I entirely understand the hon. Gentleman's position. He should not think me so automatically contrary to providing him the answer. I am surprised that he gets up assuming that he is not going to get a positive response. I come armed with a lot of information, Mr Speaker. A lot of cross checking has been done. You see, the hon. Gentleman can do it himself. All he needs to do is to press 'print' on the list that is available online of the Government consultancies and of all the other information that he has asked for. He can press 'print'. It is publicly available information.

But Mr Speaker, I commend that not just to the hon. Gentleman; I commend it to every citizen, because this Government has put online all of the information that was previously secret. We have kicked open the floodgates of all of this information. It is available for every member of our community to see.

Mr Speaker, I think if we have made a mistake it is not to remind people often enough, because the amount of information available when the hon. Gentleman asks me these widely cast questions ... I have been in Opposition – I understand that you do that, Mr Speaker. For me to be able to stand up in this House and to say, proudly as I am, that all of the information is actually online except for one company with one contract that has been missed – which is going to be uploaded ... I think it is commendable to be able to say that. It is not as if the hon. Gentleman needs to trawl. I understand that there are just one or two places that he needs to go on a particular part of the website, which actually is really a place that only Government and Opposition tend to go, unless there are other boffins out there who might care, with us, to enjoy trawling through it.

But, Mr Speaker, to also ask me to print it out for him and to bring it on a silver platter almost makes me think that he might be falling for what he considers to be the mortal sin: the *a mí me pertenece* culture. Mr Speaker, I am not a *pertenece*. It is not for him that I should be there, slaving over my hot printer to bring him the information. I am sure that his firm can extend to a few sheets of A3.

Hon. D A Feetham: *Our firm. Our firm, yes, of course – our firm.*

No, Mr Speaker, I have to say I thought that the hon. Gentleman was going to have a surge of generosity today. I have seen another face to the hon. Gentleman, another side to the hon. Gentleman that I have not seen in quite a long while, this afternoon. I thought he was going to be providing me with a list.

If I understood it correctly, what the hon. Gentleman is saying is that in the Government website, under the two headings relating to consultants and contracts I would effectively be able to print out a list and there is no one that has been excluded from that list, except for OSG Security. That is one question, Mr Speaker.

Of course, let me also say this to the hon. Gentleman: that when we elicit information in this House, we are not only eliciting information – as he well knows; he has done this job – for the purposes of the Opposition in its ability to hold the Government to account, but of course we have also got *Hansard*. Any answers that are provided in this House are answers that appear in *Hansard*, so that the general public can also see not only the question but the answer.

But, of course, the hon. Gentleman is going to be immovable and is not going to be willing to provide me with the list that he has, which can stand as the answer as well to a supplementary in *Hansard*, so that anybody who reads my supplementary can also see the answer, including the list of these contracts and consultants.

Hon. Chief Minister: Mr Speaker, I do not know whether the hon. Gentleman was trying to, himself, appear to be something that he is not with this semblance of generosity, but he is here to elicit information, he says – but not public information, surely. If something is already public, then he is not in his job to seek that information again so it be recorded in *Hansard*, because in fact this Parliament, in common with most other parliaments, has a rule that if you are there to elicit information it is not information which is already in the public domain. Otherwise, we could spend hours here just putting down into *Hansard* everything which may be relevant to our future existence, as if it were a time pod, Mr Speaker, and *Hansard* is not that.

If there is something which is public, then that is it. I must say, when he reads the *Hansard* of what he has said today he will think he was left with no arguments and perhaps he should have just remained sitting, because to say that because it is available publicly I should nonetheless bring it here so that it can be put in *Hansard* really avails him of absolutely no argument whatsoever.

He is right, Mr Speaker, I have done the job that he is doing. There are those who say it is the hardest job in politics. Done well, you can go from there to here in eight months. (*Laughter*) I never did it for quite that long, Mr Speaker, but perhaps it was because I did it slightly better than him. He is right to say, therefore, that it is not just me, it is the Rules, and the rules of every parliament in the world, that make me immovable on this point. But he will want to be pleased – as will other members of this community – to know that I am as immovable on all other matters, in particular in relation to the sovereignty of our nation.

Mr Speaker: The reality is that the Rules of Parliament, which go back more than 10 years, have not caught up with the reality of the technological world in which we live. If hon. Members look at rule 17(1), sub-paragraph (xv), it says:

a question shall not be asked seeking for information set forth in accessible documents or ordinary works of reference.

What are ‘accessible documents’ or ‘ordinary works of reference’ in today’s world, given the availability of so much information in Government websites and so on? I think it is for Members, particularly the Select Committee, to consider this situation and bring these Rules up to date as soon as possible.

Hon. D A Feetham: Mr Speaker, that rule has always been interpreted as meaning any information in the public domain. That is the reality.

Mr Speaker: That is correct.

Hon. D A Feetham: So there is no difficulty. Certainly nobody is going to push back in relation to this. But the reason why I have asked those questions is – yes, I know that there is a list of consultants – to make sure that nothing from there has escaped the net.

My issue – and the hon. Gentleman is, strictly, right, and I accept that – is that if I have asked a supplementary and he has got the information because he has actually got the list of consultants and he has got the list of contracts there, quite frankly it would be very useful, not only to myself but I think the members of the public who hear Parliament and look at *Hansard*, to actually have the list in answer to my supplementary. But the reality of the situation is that the answer from the Government is, ‘It is there – there is nobody other than this particular security company.’ I will now cross-refer the particular names that I have with the list that is on the website to see whether that is a correct answer or is not a correct answer, and, if it is not, I will come back.

Hon. Chief Minister: I am grateful, Mr Speaker, that the hon. Gentleman has for once acknowledged that my answers have been correct as to what it is that I have been saying to him. I refer him, Mr Speaker, to the whole of what I said, which is that we have been able to ascertain that all but one such parties listed are online or are specifically provided for in the Estimates.

Q570/2016
Private housing initiatives –
Details

760 **Clerk:** Question 570, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide more detail on how the Budget measure introduced during his reply, said to promote private housing initiatives for private rentals, is intended to work?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Parliament will recall that the Budget took place in the aftermath of the Brexit vote. One issue that concerned many of the large companies with key staff living in Gibraltar is the impact of a fluid frontier becoming less fluid. Many of these companies would prefer their staff to be housed in Gibraltar, but at the present the housing sector promotes either high-end accommodation or 50-50 accommodation geared to individuals who are eligible for it. Many of these key workers in these sectors that are important to Gibraltar do not fall into either of these categories and therefore the Government, in consultation with construction companies and companies in these sectors, wish to promote the building of homes for key workers.

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During the period of the Budget, the Government was approached by a number of parties with the request to create some financial incentive to allow for the funding and ownership of properties geared to the key worker rental market. These parties included developers, companies in the relevant sectors who might wish to own these properties and wealthy individuals who would consider investing in these properties as they could provide a good return.

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The exemption of rent for two years occurring if a property is constructed within the next 30 months is therefore intended to accelerate construction to coincide with the implementation of any Brexit decision, thereby ensuring that the properties are constructed by that time.

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It will be appreciated that these properties will be different to those in either of the aforementioned categories and the rents that can be charged and the value of these properties are likely to be much less than the rental properties that are presently available in the Gibraltar rental market.

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This measure was introduced to stimulate quick construction and ultimately the ownership of the properties by companies and individuals that might find the return provided by these properties interesting in this low interest rate environment.

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Hon. D A Feetham: Yes, Mr Speaker, but what is the actual incentive that the Government is actually providing in relation to the construction of these particular properties? That is the one thing that I have not understood in his answer.

Hon. Chief Minister: Well, Mr Speaker, that anybody who purchases a property from the developer and then rents it is going to have that rent be tax free for two years. So it becomes

800 very attractive for people to purchase for subsequent rental, and therefore it becomes easier for
the developer to do the pre-sales to bank the development and get it off the ground.

Hon. D A Feetham: So, effectively, will the developer have to allocate the entirety of the
building that it is building to these flats, subject to these two-year tax free schemes, for the
805 Government to basically certify that that building is subject to this incentive scheme? Or does
the Government envisage that, for example, it could also be open to developers that may build
an apartment block, but say, 'We only want 20% of the building to be subject to the incentive
scheme'? How is it going to work? How is the Government going to certify that these particular
developments are going to be subject to this particular incentive scheme?

810 **Hon. Chief Minister:** Mr Speaker, the Government is not going to do that. The Government is
not going to require the developers to set aside a particular amount of properties or anything
like that. What the Government is going to do is stimulate the development market by allowing
the developers the opportunity of selling, so that anyone who is going to buy from them is going
815 to have that advantage.

We think it is something that can operate freely in the market for the period of these
30 months. It can affect large developments or it can affect small developments, all of which
would nonetheless be available in that context: in the context of a buy-to-let market which has
been developed for those who might need to rent here because it might be harder to get across
820 the Frontier – although we all, of course, hope that that will not be the case.

Hon. D A Feetham: But could it be subject then to people who already own flats, for
example, and who may wish their flats to be rented out? What I am trying to explore is, what are
the minimum criteria that the Government will impose in relation to this? Is it a minimum
825 criteria in terms of the rent that is chargeable? Is it by the size of the flat? Because, unless one
certifies ... This is what was going through my mind. Unless the Government says, 'I am certifying
this particular development for this particular scheme', how does one decide whether the
development is subject to the scheme unless effectively what one is doing is just simply looking
at it – not from the point of view of the development, but from the point of view of the person
830 who is renting, which then begs the question, why just simply limit it to construction projects
that are going to be completed within the next year and a half to two years? Why not open it to
projects that there may be either in the pipeline or alternative projects that have been
completed in the past?

835 **Hon. Chief Minister:** Mr Speaker, for a very simple reason: because it is a measure designed
to stimulate the market now. In other words, it is a measure designed to get ground broken in
respect of new developments. It is a measure designed to get more apartments built. It is not a
measure designed to give an advantage to those who may already be in possession of an
apartment which they are renting and in respect of which they are going to be able to set off the
840 rent. It is to encourage more people to buy apartments for rent, which will enable the
developers to get more developments off the ground in that period because they will sell off
plan. The criteria is: is the construction in that 30-month period? Have you bought in that 30-
month period? Yes – then the first two years of rental will be rent free. That rental income will
be tax free.

845 **Hon. D A Feetham:** I understand the rationale for building more properties, but there may
be, for example, properties that have already been built that may not be fully occupied, fully
utilised, and it may well be something that the Government wants to consider in actually
extending the incentive scheme not only to properties that are going to be built, but properties
850 that perhaps are underutilised in Gibraltar, those kind of properties, in order to make those

available, also in order to encourage those to be utilised in order to encourage people coming to Gibraltar.

I know, for example, that – I will give the hon. Gentleman an example – in the United Kingdom there are incentives for properties, even private properties, for rooms or parts of large houses to be utilised in order to be rented out, so that people can ... And that is what I am thinking when I asked this particular question.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right, there are incentives in the United Kingdom to get unused space rented. But none of those incentives, although he commends them to us, are going to be accepted by Gibraltar, because those incentives are to tax people who have empty rooms, because they want people to rent them out. The Bedroom Tax, which is affecting, in particular, the disabled ... This is disabled people who need an extra room, and the UK government is taxing them in respect of that extra room in order to stimulate the market. We are not going to go down that road.

Mr Speaker, I think he has the wrong impression of what the supply side of property in Gibraltar is like at the moment. The problem is that there is no property available for rental in Gibraltar. That which is available is either overpriced for what it is at the moment, or is not in a condition which people are able to rent, and we do not want to encourage overpricing and we do not want to encourage people to be living in conditions which are not the right ones.

What we need to do, Mr Speaker, is to get the supply side going. If he bothers to call some of the estate agents, they will tell him that they are desperate for rentals. So what we need to get going is a further period of construction of properties for rental, for the type of market that we need, which, as I have indicated in my answer, we assess slightly below the sort of category 2 style housing, where every developer that has not gone for the 50/50 or for the local senior middle class level has pitched it, and where people who are at work are able to rent and create that rental market. We think the best way to do that is to enable developers to sell off plan to those who are interested in buy to let, by allowing those who are interested in buy to let to have this tax-free period in respect of their properties. That will mean that the supply side starts to move.

We were persuaded of this not by ourselves, we were persuaded of this by estate agents, by people in the online, in insurance and financial services industry. We were persuaded of this by developers, construction companies and some of the lending institutions in Gibraltar. Having taken that wide berth of advice, Mr Speaker, we think we are on the right course and we are going to pursue it.

Hon. D A Feetham: Mr Speaker, I am not criticising it. I am not criticising it at all. I am just exploring with the hon. Gentleman whether in fact there is anything already in place, any properties already there that could also be subject to this two-year tax free incentive scheme in order to encourage people to actually rent either part of properties or existing properties that they may not be renting.

Mr Speaker, does the hon. Gentleman ... Can he help me with this: how many developments does he think could take advantage of this particular scheme, or does he expect will be built because of this scheme, over the next two years? What does he have in the pipeline? Numbers – I am not asking him for specific identification of sites.

Hon. Chief Minister: Mr Speaker, there are those who at 10 o'clock on election night say that the exit poll is wrong and we will see. There are those who predict what there is going to be in terms of turnout and what the results are going to be. I am not one of those politicians, Mr Speaker. In respect of developments, I know from my practice before I was Chief Minister that things that can look very good then do not materialise – so I am not going to be persuaded to give a number, but I will tell him that we had discussions with a good number of developers. Whether that will translate into development or not will depend a lot on what happens in the

coming weeks and months and perhaps in the next two years as the United Kingdom determines what sort of exit it wants from its relationship with the European Union. This, I hope, will stimulate the market in the way that we have suggested.

Hon. R M Clinton: Mr Speaker, if I may, would the Hon. the Chief Minister ... I am just curious as to how the two-year period was determined. Is this, the magic number, a formula for payback period? How was two years arrived at? It does seem short.

Hon. Chief Minister: Well, Mr Speaker, I hardly think it is short, given that the period today is zero and that it has gone from zero months tax free to 24 months tax free. I think that is actually quite generous. It is a period in respect of which one is able to recover perhaps the lump sum put down at the time of purchase or the furnishing cost of a property without having to suffer taxation on it. We have been working on this for some time and we thought two years moving from zero to 24 months was quite generous.

If the hon. Gentleman had been proposing this to me, Mr Speaker, and had been suggesting five years and I came back with two, I would accept that he would say it does not seem very generous, but given that they have never suggested it, we have come up with it and we have pitched it at where we think it is the right level, I think it is absolutely the right level. I am convinced, Mr Speaker, that this meets the requirements that were put to us in the discussions that we had with the relevant parties. They have indicated to us that it is exactly the right sort of measure, that it is the sort of measure that is likely to stimulate those who might buy off plan.

One minute he is trying to persuade us to spend less and the next he seems to be ready to persuade us to spend more. The hon. Gentleman will know that a tax-free period is a period of lower income to the Government, because at the end of that period the income to the Government goes up because taxation bites in respect of those assets. So we think we get the balance right between spending and not spending and expenditure and income, but if he thinks this is not the right level I would ask him to reflect on who it is that he has considered it with and whether he accepts that we consider with many more than he might.

Hon. R M Clinton: Mr Speaker, I thank the hon. Gentleman for his answer. It was purely an exploratory question. I had nothing in mind.

He may or may not wish to answer this further supplementary: does the Government have any intention of itself becoming such a landlord and providing these properties?

Hon. Chief Minister: Mr Speaker, I am grateful for the great candour that the hon. Gentleman has displayed: to say in a Parliament that you got up and said something with nothing in your mind really opens you up as a bit of a hostage to fortune.

Mr Speaker, we have no intention of becoming an investor in buy-to-let property at this stage, but, given what might come towards us in the next two or three years, it may be that the Government does have to consider expanding the stock of public housing that is available in Gibraltar, but the public housing might change in some way to cover this sort of area. At the moment, it is very far from our view that we should do so, but everything is possible. I say constantly, Mr Speaker, that the future is ours to write. That is a great opportunity. It is also a huge responsibility.

Hon. D A Feetham: Mr Speaker, just to clarify one point from the answer that he has given: effectively this is only going to be open to key workers in key industry – and I presume we are talking about the gaming industry – or is it going to be open to effectively everybody? That is the question.

Hon. Chief Minister: Mr Speaker, I think they are focusing this in the wrong way. They need to understand what we are trying to do. *(Interjection)* We are not aiming anything at properties

955 which may be there already. What we are trying to do is stimulate the market in development because we need more property.

There are many key workers who are unable to afford the purchase of a property in Gibraltar because they are not entitled to 50-50s, they cannot afford the expensive properties that there are. This is a different sort of sector. Some of them may be able to purchase those properties –
960 great! Depending on where they are in the hierarchy of these industries, they will actually be able to accede to a purchase that in today's market they are not able to accede to because of price in one sector and because of eligibility in another sector. Here, if they are able to afford it with these developments, fantastic. Some may not be able to afford it. Therefore, in order to ensure that developers are able to develop with confidence, what we are doing is opening up
965 the possibility of others buying in those developments so that those key workers are then able to have access to the market in rental because there would be more rental properties available. But we are not for one moment going to require that somebody come with a certificate of employment in a particular place to be eligible to rent from someone so that that rent is then subject to the tax-free period. We think the market will find its level.

970 If there are Gibraltarians who wish to rent, who are not in the gaming industry, the financial services industry, the insurance industry, and they are able to accede to one of these rentals, then so be it. We are not going to restrict the ambit of who is able to accede to these rentals, but given the pitching that is likely to be done, we think the market will find its level and it is likely that those who are in these industries, these key workers that we talk about, are likely to
975 make up the brunt of those to take advantage of the possibility (a) of purchasing in this sector, or (b) to take the advantage of being able to rent from those who have bought to let in this sector that we hope will develop.

Hon. D A Feetham: Mr Speaker, there are no politically barbed intentions in the questions
980 that we have asked; we genuinely want to just simply understand, and the question was phrased in those terms. We want to understand what the scheme is about. From what the hon. Gentleman is telling me in the last answer, it is not going to be restricted to key workers, it is going to be open to everybody. In other words, if there is a development within the next couple of years, it does not even have to be certified. That is the answer he gave me before. You, or
985 somebody, will be able to buy in those developments, rent out in those developments, and the person who is renting from the buyer, effectively, from the purchaser, will be able to take advantage of the tax-free incentive scheme for two years. That is the way that I have understood it, and that it is open to anybody. It is not key workers; it is open to everybody. That is the answer that he has given me. Now, I just want to understand whether my understanding is
990 correct or not.

Hon. Chief Minister: Mr Speaker, what I am saying is that this is a measure *aimed* at key workers but not restricted to key workers, because I do not believe that we should restrict things out of the hands of Gibraltarians, for example. I am surprised that he is suggesting that we
995 should – that we should create that element of discrimination against Gibraltarians or Gibraltar residents. *(Interjection by Hon. D A Feetham)* What we are doing is aiming at a particular sector of the market. He needs to understand, Mr Speaker, who is coming across the Frontier. He needs to understand the demographics. If there are 12,000 people coming across the Frontier and 7,000 of them are Spanish and they live in Spain, then there are about 4,000 or 5,000 people
1000 who would potentially – because they are not Spanish and they are not living with their families in their own ancestral homes, so to speak – be prepared to live here if there was a place available to them. We need to have more properties available for them.

Gibraltarians are more than likely to want to be able to take advantage of purchasing in the magnificent new 50-50 properties that are shortly to become available. There are those who
1005 may not be able to purchase. Of those 4,000 or 5,000 who cross the Frontier every day, who are not Spanish, who are not able to purchase the expensive homes that they are eligible to

purchase today, so by creating this new sector they may be able to purchase. Gibraltarians may be able to purchase or other long-term Gibraltar residents may be able to purchase as well – and we do not think they should be discriminated against. If they are not able to purchase, they may be able to rent, whether they are those coming across the Frontier or those who are already here.

Because the number of people in our economy who cross that Frontier, who are in the gaming and financial services and the insurance industry, are the rump of those who are likely to buy, this is a measure aimed for them, because they are more than likely, when the market finds its level – without having to introduce restrictions and copies of Stalinist-style certificates required in order to be able to purchase or rent, the market, because we operate in a market economy – is likely to find its level and we are likely with our aim to hit our target without creating those restrictions.

That is what we are doing. That is who we are aiming for, but we are not prepared to discriminate against other long-term residents of Gibraltar and Gibraltarians. I would imagine he does not want to encourage me to do that.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has a wonderful habit, I have to say, of arguing against himself. I have not suggested that we discriminate against anybody. I am just trying to understand it. Effectively, we have narrowed down what the scheme is about. So all the answers about key workers – and I have understood that it is really aimed at them, but the reality is that there will be no restriction by development at all to take advantage of the scheme and no restriction against anybody because anybody, whether you are a key worker or you are not a key worker, will be able to take advantage of this two-year rent-free scheme, provided that it is in these developments that are built over the next two years. That is the position, is it not?

Mr Speaker: A short answer!

Hon. Chief Minister: Mr Speaker, years from now, when people read the *Hansard* they will be fascinated by the fact that on this side of the House we have the patience to hear these things thrown at us over and over again. I have explained the position. I have set it out at length. I am not arguing against myself. I have a knack, it is true, for identifying the argument that the hon. Gentleman is putting, although he is trying to camouflage it and expose it, Mr Speaker.

We are not going to create a discrimination against Gibraltarians or long-term residents of Gibraltar, and we are going to continue to aim to deal with the problems that key workers in our economy have, and we are going to do it as we do it in the market economy. We are going to aim a measure at a particular sector, we are going to identify the demographic and we are going to ensure that the type of tax relief that we give is designed to relieve there. And the experts who advise me tell me this measure does that and is for the benefit of key workers and for other Gibraltarians and long-term residents of Gibraltar.

Mr Speaker: Next question.

Hon. R M Clinton: Mr Speaker, may I ask just one?

Mr Speaker: We have been 35 minutes with this question on an important matter. I honestly think it has been amply ventilated. I will allow another supplementary but then we are going to move on, okay?

Hon. R M Clinton: I am grateful, Mr Speaker.

I heard the hon. Member use the words 'key worker' on numerous occasions, obviously, in this exchange. In the United Kingdom, 'key worker' obviously means ambulance, fire, teacher – those kinds of functions. Does he have a definition in his mind of what a key worker is?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman needs to understand that in Gibraltar ambulance drivers, firemen and teachers – because they are in the public sector – take the advantage, rightly, of the schemes that we introduced after 1988, which are the Affordable Housing Schemes. They are the key key individuals because, like he and me, we are Gibraltarians and we want to ensure that Gibraltarians are able to live in Gibraltar. If he wants to talk about that category of individual, I am going to find a terminology much more flattering even than 'key worker'. What we are talking about here – and if he bothers to read where this comes from, it is from my Budget speech – its key workers in these industries. In other words, in the gaming industry, in the financial services industry and the insurance industry. Those are the people who we are trying to deal with. Those three industries have a lot of individuals who are not Spanish – or who, in some instances, are Spanish but who live in the region of Gibraltar because they work in Gibraltar, and if Frontier fluidity were to be an issue, the key to keeping their industries in Gibraltar is to keep those workers in Gibraltar, hence 'key workers', Mr Speaker. But he should not tempt me to describe teachers, nurses and firemen as just 'key workers'. As far as I am concerned, Mr Speaker, they are the backbone of our community.

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Mr Speaker: Next question.

Q571/2016
No. 6 Convent Place –
Cost of works

Clerk: Question 571, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, further to Question 124/2016, can the Government provide an overall figure on the cost of works at No. 6 Convent Place?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the total cost of the refurbishment, restoration and construction works at No. 6 Convent Place, the new annexe and the existing building is £6,526,163.89.

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Hon. D A Feetham: Mr Speaker, how can the Chief Minister justify the expenditure of £6.5 million on what is a hugely luxurious project at his offices when there are schools in Gibraltar that are run down and, quite frankly – and I am thinking of Bayside in particular – are not fit for purpose. (**A Member:** Hear, hear.) How does he justify that?

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Hon. Chief Minister: Mr Speaker, I justify it because in order to make money you have to spend money, because Gibraltar needs to demonstrate to those who come to invest in Gibraltar that it is a modern Gibraltar, that is ready to take us forward into the 21st century, into the post-Brexit world – unfortunately. I justify it, Mr Speaker, with the moral authority of somebody who has led a Government that has built two new schools already, has plans to build five more in this term and has done this refurbishment as a result – quite unlike the position of Members opposite when they were on this side of the House and they spent well over £1 million on

refurbishing Convent Place, did not add one square foot of new property and did not refurbish or build any new schools.

1105 We spent on No. 6. We have also spent on the schools and we are going to spend more on the schools in the future. We are the champions of education in Gibraltar. We know where we spend most. We spend on the scholarships – we always will, because Tony Blair said many things wrong – he was a traitor to Gibraltar – but education, education, education is the one thing that this Party agrees with him on. (*Banging on desks*)

1110 **Hon. D A Feetham:** Mr Speaker, doesn't the hon. Gentleman think that not only is it shameful that he has spent £6.5 million on his plush offices at No. 6 Convent Place whilst Bayside is in the state that it is, but is it not also the height of political hypocrisy that the hon. Gentleman criticised, when he was in Opposition, the expenditure ... I do not know agreement here as to the expenditure of £1 million. Let us assume that he is right for one moment, but do not take it that I agree with it. I will check it during the course of next week. But that he criticised the expenditure by the GSD of what he says was £1 million on Convent Place when he has now spent 1115 £6.5 million – isn't it incongruous, Mr Speaker? Is that not the height of political hypocrisy, that he took the position that he did when he was in Opposition and now he is defending £6.5 million spent on his luxury project, on his offices at No. 6 Convent Place?

1120 **Hon. Chief Minister:** Mr Speaker, I have only got one office at No. 6 Convent Place, but there are many civil servants at No. 6 Convent Place who do an excellent job for Gibraltar and there are many civil servants elsewhere in the employment of the Government who have now better offices than they have ever had before, and they deserve even better than they have. We will continue to roll out the programme we have for civil servants to have modern offices in which to 1125 do business. We think that is the right investment in the public sector. We think it was wrong for the GSD not to invest in the Civil Service. We will continue to do so.

1130 He will find no greater champion, Mr Speaker, of Bayside School, than the Chief Minister standing opposite him today, because no one has been prouder to be able to say that he is the first Chief Minister that Bayside School provided than me, and I have been the only one and the first one to have the chance to do it. Bayside provided, for me, some of the best years of my life. It propelled me to the university, if I may say so, with respect to everyone, that *The Times* today has said is the best university in the world, with Harvard relegated to sixth. (**A Member:** Hear, hear.) I have another Oxonian here, Mr Speaker.

1135 But I will tell him more: I stand here proud of our plans to provide an even better Bayside. I stand here proud of our plans to not just refurbish but in many instances completely rebuild and relocate a total of five schools. I stand here already with a better record in respect of schools, let alone education, than the hon. Gentleman, because we have already built two new schools. The only other Government to have ever done so was also a GSLP Government, Mr Speaker. But that 1140 GSLP Government never managed to build a university, because the opportunity escaped them. This GSLP Liberal Government has built two schools and a university. What we have not done, is spend £9 million demolishing a Theatre Royal.

Mr Speaker: Now you are debating.

1145 **Hon. Chief Minister:** No, Mr Speaker, I am not.

1150 **Mr Speaker:** Now you are introducing a matter which, with all due respect, is not relevant. The expenditure on No. 6 set off against expenditure on education is totally relevant because that has been the subject of a supplementary. The question of the Theatre Royal is a separate issue altogether.

Hon. Chief Minister: Mr Speaker, the supplementary question was political and the answer – over which Mr Speaker often reminds us he has no control – will be political.

1155 We have not spent £9 million making a hole in the ground where there was a theatre. We have spent moneys on education and we have spent moneys on improving offices and we have spent other moneys on all of the projects that the hon. Gentleman likes to say we overspend on but then likes to hurry us to complete. We have spent moneys refurbishing estates in Gibraltar. We have spent monies for the good of this community. We will continue to spend money for the good of this community, in great measure in relation to the schools, because we have fought an election on a manifesto that commits us to the rebuilding of Bayside School and commits us to the rebuilding of many other schools, Mr Speaker.

1160 Everyone listening will see that if he tries to characterise himself as a champion of Bayside School, they have just got to look back at the pamphlet which he pretended should pass as a manifesto at the last election, to see what it was that he was planning for people at Rooke and understand that it was the worst possible plan for education in the history of Gibraltar: to put almost 2,000 children on one campus in the centre of our town would have been absolutely disastrous for education.

1170 **Mr Speaker:** I am going to bring these exchanges to a halt if hon. Members persist in debating. Next question.

Hon. D A Feetham: Mr Speaker, I have not finished.

1175 **Mr Speaker:** He has not finished because I have stopped him. *(Interjection)* He has not finished because I have interrupted the Hon. the Chief Minister.

Hon. D A Feetham: Mr Speaker, when you are finished, I will –

1180 **Hon. Chief Minister:** May I make a point when you have finished?

Mr Speaker: Go on.

1185 **Hon. D A Feetham:** Simply because the hon. Gentleman gives a longwinded answer, which is infringing on the debating rule, as an answer to my questions, which have been short questions, does not mean that Mr Speaker should cut short my ability to ask more supplementary questions when I am being penalised for his long answers.

Mr Speaker: Do you have a relevant supplementary to ask?

1190 **Hon. D A Feetham:** Well, yes, Mr Speaker.

Mr Speaker: Go on, ask it.

1195 **Hon. D A Feetham:** All my supplementaries are relevant, Mr Speaker. *(Interjection)* Well, absolutely, if Mr Speaker has not stopped me before, it is because it is relevant.

1200 The hon. Gentleman in his answer said you have got to spend money to make money. That is the answer that he gave. I can understand that you invest in education and you are making money in the future, because you are creating the economic activity through people that you are training in order to allow them to come back to Gibraltar and have worthwhile jobs here in Gibraltar. We can do it outside the education system through training, but just focusing on this, how on earth does paying £6.5 million for his offices at No. 6 Convent Place actually create money? How is that spending money to make more money?

1205 **Hon. Chief Minister:** Mr Speaker, it is utterly ridiculous that you have considered to be
relevant a question relating to schools which is supplementary to a question relating to a cost of
an office of the Government, but I am going to answer anyway because it is very easy. I am going
to answer politically, Mr Speaker – and that is not to debate, because Governments give
answers, Mr Speaker, which are political. The political answer is to say simply this. First of all, I
1210 remind the hon. Gentleman it is not my office. I have one office, Mr Speaker. There are many
offices at No. 6 Convent Place. I have given him before how much square footage we have added
there. I have not done a luxurious refurbishment. In fact, a lot of what we have done is to get rid
of the luxury that they brought when they were in Government. I have given him all the figures
before but he falls into the same hole every time, Mr Speaker.

1215 The Chief Minister of Gibraltar had an office, the floor of which was about to collapse. He
may have seen the pictures, he may recall, of the floor of the Cabinet Office at No. 6 having to
be entirely removed. I know that he wishes me no good, Mr Speaker, but does he really wish me
so much ill that he wants me to go through the floor and hit the Chief Secretary, who had the
office underneath me? That is the context in which we inherited No. 6 Convent Place.

1220 He just thinks it is going to be popular to bang at me by saying, ‘You spent money on your
offices and you have not refurbished the school.’ I built two new schools, I have built a
University and I am going to refurbish or build five new schools in this term, Mr Speaker. In part,
I am going to do it with the investment that comes to Gibraltar. Part of that investment comes to
Gibraltar to see me at No. 6 Convent Place. They do not go to see him, Mr Speaker; they come to
see me. And instead of spending £9 million on a hole in the ground, I have spent it in part on
1225 schools and in part on refurbishing offices.

Mr Speaker, he has been going on about this before the last election and now he is going on
about it again. Good luck! He is like a broken record: same arguments all the time – he is going
to get the same result all the time. That is not a bad thing for Gibraltar.

1230 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

1235 **Hon. Ms M D Hassan Nahon:** I think perhaps a couple of supplementary points I wanted to
bring up may have already been addressed, but I think it is just a matter of priorities. I accept
what both sides are trying to get at and I know we can all be very proud that the Chief Minister
went to Bayside. The hon. Lady and myself went to Westside also, and we are sitting here today.

1240 Basically, I just think it boils down to priorities. Perhaps the Bayside of yesterday, which
produced an Oxbridge student, is certainly not the Bayside of today, and today we have students
who can barely hear the teachers and are struggling to learn because there is building and dust
going on all over the place. This is something that is affecting children physically and
educationally, and I think this is where the comparison comes into it. I trust if the Government is
proclaiming constantly that they will build another Bayside in this term of office, but actually is
there anything we can do in the next few years to ensure that Bayside does not suffer with all
the building that is going on – even rehouse them or something for a temporary time – because
it seems like Bayside is suffering. Only on the news in the last couple of days have been some
1245 complaints and students or teachers walking out.

I know it is slightly a digression from the issue of expenditure, but we are talking about
priorities, and as much as the Chief Minister says it is a big priority to market Gibraltar, to
market No. 6 and show a good impression, there is no greater priority than the children and the
future generation that need to get the best grades possible and be as focused as possible, and
they need a good sound infrastructure for that.
1250

Thank you.

1255 **Hon. Chief Minister:** Mr Speaker, the Government will not be found wanting in that respect,
because let us be clear, nobody had, in their 2011 General Election manifesto, any requirement
to rebuild Bayside School. (**A Member:** Absolutely.) It was only in the 2015 General Election

manifestos that the parties decided it was necessary. Both parties decided it was necessary to commit to the rebuilding of Bayside School.

1260 I will tell the hon. Lady that when I did my Oxbridge entrance exam I did it with a pneumatic drill outside my window – in 1987, by the way – and I then sat my A-levels the following year and there was also that sort of activity and military jets outside. That does not mean that is what I want for my children or for her children – I want a better environment for them. That is why, Mr Speaker, the Minister for Education insisted that those developing the World Trade Centre ... I hope we all agree that bringing the World Trade Centre to Gibraltar and having it open as a great success – entirely full, even after the Brexit referendum – is a great thing. We ensured that those
1265 developers would not be making noise before 3.30 p.m. One subcontractor this week – one subcontractor this week – failed the developer and started earlier and caused the problems that have been caused, and the developer has rightly dealt with the subcontractor and it has not happened again. Although I understand that, in a post that someone pays to get pushed up the page on Facebook, somebody suggested it may have happened more than once. My
1270 understanding, having checked, Mr Speaker, is that that is not the case. But it is unacceptable to the Government that there should be a development around Bayside which disrupts Bayside. That is why we go to the lengths of ensuring that we do deals with those developers to stop there being any undue noise. But is it possible to stop all noise, Mr Speaker? No, these are city schools. Westside and Bayside are city schools. They are always going to be city schools because
1275 we have no countryside in which to put them. I can promise many things but I cannot promise rolling hills.

The way that we propose to rebuild Bayside will deal with the provision of its own internal football and rugby pitch. Rugby pitches and football pitches in schools were the sorts of things that one might only see the privileged have in the schools to which they are sent abroad. Now
1280 we are going to have that here. That is the sort of vision for the future of Bayside that we have on this side of the House. Members opposite – and on this the hon. Lady will allow me to gently tarnish her with the same brush – defended a manifesto that created a concrete college in the centre of Gibraltar for two or three thousand pupils at the same time as inspectors in the UK were saying that would be the worst possible future for education and a similar school in the
1285 United Kingdom was vetoed.

The hon. Lady is right to express impatience on behalf of the community – because, look, I am impatient to see this project take off. She rightly has indicated did not go to Bayside for reasons of gender and nothing else, but let us be clear – in the same way as she no doubt has a soft spot for Westside, I have a very soft spot for Bayside indeed, and I am the most impatient to
1290 see this project not just progress but succeed, and succeed it will. It will be one of the most important legacies that this old boy will leave his school. It is only public school boys who get called 'old boys'. We are entitled to it too, are we not?

Q572-573/2016

Individual and employer tax arrears over £5,000 – Details

Clerk: Question 572, the Hon. D A Feetham.

1295 **Hon. D A Feetham:** Mr Speaker, can the Government provide a list of PAYE tax arrears owed by employers who exceed £5,000, detailing the tax year for which the arrears are due and the total due per employer, without revealing the identity of the employer?

Clerk: Answer, the Hon. the Chief Minister.

1300

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 573.

Clerk: Question 573, the Hon. D A Feetham.

1305 **Hon. D A Feetham:** Mr Speaker, can the Government provide a list of assessment tax owed by individuals who exceed £5,000, detailing the tax years for which the arrears are due and the total due per taxpayer, without revealing the identity of the taxpayer?

Clerk: Answer, the Hon. the Chief Minister.

1310 **Hon. Chief Minister:** Mr Speaker, the information requested is very extensive and to provide it in a manner that is reliable will not be possible until at least December. I am not saying no, Mr Speaker, but to provide it in a reliable manner we are going to need that extra time.

1315 **Hon. D A Feetham:** Well, Mr Speaker, is the hon. Gentleman undertaking to provide this information in the same way as he undertook to provide the information to the two previous questions that I asked him and he answered in that way, or is he expecting me to ask the question again in December?

1320 **Hon. Chief Minister:** Mr Speaker, I know that he cannot believe it is not butter, but I am quite happy to agree to either undertake to provide it in a letter, or for him to ask – whichever he prefers. How is that?

1325 **Hon. D A Feetham:** Mr Speaker, I will accept the undertaking to this House that the hon. Gentleman will provide it by December.

Hon. Chief Minister: I am sure that those listening who are responsible for the preparation of that will note that and ensure that it is provided timelessly.

Q574-575/2016
Capital projects since 31st March 2012 –
Spend and funding

Clerk: Question 574, the Hon. D A Feetham.

1330 **Hon. D A Feetham:** Mr Speaker, further to my Question 453/2016, is the Government now in a position to provide the information requested in my original question?

Clerk: Answer, the Hon. the Chief Minister.

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 575.

Clerk: Question 575, the Hon. D A Feetham.

1340 **Hon. D A Feetham:** Mr Speaker, can the Government please provide a list showing what Government-owned company funded what capital projects since 31st March 2012?

Clerk: Answer, the Hon. the Chief Minister.

1345 **Hon. Chief Minister:** Mr Speaker, as I mentioned in my previous answer, the expenditure of capital projects by the Government, authorities and agencies are reflected fully in the Improvement and Development Fund, as shown in the published Estimates. The accounts of the Government-owned companies will, as I have already said, be filed publicly at Companies House so that everyone in our community can have access to the information relevant to each, despite the disgraceful failure of the GSD to have filed those accounts in the time they were in office.
1350 We will put that right, Mr Speaker.

Hon. D A Feetham: Mr Speaker, I just do not know how he can possibly give me that answer when we have been asking for the accounts of companies like Credit Finance Company Ltd for the last three years and disclosure in relation to that particular company, and that has not been forthcoming.
1355

But, Mr Speaker, it is an unsatisfactory answer for this reason: if we have got to wait until the accounts for us to then look at each account and then say which project is being funded by what company, well, the hon. Gentleman can undertake to provide those accounts. But those accounts could be filed in two years or three years' time, Mr Speaker. He must know the answer to this question. It is easily ascertainable. It is not a difficult question. The information is there and he has an obligation, in my respectful view, Mr Speaker, to provide this information to the House. Which company is funding which project? It is a very simple question capable of a very simple answer.
1360

Hon. Chief Minister: Mr Speaker, one gets good at dealing with the same argument all the time if it is put every month in the same way, but the hon. Gentleman should be a little bit more imaginative and give me something a little bit harder to work with once in a while to stimulate what *Poirot* used to say were 'the little grey cells' of the imagination of Agatha Christie.
1365

Mr Speaker, if it is unsatisfactory that they may have to wait two or three years to see the accounts of a company which is a Government company in the time that we have been in office, how much more unsatisfactory, is it not, that the companies accounts for the period that they were in office, since the mid-nineties, have not yet been filed? Mr Speaker, I would put it to the hon. Gentleman that it is hugely unsatisfactory to the community that they failed to comply with the law that they passed: that companies have to file accounts. We are catching up with that backlog and will be filing the accounts, Mr Speaker.
1370
1375

The Government has no obligation to account for the Government companies here, but we do to a great extent and much more than hon. Members ever did. We will continue to do so in the way that we do, but we will not accept, Mr Speaker, that we should account to the extent that they consider is appropriate when they sit on that side, but which is completely different to what they considered was appropriate when they sat on this side.
1380

Hon. D A Feetham: But, Mr Speaker, this is not about accounts. I made the comment because he has answered in that particular way and indeed he has had six years, five years, in order to file accounts for Government-owned companies and he has not done it. To the extent that it was our default, it is also his.
1385

But, Mr Speaker, this is about the funding of projects which the Government has basically committed itself in manifestos, etc. by Government-owned companies. What we want to know is what Government-owned company, using taxpayers' money ... Because at the end of the day it is taxpayers' money. There is no magical quality to any of these companies. This is taxpayers' money. Which companies are funding what projects?
1390

For the hon. Gentleman to say, 'Well, you are going to have to wait for the accounts of those companies and it could take another three years,' is highly unsatisfactory. That the hon. Gentleman hears me say 'is highly unsatisfactory' every single month ... well, of course, he hears me saying it because he provides me with unsatisfactory answers every single month.
1395 Mr Speaker, if he changes practice and he were to come to this House and be prepared to be

more open and transparent with this House, then I would not have to ask the same questions or the same type of questions every month in this House.

1400 It is very simple: what company is funding, using taxpayers' money – because that is what it is – which project? That is the question. Now, if he is not prepared to answer that, he is not prepared to answer.

1405 **Hon. Chief Minister:** What I am not prepared to do, Mr Speaker, is to come here on a fool's errand every month to waste people's time. I know that time flies when one is enjoying oneself, Mr Speaker, but we have only been in Government for five years, not six. He needs to remember that. Indeed, it is not yet five, Mr Speaker. It will be five on 9th December 2016, when we shall celebrate the first half decade of the glorious new dawn which was elected on 9th December 2011.

1410 Mr Speaker, is it that he wants me to stand up here in this House and waste his time and mine by reading lists? So, Gibraltar Residential Properties Arial Farm Ltd developed Beach View Terraces. Gibraltar Residential Properties Coach Park Ltd developed Mons Calpe Mews. Gibraltar Residential Properties Bishop Fitzgerald Ltd developed Charles Bruzon House. Mr Speaker, come on what is it? University of Gibraltar Ltd developed Gibraltar University. This is what the sum total of what Opposition politics amounts to in Gibraltar these days. Well, Mr Speaker, it is clear why it is and is going to remain Opposition politics, Mr Speaker.

1415 **Hon. D A Feetham:** Sooner or later, Mr Speaker, the people of Gibraltar will see what I see every single month when the hon. Gentleman stands up and answers the way that he answers. He has turned this House, Mr Speaker, into just a complete and utter political circus, in my respectful view, with the answers that he gives, or the lack of answers that he gives, on matters which are transcendental and important to this community.

1420 **Mr Speaker:** May I put it to the Hon. the Leader of the Opposition that if this House is a political circus, I certainly do not regard myself as a ringmaster. *(Laughter)*

1425 **Hon. D A Feetham:** And so you should not, Mr Speaker, because my obligation is to ask questions to hold the Government to account; their obligation is to provide answers to the questions. And if he has the answers available to which Government-owned company is funding what project, well, yes, he should provide me with that answer – and I will be the judge, Mr Speaker, of the usefulness of those answers.

1430 But I ask, as he well knows, questions for a purpose. Sometimes, Mr Speaker, he imputes to me, as he has done this afternoon on the question of the financial incentive scheme for these new developments, a political motive that was not there. There is a political motive here – I can tell him that for free. Yes it is. That is what I want to know: what Government-owned company is funding what project?

1435 **Hon. Chief Minister:** Well, Mr Speaker, I have given him the answer that I have given him, but you do not need to be a ringmaster, because he is no lion, that is for sure. The fact that he says he is going to be the judge himself of whether we have answered his questions or not ... Well, look, I remind him of the Latin maxim that *nemo iudex in causa sua*: no-one can be a judge in their own cause. So he can decide for himself whether he is happy or not with the answers, but so what? Although I must say, Mr Speaker, that when he started, and the turn of phrase that he used – such a colourful term of phrase: 'In my mind it is clear that people will see where we are going.' Very good, Mr Speaker. It reminded me of that song which starts with, 'My mind is clearer now. At last all too well I can see where we all soon will be.' It is the opening lines of the musical *Jesus Christ Superstar* that's sung by Judas.

1445 **Mr Speaker:** Next question.

Q576/2016
Government debt –
Write-offs since March 2012

Clerk: Question 576, the Hon. D A Feetham.

1450 **Hon. D A Feetham:** I am certainly not going to kiss him that is for sure! *(Laughter)* Mr Speaker, if that was the whole point of that conclusion, it has got me a bit nervous. I am certainly not kissing the hon. Gentleman, that is for sure.

Mr Speaker, can the Government disclose details of total Government debt write-offs for each financial year since March 2012.

1455

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, details of amounts written off are included in the published annual audited accounts for the Government. The amounts written off for each of the financial years since 2012 are as follows: March 2012, £347,135.55; March 2013, £938,063.12; and March 2014, £9,918,853.89.

1460

Hon. D A Feetham: Mr Speaker, there is a considerable spike, as everybody in the House will have heard, for 2014 of £9 million from a level of £948,000 in 2013. Can the Hon. the Chief Minister provide some information as to why that very significant spike in one year?

1465

Hon. Chief Minister: Yes, Mr Speaker, because it is important that we know what is really recoverable in our accounts and what is not, otherwise we are just carrying unreal debt. For example, where we have companies that have gone into liquidation and the company is dissolved and there is no prospect of recovery, to maintain that liability on our books, when the directors may not be in Gibraltar and it is impossible in that way to recover etc., does not make sense. If there was ever any opportunity of recovering, the fact that we have done a write-off does not mean that the liability is in any way extinguished – it just goes off our books.

1470

There was a catching-up exercise done in 2014. £5,435,926 was written off in respect of PAYE individual assessment and self-employed individuals and Corporation Tax which was considered to be unrecoverable, and the Gibraltar Authority Group Practice Medical Scheme that led to £2,727,000 which was deemed to be unrecoverable. That is how the figure really spiked. The rest is more or less in keeping with what one might have expected. I think there is another ...

1475

Yes, those are the figures that I have, Mr Speaker, which show why it is that it went up that year. It is an exercise that has to be done, whether periodically or more regularly, but there is no point just keeping bad debt on the books to pretend to the world that there is a huge amount of money owing out there to you when there is absolutely no prospect of recovery.

1480

Hon. D A Feetham: Yes. In relation to the £5 million, can he just repeat the answer for my benefit? I did not quite catch the answer that he gave in relation to the £5 million, the breakdown – I think it was just over £5 million. The response that he has just given me.

1485

Hon. Chief Minister: Mr Speaker, I said it was £5,435,926.27 and that it was broken down between PAYE individual assessment, self-employed individuals and Corporation Tax.

1490

Hon. D A Feetham: And the Government is satisfied that in relation to these write-offs none of this could be salvaged from or by the recent amendments that the Government has made to the Limitation Act, because none of these write-offs were just simply by virtue of the fact that the debt was actually statute barred?

1495

Hon. Chief Minister: Mr Speaker, it is actually not up to the Government to be satisfied. This is a matter exclusively in the purview of the Financial Secretary and subject to the control of the Principal Auditor. The hon. Gentleman knows you cannot imagine people who are more desirous of recovering debt, if it is recoverable, than those two officers, whoever may be occupying those
1500 offices. But, they do clear with the Government that these things are going to happen and they do it on the basis that this is entirely unrecoverable, not simply that there is a limitation issue, because in many instances these liabilities create offences, Mr Speaker, and therefore there may not be a limitation issue. There are other measures that can be taken in respect of PAYE etc. We are satisfied that where a write-off has occurred, it has occurred for the right reason.

1505 The hon. Gentleman must not think that just because it is written off in our accounts it is not recoverable. If somebody turns up that we thought was dead or if they turn out to have an asset that we did not imagine they would have, if a company is revived, for example, and has a reversionary interest in property and it is on our list, then that triggers a bell and the enforcement continues. It is just removed from the amounts that we consider should be on our
1510 books as recoverable debt.

Mr Speaker: Next Question.

Q578/2016

Statutory Minimum Wage rise – How it will ‘Spread the wealth’

Clerk: We move to Question 578, which is a question from the Hon. Ms M D Hassan Nahon.

1515 **Hon. Ms M D Hassan Nahon:** In his Budget address this year, the Hon. the Chief Minister stated – and I quote:

And now a GSLP/Liberal administration has continued the work of raising the minimum remuneration payable in our society in order to spread the wealth towards the most deserving.

Yet in his speech the Chief Minister states:

the statutory minimum wage will increase from £6.25 to £6.28 per hour with effect from 1st August 2016. This represents an increase of around 0.5%, which is above the rate of inflation.

This while:

1520 ... the general level of Public Sector pay will rise by 2.75% with effect from 1st August 2016. An additional 0.25% will be payable to officers of the Royal Gibraltar Police, Customs, the Prison Service, the Gibraltar Fire Service, the Airport Fire Service, the Borders and Coastguard Agency, and the Ambulance Service.

Would the Chief Minister provide some clarification as to how a 0.5% increase would spread the wealth towards the most deserving?

1525 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the GSLP/Liberal Government is the only Government in the history of our community to be able to say with pride that we have raised the minimum wage every single year that we have been in office. Five years in office have meant
1530 five successive increases in the minimum wage.

When we raise it by more than inflation the employers complain – that is to say the Chamber of Commerce and the Federation of Small Businesses complain. If we do not raise it, the

employees' representative organisations complain – that is to say the unions. If we raise it by the rate of inflation in the days after the seminal results of the Brexit referendum, employer and employees' representative organisations understand and do not complain because they see we are ensuring that the amount is not eroded by economic growth and neither is it a factor increasing the real cost of business.

Those who rely on that measure – that is to say on the minimum wage – for the calculation of their remuneration, who are the most deserving in my view, are therefore protected from wage erosion and their jobs are protected also by not being turned into a higher cost than businesses might have been able to carry in this year.

The comparison with wages in the public sector which the hon. Member makes, which were agreed almost two years ago on a three-year basis but done as a comparison in one year, is therefore not a relevant one for these purposes. A more relevant consideration would be to compare how public sector wages have increased since we were elected compared to how the minimum wage has increased for the same period. Public sector remuneration, Mr Speaker, has increased 14.36% in these past five years. The minimum wage has increased by 16.3% in five years. That is to say an average of 3.26% a year and a figure on which the hon. Lady may wish to aim a congratulatory remark or two in my direction, because frankly I think that represents giving to the most deserving in our society.

In money terms, Mr Speaker, we are seeing an increase of 88 pence an hour – not bad at all, I would say. The GSLP – on its own, without its colleagues in the Liberal Party, by the way – is entitled to claim the entire benefit for the introduction of the minimum wage as it was introduced in 1988.

If the hon. Lady had asked whether we would have wished to increase the minimum wage by a larger amount this year, then I would simply have answered yes. But let us be clear, this is not about cost to the Government; it is about cost to independent third party employers represented by the Chamber and the Federation of Small Businesses in the main and their concerns at this difficult time.

Mr Speaker, given the hugely positive reaction to our Budget, which was delivered within days of the Brexit result, I think we got the balance right.

Hon. Ms M D Hassan Nahon: I appreciate the figures and the view of the Hon. Chief Minister, but at the end of the day the fact of the matter is that the poorest workers – those on minimum wage this year – have managed to get an extra 3 pence per hour, equating to £1.20 per week, which barely buys you a Coke and a packet of crisps. So I just do not understand how they can hail it as 'spreading the wealth to the most deserving'. It is just simply that I do not understand it, as much as I appreciate the rises and the incentives that have been introduced.

Hon. Chief Minister: Mr Speaker, it is a Coke and a packet of crisps the Hon. Lady says. Well, it is a Coke and a packet of crisps an hour! Mr Speaker, let us be clear. *(Interjection)* No, Mr Speaker, let us be clear. *(Interjection)* Mr Speaker, no, no, please let us get our facts right – and I say that in the best possible meaning of the phrase. *(Laughter)* What I am telling her, Mr Speaker ... I know what she is telling me, but what I am telling her is that in five years we have gone up 88p. That means that we have gone up 88p an hour – a Coke and a packet of crisps an hour – which, if you work eight hours a day, is £7.40 a day, and if you work five days a week is £35.20 a week. So we are responsible for putting the minimum wage up £35.20 a week.

She is saying, this year, of that £35.20 only £1.20. That is what she is saying, but I am saying in the five years that I have been Chief Minister of Gibraltar I have put the minimum wage up £35.20 in the context of that calculation in a week. That is a better record, Mr Speaker, than anybody in the history of this Parliament in five years. I am delighted with that record. I wanted to go further. I come under the attack of the Chamber of Commerce and the Federation of Small Businesses on this issue when I put it up more than inflation. This year, because of Brexit, we talked to all the sectors and we agreed it had to be inflation.

1585 There has been no attack on the Government by the unions in respect of this matter, because
they have thought it through. They have looked at our trajectory; they have looked at the five
years; they have looked at how public sector pay has gone up 14.3% in the past five years and
1590 how, at the same time, we put up the minimum wage 16.3% in the past five years. It is a Coke
and a packet of crisps an hour – even though doctors no longer recommend those, Mr Speaker,
and I am off them, as the hon. Lady can see. It is £35.20 a week, a record to be proud of. We
were right to introduce the concept of the minimum wage in 1988. We were right to pursue it
when we were in Government then. We were absolutely right for the past five years to ensure
that every single year the minimum wage went up. If you look at our record, I think the hon.
1595 Lady will accept that to have put £35.20 more in every relevant pay packet, every week, is a
record to be proud of.

Hon. Ms. M D Hassan Nahon: I appreciate the answer and I take it on board. I would like to
ask, though, why the discrepancy. Perhaps I have not understood it, but the public sector
workers are enjoying a much higher rate of rise in pay. Is the Chief Minister saying that perhaps
1600 in the following years the minimum wage will start to creep up and that this year, perhaps
because of what happened with Brexit, things have been halted a bit but that your record in
raising that minimum wage will catch up?

Hon. Chief Minister: It is not that it is going to catch up; it is that the public sector wages
1605 would need to still catch up with the minimum wage. At the moment, the public sector is behind
the minimum wage. They are at 14.3% increase in the last five years; the minimum wage is at
16.3% in the past five years. So the public sector, if anything, in percentage terms has to catch
up. We thought that there was a case for really bumping up the minimum wage when we were
elected, and we came under a lot of criticism from the Chamber and from the Federation for
1610 doing it, but we knew it was right and we did it, Mr Speaker. And we will do it again in the future
where we have to, and we will put it up by inflation where we have to.

In terms of negotiation, the hon. Lady has to understand that when you are dealing with
public sector pay there are two parties to the negotiation: Government and its employees.
When you are dealing with the minimum wage, you are dealing with every employer in the
1615 economy, with the employers' representatives and with the employees' representatives. It is a
much more complex negotiation.

There are some top companies in Gibraltar that may have one or two people on the
minimum wage – very few. There are some companies in Gibraltar that have most of their
people on the minimum wage because they are small construction companies – there might be
1620 six of them and that is what they do. Therefore, it is a very complex balancing act.

If the hon. Lady looks at the numbers, I think she will want to, as I say in my original answer,
aim a congratulatory remark or two in this direction, because what she was saying was
happening: namely that the public sector salaries were growing faster than the minimum wage. I
think I have demonstrated to her with numbers – which do not lie – that the minimum wage is
1625 ahead and by quite a margin.

Hon. Ms M D Hassan Nahon: Thank you. I will do my homework on that one and come back
to you.

Q579/2016
Shell LNG Gibraltar Ltd –
Nominal payment for full Government ownership

Clerk: Question 579, the Hon. Ms M D Hassan Nahon.

1630

Hon. Ms M D Hassan Nahon: In his Budget address, the Hon. the Chief Minister alluded to the yet to be established Shell LNG Gibraltar Ltd which total overall cost is circa US\$44 million over a period of two years, and at the end of the 20-year contract period the plant will revert to full Government ownership for a nominal payment. Is the Hon. the Chief Minister able to provide an estimation of the nominal payment at present day value? It is of importance for me since this is a cost which we are imposing essentially on our children.

1635

Clerk: Answer, the Hon. the Chief Minister.

1640

Chief Minister (Hon. F R Picardo): Mr Speaker, the estimated present day value of the nominal payment required for the plant to revert to the Government ownership at the end of the 20-year contract period is 67 pence, using an average discount rate of 2% per annum.

1645

Hon. Ms M D Hassan Nahon: Thank you. Could the Chief Minister please indicate whether Shell LNG Gibraltar Ltd has already been established, and could the Chief Minister also indicate whether the exact date of the commencement of the £33.87 million project is known?

1650

Hon. Chief Minister: Mr Speaker, Shell LNG Gibraltar Ltd has been established. The other question that the hon. Lady is trying to ask me I have difficulty understanding exactly what it is that she wants to get at. Can she explain to me what information she wants?

Hon. Ms M D Hassan Nahon: The commencement of the project: has the project of LNG Gibraltar Ltd already been established? Has it already started? Is it already underway?

1655

Hon. Chief Minister: The hon. Lady knows, because it was on the front page of the *Chronicle*, that I signed terms with Shell for the creation of the joint venture, etc. She knows – because she was treated, alongside many others, on the day that we went out in the magnificent procession into the Bay – that the reclamation is now finished. I thought it was a tour of grand GSLP/Liberal projects. Hon. Members were treated to the reclamation on North Mole – the bund wall that has been created there, the fantastic progress that there has been already; the almost complete shell of the new power station; and the *Sunborn* five-star floating hotel. So I have difficulty in understanding which part exactly it is that she would want to know has commenced or not. We have signed contracts, so work has started. On this project she has to remember these are tanks, a lot of which, or much of which, will be developed outside of Gibraltar and they will then be brought to Gibraltar. So that work has now commenced. It will also entail work in Gibraltar being done on the ground there. If she tells me exactly what part of the process she would like me to confirm commencement of, I am quite happy, if she writes to me, to give her the information and the particular start dates for any particular aspect of the work that she is keen to know more about.

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1670

Hon. R M Clinton: If I may ask one supplementary, in his Budget address, the Chief Minister mentioned the split of ownership as 51% and 49% – could he just remind us which way the split was, whether it was 51% for Shell or 51% for the Government, and is that still the investment structure?

1675

Hon. Chief Minister: Mr Speaker, 51% to Shell and 49% to Government.

Q580/2016
Gibraltar 2025 In Partnership –
Update

Clerk: Question 580, the Hon. Ms M D Hassan Nahon.

1680 **Hon. Ms M D Hassan Nahon:** Would the Chief Minister provide an update following his announcement on 4th May 2015 of the creation of an Economic Advisory Council named 'Gibraltar 2025 In Partnership' to assist the Government in its development of a 10-year strategic economic plan in partnership with the private sector and unions?

1685 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as we considered the direction of this Committee, first we decided not to use it as a way of favouring people in the run up to the General Election, which is how it might have looked if we were appointing people then, and secondly, thereafter we thought it might take a completely different composition arising from the result of the Brexit referendum. We are therefore shortly to announce the details of the board of Gibraltar 2025, now that we know the unfortunate result of that plebiscite – and Members of Parliament need not apply, Mr Speaker.

Q581-585/2016
Government-owned companies –

Boards, accountability, sanctions, remuneration, annual returns, revenue and expenditure

Clerk: Question 581, the Hon. Ms M D Hassan Nahon.

1695 **Hon. Ms M D Hassan Nahon:** To whom are Government-owned companies' board members and companies accountable to, and what is the sanction if they do not fulfil their mandate?

Clerk: Answer, the Hon. the Chief Minister.

1700 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Questions 582 to 585.

Clerk: Question 582, the Hon. Ms M D Hassan Nahon.

1705 **Hon. Ms M D Hassan Nahon:** Do we know if Government-owned companies have boards and, if so, who are the members of these boards and what is their remuneration to serve in such capacity?

Clerk: Question 583, the Hon. Ms M D Hassan Nahon.

1710 **Hon. Ms M D Hassan Nahon:** Are the annual returns of Government-owned companies available for public scrutiny?

Clerk: Question 584, the Hon. Ms M D Hassan Nahon.

1715 **Hon. Ms M D Hassan Nahon:** Can the Hon. the Chief Minister, confirm whether the Government-owned companies submit annual returns and, if so, to whom?

Clerk: Question 585, the Hon. Ms M D Hassan Nahon.

1720 **Hon. Ms M D Hassan Nahon:** According to the expenditure item 'Contribution to
Government-owned companies', this item accounts for 4.99% of total expenditure or
£25 million, an annual amount that has been transferred to the companies for five successive
financial years. Then in his Budget address this year, the Chief Minister informed of the creation
1725 of two more Government-owned companies. I would request clarification from the Hon. the
Chief Minister to inform where the revenue and expenditure of these companies are reflected?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I thought it was the first day of autumn, but in
1730 this Chamber it feels like the first day of winter. Somebody is exercising air-conditioning lack of
restraint.

Mr Speaker, board members of Government-owned companies are appointed at the behest
of the company's shareholders and owe a duty to the company to action in its best interests in
accordance with the Articles of Association of the company.

1735 Board members also have statutory duties and responsibilities published under the
Companies Act of 2014. Apart from sanctions for breach of duty as prescribed under the law, the
usual sanctions are available to shareholders, which include the right to remove a director by
ordinary resolution.

All Government-owned companies have directors, as this is a requirement of the law. Some
1740 of these companies have boards comprising of natural persons; some have a corporate director
and some have a combination of the two.

Other than board members of the Gibraltar International Bank and Gibraltar Capital Assets
Ltd, board members do not get any remuneration at all for their services in such capacity.

1745 Details of board members of each company are available from the annual return which is
filed at Companies House. Annual returns are required to be sent to Companies House and these
are available for public scrutiny at Companies House – and now, I understand, also online from
Companies House, Mr Speaker.

The revenue and expenditure of Government-owned companies is reflected in the accounts
of each company. As I have said a number of times already, and despite the disgraceful practice
1750 of the former GSD administration, the hon. Lady will welcome that we are committed fully to the
public filing of annual returns and accounts of all the Government companies. We are catching
up with the backlog accumulated so disgracefully at the time that the GSD was in Government
and expect to be up to date as soon as possible.

1755 The £25 million annual contribution is made towards meeting the recurrent expenditure of
these companies, many of which operate at a loss, such as the Gibraltar Bus Company and the
Gibraltar Car Parks Ltd.

Mr Speaker, I see that it is 5.30 p.m. and this is the last question that I have bunched together
for the hon. Lady. I know that we have one or two questions later, so I would expect we will be
able to rise at 7 p.m. this evening. Can I invite the House to take a 10-minute or 15-minute
1760 recess now for the tea break, which may avail the hon. the Lady the time that she needs.

Mr Speaker: The house will now have a short recess.

The House recessed at 5.30 p.m. and resumed its sitting at 5.52 p.m.

Q586/2016
Companies withholding PAYE deductions –
Sanctions

Clerk: We move on to Question 586, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Thank you. I had no supplementaries. I reviewed what the Chief Minister had answered, so I was quite happy to let that one go there.

1770

With reference to PAYE, which is withholding tax on income payments to employees, as I understand PAYE means that the tax was deducted by the employer from its employee's salary but not paid over to Government. This means that on 31st March 51.72% of tax arrears were attributable to companies.

I request the Hon. Minister to inform what sanction Government imposes on companies withholding PAYE moneys and not paying them over to Government?

1775

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am assuming that when the hon. Member opposite quotes 51.72% of tax arrears being attributable to companies she is referring to the published data, which is table ITO12 of tax arrears, which totals £28.71 million as at 31st March 2016. Of this, £7.79 million is described on the schedule as 'companies' and relates purely to Corporation Tax; that is to say that whilst these moneys are indeed due by companies, it is in respect of their own corporate tax liabilities, not their employees' PAYE.

1785

By way of clarification, then, I will point out that it is only the figure of £7.06 million described as 'PAYE' on the aforementioned schedule which constitutes Income Tax deducted from employees via the PAYE system but not remitted to the Tax Office. The proportion of 51.72% quoted by the hon. Member in her question is therefore overstated by over 27%.

1790

Mr Speaker, as you are aware, the PAYE, Pay As You Earn, system of taxation requires employers to compute and deduct from each employee's remuneration the amount of Income Tax due on a monthly basis. Said deductions are to be remitted to the Commissioner of Income Tax by no later than the 15th day of every month. Any amounts deducted from employees' pay packets but not remitted to the Commissioner of Income Tax within the statutory timeframe constitute arrears due by the employer to the Government. Such arrears are monitored by the Compliance Section of the Income Tax Office, which applies administrative and other legal measures to ensure recovery of outstanding liabilities.

1795

The statutory obligation to deduct Income Tax at source and remit these moneys to the Government is imposed by the Income Tax Act 2010 and by the PAYE system itself, which is governed by the Income Tax (Pay as You Earn) Regulations. As the hon. Member is aware, Section 68 of the Income Tax Act 2010 provides for defaulting taxpayers within given parameters, including employers, to have their names published in the *Gazette* – the so-called 'name and shame' provision. The Commissioner has invoked this provision on a number of occasions and will continue to do so.

1800

1805

In answer to the specific question regarding what sanction Government imposes on employers who fail to pay over to Government the amounts deducted from their employees' pay packets, I direct the hon. Member to section 19 of the PAYE Regulations – which are, of course, public. She will see that any such employer is now guilty of an offence, which, as from August 2015, shall be liable to a maximum fine of £10,000 and ultimately imprisonment for up to seven years. The provision, which, as I said, was legislated for in August of last year under this administration, shall come into force as soon as the liability for the current tax year can be quantified, which is usually on submission of the annual declaration of Form P8 by employers.

1810

This constitutes a severe sanction aimed at non-compliant employers and is a clear signal to those who abuse the PAYE system.

Mr Speaker, I am quite happy to let the hon. Lady have a copy of the information that the Hon. the Leader of the Opposition has requested in relation to PAYE when I send him that, which may assist her in her further considerations of these issues.

Q587-588/2016
Import and export statistics –
Expected date for updated figures; exclusion of petroleum products

1815 **Clerk:** Question 587, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Could the Hon. the Chief Minister explain why the import and export statistics, of which the most recent data sets are for 2014, exclude petroleum products, which I have been told could account for in excess of 75% by value of Gibraltar's imports and exports?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 588.

1825

Clerk: Question 588, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: The most recent import and export statistics are for 2014 as contained in the Abstract of Statistics 2014 which was released in December 2015. However, 'the source data for 2014 is incomplete and will be revised once all the declarations have been processed by HM Customs'. That was a quote.

1830

Would the hon. Minister inform when the 2014 data set will be released and also when the 2015 data set will be released? These data sets ought to be available to the Hon. Minister, as it was no doubt used in the estimation of the 2016-17 import duties.

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the import and export statistics exclude petroleum products because, if included, they would completely distort the real trade statistics. Petroleum product imports are re-exported and including these would artificially inflate both the levels of trade imports and exports. In fact, Mr Speaker, the GDP would go through the roof.

1840

Mr Speaker, the first part of Question 588 mentions 'once all declarations have been processed by H M Customs'. The declarations referred to are the non-dutiable declarations. The second paragraph asks when the 2014 and 2015 data sets would be released. This is a statistics matter not a Customs matter, although Mr Speaker and hon. Members are aware that I hold direct ministerial responsibility for both Departments.

1845

The Abstract of Statistics of 2014 was released in December 2015. The 2015 data set will therefore be released whenever Statistics complete the Abstract of Statistics for 2015, which I am informed is likely to be published very shortly.

1850

The availability of the incomplete data sets for the estimation of the 2016-17 import duties would not be relevant as these relate to the non-dutiable declarations, that is to say commodities that do not attract import duty and would not therefore have a bearing on current import duties on future estimations unless Government were to introduce new levies. The House will nonetheless be pleased to note that the processing of all dutiable declarations is up to date.

1855

Hon. Ms M D Hassan Nahon: Is the Chief Minister able to provide an insight as to which other countries in the world withhold their import and export statistics?

1860 **Hon. Chief Minister:** Mr Speaker, 'other countries' suggests that we do. I think the answer I have given the hon. Lady is that we do not. It is that we do not include that reference because it is not real trade and therefore it would distort the numbers. We are required to ensure that we provide an accurate reflection of trading in Gibraltar in the compilation of those statistics. The advice that we have, in keeping with international standards, is to not include them, otherwise
1865 we will be producing a distorted picture of trade in Gibraltar. That is my understanding. *(Interjection)* As far as I am told by the Hon. the Father of the House, it has never been included in any event since the calculation of statistics was provided for.

Mr Speaker: Next question.

Supplementaries to earlier questions

1870 **Hon. R M Clinton:** Sorry, Mr Speaker, you gave us leave to come back to the Chief Minister's answers to my questions if I had any supplementaries. Is this the right time? Yes, thank you, Mr Speaker.

If I could ask the Chief Minister, in relation to my Question 550: how many Government rental units were caught by the mortgage? This is not really a technical question in relation to
1875 the transaction itself. Does the Chief Minister have this information readily available, or not?

Chief Minister (Hon. F R Picardo): I do not, Mr Speaker, but from memory – so it is not reliable, and I am quite happy that it is a number we will give him reliably if they decide to accept the offer that I have made that we should meet – I believe it is 3,024.

1880 **Hon. R M Clinton:** Thank you, Chief Minister, for that number.

If I can go back to the answer to Question 541 where the estates were valued at £370 million, I note that the actual consideration for all these six estates was £397 million. Can he advise as to the discrepancy to the valuation of the £27 million?

1885 **Hon. Chief Minister:** Can he repeat the question, Mr Speaker?

Hon. R M Clinton: Certainly. In his answer to Question 541, he says at the later completion the estates were valued at £370 million. I note from records at Land Property that the total consideration paid was £397 million. Can he advise how the discrepancy of £27 million arose? Was there another valuation undertaken? Does he have the information available?

Hon. Chief Minister: Mr Speaker, I cannot give him an answer to that detail, but no doubt it is an answer that we will be able to give him in the context of the meeting that I have proposed
1895 and I invite them to accept.

Hon. R M Clinton: Thank you, Mr Speaker. In terms of the invitation to the meeting, I will hand over to the Leader of the Opposition.

1900 **Hon. D A Feetham:** Mr Speaker, before I get there, I have got a number of supplementaries myself.

In relation to the previous supplementary by my hon. Friend – the number of units there are effectively affected by the mortgage – the simple answer is, isn't it, that it is all the flats except those that the previous GSD administration had actually sold to incumbent tenants?

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Hon. Chief Minister: Sorry, can he repeat that? I was dealing with another urgent matter. I am sorry about that.

1910

Hon. D A Feetham: Yes. When we talk about the question that is on the Order Paper, which is the number of flats that are effectively mortgaged under this scheme, and the hon. Gentleman has said 'I do not have the number, it is 3,500,' or whatever the figure is, the simple answer, isn't it, is that it affects – and I know it is the blocks that are mortgaged – every single flat except those that were sold by the GSD Government when we were in government? Everything else comes within the actual mortgage and the loan that has been granted to the Government.

1915

Hon. Chief Minister: Mr Speaker, I do not accept that it is a mortgage. I think to call it a mortgage is to mischaracterise it and to bring the politics into it –

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Hon. D A Feetham: A charge is a mortgage.

1925

Hon. Chief Minister: Well, Mr Speaker, for a mortgage to be the relevant definition, the tenant would have had to consent to the fact that a loan has been granted over it, and although you might express it in that way, if you are using that term politically, what you are trying to do is convince people that their homes are at risk. Their homes are not at risk here, Mr Speaker. So let us be clear: people's homes are not at risk. And it is not just the properties which were sold by the GSD – there are also some properties which were sold by the GSLP/Liberals. We sold some after we were elected because there were applications to buy and we continued to sell – not that many, Mr Speaker, but there were a few. It is the blocks that are the subject of these facilities.

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Hon. R M Clinton: Mr Speaker, if I may – and again I confess to not being a lawyer – I have a deed registration, just by way of example, for the Alameda Estate. It says:

Ground Floor, Gibraltar Capital Assets Ltd. Grantee: Prudential Trustee Company Ltd. Consideration banking facilities, 10-year mortgage. Deed details: the Grantee creates a mortgage charge in favour of the Grantee secured on the buildings.

1935

As I said, I am not a lawyer, but given the deed of mortgage, which is actually headed up 'Deed of Mortgage', I just would like the Chief Minister to acknowledge that this is indeed a mortgage.

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Hon. Chief Minister: Mr Speaker, I think I have made it abundantly clear that what I was complaining about was that they were politically trying to refer to it as a mortgage in order to create the spectre that people are going to somehow have their homes at risk; and, whether they like it or not, people's homes are not at risk.

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This is what they are trying to do – it is very clear to me, Mr Speaker – and we are not going to be able to agree if they want to insist on using terminology for a purpose. But, look, it is entirely a matter for them. Do they want to approach this simply politically or do they want to approach this, as I have suggested to them, collegiately in the meeting that I have tendered? It is up to them, Mr Speaker. It is entirely up to them.

Hon. R M Clinton: Mr Speaker, as I said before, I am not a lawyer. I was merely trying to clarify the use of terminology. Everything I see before me ... A legal document, filed by TSN, has

1950 at the top of it 'Deed of Mortgage'. I would ask the Chief Minister to explain to me. Either I cannot read English or TSN have a habit of drafting documents that are not mortgages.

Hon. Chief Minister: Which part of 'I am talking about the political use of the term' is it that he does not understand? He does not need to be a lawyer to understand what I am trying to say to him.

1955 He is trying to make out that there is somehow a risk to people's homes – they spent the better part of the summer trying to do so. Or is it that he accepts that is not the case? If he accepts that is not the case, then we may actually be making some progress. If he wants to talk about the legal documentation, can he at least now accept, given that he tells us that he has in his hand a paper – he is starting to sound more and more like Neville Chamberlain every day, Mr Speaker – that there is no secretive aspect to this at all, because he is able to go to the public registry and obtain a copy of the documents.

1960 **Hon. R M Clinton:** Mr Speaker, I am not trying to make a political point. I am just trying to establish fact. Is this or is this not a deed of mortgage?

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Hon. Chief Minister: I do not know – he has got it and I have not.

Hon. R M Clinton: Mr Speaker, I will be quite happy to hand it across the floor, with your permission.

1970

Mr Speaker: Yes, do.

Hon. Chief Minister: As I thought, Mr Speaker, this is not a mortgage of any flat.

1975 **Hon. R M Clinton:** Mr Speaker, I did not ask whether it was a mortgage or deed on any flat. I said, 'Is this a deed of mortgage over the estate?'

1980 **Hon. Chief Minister:** No, Mr Speaker, he has said that now. He has said that now, and when he goes back to *Hansard* and he reads what he was saying and he reads what I was saying, he will understand why I was insisting that nobody's home was at risk, because there is no mortgage over any *flat*. There are charges over buildings but not mortgages over flats. That is why absolutely nobody's property, nobody's home, is at risk, Mr Speaker.

1985 **Hon. R M Clinton:** Mr Speaker, I know the Chief Minister is fond of references to literature, and I remind him of Shylock in *The Merchant of Venice*. What he is basically saying is he can have his pound of flesh regardless of a jot of blood, and obviously you can have a mortgage over the building and somehow ignore the flats. It is illogical and he knows that. But I think I am not going to labour the point, Mr Speaker. He acknowledges this is a mortgage of sorts –

1990 **Hon. D A Feetham:** No, it is a mortgage.

Hon. R M Clinton: Well, it is a mortgage of sorts. Over what? It is over the building – fine we can establish that.

1995 As regards to meeting with him, I will let the Leader of the Opposition deal with that, but he cannot ... Again, unfortunately, I am at a disadvantage. I am not an Oxford-educated lawyer. I cannot split hairs the way he does.

Mr Speaker: It is not always an advantage.

2000 **Hon. R M Clinton:** Well, I am glad to hear it, Mr Speaker, but as I say, the evidence of my eyes says this is a mortgage. It is headed up as 'Mortgage'. There may be technical details as to whether it is over individual flats, the flats, the building, the land, the air above it, the ground below it, but at the end of the day it is a deed of mortgage and it is there for all to see, and that is my point. Thank you.

2005 **Hon. Chief Minister:** Well, Mr Speaker, I thought we were not going to make statements these days and we were going to ask questions. Let me deal with the statement. I am very grateful the hon. Gentleman has reluctantly recognised that this is a mortgage over buildings and that there is no mortgage over people's homes, because they started the summer saying
2010 'the Government has mortgaged your home' to people, and they have ended the summer accepting that there is no mortgage over people's homes. So at least, Mr Speaker, they have recognised that sometimes they set the hares running in the wrong direction.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I? If I may, I think that the point here, and the
2015 point that people want to know really, is as much as the Chief Minister may tell us that the deal was made under very good terms, why was this mortgage absolutely necessary? Why did we need to get involved in a mortgage loan? I am also not a lawyer or a banker – well, I used to be. Why £300 million? Why does Gibraltar have to be saddled with a loan, whatever you want to call it, of £300 million? What is the need for that, even if the terms may be magnificent?

2020 **Hon. Chief Minister:** Mr Speaker, I am quite happy to refer the hon. Lady back to what I said in my Budget speech, but we are not 'saddled' with a loan. This was a great opportunity to take finance at historic low rates, and if you have that opportunity and you have other borrowing which you know in the future is going to fall due and you are able to replace it with better
2025 borrowing, then you have an obligation to ensure that you are ready to take that borrowing which is available today at better rates to replace other borrowing in the future or to do other things with it. Mr Speaker, those were the opportunities with which we were confronted. Those were the opportunities we were able to take.

Mr Speaker, I have offered the hon. Lady, as well, a meeting to deal with these issues so that
2030 she better understands the detail of what we are proposing to do. I think it is quite unprecedented for a Chief Minister to offer that level of openness and that level of opportunity to understand a transaction and to understand the purpose of a transaction and the detail of it – I am quite happy to have it. But, look, I have been saying I do not think it is appropriate to do that across the floor of the House for reasons that might become more apparent to hon.
2035 Members if, instead of pursuing me as if I were a hare, they were to sit down with me and get the information that they seem to be seeking. They may even, perish the thought, agree with us and they may even, perish the thought, say so.

Hon. Ms M D Hassan Nahon: Mr Speaker, I look forward to finding out more and taking the
2040 Chief Minister's offer of finding out why we needed, or it was advantageous, to take the £300 million.

Hon. D A Feetham: Mr Speaker, I have a number of supplementaries. There are a lot of
2045 questions that have been asked in relation to this and it is an important issue.

I also have a document here and this is the actual surrender. It gives rise to a number of
2050 supplementaries, but I will ask the first one first. It is a partial surrender of tenancy from the Minister for Housing onto Gibraltar Residential Properties Ltd. In that surrender, there is a surrender of the blocks, effectively, but then there is a carve-out in relation to specific flats. So we can see that in Moorish Castle there is a carve-out for Calpe House, Flat 20; there is then a carve-out for Ince House, Flat 17; Archbishop Amigo in Glacis Estate, Flats 1, 10, 11, 37 and 47. These are all the flats that have been sold, so effectively they have been excluded from being

2055 caught by the mortgage of the blocks. Therefore, just returning to the question that I asked, the reality is that every single flat is covered by the mortgage except those that have been carved out as a consequence of this document, but because these were sold either by the GSD Government or the GSLP/Liberal Government to the incumbent tenant.

2060 **Hon. Chief Minister:** Mr Speaker, this is a complex area of law and we can turn it into an easy political football. The buildings are mortgaged. Parts of those buildings are excluded because they are not owned by the party that is granting or that is taking the facility. The other parts are parts of the building. But the apartments and the rights in respect of those apartments are not, as in a mortgage that people will understand they take, subject to forfeiture in the event of payments not being made which might defeat the rights in possession of those who are tenants. That is what I am trying to say to him.

2065 I have offered him an opportunity to sit down and look at this in detail. If instead he wants to play ball and not sit down and do business together on the subject – because he might find that he agrees with us and he might find that he thinks that this is the right thing to do, and he might find that if he had had the opportunity of doing it he may also have pursued it – well then let us do politics in the usual way. He and I, Mr Speaker, are very good at going at each other. You sometimes have to intervene to stop us from going at each other instead of dealing with parliamentary business in the way you think is appropriate.

2070 I offered an opportunity to do something else, but I have not offered an opportunity to do both things, Mr Speaker. Either we sit down and we look at this and I explain it to him, or he subjects the Parliament to a list of questions which are slapdash. Why doesn't he just ask me those questions after the meeting if he is not satisfied with what we have told him? What is the point of answering every question he thinks he can come up with when I am offering him an opportunity to sit down with the experts and understand it?

2080 **Hon. D A Feetham:** No, Mr Speaker, that is unfortunately a skewed way of looking at it. He has offered a meeting – which we are considering, and I will respond to that in a moment – about the technical aspects of this particular deal. As I understood him, he was offering a meeting where basically he could impart information that may be commercially sensitive to the Opposition, which then the Opposition would have to treat in confidence.

2085 This is not such information, Mr Speaker. We are asking here how many of these flats ... That is the question: how many of these flats are affected by this mortgage? I am trying to understand precisely what the information is, because the answer to the hon. Gentleman was '3,500-odd flats'.

2090 The question that I then asked was: well, actually, isn't it the case that it is every single flat in these estates except the ones that have been carved-out because they were already sold? That is the only point that I am asking in this supplementary. That is not technical. That is capable of being answered.

2095 **Hon. Chief Minister:** Well, Mr Speaker, I gave him the answer three answers ago. I told him exactly: except the ones that not just the GSD sold, I said to him, also the ones the GSLP sold. So if that was the only question he was asking, he should have listened to the answer given three supplementaries ago. That is why this Parliament makes no progress, Mr Speaker. I really commend to the hon. Gentlemen that they watch Prime Minister's Questions and that they see how other Parliaments operate, because Mr Speaker is right to call us to order, but hon. Gentlemen also have to have an element of order about themselves. They have to realise what it is they are saying over and over again. And I said it was 3,024, from memory, not 3,500.

2100 Mr Speaker, I said two things in relation to the meeting. I said 'complex detail' – complex detail is not necessarily commercially sensitive – and 'commercially sensitive material', but if what he wants to do is take me through the complex detail today and then the commercially sensitive information another day, that is completely disjointed. All he is going to achieve is that

2105 we are going to spend a lot of hours debating something which ... Look, he might simply take the view that if he can argue about this for long enough he might be able to pull the wool over people's eyes on the subject and he might have some political advantage. Let me offer him, again, the olive branch of a meeting to go through complex detail and commercially sensitive information.

2110 Of course, not everything we are going to tell them is something they will be not be able to refer to in public – some of it will be. That is why we will tell them, 'This you can refer to, this you cannot refer to.' It is that simple. But please, Mr Speaker, if he could just at least ... if he is going to ask more supplementaries, can he ask me one I have not answered already?

2115 **Hon. D A Feetham:** Well, I am afraid that he did not answer the question. Does the hon. Gentleman really think that I enjoy standing up asking questions for him to just simply to avoid or evade or to decide in his own mind whether strategically he should answer or he should not answer? Because this is what is happening in these exchanges. He could have answered three or four questions ago the question that he has now answered.

2120 Mr Speaker, in relation to the answer that he gave originally ... He must not get upset, Mr Speaker. Listen to the question. In the answer that he gave originally to the questions that were asked, he said that the GSD Government had placed these estates into Government-owned companies. Does he not accept that that answer is actually misleading, for this reason: that, yes, the GSD Government placed some of these estates into Government-owned companies, but actually then took them out of the Government-owned companies, and as at 2011, when they were elected, they were vested in the Hon. the Minister for Housing? That is the position. And one estate which was placed in a Government-owned company for the very first time was Mid Harbours, and Mid Harbours was placed in a Government-owned company for the very first time by the hon. Gentleman. Does he not accept that that is the position?

2130 **Hon. Chief Minister:** Mr Speaker, nothing I have said is misleading. Everything the hon. Gentleman has said is absolutely misleading and I am going to give him the benefit of the doubt, because I am going to say that it is misleading because the hon. Gentleman did not have a clue of what was happening in the Government of which he was a Member. I am not surprised, because I have seen him told to shut up here by the man he used to describe as the greatest Gibraltar of all time. I never thought I would say it: I miss Sir Peter. I spent my life trying to get that man out of politics, and I miss him because at least one could have an intellectual argument with him. One did not have to repeat the facts and one did not have someone tell you that what you know you said three answers ago is not what you said three answers ago because they have just realised that they made a mistake. Mr Speaker, as I told him at the time of the Budget debate last year, *Hansard is un chivatito*, a little snitch, Mr Speaker – that when time comes for us to be judged by objective third parties who will read what we were saying to each other, will see that I gave him the answer four or five supplementaries ago.

2140 Mr Speaker, the position, as I understand it from the information I have been given from the Treasury and the Office of the Financial Secretary and the Ministry of Finance, is that at the time of our election the housing estates were in companies – I have told him in the context of the answer today – and that they were put into companies by the former administration. The only reason that the Mid Harbour Estate did not have to be put into a company is because it was given life to in a company by the former administration, led by a man I am increasingly coming to wish I would see sitting opposite me – if only ever on that side, never on this side – because at least, Mr Speaker, one could have an argument based on facts and moving the intellectual argument along, not having to repeat oneself over and over again.

2150 **Hon. Ms M D Hassan Nahon:** Mr Speaker –

2155 **Hon. D A Feetham:** Mr Speaker, if I may, because I am on this line of questioning before the hon. Lady – no discourtesy intended to the hon. Lady.

Mr Speaker, I just cannot allow him to get away with this. I am a lawyer. I have in front of me two documents and I have in front of me a document which is a tenancy agreement between GRP and the Housing Minister, and it lists the Housing Estates, putting the housing estates back in the name of the hon. Lady. Then, there is an agreement for the partial surrender of tenancy made between the hon. Lady and GRP, which basically puts them back in the name of GRP subject to a carve-out. Mr Speaker, if he can demonstrate I am a complete ignoramus as far as the law is concerned ... These are documents that are very clear, Mr Speaker. Of course, I accept that these housing estates were at one time placed in these companies, but they were taken out and they were placed in the name of the hon. Lady prior to the 2011 Election and these documents show that.

2165 Now will he, at the very least, go back to the officials he says gave him the answer – which is the political sting in his answer, so this was all down to the GSD – and would he at the very least enquire whether I am right in my interpretation of the documents? They are not very difficult documents, I have to say.

2170 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to what I have said about where the estates were and when I said that they were there, Mr Speaker. But he sits down, having said, 'I am not going to let him get away with this.' He sits down in his previous supplementary having said, 'That is the position'. Well, he thinks he speaks from St Peter's chair. St Peter has gone, Mr Speaker. That is the problem. We would not have these problems if St Peter was here.

Mr Speaker, I am not going to say that he is an ignoramus as a lawyer or not an ignoramus as a lawyer, because as he said before we are both members of the same firm. I would not be doing us any good marketing if I said that he was an ignoramus as a lawyer. I make no comment on his legal ability. It is good enough that he is one of my partners, but he might have got this transaction completely wrong. He may not understand it. That is why I am saying to him this is a very complex transaction. He may want to understand it or he may just want to take pot shots, Mr Speaker.

2185 The officials who gave me this information are listening. I am sure, Mr Speaker, that they will confirm that what they told me to come to this House with is the correct position and that what he is saying is not the correct position. I realise that in the terminology that he has used in explaining the documents that he has – at least Mr Clinton had the decency to let me see it – he has used the terminology of 'tenancy'; he has used different terminology to the terminology of transfer of ownership. Mr Speaker, I am not going to have a litigation across the floor of this House. I stand by what I said. I know that officials prepare us well for these exchanges. I have faith and confidence in the officials who gave me that information. I have said it before and I have said it again: if he wants, he can still have the meeting and then he may not feel that he is anything other than the greatest lawyer of all time, but he might accept that perhaps in terms of understanding this very complex transaction he was an ignoramus until we sat down and explained it.

2190 **Hon. D A Feetham:** Mr Speaker, quite frankly, I do not need the officials to explain the transfer of ownership. That is not of the technicality that I would need explaining, and I just simply ask the hon. Gentleman to go back and to check with the hon. Member's staff – the ones who have produced his answers – whether it is correct in the light of the documents that I have referred to, that as at December 2011 these estates were in the companies and were not vested in the hon. Lady as Minister for Housing, because that is what the documents indicate to us and they are pretty clear as far as we are concerned. Now, he can do that, and if they come back and they say Mr Feetham is wrong I will accept that, but as far as I am concerned it is pretty clear.

2205 In relation to the meeting, Mr Speaker –

Hon. Chief Minister: Let me deal with that one. Mr Speaker, I will go back because when I go back they will have been listening to this and will be talking about the fact that he failed to understand the transaction and they will explain to me why he has got it completely wrong. But I can tell him now, from here, from what used to be St Peter's chair, that there is one thing he has got completely wrong. It certainly was not the hon. Lady. She only became Minister for Housing last year. If he is talking about December 2011, the Minister who was appointed as Minister for Housing unfortunately is no longer with us – our great friend, Charles Bruzon, who we all, I know, on both sides of the House will remember fondly. I assume he means the Housing Authority, which is the nomenclature of the Housing Minister. Well, the nomenclature for the Housing Minister is the Housing Authority. Mr Speaker, of course I am going to have that discussion when I go back, but the one thing that I am sure he will not accept is 'graciously say I got it wrong' when I come back to him and say 'Look, Danny, you were wrong and they were right in what I have been saying all along.'

Hon. D A Feetham: Yes, Mr Speaker, he can also go back to his officials and just simply look at the parties and look at who has signed it. It is the hon. Lady that has ... no, it is not the hon. Lady, but who has signed it and who are the parties to this particular transaction, and also what is the substance and the nature of these two documents. If he wants, I can make copies and he can take those with him as well.

In relation to the meeting, Mr Speaker, as long as it is understood that information that is not commercially sensitive that is imparted to the Opposition in a meeting ... that the Opposition can do what it wants to do with that information, and if the Opposition feels that part of that information ought to be brought into the public domain, that we are not constrained to do so by any restrictions ... We accept that if there is commercially sensitive information then it is right that we do not disclose it publicly, but a lot of the information that the hon. Gentleman was asking about was nothing to do with commerciality, it was just simply technical answers to technical questions and the Opposition must reserve the right to make whatever use of that information it chooses to make use of.

Hon. Chief Minister: Mr Speaker, he does not need to make copies of our documents, which we have generated, we have filed on the public register for him to be able to make copies of and take home. We do not need them; we have got the originals, Mr Speaker. But he might like to at least tell me what document he is looking at, because this is a very complex transaction with many documents. Let him refer me to what document it is that he wants me to look at.

Mr Speaker, in relation to the meeting, all he has done in setting out those conditions is accept the conditions that I indicated would be the case, because the fact that there is complexity does not create any need for confidentiality or sensitivity. I said to Mr Clinton, 'Complexity ... Once you have understood it, you may like it or you may not like it, you may praise it or you may not, but the commercially sensitive aspects are the ones that we must insist be kept confidential,' and those are the ones, Mr Speaker, that we will insist are only disclosed upon them agreeing that – and Mr Clinton indicated that they would.

Mr Speaker, I think the best thing to do is to go to that meeting and not waste time, like two people who want to demonstrate something which does not avail us of any progress, when there is, I think, a very generous offer on the table that enables them to have both complexity explained and commercially sensitive material explained under the cover of the fact that that would be commercially sensitive and could not be disclosed.

I think the problem is, Mr Speaker, that they have never had such an offer. They never imagined that such an offer would be put in this Parliament and they do not know how to react to it. But it is no problem, Mr Speaker. All is forgiven and I hope that we can meet soon.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2260 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would not want to venture into this ping-pong
between the two lawyers from one of Gibraltar's leading law firms – I would not like to think
that I could compete – but I just think that it is almost irrelevant, all these technicalities and all
this jargon that they keep talking about with each other, because I do not understand it. People
do not understand it, but one thing that people do understand is that they do not know why this
2265 £300 million has been borrowed and the Government has not done enough to calm the man on
the street who needs to know why this money was borrowed. It is creating a lack of confidence,
a lack of trust, and it is causing a sense of fear and insecurity. As much as I am grateful for the
Chief Minister's offer to meet – and I look forward to it because that way I could relay any
information on to my constituents or people who are worried on the street – I do think it is
2270 down to the Government of the day, this Government, to communicate with the public, because
there are a lot of people who are genuinely insecure about why this huge amount had to be
borrowed. I think it is down to the Government – as much as we all get offers, and I am grateful
for that – to come out and make people comfortable with this arrangement.

2275 **Hon. Chief Minister:** Well, Mr Speaker, the short sharp answer went the way of doing one's
homework.

Mr Speaker, this transaction does not create a lack of confidence. This transaction
demonstrates an unprecedented level of confidence in Gibraltar and its Government. Never has
Gibraltar before been offered the opportunity to borrow this amount of money on this low level
of interest. This is really quite unprecedented and is such a show of confidence in the jurisdiction
2280 that everybody should realise just what steps forward we are taking. I am very proud indeed to
be leading this community at this important time in its history and to be able to deliver this
important financing package to it.

If some people are feeling an element of fear or insecurity, if I may say so, that is not of the
Government's making. The hon. Lady says we have to explain better why it is that we have
2285 borrowed the money etc. Let me just say this: I think if there is fear and insecurity it is because
there are people distributing leaflets to every home where they are making people fear that
their home might be at risk. But that, Mr Speaker, is not something that is having the required
effect, because people who I meet – and I meet very many people and I communicate with very
many people, and I wish I could communicate even more with the people who I work for, who
2290 are the people in this community and the people for whom this money will be put to the use of –
tell me that they realise that if we have done this they are with us because it must be the right
thing to do, and they understand that.

But I will say this to the hon. Lady: it is a novel approach in Opposition to say to a
Government, 'You may have done something very good – explain it a little better, because
2295 people do not understand it.' It is helpful, I recognise that, and if she thinks that there are
pockets of people who have not understood it well, then I take that on board because I want
people to understand it well. If others have been able to sow fear and insecurity, for them to
realise the huge boost for the confidence of our nation that this is, the huge show of confidence
by international investors that this is, then perhaps I should just consider taking her on as our PR
2300 adviser on issues like this.

Thank you very much, Mr Speaker.

2305 **Mr Speaker:** May I just remind the Chief Minister that the Commission to which he appointed
me and which I had the honour to chair, in a report stressed the importance – and I do so as
Speaker as well – of ministerial statements here in Parliament. It is one thing, as part of a Budget
speech that may last two hours or two and a half hours, to explain something. It is quite another
to come here to the House and make a ministerial statement at the beginning of the meeting
which the media, the press, are likely to reproduce in full. I would commend that approach,
because it is something that worked very effectively in the past and I think that it would work
2310 again for the benefit of all Members of Parliament and the public.

Hon. D A Feetham: Mr Speaker, may I?

Hon. Chief Minister: Mr Speaker was addressing me.

2315 **Hon. D A Feetham:** Was he, or was he addressing the House? If you want me to give way, I will. I was on my feet, but –

Hon. Chief Minister: So am I. The last time I checked, the things at the bottom of my legs were my feet. Right.

2320 Mr Speaker, I am grateful for that indication. I thought that in the Budget it was the right moment – because it was the first meeting of the House after the transaction had been completed and it was a financial arrangement, although it did not relate to the Estimates – to bring it here. Hon. Members spend most of their time saying that we do not deal with the company issues. Well, what more company issue than this, that is in this House. Of course, the
2325 fact that they are able to question, they have the documents, etc. demonstrates that they are wrong when they say that, and I am grateful for Mr Speaker's indication that we make more use of the ministerial statement.

I recall, Mr Speaker, that I made use of the ministerial statement procedure during the course of the debate on the Appropriation Bill last year, where I had to adjourn that debate and make a
2330 ministerial statement, and that was indeed very effective, so I take that on board.

Hon. D A Feetham: Mr Speaker, in relation to the answer that he gave to the hon. Lady, does he not accept that if the Government were to, God forbid, be in a position where the Government cannot pay for this loan, effectively it would place the mortgagee in a position
2335 where they would be in a position of a private landlord in relation to these particular tenants? Because otherwise security would be a worthless security.

I know that it is far-fetched that the Government is going to go bankrupt, but in a situation where the Government cannot pay, does it not follow therefore that the company that is providing this particular loan would effectively own these estates and that the tenants would
2340 become private tenants?

Hon. Chief Minister: Mr Speaker, I rise to do something unusual, which is to thank the hon. Gentleman for the statement he has recorded now in the *Hansard* – which, as he rightly says, is there for the future – where he has said it is far-fetched to think that the Government is going to
2345 go bankrupt. I sincerely am grateful for the clarity with which he has uttered those words, given that he has spent most of the last five years suggesting it is about to happen at any moment. The fact that that premise was rejected so soundly seems at least now to have got through to him and I am now going to be able to refer this *Hansard* reference to anyone who might be persuaded the hon. Gentleman is once again going to go down the road of arguing the opposite.

2350 Mr Speaker, in the event that the facility were not to be paid – Government or otherwise, because the arrangements are, as he knows, not directly with the Government – there is, of course, a procedure for enforcement. But he needs to understand that the point I am making to him is that the enforcement procedure takes subject to the right of the tenancy and therefore nobody can be evicted from their homes – nobody – because they take subject to the tenancy as
2355 it is, which is covered by the Housing Act, Mr Speaker, and is the most protected tenancy that there is in Gibraltar. So nobody's home is at risk and nobody is going to suffer a rent increase as if from a private landlord. All of the eventualities that he might wish to put to people to try and persuade them that this is a bad thing, in the eventuality that he has accepted will never occur, have been provided against and will never happen. There will not be any rent increases as if this
2360 were private property. There are no evictions, as it were.

The only thing, Mr Speaker, is that as we have now agreed across the floor of the House, whether it is the Government, Gibraltar Capital Assets or a private tenant, people will be evicted

2365 if they do not pay their rent, and hon. Members opposite have insisted that we should do that –
that we should pursue people to eviction if they do not pay their rent to us. People have to
realise they have responsibilities and obligations and they have to pay rent. That, Mr Speaker, is
the only circumstance in which somebody may lose their homes, but it would be a man bites
dog. But, of course, if we look at the basic premise, which is when does the security kick in, it is
only in what he has now accepted himself is the far-fetched possibility that the Government
2370 might not be able to pay, as he expressed it. Mr Speaker, it is so far-fetched that it is never going
to happen and so therefore anything that we argue about now is about that remote possibility,
which is not realistic, which is not going to happen, and where the only people who would
appear to want to see that eventuality materialise, are the six – I am not going to say seven – the
six servants of the people sitting opposite me who might think that in some way that might avail
them of political hay. Mr Speaker, it was never going to happen. They spent most of the period
2375 in the lead up to the last election persuading people that it might happen. It is never going to
happen in the future. This community is more solvent than it ever has been before. There is a
huge boost in the confidence that people can have with the public finances of Gibraltar that we
have done this deal. Gibraltar is doing very well indeed, better than ever.

2380 **Hon. D A Feetham:** Mr Speaker, on the one hand I want Gibraltar to be bankrupt, but on the
other I make the concession that it is far-fetched for Gibraltar to become bankrupt. The hon.
Gentleman must also be consistent himself, despite the fact that he is constantly accusing me of
inconsistency, Mr Speaker.

2385 Of course, I do not want Gibraltar to be bankrupt. It is my living. My business is in Gibraltar.
We are both partners in the same firm, which makes a living out of the fact that Gibraltar is
solvent. That does not mean that I am not entitled to question the hon. Gentleman as to the
repercussions and the consequences of all that money that he has borrowed and all that money
that he has spent today and for future generations, particularly in the light of a Brexit. But how
on earth can he possibly impute to me that I want Gibraltar to be bankrupt when it is my own
2390 living and his living – it is our living jointly, Mr Speaker – and it is the living of everybody else in
Gibraltar?

2395 Mr Speaker, these are the two documents that I would wish that the hon. Gentleman put to
public servants when they come to consider the point that I raised before, which was a point
addressing the hon. Gentleman's point about ... Well the GSD was the one that actually did all
this, and that is a document ... it is a tenancy agreement between Residential Properties Ltd and
the Minister for Housing –

2400 **Mr Speaker:** Isn't the hon. Member repeating himself? He is going over the same ground
again.

Hon. D A Feetham: No, I am not asking a question. I am just detailing the documents.

2405 **Mr Speaker:** But you already have. (*Interjection*) I think we all know. We have all heard what
the document is you have –

Hon. D A Feetham: No, Mr Speaker, you have not, because I may have inadvertently ... In
these exchanges, there may have been a confusion in relation to who signed the document and
when. There is a tenancy agreement between GRP and the Minister for Housing which is dated
23rd day of June 2011. That is effectively vesting on 23rd June 2011 these estates in the Minister
2410 for Housing. So it is vested in the Minister for Housing. Then there is the surrender of that
tenancy from the Minister for Housing back to GRP, and that is done on 23rd day of March 2016.
That is the surrender. So it was vested at the election in the Minister for Housing, and it was
surrendered back from the Minister for Housing to GRP in March of 2016. Those are the two

2415 documents which I relied upon in order to make the assertion that actually, as at the election in 2011, these estates were vested in the Minister for Housing.

Hon. Chief Minister: Well, Mr Speaker, a lot happened in between those two periods and we will see and deal with those issues.

2420 The hon. Gentleman says that I am somehow being inconsistent. Mr Speaker, I am grateful that he has in effect opened a window into his head for us, because he has spent most of the past five years arguing that Gibraltar is or is almost bankrupt. If he wants me to show him where he has done it, or people who are affiliated to him have done it, I will happily do so because, despite that, the confidence that we have been able to see created in respect of the economy of Gibraltar and its public finances has now resulted in this fantastic financing arrangement.

2425 Mr Speaker, we will be able to look at all of the documentation that they want to look at which relates to this transaction. We will be able to explain the complexity to them. We will be able to deal with the commercial sensitivity. All of that, Mr Speaker, as a better alternative to what we are doing now, which is just having a row. What is the point, Mr Speaker, if I am offering the opportunity to sit down and deal with these things? It is simple: he wants to make politics out of this, he does not want to deal with the issues that we are proposing we should deal with together, he does not want to understand the transaction. What he wants to do is make politics of it. Maybe, Mr Speaker, after the meeting, he will come out thinking, 'Damn, I should have made less politics of that, because that is a very good transaction indeed, and if I am honest and if I am upright, I am going to persuade my executive to issue a press release saying that the Government have done the right thing.' I will not hold my breath, Mr Speaker.

2430

2435

Hon. D A Feetham: No, don't!

2440 **Mr Speaker:** Are there any other supplementaries to the Chief Minister? If not, I am sorry to disappoint the Hon. Mr Reyes but he is not going to be able to proceed with his questions this evening.

ADJOURNMENT

Mr Speaker: May I ask the Hon. the Chief Minister to move the adjournment of the House.

2445 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, I move that the House do now adjourn to next Thursday at 3 p.m. in the afternoon.

Mr Speaker: The House will now adjourn until next Thursday at 3.00 p.m. in the afternoon.

The House adjourned at 6.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 5.26 p.m.

Gibraltar, Thursday, 29th September 2016

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The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q511 and 514/2016

Mons Calpe Mews and Beach View Terraces – Allocation and reallocation of properties

Clerk: Thursday, 29th September. We continue with answers to oral questions. We commence with Question 511, from the Hon. E J Reyes.

5 **Hon. E J Reyes:** Mr Speaker, how many of the new homes at Mons Calpe Mews and Beach
View Terraces have been allocated to persons falling under the following categories:
(a) applicants on the housing waiting list who were not already tenants of a Government rental
home; (b) applicants on the housing waiting list who were already tenants of a Government
rental home, indicating how many homes have been returned to the Government rental stock;
10 (c) existing home owners, indicating what has happened to the home they previously owned;
and (d) those falling under any other possible category?

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

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, I will answer this question together with Question 514.

Clerk: Question 514, the Hon. E J Reyes.

20 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many rental homes have
been returned to Government for reallocation, inclusive of rooms composition of said homes, by
purchasers of both Mons Calpe Mews and Beach View Terraces?

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

25 **Hon. Miss S J Sacramento:** Mr Speaker, in response to Question 511: (a) 844; (b) 24; (c) nine,
and they were permitted to sell; (d) 11.

On Question 514, of the 30 Government rental flats returned to stock, their composition is as
follows: 11 2RKB, 13 3RKB, 5 4RKB and 1 6RKB.

30

Hon. E J Reyes: Mr Speaker, in Question 511, for part (b) I have got a number of 24. Is that referring to how many homes have been returned to the Government rental stock, or is that referring only to the first part – applicants on the housing waiting list?

35 **Hon. Miss S J Sacramento:** It is returned to rental stock by applicants on the waiting list. It is both, Mr Speaker.

Hon. E J Reyes: Mr Speaker, the hon. Lady may have to explain further to me, because in Question 514 I get the figure of 30 as the number of homes returned for reallocation. I am sure
40 there is some explanation, but I cannot make it out yet.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because I thought the same when I got the answers, and I thought they did not add up; but it is because flats have been returned to the housing stock but not necessarily by the purchaser. As an example, there is a case where
45 someone has bought a house and their granny will go and live with them, so their granny's flat is coming back to the rental stock. It is circumstances like that.

Hon. E J Reyes: Yes, that helps to explain. And for part (c), Mr Speaker, the hon. Lady has said that the figure was nine. That is referring to existing home owners, but my question also
50 required an indication of what had happened to the home they had previously owned, because I think if you were a home owner there were certain conditions that you could purchase. I do not seem to have a note of that part of the question.

Hon. Miss S J Sacramento: Mr Speaker, I did answer that part: I said that they were allowed
55 to sell. In most of these cases, because I can pre-empt the next question, the circumstances, in the majority of these, were for medical reasons.

Hon. E J Reyes: Yes, thank you, Mr Speaker, that helps. So, were they allowed to sell on the open market at any price that they fixed, or does the Minister know ... because I think when they
60 first advertised these co-ownership homes, there were certain terms and conditions under which the houses could be sold. I could be wrong. I interpreted that Government would restrict who they could be sold to. My presumption was that it had to be someone who was already on the housing waiting list. Perhaps the hon. Lady has some information and she could explain that to us.

65 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the exact information, but it would have been that if the flats were in particular states which already have those restrictions then those restrictions would apply.

70 **Hon. D A Feetham:** Mr Speaker, just in relation to (c), and to clarify, that the position – and it is a position as a matter of Government policy going back not only to our administration but to the previous GSLP administration – is that anybody who owns a home, in other words a home owner, and then sells that home cannot go back onto the housing waiting list unless there are very cogent reasons why they should be allowed on the housing waiting list. If they do not
75 qualify for the housing waiting list, then they do not qualify to buy an affordable home. So what the hon. Lady is saying in relation to (c) is that those nine, who have sold and been allowed to purchase either at Mons Calpe or Beach View, are people who are allowed to sell and purchase for medical reasons, perhaps because the flat was on the top floor and they are buying on the bottom floor. How many of those were medical reasons and how many of those were for other
80 reasons, please? But also, could she confirm that my understanding of the policy and my understanding of the answer is correct?

Hon. Miss S J Sacramento: The understanding of the policy is not entirely correct, because it is not, Mr Speaker, neither now nor before are you precluded from reverting to the Government waiting list merely because you have been a home owner. Mr Speaker, it depends on the
85 circumstances of the sale and whether the sale had to be for a particular reason, and the level of profit, if any, made from the sale, and that in large part has to do with the equity held in the sale.

So, in these nine cases, which have been in exceptional circumstances, the majority – I will go
90 back to the page – were for medical reasons. More than half were for medical reasons, Mr Speaker. Going back to that point, while the general principle, which is in clause 5(d) of the Housing Allocation Rules, says that if you were previously a home owner you cannot go back, it depends on the level of profit made from the sale of the home. There have been people who have reverted to the waiting list following the sale if the circumstances justify it. That has
95 happened now and that happened before, when the hon. Gentleman was in Government.

Hon. D A Feetham: Yes, the Hon. Lady is right – I recall that if, for example, you are forced to sell because there is a divorce, in those kind of circumstances then the Government takes the view that they ought to be allowed onto the housing waiting list and they are allowed, or one of
100 them may be allowed, to buy in affordable home developments. I have never heard the second part, which is the equity part, but nonetheless I accept what the hon. Lady says.

She says 'the majority': can she give a figure of how many of those nine were for medical reasons and how many were for other reasons? The reason why I am asking the hon. Lady is because this is an issue which certainly I come across quite often in surgeries. Indeed, I have
105 today spoken to LPS about a particular transaction where potentially the problem is precisely this: that the gentleman who is buying had sold in the past and therefore is met with a block of this particular policy. Therefore, I want to explore with the hon. Lady what kind of reasons have been accepted in relation to the ones that are not the majority, not medical reasons.

Hon. Miss S J Sacramento: Mr Speaker, it is exactly as the hon. Gentleman said. The other situations are where people are forced to sell on account of separation or divorce. But to be clear, what the Department looks at – and it looks at it now in the same way as it was looked at before – is the person's financial circumstances, which may have arisen from the sale and since
110 the sale. The policy and the procedure are the same. You are not blocked because you were a home owner; the block depends on the financial circumstances post the sale. Because, if you had to sell because you could either not afford the home – (*Interjection*) unemployment is an example – or whether you were forced because of medical reasons, again it goes to affordability or forced because of separation or divorce, and there is no profit made from the sale or very little profit made from the sale, of course, Mr Speaker ... And the point I made as to the equity is
120 directly related to the profit made from the sale. If someone has just purchased a property but when they sell it on account of genuine reasons and make no profit because the level of equity that they had in the property ... then that is a situation where we would consider them going back into the housing waiting list, in the same way that it has always been done, because we try and help people who have financial difficulties and have to sell their property because of that
125 reason.

So, just to make it clear, I do not know what situation the hon. Gentleman is referring to, but it is not the fact that people were previous home owners that will preclude them from being on the housing waiting list. It is a previous home owner who sells and makes a profit from the sale.

Hon. D A Feetham: Well, that is very helpful, but, Mr Speaker, she has not answered the question that I posed, which was – [*Interjection*] Yes. Thank you very much.

Hon. Miss S J Sacramento: Sorry, Mr Speaker, I got carried away. In fact, of the nine there are six medical and the others are on account of separation.

135 **Mr Speaker:** Any other supplementaries?

Hon. E J Reyes: Yes Mr Speaker, if I may come back to the Minister's answer in subsection (d) of Question 511, under those falling under any other possible category she gave me a figure of 11. I put it into, sort of, a very generic term any other possible category. Does she have some
140 sort of breakdown of how we can classify those 11? I put that down thinking that at Question Time she may want to classify people who have separated and so on, but she has just mentioned that the separation ones have come under section (c), so what would those 11 generally speaking come under? Which category?

145 **Hon. Miss S J Sacramento:** And of course there is an overlap, because in that answer separations are included as well, but it is people who ... Because there is a bit of duplication in the questions, it means that a person may appear in more than one category. So, those people relate to people who are separated, applicants who were not previous tenants but still releasing Government flats, which I referred to earlier – that is the breakdown for the 11.

150 **Hon. E J Reyes:** So, Mr Speaker, if I add the 844 who were not already tenants with 24 who were already tenants, with the nine who were home owners, with the 11 any others, that gives me a grand total which is not necessarily the total. Is that what the Minister is saying – that I cannot take it for granted that by adding up those figures I get an answer? Therefore, I am not
155 getting an answer to what the gist of the question is.

Hon. Miss S J Sacramento: Certainly not, Mr Speaker. He has had an answer for each question that has been asked.

160 **Hon. E J Reyes:** Well, Mr Speaker, I am one of those, perhaps in the minority, not being on the legal side, and perhaps the way I have drafted this, in very layman's terms ... I thought that by adding these categories one would come to the total number. Now, some seem to have been added twice and I do not know why, because (a) is if you were not a tenant, (b) is if you were already a tenant, and (c) is the home owners, and therefore (d) is –

165 **Hon. D A Feetham and Hon L F Llamas:** Eleven in the other category.

Hon. E J Reyes: – 11. I need to know what happens ... if they were already accounted for before, then there is no need to account for them again in (d). I do not know – perhaps us school
170 teachers do not know how to explain things, Mr Speaker.

Hon. Miss S J Sacramento: No, Mr Speaker, I am not trying to catch anybody out. It is very simple. We have looked through ... In fact, in any event, the hon. Gentleman is right. Loosely, we may be overlapping in one or two, but generally it is that they are all added up. It may be that
175 one person that the reason for the answer to one of the sub-questions will include one and that person may appear in the other question. But the hon. Gentleman does not ask for a total in this question, he asked for particular categories, so the answers to those particular categories have been given.

In general, it is a question of adding it up, say for a couple for whom both questions may
180 apply, so it means that they appear in both. I have not got an exact scientific breakdown of who may be involved, but it is only something ... For example, there may be one person to whom both questions apply but it will only be in the minority, Mr Speaker, and there is nothing wrong with the question, other than it does not ask for a total, and I cannot see from here that it was intended to ask for a total of anything. But, roughly, if you add it up, we know the number of
185 flats that we have is almost 900, so the figures all add up. So it is not a huge discrepancy we have; we are only talking about one or two people who, because of the way the question is

asked, may appear on both. It does not mean we are trying to catch anybody out, or anything like that.

190 **Hon. E J Reyes:** Okay, Mr Speaker, and I beg your leave – I know it is not necessarily implied
in this question, but what I was going to do was, knowing the number of flats that have been
built in these projects and therefore adding up all these allocations ... I thought from there I
would be able to deduce that there could still be three, four or five flats empty. I cannot do that,
and I know the hon. Lady has tried her best to explain that to me. Would the Hon. Minister for
195 Housing happen to know at this particular stage if there are still any flats that have not been
completely, finally ... so they are still available? I believe that, for a variety of reasons, some
people may have pulled out, because they did not get a mortgage or a couple were intending to
buy to start off as a matrimonial home and are no longer together. The Minister, I know, is so
efficient that she could well have something there.

200 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and if that was the answer that the hon.
Gentleman was getting at then all he had to do is ask and not have us jump through hoops and
doing arithmetic. I confess that I am not the best at figures, that is for sure – well, adding up
figures, Mr Speaker. But the answer to the real question which the hon. Gentleman was after is
205 that no, from my understanding, certainly not today, I do not believe that there are any vacant
flats left. There have been instances where some people may not have been able to obtain it
because they have had difficulty with a mortgage, and we have worked with people in order to
be able to assist them to finance the properties. Some that have come back have gone back to
other people on the waiting list. But there have only been very, very few flats that have been
210 returned; and, as I understand it, there are none at the moment that are not allocated.

Hon. D A Feetham: Mr Speaker, may I return to the answer that the hon. Lady has given,
because the first three categories the first one is applicants on the housing waiting list who were
not tenants of a Government rental home, the second one is applicants on the housing waiting
215 list who were tenants, the third one is existing home owners, and then those falling under any
other possible category. I do not understand what that other category could possibly be that
does not include (a), (b) and (c). Can the hon. Lady perhaps enlighten us as to what other
possible categories there are by way of examples of people who have been allocated? If they are
not on (a), (b) or (c), what could they be?

220 **Hon. Miss S J Sacramento:** Mr Speaker, I have so many lists of things here ... You know what
it is, Mr Speaker? There is an overlap between Question 511 and 514. That is what does not add
up, but here they do add up. Mr Speaker, you will recall the first supplementary question was
that there was ... The answer to one was 24 and the other answer was 30, and that is because
225 the question asked was different. But in relation to this one, specifically Question 511, yes, you
can add those up. Yes, Mr Speaker, the overlap will be in relation to the answer to Question 511
and not Question 514.

Hon. D A Feetham: Yes, and that may provide an answer to the hon. Gentleman's question
230 that he asked a few moments ago, but it does not provide an answer to me in my question.
(*Interjection by Hon. Miss S M Sacramento*) Well, no, because when the answer comes back to
the question that those falling under any other possible category is 11, what other possible
category can there be other than those on the housing waiting list who are not tenants, those on
the housing waiting list who are tenants, and existing home owners? I suppose private rental – is
235 that what those 11 are?

Hon. Miss S J Sacramento: No, because there may be people, Mr Speaker, who may be living
with their parents, not on the housing waiting list, but now tenants because the family member

240 who was the actual tenant is releasing. It is a bit convoluted, but that is what it is. If someone lives with their parents or grandparents, they are not the tenant and they may not necessarily have been on the housing waiting list.

Hon. D A Feetham: Yes, Mr Speaker, this is the issue, that they –

245 **Hon. Miss S J Sacramento:** No, they are on the waiting list but they were not tenants. You can be on the waiting list, not already tenants – *(Interjection)* Yes, actually. *(Interjection)* Hang on. Mr Speaker, there is someone ... Let me just check to see if this is an additional person or just a different category. There are applicants, not tenants, but still releasing Government accommodation, and this has been the case of people who live in tenancies where the official
250 tenant is the parent or the grandparent. So this has in fact been more helpful, because it is additional information – because it is questions that are not being asked here (a), (b) or (c): this person does not fall into any of these categories, (a), (b) or (c), so these people are additional.

Hon. E J Reyes: Mr Speaker, the last part she has explained, I can understand that part and
255 that is why I accept the figure 30 in Question 514. Hypothetically, my parents are the tenants, I am on the housing waiting list, I get a house, and then when I get that my parents decide to release the flat. We used to live, once upon a time, on Alameda Estate – they release that flat. That is why that figure of 30 does not coincide with the figure 24 in part (b). I can understand that, and that one is pushed aside now.

260 What I do not understand is ... I threw in part (d) because the Minister is entitled to say to me, 'I have answered those who are not tenants, I have answered those tenants, I have answered those who are existing home owners, and you have not asked for something else.' So I just threw in a sort of a joker when one is playing rummy: 'any other possible category'. Can I have some indication what is the other possible category that is not a tenant, were tenants or
265 purchasers? There is a figure of 11. If they do not fall under either (a), (b) or (c) I need some explanation, and if they fall under (a), (b) or (c), let's take it away from (d); otherwise, we are accounting double.

Hon. Miss S J Sacramento: Actually, Mr Speaker, looking at the names of the people that I
270 have, I am realising now that the answer is incorrect, because I realise from here an answer that I have been provided for those falling under any possible category, two of which are here on account of separation but who are also on the waiting list. So, when I look at the breakdown of the names, the answer has been prepared and the person is in the wrong category, at least two of them – the other ones, applicants not tenants and releasing GoG. So, Mr Speaker, those three
275 could easily have been in a global answer to (a). Yes. It is just that the way the answer has been prepared is as if internally they have a further subsection that is not a straightforward 'people on the waiting list who were not a tenant'. So, Mr Speaker, of the 11, two should actually be added on to (a). Then there are others who were tenants and releasing GoG rental, because that was not a specific category. Here, what they have done is included it as 'other', because it is slightly
280 different to the way the question was posed, Mr Speaker.

Hon. D A Feetham: I will tell the hon. Lady what I have in mind and the political issue that I have in mind. The political issue that I have in mind and the reason why I have been asking these questions to clarify this particular issue is whether the Government has made any exceptions in
285 relation to allowing people to buy not within the standard policy of the people who are allowed to buy in affordable homes. Therefore, the next question would have been: how does the Government make that exception so that people know on what basis the Government is making an exception, so that if that exception applies to them as well, they too can take advantage of the policy? That is the issue that concerns me. That is why I have been asking the hon. Lady to
290 clarify. Can the hon. Lady therefore confirm to me that none of these 11 are an exception in

terms of the policy applicable to people and the conditions in which people can buy in affordable homes?

295 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the policy has been applied. I think that when they were preparing the answer for me they were being extra helpful; and if someone had something which was in addition to the way it was asked here, they have considered it as different circumstances. But no, Mr Speaker, they pretty much all fall into the others.

300 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the hon. Lady could confirm or clarify for me: I am not sure whether I heard correctly where she said that there were cases where the Government had provided financial assistance to people to purchase these properties.

305 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** I think the answer to that question is the one that I gave him when he asked me how many people had been given the mortgage from Home Loans and I explained to him that Home Loans was not competing with the commercial providers, it was only a fall-back position so that there would be a safety net. So, if anybody was unable to get a loan from anybody else, they would come to us. I think there was only one at the time the hon. Member asked me.

Q512/2016
Government rental homes –
Emergency repairs

310 **Clerk:** Question 512, the Hon. E J Reyes.

Hon. E J Reyes: In case of emergencies arising from any works carried out by private companies in respect of Government rental homes, who is called out to carry out any remedies which may be required?

315 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

320 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, all emergencies are handled by the Housing Works Agency and the repairs are carried out by either Housing Works Agency direct employed labour or the GJBS emergency response team.

325 **Hon. E J Reyes:** Mr Speaker, I know a constituent got back to me that when they tried to make the report the feedback they got was that the Housing Works Agency did not carry out that job, it was done by a company, and it was hinted to them that they should contact the company directly – hence why I ask the question. If the hon. Lady has no reason to doubt, can she confirm to me that I should go back to the constituent and say, ‘No, with the best of manners but be insistent to the Housing Department that it is they who should deal with that issue’? Can the hon. Lady please confirm that to me?

330 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because emergencies are dealt with by an emergency phone line that is dealt with by the Housing Works Agency. So, if it is emergency repairs, which is what the question asks, then they need to be dealt with either by the Housing Works Agency or GJBS.

335 I would be grateful if you would return to your constituent and give him that information, or they can call the reporting office at the Housing Department as well.

Q513 and 515/2016
Government rental homes –
Tenants awaiting allocation

Clerk: Question 513, the Hon. E J Reyes.

Hon. E J Reyes: Further to Question 174/2016, can the Minister for Housing provide updated details pertaining to the house size requirements in respect of applicants who joined any
340 category of housing waiting list prior to 8th December 2011 and who are still waiting for allocation or assignment of a rental home?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
345 Mr Speaker, I will answer this question together with Question 515.

Clerk: Question 515, the Hon. D A Feetham.

Hon. D A Feetham. Mr Speaker, how many people were on the housing waiting list and pre-
350 list as at 9th December 2011 and (a) have still not been handed keys to a new home, and (b) are still on the housing waiting list?

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

Hon. Miss S J Sacramento: Mr Speaker, in answer to both those questions, further to
355 Question 174/2016 there are 192 remaining applicants who were on the waiting list and pre-list prior to 9th December 2011, all of whom require a 1 RKB.

Hon. E J Reyes: Mr Speaker, the 192: is the lady certain that all of them are just for 1 RKB?
360 *(Interjection)* No, Mr Speaker, I ask the question because unfortunately ... I should have had it in the basket. Perhaps the hon. Lady may wish to meet me, when I have that letter at some other stage, behind the Speaker's chair. But someone had received a letter saying ... I know it is a single parent with a child, therefore 1 RKB certainly does not fit her category and she has a letter
365 saying we are about to complete Charles Bruzon House and so we are expecting houses to be returned and this person is waiting. But to classify that applicant under the 1 RKB does not coincide with her entitlement.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because Question 513 is based on the premise
370 that it is further to Question 174, and in my answer to Question 174 I said that there were 231 applicants on the 1 RKB list because the remainder were either applicants who were adequately housed in pre-war accommodation or had received notification of allocation, which is exactly the letter that the hon. Gentleman is referring to.

Hon. E J Reyes: Perhaps, then, I used the wrong words. What I really intended by putting
375 'further to Question 174' was to have the Minister have a reference saying it is just updated information on that. I will have to talk to you, Mr Speaker. Perhaps in future I just should not make any reference to any other question I have asked before, but it does not allow those civil servants who help to draft an answer for the hon. Lady to have an easy reference. We tend to be
380 becoming a bit technical, because ... 'On Question 174 I gave this, therefore I am not including it now ...' We seem to be verging on the lawyers' world rather than on the democratic parliamentary world.

385 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know whether to feel insulted, because in a former life I was a lawyer, but I am answering the question on the basis that the question is being asked. I am asked for an update on my answer to Question 174, so the logical thing I did was look at my answer to 174, where I said – and I am reading from *Hansard*, Mr Speaker – ‘There are 231 applicants on the 1 RKB list and the remainder are applicants who are adequately housed’, etc. So what I have done is updated the figure of 231, which as of today is 192.

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Hon. D A Feetham: Mr Speaker, may I, with your leave, go back and ask a supplementary on Questions 511 and 512? I am not going to ask supplementaries on the question that I have just asked. In other words –

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Mr Speaker: If we have finished with these two you may, but let us finish with –

Hon. D A Feetham: Well, it is my Question 515, and I have no supplementaries on 515. I have just asked it, so I am just going to go back.

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Mr Speaker: Yes, but do any of your colleagues have any questions on 515?

Hon. D A Feetham: I do not think so.

Mr Speaker: Then carry on.

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Hon. D A Feetham: Just returning to this question of the mortgage first, is it Government policy that where somebody who has been allocated an affordable home in one of the Government’s schemes, both now and also in the future, cannot obtain a mortgage, that the Government will then step in and provide the safety net of offering mortgages directly to those people who have been allocated homes?

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):

The policy is the policy that I explained before, Mr Speaker. It is not anything new. I said when we created Home Loans it was to make sure, given the position that Gibraltar found itself in with the disappearance of Barclays and the fact that there are banks that may have somebody who is eligible by their criteria but have a quota beyond which they cannot go. Therefore we did not want somebody who had the right to buy not being able to buy simply because they could not find a lender. But of course the mortgage is given on commercial terms and it is not that it is subsidised in any way. It is just that when they come to us it is when they have tried other sources and they have not been able to get it. At the time that I was asked the question there was only one. I do not know if there have been anymore since, because I have not asked.

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Hon. D A Feetham: So, Mr Speaker, essentially what we are talking about is not somebody who was rejected by a bank because he does not meet lending criteria; it is somebody who is rejected by a bank because that bank’s quota has already been met and therefore the bank has no spare capacity, so to speak, in terms of lending. Is that the position?

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Hon. J J Bossano: The question is hypothetical because there is only one. (*Interjection by Hon. D A Feetham*) Yes, it is hypothetical, because I can only tell him that this one who has applied and been given one was, for example, not able to get the mortgage because the quota was full. But tomorrow it may be that somebody is told, ‘We will not give you a mortgage because of your age,’ but given that in the only one case that we are talking about it is a civil servant and, in addition to the property, there is a guarantee from her pension rights, from this person’s pension rights ... The situation is we created the company in order to make sure that people who had difficulty, for whatever reason but principally because of the reduction of the number of

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providers in the market ... In fact, we thought the shortfall might be greater, as it happens we have found that the Gibraltar International Bank came into the market and they were sufficient to provide enough ... Members opposite have been asking on a number of occasions the question of whether there would be enough lenders in the market and we thought maybe there
440 might not be enough lenders in the market and therefore we created this company with £100,000 capital in order to be there, and the capital would have been increased if it was needed in order to be able to provide the support to make sure that nobody is unable to get it, even though they might be able to afford it, for a variety of reasons – the principal reason being that initially we thought we might find that there was a problem, after Barclays pulled out, from
445 the remaining numbers because the information that had been put to me in connection with why this happens is because the criteria that is used sometimes is that there might be people all of whom can easily afford a mortgage but an institution will not lend more than to, say, one third in one estate, because there is a rule that says your exposure is greater ... Even if there are 100 buyers and they are all millionaires, you cannot supply mortgages for 100% of the estate. So
450 it is this criteria which quite frequently kicks in without any problem of the ability of the person to pay, but if the concern of the hon. Member is that we are lending to people who will not be able to pay their mortgages and who have not been able to get it because they have not got enough money to pay the mortgage, certainly the one case there has been does not fall into that category. That is not the intention, but I would not rule it out if we were giving somebody a
455 mortgage because we wanted to help them to buy and we took a different view from a bank, a less ungenerous view. So I would not say it is impossible that that should happen, but that is not the reason why the facility was put in place.

Hon. D A Feetham: Yes, and what the hon. Gentleman is saying is that although the principal
460 reason for the policy was the quota limit, be it in particular estates or generally, the reality is that the Government does not restrict itself to that reason for stepping in and granting mortgages directly through this particular company.

Who actually makes the decision as to whether to lend in this particular company? The directors presumably of the company? Who are they? Are they civil servants themselves? Do
465 they have any experience in relation to lending? How is there a safety net? At the end of the day we are dealing with taxpayers' money – that is what we are dealing with – and of course the hon. Gentleman, I know, is very careful with taxpayers' money (**Hon. J J Bossano:** True.) Absolutely. But we obviously need to ascertain ourselves that proper care is being taken in relation to something like this. How are decisions like this being made? The hon. Gentleman is
470 not in the business of banking or providing mortgages, civil servants generally are not in that business: who takes the decisions and how are those decisions taken?

Hon. J J Bossano: Mr Speaker, there has only been one case, and the one case was decided
475 by civil servants in the Treasury. I do not know the name of the civil servant who took the decision, but I can tell the hon. Member that since the applicant was a civil servant, in addition to the fact that it is a 50-50 property, in addition to the fact that we own the other half of the house, in addition to the fact that it is not for 100% of the other 50, we have also got the security of the pension of the person that is buying. So it is a gold-plated loan.

Hon. D A Feetham: It may be gold plated in this particular case, and what the hon.
480 Gentleman, in relation to the specifics of this particular case, is saying makes some sense to me in terms of the assurances that he is giving me that really there is no risk because of the factors that he has outlined. But, of course, what concerns me is not the specifics of one case, unless there are maybe other reasons to make me concerned, and in relation to this he has not given
485 me any information that sets any alarm bells ringing in my mind for other reasons as to whether somebody is being favoured or whatever, but – (**Several Members:** Oh!) Mr Speaker, I am saying I am saying I am not alarmed in relation to this particular case, but I am not concerned about

one case here; I am concerned about the policy generally. If the Government is going to be embarking on a situation where they are offering mortgages to members of the public in circumstances where the quota exceeds the bank's policy, etc., who are the people taking decisions? Is it just Treasury officials who are looking at this on a case-by-case basis? That is the position, correct?

Hon. J J Bossano: The Treasury officials who handle the £600 million of Government money also handle this £100,000, which is the money that is available. The £100,000 that is in the company, the lending of that money is taken by officials who are trusted with the £600 million of public money that we all spend every year with his approval and the approval of the rest of the Members.

The hon. Member is asking me what would happen if there was tomorrow an applicant who did not fall into the category that I have already explained. That is a hypothetical question. I am telling him that I have no doubt that the people in the Treasury are as careful about public spending as I am, complete confidence, and therefore they would not do anything that I would not do in terms of putting public money at risk. I know that he thinks very highly of my criteria in that respect, because he constantly tells others in the Government that they should be like me. So he should sleep soundly at night.

Hon. D A Feetham: Well, thank you very much in relation to that!

Mr Speaker, just moving on to Question 512, what we are talking about here are private companies that undertake work in Government flats, and then there is an emergency and the hon. Lady stood up and – *(Interjection by Hon. Miss S J Sacramento)* Yes, we are, and I asked permission from Mr Speaker to come back. *(Interjection by Hon. Miss S J Sacramento)* No, we were exploring a supplementary question 511. Now we are moving on to Question 512, nothing to do with the mortgages. In relation to Question 512 the hon. Lady said that it is the Housing Agency that basically undertakes any remedial works. When the Housing Agency undertakes remedial works, how does one then deal with a situation where the remedial works arise out of shoddy work that has been undertaken by a company that has done the work in the first place? Is there then a claim by the Housing Agency against those companies?

Hon. Miss S J Sacramento: Mr Speaker, it is very bizarre. I understand that when I replied to Question 511, which I answered together with Question 514, it had a lot of information, and the hon. Gentleman, after I finished answering Question 515, did not have any further supplementaries to 515 and asked permission to go back to 511. Now, Mr Speaker, he wants supplementaries to 512. In any event, Mr Speaker –

Mr Speaker: The Hon. Leader of the Opposition mentioned that he wished to ask supplementaries arising from two questions.

Hon. Miss S J Sacramento: Okay, thank you, Mr Speaker. However, the supplementary that he asked in relation to 512 does not relate to the question in 512, because the question in 512 is in relation to emergency works, and now the hon. Gentleman is asking for a supplementary in relation to general remedial works. It is a completely different question to the question asked.

Hon. D A Feetham: Mr Speaker, maybe I misunderstood the answer that the hon. Lady has given. So, in relation to the answer to Question 512, 512 had nothing to do at all with remedial works. In other words, none of those emergencies relate to remedial work that had been undertaken by private companies, which is what I understood the answer to be. That is why I have stood up and asked this supplementary – because what I want to ensure, again in relation to this, is to explore how far, obviously, one is then keeping tabs on the kind of work undertaken by private companies, whether the taxpayer is then able to claim back from those private

540 companies, and what then happens to those private companies if there is a history of conducting works in a shoddy manner. Those are the types of things I want to explore with the hon. Lady.

Hon. Miss S J Sacramento: Yes, Mr Speaker, maybe it is because he is a lawyer – that may be the answer that the Hon. Mr Reyes would give. But the answer that has been given is in relation to the question that was asked, which is limited to emergency works. That question is somewhat different to the original question that was asked.

Q516/2016
Cruise terminal –
Commercial units allocation criteria

Clerk: Question 516, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has been the allocation criteria for commercial units at the cruise terminal?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the criteria is the same as it was in 1997.

Hon. L F Llamas: May I ask, Mr Speaker, what exactly that criteria is, as in 1997, unfortunately, I was not into any political sphere. So if the hon. Lady could –

Mr Speaker: I have to tell the House that the view that I take is this. The hon. Member was not a Member of this House in 1997, neither was the hon. Lady a Member of the House; therefore I consider that the Member is perfectly entitled to ask the question and to receive an answer in which the details of what the criteria were in 1997 is either spelt out in the main answer or in a supplementary.

Hon. Miss S J Sacramento: Mr Speaker, the reason I answered as I did is because all the units that are in the cruise terminal are those that were allocated in 1997. So the criteria for those allocated were in 1997 except for one. There is an additional unit which was transferred from the old ferry terminal when it had been allocated over 20 years ago. So that is the reason for that answer, Mr Speaker. It is all the same ones, except for the one that was transferred.

Q517/2016
Care Agency –
Subcontracted workers

Clerk: Question 517, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when a subcontracted worker working within the Care Agency for whatever reason is unable to attend work due to annual leave or sick leave, what is the practice in replacing that worker?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, as I have already explained in the last session of Parliament, in the event that the
580 worker is on annual leave, sick leave or needs replacing, cover will usually be subcontracted, as it
is temporary.

Hon. L F Llamas: May I ask a supplementary on this one? Is there any policy or effort made in
replacing that subcontracted worker with perhaps an employee or another subcontracted
585 worker within the same area to ensure there is a continuity of care?

Hon. Miss S J Sacramento: Mr Speaker, by saying that the person is replaced by a
subcontracted worker is not the same as saying that there is no continuity of care, because
subcontracted workers, if they provide cover, will mean that they are providing, in most cases,
590 continuity of care, because one day they may cover for one and one day they may cover for the
other. So what we do try and do is when cover is required – because it is not always required,
but if it is required – it will be covered by someone who is a subcontracted worker and we try
and use the same workers we always use to provide cover, so there is no issue as to continuity
of care, the continuity is there.

Q518/2016
Care Agency –
Numbers of subcontracted workers

Clerk: Question 518, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of subcontracted workers
working within Social Services and the Care Agency as at 30th June 2016, disclosing the date
each worker commenced providing services, together with the roles or role being carried out
600 and/or currently carried out by each subcontracted worker and the reason for requiring their
services on each occasion they have been subcontracted, and the area in which they have been
working on each occasion?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, the details are as follows.

The dates that the workers commenced: there were three in 2013, 22 in 2014, 55 in 2015,
and 27 in 2016. The roles that they carry out are: care worker, 94; administration, 9; nurse, 2;
610 counsellors, 2. These figures are at the time of the date indicated in the question, Mr Speaker.

The reasons for cover are: maternity leave, 12; suspension, 5; vacant posts pending
recruitment, 22; cover required while training, 1; temporary additional cover to include annual
or sick leave, 67.

The area of the Care Agency in which they work in is Administration and Social Services.

Hon. L F Llamas: Would it be possible to get an actual detailed breakdown for each – yes,
thank you – actually broken down by subcontracted worker in order to come to a conclusion of
when that worker started and what that worker has been carrying out since that worker was
620 employed?

Mr Speaker: For each individual worker?

Hon. L F Llamas: Yes.

625 **Hon. Miss S J Sacramento:** Mr Speaker, it is not information that I have, and I believe that I have answered the question that has been asked.

Hon. L F Llamas: I did, Mr Speaker, ask in the question ‘disclosing the date each worker commenced providing services’, and in that way I would be able to conclude when that worker
630 commenced working and what exactly that person has been covering.

Mr Speaker: I think you are referring now to ... The hon. Lady, in the answer, gave dates that workers commenced, 2013, 3... You are asking, say, in 2015, for 55 cases, when each of those 55... With all due respect, I think that kind of detail... I do not think we should make a practice of
635 that sort of detail here in Parliament. It is information that you can obtain outside Parliament and I do not think the time of Parliament should be taken up in giving such details in respect of so many individuals. It is not that there is anything inherently wrong in asking for the information; the only thing is that it is very time consuming and laborious, both in preparing the answer and then providing it here in Parliament – unless more time is given, and then the
640 answer could be made part of a schedule, that can be done.

Hon. D A Feetham: Mr Speaker, how does the hon. Gentleman – and perhaps Mr Speaker has the answer, and I would be very grateful if he provided it to us – how does the hon. Gentleman get this information from outside Parliament? Because I think what the hon. Gentleman is doing
645 in relation to this is he is trying to determine – *(Interjection by Mr Speaker)* Can I just explain where we are getting at with this –

Mr Speaker: Yes, okay.

650 **Hon. D A Feetham:** – so Mr Speaker can place it into context. In relation to these people who are effectively subcontracted – they are not Civil Service but they work in the same jobs as civil servants – how long have those people actually been in those posts? For example, you may have somebody who is subcontracted within a Government Department, subcontracted, and is therefore not a public servant, within a Government Department for three years, four years, five
655 years; the political point then therefore is, well, how on earth is somebody there for such a long period of time. That is the issue. It is not an unreasonable issue for Mr Llamas to be exploring.

Mr Speaker: In my intervention I have tried to make it abundantly clear what is the information that the hon. Member is seeking, which he is perfectly entitled to ask and for which there should be no insurmountable problem in providing it. The only thing I am saying is that in a main answer I would not like to see a Minister stand up and in 107 cases give dates of commencement. It can be included in a schedule, something that has been done before. I have seen schedules here detailing every student studying abroad outside Gibraltar, a thousand and something students – all that information has been provided in a schedule, by all means. It has
660 now been made clear in the supplementary what it is that the hon. Member is asking for, and I think that that information, if the hon. Lady does not have it here with her... Even if she did, I would prefer that it be included in a schedule and provided across the floor of the House. That is all.

670 **Hon. Miss S J Sacramento:** But, Mr Speaker, I can still answer that supplementary question, because the answer is actually in relation to the previous question that I have just been asked, when I am asked for the criteria – actually, not this one, but I think the question that I was asked in the last Parliament – and the criteria that we use when using subcontracted workers, which is why we have the Question 517.

675 Mr Speaker, I have said before in Parliament that the reason we use subcontracted workers is primarily to cover temporary vacancies. That answers the question, because, Mr Speaker, there may be people who... and it actually answers the supplementary to the last question as well, the one in relation to continuity of care. For example, there may have been a need for someone to cover someone's maternity leave in the service a year ago, so that person is contracted to cover
680 the maternity leave, whatever it is, whether it is six months, nine months or a year, whatever that person wishes to take within the policy of the organisation. So that person is taken on temporarily to cover that post. It may be that when the post holder returns from maternity leave that the person is required to cover some other leave, whether it is another maternity leave – and you can see from the statistics that we have a lot of those – or whether it is sick
685 leave or any other absence. Precisely because we want to provide continuity of care, we may engage the same people.

I think what the hon. Gentleman is trying to allude to is that people are in these Government jobs on subcontracted work, but that is not the case, Mr Speaker; it is temporary work for which we engage these people. Not everybody. Some people enjoy working for who they work for, on
690 the basis that it is temporary.

You can see from here, Mr Speaker, that of the number of people we use from subcontracted workers, only 22 relate to vacant posts. We have continuous recruitment of vacant posts, but what we do is we sometimes wait for a period and recruit people in batches because of the cost of employing people and the recruitment process and the training process that that entails,
695 because when someone comes into the service we have a particular core training that they undergo and it is easier for us, in terms of management and organisation, for them to do it in batches. It is easier for us to wait a couple of months, and if, say, we have accumulated a few vacancies then, then we will recruit those vacancies in one go so that everybody can be trained together. In terms of vacancies, then those posts are filled in and they are cyclical. So, vacant
700 posts are recruited. Everything else does not relate to vacant complement posts; it relates to temporary cover that we may need in the manner that I have explained in previous Parliament sessions.

Hon. L F Llamas: Mr Speaker, I am grateful for those examples but, with all due respect, I would like to come to those conclusions for myself, seeing the actual answer and schedule. The
705 only reason why I asked it in an oral version is because, normally, in the last sessions I have been in, we do get a schedule and then, if we want to ask any supplementaries, we can do so on the spot.

Essentially, what I would like to see is a date of commencement for each subcontracted
710 worker and what that particular worker, without revealing the name, has been doing for the last year, six months, a day, five years, whatever it may be.

Hon. Miss S J Sacramento: Mr Speaker, first of all, the hon. Gentleman is insinuating that I am lying if he says that when he gets information in a different way he might come to a different
715 conclusion. I have explained the way that it works.

Mr Speaker: No, I do not think ... With all due respect to the hon. Lady, I have not gathered any suggestion that that is what is in the hon. Member's mind.

Hon. Miss S J Sacramento: Mr Speaker, the difficulty with the question is that we do not subcontract a worker, we subcontract a service which we need to provide from a service
720 provider, and while we try... It is in relation to the need of the service on a particular day. On one day someone may have an episode which means that we need to call the service provider and say, 'Today I need four additional carers,' because someone may have surgery and we may need
725 additional support for a week. So, the information, I think, is better served this way and the explanation and the rationale I think I have explained in a lot of detail.

Hon. D A Feetham: Mr Speaker, I understand what she is saying about the contracting of services, but surely the reality is that if today, as at 29th September, you have got 107 subcontracted workers – subcontracted to provide services but they are subcontracted, they are there – the Government knows that there are 107 and in relation to those 107 the Government can provide a date when they commenced. That must be absolutely right... when they commenced. There may be some who commenced yesterday, there may be some who commenced a year ago, but that is perfectly capable of being provided.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the hon. Member may remember, or he may not, that we introduced something that existed only in the GHA, which was relief cover, and that we put a head of relief cover, which is a token vote, in each head, so that people would not have to be undermanned and doing the work because there was a lot of sick leave or a lot of maternity leave or a lot of absenteeism.

The result of that is that there are people who are as and when required by the service but they are not employed by the Department, and their contract of employment is with the service provider. So, somebody may have, for the first time, worked there in 2013. He may, between 2013 and 2016, have worked subsequently on and off on different occasions, and sometimes he may have worked in another part of the public service. He may have continuity with the service provider. He may, when not required in the public service, be working in the private sector, because the people who supply the labour to us supply the labour to other people. The hon. Member seems to be trying to suggest that what we have got are two classes of public servants, one of which is permanent and one of which is temporary. If that is what he is trying to suggest, then he is misinterpreting, either deliberately or unintentionally, what the situation is, which has been explained to him before.

Hon. D A Feetham: Mr Speaker, I am not at this stage making any suggestion. The hon. Gentleman, Mr Llamas, has been very candid. He says he wants to analyse these figures for himself in order to see whether there are patterns, in the same way as the hon. Gentleman, if he had been on this side of the House – and indeed he was on this side of the House – and if he had received that kind of answer, the answer that the hon. Gentleman would give would be, ‘Well, hang on a minute, I want to see the figures because I want to make my own decision as to whether there is any pattern or what is happening here.’ That is our role and we are perfectly entitled to ask.

The hon. Gentleman could, for example – or the Government could, for example – say, ‘Right, okay, we are not going to provide you with the details...’ And I do not think there is any reason not to, but he could say, ‘We are not providing you with the starting date of these 107, but we are going to provide you with,’ for example, ‘how many have been effectively subcontracted for three months, for six months, for nine months and over a year.’ That he could provide, but just a blanket refusal does not appear to me to be reasonable with respect to the explanation the Hon. the Father of the House has provided.

Hon. J J Bossano: Mr Speaker, I was on that side of the House and they did have this system in place in the GHA and I never did ask for that question, so he does not have to hypothesise what I would be doing now in respect of this information – because when I was there and they were doing it and they were spending, I think, something like £2 million a year in supply workers in the GHA, the hon. Member may recall that the greatest Gibraltar got so cheesed off with the size of the bill that he decided to take it away in one budget from the GHA and to control it directly from No. 6. The issue was the size of the bill in terms of the volume of people they were being required to supply, but it never occurred to me to say, ‘Well, I want to know, if you have got supply workers who are as and when required, I want to know when each one was required.’ Because the hon. Member seems not to have understood that the contract of employment of that person is with the supplier of the service –

Hon. D A Feetham: I understand that.

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Hon. J J Bossano: – and therefore, if you say, ‘When did he start work?’ the answer is ... When did he start work with us? Well, look, he came in on Monday morning, he worked for three hours, but in the afternoon he worked somewhere else, which might have been in the Government or not in the Government, but the continuity of employment is not reflected in how many times, in the time that he has been employed by the service provider, he has worked in a particular Department. The hon. Member has, in fact, in putting the question, saying the kind of answer is ... Did he work for three months? Was his contract for three months or for six months? Well, the answer is no, there is no contract.

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Hon. D A Feetham: I understand the contract is not for three months. That is not the question.

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Hon. J J Bossano: The hon. Member, when he stood up now and said, ‘Well, the kind of information they could give us is whether they have been contracted for three months or six months or a year.’

Hon. D A Feetham: In post or working – [*Inaudible*]

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Hon. J J Bossano: Well, they are not in post. Mr Speaker, if somebody calls in this morning and says, ‘I am unwell and I am not going into work,’ you call the service provider and they send somebody in. The hon. Member then would presumably want to be told, ‘He has been in post 10 minutes this morning,’ and not six months or a year.

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This is the system that we put in, which was an extension to the rest of the public service of the system that they introduced in the 15 years they were there, and that system was in order to make sure in the GHA ... but they did not think it was necessary elsewhere, probably because the GHA is more of a critical service where, if a lot of people are ill or off sick, or on maternity or whatever, you can have a ward that is very understaffed, so therefore they had the service for that area. We decided that maybe it was a mistake because it had been an expensive decision, because, before, people just used to cope with less workers if less workers turned up on a day, and the work still got done. But we decided that maybe the delivery of the service to the customer would be improved if the numbers of people at work was supplementable when people were missing from a pool. They have asked about that before, I have given them the size of the pool and I have told them that people rotate.

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For example, I can tell the hon. Member that yesterday somebody who was on sick leave in the Fire Service came back and the person who was there had to stop working. We have two choices: either we send him back to the service provider, or we find out if there is another Department requiring somebody. Generally, the people who are already providing the service, if the Departments are happy with them, are the ones who tend to keep on coming back. But there is not a period of time that people are specifically contracted for, and therefore it is not the case that they are either called ... Normally, if we know that somebody is going on maternity leave for eight months, when we request somebody and the person says, ‘How long is this work for?’ they are told, ‘This is to cover an eight-month maternity period,’ and normally that is a more attractive proposition for somebody who is unemployed than if they say it might only be for one day or two. So it is more difficult for the service provider if he has to go outside his normal pool to get recruits, because people then say, ‘Well, look, I am only going to be in for a few days, and that means that in those few days there might have been a job coming up in the Employment Exchange and I have missed it.’

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So, where there are known periods of maternity leave, then the provider is told that we are going to need cover for eight months or we need cover for nine months. Otherwise, it is as and when required, and other than maternity, which is the one where you can predict how long they

835 are going to be out, there is no period predicted, at the beginning of the period that the worker is supplied, as to whether he is going to be there a week or he is going to be there a day. He is there until ... If somebody is sick, he may be sick for a very long time or he might come back in one week's time. He may be out one day and back the next day, and the person is only working one day.

Mr Speaker: I think the hon. Mr Llamas has made it abundantly clear what is the information he is seeking. I think that the Government understands what is the information he is seeking. The information cannot be provided now. I would suggest that he pursues it either outside
840 Parliament by writing to the hon. Lady or he can put down a substantive question at the next meeting of the House, which I will have no problem in allowing.

Let's go on to the next question.

Q519/2016
Disability Bill –
Progress

Clerk: Question 519, the Hon. L F Llamas.

845 **Hon. L F Llamas:** Mr Speaker, further to the answer given by the Government in Question 35/2016, where the Government stated that the previous administration had done nothing in relation to drafting a Disability Bill in order to adopt the United Nations Disabilities Convention into national legislation, can the Government confirm whether that statement remains correct?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, yes.

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Hon. L F Llamas: Mr Speaker, in the original answer to Question 35/2016, the statement made by the hon. Lady was that as soon as they got into office she asked whether anything had been prepared or if they had been instructed, and the answer was that there was nothing.

860 During the period of this summer, I have obtained a soft copy of what was the Disability Bill drafted by the previous administration, handed to me by one of the people who was involved in the actual drafting of that legislation. When you look at the properties of the actual document, you see that it belongs to Government and it was drafted by a Government lawyer. So I would like to know whether the hon. Lady has been misled and, in effect, has misled Parliament. What exactly is the position?

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Mr Speaker: I imagine the first thing the hon. Lady will need is to see what is the material you have there with you. She must have sight of it; otherwise, she may not be sure what it is that you are talking about.

870 **Hon. Miss S J Sacramento:** Well, Mr Speaker, first of all, I am very, very concerned as to how Mr Llamas has a Government document in his possession, because, whether it is a document that belongs to this administration or the previous administration, it is a Government document. Whether it has been given to him by a former Minister or someone who was on the Committee, one would expect someone who sits on a committee to hold documents confidentially and not
875 spread them out, Mr Speaker. I do not think it is appropriate for people who are not in

Government to hold Government documents, regardless of the administration of the day. I start with that.

880 But, Mr Speaker, as you rightly say, I have no idea what document Mr Llamas is referring to. He has it. I am not psychic. I have not seen it. The answer to the question that I have been asked is yes, because I answer from where I am and what I see and what I have been told, so I maintain my original answer and therefore my answer today is yes.

It is very bizarre, Mr Speaker, but maybe the hon. Gentleman may wish to show me that document that he has in his possession.

885 **Hon. L F Llamas:** Mr Speaker, I am more than happy to e-mail, to forward the document for the hon. Lady to have a look at it, and I would be grateful if she would commit to undertake...

890 **Mr Speaker:** I am prepared to provide the services of the staff of Parliament to make it available with almost immediate effect, and then we can dispose of the matter for the time being and move on.

Q577/2016
Government housing –
Rent arrears

Clerk: We move to Question 577. The questioner is the Hon. M D Hassan Nahon.

895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, in the Hon. Minister's response to Question 363/2016, Government housing – Rent arrears', the Minister stated 'people who owe the Government in excess of three months' rent...' I would appreciate the Minister's clarification why arrears in rent are only considered when it is in excess of three months or 90 days.

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

900 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I used that expression so as to be consistent with the last question in Parliament by the Leader of the GSD Opposition, to make it clear, therefore, that we are all referring to the same period.

905 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not quite sure if I understand. I asked the hon. Lady ... The reason why I was asking this question is because I wanted to know whether it is Government practice to only recognise or acknowledge arrears when it exceeds 90 days – if that is the exact date that you start counting arrears from – and whether there was legislation or regulation that this was the timing that you start the arrears, so that I can know whether there is consistency with other arrears and those dates always apply. Thank you.

915 **Hon. Miss S J Sacramento:** Insofar as these arrears, Mr Speaker, the reason I used that wording the last time I referred to arrears was because when the Hon. the Leader of the GSD Opposition asked me a Question 183/2016, he asked specifically: can the Government please state how many tenants of Government housing stock currently owe the Government more than three months' arrears of rent? That had always been my understanding of the definition of arrears of rent, but the Leader of the Opposition's understanding of arrears of rent... and that is why I used that reference last time I referred to it. The reason I did that as well, Mr Speaker, was because when I was looking at the Auditor's Report, the Auditor's Report starts counting arrears

920 beyond £500. Three months' rent is on average about £200, so we were all having different standards when we were looking at arrears.

While technically, of course, something that is due on the first day that it is due is arrears, but for the purposes of the arrears recovery strategy we are looking at it beyond the three years on the basis that the first three months is really a late payment. Some people may be in arrears for
925 a month and we do not consider ... Some people pay a month late or two months late, some people wait for a payment and then they pay three months in arrears but they pay it in full. So, really, when we are tackling the arrears we look at people who owe more than three months, and I think this is probably more useful than the way it is set out in the Auditor's Report because they only start counting arrears after £500, and I think this is useful for these purposes. Of
930 course, you know in law and technically, it would be arrears from day one, but for the purposes of going after people who owe money after a long time it is just easier, in terms of resources, to consider beyond three months, and anything before three months is seen as a late payment.

Mr Speaker: It might be useful to remember there may be another explanation as well.
935 Government rents are inclusive of rates. Rates are charged quarterly and you are in arrears of rates when you owe more than three months, which is a quarter, and the rents have always been, therefore, very closely linked, and the practice, certainly when I was in Government, was for housing to regard anyone who owed a quarter in rates, and therefore rents, to be liable for arrears. That could be the historical thinking, as well, behind it.

940 **Hon. D A Feetham:** And also, Mr Speaker, most companies, in fact, use a 90-day cut-off point before they issue recovery proceedings. That is why, in my original question, I looked at 90 days, three months, rather than less than three months, because somebody could be late with payment two months, and really one has to be sensible about these things, and I took the 90
945 days, three months. That was the question I asked.

Hon. Miss S J Sacramento: And I agreed.

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**Q519/2016
Disability Bill –
Supplementary**

Mr Speaker: Does the hon. Lady propose to deal with this matter now?

955 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Yes Mr Speaker, because I have never seen it, so I am seeing it for the first time. I have never seen it.

Mr Speaker: Okay, but if you want to have a look at it in detail ... and then you can come back later on today.

960 **Hon. Miss S J Sacramento:** No, but having said that, Mr Speaker, my answer to the question remains the same, because the question was is that my opinion, and my opinion is yes, in relation to that question. And I go further, Mr Speaker, because I was looking at the *Hansard* of 20th January, when again we were talking about this issue, and that is when I said, quoting from *Hansard*:

They had from 2006 to 2011 to introduce the legislation, to undertake preparatory work, to do foundation work, set policies, and they did absolutely nothing.'

965 After that, Mr Speaker, there was an intervention from the Hon. the Leader of the GSD
Opposition, and he said in January:

If I can bring that draft to the hon. Lady's attention, will she undertake to withdraw the statement that she has made that we left absolutely nothing prepared at the point of the 2011 election?

So on the basis that that was said in Parliament in January, and I am asked this question and I have not had anything since January, therefore my answer continues to be yes.

970 But, Mr Speaker, anyway I find the question very bizarre indeed, because what does it
matter? I have not seen it, but it is not whether I saw it or I did not see it; it is that nobody, other
than the person who gave it to him and maybe a few other people, ever saw it. Because it may
here I have a document that says 'A Bill', but it is not a Bill that was ever published. It seems to
be a Bill that someone prepared and maybe put in a drawer or did nothing about it. So, it is here
– okay, it is a document, but if it is a Bill that has not been published as a Bill it is the same as if it
975 did not exist. So, even after having seen this, Mr Speaker, my answer really is the same. What is
the point in doing something, or preparing something, or getting someone to prepare something
– I do not know who prepared it, but I certainly had not seen it before – and not doing anything
with it? What is the point, Mr Speaker?

980 And even further more bizarre, Mr Speaker, what is the point in saying this now, in 2016,
when Mr Netto, who I assume was the Minister who had somehow been involved with this, was
sitting in Parliament for the last four years and we have been having this discussion and I have
always been saying the same thing, never did he say, 'Oh, by the way, have they not given you
the draft copy that was prepared when I was a Minister?' If they were really genuinely
interested in helping, then that is what someone had four years to say, and yet the first time Mr
985 Netto referred to it was in his last Budget speech in July of last year.

Mr Speaker, I think we need to move on. We are in 2016. The GSD left office in 2011. They
had plenty of time to do it. They did not do it, because a Bill that appears four and a half years
after they are in Opposition ... well, so what? We have already got a draft Bill which we have
published, which we have consulted on and which we continue to work on. We are the
990 Government, we are the people who are working on it, the people who are progressing on it:
what relevance is there whether someone did this and put it in a drawer five years ago, six years
ago, seven years ago? (**A Member:** Hear, hear.) I think we have more important things going on.

995 **Mr Speaker:** There is, of course, a convention which the Civil Service in Gibraltar are very
careful to uphold, particularly the Chief Secretary, namely when there is a change of
Government the papers of the previous administration are not made available to the incoming
Government.

1000 **Hon. D A Feetham:** Depending on the file.

Mr Speaker: Depending on?

Hon. D A Feetham: The file. Mr Speaker –

1005 **Mr Speaker:** A file which contains material from a previous administration would, in my time,
have been very carefully vetted and the Chief Secretary would only make material in that file
available if the previous administration were quite happy that it should be provided. That is the
normal convention. So what I am saying is that, as a matter of course, when a new Minister
comes in that Minister is not provided with a file – 'Look, by the way, the previous Government
1010 were thinking of introducing this legislation; you may wish to have a look at this.' That is not the
way that the Civil Service has ever worked, or should work.

1015 **Hon. D A Feetham:** Mr Speaker, my understanding is that it actually depends on the file and the way that files are actually filed by the Civil Service. Let me tell Mr Speaker that, whether Mr Speaker is right or Mr Speaker is wrong, in relation to, for example, legal assistance, I left a Bill drafted in relation to legal assistance and that Bill has been constantly referred to by the Government as being inadequate. They have seen it. It is a Bill that I drafted, it was there, so in relation to that example the Bill has been handed out to the relevant Minister. I actually have not complained in relation to that.

1020 The point about this, Mr Speaker, is that the hon. Lady has been, for some time, suggesting that there was no Bill. This is a Bill that was circulated, (*Interjection by Miss S J Sacramento*) a draft Bill.

1025 **Mr Speaker:** In fairness to her, I think she has been saying that she has *seen* no Bill, that no Bill was brought to her attention.

Hon. Miss S J Sacramento: And I had asked for it, Mr Speaker.

1030 **Hon. D A Feetham:** Yes of course, that is the point, Mr Speaker. She has always said, 'I have asked for the Bill, none has been forthcoming.' There was a considerable amount of irony injected in her answers, I remember, when we last touched upon this particular topic, and the inference was that it really was something that did not exist.

1035 Now, this was a Bill that had been drafted, not by me, as Minister for Justice, because although I had a hand, because I was a lawyer, in drafting parts of Bills, I had draftsmen who were involved. I was a member of the committee. My fellow Minister, Jaime Netto, who was constantly referring to this, was also a member of the committee. So too were people of ... stakeholders, and this particular Bill was drafted within the Government, was drafted within the Government –

1040 **Mr Speaker:** By a Government employee?

1045 **Hon. D A Feetham:** – by a Government lawyer, Mr Speaker. And that is why, then, it begs the question, 'Well, what kind of enquiries have been made?' It may well be that it is not the hon. Lady's fault, but the reality is that there were answers about the existence of this particular Bill. What the hon. Gentleman has quite rightly come to the House and said is, 'Well, look, is this still the Government's position?' She has said yes, it is the Government's position. And now he has handed the hon. Lady a draft of the Bill, which has not been drafted by anybody on this side; it has been drafted by a Government lawyer. (*Interjection by Hon. Miss S J Sacramento*)

1050 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the position in relation to files is as you have rightly pointed out, in particular in relation to correspondence, but in relation to work in progress, in relation to a matter which was in the manifesto of the incoming Government, which the hon. Lady has not just told this House ... The hon. Gentleman seems to suggest that it may not be her fault, as if he were forgiving her her life, that she may not have asked for the Bill. It was a matter set out in the 2011 manifesto on which we fought the election.

1060 When we were elected there were many areas where things we were promising to do were things that they had promised to do and were work in progress, and of course you have access to those things. And if, on top of that, we still did not have a Bill, and on top of making enquiry we still did not have a Bill and they spent four years under our first term in Government in this House telling us that there was a Bill, and it has taken them four and a half years to bring it ... Well, Mr Speaker, one would have thought that we were dealing with the most controversial piece of legislation in the history of this Parliament. That is still to come, later this month. Instead, Mr Speaker, we are dealing with a Bill to do something that it appears we all agree we should be doing.

1065 **Hon. Miss S J Sacramento:** And which we have already done and published.

Hon. Chief Minister: And on top of which, as the hon. Lady reminds me, Mr Speaker, we have, in any event, not just sat on our hands in the period, we have produced a new Bill – new because we did not have that one; it may be that the two Bills are very similar, or they are totally
1070 dissimilar because two people will draft the same thing in a different way – and we have published it.

So what is it that we are arguing about? We are arguing about the fact that they have taken four and a half years to bring us that which they said they could have brought us the day after the last election. That is the reality of what this exchange is about. What we need to be doing is
1075 moving on to deliver, for the people who are going to be assisted by the Bill, the assistance that the legislation will give them.

Hon. Members need to work out for themselves whether they just want to be in this Parliament making up arguments, or whether they want to assist this community to progress, in particular those who are going to be assisted by this sort of legislation, for which the hon. Lady,
1080 in my view, now deserves double commendation because she sought a Bill, it was not provided to her and she has gone and done the whole work again because of her interest in delivering for those people. Quite right: she did the right thing.

Mr Speaker: I think the matter has now been amply clarified and we are going to move on to
1085 the next question.

Hon. L F Llamas: Mr Speaker, may I just ask, because when I submitted this question, within that time and now I have seen in the press that there is a second command paper which will be published. I just wanted to know if it would be possible to know when Government intends to
1090 publish that second command paper.

Hon. Miss S J Sacramento: Mr Speaker, there has been no such statement by the Government that there will be a second command paper. Unless the hon. Gentleman has a copy of a statement by the Government that there is a second command paper, I honestly am lost
1095 now as to what he is referring to.

Hon. L F Llamas: Sorry, I have referred to it in an inappropriate manner. I presume it is the same command paper with some revisions to it that will be put out to consultation. No?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not understand what consultation papers are. Let me just set that out and then I think he will understand what it is we
1100 are trying to do.

A command paper is when we publish a Bill, not in Bill form but in draft form, for general consultation and issue in an area where there has not been law before. It has been a tradition in the United Kingdom to do that to allow the community not just to deal with the substance of an
1105 issue but to also deal with the detail of how that issue is going to be transposed into law. It happened in the UK for generations; we introduced it after 9th December 2011. Before, you had what was called consultation – you might or might not publish a Bill. That has been done and that process has been gone through. As a result of that process, it has become apparent to us
1110 that there are issues that will affect the business community etc., so what we are doing is we are going to further process of discussion and consultation with those affected stakeholders – Federation, Chamber, Disability Society etc. – in order to produce what will then be published as a final Bill, which will then have its six-week course of publication before it is able to come to this House, unless it were to be certified as urgent under the Constitution.

1115 So there will not be a further command paper, that process has gone, but it does not mean that after a command paper you cannot also do a little further tweaking and consulting before you publish your final Bill.

Mr Speaker: Next question.

1120

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q527/2016

Free WiFi –

Availability in public buildings and areas

Clerk: Question 527, the Hon. L F Llamas.

1125 **Hon. L F Llamas:** Mr Speaker, what free WiFi spots are currently available in public buildings or areas?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, there are two completely free WiFi spots available in public buildings or areas: the Airport terminal and the Garrison Library. In a further 23 public WiFi spots provided by Gib Telecom in tourist areas, leisure facilities and for the beaches, certain specified Government of Gibraltar websites are accessible free of charge from the opening page, but it is the only thing that is accessible.

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Mr Speaker: Any supplementaries? Okay, next question.

Q528/2016

Training Centre –

Completion of courses by students

Clerk: Question 528, the Hon. E J Reyes on behalf of the Hon. E J Phillips.

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Hon. E J Reyes: Mr Speaker, can the Government confirm by reference to each course available at the Training Centre, how many trainees have (1) successfully completed each course; (2) failed or have unsuccessfully completed each course; or (3) abandoned the course, and, if so, at which point did the trainee abandon the course?

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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1150 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the trainees completing the courses at the training centre have been: Wood Occupations, 113; Painting and Decorating, 49; Plastering, 68; Bricklaying, 95; Wall and Floor Tiling, 64; and Plumbing, 41. No trainee has failed the course. Four hundred and fifteen have not completed the course. I am not able to provide at what point in the course each individual was.

1155 **Hon. E J Reyes:** Mr Speaker, would the Minister happen to have, from the figures he now gave us broken down by trade, would he happen to have a breakdown of levels? Was it level 1, 2 or 3? I know in the past I have asked this specifically broken down by level, but, knowing the Minister and his thirst for information, he could well have it there.

1160 **Hon. J J Bossano:** Not in the way the answer has been provided for me. I can go back and ask them for the breakdown by 1, 2 or 3 and let the hon. Member have it, if he wants it.

1165 **Hon. E J Reyes:** Yes, I would be very grateful for that; and, of course, if he does not have it he does not have it. The Minister says he does not know at what stage they abandoned the course and so on. If it is available today or at some other stage, perhaps some reason why the individual abandoned the course. Let me give him an example. A trainee could have completed level 1 and started level 2, and, because a lot of it is actually practice in situ, the training provider at that stage could have offered him a job. Some training providers are extremely good, they have a day release and the trainee goes back to the Training Centre one day in the week, but this one might say, 'Look, it is not in my interest – I want to him here to complete my job. If the Minister does
1170 happen to have the information I would be very grateful if he could share it.

Hon. J J Bossano: I think there are a variety of reasons. There are people who actually sign up and do not even turn up, right at the beginning. There are people who, once they are in it for a few weeks or a couple of months, find out that it is not really what they wanted. They discover it only once they have started and they decide it is not what they want to do and they do not
1175 continue. And there are people who stop attending the course because they find employment and they do not want to carry on being employed at the apprentice rate. Basically, I would say those three categories account for most.

There is no failure because, in fact, people are given the chance to carry on, particularly with
1180 ... I think the City and Guild has got a time limit from initial registration, but the EAL, which was being done previously, and continued because we put the City and Guilds alongside it, I think was more flexible in the number of times that they could carry on trying. There have been people who have taken six or seven years, instead of the normal three, but they have not failed and they have finished up getting their qualifications. But some people, even though their
1185 instructors encourage them not to give up and come back, some people give up because once they have failed they do not want to try again; but from the point of view of the centre, they have not been failed, because the door has been opened for them to have a second try. So, there are the people who do not want to try a second time – which are a minority, I think – and the bulk would be either because they found employment, because they discontinued sometime
1190 during the course when they found out it was not really what they wanted ... There are people, for example, who abandon one course because they find that they are more interested in another trade and they start, as a new one, in another one, halfway through the first one. He knows that, because he was here before dealing with the situation. And there are some who, right at the beginning, put their name down and then, if they find a job or they change their
1195 mind, they just do not turn up on the first day. So, initially, they are included in the number that have registered with the awarding bodies as students, but they do not actually turn up. There are some in that category.

Hon. E J Reyes: Mr Speaker, I am grateful for that. In a friendly manner, can I suggest
1200 something to the Minister? When he is going to try and get some information broken down by levels 1, 2 and 3, and so on, there is an area which is like being in purgatory or never-never land. The actual trainee has completed the training part delivered by the instructor, the phase of the portfolio which the instructors have to check, and the portfolio is handed in. Unfortunately, the certificate cannot be handed over to the individual until the external verifier comes to verify it.
1205 That person is in the never-never. If he is going to provide some statistics, perhaps he could ask

the Training Centre manager to put in that category, because what could easily happen is the Minister in all honesty is going to say 20 have completed, and then, a week later, I say, 'Only 20 have completed?' and the Minister, in a speech, may say, 'because 25 were successful', and it could cross my mind that the Minister is not updated.

1210 So can we bear that in mind when he provides the information? I think I may have seen him across at the Airport – I think there was an external verifier here quite recently, so that information could actually be quite up to date if he does it over the next few days.

Hon. J J Bossano: I am not able to tell him whether the figures that I have given him on completion are based on completion in the sense that the certificate had been awarded. I know that there are people who have finished and have not got the certificate – that I do know; but I do not know whether they have already been included in those numbers, or not.

Hon. D A Feetham: Mr Speaker.

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Mr Speaker: The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes Mr Speaker, I have come across four situations, and I am going to ask the Minister (1) whether he agrees with me that it is not acceptable, and (2) what the Government can do about this. I have come across four situations, all within the Laguna Estate project, where there have been youngsters who have been training in the various wet trades. They are within months, most of them within three or four months, of level 2 and they have been dismissed from their job, from the company that is employing them and is training them – and is training them also at the expense of the Government, because it is the Government that is actually paying for the training – and they are being dismissed simply because there is not the demand for the labour at this particular time. I think there has been a lull in the labour demand in that particular estate over the last year, and all these happened within the last year.

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1235 Does he not agree with me that it is simply a complete waste and therefore not acceptable that that kind of situation is happening? And what will the Government do about it in order to ensure that those individuals whose training has been cut short just a few months from level 2 are allowed to complete their qualifications so that then they have some qualifications that they can use to defend themselves in the future?

Hon. J J Bossano: Well, I am not going to agree with him that it is completely unacceptable until I investigate it and find out that it is correct.

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Hon. D A Feetham: It is correct, Mr Speaker.

Hon. J J Bossano: Well, he may believe it is correct, but since I am not aware of it I will investigate it.

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I can tell him that, in fact, it is not accurate in the sense that the trainees doing their level 2 are paid by the Government. The Government pays for the day release. People normally go two days to the Training Centre and the employer gets reimbursed the wages, but while they are working they are being productive and the employer pays. *(Interjection)* No, the Government believes in investing in training – otherwise, I would not have the budget that I have – but the point is that I am just putting the record straight that it is not that we pay the whole of their wages when they are doing their level 2. That is to say they have got an employment contract because if they had an employment contract with us, their contract would not have been terminated – it is quite obvious. So, if he says their contract has been terminated it has been terminated by somebody else, and therefore that other person gets reimbursed by us for the period when the trainee is away from the work site and in the Training Centre.

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I will investigate how many people in that category have actually had their training cut short on the basis of the information he has provided and I will deal with it.

1260 **Hon. D A Feetham:** Mr Speaker, it is four who have come to me, and they have come to me within the last three months. We have referred to it, I think, in some communiques, but they have come to me within the last three months. It is four – there must be more.

I have to say that, at the end of the day, even when we were in Government and in Opposition, I have always argued that there is not the amount of jobs available out there to just simply employ Gibraltarians. There is always a spare capacity which needs to be filled up by
1265 foreign workers, in particular Spaniards or Portuguese, a lot of them who work on construction sites. But there is a legitimate grievance by these Gibraltarian youngsters who are faced with a situation that they may be dismissed. I was very careful to ask them the reasons and to see the terms of the termination notice. It was not because they had behaved badly or anything like
1270 that; they had just been terminated. They are terminated within a few months of their level 2 qualification, but there are still Portuguese and Spanish workers who continue to work at Laguna who are not dismissed.

As somebody whose politics has always been from the centre left, I do not want to see any worker of any kind being dismissed from their employment, but the reality of the situation is
1275 that it does appear to me to be extremely unfair and it does appear to me to also be extremely wasteful to have a situation where the Government is paying for people's training and they are dismissed from these companies within a couple of months or three months from their level 2 qualification.

1280 **Hon. J J Bossano:** Well, as somebody from the left left, not the centre left, (*Laughter*) I will investigate and put it right.

Hon. D A Feetham: Mr Speaker, I am prepared to give him the names of the individuals as well, because they have absolutely nothing to hide.

1285 Another supplementary if I may, Mr Speaker: how many people are there being trained at the moment at the Training and Construction Centre?

Hon. J J Bossano: I have not got the figure with me, but if by that he means full time at the centre it is only the people who are in level 1 – and I have not got the figure on that – because
1290 the bulk of the people in the Training Centre are the people who have finished level one and are the ones he is talking about who do level 2 partly in the workplace and partly by going back to the Training Centre.

Hon. D A Feetham: Mr Speaker, the information that we have ... and I did send somebody to
1295 the Training and Construction Centre to ascertain the position for ourselves, but of course somebody going there one day, two days or three days may not have an accurate picture. But it did seem as if there was nobody there during the days we sent individuals to check. So could the hon. Gentleman provide me with this information and perhaps, if his officials are listening to this exchange, provide me with the information of how many people are currently being trained in
1300 the Training and Construction Centre, because the information that we had was that it was certainly level 1, zero. I do not know whether that is the position or is not the position. Let me put it this way: the activity seemed extremely low at the Training and Construction Centre on the days I sent individuals to check it.

1305 **Hon. J J Bossano:** Well, there may not be anybody at level 1 now. The hon. Member should remember we put in 140 level 1 and they have to do the level 2. The people who are doing the level 2 are the same people who did level 1. The level 1 lasts for three months and then we put in three intakes of eight – we put in 24 in one go. Those are the people who then went into the

1310 industry, but of course they were then coming back two days a week. So, you can have either 28 people five days a week or you can have three times as many people two days a week.

1315 **Hon. D A Feetham:** But will he undertake, so that I do not have to ask the question, that his officials ...? In the past, he has also undertaken, but he has not provided me with the information in the past. I hope that this time the information is forthcoming and I do not have to ask the question again.

Hon. J J Bossano: Maybe, Mr Speaker, my memory is finally failing me at the age of 77!

1320 **Hon. D A Feetham:** Yes, Mr Speaker, that is why I asked that the officials listening to the conversation, for them to provide me with the information. I was just joking. No doubt the hon. Gentleman's memory is as good as it was 30 years ago and nothing happens in his Department without the hon. Gentleman's say so. So I hope that his undertaking (*Interjection by the Hon. J J Bossano*) to this House is real and the information will be provided to me.

1325 **Hon. E J Reyes:** Mr Speaker, may I, because I posed the question on behalf of my colleague. My reading of this is that Mr Phillips has requested information in respect of the Training Centre. The hon. Member knows if I had asked the question I would have been more specific: I would have put down Construction Training Centre or Engineering Trade Training Centre. Since the Minister has agreed to take on board to find something, can he do a similar exercise for the
1330 engineering trades? It is to save us both time and hassle. The Minister says he is going to ask for information – he may as well as it for that, because there are different awarding bodies and different trades. I am just giving him advanced notice, as well as expressing my gratitude that he will fish out that information for us.

1335 **Hon. J J Bossano:** Yes, Mr Speaker, I will look at the other centre as well.

Q529/2016
South and North District Post Offices –
Date for reopening

Clerk: Question 529, the Hon. R M Clinton.

1340 **Hon. R M Clinton:** Mr Speaker, can the Government advise when the South and North District Post Offices are due to reopen?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1345 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** No, Mr Speaker.

1350 **Hon. R M Clinton:** Mr Speaker, the hon. Member may or may not be aware that the local Pension Association has written, I am not sure whether it was to himself or to somebody else in Government, enquiring as to when these services will be provided in the South and North District Post Offices, and I think it would be only fair to give these pensioners a clearcut answer whether there is an intention to reopen them or not.

1355 **Hon. J J Bossano:** Mr Speaker, at the moment, these two post offices were closed down because there was a concern brought to my notice about the conditions under which they were operating from a health and safety point of view. I sent somebody to see it and they told me it was true, that it was like that.

1360 There was, at the time, a proposal to open sub-offices of the Gibraltar Savings Bank, one in each, which would have required an investment of something of the order of £150,000 in each sub-post office to bring it to the level that was considered necessary from a security point of view. When I investigated the amount of money that was actually handled in the sub-post offices it was quite obvious that it did not justify an investment of that order, and when I further investigated the number of postage stamps that were sold it further indicated that the use to which those offices were being put and the manpower utilisation – he will be glad to know, given his concern that I eliminate waste – did not justify that. In fact, what we were then left with was the fact that some people collected their pension once a month. Well, look, anybody who has got a problem in collecting their pension once a month from where it is available now can contact me without any problem – because nobody has addressed anything to me – and arrangements will be made to get the pension to them in their home if it is needed because they are not able to go and collect it or authorise somebody else to collect it. In fact, when I looked at the figures, over 50% of the people who are collecting their pensions were Moroccan pensioners in the hostels, where once a month somebody can go to the hostel and give them the pension like they would get a pay packet. The idea is that we do not want to inconvenience anybody who, for any particular reason is housebound and cannot collect it, but the way to do it is not to have an office open one day a month or two days a month and have it closed the rest of the time.

1370 When we find a use for those offices, either by making use of them for something for the Government or by making them available for somebody to use either by renting or buying, then that is how it will be done. I doubt that the pension collection function will still be there in those circumstances.

1380 There are people who, notwithstanding that they may go from one end of Gibraltar to play bingo, feel that the pension has to be delivered within a hundred yards of their home. Well, look, the people who cannot go to collect it will have it delivered, if they write to either the pensions office or to my office and say, 'I have a problem', and we will solve the problem.

1385 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for his answer and analysis of the effect of the economics of these post offices. Something the Government may wish to consider is to issue a statement saying, based on the economics, that these post offices are not going to reopen, and then just put the matter to rest. It is just a suggestion.

1390 **Hon. J J Bossano:** Ninety-nine per cent of the people who were being provided with a place where they could walk and get it were encouraged initially to either go to Main Street, if they still wanted it in cash, or to have it in a Savings Bank account, where they could go to Main Street and collect it from the Savings Bank account, or to have it to a bank of their choice. So we were left, out of the 6,000 pensioners, with a handful. That handful I am happy to deal with directly and solve the problem that they have.

1395 **Hon. R M Clinton:** Mr Speaker, again, I thank the hon. Gentleman. I do not dispute what he says and how he can help those pensioners who perhaps feel that they need easier access to their monthly pensions. All I am suggesting is that perhaps the Government should finally issue a statement that these offices are not going to reopen and perhaps the signs should be just taken down and the offices then let out, as the Minister suggests, as and when an opportunity arises, but perhaps the wider community should know that there is no intention to reopen these post offices.

1405 So, Mr Speaker, the question is simply: will the Government issue a statement to the effect that these post offices will not reopen?

Hon. J J Bossano: I will bear in mind the hon. Member's suggestions and then take a decision.

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Q530/2016
Sinking Fund –
£10 million contribution

Clerk: Question 530, the Hon. R M Clinton.

1415 **Hon. R M Clinton:** Mr Speaker, can the Government please explain the basis for the £10 million contribution in 2016-17 to the Sinking Fund?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1420 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker. The basis for the £10 million to the Sinking Fund in the current financial year is that this is the amount that the Government has decided should be contributed to the Sinking Fund in the current financial year.

1425 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for that answer, which is obviously entirely accurate but entirely useless to me.

I wonder perhaps if he could try and explain to me what the rationale for coming up with the number of £10 million is. Is it based on a proportion of outstanding Government debt? Is it based on a projected repayment to Government debt? I note, looking at the estimates, that in fact there is no provision for repayment of debt, or in fact increased borrowing, and yet I do not see the aggregate public debt going down by more than £10 million. So I am just curious as to how the number of £10 million was arrived at. There must be a specific formula.

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1435 **Hon. J J Bossano:** Mr Speaker, I know he was not here when the greatest living Gibraltarian used to answer questions from this side. (**Hon. D A Feetham:** Living Gibraltarian.) Living Gibraltarian. There were greater ones who are now ... beginning with Elliott and Nelson and all those others. (*Laughter*) But as he used to remind the House, estimates are estimates. In fact, I think he was the one who started this business of saying A is A and B is B and Brexit is Brexit and exit is exit. He was the first one to do it; he initiated the concept. He used to say 'estimates are estimates', and therefore, in the context of the estimated revenue, which may or may not transpire, and the estimated expenditure, which may not transpire or may be exceeded or may be less, the figure that we thought we could reasonably expect to be able to contribute to the Sinking Fund was the £10 million. It is not determined by the size of the debt or the programme of repayment; it is determined by how much of the £600 million of expenditure in this year's
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1445 book we could afford to allocate for this particular purpose, which is no different, really, from the rest of the book, all of which are estimates or what the Government thinks it is able to spend on a particular thing in the 12 months from April to March. That is how the figure is arrived at.

1450 **Hon. R M Clinton:** Mr Speaker, perhaps the hon. Gentleman could enlighten me, in again, obviously, an estimate: on aggregate public debt, which now includes the Sinking Fund, forecast between £16 million and £17 million, there is only a movement of £4 million, and yet there is no

repayment of debt, and yet the Sinking Fund goes up by £10 million. Somewhere along the line I seem to have lost £6 million. Perhaps he can explain that for me.

1455 **Hon. J J Bossano:** Mr Speaker, the £10 million is the movement he can anticipate between
1st April 2016 and 31st March 2017 – it may go in on 29th March 2017 and it will still be
£10 million in the financial year. The £10 million is what we expect to be able to afford to put
into the general Sinking Fund before the financial year closes. It is likely that that kind of
expenditure will be decided closer to the end of the financial year, because once you put it in
1460 you cannot take it out other than to repay debt. One of the things about the Sinking Fund is that
it is not available to use for anything else, so expenditure of the nature like that is like the
expenditure, for example, of giving money to community care. It is something that is decided
towards the end of the year because it depends on the performance of the other two variables:
the rest of the revenue and the rest of the expenditure.

1465 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman again, but if we can establish
some basic facts, the forecast aggregate public debt at the end of March 2016 was £446 million
– and I assume that number will be correct. The £10 million relates to the forthcoming financial
year 2016-17. So, if we start with the opening point of £446 million aggregate debt, which may
1470 of course include whatever the existing balance on the fund is at the moment – which I think is
probably a million and a bit, if I recall – the position at the end 2017, 31st March 2017, aggregate
public debt again, is £442 million. Now, as we understand aggregate public debt to be the gross
debt less the Sinking Fund, on the movement of the aggregate debt it would appear that there is
a movement there of £4 million, which can only be from the Sinking Fund because there is no
1475 provision in the estimates for repayment of Public Debt. So the remaining £6 million that is a
contribution to the Sinking Fund then obviously is not going to repay public debt but going to
another purpose.

Hon. J J Bossano: Mr Speaker, the hon. Member has taken a figure of an estimate that is
1480 made at the beginning of the financial year with a projection of what the state of play will be as
a snapshot at the end of the year. The fact is that I could put £10 million tomorrow into the
Sinking Fund, I could repay debt next month and I could borrow more money the following
month, and the £10 million would still have gone in, still have come out, and those figures might
be as he has quoted them or higher, because he is talking about a figure that is put in on
1485 1st April 2016 and relating it to what will be the situation on 31st March in 2017. It does not
mean that the £10 million has to be, as I have told him, at the end of next year. It does not mean
that it has to be like that, and therefore, if it is like that, then the estimate that we have put
there will, in fact, be a lower estimate than is there now. But there is nothing to stop the
£10 million being moved from the Consolidated Fund reserves tomorrow and being put into the
1490 Sinking Fund, and if that happens automatically the aggregate debt will go down by definition.
Right! There is nothing to stop part of the money then being used to repay the aggregate debt,
which would then not have any effect on its size because it has already been accounted for, and
there is nothing to stop more money being put in the next day and the aggregate debt is back
and the net debt is back.

1495 So, you see, the kind of arithmetic that he is doing would only be valid if it was all on the
same day, but in fact there is a separation of 12 months between the date when the figure of
£10 million is put in and the projection of what is going to be the state of play 12 months later,
and in that projection of 12 months later the £10 million is not the only variable.

1500 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman, as ever. It would obviously help
me enormously if he would undertake at some point in the future to give me the movements on
the Sinking Fund, which I have found elusive to date.

Hon. J J Bossano: I will bear in mind that he needs help.

1505

Q531-533/2016
Figures at 1st June 2016 –
Public debt; liquid reserves; investments and holdings

Clerk: Question 531, the Hon. R M Clinton.

1510

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st June 2016?

1515

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 532 and 533.

1520

Clerk: Question 532, the Hon. R M Clinton.

1525

Hon. R M Clinton: Mr Speaker, can the Government please advise a total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st June 2016?

Clerk: Question 533, the Hon. R M Clinton.

1530

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all Savings Bank accounts and cash held for the following date, being 1st June 2016?

1535

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): No, Mr Speaker.

1540

Hon. R M Clinton: Mr Speaker, in the past the hon. Gentleman has had no problem in providing me with the debt figures. I fail to understand why in this instance he is not willing to provide them. Perhaps he would be willing to explain.

1545

Hon. J J Bossano: Yes, Mr Speaker, the Government has decided that this information will be provided at the close of the financial year when the accounts are audited, and not on an ongoing estimated basis.

1550

Hon. R M Clinton: Mr Speaker, if the hon. Gentleman remembers, in I think it was perhaps one of the last sessions, I asked whether he was going to give updates to the House, or would be willing to give updates to the House at least on a six-monthly basis as to our financial position, and he said he might be so amenable. Does that also now still apply in respect of debt position?

I must say I am somewhat surprised that the Government is no longer willing to disclose on a regular basis what its debt, liquid asset and cash position is.

1555 **Hon. J J Bossano:** Mr Speaker, as regards the supplying of information that I told him was the one that I used to get, that will still be supplied; but the hon. Member will remember that I told him that that was normally provided in January because, in fact, it takes a long time before we know what ... and even then it was with a lot of caveats about the accuracy of the information given, the time lapse in the system that is still there, and hopefully will one day be changed. The reality of it is that the estimating of the state of play at any given time is a level of accuracy that
1560 cannot be guaranteed in any scientific kind of way. For example, there are situations where we are getting invoices that are coming in which are two years old, which have been somewhere in the system. So I will give him, hopefully by January, which will be the time that I get it, which is the time I used to get it on the other side, and I thought when I was there that the Government were getting quicker than me, but in fact now I know that is not the case. I used to get it as soon
1565 as it was done, and that will be an estimate of the revenue we have had in the first half of the year and the expenditure that we have had in the first half of the year, which is what I used to get.

1570 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for confirming that information in terms of revenue and expenditure will be made available in January.

However, coming back to the issue of the Government's debt position and cash position, can he confirm my understanding from what he has said this afternoon, which is that the Government is now unwilling to provide the Opposition with any information whatsoever in respect of its gross debt, its aggregate debt, its net debt, or any cash position in between the
1575 dates of the estimates and effectively of Budget sessions?

1580 **Hon. J J Bossano:** The Government has decided not to provide in-between estimates, which may or may not be accurate, and to provide the information when it is confident of the accuracy, which will be when it is finished and audited.

1585 **Hon. R M Clinton:** Mr Speaker, I just heard him say 'when it is finished and audited'. As he knows, the estimate books are not audited; the actual audited Principal Auditor's Report does not come out until several years after the year that is being audited. So, obviously, I presume he means he will give us the information at the estimate time in the Budget session, but not before then. I fail to understand how suddenly the Government has decided that the information that has been given to us quite freely previously is now so hopelessly inaccurate that he will not give it to the Opposition from this date on. What has changed in the period?

1590 **Hon. J J Bossano:** Well, Mr Speaker, the Government has taken a policy decision on this matter, this is the policy decision, and I have informed the hon. Member of the policy decision that has been taken. I do not think I have got to give explanations to the hon. Member of what or why: that is the decision we have taken and that is the information that will be provided.

1595 **Hon. R M Clinton:** Again, Mr Speaker, I am grateful to the hon. Member. Perhaps he will be kind enough to advise when that decision was taken.

Hon. J J Bossano: Between the time that I last answered and this answer.

1600 **Hon. D A Feetham:** Mr Speaker, I think that is an *absolutely appalling, appalling* answer that the hon. Gentleman has provided to what are questions that have been asked every single month for the last four years, and the hon. Gentleman has provided me with the answer,

because these are standard questions that I have been asking, and then when the hon. Gentleman took over he has been asking, about gross debt, cash reserves and net debt.

1605 Isn't it the reality that the hon. Gentleman just simply does not want to provide the information? Of course net debt shoots up during the course of the year, and then the hon. Gentleman opposite somehow managed to bring it down for the purpose of the Budget, and then, shortly after the Budget – as I mentioned in my own speech, and the hon. Gentleman also in his speech – then it shoots up.

1610 The reality is that the community at large would never be getting an accurate picture of where we are, with net debt in particular – because we know what gross debt is – net debt in particular, and cash reserves, and the hon. Gentleman just simply does not want to provide that information and wants to continue operating behind that curtain of non-transparency that the hon. Gentleman feels most comfortable, it has to be said, operating when it comes to these matters.

1615

Hon. J J Bossano: I do not agree with anything the hon. Member has said, Mr Speaker.

1620 **Hon. D A Feetham:** Mr Speaker, why does he now think that the information that he is providing and has provided every single month for the last ... it is not even four years, it is five years, was accurate and was perfectly proper for the hon. Gentleman to provide – in other words, what the net debt for the community every month was – to this House, and now all of a sudden he says, 'Well, I am concerned it is going to be inaccurate, and therefore I am not going to be providing it.' What made it accurate then and inaccurate now, Mr Speaker?

1625 **Hon. J J Bossano:** Mr Speaker, I do not know why he asks that question. I have not said it was accurate then and is inaccurate now.

Hon. R M Clinton: Mr Speaker, today is a sad day for us in Parliament, (*Laughter*) a very sad day, because I fear this is –

1630

Mr Speaker: Let me make my position clear, as Speaker. (*Interjections*) There have been a series of very important questions, three down on the Order Paper, very important supplementaries have been put by the two Members of the Opposition – no problem for me. But I have a problem at the moment that hon. Members think that we are going to have, this afternoon, a debate on this issue, because that I am not going to allow.

1635

The Hon. Mr Clinton.

1640 **Hon. R M Clinton:** Thank you, Mr Speaker, and I will perhaps reserve my comments for the forthcoming motions, which will no doubt be informative to all. I guess, Mr Speaker, following your own rulings I really should sit down, otherwise I will be making a speech which I know you would not like.

Hon. J J Bossano: Can I just say I am sad, Mr Speaker, that I make him sad, because I am very fond of the hon. Member.

1645

A Member: Hear, hear. (*Banging on desks*)

Hon. R M Clinton: I can only echo that sentiment.

Questions for Written Answer

1650 **Clerk:** We now proceed to Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W36/2016 to W55/2016 inclusive.

1655

Order of the Day

ADJOURNMENT

Clerk: Order of the Day, Government Motions. The Hon. the Chief Minister.

1660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 7th October at 10 a.m.

Mr Speaker: The House will now adjourn to Friday, 7th October at 10 a.m., when we will be dealing with the Chief Minister's motion. That will be the main subject on the Agenda and we will start off with that motion.

1665

The House adjourned at 5.26 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.06 a.m. – 1.24 p.m.

Gibraltar, Friday, 7th October 2016

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The Gibraltar Parliament

The Parliament met at 10.06 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Personal statement by the Hon. T N Hammond

Mr Speaker: The Hon. Trevor Hammond has asked leave to make a personal statement.

Hon. T N Hammond: Thank you, Mr Speaker, for giving me leave to make this statement.

5 My family suffered a terrible shock earlier this week when we received the news that my youngest son, Simon, had suffered an accident. He had fallen from the line wall adjacent to the Catholic Community Centre right down to Reclamation Road, a fall of some considerable height. But for the intervention of a tree, and in all probability a guardian angel, the results of such a fall would have been grave. Indeed, most of the medical professionals he has subsequently
10 encountered have been astonished how little damage he has sustained, for his injuries are no more than superficial, and for that we are all immensely grateful.

But of course our gratitude extends beyond our relief at his luck, and I come to my reason for having requested permission to make this statement, for, once again, those who work in our emergency services have shown a fantastic degree of professionalism but also of empathy that
15 goes beyond the call of duty, for which I know all in this House are proud.

My hon. Friend the Leader of the Opposition stood to make a statement earlier this year praising the Fire Service after his dog had suffered a fall – I certainly hope this trend of falling from objects discontinues immediately. I, however, would like to cite our other emergency services: the Royal Gibraltar Police for their swift investigation of the incident, and those who
20 work in the GHA for the tremendous support that they have provided. In particular, I must mention a few in person who have played a significant role over the last couple of days, though there are many more who have been involved in Simon's care, all vital cogs in the GHA who have ensured he has received the best possible care: the ambulance technicians, Alan Carrara and JJ, who stabilised Simon's condition and made sure he arrived safely at St Bernard's; the anaesthetist, Richard Roberts, who kept us informed of Simon's condition while in Accident and
25 Emergency; the nurses, Antonio Muñoz and Araceli Moreno, for the constant and attentive care they gave Simon while he was in the Critical Care Unit; and to the surgeons, Peter Kovacs and Thomas Boerger, who kept us advised of Simon's progress and condition throughout, and still do. I could mention many more, but that would require some considerable time. It is remarkable
30 how many people it takes to properly treat one person. I salute the staff of the Ambulance Service, Accident and Emergency, the Critical Care Unit, Radiology and Rainbow Ward for their hard work and dedication. Our community is in good hands.

Thank you, Mr Speaker. *(Banging on desks)*

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just associate myself with the words of the hon. Gentleman.

It came as a shock to me last night when you told me that the hon. Gentleman was going to make a statement on the reports that we had all read in the local media of the young man who had had this accident was the hon. Gentleman's son.

40 Mr Speaker, the people the hon. Gentleman has highlighted for mention in this House, and all the others who he has not been able to mention because, as he says, they are too many to single out, are providing the service that he refers to every single day to many other members of our community, and we must thank them for that, not just in the case of the hon. Gentleman's family, where he has rightly got up to thank them for that purpose, but for the service that they
45 give to all of the community every day.

That is why, Mr Speaker, I do not hesitate to stand by the position of this Government of investing in the public sector, of investing in our public services, and, in particular, investing in the Gibraltar Health Authority and in the Royal Gibraltar Police, and if I may say so, Mr Speaker, the Hon. Minister, who was recently also afflicted by an ailment and was able to experience the
50 fantastic service over which he presides as a Minister when he was dealt with, just like everybody else but very well indeed. *(Banging on desks)*

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): May I just say, on behalf of the many professionals who have been mentioned, the gratitude to the
55 words that have been expressed both by the hon. Member opposite and by the Hon. the Chief Minister. I am glad to say I have seen the young man on two occasions already and he is recovering well.

I was, sadly, also within the premises of ITU just about a week ago. Fortunately, it was nothing serious. I got excellent treatment too and people were pulling my leg saying that I had
60 got that treatment because I was the Minister. Clearly, I knew that was not the case and clearly this has confirmed that.

So congratulations to all the professionals, not just in the GHA but also in the Royal Gibraltar Police and other emergency services. We must never take them for granted and I know that this House never does. *(Banging on desks)*

Order of the Day

GOVERNMENT MOTIONS

65 **Clerk:** We now proceed to Government motions. The Hon. the Chief Minister.

Commission on Democratic and Parliamentary Reform – View on Public Accounts Committee

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

This House recalls that the Commission on Democratic and Parliamentary Reform reported to Parliament in January 2013, notes that the members of the commission were the Hon. A J Canepa GMH OBE MP, the Chairman; Mr C Gomez; the Hon. G Mascarenhas; Mr R Vasquez QC; and the Hon. F Vinet.

It further notes that the unanimously expressed view of the Commission that there is no need to establish a General Purpose Standing Committee or a Public Accounts Committee, given that Opposition Members have every opportunity to examine Government expenditure in detail, as well as debating the report from the Principal Auditor on the Government accounts for every financial year, and hereby endorses the view expressed by the Commission on Democratic and Parliamentary Reform.

Mr Speaker, the proceedings of the Commission on Democratic and Political Reform led to a wide and deep public consultation. This was a process that was begun shortly after the
70 magnificent New Dawn of 9th December 2011 saw the return to Government of the GSLP, now in coalition with the Liberal Party, for the first time since 1996, and we established the Commission on Democratic and Political Reform with, if I may say so, the expert chairmanship of yourself, given your 20 years' experience in Parliament before you returned as Speaker, and with the other individuals that I have mentioned. I would like to say a little more about them.

75 Mr Charles Gomez and Mr Robert Vasquez are both established lawyers in the jurisdiction. Mr George Mascarenhas, I believe, was in Parliament just shy of the 20 years that you were in Parliament for, I think, from 1976 to 1992, first with the Gibraltar Democratic Movement, then with the AACR.

80 Mr Fabian Vinet was a Minister in the GSD Government between 2003 and 2011 and much mystery still surrounds failure of his selection in 2011 for standing as a candidate with the GSD in that ill-fated election for them.

85 So, Mr Speaker, that Commission was hardly a Commission made up of people who did not understand parliamentary procedure. As it turns out, one of the members of that Commission, Mr Vasquez, subsequently decided that he would stop being an independent commentator and would join a political party, the GSD, and he subsequently stood for election at the last election in 2015, and he was not elected. I understand he remains a member of the Executive Committee of the party primarily represented opposite. I can no longer say 'the party opposite', because the hon. Lady of course is on the rocket chair at the end of the row on the right, but the party primarily represented opposite and currently, and I hope for many years, led by the Hon. the
90 Leader of the Opposition.

Mr Speaker, so we have a Commission on Democratic and Political Reform which has set out in detail what the proposals for the reform of our democracy has been, which was set up after the General Election of 2011 and which carries out a detailed consultation exercise with the general public. Apart from just publishing a report in January 2013, you have also published the
95 work in progress that you had and on which you consulted, and you received communications from the public in respect of the issues upon which you were consulting.

100 You subsequently published, in January 2013, the report to which I have referred, which set out in great detail what your analysis and recommendations were. There were four parts to it. There was a minority report, which dealt with issues relating to backbenchers but did not deal at all with the issue of Public Accounts Committee, which is the subject of this debate. That minority report was by Mr Vasquez QC, who is the person who I refer to now as being a member of the party primarily represented opposite, but it did not deal with the issue of a Public Accounts Committee.

105 So, Mr Speaker, that is the position which is received in this Parliament and there is then wide agreement in the Parliament that there are parts of the report on which we accept recommendations. We set up a Select Committee. In fact, by the time the Select Committee had reported, a lot of the things which were at the same time as being issues dealt with by the Select Committee were our policy and the policies on which we fought the election, were implemented, and, I am pleased to say, in large measure by agreement. So we are televising the
110 proceedings of this Parliament, which is one of the recommendations of the report, because we all agreed that it should be televised. We are holding monthly meetings of the Parliament, because it was our policy that that should be the case, although I seem to recall that the

commission felt that, in fact, monthly might be a little too often. And I set up, Mr Speaker, a Select Committee in order to consider further parts of that report.

115 Now, it is important that we consider again why it was that the Select Committee was set up. Historically, we must put this in context. The position of the Government was that there were a lot of recommendations set out in your Commission which we would immediately accept and that we should proceed with, and that that should be it, and we were ready to act immediately. But we were persuaded, Mr Speaker, *from the Opposition benches*, not to proceed to implement
120 all the reforms which were accepted, but that we should proceed to set up a Select Committee. This was not done on the recommendation of an average Joe – and I do not mean to disrespect Members opposite by suggesting that any of them might be an average Joe; in fact, there are some Joes who are far from average! (*Laughter and banking on desks*) This recommendation from the Opposition benches came from the man who the current – and, I hope, for many years
125 – Leader of the Opposition, Mr Feetham, has described, if not as the greatest Gibraltarian of all time, certainly as the greatest Gibraltarian of *his* time. Well, opinion, of course, Mr Speaker, is divided as to how he was described, but in other words this was a proposal that came from the mouth of a man who the current Leader of the Opposition sees as a political God and who, when he was Chief Minister, used to pretend to speak from St Peter’s chair as if he were a political
130 God.

So, perhaps foolishly, Mr Speaker, the Government, in a moment of extreme parliamentary conviviality, decided to accept that recommendation and set up a Select Committee, and we did so, and as a result it has not been possible to implement many more of the other reforms. I hope we will be able to change that and I hope that the Select Committee which we have re-
135 established for the lifetime of this Parliament will do as you have suggested, Mr Speaker, and deal quickly with the issues that are before it. And if we are not able to do so, the Government, not by lacking conviviality but by wishing to progress the democracy in which we live, may simply have to act and make recommendations. But let us just try to continue with the Select Committee.

140 We have not been able to meet, Mr Speaker, as much of the work of this Parliament has been delayed by consensus since the campaign in the Referendum began and unfortunately the wrong result was delivered. Of course, that has taken up a lot of the time of the Government, but there is another motion on that matter and I will come to that in a moment. But I, in any event, intend to propose reforms to the Select Committee, because I am reminded by the Hon.
145 the Deputy Chief Minister, that we set up the Select Committee on Parliamentary Reform and we set up the Committee on Constitutional Reform in the heady days when the Opposition was united. But now that the Opposition is divided and the hon. Lady sits not with the whip of the GSD, it is our intention, of course, that she should be represented in respect of an important Commission or Select Committee which is going to deal with reform of our democracy and, of
150 course, in respect of the committee that will deal with constitutional matters.

So, that is the state of play in respect of the report of the Commission on Democratic and Political Reform and the Select Committee that has been set up for the purposes of dealing with it.

155 So, Mr Speaker, given that it was from the Opposition benches that we were encouraged not to proceed with the reforms set out by the Commission as reforms that should proceed, but that we should in fact sit down and consider together what those issues were, given that there is a minority report which is prepared by an individual who is a member now of the Executive Committee of the party primarily represented opposite, and given that the report to Parliament on Democratic and Parliamentary Reform actually states that we should not establish a Public
160 Accounts Committee – and I will come to that reasoning in a moment – imagine my surprise when I saw a motion coming not from the GSD Opposition, in my view, that had represented to us that we should sit down and in committee deal with these issues, the self-same GSD Opposition that is already represented in the Select Committee, because it is only Ms Nahon who is not currently represented in the Select Committee, seeking that the House should, by

165 resolution and motion, do the opposite of what the Commission has recommended. Mr Speaker,
I thought that a huge disrespect to the procedure established by the House for considering the
Commission's report. I was surprised that hon. Members who were the party who persuaded us
to take into Committee the recommendations of the Commission were now purporting to do
something different in an area which was contrary to the report of the Commission and not
170 referred to in the minority report of their executive Member, and moved, Mr Speaker, by a
Member of the Opposition benches who had been a Member for a few months and acting
against the recommendations of a Commission chaired by you and including Mr Mascarenhas
and Mr Vinet, who have a cumulative period in the Parliament just among you of approximately
44 years. You have been there for 20 years, Mr Mascarenhas for six, and Mr Vinet for eight. It is
175 as if all of your experience and all of your work counted for nothing, and all of the Government's
conviviality in accepting that we should deal with these matters in Select Committee were as
nothing to the Member who had spent less than six months here – because there is another
motion on the Order Paper that will seek to go entirely contrary to the recommendation of the
Commission.

180 And so, Mr Speaker, at that point I believe I should come to it. Recommendation 2.8 on
Standing Committees sets out the following, and I am going to read it in full so that it is in the
Hansard:

2.8 Standing Committees

We have considered whether there is a need for an increase in the number of parliamentary standing committees
and whether one of these should be a general purpose committee. The standing orders only made provision for
one standing committee, i.e. a Standing Rules Committee

– which, of course, was also established just after the election, Mr Speaker –

We have also considered whether a Public Accounts Committee should be reintroduced as it existed from 1980 to
1984. That committee was composed of two Opposition Members, one of whom was a Chairman and two
Government Members. There have been varied views from respondents, but in the main there has been support
for a Public Accounts Committee and there have been suggestions that such a committee should be chaired by a
Deputy Speaker and that backbenchers should form the backbone of the committee. We are of the view that the
1980-84 Public Accounts Committee proved ineffective, impracticable and unworkable, particularly because
Ministers were expected to scrutinise and question senior executives of their ministerial colleagues' Departments.
If a Public Accounts Committee were to be set up, it would be essential for Government backbenchers to take the
place of Ministers.

We have concluded that there is no need to establish a General Purpose Standing Committee nor a Public
Accounts Committee, given that the Opposition Members have every opportunity to examine Government
expenditure in detail, as well as debating the report from the Principal Auditor on the Government accounts for
every financial year.

185 Two things, Mr Speaker, I think are important to highlight about that recommendation – or
that lack of recommendation, because where you make a recommendation for action you
actually box it in and make a specific recommendation. Here, you are saying there should be no
Accounts Committee set up.

190 First of all, there was a Public Accounts Committee from 1980 to 1984. Both yourself and
Mr Mascarenhas, who were members of the Commission, were in Parliament between 1980 and
1984. So two out of the five members of the Commission were speaking authoritatively as
people who had parliamentary experience, one of 20 years the other of 16 years, and had been
Members of this House when there was a Public Accounts Committee.

195 And another thing, Mr Speaker: there is no member of the Commission who is a member of
the executive committee of any of the political parties represented on this side of the House. So
this is a totally independent Commission of whom two members have lengthy parliamentary
experience and of whom those two very members were also in the Parliament when the Public
Accounts Committee was established in the history of our Parliament.

So, Mr Speaker, I think that the Commission has done the work of demonstrating, through
public consultation, through consideration and through a lengthy Commission report which will

200 continue to be the basis upon which the Select Committee considers its work, once it has been
reconstituted with the hon. Lady having the option to be a part of it if she wishes ... and,
therefore, to see a suggestion that we should act contrary to the advice of the Commission, so
established, with all of the experience that the hon. Members who were part of it brought to it,
seems to me a huge disrespect to the work done by that Commission, and the Government
cannot be persuaded to do anything other than entirely endorse the work that you have done
205 and to accept the view set out by that independent commission that there is no need to
establish a General Purpose Standing Committee nor a Public Accounts Committee, given that
Opposition Members have every opportunity to examine Government expenditure in detail as
well as debating the report from the Principal Auditor on the Government accounts for every
financial year.

210 I remind Members opposite that, not this year but last year, in the debate on the estimates
for the year 2015-16 they almost asked no questions in the Committee stage. There are plenty of
opportunities to analyse every item of expenditure in Gibraltar. This is not about disclosing more
or disclosing less; it is about hon. Members using the opportunities that they have and not
pretending to come here to act contrary to the recommendations of an independent
215 Commission which has included members of the experience that I have referred to before. For
that reason, Mr Speaker, I commend that the House support the motion. (*Banging on desks*)

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

220 The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, it is regrettable that the Government has seen fit to bring this
counter motion in what the *New People* describes quite simply as an attempt to hijack my prior
motion for the creation of a Public Accounts Committee.

225 What is even more regrettable is that the Government, rather than argue the merits or
otherwise of having a Public Accounts Committee, has sought to copy its homework by referring
to the report of the Commission on Democratic and Parliamentary Reform, of which, of course,
you, Mr Speaker, were the distinguished Chair.

230 The Commission reported in January 2013 after being appointed on 2nd March 2012 with
wide terms of reference, and I quote:

requiring to report on all aspects of the parliamentary and electoral system in Gibraltar and to make
recommendations therein to Parliament.

The final report was extensively debated in Parliament in June 2013, recommendation by
recommendation. At the conclusion of that debate, the following resolutions were passed as
follows:

This House welcomes the work done by the Independent Commission on Democratic and Parliamentary reform;
further welcomes that the Commission was able to report to the House ahead of schedule; notes and welcomes
that the Commission has made clear recommendations in proposing areas of reform for the workings of this
Parliament and for democratic reform; and having today debated and considered the recommendations of the
report, will refer the said report to a Select Committee on the implementation recommendations of the
Independent Committee on Democratic and Parliamentary Reform (to be known as 'the Select Committee on
Parliamentary Reform'), which is hereby established to include three members appointed by the Chief Minister
and two appointed by the Leader of the Opposition to consider the implementation of appropriate
recommendations of the report.

235 Mr Speaker, as you are aware, the Select Committee was reconstituted this year and has yet
to meet, and has not, to my knowledge, issued any report in respect of the implementation of
any appropriate recommendations. It is at this stage that I need to point out that the view that
was quoted by the Chief Minister in his motion is merely that, a view. It was not issued as a

recommendation in a final report for consideration by Parliament. That view, it would appear, had already been arrived at by the Commission's members upon issuing the consultation document and thus before taking evidence on the utility of standing committees of Parliament.

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In their final issued report the Commission stated as follows, and I quote:

There have been varied views from responders, but in the main there has been support for a Public Accounts Committee.

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The Commission, they went on to say the exact opposite in the final report, namely:

We have concluded there is no need to establish a General Purpose Committee, nor a Public Accounts Committee, given that Opposition Members have every opportunity to examine Government expenditure in detail, as well as debating the report from the Principal Auditor on the Governments accounts for every financial year.

Alas, Mr Speaker, in my opinion, the Commission erred in its view. The Committee membership did not count on a single accountant and was dominated by no doubt well-meaning lawyers with, alas, no experience in such matters. A Public Accounts Committee, as a select committee of Parliament, serves a much wider role, in scrutinising the use of public funds and in calling in witnesses and preparing reports for Parliament, than merely engaging in political debate. (A Member: Hear, hear.) It is an essential tool most parliamentary democracies understand and have in their armoury of checks and balances on the executive and public servants. The Mother of all Parliaments in the United Kingdom has had a Public Accounts Committee since 1857, and no one has suggested it is redundant. On the contrary, its remit has grown with the increase and complexity of public finance and procurement.

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Mr Speaker, I took the liberty of discussing the usefulness of the last Public Accounts Committee with its Chairman, Major Frank Dellipiani and he has kindly allowed me to express his view that it was indeed useful. In fact, Major Dellipiani told me that Sir Joshua Hassan himself was entirely supportive of the Public Accounts Committee because, to quote Sir Joshua, he had 'nothing to hide'.

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I have also heard from a former senior civil servant who gave evidence to the Commission, who stated that it was important that Heads of Department felt they could be held accountable to Parliament if a Public Accounts Committee existed. This would perhaps, Mr Speaker, avoid the need for the Chief Minister to call in the Heads of Departments on 5th December and read them the riot act as regards expenditure in the final quarter.

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Thus, Mr Speaker, the Chief Minister's motion is lazy, in that he is relying on an ill-considered view that has not even been the subject of a recommendation to Parliament, and indeed is contrary to public opinion, by the Commission's own admission.

270

In my own motion, which, I should add, preceded the Government's motion, I will argue the positive case for the creation of a Public Accounts Committee, based on reasoned argument, modern practices and the public good.

I would ask the Chief Minister to indicate that he will allow his Ministers a free vote on this motion, because I would like to think that Members of Parliament would want to improve its workings, rather than stifle transparency.

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And so, Mr Speaker, I really have nothing further to say on the Chief Minister's motion, other than to ask this House to reject it as worded and allow me, in my motion, to set out the positive case for the creation of a Public Accounts Committee for the public good.

Finally, Mr Speaker, I hereby give notice that I will be calling for a division at the end of this debate, so each Member's position is clear. (A Member: Hear, hear.)

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Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the motion? The Hon. the Leader of the Opposition.

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

I am certainly not going to respond to the Hon. Gentleman the Chief Minister's barbed comments; I think they are something we should have left in the sixth-form playground many, many years ago, and it is something that is, in fact, turning people away from politics, and it is not something that we should be bringing to this House.

But I do think that the Hon. the Chief Minister's reasons for supporting his motion, behind his motion, are both confused and indeed confusing. What he is effectively saying is that the Commission on Democratic Reform, chaired by Mr Speaker, has a cumulative experience of 40 years, between various individuals, of parliamentary experience, and it would be, to quote him 'a huge disrespect' to the Commission, and in particular to those members, for the Hon. Mr Clinton's motion on the Public Accounts Committee to be endorsed by this House. It is, quite frankly, Mr Speaker, a ridiculous assertion to make. The Commission on Democratic Reform reported to Parliament for the specific purpose that Parliament consider its recommendations, and the Select Committee that was established was establish precisely to consider what recommendations that were made in their report would be adopted by Parliament and which ones would be rejected. Effectively, what he is really saying is that the work of the Select Committee over the last four years – and I will come back to the work in a moment – is a complete sham, because we might as well, all of us, endorse the recommendations of the report produced by the Democratic Commission on Parliamentary Reform. It is absolutely ridiculous, Mr Speaker. It drives a coach and horses through the entire purpose of the Select Committee.

The reality was that that report was debated in 2013. If one looks at the debate in 2013, anybody who cares to look at it will see that different views were expressed, certainly on this side of the House, to different recommendations made by the Committee in the report. Some were endorsed on this side of the House, some were rejected from this side of the House. And indeed, on this side of the House we have always been supportive of a Public Accounts Committee, Mr Speaker.

I do not criticise him for it, because everybody is entitled to change their view, but the hon. Gentleman has referred to Mr Vinet, who was a member of the Government, that I had the privilege and the pleasure to serve the people of Gibraltar between 2007 and 2011. Mr Vinet stood in this House on a motion on parliamentary reform in 2011, endorsing the virtues – in very passionate terms, it has to be said – of backbenchers and the creation of backbenchers, and Mr Vinet is one of the individuals in the Commission who has effectively gone against his previous view. I do not criticise him for it, because everybody is entitled to change their views, but what the hon. Gentleman cannot do is come to this House and give the impression for all the world to see that, effectively, the report by the Commission on Democratic Reform was a fait accompli and that somehow, because we do not agree with one or two or three of his recommendations, that we are showing disrespect to the Committee or that we are somehow doing a volte-face on our previous position – because nothing could be further from the truth.

Mr Speaker, indeed, the view that we express today on the Public Accounts Committee is the view that was expressed from this side of the House in 2013 and is the view that was expressed by some of us when we were in Government for the GSD in 2011 when we debated a motion on parliamentary reform that was moved by the then Chief Minister, Peter Caruana, as he then was. Mr Speaker, even if that were not so, even if we had not, in 2011 – or some of us had not – extolled the virtues of a Public Accounts Committee, even if we had not extolled the virtues of a Public Accounts Committee in 2013, what has happened between 2013 and to date is that the Hon. the Chief Minister and his Government have retreated behind a curtain of secrecy in the management of our public finances, because they are not answering questions on the public finances of Gibraltar. So when the Committee says that we can debate every single year the accounts and the estimates of this community and that therefore we do not need a Public Accounts Committee, well, of course, Mr Speaker reported in 2013 that Credit Finance...the £320 million that was paid from the Savings Bank into Credit Finance – that was in 2013, post the report from the Commission. The huge debt that this community has incurred and has been

saddled with by hon. Gentlemen opposite subsequent to 2013, which now stands at an eye-watering £1.1 billion ... £1.1 billion, when the hon. Gentleman used to say in 2011 that the GSD was addicted to debt, when it was less than half of that.

Mr Speaker: May I remind the Hon. the Leader of the Opposition of the contents of the motion and point out to him that, under the guise of this motion, I am not going to allow Parliament to debate public debt. So will you please stick to the motion. You can make a reference as an aside, which I take it that you have done. I take it that you have made a reference as an aside, and therefore I allow you to do that, but not to debate public debt.

Hon. D A Feetham: Mr Speaker is aware that this motion is on the Public Accounts Committee, which is a Committee that is set up in order to examine the public finances of this community. Therefore, to disassociate ... The point I am making, and with respect to Mr Speaker, is a point –

Mr Speaker: No, the –

Hon. D A Feetham: May I be allowed to finish?

Mr Speaker: No. Sit down a moment, and then I will allow you.

It does deal with the Public Accounts Committee, and the Public Accounts Committee in general terms would be able to look into the question of public debt, but not a specific situation which we have in Gibraltar at the moment – and that is the issue. In general terms, yes, but not in specific terms now. Carry on.

Hon. D A Feetham: Mr Speaker, I do not want this to turn into – which, unfortunately, on many other occasions it has turned into – an exchange between the Leader of the Opposition and the Speaker; not, I have to say, in my respectful view, of my own making. But, Mr Speaker, the reality is that the Committee that Mr Speaker chaired was a Committee that said, ‘We do not recommend a Public Accounts Committee, because one can thoroughly debate and examine in detail the estimates of accounts and expenditure for the Government of Gibraltar every single year. The point I am making, Mr Speaker, which is a point that I believe is well made and reasonable, is that that Committee reported prior to the setting up of Credit Finance Company Ltd. The position that the Government has taken on public debt ... and that is the point, that today, more than ever, Mr Speaker, because of the policies of the hon. Gentlemen opposite and the Government that the Hon. Gentleman the Chief Minister leads, it is more necessary than ever to have a Public Accounts Committee to scrutinise these issues, including the issue of, effectively, for example, what are the levels of cash reserves that the Government has, which would then allow us to calculate net debt. That is the point that I was making, Mr Speaker, and I believe it is a point that is well made.

To summarise, Mr Speaker, and conclude, the reasons that the hon. Gentleman has provided in support of his motion are confused and confusing. There is absolutely no nexus at all between our supporting a Public Accounts Committee and any view or disrespect that we may have for Mr Speaker’s Committee. In fact, that report was and has to be considered by the Select Committee. And, of course, Mr Speaker, I also remind the Hon. the Chief Minister – and I was about to turn to this particular point before Mr Speaker interrupted me – that he controls the timetable for the Select Committee. The Select Committee has met only twice since 2013 – or three times, I beg your pardon, because once I was not here, for personal reasons – so any implication or any suggestion that there has not been movement or a final decision on the recommendations from the Select Committee because of anything that the Opposition has done is totally and utterly rejected, because he controls the timetable and he controls by when the Select Committee can report to this House.

390 For all those reasons, Mr Speaker, we will be voting against the motion, although I have to say that upon the invitation of my hon. Friend, Mr Clinton, I will be allowing Members on this side of the House a free vote on this motion. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute to the debate? The Hon. Ms
395 Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, when the hon. Gentleman, Mr Roy Clinton, just quoted my late father, it made me think: what do we have to hide and why would we want to scrap the concept of any Public Accounts Committee or any committee which involves
400 scrutinising public spending? How could it be detrimental to have such a committee at a time like now, when we should be welcoming any and every platform to scrutinise public spending and public accounts? What do we have to hide? (*Banging on desks*)

Mr Speaker: Any other contribution?
405 I will, then, call upon the Chief Minister to reply.

Hon. Chief Minister: Thank you very much, Mr Speaker.
I will start at the end: absolutely nothing, or exactly the same things that – the hon. Gentleman has brought the hon. Lady's father into the debate – exactly the same things that the
410 AACR had to hide between 1972 and 1980, when there was not such a committee, and between 1984 and 1988, when there was not such a committee. Because, having had a committee only for one term out of the distinguished 40 years that the Hon. Sir Joshua Hassan was Leader of this House and its predecessors, it is clear to me that it was absolutely right that, although there might be absolutely nothing to hide, the Committee added very little. And that is why the two
415 people, Mr Speaker, who were in the Commission, who served with Sir Joshua Hassan with distinction – yourself and Mr Mascarenhas – actually recommended that we should not have such a committee.

Let's understand what we are talking about in respect of such a committee. That is in effect to have a Budget session every month. In a Parliament where there are 10 Ministers, and two of
420 them are going to have to be in the Parliament holding a Budget session and bringing members of the senior Civil Service into this Parliament to have a Budget session with them every month. The hon. Gentleman is a retired banker and accountant – he has got nothing else to do, other than to try and grind the community to a halt and its Government, asking for the price of PG Tips (*Laughter*) and digestives. Well, this Parliament does not work like the Westminster Parliament.
425 There are not 650 of us here and there are not backbenchers here, Mr Speaker – and I will come to the issue of backbenchers and how it is relevant to this.

So there is absolutely nothing to hide. That is why we want to put much more information on line – and I will come to that now – including information relating to net debt, gross debt and spending; not to give it to the privileged few who, in this Parliament, think that they should be
430 entitled to things so they can squirrel away and try and find the price of eggs, Mr Speaker, but to the whole community, so that the whole community can see in real time where the debt is, or as close to real time as that may be possible – and I will come to that in a moment, Mr Speaker.

The hon. Gentleman says it is regrettable – coming to my response to Mr Clinton – that I have hijacked his motion. Well, what the hon. Gentleman is never going to be able to get away with is
435 the suggestion that he is somehow trying to be a collegiate and add to the way that our democracy works by putting a motion to create a committee of the House without picking up the phone and calling the Chief Minister, who has the majority of the votes in the Parliament, and saying, 'Fabian, I am thinking of doing this: what do you think? I think it would add to the way that we do things in Parliament. If I were to put this motion, would you be prepared to
440 support it? Or, alternatively, would you suggest a motion in such terms which we could support?' Well, Mr Speaker, in the time that he has been privileged to be a Member of this

House, although he has sent me back his tickets to the GMF in an envelope amusingly marked 'Urgent Parliamentary Business' – although I commend him for it, because I was able to give his tickets to somebody else, whilst the Hon. the Leader of the Opposition sent me a letter through
445 his secretary on the letterhead of his law firm, which did not arrive until Tuesday and nobody took the benefit of those tickets – that is the only communication I have had from him ... and the letter now which I think is pending answer, in relation to a question that came up in the context of the Budget debate, and I have been travelling so I have not been able to give it attention yet, but I will. But if you are going to be bringing a motion and you want it to prosper, then I think
450 you should ask the guy who leads the team that has got the most hands to put up in this place. I know that they proceed on the basis that politics is not a popularity contest, although that is how it was established in Athens more than two millennia ago: it is the people who get the most votes who get in, and with the most votes they pass laws. But if they get over this idea and they would like to form part of the process of change and they want to persuade the Government of
455 something, they just have to pick up the phone. I would have told him in this instance, 'Roy read the report on parliamentary ...' – I would have called him Roy, and not the hon. Gentleman, over the phone ... 'Read the report on the Commission, which says the opposite, and Sir Joshua Hassan – who said he had nothing to hide, to Mr Dellipiani, by the way – did not have a Commission when he came back the following year in 1984 and he did not have one between
460 1972 and 1980; and I assume and entirely believe that Sir Joshua had nothing to hide in those years either or in the years before. So it is not about hiding anything.

But I will say one thing, Mr Speaker, to the hon. Gentleman. I continue to commend his reading of the *New People*. It is an excellent publication. It was wrong to ban it from No. 6 Convent Place, it was wrong not to send them press releases, it was wrong to keep the editor of
465 the *New People* out of Government press conferences. That has now been fixed. We did not need the Commission on Parliamentary Reform to sweep away the attempted secrecy in keeping from that inquisitive media of Government information, and, in fact, for the first four years that I was at No. 6 Convent Place, a copy of the front page of the first edition of the *New People* after the glorious new dawn of 9th December 2011 hung in my office, and if I find it again
470 I will make sure it is put back in its rightful place so the hon. Gentleman can see it when he comes to meet me for extra-parliamentary meetings.

Mr Speaker, on the issue of a free vote – this is an issue that might come up again during the course of this meeting or the next meeting – I do not carry a whip hand in the way that I do politics. I note that the highly experienced Rosie Winterton, who has been Chief Whip of the
475 Labour Party through many leaders from the time of Tony Blair, Gordon Brown and Ed Miliband, has recently, this morning, been announced not to be Chief Whip anymore as a result of the ongoing reshuffle that Mr Corbyn is carrying out. On this side of the House, the hon. Members can see the ministerial portfolios. No one is a whip. I do not whip my people, or indeed the Hon. Dr Garcia's people. The Liberals might get up to that sort of thing in private, (*Laughter*) but
480 certainly I have never seen it happen in the privacy of the Cabinet Office, Mr Speaker! People here always are encouraged to vote their consciences. We come here with a position which we think is right for the community. We come here with a view that we have arrived at together in consensus. Nobody here is being told to vote one way or vote the other, because I would not have the conscience to tell somebody not to vote their conscience. So I am sorry to tell him that
485 all of the defeats that he has suffered in the past six months when he has put motions since he was elected, and that he will continue to suffer if he continues to put motions in a way that are not going to be agreed between us, those are all not inflicted by a conniving Picardo whipping the other nine to support him and vote in a particular way. This is the 10 opposite him not voting with him of their own motion and in full conscience of what they are each doing.

Mr Speaker, I also noted that the hon. Gentleman got up and delivered the speech that he had written in response to my motion and ignored much of what I had said. He said, for example, 'the Committee has yet to meet' – I had explained why the Committee had yet to meet; 'the Committee has not issued a report yet' – of course it has not, because it has not met,

495 for the reasons that I had explained. He thought he would just read his speech. Perhaps when he
is a little more experienced in parliamentary terms, and despite the fact that he is an accountant
and not a lawyer, he may be able to get up and deal with issues as they arise in debate and not
have to rely just on the speeches that he has written.

Mr Speaker, the hon. Gentleman then went on to denigrate the work of the Commission by
suggesting that you had not taken sufficient cognisance of what the public believed in making
500 your view clear that there should not be a Public Accounts Committee. The hon. Gentleman said
there is no recommendation, there is just a view. Well, it is because when there is a
recommendation to do something it is in a box; when they take a view in the Commission that
something should not be done, they just express it in that way, and that is their
recommendation on that subject. Mr Speaker, the fact is that whether they are accountants or
505 lawyers – and there were three lawyers and no accountants – there were two members of that
Commission whom I will not tire of telling him were with Sir Joshua, who had nothing to hide
when he had an Accounts Committee and when he did not have a Public Accounts Committee
and who were in this House for the period when there was a Committee, and they took the view
that there should not be a Committee. I think they are much better qualified, Mr Speaker, to
510 give a recommendation than somebody who simply has an accountant's qualification. You are
dealing with people who were in this Parliament for four years and are able to say, 'We believed
that there was no need for the Committee, although we had nothing to hide,' because we are
not going to assume for one moment that Sir Joshua had nothing to hide but that
Mr Mascarenhas did or indeed that Mr Canepa did – of course not. Nobody had anything to
515 hide, but there was still the view taken, rightly, despite the absence of accounting qualifications,
that it was not the best way to spend the time of this House.

Mr Speaker, I am accused of barbed comments when I say something slightly political, and
yet I am exposed to allegations of laziness. Now, look, Mr Speaker, opinions of me may be
divided on many subjects, and I am sure that they are, because the minute you win an election
520 people rightly take a view about you, and if you are in politics and you do not divide opinion,
good luck to you, you are never going to get anywhere. I divide opinion. That is fine, I am up for
that, but I do not think anybody could reasonably call me lazy, and so to say that I am bringing a
lazy motion when I am spending already over an hour of Government time debating a motion in
this Parliament and preparing for it, and then be accused that I am the one who brings barbed
525 comments into the debate and that I do this on a sixth-form basis, and yet somebody who has
obviously spent quite a few hours thinking of a phrase like 'confused and confusing', that does
not otherwise roll off his tongue unless he thinks about it and spends time writing it down to
read it out to the House, is really quite a joke, and that is to conflate both the attitude of the
Hon. Mr Clinton and the attitude of Mr Feetham.

530 But, look, Mr Speaker, let me tell them what is confused and confusing. The hon. Gentleman
says the Commission has done the wrong thing because the public has told you that they would
like to see a Public Accounts Committee and you have recommended that there should not be
one. Well, for good reason, because none of those members of the public are likely to have been
in this Parliament when it was the House of Assembly between 1980 and 1984 when two
535 members of the Commission were members and that is where they made the recommendation.
But how confused and confusing that you want the Commission to follow the public's view on
this subject, and yet on the other subject, where the Members opposite represented in the GSD
take a contrary view, the public said this, which is the issue of backbenchers. On page 13 of the
Commission Report the last sentence:

The majority of the responders are also opposed to any increase in the size of the Parliament, as the electorate is
well served by 17 elected Members and the additional expenditure is unwarranted.

540 So they want you, Mr Speaker, to follow the view of the public when it accords to them and
they say that they really cannot understand why you do not take the view; and yet, when you do

545 follow the views of the public, which is to say the public do not want backbenchers and the Commission reports that there should not be backbenchers, there they want you to go *against* the views of the public. Confused and confusing, Mr Speaker. Sorry that that might sound like the sixth form, but I think the whole community is going to be in the sixth form trying to work out what it is that the hon. Members want. They position themselves with the public when they think it suits them, and they position themselves against the public when they think it suits them. Confused and confusing, Mr Speaker. Confused and confusing.

550 Anyway, Mr Speaker, the hon. Gentleman, Mr Feetham, when he gets up as the current Leader of the Opposition, says that I said that you represented, with Mr Mascarenhas and with Mr Vinet, 40 years of experience. Well, Mr Speaker, I think actually he misquotes me even in that respect, and the arithmetic I think I referred to was 44. The experience represented by members of the Commission who had been parliamentarians was 44 years. In fact, that is the experience contained in – no ordinary Joe – Joe Bossano, who has had, himself, 44 years, on his own, of experience of this Parliament. Of course, Mr Speaker, as I often tell the House, I can never forget that, because he got in in 1972 and I got out in 1972. Namely, I got out – I was born – in 1972, (*Laughter*) so I always remember how many years he has been here. (*Interjection*) Listen, I cannot refer to what I got out of, Mr Speaker, because it would be unparliamentary, I suppose, but it is really, frankly, important for the House to reflect on the fact that a Member with 20 years' experience yourself, a Member with 16 years' experience, Mr Mascarenhas, both of them Members at the time that the House had a Public Accounts Committee and had nothing to hide, and Mr Vinet who was a Member of this House for eight years, and Mr Bossano who is a Member of the House for 44 years and counting – (**Hon. J J Bossano:** Absolutely.) *por muchos años*, Mr Speaker, as they say in El Calpe, where I am from – all are against the establishment of a Public Accounts Committee, (**Hon. J J Bossano:** Yes.) and the hon. Member brings us what he says is a quote from Mr Dellipiani about what Mr Dellipiani says the Hon. Sir Joshua Hassan, who is no longer with us, said. Well, Mr Speaker, I know he is an accountant and he is not a lawyer, but that statement offends the rule against double hearsay. So, if he does not mind, I am going to rely on the statements put in black upon white by the Independent Commission and the advice of Joe Bossano.

575 Mr Speaker, then Mr Feetham says that the Select Committee was established to report to the Parliament and it has not yet reported to the Parliament, and that the Commission had reported to the Parliament and all the rest of it, and that we had debated in the Parliament. Well, look, when the Commission reported to the Parliament, the Commission did not envisage that we were going to set up a Select Committee to consider its report. It cannot have, because nobody envisaged it, and in fact it was in the ante-Chamber that the greatest Gibraltarian of his, of all time approached me and suggested that we should have a Select Committee. We considered it, and, in that moment of conviviality, decided to do it, and we could have just dealt with the reports to Parliament in Parliament, we could have just dealt with it then, and then there would be no need for a Select Committee to meet. Of course, Mr Speaker, it is difficult for a Select Committee to meet, because we need to find time for it, etc. Well, it will meet, Mr Speaker, because we have now determined to go down that road, but I remind the hon. Gentleman that on occasion it was not possible to meet because of his diary commitments, and we went ahead without him on one occasion. On one occasion we went ahead without him, but on other occasions we were unable to meet because of his diary commitments.

585 The hon. Gentleman says, of course ... as you would expect them to, because another confused and confusing aspect of what Members opposite, except the hon. Lady, do is that they say, 'We don't want to talk about history; we just want to look forward. Why are you looking at history?' But then they refer us to history when it suits them, and so the hon. Gentleman's reference to history is to say that the GSD has *always* been in favour of a Public Accounts Committee. Well, an ex-Member of the GSD in this Parliament, Mr Vinet, is no longer in favour. He might have been in favour before, but that was before he heard all the evidence and considered it in Commission. And a current Member of the GSD executive was against – in fact, I

595 think it may be the Chairman of the GSD Mr Vasquez may be the Chairman of the GSD, as I
understand it, and a candidate at the election – he was against a Public Accounts Committee
when the recommendation was made. The hon. Gentleman says that is no volte-face. Mr
600 Speaker, I am not going to talk about people who are not here to defend themselves; I am just
expressing the position that they expressed. Whether it is a volte-face or not is another matter. I
am not going to express a view in respect of people who are not here to defend themselves or to
put their view. Nobody needs to defend themselves. But hon. Members were in Government
between 1996 and 2011. Mr Speaker, there was a lot of whipping then – I still have the scars on
my back! *(Laughter)* There could have been parliamentary reform in a moment in the way things
were done then. There was no collegiate conviviality in this Parliament and Select Committees
established; there was then the rule of the rod from St Peter's chair. *(Laughter)*

605 Mr Speaker, where is the Select Committee that we were able to attend meetings of between
1996 and 2011? Where is that fulsome and constant support? Or is it that we are to judge the
absence of a Select Committee between 1996 and 2011 as something to hide? Or is it that hon.
Members apply a measure to themselves and a measure to others? So, if there is not a volte-
face, there must at least have been a difference of opinion – which I suppose is the posher way
610 of explaining it, Mr Speaker – because when they were in Government they did one thing, and
the minute they are out of Government they start recommending another.

And then we had this attempt to turn the debate to this question of the curtain of secrecy
and the debate of debt. Mr Speaker, on that issue you rightly say this is not what this motion is
about, but hon. Members are from Mars and we are from Venus. As far as we are concerned,
615 Gibraltar's public finances are stronger than ever. We have already explained our position on the
debt. Hon. Members just want to pretend to the public that we are not being transparent. They
are going to find it very difficult, Mr Speaker, because what we are saying is we will continue to
give you everything you have always had, we will continue to give you everything you gave when
you were in Government. What we will not give you – because we cannot be sure of the
620 accuracy, and then if we give it and it is not accurate you are then going to come back at us – is
the management accounts on a day-to-day basis more accelerated than ever before. That is
what is not going to happen. This is not an attempt at secrecy; this is an attempt at accuracy and
at then transmitting information further than just in this Parliament, to the whole community. I
know that the hon. Members think that they should be privileged to have information here, laid
625 in this House just for them. Even things which are public, they want us to go and fetch them for
them and bring them and put them at their feet here. Look, it is not going to happen, Mr
Speaker. We believe in openness and transparency to the whole community. That is why we are
going to give more information than they gave on debt, net debt and gross debt, but we are
going to give it online.

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Mr Speaker: May I also ask the Chief Minister to limit himself now on the question of public
debt.

635 **Hon. Chief Minister:** Absolutely, Mr Speaker. I will not argue with you, as the Hon. the Leader
of the Opposition does every time that you rule against him.

And so, Mr Speaker, that issue which I have no doubt we will be able to debate in respect of
some of the other motions that are on the Order Paper, or when the time comes, is irrelevant to
this, but of course it is an attempt to hijack this debate for that purpose – which you, if I may say
so, with respect, Mr Speaker, rightly spotted and brought us both back onto the straight and
640 narrow.

But, Mr Speaker, the one thing the hon. Gentleman did say, which I have to reply to him on,
is that he said, 'Of course, the recommendation of the Commission was before Credit Finance;
now we need this because Credit Finance has been set up.' Well, look, Mr Speaker, Credit
Finance has been set up. It has got nothing to do with the public accounts of Gibraltar; it has got
645 to do with the Savings Bank. This is even more off tangent than the hon. Gentleman was going

before, but he just wants to make it all about that, despite having suffered a crushing electoral defeat, having staked all his eggs in that basket before. Credit Finance would not come within the purview of a Public Accounts Committee; it is a subsidiary of the Savings Bank.

650 **Hon. D A Feetham:** No, it's not.

Hon. Chief Minister: Well, Mr Speaker, it is not a company (*Interjection*) that would come within the purview of the Public Accounts Committee, which is their complaint. It is their complaint, so how can they pretend to fix the malaise that they say is there with something that is aimed in a completely different direction? It does not make absolutely any sense. But they, Members opposite, say that all of that attempt to row contrary to the conclusions of the Commission on Parliamentary and Democratic Reform, is not to disrespect its findings. Well, Mr Speaker, to recommend the complete opposite of what the Commission has proposed but to try and side with some members of the public – we do not know how many – on that, and to also try and go completely contrary to the view expressed by the Commission, absent the minority report on the other issue, despite the public being on the same side as the Commission, is to do a volte-face on where the Commission should be, whether it should just be with the public or not, is to disrespect the Commission, and is, frankly, Mr Speaker, an attempt to just bring to this Parliament issues to try and raise the spectre of a lack of transparency in respect of a Government which is more transparent than any Government in history has ever been – because technology avails us of opportunities to do so – that puts more information of the sort that would be before the Public Accounts Committee online every day – for example, travel expenses and any other expense, where before hundreds of questions had to be asked orally in this House to get that information and which information is now there for every member of the public to see, not just Members opposite.

For all of those reasons, Mr Speaker, I commend the motion to the House as it stands on the Order Paper and I do not mind telling the hon. Gentleman that of course that means that we will not be supporting the motion which he brings later. And I suggest to him that he should consider that this is the debate that we would have had in respect of that motion and that he may wish simply to save parliamentary time and proceed now to seek to garner sufficient votes. Now that the debate is over, we will see how people vote, and if he sees that he has not managed to persuade any of the Members on this side of the House, who will vote their consciences freely on the subject that he has referred to in the context of this debate and on the subject of this motion, he may want to abandon his motion when it comes later on, because we are just going to be arguing exactly the same thing over and over again and reaching the same conclusion.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister, and the Clerk will now call a division as requested.

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT
The Hon. P J Balban	The Hon. R M Clinton	None
The Hon. J J Bossano	The Hon. D A Feetham	
The Hon. Dr J E Cortes	The Hon. T N Hammond	
The Hon. N F Costa	The Hon. Ms M D Hassan Nahon	
The Hon. Dr J J Garcia	The Hon. L F Llamas	
The Hon. A J Isola	The Hon. E J Phillips	
The Hon. G H Licudi	The Hon. E J Reyes	
The Hon. S E Linares		
The Hon. F R Picardo		
The Hon. Miss S J Sacramento		

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Mr Speaker: There are 10 votes in favour of the motion, 7 against. The motion is carried.

**Select Committee on the European Union –
Establishment of**

690

Clerk: The Hon. the Chief Minister.

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

This House regrets that the outcome of the Referendum on 23rd June 2016, on whether the United Kingdom and Gibraltar should remain in the European Union or should leave, resulted in an overall decision to leave; notes the statement made by the United Kingdom Government that Gibraltar will be fully involved in the formulation of the United Kingdom's policy in relation to a potential withdrawal from the European Union, known as a 'Brexit'; welcomes the declared intention of the Government and Opposition to co-operate in determining both the impact on Gibraltar of a potential withdrawal from the European Union and Gibraltar's future relationship with the European Union; considers that the formal structure to take this co-operation forward should be a select committee of the House, which will be known as the Select Committee on the European Union; believes that the composition of the Select Committee should reflect the composition of the House; and hereby resolves the establishment of a select committee to report to the House on these matters, consisting of four Members nominated by the Chief Minister and two Members nominated by the Leader of the Opposition and the Independent Member of Parliament.

Mr Speaker, it is now over a hundred days since the morning of 24th June when Gibraltar and the rest of the United Kingdom, Europe and the world heard the result of the view of the British people that the United Kingdom should leave the European Union. In that time, hon. Members will know that the Government has been engaged in a lot of work of lobbying and in a lot of
700 work of preparing the Gibraltar public sector and private sector for the purposes of providing all of the information necessary to the United Kingdom in the context of the negotiation that will take place when Article 50 of the Lisbon Agreement or Treaty is triggered. The Prime Minister, hon. Members will know, has indicated in a speech to her party, not to the Parliament, that it is her intention to trigger Article 50 by the end of March at the latest.

705 Mr Speaker, it is also true that in the United Kingdom Parliament a similar mechanism for the understanding by Parliament of the work being done by the executive on Brexit is to be adopted and a select committee is to be established to deal with Brexit issues. I am delighted to say that I shared a platform with Hilary Benn of the Labour Party, who is seeking to be appointed – as he confirmed at that *New Statesman* fringe event around the Labour Party Conference events in
710 Liverpool some weeks ago – he is seeking to be appointed the chairman of that select committee. It is not clear yet, Mr Speaker, which of the parties will have the chairmanship of the committee, but Mr Benn is seeking it should be Labour and that it should be him. It is also true that similar committees have been set up in other parliaments, including the Scottish Parliament, as the mechanism for co-operation between the parliamentarians represented there and with the executive. The Scottish Parliament's Brexit Committee, I understand, has already
715 been set up; the Westminster Parliament Brexit Committee is to be set up.

Mr Speaker, in the moments after the Referendum result I had an opportunity of meeting with the Leader of the Opposition. On one occasion when I was briefing him on the meetings we had had in the United Kingdom he, in fact, in writing, had proposed a select committee, which I

720 reflected to him in the context of our discussion was actually the position that had been
proposed to me already by the Deputy Chief Minister and was therefore agreeable to the
Government. This is a motion that, as a result, I put before the Parliament some time ago. This is
the first opportunity for taking motions, and therefore, Mr Speaker, I look forward to having the
full support of the House for the establishment of this committee, which will, I hope, give us the
725 opportunity of working together at a parliamentary level and reflecting there the work that we
as a Government and as an executive will have done and will be dealing with now going forward
in respect of Brexit.

Mr Speaker, there has been an exchange of press releases on the subject of Brexit in the past
few days. I would rather leave those issues outside of this debate, because what we are doing
730 here is establishing a committee for the purposes of being able to work together. If there have
been disagreements in that respect, I think it is important that we start this work and we start to
do it together in the context of the select committee, and perhaps in the select committee the
hon. Members may wish to put some of their concerns about how the committee should work.
But we have to be clear that Gibraltar does not have and does not need a Government of
735 national unity. Therefore, the Government is governing, the Government continues to control
the executive, and will continue therefore to lead on the Brexit strategy, although it wishes to be
able to work with the Opposition in the context of the select committee.

The Government will take the blame for anything that goes wrong as a result of the Brexit
negotiations that we lead and we will shoulder the responsibility of where that leads Gibraltar
740 to, because we are in Government. Similarly, Mr Speaker, we will take the credit of anything that
we do in the context of that process which takes Gibraltar to a better place. Mr Speaker, let us
be clear. That is not to say that we are confident that Gibraltar is going to do extraordinarily well
out of Brexit. Brexit is going to present a lot of challenges for a lot of areas of this community.
We have to do our best to achieve the best for each of those sectors, as will be the case for the
745 United Kingdom and its many industrial sectors, and the case for most Member States of the
European Union that have a relationship with the United Kingdom.

If I may say so, Mr Speaker, I think the best way to paraphrase what the Prime Minister has
been saying in the context of her party's annual conference in Birmingham, which I was
privileged to attend to represent the Government last Sunday and had massive support from
750 Members of the Conservative Party, as we had in the Labour Party, in the Liberal Party, and no
doubt will have also at the SNP, where the Hon. the Deputy Chief Minister will lead a delegation
next week ... What she has been saying there in respect of Brexit, and what she has been saying
there in respect of her party's policies for the country, I think can be synthesised into a phrase
that should represent both those aspects of the Prime Minister's policies and which should
755 reflect our policies going forward and those of all the devolved parliaments and the Crown
Dependencies, namely that we need to find a Brexit that works for everybody. Mr Speaker, that
is the work which on which we are engaged and will continue to be engaged. It is true to say that
it is taking a lot of Government time and, as a result, the Deputy Chief Minister and I have been
unable to give the full attention that we might have wished to give to other areas of
760 Government, but we expect to be able to continue to turn our attention to those. The hon.
Gentlemen will be disappointed to know that we expect to be able to comply entirely with all
our manifesto commitments and deal with Brexit.

Mr Speaker, the one thing that I think is important is that I explain why the composition
would be four, two and one. In the context of select committees the Government will have
765 always an inbuilt majority, and, in order to ensure that the committee stays nimble and small
enough, the only way that we would be able to have an inbuilt majority if it were bigger would
be to have five Members of the Government, three Members of the Opposition, and the hon.
Lady, because we think the hon. Lady, as an independent parliamentarian, should be
represented in the select committee. That would mean that the Parliament would be meeting
770 with almost half its Members in select committee – there would be eight of us – so, in order to
keep it nimble and try and reflect the numbers opposite, the only way we can do it is to do three

and therefore four on our side, if the hon. Lady is going to be one on the other side. Of course, the other way to do it is to keep it three on our side, the hon. Lady, and just one of the Members representing the party opposite. We thought that would be less representative, so that is why we are proposing four, two and one, to keep it nimble in that way.

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Mr Speaker, I would propose that this select committee should meet with regularity in order to ensure that we are able to give Members opposite the sort of information and to have the exchanges that we think we should have, and we think it should meet in camera. In other words, we do not think it should be a select committee that should meet in public, although it should be a select committee that should be able to make public such information as the committee considers appropriate.

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Mr Speaker, I think that with those remarks I have dealt with also a communication which we received from the Deputy Leader of the GSD, Mr Hammond, in respect of this committee and I hope that that will enable Members opposite to better understand how we propose that the committee should work.

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As I say, Mr Speaker, I could simply now deal with all of the remarks that have been contained in the press releases from Members opposite which have been the subject of exchanges between the Government and the Opposition, but I call on Members opposite to leave the public exchanges outside of the consideration of the establishment of this important committee of this House, where we will be able to co-operate and work together as a Parliament to deal with the parliamentary aspects of what Brexit may mean for our community. I encourage them to do that and to work with us on the subject and not to allow this debate to simply descend into an exchange of – to use the words that the hon. Lady of the Opposition used a few moments ago – press release barbs, and I invite the hon. Gentlemen to support the motion establishing the Select Committee. So that we can meet in the composition that I have proposed as soon as possible during the course of this month and then continue to have regular monthly meetings and such other meetings as we may consider may be appropriate, and even to invite members of the public to provide information to the committee in the context of such consultation as the committee may agree at its first meeting we should do.

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I also invite the hon. Lady to support the establishment of the committee for the purpose that I proposed. I think I detected in her earlier speech in respect of the other committee proposed, that she thought there should be more committees, so this is an opportunity to see that part of her stated wish come true, because I think without the need for flagellation all 10 Members on this side are likely to be supporting this motion.

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

Hon. T N Hammond: Mr Speaker, it is indeed over a hundred days since the Referendum that saw the United Kingdom propose to leave the European Union and it is regrettable that this motion is only now being heard, because I believe there has been ample opportunity and sufficient meetings of Parliament to have suspended orders and have heard this motion.

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The trigger of Article 50, as the Chief Minister has said, will occur, according to the Prime Minister of the United Kingdom, next March, which means we have already lost a third of the time that would have been available to us to deal with these matters, and I think that is regrettable. We nevertheless do welcome that this motion has now been tabled, and it is the intention of those in this House representing Her Majesty's Opposition, to do all that we can to work with Government to assist Government in navigating the challenges ahead brought about by the decision made by the people of the United Kingdom to leave the European Union.

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We fully recognise how significant – indeed existential, as the Chief Minister has put it – this process will be for the economy of this community as it presently exists and we stand willing to play a part, whatever part we are permitted to play by Government.

825 There are elements within this motion that we fully endorse. We share Government's regret that the outcome of the referendum on whether the United Kingdom and Gibraltar should remain in the European Union or should leave resulted in an overall decision to leave. We welcome that the United Kingdom government has stated that Gibraltar will be fully involved in the formulation of the United Kingdom's policy in relation to a potential withdrawal from Europe, a policy which seems increasingly inevitable.

830 Of course, a note of caution here is necessary, as 'fully involved' does not mean that Gibraltar will be influential in the outcome of that policy, and indeed could be interpreted in many ways. Just as Her Majesty's Opposition here in Gibraltar, through the formation of this select committee, might be considered to be 'fully involved' in determining both the impact of a withdrawal by Gibraltar from the European Union and our future relationship with the European Union, as stated in this motion, our actual influence, when the composition of the committee is considered, will be negligible. We might be 'fully involved', but it does not mean that we can necessarily influence the outcome of any decisions taken by the committee or effect Government policy in this regard should Government choose to follow its own path, in the same way that Gibraltar will not be able to influence the United Kingdom Government should it choose to follow its own path, despite being 'fully involved' in the process. Let us maintain a sense of reality and not hang our hats on such phrases.

840 The motion fails to set out terms of reference for the select committee in anything but the vaguest terms. It sets out that the Select Committee is to report to this House on matters involving both the impact of a withdrawal by Gibraltar from the European Union and our future relationship with the European Union. Implicit in this wording is that the select committee will play a passive role, reporting on events rather than being actively involved in those events. Time will tell how effective and influential the role of this select committee will be, or is allowed to be by Government.

850 The length of time that it has taken to bring this matter to the House is a disappointment, as I said earlier. The matter is one of some urgency, even considering that the declaration of Article 50 by the United Kingdom has not yet been made, though will be made next March, according the Prime Minister, and, of course, as I said earlier, it means we have effectively lost one third of the time that would have been available to us in order to deal with this issue. The urgency is clear from the fact that Government, and in particular the Chief Minister, has rightly been working to develop the strategy to try and navigate the inevitable challenges that will be faced. Some of this work has been public and we have become aware of it through local and international press announcements. That this Select Committee has not been established with the same degree of urgency reaffirms the view that Government does not intend to be steered by the committee but to report to the committee. It is yet to be seen how such reporting will function, but those on the committee, including Members of the Opposition, will certainly not be providing direction to Government. Had that been the purpose, this committee would surely have been established some months ago and in time to do so.

860 The Chief Minister has, to some extent, explained further the functioning of the committee and certainly the fact that it will meet in camera, but I do welcome the fact that those meetings, despite being in camera ... information that is made available will be subsequently made available to the public, as I understand it.

870 Ultimately, the absence of clear terms of reference within the motion and the potential lack of influence that the select committee will have, and certainly that Members of Her Majesty's Opposition will have, over determining policy in this area does not and will not deter us from doing our duty, as we see it, to the people of Gibraltar. Despite being invited to participate in a process about which we have been told relatively little – rather like being invited to play a game but not being told what the rules are, or even indeed what game is being played – we will be voting in favour of this motion. We will continue to strive to work with Government through this select committee as the mechanism chosen by this House to permit that co-operation and demonstrate to the governments of both the United Kingdom and the Kingdom of Spain that

875 when Gibraltar is presented with an existential threat there is no question of division either
among its political classes or its people.

Mr Speaker: Any other hon. Member? The Hon. the Leader of the Opposition.

880 **Hon. D A Feetham:** Mr Speaker, very briefly. As my hon. Friend, Mr Hammond, has just said,
the Opposition certainly welcomes the creation of the select committee. The select committee
was suggested by the Opposition in a letter that I wrote to the Chief Minister several months
ago. It would have been our preference for the select committee to have been the vehicle
885 whereby the Government and the Opposition make joint decisions and develop a joint strategy
in relation to how we deal with the question of Brexit. That is what my friend, Mr Hammond,
means when he talks about terms of reference.

Our understanding of the situation ... and I am not criticising the hon. Gentleman for it,
because at the end of the day he is quite right, the Government governs, the Opposition
opposes, and he is perfectly entitled to come to this House to seek the creation of a select
890 committee whereby the select committee would be the vehicle whereby the Government
effectively keeps the Select Committee and Members on this side of the House informed of
decisions that the Government has already taken. It is up to the Government, and I certainly do
not criticise it. Our preference, of course, would have been for the Select Committee to have
been that vehicle for the Government and the Opposition to be working towards that joint
895 strategy and that joint response. That does not appear to be what the Government is going to be
using the select committee for, and I think that it is important, Mr Speaker, in the absence of
those terms of reference, that that ought to be emphasised in this House, so that we are all clear
exactly what it is that this select committee is being used for.

Mr Speaker, certainly the Opposition is not going to be found wanting. Every time that the
900 Government comes to the Opposition and seeks the Opposition's assistance, or the Opposition's
advice, or the Opposition's counsel in relation to any initiative that the Government is bringing
to bear in relation to Brexit we will be providing that counsel and that advice – in confidence,
obviously, because that is the way that the select committee is going to be operating, in camera
– to the Government in good faith always if we can support any initiative, and indeed we will
905 attempt to bend over backwards to support initiatives from the Government.

Obviously, we hope that it will never become necessary for us to take a strong different view
to the Government. At the end of the day, that cannot be ruled out, because that is how politics
operate, and to use the Chief Minister's phrase again and quote him, governments govern and
the oppositions oppose, but everything that we do we will do in good faith, and certainly the
910 community will not find the Opposition wanting in its participation in relation to the select
committee, to whatever degree the Chief Minister wants us to participate. (*Banging on desks*)

Mr Speaker: Does the Hon. Marlene Hassan Nahon wish to contribute to the debate? I call on
her.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I think, with respect, the Hon. Member, Mr Trevor
Hammond and the Leader of the Opposition have at times shown some level of pettiness
towards their perception of the committee and the management of Government in handling the
issue of Brexit. The fact is that the Government has done well to set up a committee at this
920 delicate time, while working right now on all we have, which is speculation. I do accept and
respect that in the last few months and over the sleepy summer break the Chief Minister has
had bigger fish to fry, and on this one I have to say to the GSD Opposition and the House in
general that Brexit is too important to make this a partisan battleground in the press or beyond.
This issue is just way too precious and delicate. We have to do Brexit together, so I welcome the
925 select committee and I am grateful for my inclusion.

Thank you.

Mr Speaker: Any other Member wishing to debate? I will, then, call upon the Chief Minister to reply.

930 **Hon. Chief Minister:** Mr Speaker, I intend to try and deal with the issues that have been raised in a way that is as constructive as possible, but I must say that I do not think that we are dealing with the establishment of this select committee late in the day and having lost a third of the time available, because the time available is not the time between now and the triggering of Article 50 – which may or may not be by the end of March, it may be earlier, it could have been
935 already. Hon. Members know that the position of the former Prime Minister, Mr Cameron, was that Article 50 would have to be triggered immediately after a result. He took the view that he should resign the morning after the result because he could not steer the United Kingdom through a Brexit with which he did not agree, and therefore that did not happen. The position of some members of the Conservative Party continues to believe that the Article 50 notice should
940 be given as soon as possible and the Prime Minister has now given an indication, not in Parliament but in a party context, of when she thinks it is likely that Article 50 would be triggered.

All that happens under Article 50 is that a letter is sent from the United Kingdom to the President of the Council and the President of the Commission, indicating that trigger is pressed
945 and it will contain the issues for negotiation. But of course it will not be exhaustive, and so can I just please persuade hon. Members to view the process as one that is going to continue. This is not a select committee that will have to do its work by 31st March or earlier, by the time that the Article 50 letter goes. This work will endure and it will endure likely even beyond the two-year initial period if the negotiation is extended beyond that, or potentially even further whilst
950 Brexit continues. And I dare say, Mr Speaker, it is very likely that whoever is entrusted with the administration of Gibraltar's affairs after the next election and whoever sits where I sit today as Leader of the House – and I sincerely hope it will be me and the colleagues that I have around me today and the parties that we represent, but that is a matter for the electorate – will have to reconstitute the select committee for the lifetime of the next Parliament, because Brexit is
955 something that is going to have consequences over a considerable period of time, not just between now and April.

So can I please disabuse hon. Members of the idea that this is a race to the Article 50 letter. The Article 50 letter is almost the beginning of the action, not the end of it. Can I also remind
960 hon. Members that the Parliament that will trigger the Article 50 notice, or which is the Parliament of which the executive of which will trigger the Article 50 notice, has not yet had its select committee on Brexit established, so I do not think we are doing so badly.

The Hon. Mr Hammond said something in the course of his intervention which I think I should correct in parliamentary terms. He said, 'speaking for those who represent Her Majesty's
965 Opposition'. I think, with respect, that is an incorrect way of phrasing his position in this Parliament and the position of all those who sit on the GSD benches, if I can call them that. All Members opposite are Her Majesty's Opposition. There may be an official Opposition and there may be others who are not an official Opposition, but the hon. Lady insists on sitting over there instead of over here and therefore is, as far as the Government is concerned, a Member of the Opposition. And so hon. Members who speak not for her speak for the official Opposition, but it
970 is not as if they are the only Opposition. I think it is important to keep that in mind.

I have said that Brexit represents an existential threat to the current economic model of Gibraltar, and it is important that we always insist on that, that this is an existential threat to the current economic model and not an existential threat to Gibraltar. I took great issue and great
975 umbrage with one headline writer who took that and turned it into a headline: 'Brexit will destroy Gibraltar'. As I have said before and I will say again, *nothing* will destroy Gibraltar. It may be that we have to reposition parts of our economy – of course we will. So will the United Kingdom and so will large parts of the European Union where some industries depend on the United Kingdom.

980 Let me give hon. Members one example. This year, Spain has published statistics which show
it has had a record year in the number of tourists reaching Spain. The largest numbers of tourists
have come from the United Kingdom; the second largest number of tourists from Germany. Of
course, German and English or UK citizens have the right of free movement today into Spain and
are therefore able to holiday there without the need for visas, etc. So, to take a terminology
985 which is falling into disrepute even as we speak, but a 'hard Brexit' – because we all think we
know what that means; a Brexit without any of the fundamental freedoms attached to it
continuing, so a Brexit where there is no freedom of movement between the United Kingdom
and the rest of Europe, also Spain – is an existential threat therefore also to the Spanish tourist
industry, and the Spanish tourist industry is credited also as being the industry that has pulled
Spain out of recession. That does not mean that Brexit is an existential threat to Spain, but we
990 need to understand that a lot of the cogs in the economy of the European Union and the United
Kingdom depend on the exercise of the four freedoms that make up the European Union and
that those industries therefore now place potential difficulties and existential threats.

Because the United Kingdom government recognises how relevant all of those areas are to
Gibraltar – in particular, of course, access to the single European market in financial services and
995 freedom of movement – we are being fully involved in the process of the United Kingdom
making decisions about how it represents the case for itself and for Gibraltar in the context of
the negotiation. I do not want to comment on things that have been said outside here, but
telling Scotland that it will not be able to have a veto on Brexit is not to say that Scotland is not
going to be fully involved in helping to shape what Brexit might look like in relation to Scotland.
1000 Telling Scotland that it is not going to be able to stay in the European Union in the context of
what is also a negotiation between the United Kingdom represented by Mrs May and the
Scottish First Minister of the Scottish National Party – it is not as if Mrs Sturgeon hides what she
represents – is also a part of the internal politics of the United Kingdom. But Members opposite
should also, in the same way as they advise us not to hang our hat on those words, realise that
1005 in politics it is words that are important, and those words which have been extended to Gibraltar
in the context of how we will influence how the United Kingdom begins its negotiations are not
just words. They are, as hon. Members will have seen from some of the things we have said
publicly and as they will know from some of the things we have told them not publicly, actually
the way in which we are being treated. We are being fully involved in the context of shaping the
1010 negotiation as we go forward, but that is not to say when Mrs May sits at the table with the
other 26 members of the European Union, who are represented by the heads of state, that for
the United Kingdom there will be Mrs May, Mr Carwyn Jones, Ms Arlene Phillips, Mr Fabian
Picardo for Gibraltar, Mrs Sturgeon and the other representatives as Heads of Government of
the Crown Dependencies. There will be one person doing the negotiation in each potential area.
1015 But that is the position today, so when there are meetings of the Council today Gibraltar
influences any aspect which relates to Gibraltar and which is relevant to Gibraltar. The Hon. the
Minister for the Environment will be asked for details for a negotiation that is ongoing on
Brussels relating to environmental matters.

We only hear of things when they go wrong, so when there is a disagreement and something
1020 comes out, it may be that there has been a failure of a request of information here and
therefore that information is not provided to the UK because they do not seek it and the UK
then negotiates something which the UK usually does not realise is bad for Gibraltar but Spain
does, and that is why it has got into the text. The last time that happened, hon. Members will
recall, was in relation to the sites of community interest which happened, I think, in 2007-08. It
1025 is not happening now. The very strong relationship we have with the United Kingdom I think
helps in that respect. The Constitution is very clear that we have to be involved and that EU
matters are not external relations matters simply because they are EU matters. If they are EU
matters relating to areas which are not the special reserved matters which the Governor has
responsibility for, then they are matters which Gibraltar drives, but Gibraltar does not sit at the
1030 negotiating table with the other 27. And so I would counsel against suggesting that we are not

being fully involved because of things that Members opposite may see in the politics of the United Kingdom, because we are very pleased to be very fully involved.

That is not to say, Mr Speaker, that either in the select committee the tail is going to wag the dog, nor in the context of the negotiations between the United Kingdom and the European Union. So people who have garnered just over 4,000 votes are not going to determine what the executive – well, on average it is about 4,000 if you work it out – which has been elected with an average of 10,000 votes, is going to determine, because there is not a Government of national unity. There is a Government led by the executive, which is going to continue to make decisions, but the select committee can be an important part of where we work with Members opposite. And in the same way, Mr Speaker, 30,000 people are not going to determine what is going to be done for 60 million people, but there is a political commitment that what is in the interest of the 30,000 people is not going to be disregarded and we are going to be fully involved in negotiating the aspects that matter to us.

The hon. Gentleman says ‘the vague terms on which the select committee has been established’. Well, I think this is one of the longest motions establishing a select committee ever brought to this House. Select committees have a way in which they operate, and that is dealt with in the Standing Orders and Rules and in the practice of this House. A select committee has a passive role. Therefore, Mr Speaker, only if you are thinking that a select committee can actually be an instrument of the executive taking executive decisions and executive action and you are disappointed because you are not, but there is no select committee that I have ever seen operating in this House or in any other House which is a part of the executive. A select committee is not a place from which you govern a nation; it is a place from which you debate how a nation is being governed. You can make recommendations which may lead to a Parliament seeking to do things in a particular way, which will then bind the executive, but it is not more than that, and in the context of where we are, the way that a select committee has been used in issues as important as Brexit, like namely, the Select Committee on the Constitution, it is because you use the select committee to be able to take a barometer of public opinion, to consult with the public, you are able to use the select committee to consider that consultation process together and to then represent together to the Parliament, insofar as may be appropriate, a joint view. Of course hon. Members have the opportunity of doing a minority report on issues which the select committee thinks the Parliament should have a recommendation on. It is nothing else, and therefore, in that context, it is far from passive. It is going to do the work that the select committee in the United Kingdom and in Scotland and everywhere else is going to do and the work that the select committees of this House have traditionally done. And, if I may say so, Mr Speaker, as the hon. Gentleman has repeated himself, it is what they proposed. So, unless they proposed a select committee not knowing what it is that a select committee does, they are not getting anything more passive or more active than they proposed.

Mr Speaker, the length of time between the publishing of the select committee motion and taking it I do not think is extraordinary. This is the first opportunity for motions to be taken, unless we had suspended Standing Orders. The suspension of Standing Orders has not seemed necessary to us, because in the context of what is happening in September ... And hon. Members may recall; I do not know whether they do. I sometimes appear to impute to them corporate knowledge that they do not have, but the position of the GSD, as far as we have always understood it, is that they do not want parliamentary meetings in August. We could have had a parliamentary meeting in August, but their position is not to have parliamentary meetings in August. Mr Speaker, hon. Members actually voted down – because on that particular day they had a majority of one – a proposal to adjourn the Parliament to August in 2012. They said, ‘No, we should never have meetings of the Parliament in August,’ so we did not have a meeting of the Parliament in August, although I cancelled part of my family holiday and continued working – I would have happily come here to have a meeting in August if they had wished. In September we have been doing the work that we have to do. As hon. Members will know, September and

October are very busy months. They will learn from their time in Parliament, Mr Speaker, that June, July, September and October are examination months in Government executive terms, especially for anybody who wishes to occupy this chair, because there are the party conferences, etc. and there is, of course, the session in New York of the Fourth Committee, as hon. Gentlemen will have seen. Therefore, Mr Speaker, there is a need to continue with the executive action that is going to produce the results for Gibraltar on Brexit and other areas which we have been pursuing, and I am grateful that the hon. Gentleman has said, rightly, in the context of what they have seen publicly already and some of which they would have also had comment on from us not publicly.

In particular, hon. Gentlemen will know that the past week has been very active indeed in respect of the sovereignty of Gibraltar, which is an issue that Brexit opens, as far as some are concerned in the Kingdom of Spain. The hon. Gentleman introduced that aspect into the discussion, in my view correctly, because this is one of the issues we will be dealing with in the context of Brexit ... that there was political unity in Gibraltar on the subject leading up to the Referendum, all of the former Chief Ministers of Gibraltar joined me, as the current Chief Minister, in saying to the general public, 'The big issue is that Spain is likely to want to exploit a potential Brexit for its own purposes, and therefore tangentially this is a vote about whether joint sovereignty should be put back on the table or not.' Hon. Members have seen that played out from the morning of the 24th, but with growing intensity in the past 72 hours since the Tuesday afternoon in New York, and there is even today a further interview by the current caretaker Foreign Minister of Spain in *ABC* newspaper, responding to a Government press conference of yesterday at five o'clock. So hon. Gentlemen must not think that these things happen just when they pop up. There is a lot of build up to what eventually emerges and a lot needed to prepare to be able to respond in a strategic and tactical manner to some of the things that we are dealing with.

Mr Speaker, I think it is important to speak on behalf of the whole House to say that, on the subject of Brexit, if somebody thinks that the sovereignty of Gibraltar is somehow on the table for discussion or negotiation, what they will get from the select committee – whether it is passive or less passive from the executive and, I hope, also and no doubt from the Opposition and the whole of it represented by the seven Members opposite – is a very clear statement that Gibraltar will never be Spanish, whether in the context of Brexit negotiations or not in the context of Brexit negotiations; that never means never, that no means no – all the things I have said in the last 72 hours, that I have been saying since the 24th, and that nobody should begin to believe that any door opens on the issue of sovereignty. I have seen some suggestions that the issue is the economy. Well, of course the issue is the economy, but there is no back door into sovereignty, either through Brexit or through the economy. Sovereignty, as far as the Government of Gibraltar is concerned – and, I am sure, Members opposite – is an issue which will *never* be on the table, and to have heard, as one has in the past 24 hours, that not just does Mr Margallo think he will get his hands on the Rock but that he will raise the Spanish flag in the next four years, is really to see the diplomacy of a great European kingdom like Spain descend into utter farce. Nothing that we have heard in the past 72 hours is going to change the opinion of the Gibraltarians on the issue of the sovereignty of Gibraltar and there is no argument that can be put to us, because we are determined that the sovereignty of Gibraltar shall continue to be entirely British.

As I said yesterday, Mr Speaker, this is not about threats and it is not about benefits; this is about respect. Fifty years ago, the United Kingdom suggested to Spain that if you have an issue with the sovereignty of Gibraltar you should go to the International Court of Justice. Spain refused and wished to pursue a political attempt to take over Gibraltar's sovereignty, and hon. Members will have heard what I told the United Nations in that respect. What we need to do and to be united on is to ensure that everything that we do in dealing with Brexit maintains that very clear position and that Spain does not see an opportunity to somehow put her foot in the door. Indeed, Mr Speaker, it is true that some of Gibraltar's best friends in the British Parliament

1135 said that actually one of the reasons they supported Brexit, contrary to our own views in
Gibraltar, was because they saw the European institutions and the 26 other Member States
getting their foot in the door of British sovereignty over the United Kingdom, let alone Gibraltar,
and some of our friends said, 'Therefore, you see, Spain has $\frac{1}{27}$ th of her foot in already the
1140 sovereignty of Gibraltar. So those of us who did not support Brexit now have the comfort of at
least taking the view that if those who did support Brexit were right, then we are kicking that
Spanish toe, or $\frac{1}{27}$ th of the Spanish foot, out of the door with Brexit. So, if Señor Margallo might
care to reconsider, he might find that Brexit is actually not an advantage towards Spanish
sovereignty; it is actually the withdrawal of $\frac{1}{27}$ th of the Spanish sovereignty attained over
1145 Gibraltar in the lexicon of those who backed Brexit, because that is how they saw it in respect of
the United Kingdom, which we did not.

So, Mr Speaker, the reason that we will meet in camera is because we may need to discuss
things which are sensitive in order to be able to take a common position on them and we do not
want those who wish to get not just $\frac{1}{27}$ th of their toe in but the whole of their big feet into our
sovereignty ... but that does not mean that we should not also meet in public when it is
1150 appropriate for us to do so and call in those members of the public who may wish to come in to
give us the evidence.

It is also true, Mr Speaker, that the select committee, as I have said, and the Government
cannot deal with this negotiation on the basis of giving a blow by blow account publicly of what
is going on. We can have such debates as hon. Members wish in respect of transparency and
1155 debt and all the rest of it, and no doubt this will continue, because it appears that my skills in
advocacy persuade 10,500 people but they do not persuade six or seven. So be it, I am quite
happy to persuade 10,500 and not six or seven. But in relation to this matter, this is not an issue
of transparency. If we are going to simply look at what happens in the Westminster Parliament,
the Prime Minister herself has said, and so have the Foreign Minister and the Minister for DExEU
1160 – the Department for Exiting the European Union – that they will not be giving a blow by blow
account of negotiations, and that means I think negotiations inter-UK and extra-UK. It would not
make sense to do so.

But hon. Members should know that we do intend to advise them, even outwith the select
committee, of such aspects of the discussion and negotiation – I am going to come to you in a
1165 second; I will give way in a second – where we believe that they should be informed of any
particular issue, and we will do that, Mr Speaker, where the things that we are discussing with
the United Kingdom are not things that we can say publicly and they are things which hon.
Members should know. I think it is important that I should complete this point before I give way
to the hon. Member. One of the things that the Deputy Chief Minister was very clear on in the
1170 context of the discussions we had in the days after Brexit is that, of course, many meetings that
we hold with Ministers and others outside of Gibraltar, in the United Kingdom in particular, deal
with matters of government business at the same time as they deal with related Brexit matters
of government business. Government business is something that has to remain confidential
government to government and it is not something that we can give hon. Members a blow by
1175 blow account of anyway, but where there are areas where it is clear to us that we cannot say
something publicly, but that the hon. Members should be briefed, they will be, select committee
or no select committee. It will be a conversation either between the Deputy Chief Minister and
the Deputy Leader of the Opposition or between myself and the Leader of the Opposition where
appropriate – although he is very difficult to catch, he is often in court, so it is easier usually for
1180 the Deputy Chief Minister to get in touch with the Deputy Leader of the Opposition.

I think the hon. Gentleman wanted to say something.

Hon. D A Feetham: Yes. I do not know where the hon. Gentleman gets the fact that I am very
busy. I am very busy in court, but never has the hon. Gentleman attempted to contact me and I
1185 have not been there at the end of the telephone in order to answer his call, or indeed your call
whenever you have asked to see me.

Let me remind him, before I get to the point that I was going to make, that I make the decisions as to who is Deputy and who is not Deputy within my ranks, but thank you very much for appearing to endorse Mr Hammond. He is probably very appreciative of it, but I make those decisions and I will make an announcement, if I do, when and if I am ready to do so.

But, Mr Speaker, one of the issues that concerns me about Article 50, and hence from our side the concern about time and whether we have made use of all the time available in order for us to impart to the hon. Gentleman what are our concerns, is that we have seen how the Prime Minister, Theresa May, has now said that the Article 50 notice is going to be triggered by the end of March. It could be earlier, it does not necessarily have to be the end of March, but there is a date, end of March, to trigger Article 50. Now, this is my understanding and this is what I would ask the hon. Gentleman to comment on, if he has an answer in relation to this. My understanding of the position is that once the Article 50 notice is triggered, what there will then be is a list of issues that is produced on the United Kingdom side. So the United Kingdom will say, 'These are the points that we would wish included within any deal,' and then on the EU side there is a list of points the EU would like to discuss and include within any deal. What then happens is that there is then an agreement. Usually, it is ... Well, we are in uncharted territory, but normally in these things there would be a consensus, and it is a point that the hon. Gentleman made, and perhaps the hon. Gentleman therefore has considered this particular point – that is why I am rising – that it would be dealt with by way of consensus about what are the issues, what are the parameters of this particular deal.

The danger for Gibraltar, as far as I can see, is that the Spanish government, through its lobbying – and it already commenced its very hard lobbying some months ago and sent diplomats to every single EU country – manages to then persuade effectively the United Kingdom and the EU to leave Gibraltar out. So, what we are then faced with is a situation, at a very early juncture, where the issue of Gibraltar is excluded from that parameter and those issues for discussion. I just wonder whether the hon. Gentleman can comment in relation to that and whether he thinks that that is a possibility and whether the Government has considered that, because that is something that does concern me and would, of course, then mean that the timetable, in terms of for us, is not two years from the exercise of the Article 50 notice – it is within a few months of the Article 50 notice that we would be faced with considerable difficulties.

Hon. Chief Minister: Well, Mr Speaker, I have tried to be in touch with him on some occasions and not been able to reach him. The hon. Gentleman may not recall, but that has happened on a number of occasions. He has called me much later, I have been unavailable and he has had to speak to the Deputy Chief Minister. I am not saying there is anything wrong with that, it is normal, but he cannot pretend that he is always there to pick up my phone. He is sometimes before a judge, and he cannot pick up a phone when he is in front of a judge.

Hon. D A Feetham: He does not phone me very often.

Hon. Chief Minister: No, I do not phone him very often, Mr Speaker, because we have diametrically opposed views on just about everything; and when we do not, when we seem to have the same view about something, there is no better way of ensuring that we have a different view than for us to discuss it, so it is usually better to remain of the same view, absent discussion, than to find a way to disagree. But, look, Mr Speaker, maybe that can change.

I did not know that the Hon. Mr Hammond was not the Deputy Leader of the Opposition, otherwise I would not have called him that. I sincerely thought that that was the case. Perhaps I have also got it wrong that Mr Vasquez is the Chairman of the Party, but I was simply reflecting what I thought had been the announcement that he had made, but it is clear that he makes those decisions, as he has told us today. I am constitutionally empowered to make decisions in relation to constitutional portfolios, but in my party I am slightly more constrained by a little

1240 thing called democracy – but never mind. It is a live issue in the Labour Party how members of
the Shadow Cabinet are going to be appointed ... but anyway, never mind. It reminds me of that
idea, Mr Speaker, that the hon. Gentleman had of something called ‘annual’ general meetings
that happen once every three or four years! Anyway, leaving all those issues aside, because I do
not want to go into partisan ...

1245 Mr Speaker, the Article 50 notice will set out some of the issues that the United Kingdom
wants to deal with. It will be general, it will not be specific; it will be about the exit deal, it will
not be about the new deal that the United Kingdom has with the European Union. This is an area
where there is a large measure of disagreement – between the Council and the Commission and
the Commission and the Council in the United Kingdom, and the United Kingdom, the
1250 Commission and the Council and the remaining 26 Member States – whether the exit deal is also
the deal going forward, or whether there is an exit deal and then a negotiation of a deal going
forward. And that is very likely to be the case. There is very likely to be an exit deal first and then
a new trade deal between the United Kingdom and the European Union. That has been repeated
by Cecilia Malmström, who is the Commissioner for International Trade, and it is also repeated
by some of the relevant British Ministers, and that has been said to be potentially very
1255 dangerous for the United Kingdom. It is dangerous also for Germany, it is dangerous for other EU
nations and it will be, of course, as dangerous for Gibraltar and for Spain, and navigating these
issues is complex.

The Council leads the negotiation for the European Union. The Council acts either by
consensus or qualified majority voting. What is clear, Mr Speaker, is that the Council and
1260 therefore the President of the Council, who will represent the EU in its negotiations with the
United Kingdom, will represent the position of the 26, not the position of the 27, so our work
with the United Kingdom is not going to be reflected in what comes from the EU to the United
Kingdom. That is our work with the EU, and the hon. Gentleman will see that we have done a lot
of work already, not just with the United Kingdom but also with the EU, and we are continuing
1265 to do that work in partnership with the United Kingdom in respect of the recent lobbying
campaign that we have seen from Señor Margallo in respect of other EU foreign ministers, which
the hon. Gentleman should not for one moment think is just happening now. This is constant
and it does not just happen in respect of the European Union; it happens in Washington, it
happens in New York, it happens everywhere we go or might go. During the time of the creation
1270 of the magnificent artificial reef just in the north of Gibraltar’s territorial sea, the Spanish
government was lobbying everywhere it had an embassy – and it has got almost 200 of them –
and we were counter lobbying in 200 places where we had an embassy through the United
Kingdom. We will be doing that in European capitals, of course, as well, but that does not mean
that we will be able to influence what comes from the Council in the context of the negotiation.
1275 *(Interjection by Hon. D A Feetham)* Of what? Out of what? At the risk of staying out of what? Of
the negotiation? Mr Speaker, I do not mean to get partisan, but the hon. Gentleman needs to
understand that one of the issues here is whether the United Kingdom stays in the Common
Customs Union or not – the common market in goods, the single market in goods – right? We
are out of it. We cannot have a hard Brexit of the single market in goods, because we are not in
1280 it, and it has gone very well for us, right? We are in the single market in services. The United
Kingdom may not be seeking access to the single market in services. It may be seeking a hard
Brexit, so there will be nothing to negotiate, other than potentially those areas of the United
Kingdom that might wish to have access to the single market.

There is potentially only one part of the Member State United Kingdom – because we are not
1285 part of the United Kingdom, but we are part of the Member State United Kingdom for EU
purposes under Article 355; and I do not think we should be having this discussion in public, but
given that he has opened it – that would be seeking access to the single market and would be
prepared to accept what the UK has told us is the price of access to the single market, which is
freedom of movement of persons. Northern Ireland cannot do that, Scotland cannot do that,
1290 because they have not got a border with the rest of England and Wales; but we can, because we

1295 have got a border with England and Wales and we want to have less of a border with the rest of
Europe. But if the 26 come back to the United Kingdom and say, 'Right, here's the price for
access to the single market in goods, here is the price for access to the single market in services,'
and all of that includes freedom of movement of people, and if the United Kingdom has already
1300 made the decision that it does not want access to the single market in good, it does not want
access to the single market in services and it does not want access to the freedom of movement
of people, good luck to Margallo if he thinks he is going to use that as a negotiating ploy for
Gibraltar. That which he and I would not agree is the right position to take, I am sure, for the
United Kingdom but is increasingly looking likely actually disarms the person who thinks he has
got a good negotiating position with Gibraltar, because it takes what he thinks are his three acs
out of his pocket, completely. He has got nothing left to negotiate with.

1305 Where are we left? Where everybody in this community understands that we are left. We are
left with a free market with the United Kingdom that hon. Members know I have said we are
doing a lot of work on already. We are left with freedom of movement not enshrined in the
European Treaty, because by leaving we are accepting that that is gone – and the UK is leaving
the European Union largely, political commentators will say and the Prime Minister herself has
said, because they do not want freedom of movement of people. And so the question is: do you
have to have access to the fundamental freedom of movement of people in order to have an
open frontier with people moving in one direction and the other, or do you not need that? And
1310 the answer is you do not need that, because we had an open Frontier before 1969, when neither
Spain nor the United Kingdom were part of the European Union.

1315 Mr Speaker, all of those things are the issues that are live, but this is not just about the Article
50 letter, it is about what deal the United Kingdom seeks, and those are the issues that we are
dealing with and seeking to address. That is why part of the process has to be to work with the
United Kingdom in the process of the exit deal as much as in the process of the new deal, if I can
put it in that way.

1320 So, Mr Speaker, the hon. Gentleman, when he was dealing with the issue of the fact that he
had suggested this, I think evinced the suggestion that he had proposed a select committee
thinking a select committee might be something else, as if a select committee were a place
where Government and Opposition together run the executive; and as I said to his hon.
colleague not the Deputy Leader of the Opposition, that is not what a select committee is about.
This was not a process which we proposed also and which he wrote about, where we were
creating a committee for joint decisions to be taken. Some joint decisions may have to be taken
there about some issues which are appropriate for Parliament, but we have to continue to run
1325 the process of the Executive negotiating on these issues. This is not to create the joint
sovereignty of the decision-making process in respect of Brexit.

1330 Although I was grateful that he got up and said 'what Mr Hammond means', almost as if he
had to explain what Mr Hammond had meant. I thought Mr Hammond had explained himself
very eloquently today. When he is not talking gas he speaks very clearly, (*Laughter*) and I
thought there was no need for him to be traduced by his leader. I had perfectly understood
what the hon. Gentleman had said.

1335 Mr Speaker, there may be areas where we do need a joint strategy, and although his advice,
his assistance and his counsel are not something we will often seek, on this issue we will often
seek to inform him of things that we cannot inform the general public and take his view on. He
has said he will give us that view in good faith; I sincerely hope that that is the case. I would not
expect anything else, but I am grateful that, given that he felt it necessary to tell us that he
would give us his view in good faith, we will accept it in good faith.

1340 The hon. Lady does not often praise the Government; I am grateful that she did on this
occasion for the work that we have done. This was a period in our history where we had to act,
and quickly, to deal with a lot of the issues that were coming up. Hon. Members will have seen,
as I have said, just in the last 72 hours how aggressive, belligerent and predatory Spain has
become, for reasons which I am clear relate more to Mr Margallo's own very clear existential

view of where *he* is going and wanting to act quickly and get his claws into a joint sovereignty negotiation quickly, and nothing to do with where Gibraltar is going, what risks Gibraltar may be at and what potential likelihood there is that Gibraltar might in some way be prepared to agree anything to do with joint sovereignty.

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And so, Mr Speaker, I detect that there is support, whipped or otherwise, for six on one side and from the hon. Lady for this motion, for which I am grateful, and I commend the motion to the House. *(Banging on desks)*

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

Public debt – Definition

Clerk: The Hon. the Chief Minister.

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

That this House notes that section 73(1) of the Gibraltar Constitution Order 2006 defines public debt as all debt charges for which Gibraltar is liable. The House further notes that the Public Finance (Borrowing Powers Act) Public Debt is defined as any borrowing of money by the Government, and this House thus endorses the practice established under the former GSD administration under both the 1969 and 2006 Constitutions that borrowings by Government-owned and controlled companies are not considered and included in the measure of public debt.

Mr Speaker, the origin of this motion is much like the origin of the earlier motion in respect of a motion that the Hon. Mr Clinton has put, again without contacting the Government, in an attempt to change the way that the Parliament interprets public debt.

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You would have thought that if Mr Clinton were of the view that this is something that he wanted to genuinely achieve, again he would have picked up the phone and said, 'Look, Fabian, you are the Minister for Public Finance – I want to change the way that Public Finance is dealt with. I think with my accounting qualification I am better able to determine what should or should not be public debt and I propose this wholesale change to the way in which the Government works and the interpretation of section 73(1) of the Constitution and the way that you interpret the Public Finance Borrowing Powers Act. And not just you Fabian, by the way – I want to change the way that it was interpreted under the GSD and I would like to restate the accounts of Gibraltar for 1996 to 2011, and before then, before 1996,' to which I would have said, 'Well, Roy, don't worry, because there was not any Government company borrowing before 1996 whatsoever. We had nothing to hide before 1996, neither did the Government before 1988, and therefore if you want to do this and you want to restate the accounts of the GSD in Government ... we take the view that this is established and therefore it must be that you have a serious division in your ranks because you want to change the way that the GSD worked for 16 successful, if I may say so – electorally successful – years in Government and accounted successfully again to the electorate, although we did not agree with much of what they did for this issue to the electorate.' And he would have also have met with my view that he was trying to take Gibraltar in a direction that the Principal Auditor, who would have an accounting qualification, does not think it needs to go, and therefore that we think that the public accounts of Gibraltar, the definition of public debt, should continue to be as it was calculated in respect of

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1380 the division between the Government accounts and the Government company accounts in the way that the GSD did between 1996 and 2011 and indeed in the way that the GSD defended in the 2011 General Election, because they did not propose to change it, and frankly it would have seemed, I think, facetious for the hon. Member therefore to have sought to persuade me to change that.

1385 But he might have then realised, if he had made that call, that what he was going to do was going to pit the current GSD head on against the former GSD. And I have not detected a change of name – they are not calling themselves the New GSD or anything Blairite like that. There is not a Mandelsonian text message in the morning, is there, telling them what to think and to be on message. But this appears to be a complete change in the position of the GSD, the current official Opposition, in respect of the way in which debt is calculated.

1390 I am sorry to have to raise this issue again, but in the context of a party that has considered, stated and repeated that the trajectory of Sir Peter Caruana, when he was Chief Minister of this House, is best referred to as that of the greatest Gibraltarian of his or all time, you would have thought that something so fundamentally opposed to the way that the GSD did business between 1996 and 2011 would have been a source of huge embarrassment to them. But it may be, I assume, that the hon. Gentleman does not have the benefit of a corporate memory that reminds him of these issues; or it may be that he is going to get up and tell us that he thinks that things were not done right between 1996 and 2011. That would at least avail him of the defence that he is being no hypocrite. It would, of course, create a huge potential problem for the Leader of the Opposition, who sometimes, not always, likes to remind us that he was a member of the Government between 2007 and 2011 when they won the election by a whisker, which was 400 votes, although Sir Peter then had the ability to remind me between 2011 and 2015 that we won by half a whisker, when we won by 200 votes – without the need for any accounting qualification.

1400 Mr Speaker, as a result, when I see the motion that the hon. Member moves I think that it is actually quite dangerous that we should be changing a constitutional interpretation and a legal interpretation based on the view of somebody who has been, at the time he moves the motion, in the House for six months, and that we should act contrary to the view of Sir Peter, who spent 24-25 years in this House.

1410 The GSD took a company structure established by the GSLP, which had no borrowing in it, and turned it into a trading structure of Government companies, which included a lot of borrowing in it, and in doing so and establishing that practice did so without changing the interpretations under section 73 of the Constitution or the Public Finance (Borrowing Powers) Act. So, what is it that has changed in our Constitution, or indeed in the Act, which changes the way in which we must interpret it on this basis? Well, absolutely nothing, Mr Speaker, because none of the changes that have been made to the Act – and there have been no changes made to the Constitution – change that. And indeed, what changed in 2006 under the new Constitution? Well, in relation to this matter, nothing, Mr Speaker, because none of the changes that we saw swept in after 2006, with the amendments to the General Interpretation and Clauses Act, with the other legal amendments, with the changes in practice, none of them meant that after 2006 we were accounting in a different way for the Government companies than we were between 1996 and 2006 in that 10-year period when *they* created the borrowing from Government companies and *they* accounted for the Government companies in the same way that we do, except for one important difference that hon. Members must not forget and will not be allowed to forget, Mr Speaker, and it is an important point that the hon. Member should make a note of. Government companies did not file accounts under the GSD and they *will* file accounts under the GSLP Liberals, except that it is sometimes difficult to file those accounts when you are reconstructing the accounts of the companies between the period 1996 and 2011. But we are closer to doing so and we will be able to give them the benefit of the publication of the accounts of the companies that *they* ran and *they* brought into trading and *they* brought into debt, in the

context of company accounts – which will be public and they will be filed and subject to the Companies Act. But they did not do any of that.

1435 Now, I know we are now going to go into the territory of one of those debates where they do not *want* to look back. This is the ‘don’t look back’ mantra. They will get the Mandelsonian SMS
 1440 now: ‘This is the don’t look back debate.’ This is not the ‘history shows you that we were the best Government ever’; this is the ‘forget we were ever in Government’ debate. But because they were in Government and because they behaved in a particular way, straddling old Constitution and new Constitution, 1969 Constitution and 2006 Constitution and the same Borrowing Powers Act, they cannot, absent getting up and saying it was done wrong by the GSD
 1445 between 1996 and 2011, and that includes Daniel Feetham because he was a Minister in that Government between 2007 and 2011 ... they have absolutely no moral authority to put a motion that says the opposite of what this one does. Therefore, it is absolutely essential, in order to have clarity in respect of how the accounts of Gibraltar are going to be handled going forward, that we continue, by resolution of this House, to affirm what has been the case until now and approved, not just by Fabian Picardo but by Peter Caruana, successive Financial Secretaries – Tim Bristow, appointed by the United Kingdom; Dilip Dayaram, appointed by the former Chief Minister, Sir Peter Caruana – and successive auditors, because if this had been an improper practice, the auditor would have been the first one to point it out.

1450 In the context of a debate that the Hon. the Leader of the Opposition and I had some time in December 2014 – I think it was the one involving the infamous close personal contact and arms going around each other’s bodies at the end; I think we hugged each other at the end of that one, for reasons that both of us probably cannot work out even now, but you hugged me first (*Laughter*) – the hon. Gentleman suggested that what Gibraltar needed was an auditor to audit its accounts independently. I was delighted when he said this, because I was able to say, ‘For goodness’ sake, where have you been operating?’ Gibraltar has an audit ‘*el chivatito*’ the transcript is available, if the hon. Gentleman likes. We have a Principal Auditor who audits the accounts of Gibraltar already, and that Auditor would immediately have said that the practice that the GSD had started, and we had simply continued under the same Financial Secretary that we inherited etc., was contrary to section 73 of the Constitution and the Public Finance (Borrowing Powers) Act, if it were.

1460 So, Mr Speaker, this motion deals with that attempted change of interpretation, which would be contrary to the clear interpretation given between 1996 and 2011 under the 1969 Constitution and the 2006 Constitution, under the old Public Finance (Borrowing Powers) Act and the new Public Finance (Borrowing Powers) Act as amended by the GSD, and nothing has
 1465 changed. Therefore, Mr Speaker, I never thought I would say these words: I commend to the House that we continue the practice established by Sir Peter Caruana and the GSD and continued by Sir Peter Caruana and Daniel Feetham when he was in Government with him, as set out in this motion, and that we do not accept the opposite, which is the motion that the Member opposite moved to suggest the contrary. (*Banging on desks*)

1470 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute to the debate on the motion? The Hon. Roy Clinton.

1475 **Hon. R M Clinton:** Mr Speaker, I must confess to feeling déjà vu. To have one motion hijacked is perhaps unfortunate; to have two motions hijacked is perhaps complete misfortune. Yet, on the other hand, I should be flattered, because I had to take a double take when I read the Chief Minister’s motion, because not only is he hijacking my motions quite deliberately, but now he is not even bothering to change the wording in my motions. He has, in fact, copied two thirds of
 1480 my motion and only changed the last paragraph. Well, of course, as he himself has said, no he is not lazy – but that looks lazy to me.

1485 Mr Speaker, I do not propose to give a great speech on this motion because, frankly, I have my own prepared speech for the Chief Minister's delight and consumption. If I were to call the Chief Minister every time I proposed to bring an idea, a motion or question to this House, I might be rightly accused of wanting to be subject to his whip. Do I have to go to No. 6 every time I want something debated in this House? (*Laughter*) Perhaps it would be easier if I just crossed the floor and joined him on that side of the House, but obviously I have no intention of doing that.

1490 But I really do appreciate his increasing 'fondness' – dare I use the word – for accountants, because thankfully accountants are now figuring more in this House than they ever have before, whereas before it would appear that this was a finishing school for lawyers.

So, Mr Speaker, the substance of my motion I will debate when I come to my motion. And, again, I have subject matter which I think I will attempt to persuade the Members opposite as to the merits of my motion.

1495 He did say at one point, 'Well, Mr Speaker, this has been the rule for years, nothing has changed – what has changed?' Well, I can think of two things that have changed, Mr Speaker: (1) Credit Finance, £400 million; and (2) Gibraltar Capital Assets Ltd, £300 million. But, of course, the Principal Auditor cannot comment on these areas because they are not within his remit, and therefore of course the Principal Auditor has nothing to say on the matter because they are not within his remit. But my motion is exactly the point: they *should* be within his remit. He *should* be reporting on these companies and reporting to Parliament and including them in his report. So I do not see what the Chief Minister finds at fault in my motion.

1500 Of course I am happy to keep on calling the Chief Minister every time I have an idea – morning, noon or night – but he may find that objectionable. In fact, as he said, I have three letters that I have written to him: one prior to the Budget, which he never responded to; one subsequent to the Budget, which I am still waiting for; and one in which I am requesting a technical meeting on the £300 million, which I appreciate the Chief Minister has been travelling and may not have had time to respond to.

1510 And so, Mr Speaker, I do not propose to debate with the Chief Minister at this point in time. I have my own views which I will express in my own motion and perhaps ... I do not know how we can get round this, Mr Speaker, in this idea of somehow wasting the House's time in debating duplicate motions, but it may assist the House if the Chief Minister stopped attempting to hijack my own motions and debate the merits of the subject.

Again, Mr Speaker, I will be calling for a division. Thank you.

1515

Mr Speaker: Does any other hon. Member wish to speak on the motion? The Hon. Marlene Hassan Nahon.

1520 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, given that I am in the privileged position to not contradict any stance or history of any party position, and that I have the benefit of representing from this chair what is truly in the best interests of this community, which is maximum transparency and accountability, and then of course taking into account this Government's mantra of implementing a new dawn, where it is the Government's duty to look forward and not backward, I oppose this Government's motion to not incorporate or include borrowing by Government-owned and controlled companies.

1525

Mr Speaker: The Hon. the Leader of the Opposition.

1530 **Hon. D A Feetham:** Yes, Mr Speaker, I am very grateful to the hon. Lady for the stance that she has taken. Of course she could not have taken a different stance, because when she stood for the by-election in 2013 with the GSD and defending GSD policy – and indeed when she also stood in 2015 defending GSD policy, of which this issue loomed very large, but particularly in 2013 – one of the points that she made in the by-election, which is a point that is extremely

1535 important in this debate and is the distinguishing feature of what was happening between 1996
and subsequent to 2008-09 is that what has happened in the world is that we have had Greece
and we have had the consequences of Greece. Indeed, if you look at the consequences of
Greece and the effect that it had on the financial system, not only as a response to the effect
that it had on the financial system and the contagion and the depression that that led, not only
1540 in Europe but also worldwide, Governments within Europe reacted, and indeed the United
Kingdom, not during the time that we were in Government but actually subsequent to that,
analysing what had happened subsequent to 2008 and between 2008 and 2011-12, what they
did, as indeed the Governments in other parts of Europe and the world, was that they changed
the definition of public debt. And the United Kingdom in particular – yes, absolutely, the United
Kingdom in particular – which had a policy of not including the debts of Government-owned
1545 companies, of not including, for example, certain aspects of PFI arrangements within the
calculation of public debt and how public debt was computed, then started to include, for the
sake of transparency because Greece led Governments to be more transparent, because part of
the problem with Greece was that lack of transparency ... it led to more transparency and the
inclusion of the debts of Government-owned companies as part of the computation of public
1550 debt.

We fought the election last time round on the basis of those arguments, but we lost.
Absolutely, we lost the election. But the reality is that the situations then and now are markedly
different. And, of course, as my hon. Friend, Mr Clinton, also correctly points out, the situation
then and the situation now are, in our view, materially and significantly different, because what
1555 the Government is seeking to do and what the Government has sought to do since 2012 when it
amended the Gibraltar Savings Bank Act in March of 2012, and in 2013 when it created Credit
Finance Company Ltd and decided to invest £400 million of savers' money into that particular
company, is to have the bulk of its public debt off balance sheet. In other words, not directly the
debt of the Government but the debt of Government-owned companies. And what that has
1560 allowed the Government to do is to effectively come to this House, or to the public, and say our
public debt in gross terms is four hundred and –

Mr Speaker: May I interrupt just a moment? I want to give some guidance for the rest of this
motion and Mr Clinton's motion as well.

1565 The motion is about definition of debt; it is not about the amounts. Whether the public debt
is £400 million or whether it is £1 has got nothing to do with it. Therefore, I am laying down a
marker with the Leader of the Opposition, which I will carry over when anybody else takes part
in the debate, including the Chief Minister's right to reply and to Mr Roy Clinton's motion.
Because, you see, the Government and the Opposition have for months been going at each
1570 other hammer and tongs in exchanges outside this Parliament about the question of public debt
and the amounts involved, and what we are not going to do ... If you want to bring this debate to
the House you are perfectly entitled to do so, but you cannot do that under a motion which has
got nothing to do with the amount of public debt but just has to do with the definition of debt. I
want to make that abundantly clear, because the moment that hon. Members begin to throw
1575 sums of money across the floor of the House I will call them to account. I hope that that is clear.
Now the Hon. Mr Clinton, yes.

Hon. R M Clinton: Mr Speaker, I must bring to your attention that of course my motion is
specifically directed at bringing in Government companies into the definition of public debt, so I
1580 cannot but mention them. So if you have a problem with me mentioning a number ... but I will
have to mention them, although I will exclude the number if you so wish.

Hon. D A Feetham: Mr Speaker, that is the second time that Mr Speaker has interrupted me
during the course of my –

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Mr Speaker: That is indeed the second time, and let me tell the Leader of the Opposition that if I have to interrupt him 10 times, or anybody else in this House, (*Banging on desks*) I will do so because that is my job. That is what I have been appointed Speaker for. The moment that hon. Members are not happy with that, all they have to do is to bring a motion of censure against me and then I will be quite happy to go home, having done my duty to the best of my ability.
1590 (**Several Members:** Hear, hear.) (*Banging on desks*)

I thought for months that the Leader of the Opposition and I were getting on very much better since the last election. The moment that earlier today I had to call his attention to a very small matter he immediately challenged me, and now he is doing it again. If he wants to
1595 continue to do that, let me tell you that for as long as I am Speaker there is only going to be one winner, unless he does bring a motion of censure against me and is successful. I would like to get on with him as we have been doing since the last General Election, and therefore I am giving general guidance, which I am doing now because I know that the moment that he sits down the Chief Minister will stand up and then the debate will become one about the level of public debt and not about the definition – and it can happen again later this afternoon under Mr Roy Clinton’s motion. That is all I am doing – I am laying a marker. I think I am very liberal. When
1600 hon. Members are debating in a motion I am very liberal and hardly ever call any of them to attention.

1605 **Hon. D A Feetham:** May I now continue?

Mr Speaker: Yes, you may.

Hon. D A Feetham: Well, thank you very much, Mr Speaker, but of course we live in a
1610 democracy and this is the heart of our democracy, and I am as entitled to express my view in the heart of the democracy as Mr Speaker is entitled to express his. And let me tell Mr Speaker he has got it hopelessly wrong. Twice he has got it hopelessly wrong, (**A Member:** Oh!) and I am entitled to express that view to this House and to Mr Speaker.

What we are debating is the definition of public debt, and the reason why we are debating
1615 that is because the Government says the definition of public debt ... The Government debt, the debt that the Government owns, on the current definition they say is £446 million gross, and what we are saying is, ‘Well, actually, you should be taking the debts of Government-owned companies, and if you did then it would take the debt of this community to over £1.1 million.’

How an earth am I expected to debate, Mr Speaker? How can we debate the –

1620

Mr Speaker: Very simply –

Hon. D A Feetham: ... without actually...

1625 **Mr Speaker:** Very Simple.

Hon. D A Feetham: May I finish, please?

Mr Speaker: Very simple: by saying that if the Government’s definition is the issue, then the
1630 level of debt is a certain figure.

Hon. D A Feetham: But I was about to do that.

Mr Speaker: If it is something else, it is another figure. But what I am doing is laying down a
1635 marker that I am not going to allow a debate about the actual debt as seen by the Government or as seen by the Opposition.

1640 Of course this is a democracy, but in this democracy the hon. Members have handed me this, the Standing Rules and Orders, and it is for me to apply these rules, not for the Leader of the Opposition, not for the Chief Minister, not for Mr Bossano, who has been here for as long as long as I have, or anybody else. It is for me, and I said, when I was appointed Speaker last time, I would do it without fear or favour. I do it to the best of my ability. I am impartial. I do not belong to any political party. I ceased doing that many years ago, and in the intervening period I have been totally aparty political. Therefore, I think I am entitled to say that I have a duty to apply the rules of this House as to the best of my ability and as I think fit. (*Banging on desks*)

1645 **Hon. D A Feetham:** Yes, Mr Speaker, and nobody is disputing whether Mr Speaker whether Mr Speaker is applying the rules impartially or not. What I am saying is that it is wrong – that you have applied the rules wrongly and that your view on this particular intervention is wrong, and indeed it is easily tested that it is wrong. The hon. Gentleman has spent, during the course of his speech, three-quarters of his speech talking about the practice under the GSD and talking about how the GSD use to – (*Interjection*) May I, Mr Speaker, please –

1655 **Mr Speaker:** But he did not mention a single figure once. Not once did he bring in any of the exchanges that hon. Members have been having for months.

1660 **Hon. D A Feetham:** But Mr Speaker... Okay, I see that what Mr Speaker finds objectionable is my mentioning the fact that Government gross debt is £446 million and if we took the debts of Government owned companies into account it is £1.1 million. Quite frankly, I do think that Mr Speaker – (*Interjection*) Mr Speaker, can I –

1665 **Mr Speaker:** Leader of the Opposition, please sit down.

You do not seem to understand what I am telling you. You do not seem to understand. I said that I was laying a marker, I was issuing a warning that I did not want those figures that the Hon. the Leader of the Opposition has been mentioning to become the subject of debate. I am laying down a marker in anticipation. That is all I am doing, but you are taking it much further.

1670 **Hon. D A Feetham:** Well, okay, so Mr Speaker is laying a marker for the House in general. Perhaps I would invite Mr Speaker, that maybe if he is laying a marker next time round, that perhaps rather than interrupt Members of the House in the middle of a speech to lay a marker, that perhaps one could wait until after the speech.

1675 May I say, Mr Speaker, that the point is very simple. The point made by the hon. Gentleman, Mr Clinton, is absolutely right. What has changed, apart from the fact that we had Greece in 2008 and that countries have responded to that in terms of their additional transparency, is that what has happened over the last five years is that the Government is increasingly borrowing off balance sheet. In other words, it is not borrowing directly itself in order so that it does not appear on the Government accounts, but it is borrowing off balance sheet via the accounts of Government-owned companies so that then it can come to this House – and I am not going to mention any figures, because I do not want to incur the wrath of Mr Speaker, but in order to say to this House there is £x million owed by the Government, and that is the end of the matter.

1680 That, we believe, is fundamentally wrong, because it does not give an adequate or accurate picture of the indebtedness of this community because, at the end of the day, if a Government-owned company cannot repay, for example, the £300 million that has been borrowed, mortgaged and secured on a mortgage of six housing estates, it is the Government that is going to have to pay it. It is the Government, effectively. These are Government-owned companies, and therefore what we are certainly saying is that whatever has happened in the past, let us be more transparent. Let us be transparent with the people of Gibraltar, let us be *realistic* about what the levels of public debt are, by taking into account not only the direct debt of the Government but also the debt of Government-owned companies.

1690 Mr Speaker will be glad to hear that I am concluding, and there is an additional... and I hope
that I am not straying into territory that Mr Speaker does not want me to stray into, but there is
an additional reason, of course, why the situation is different even today than it was seven
months ago. We have had a vote for Brexit at the Referendum. The responsibility now on all of
us is to be more transparent about where we are as a community in relation to our public
finances, where we are as a community in terms of the borrowing of this community. And you
1695 cannot judge, Mr Speaker, how the public finances of Gibraltar are performing by undertaking
an ostrich exercise and sticking your head in the sand about all that money, the £400 million. I
apologise for mentioning £400 million, but the money in Credit Finance (*Interjection*) – no, £400
million in Credit Finance – and indeed the figure that should not be named, the other figures in
relation to the mortgage on the six housing estates, because combined that is substantially more
1700 than what the Government directly owes in debt.

That is really what divides us. We want to be more transparent and give an accurate picture;
they want to be less transparent and give a picture that is completely and utterly skewered.
(*Banging on desks*)

1705 **Mr Speaker:** Any other contributor to the debate? I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I want to start by saying that, under the provisions of
sections 50 and 51 of the Standing Orders and Rules of this House, when you speak you must be
heard in silence and that you have responsibility for order and that those of us who represent
1710 the Government on this side of the House entirely accept that. Given where the exchanges have
gone with the Hon. the Leader of the Opposition – who I think should take a healthy dose of
respect medicine – I want to thank you for your service in this House as a Member of it between
1972 and 1992 and for your service as Speaker in this House since you were called upon to serve
again. I thank you in particular, Mr Speaker, for every time you have spoken out against me, for
1715 every time you have interrupted me and for every time that you have interrupted a Member on
this side and you have felt it necessary to call us to order, because that is what we, on behalf of
our community, all of us together, have asked you to do. Therefore, I think it is important that
you know that you enjoy the confidence of everyone who sits on this side of the House and that
you enjoy that confidence even when we disagree with you, because we know that you are
1720 making rulings based on your experience and your interpretation of the rules.

Moving on now to the speeches we have heard from hon. Members, the Hon. Mr Clinton
says that he feels déjà vu in having another motion hijacked. Well, Mr Speaker, I feel déjà vu in
being called lazy twice in one day. It has never happened to me before. Of all the
characterisations which are less than attractive of me, laziness is not one that has often been
1725 put to me. The reason I have copied the first two paragraphs of his motion is to demonstrate to
him in the context of my motion that he is condemning that which his party was responsible for
when it was in Government and his Leader was responsible for as a Minister when he was in
Government. This is not an exercise in laziness; this is an exercise in demonstration of how
wrong his motion is.

1730 Mr Speaker, again, if he wants to change the way that the accounts of Gibraltar are
determined and the interpretation given under a Constitution, under a Public Finance
(Borrowing Powers) Act, the least he should do – if he really wants to succeed and is not trying
just to create a show to try and pretend that he might somehow be now a new GSD that will do
things in a different way, which is clearly all he is doing – then he would call No. 6, not to be
1735 whipped, because I have told him I do not whip my own people, so the last thing I would do is
whip him. Mr Speaker, what he would do is determine whether his motion is likely to succeed or
not. It is not to seek permission. It is that we work in a parliamentary democracy, and if he wants
to get 10 votes, or if he wants to get nine votes so that I get eight and he does not prosper, he
should ask me whether I would back a motion he is going to put or whether I should think of
1740 putting a motion in the same way.

1745 If he has many ideas and he does not want to disturb me at three o'clock in the morning – and I daresay, Mr Speaker, that although I think the public service gives an excellent service, there would be no one to pick up at three o'clock in the morning; and I am not going to be giving him my mobile given that he has evinced an intention to call me at that hour, although he will
1750 find that despite being called lazy, I am usually working at that time but on matters more important than whatever motion he might want to be setting up the Parliament for – then he would know from me whether he stands any prospect of success, or whether all that is going to happen is that he is going to put a motion to give a speech on to try and persuade people of something, which is fine. That can also be something that motions are for, but they do not then result in changes in the way that things are calculated.

1755 The hon. Gentleman has said that there are accountants here at last. Well, there may be an accountant here, Mr Speaker – I do not know whether it is at last or not, but there has been an economist here for 44 years and that economist, by working with people, has been able to change the way that Gibraltar's economy is run and actually put it on a much better footing. Not because I say so. I would say that, wouldn't I, Mr Speaker, of Joe Bossano, but even the greatest
1760 Gibraltarian of all time said it in his valedictory speech here when he spoke in the last Budget that he spoke on in 2015. In fact, Mr Bossano was not here to hear him say that Gibraltar owed Joe Bossano a huge debt of gratitude for the repositioning of the Gibraltar economy after the closure in 1984 of the dockyard and the work that he had done thereafter.

1765 I do not think this is a finishing school for lawyers; it should not be. Lawyers should come here ready and finished, ready to do political work, to be architects – like accountants, like journalists, like mothers, like fathers – of our future, of our society, because that is what we are as lawmakers. We are not here to look at the price of PG Tips and of Brooke Bond; we are here to become architects of the future of our community.

1770 There is one element of the architecture of the way our community is run which we accept and which I will say to the hon. Lady does not go to transparency in the way that hon. Members are painting it, with the very greatest of respect. The hon. Gentleman referred to Gibraltar Capital Assets having happened and this was one of the reasons why he brought his motion. Well, he is getting his chronology wrong. Gibraltar Capital Assets had not been announced at the
1775 time that he put his motion. He found out about Gibraltar Capital Assets because I told him. The community found out about the great secret that is Gibraltar Capital Assets because I talked about it during my Budget speech and I informed the community of the structure of that. I told them about the amounts involved. I told them – the person who he alleges is trying to secretly avoid the company's accounts being talked about. I brought it here, Mr Speaker, so it does not make any sense for him to say that he needs to bring this motion for this purpose. Indeed, doesn't he know that we publish, from Credit Finance Company Ltd, statements online every month? Doesn't he know, Mr Speaker? Of course he does, because when he makes his arguments, which in my respectful submission are nonsensical, about what the level of debt is ...
1780 He says during a General Election campaign that he is going to take the amounts there – and he takes the full amount of £400 million and all the rest of it, and we will talk about later about those amounts, if you like – and he is going to increase the level of debt to £900 million – he said that during his election campaign – in order to ensure that what they say are the amounts involved are covered. That is what they say.

1785 Mr Speaker, how can he say that he needs this change in order to know what is going on in Credit Finance and GCA? He may want to say – no doubt he will in his motion, and as he has indicated today – that he just wants all of the companies to be under the scrutiny of the Principal Auditor. Well, that is his position, but it is nonsensical to say that Credit Finance and GCA are the ones that in particular make that relevant and are relevant after the GSD, because Credit Finance and the GCA, which are the two he says we are responsible for – of course we
1790 are, we created them – are the ones on which he has most information. Most information. What information does he have about the accounts of the Bus Company, which they created, or any of the other companies that they created and operated as trading companies, and which

borrowed? And he says that the change is Credit Finance and GCA. Well, look, Mr Speaker, it is utter nonsense.

1795 And of course the Auditor does not say anything about these accounts, because they are not in his remit. Exactly, Mr Speaker – they are not in his remit, and that is where the Hon. Mr Clinton is entirely wrong, for a simple reason: section 73 of the Constitution and the Public Finance (Borrowing Powers) Act mean what they mean, not what I say they mean, and if the Auditor thought that therefore they cover the companies, he would say so and he would ask for
1800 the accounts and he would put it in his report.

It is not up to this Parliament to say section 73 of the Constitution means this or the Borrowing Powers Act means that, because neither the Chief Justice in our courts or any other judge, nor the Principal Auditor, nor any other party that interprets our laws asks the Chief Minister what it means. That is why we create laws and Constitutions. They are objective
1805 standards that go out into the community and others interpret. And he is coming here to tell us what he says they must mean in the future. He is not saying ‘amend’ it to say this; he says ‘interpret’ it to say this. And so it is not that these companies are not within the remit and can be brought within the remit of the Auditor by something we say here; it is that the Constitution and the law do not put them within the remit under the GSD, under the GSLP, under the
1810 independent Member leading a party informing Government, or anybody else. That is the nonsense of the motion that he has brought.

He says he has three letters waiting for reply; I thought he had two. He will get replies to his letters as soon as I am able to attend to them, but he has to understand that, in the context of what I deal with as Chief Minister, replying to his letters is not a priority. That does not mean
1815 that he should not approach me in writing to deal with things. I commend to him an advance called e-mail, which now enables me to read correspondence wherever I am. It involves small devices or large devices onto which people type and uses the phone lines. I do not know whether he has moved on from letters to e-mail, but if he sends me e-mails I usually try and reply more quickly – I have the opportunity of replying when I am on aircraft, etc. but I do
1820 commend that to him. Others will be able to tell him that I tend to be able to reply quite quickly to queries to which I have the answer when I receive an electronic communication which is mobile.

Then he told us he does not propose to deal with my motion now and he will speak on his motion in respect of the things that he would have dealt with in response to my motion. Very
1825 well, Mr Speaker, he is going to disjoint the debate. I am quite happy for it to be disjointed, we can do it in that way, but I can tell him now that if he continues to put motions that I think are nonsensical he will continue to receive motions from the Government affirming practices even under the GSD, as he has in respect of this one.

Mr Speaker, I cannot agree with the interpretation of Ms Hassan Nahon in relation to
1830 transparency, because, as I have said to her, the issue that we are dealing with – and in fact the Leader of the Opposition then usefully got up and demonstrated it for me, this question that he said, which is the post-Greek issue and Gibraltar Capital Assets and Credit Finance Company Limited. That information is out there, and they have got it because I give it to them. So can they at least please acknowledge in the context of what they are saying that this Government is
1835 giving more information than any Government in the history of Gibraltar in respect of the Government companies – two of them in particular, Gibraltar Capital Assets and Credit Finance Company Ltd? And the information that we do not give in respect of Credit Finance Company Ltd – the Hon. the Leader of the Opposition, who is often the one up asking for it, knows that it is impossible for us to give, because it is who is Credit Finance lending to, how much have you lent
1840 to them, what is the interest rate you are charging. It is nonsensical for him to ask for that information, and he must not get away with using our inability to reply to that, because of confidentiality of the borrower, as an attempt to suggest that something is not transparent.

The best alternative example is the Royal Bank of Scotland and Lloyds Bank – which is owned primarily by the British taxpayer in the same way as Credit Finance is owned primarily by the

1845 Government of Gibraltar – not being able to tell you what they are lending to whom. So the
nonsense that the Hon. the Leader of the Opposition is perpetuating by that argument, and
which the hon. Lady should not fall for and neither should anybody else in this community, is
that he gets up and says, if he were in another Parliament, ‘Theresa, I have seen the accounts of
the Royal Bank of Scotland – what is the amount of lending in Gibraltar, who has it been lent to
1850 and how much is the interest?’ He would get exactly the same answer from Theresa May that he
gets from Fabian Picardo. It may be a Government-owned company, but I cannot give him the
information because of covenants of confidentiality. But you have online a lot of information
about Credit Finance Company Ltd and you have in your possession already a lot of information
1855 in relation to Gibraltar Capital Assets Ltd and you have been invited to a meeting on that. But I
will tell you what you do not have and what you did not defend in the General Election or in the
by-election when you stood with the GSD, and what you have not sought is the information in
relation to the companies that they established – because they did not even file the accounts.
They did not even comply with the law to file accounts. So the hon. Lady will find me not able to
agree with her in respect of this amount of transparency, because if she were at least to say, in
1860 the context of the way she puts her argument, ‘I accept that you are giving more than they gave,
but I would like you to give more,’ fair enough. That is an argument which then I would meet by
saying, ‘We invite you to a meeting on one, and the information we are not giving on the other is
the confidential information.’ (*Interjection by Hon. Ms M D Hassan Nahon*) Fair enough. But it is
different, in my respectful submission, to simply say, ‘I believe in transparency – you should give
1865 more.’

The hon. Gentleman then got up and told us that the hon. Lady had spoken because she had
no alternative than to defend the record that she had defended at the General Election and the
by-election and the position she had put. I think he is trying to somehow cast the net wide
enough that she is stuck with all of the historical baggage that she has now unstuck herself from,
1870 so that at least there is not a rising star on the Opposition benches who can speak freely without
historical baggage and he is stuck with the excess luggage of 16 years of GSD Government, which
is really enough baggage that he would not be accepted on a British Airways flight. But he says
this is an issue that loomed large at the General Election. It loomed large because Credit Finance,
of course, had been created by the time of the General Election and was one of the central
1875 pillars of what we were told was a coming GSD return to Government. ‘We lost,’ he said, but he
did not lose, Mr Speaker – he lost with, on average, less than half the votes. If he wants
transparency on figures, we are talking about over 10,000 and an average of about four. People
believed the Government was right, therefore, in many of the things that we were doing, and in
particular this, because he said it was a central tenet of the thing. Well, it was a central tenet
1880 and we won. Don’t tell me that we won because of our designs for a new Commonwealth Park
on the Upper Rock. If it was a central tenet, then the people are with us on that issue.

Then he started to refer to Greece, Mr Speaker, and I thought for one moment that he was
going to do a Travolta-like turn on something. (*Laughter*) He has done so many U-turns in his
political career, I thought we were in for a *Strictly Come Dancing* style spin on his toes. It is
1885 nonsense to say that Greece is what changes everything. Knowing, as I do, how his brain
functions, he must have spent hours trying to work out how to try to draw a distinction between
2011 and everything that was done then being done right, and exactly the same thing being
done thereafter, with more transparency and more information given out, and still not
demonstrate what a political hypocrite he is to pretend that we should now do things
1890 differently. And he thought ‘Greece!’ Mr Speaker, he needs to watch that movie again, because
he really was not able to sound persuasive in any material respect in any of the arguments that
he made.

The figures that he quoted – and in my view, Mr Speaker, you rightly have tried to prevent us
from having a debate on the level of public debt; I will only say this – are wrong. They have now
1895 spent quite a considerable period of time, as you have detected, trying to pretend that the gross
debt of Gibraltar is £1.1 billion. It is utter nonsense. I have enough of a high regard for him as a

1900 professional – not as a politician, and I always try and divide the two – that even he cannot, as a politician, believe that the numbers that he is giving are true. I have to accept that he therefore thinks that he can pull the wool over people’s eyes and pretend to somehow persuade some people that that is true, but we are not going to fall into the trap of being ostriches and allowing him to do that. We are going to challenge him every time he tries to pretend that that is the case, and we will demonstrate that that is not true.

1905 Because he would like to forget, Mr Speaker, in the analysis that he is doing and does, the amounts – it was about two hundred, let’s not get into it – of the Savings Bank bonds that they had when they were in Government, because when they do their calculations they try to ignore all of those things, and the company debt that they had when they were in Government. Or doesn’t he remember the debate that we had about fitness to govern when I was Leader of the Opposition? (*Interjection by Hon. D A Feetham*) Mr Speaker, the Hon. Gentleman is saying the figure of £24 million in bonds in the Savings Bank. Okay, I am delighted that he has given that figure. Given that we are going to have another debate on this subject later, where it appears that figures may be more of an amenable issue and they may be mentioned, I will leave it to then, but we are going to have a lot of fun with £24 million, Mr Speaker.

1915 It is absolutely right that the Government should come to this House not just to deal with the motion put by the Hon. Mr Clinton, which we will deal with later, but to actually put a positive motion asserting the position that has been accepted for the past 21 years in the interpretation of the Constitution and the Public Finance (Borrowing Powers) Act and continue to assert that that is the correct position to take. It is absolute nonsense to pretend by motion to change the meaning of a principal and overriding enactment like a Constitution or to think that by motion one can change the meaning of a law. Therefore, Mr Speaker, the Government was not just hijacking a motion, the Government was acting entirely properly in bringing a motion affirming the interpretation actions and accounting of this nation from 1996 onwards under its former Chief Minister, my predecessor – for whom I have a lot of respect but I had very little regard for much of what he did in Government – and every Financial Secretary and Accountant General since, and to deprecate an attempt to do the opposite by somebody who has been in this Parliament for months.

1925 And therefore, Mr Speaker, pleased that there will be a division on this vote. I commend this motion to the House. (*Banging on desks*)

1930 **Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister. Do you want the Clerk to call a division?

Hon. Chief Minister: Well, I mean, Mr Speaker, as I understand it, the division has been called for by Mr Clinton but it is seconded by me.

1935 **Mr Speaker:** Very well.

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. Dr J J Garcia
The Hon. A J Isola
The Hon. G H Licudi
The Hon. S E Linares
The Hon. F R Picardo
The Hon. Miss S J Sacramento

AGAINST

The Hon. R M Clinton
The Hon. D A Feetham
The Hon. Ms M D Hassan Nahon
The Hon. L F Llamas
The Hon. E J Phillips
The Hon. E J Reyes

ABSENT

The Hon. T N Hammond

Mr Speaker: The motion is carried by 10 votes to 6, with one Member being unavoidably absent.

When we return this afternoon, it is the Hon. the Minister for Business who has two fairly routine motions.

1940 I propose we recess until 3.15.

Chief Minister (Hon. F R Picardo): I was going to propose exactly that, Mr Speaker.

Mr Speaker: The House will now recess until 3.15.

1945

The House recessed at 1.24 p.m. and resumed its sitting at 3.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.15 p.m. – 8.53 p.m.

Gibraltar, Friday, 7th October 2016

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The Gibraltar Parliament

The Parliament met at 3.21 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

GOVERNMENT MOTIONS

Old age pensions and survivor's benefits – Uprating from 1st August 2015 approved

Clerk: We continue with Government motions. The Hon. the Minister for Business and Employment.

5

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

That this House approve by resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) (No. 2) Order 2016.

Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rate of old age pensions and survivor's benefit by 1.6% with effect from 1st August 2015, which represents the annual increase for that year.

10 In previous years, old age pensions and survivor's benefits have been uprated in line with the annual increase in the general index of retail prices. The year prior, the rise in the index of retail prices was 0.1% over the year and would therefore have represented a very low increase. Her Majesty's Government of Gibraltar therefore decided to apply the same pensions increase of 1.6% as was implemented in August 2014.

15 Accordingly, the full monthly pension for a single person will rise from £431.87 to £438.78, and for a married couple from £647.85 to £658.22.

Mr Speaker: I now propose the question in terms of the motion moved by the Hon. the Minister for Business and Employment. Does anybody want to speak on the motion?

20 I now put the question in the terms of the motion proposed by the Hon. the Minister for Business and Employment. Those in favour? (**Members:** Aye.) Those against? Carried.

**Old age pensions and survivor's benefits –
Uprating from 1st August 2016 approved**

Clerk: The Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

That this House approve by resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) (No. 2) Order 2016.

25 Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rate of old age pensions and survivor's benefit by 0.4% with effect from 1st August 2016, which represents the annual increase for this year.

Accordingly, the full monthly pension for a single person will rise from £438.78 to £440.54, and for a couple from £658.22 to £660.85.

30

Mr Speaker: Does any other hon. Member wish to speak on the motion?

I will put the motion in the terms moved by the Hon. the Minister for Business and Employment. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

**Magistrates' Poor Fund (Repeal) Bill 2016 –
First Reading approved**

Clerk: Bills – First and Second Reading.

35 A Bill for an Act to repeal the Magistrates' Poor Fund Act and make provisions for the dissolution of the charitable trust constituted by such Act.

The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to repeal the Magistrates' Poor Fund Act and make provision for the dissolution of the charitable trust constituted by such Act be now read a first time.

Mr Speaker: I now propose that an Act to repeal the Magistrates' Poor Fund Act and make provision for the dissolution of the charitable trust constituted by such Act, be read a first time.

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

Clerk: The Magistrates Poor Fund (Repeal) Act 2016.

**Magistrates' Poor Fund (Repeal) Bill 2016 –
Second Reading approved**

50 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for the Magistrates' Poor Fund Repeal Act now be read a second time.

This Bill repeals the Magistrates' Poor Fund Act and transfers the funding held by that fund to the John Mackintosh Trust, which is the sole contributor to the fund in any event.

55 This Bill is presented to Parliament by the Government, as the members of the board of trustees of the Magistrates' Poor Fund are of the opinion that the fund has outlived its original purpose and that the current costs of its administration outweigh the benefits that the fund is able to provide as a separate legal entity.

As the fund is a statutory body, this change may only be effected by means of an Act of Parliament. I therefore commend the Bill to the House.

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

I now put the question, which is that a Bill for an Act to repeal the Magistrates' Poor Fund Act and make provision for the dissolution of the charitable trust constituted by such Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

65

Clerk: The Magistrates' Poor Fund (Repeal) Act 2016.

**Magistrates' Poor Fund (Repeal) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Mental Health Bill 2016 –
First Reading approved**

Clerk: A Bill for an Act to make provision with respect to the reception, care and treatment of mentally disordered persons; the management of the personal welfare, property and affairs of persons who lack capacity; and for connected purposes.

75 The Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to make provision with respect to the reception, care and treatment of mentally disordered persons, the management of the personal welfare, property and affairs of persons who lack capacity, and for connected purposes, be read a first time.

80

Mr Speaker, I sent a letter to you dated 12th September and I will be moving an amendment to a clause at Committee Stage.

85 **Mr Speaker:** I now propose the question, which is that a Bill for an Act to make provision with respect to the reception, care and treatment of mentally disordered persons, the management of the personal welfare, property and affairs of persons who lack capacity, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Mental Health Act 2016.

**Mental Health Bill 2016 –
Second Reading approved**

90 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I have the honour to move that the Bill be now read a second time.

In apologising for the length of my contribution, I justify it by saying that this is a landmark Bill which will change the direction of the way we treat fellow citizens with mental health problems in several fundamental ways.

95 The Bill is primarily concerned with the circumstances in which a person with a mental disorder can be detained for treatment for that disorder. It sets out the processes which must be followed and the safeguards for patients to ensure that they are not inappropriately detained or treated. The Bill ensures that people with serious mental disorders which threaten their health or safety, or the safety of the public, can be treated where it is necessary to prevent them from harming themselves or others.

100 The Bill is divided into 10 parts, which I will deal with in turn.

Part 1 of the Bill contains two important new definitions, which are 'mental disorder' and 'approved clinicians'. Mental disorder is defined in the Bill as any disorder or disability of the mind. This single definition applies throughout the Act and it abolishes the four categories of mental disorder currently found in the old Mental Health Act, which are, namely, mental illness, 105 arrested or incomplete development of mind, psychopathic disorder, and any other disorder or disability of the mind. The single definition of mental disorder will also mean that a patient's risk and needs should determine when and what action is taken and not the label that happens to be applied to a person's mental disorder. Furthermore, clause 1(7) now has a single exclusion, stating that dependence on alcohol or drugs is not considered to be a disorder or disability of the mind for the purposes of the definition of mental disorder. Furthermore, you will also find a 110 new definition of the responsible medical officer, which is that of the approved or responsible clinician. This change potentially opens up the role of the responsible medical officer to a wider range of professionals, which has until now been restricted to psychiatrists. The approved or responsible clinician need not be restricted to medical practitioners and may be extended to practitioners from other professions, such as nursing, psychology, occupational therapy and social work. 115

Moving on to Part 2 of the Bill, one of the fundamental powers of the Act is the admission for treatment of a person suffering from mental disorder. While being a fundamental power, it is also a significant incursion into private life and liberty. The criteria for admission contained in 120 clause 3 of the Bill have been revised and tightened so that, in addition to what are the current criteria, the application for detention now has to prove that the treatment can only be provided if the patient is detained, so that if it can be given by an informal admission that option should be exercised instead. Furthermore, there is the additional test of appropriate medical treatment, which emphasises the fundamental principle that detention must always be for a clinical 125 purpose. It is designed to ensure that no one will be brought or kept under compulsion unless suitable treatment is available. Admission for treatment is for up to six months in the first place and can be renewed periodically thereafter. An application for treatment under this clause can be made by the patient's nearest relative or an approved mental health professional. Clause 5

130 deals with applications for compulsory detention under clauses 2 or 3 to be made in respect of
patients who are already receiving treatment in hospital as informal patients. It contains a
necessary holding power to the nurse in charge of the ward to detain an informal patient for up
to six hours if it is considered that the patient might leave before there is time to complete an
application under clause 2 or 3. This part also deals with a new power of guardianship. Clauses 7
135 to 10 of the Bill deal with guardianship. The Bill introduces a new alternative to applying for
admission to hospital for treatment, and that is the power to make a guardianship application.
The application can be made by the patient's nearest relative or an approved mental health
professional, and the person named as guardian may be the Care Agency or another person
approved by the Care Agency. Guardianship is appropriate for a small number of mentally
140 disordered people who do not require treatment in hospital either formally or informally but
who nevertheless need close supervision and some control in the community as a consequence
of their mental disorder. In the UK, where guardianship has existed for some time, it is invoked
predominantly for mentally ill people who are over 65 years of age.

Mr Speaker, please note that, as commented in my letter to you of 12th September, I will be
moving an amendment to clause 14 of the Bill at Committee Stage following discussion with the
145 Care Agency. Clause 14 specifically places a duty on the approved mental health professional to
make an application for admission to hospital or guardianship. Since guardianship falls within
the ambit of the Care Agency, the amendment provides that, where necessary, the Care Agency
shall prompt the approved mental health professional to make arrangements to consider the
patient's case on their behalf.

150 The Bill also introduces for the first time the power to make community treatment orders. At
present, most patients detained under the Mental Health Act are detained in hospital, but there
has been, for some time, a desire to bring more community-based mental health services. There
is scope for some patients to be treated under compulsory powers but to live in the community,
not in hospital. For suitable patients, the community treatment order meets the need for a
155 framework to their treatment and safe management in the community. To be eligible for a
community treatment order, patients must have had an initial period of detention and
treatment in hospital. This means their medical condition and treatment would be well
established before they go into the community. It would be for the clinicians, working closely
with the approved mental health professionals, to determine if a patient meets the necessary
160 criteria to be put into a community treatment order. Under community treatment orders,
patients can be recalled to hospital for treatment if they need to be. Clause 18 sets out the
conditions to which a community treatment patient will be subject and clause 21 sets out when
the power to recall can be exercised. A patient will be admitted to hospital in pursuance of an
application for admission for treatment and will only now be detained for an initial period of six
165 months. The period can be renewed for another six months and thereafter for a period of one
year at a time. Currently, the initial period of detention is for one year with renewal for another
year and two years thereafter. The new periods of detention allow patients to be examined
more often before detention is renewed. The test for renewing detention is also more stringent
now, in line with the renewed criteria for admission to treatment.

170 Another significant change introduced by this Bill is Part 3, regarding consent to treatment.
There are currently no provisions in the Mental Health Act on whether a detained patient can be
treated without his consent. The purpose of this part is to clarify the extent to which treatment
for mental disorder can be imposed on detained patients in hospitals. It sets out three main
categories of treatment, where, due to the seriousness of the treatment, consent and/or a
175 second independent opinion must be obtained before treatment can be provided. Clause 45
deals with the surgical operation for destroying brain tissue or for destroying the functioning of
brain tissue, and any other treatment specified by regulations. This form of treatment is
extremely rare and the most serious form of treatment. Clause 46 deals with the administration
of medicine to an in-patient in hospital where three months or more have elapsed since he was
180 first administered medicine during the current period of detention. Clause 47 deals with

185 electroconvulsive therapy and medicine administered as part of that therapy. All these ensure
strict criteria under clinical direction. Where a patient needs to be treated urgently in order to
save his life or prevent a serious deterioration of his condition, clause 51 allows the safeguards
provided by clauses 45, 46 and 47 to be overridden, but only in the very limited circumstances
prescribed. In respect of any other form of treatment not being a form of treatment to which
185 clauses 45, 46 or 47 apply, clause 53 sets out how and when such treatment can be
administered and the consent required.

Part 4 of the Bill regulates the treatment of a community patient. It is the equivalent of Part 3
on consent to treatment, but for community patients. Such patients can only be given treatment
190 if they consent, or, if they lack the capacity to consent, do not actively object. Treatment can
only be given in emergencies to a mentally incapacitated patient who resists it. This part
therefore provides authority to treat a community patient, sets out the conditions that need to
be satisfied before relevant treatment can be provided to a community patient who lacks
capacity to consent, and the criteria that must be satisfied before relevant treatment can be
195 given in an emergency.

Part 5 of the Bill deals mainly with the management of property and affairs of patients and
the personal welfare of the patient. The core jurisdiction of the Court of Protection has been
expanded to include the power to make substitute decisions or to appoint a deputy, if this is in
their best interest, for persons lacking the required mental capacity to make decisions for
200 themselves about their personal welfare. Formerly, it was limited to just their property and
affairs. This part applies in relation to a person who lacks capacity as defined in clauses 86 to 89.
Clause 65 contains the core jurisdiction of the Court of Protection. It gives the court power to
make decisions for persons lacking the required mental capacity to make decisions for
themselves about either their personal welfare or their property and affairs, or to appoint a
205 deputy to do so if this is in their best interest. There are, however, restrictions as to what a
deputy can and cannot do under clause 70. Clause 66 gives the court the power to make
declarations as to whether a person has mental capacity and whether an Act or proposed Act
was or would be lawful. Clauses 67 and 68 set out a non-exhaustive but indicative list of matters,
relating to the personal welfare and property of a person who lacks capacity, that come within
210 the jurisdiction of the court. The powers of the court to make an order in relation to the
personal welfare of a person who lacks capacity includes, but is not limited to, matters such as
deciding where a person who lacks the capacity is to live, making an order prohibiting a person
from having contact with that person, giving or refusing consent for treatment, and directing
that a different person take over the responsibility for that person's healthcare. Finally clause 78
215 sets out a list of matters that are excluded for the purposes of this part – that is decisions that
cannot be made on behalf of a person, such as consenting to a marriage or civil partnership.

Part 6 of the Bill identifies the occasions on which a patient or his nearest relative may make
an application to the Mental Health Review Tribunal. It also represents a fundamental change in
the mental health regime, in particular as regards safeguarding the rights of patients, as the
220 circumstances in which a patient can apply to the tribunal are increased. There is also now a
duty on the authority to refer patients to the tribunal where they have not exercised their right
to apply to the tribunal and the period of six months since their first admission to hospital has
expired. With regard to patients whose authority for detention has been renewed, there is a
duty to refer patients if three years have passed and the tribunal has not reviewed the case in
225 that time. This part also makes provision for the first time for applications to the tribunal
concerning restricted patients and the powers of the tribunals with regard to these types of
patients in the light with the European Convention on Human Rights requirements. The tribunal
has the power to discharge patients from hospital, guardianship or community treatment
orders. Under clause 96, the tribunal must direct the discharge of a patient if there are not
230 satisfied as to any one or more of the criteria as set out in the various sub-clauses. This is a
significant change from the current test, whereby the tribunal *may* direct that the patient be
discharged if they are satisfied that he is not suffering from mental illness, etc. The burden is

235 currently placed on the patient to prove that the criteria justifying his detention in hospital for
treatment no longer exists. UK case law held that this was incompatible with Articles 5(1) and
5(4) of the European Convention on Human Rights, since these Articles require the tribunal to be
positively satisfied that all the criteria justifying the patient's detention continue to exist before
refusing to order a patient's discharge. As a result, the law in England and Wales was amended
and the test there is the same as in this Bill, which is that the tribunal shall direct the discharge if
not satisfied that the criteria for detention in hospital continue to exist.

240 Part 7 of the Bill deals with the various functions and powers of the approved mental health
professional, the Care Agency and the Minister. Clause 106 allows the Minister to issue a code of
practice for the guidance of practitioners, managers and the staff of the hospital. We are
currently finalising the code of practice and will be issuing it when the Act is brought into force.
Clause 107 deals with the approval of persons to act, for the purpose of the Bill, as approved
245 mental health professionals and approved clinicians.

Part 8 of the Bill sets out the offences under the Act, which are those of forging a document
or making a false statement, ill treatment of a patient, assisting patients to absent themselves
without leave and obstructing a person from performing his or her functions under the Act.

250 Part 9 replaces the current system of visitors as contained in sections 69 to 72 of the Mental
Health Act. It creates a Mental Health Board, which is an independent body whose role is to
satisfy itself as to the treatment of patients and to report any ill treatment or improper
detention, similar to the Prison Board and separate from the Mental Health Appeal Tribunal. The
board must meet at least once a month and each member must take it in turn to visit the
hospital and hear requests and complaints made by patients. It also has to provide an annual
255 report to the Minister of its activities and findings. It shall consist of at least five members and
must include a lawyer and a doctor. The functions, as outlined in clause 115, include satisfying
themselves as to the state of the hospital and treatment of patients; making enquiries into the
care, treatment and detention in hospital of a patient; and bringing matters to the attention of
the Minister. The board also has the power, under clause 115, to refer a patient to the tribunal
260 and require the production of any documents relating to the detention or treatment of a
patient.

Part 10 is the final part of the Bill, which deals with various matters, including imposing a duty
on the authority under the Act to give information to detained patients, community patients and
the nearest relatives of patients. This information includes the rights of the applicant to apply to
265 the tribunal, the effect of certain provisions of the Act, and of providing the nearest relative with
a copy of such information.

Mr Speaker, this Bill has been the result of many hours of hard work by a committee of
professionals, mainly from the GHA, with Care Agency involvement and discussion also with the
Ministry for Justice. I have had the pleasure to chair that committee. I also have to acknowledge
270 the work of the Gibraltar Law Officers, whose work too has shown extraordinary dedication and
incredible insight to the issues relating to mental health. I thank them all for this work, and all in
Gibraltar who are affected by mental health, which is probably all of us, are indebted to them.

With that, Mr Speaker, I commend the Bill to the House. *(Banging on desks)*

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

Hon. R M Clinton: Mr Speaker, thank you.

280 This Bill which comes before us today was the subject of a Command Paper issued on
19th February 2015, and I for one congratulate the Minister for bringing it onto the agenda
today. It is an important piece of legislation, without doubt, which will affect the most
vulnerable in our society.

Yesterday, I had the opportunity to meet, with my colleague the Hon. Mr Llamas, members of
Clubhouse, and of course they deal, at the front line, with many individuals who are affected one

285 way or another by mental health issues. This legislation will go a long way to helping, and is
obviously a modernising piece of legislation. One thing I noticed the Minister mention is that
there is a code of practice in development for, I imagine, the health professionals and people in
agencies, etc. I would make perhaps a suggestion, from our conversation with Clubhouse, not to
forget the NGOs and the voluntary organisation. Also, I note that the code of practice is going to
290 come in or be finalised more or less at the same time when the Bill comes into force. Again,
purely a suggestion, but I think it might be helpful if there was some thought given to perhaps a
training session, not just internally but obviously for NGOs, in terms of the practical effect of
what is a very complex piece of legislation, as we can all see, running to 206 pages, and I think
they will probably be well received.

295 Also, a final thought on this is that perhaps, given that we are dealing with the most
vulnerable in our society – and I know, for example, for things like the Data Protection Act we
have produced little leaflets for people to read and understand what their rights are under Data
Protection – whether the Government will give some consideration to some kind of information
booklet – I am sure they would in due course – in advance of the legislation coming into force, so
300 that people will have access in a very simple way, without perhaps having to seek the aid of a
lawyer, to understand what their rights are in a simple booklet.

Again, I thank the Minister. I think on this side of the House we will not have a problem with
this Bill. Obviously, we have not had sight of the feedback you had on the Command Paper; but,
as I have discussed with the Minister, we obviously take it in good faith that he has taken on
305 board any concerns that any body that made representations had in the drafting of this Bill.

I hope the Minister will take that as just some constructive suggestions that he may or may
not take on board. Overall, I think this is an important piece of legislation which will protect the
most vulnerable in our society.

Thank you, Mr Speaker.

310

Mr Speaker: Any other hon. Member wish to speak on the general principles and merits of
the Bill?

315 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the hon. Gentleman what he said at the
beginning, regarding drugs and the connection with the Mental Health Act with drugs, please?

Mr Speaker: I call on the mover to reply.

320 **Hon. Dr J E Cortes:** Mr Speaker, I would like to thank the Hon. Mr Clinton for supporting the
Bill, which has been a long time coming. I am very pleased to have been able to have brought it
here, because I know that some of the mental health professionals, before this Government
came into office, were struggling with convincing the Government at the time regarding certain
provisions. So I am very pleased that the ‘official Opposition’, to coin the phrase that the Chief
Minister used this morning, supports it.

325 In answer, first of all, to the hon. Lady, what this is saying is that being under the influence of
drugs and alcohol is not considered a mental disorder. That is the distinction. There may be
similarities in symptoms and behaviour, but is not de facto a mental illness. That is the
difference that is being made.

330 If I may just answer some of the points that the hon. Member made, which I take as
constructive, some of them are, in fact, things that we are already envisaging and I will explain.
The Command Paper had considerable interest and we had responses from some of the NGOs
that the hon. Member has mentioned, and these were taken on board. There was also a
delegation from the Council of Europe, who coincidentally came to Gibraltar just as we were
preparing the Bill, and some of their recommendations have also been taken on board; and
335 some retired psychiatrists, including Dr Cecil Montegriffo, who was for many years *the*
psychiatrist for Gibraltar, also made his contribution, as did members of the Mental Health

Appeals Tribunal. So the feedback was good, it was all positive, and most of the matters were incorporated in the drafts.

340 Regarding the code of practice, this is now being circulated in near final draft form. There are a number of meetings being held with the mental health team that prepared the Act, and I find it a very useful way of interpreting all these hundreds of pages so that practitioners can use it. I explained that once that is approved there will be a period of induction, which has already been prepared, of mental health professionals and there will be sharing with those charities – he mentioned Clubhouse, there is also Mental Health Society and Psychological Support Group who
345 work in this – so that they are also aware of the benefits that will be forthcoming from it. So, very much so.

The code of practice itself is probably too complex a document to give out as a leaflet – although it will not be hidden, it will be publicly available – but the point of having a leaflet which will explain some of the basic tenets of the code of practice I think is a worthwhile
350 suggestion, which I will certainly take up.

I think, Mr Speaker, that that answers all the points that have been made and I genuinely welcome what I feel is widespread support from both sides of the House for something which will no doubt benefit all those of us who at some time in our lives will have ourselves, family or friends affected by mental health issues.
355

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision with respect of the reception, care and treatment of mentally disordered persons, the management of the personal welfare, property and affairs of persons who lack capacity, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.
360

Clerk: The Mental Health Act 2016.

**Mental Health Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
365 Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Animals and Birds (Amendment) (No.2) Bill 2016 –
First Reading approved**

370 **Clerk:** A Bill for an Act to amend the Animal and Birds Act.
The Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
375 Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

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

380 **Clerk:** The Animals and Birds (Amendment) (No. 2) Act 2016.

**Animals and Birds (Amendment) (No.2) Bill 2016 –
Second Reading approved**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, I have the honour to move that the Bill now be read a second time.

In March of this year the Government announced that we would be bringing in legislation making dog DNA profiling compulsory in order to combat dog fouling. This Bill, together with the amendments that will subsequently be made to the Animals and Birds Rules 2004, will allow us to carry this out.

The Environmental Agency has been working in schools together with other parts of the public service, including the Royal Gibraltar Police, on increasing awareness of the dangers of dog fouling and has been conducting joint patrols with the RGP in dog fouling hot spots. CCTV cameras have also been deployed to deal with this problem. These measures have sometimes resulted in less dog fouling in the areas where such patrols or cameras have been introduced, but irresponsible pet owners then just move elsewhere. DNA profiling will allow us to follow them and allow us to overcome this problem by letting us identify the registered owner of the dog responsible for the dog fouling.

395 Clause 2(2) of the Bill updates an out-of-date reference to the Order designating the Gibraltar Nature Reserve which was recently published.

Clause 2(3) increases the penalty to level 3 if there is a contravention of subsection (1) – that is the dog is not registered or does not hold a valid and subsisting licence, or has not been vaccinated within the last 12 months.

400 Clause 2(4) makes it compulsory, prior to registration or licensing, for a dog to have a blood sample taken by a competent person. This will enable us to build up a database of all dogs registered and licensed, and such a database is fundamental to the operation of the scheme. Since all licences must be renewed yearly by 1st January, we should have a DNA record of all dogs registered and licensed soon after that date next year. It is against this database that a sample of dog faeces collected by the authorised officers will be matched against the registered owner of a dog. The offence of failing to pick up after your dog is contained in rule 12 of the Animals and Birds Rules 2004. Amendments are to be made to that rule so that a first offence will attract a penalty at level 3 and any subsequent offence will make the offender liable to a fine up to level 4. However, if a match is made against a registered owner, he or she will be issued with a fixed penalty notice of £250 in the first instance. Failure to pay may result in proceedings being instituted.

410 Clause 2(5) sets out who is qualified to take a blood sample and, once obtained, the sample shall be entered in the dog register, which is the database that holds the information relating to a dog, which contains the name and address of the owner or keeper of the dog.

415 Clause 2(6) contains some housekeeping provisions.

Clause 2(7) amends the schedule which contains the list of persons who are authorised officers for the purposes of the Act to include officers of the Department of the Environment. This will allow environmental protection officers to enforce the provisions of the Act.

Finally, Mr Speaker, I commend this Bill to the House.

420

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

425 **Hon. L F Llamas:** Mr Speaker, first I must thank the Hon. Minister Cortes for sending me a copy of the draft Bill before actually gazetting it, in order to ensure that any recommendations that I wanted to include or recommend to him were dealt with before we published the actual draft.

430 Earlier this year, the Government also gazetted the increase of dog registration and licence fees by 300% and 400% respectively, coming into effect as from 1st November 2016. We understand that this has been done in anticipation of the DNA profiling policy being brought to the House today. In the amendment today it is welcoming to see the summary conviction level fine for dog owners who keep unlicensed dogs being increased from level 2 to level 3 of the standard scale. Nevertheless, it would be equally justifiable to increase in tandem the levels of fines imposed to those successfully convicted of dog fouling on our streets, which currently stands at level 1 on first conviction and level 2 or three months in imprisonment for second and subsequent convictions. This side of the House supports initiatives and policies to curtail antisocial behaviour. Other jurisdictions which have implemented this policy have reported that this behaviour has decreased by the mere fact that the policy exists. But, above all, we would expect to see an offenders-led policy and moneys received in relation to fines being brought into the initial cost of DNA profiling, thus allowing moneys paid by the responsible dog owners to be invested back into the dog-owning community once the DNA profiling has been satisfied.

440 Thank you.

Mr Speaker: Does any other hon. Member wish to speak on this Bill?

I call the mover to reply.

445

Hon. Dr J E Cortes: Mr Speaker, I thank the Hon. Mr Llamas for supporting this Bill. I note his desire to see fines increase further. We have discussed this before at Question Time. I am not rejecting the suggestion, and what I said at the time is that I think we are going to see how this works to see if there is a need to do so; but that is still there and has not been discarded.

450

I would like to say that certainly the increase in licence fees has been carried out just to give us a few months lead in for newly registered dogs before we implement the profiling on 1st January; and, as I think I have also said before, the new licence fees will, in fact, cover all the costs that we expect to have in relation to the DNA testing. So it will not be a burden on the general taxpayer but on dog owners, and we must consider that.

455

As a former dog owner – and not ‘former’ because I do not like dogs any more, but former because my time does not allow me to look after them properly and it would be irresponsible to just have them locked away – I feel that it is important that we should assume responsibility for our actions. Therefore, I think that this will not only be welcomed by both sides of this House but also by the community at large. Even the irresponsible dog owners who are currently not perhaps behaving as they should will ultimately welcome it, because, after all, they too walk our streets and they too will benefit from it becoming free from dog fouling.

460

I think, Mr Speaker, I have covered all the points, and I have nothing further to add. (*Banging on desks*)

465

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

Clerk: The Animals and Birds (Amendment) (No. 2) Act 2016.

**Animals and Birds (Amendment) (No.2) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
470 Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Employment (Amendment) Bill 2016 –
First Reading approved**

475 **Clerk:** We move now to Bill number 8 on the Order Paper. This is a Bill for an Act to amend the Employment Act.
The Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to
480 move that a Bill for an Act to amend the Employment Act be read a first time.

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

485 **Clerk:** The Employment Amendment Act 2016.

**Employment (Amendment) Bill 2016 –
Second Reading approved**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

The Bill amends the Employment Act by introducing a new statutory framework for the industrial tribunal that will now be known as the Employment Tribunal.

490 The full extent of the reform can only be appreciated by review of the supporting Rules, Regulations and Order that supplement these enabling amendments to the Employment Act.

As the House may be aware, copies of the final drafts of the supporting legislation were circulated to the various stakeholders that were extensively consulted throughout all drafting stages of the reform process. I would like to take this opportunity, therefore, to thank the Bar Council, in particular Mr Kenneth Navas and Mr Andrew Cardona, who have made a tremendous
495 contribution in assisting us to reach a legislative architecture that is fair and that works for employers and employees. I want to place on the record as well my thanks to Gabrielle O'Hagan of Triay Stagnetto Neish, the Gibraltar Chamber of Commerce, the Gibraltar Federation of Small Businesses, Unite the Union, the Gibraltar General and Clerical Association and the Gibraltar
500 Teachers Union, for their valuable contributions. I also wish to thank the Hon. the Chief Justice for his views and advice and for unstintingly giving of his time to discuss the various aspects of our wide-ranging and substantive reforms.

Mr Speaker, in debating the general principles and merits of the Bill, I highlight the main clauses that will usher this very important review of the administration of justice in relation to
505 employment matters. The amendment to section 12 of the Employment Act in essence widens

the enabling provisions of the Act to create the supporting Rules, Regulations and Order. There are consequential amendments that have been made to sections 13 and 14 of the Act so that references to 'Industrial Tribunal' are replaced with 'Employment Tribunal'.

510 Clauses 14A and 14B introduce new terminology for originating applications, now known as claim forms, and for complaints, which will be known as claims.

515 Clause 14C introduces a new mechanism for the appointment of chairpersons. This has been substantively revised. Chairpersons will still be appointed with the Minister with responsibility for employment acting on the advice of the Judicial Services Commission (JSC). The JSC will take into account a prospective chairperson's relevant experience, qualifications and background to serve as a chairperson to the Employment Tribunal. Once elected, the Minister with responsibility for Employment will formalise their appointments by notice in the *Gazette*, and thereafter it is the secretary to the Employment Tribunal that will allocate a chairperson for each case from the panel of appointed chairpersons available to preside over cases. This now means that the Minister will no longer select chairpersons to preside over a specific case and codifies the practice instituted to ensure allocation of cases by the Industrial Tribunal secretary by strict rota.

520 Clause 14F is the enabling provision that allows the Employment Tribunal (Remuneration Regulations) 2016 to be created.

525 Clause 14G affirms that litigants in person may appear before an Employment Tribunal themselves, or that they may choose to have a lawyer, a family member or even a friend to make representations to the Employment Tribunal on their behalf.

Clause 71 has been amended so that the basic and compensatory awards are prescribed by regulation, namely the Employment Tribunal (Calculation of Compensation Regulations) 2016.

530 Clause 91 repeals the Industrial Tribunal (Calculation of Compensation Regulations) 1992.

Clause 92 prescribes the savings and transitional provisions that apply to ongoing disputes, which will continue to be governed under the jurisdiction of the previous rules and regulations.

Mr Speaker, having set out the main principles of the Bill, I turn to the subsidiary legislation that forms an integral part of the Government's reforms.

535 The Employment Tribunal (Constitution and Procedure) Rules 2016 set out how an Employment Tribunal operates and how a claim is managed through the process. The rules implement changes to procedures in relation to costs; prescribed forms; determinations without a hearing; preliminary hearings; final hearings; claims; conciliation by mediators; dismissal and rejection of a claim or response; case management orders, including striking out claims and unless orders; withdrawing claims; decisions and reasons. Further, new rules have been introduced for the evidence to be given by witnesses in person, as well as timetabling, non-attendance and privacy and restrictions on disclosure. The rules empower chairpersons to issue cost orders, preparation time orders and waste of cost orders. I am confident that the rules will make the operation and decision making of the tribunal much more efficient and effective by ensuring consistency and fairness in the decisions of the Employment Tribunal. Furthermore, the rules have been drafted in plain English to assist litigants in person.

545 The Employment Tribunal (Forms) Regulations prescribe the claim form and response form that a party in dispute needs to file with the Employment Tribunal prior to the dispute being processed. The forms will be accompanied by an extensive set of guidelines for employees and employers and will be made available at the Employment Tribunal offices and online as soon as the rules come into effect. The guidance will also be placed on the website.

555 The Employment Tribunal (Calculation of Compensation) Regulations prescribe the method of calculation and calculating the awards that may be made by the Employment Tribunal. The regulations retain the basic and compensatory awards but there is greater guidance available to chairpersons on how to calculate these awards. The feature allows the parties in dispute to accurately assess the financial exposure or potential awards.

The Employment Tribunal (Remuneration) Regulations prescribe the amounts to be paid to chairpersons of an Employment Tribunal for sessions and judgments and the amount to be paid to mediators for hosting a mediation session between the parties in dispute.

560 Finally, the Employment Tribunal (Extension of Jurisdiction) Order enables an employee to bring a claim for damages for breach of the contract of employment or for a sum due under the contract before an Employment Tribunal if the claim arises or is outstanding on the termination of their employment.

565 Mr Speaker, the House will be pleased that the Government will not introduce fees to commence or defend proceedings. Such fees are, in the Government's view, an unreasonable and unnecessary tax on justice.

570 Further, the Ministry of Employment, in partnership with the University of Gibraltar, will offer a tailor-made course for lawyers who may be eligible for selection as chairpersons of the tribunal. This is the first time that training for Employment Tribunal chairpersons will be offered in Gibraltar. This will provide chairpersons who preside over employment tribunals with an opportunity to develop the knowledge and understanding of the new laws, procedures and rules. The training will include topics on managing and solving the problems commonly encountered in assessing evidence, structuring decisions, formulating reasons, and, of course, importantly, addressing litigants who appear in person.

575 This root and branch legislative review was commenced immediately upon my appointment as Employment Minister. I consider myself to have been fortunate in that appointment, given that in my previous inclination as an employment lawyer I had the benefit of appearing before industrial tribunals as counsel. In my view, this first-hand experience served me in good stead to lead and oversee the reform – a reform that, like with everything else in the administration of the affairs of our great nation, I could not, of course, have achieved alone.

580 Although I have already thanked our stakeholders for their views and assistance, I wish to highlight that their respective contributions have produced what I consider to be a working balance between the rights of employees and employers; a balance that enables the Employment Tribunal to deal with cases fairly and justly, which is the overriding objective that underpins the Employment Tribunal Rules.

585 All in all, and in view of the Government, these much needed reforms will provide a clear adjudication process to the benefit of the parties before the tribunal. The wholesale review also modernises the legal process and provides chairpersons with robust and efficient case management powers. In accordance with our electoral pledge, compulsory mediation is introduced at no cost to the parties in dispute, with the hope that some parties will settle their disputes without the need for a full hearing.

590 I also wish to thank my Ministry's legal counsel, here present, John Paul Fa, for his excellent work in preparing the different pieces of legislation. I am proud to have led in this extensive reform which will make access to justice easier, expeditious and fairer.

595 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

600 **Hon. E J Phillips:** Mr Speaker, this Bill will be met with the support of this side of the House and I too would like to congratulate the team who have been working with the Minister in relation to this matter, and Mr Fa, personally. It is clearly something that needed to be done and is being done.

605 In relation to the wider point that we would like to make in respect of access to justice that was made by the Minister, obviously our views are that there should be a combined courts and tribunal service under one head, but I just simply make that point in relation to a combined courts and tribunal service. But this Bill will receive and the regulations thereto will receive support from this side of the House.

Mr Speaker: Does the hon mover wish to reply?

610 **Hon. D A Feetham:** Mr Speaker, may I?

Mr Speaker: Sorry, yes, fine.

615 **Hon. D A Feetham:** Mr Speaker, just to make the point that, yes, as my hon. Friend Mr Phillips has said, it will be supported from this side of the House, and I congratulate as well the Hon. the Minister for what is a very good piece of legislation. But in terms of our policy, something that I would hope the hon. Gentleman does consider perhaps in due course is the establishment of a permanent chairman of the Industrial Tribunal. That is something that would improve the flow and the efficiency of the system and it is something that I commend, certainly
620 we commend on this side of the House, to the hon. Gentleman.

Of course, another policy that we advocate, and again we commend in the context of these reforms, is that there ought to be one area, we say – in fact, ideally it would be the central police station, for example – one building where you could house not only the Employment Tribunal but also all the other tribunals that we have in Gibraltar, so that they can all come within one
625 umbrella and effectively one backroom administration. We think that would certainly improve the functioning of all those tribunals.

But apart from that, commending what are our longstanding policies in relation to this and asking the hon. Gentleman to consider those, we certainly support this Bill and will be voting in favour.

630

Mr Speaker: The Hon. Gilbert Licudi.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I just rise to deal not with the general principles of the Bill itself but with a
635 more general point on courts and tribunal service and bringing all under one umbrella. This was, in fact, the subject of a recent question that was asked in this House by Mr Phillips and in which I gave the Government's view on that. And for the reasons given by me at the time, which are clearly reflected already in *Hansard*, I would just repeat that the Government is not currently minded to go down the route of a general courts and tribunal service or having all the tribunals
640 under the same administrative roof. But I did give my reasons at the time and it will be recorded in *Hansard*. Given that the point has been raised again, I thought it was important to restate the Government's position.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
645 Speaker, I am astonished at the interpretation of the performance of the GSD Government by the hon. Member who now leads them, because in their 15 years the only thing they did about the law was to change it against the interest of the workers by putting a cap on the amount that could be given in the basic compensation, which we were committed to removing, and the only thing they did next, when we removed it, was to express fears which were not justified and have
650 not had the effect that they thought it would have in ruining all the businesses in Gibraltar. So, if they had great interest in modernising the system it was a very tightly held secret by the GSD Government; and therefore, if they had a curtain of secrecy it was almost an iron curtain.
(Laughter)

655 **Hon. N F Costa:** Mr Speaker, in the first place, to thank the Hon. the Leader of the Opposition and the Hon. Mr Phillips for pointing out that they will be supporting the Bill. I am grateful to them.

In respect of the point that the Hon. the Leader of the Opposition raises as to having a full-time chairperson, when we first started looking at this with a blank canvas – and of course the

660 Minister for Employment previously, Mr Bossano, and I had held discussions on it – we did
approach the project with a completely open mind. After several discussions, and even after
having discussed the matter with the Hon. the Chief Justice, the conclusion was arrived at that
the current number of cases presently before the tribunal do not warrant a full-time
665 chairperson. The powers that are provided for in the Constitution Rules do specifically cater for
deadlines in delivering judgments, by when parties need to submit statements and skeleton
arguments and so on, and therefore we do not envisage that there would be any delay of
backlog – as used to happen, or as does currently happen, because of the antiquated rules we
have had since, I believe, 1972, where there were no deadlines by which a Chairperson had to
submit the judgment or by which written decisions had to be given. These are now firmly
670 stipulated, so a case would have to be finished by a certain point, definitely. So there is no
chance of a case being prolonged indefinitely. In addition, because we wanted to make sure that
a person who truly did not have the means to appear before a tribunal with a lawyer, or did not
feel the need to do so because in his or her mind the issue was quite clear cut ... we bend
backwards to enable that to happen, so the rules specifically empower a chairperson to be able
675 to deal with a case by way of oral evidence, if it is that simple. The parties can be called in, they
can give evidence and then they can be cross-examined thereafter, which, as I understand it
from speaking with the Hon. Minister Bossano and indeed the Hon. Minister for Justice, used to
be the case, where employment tribunals were prior seen as, if not entirely complicated, easier
to deal with, and therefore you could call people in, have evidence in chief being given, then
680 lawyers being able to cross examine. That is specifically catered for, so that in simple cases you
can do that without the need for skeleton arguments, disclosures, witness statements and all
the panoply of documents that we are used to dealing with in the Supreme Court but may not
necessarily be appropriate in an industrial tribunal.

But, sorry, to answer the issue raised by the hon. Gentleman, on wide consultation with the
685 Hon. Minister Bossano, with the Hon. the Chief Justice and with the Bar Council, all the
stakeholders who have a real stake in the proper functioning of this process were all of the view
that a permanent chairperson, certainly at this point in time and given the provisions of the
current regulations that should make delays a thing of the past ... did not feel that a permanent
Chairperson was necessary.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Employment
Act be read a second time.

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

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Clerk: The Employment Amendment Act 2016.

**Employment (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I beg to give notice
that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members
agree.

700

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

**Traffic (Amendment) Bill 2016 –
First Reading approved**

Clerk: We now move to Bill 10 on the Order Paper. This is a Bill for an Act to amend the Traffic Act 2005 to make further provision in respect of certain driving offences: to further provide for the use of certain devices in the prosecution of offences; amend the provisions relating to fixed penalty notices; confer powers for the issue of penalty points; make further provision in relation to driving under the influence of drink or drugs, including preliminary testing; and for connected purposes.

The Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 to make further provision in respect of certain driving offences, to further provide for the use of certain devices in the prosecution of offences, amend the provisions relating to fixed penalty notices, confer powers for the issue of penalty points, make further provision in relation to driving under the influence of drink or drugs, including preliminary testing, and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 to make further provision in respect of certain driving offences, to further provide for the use of certain devices in the prosecution of offences, amend the provisions relating to fixed penalty notices, confer powers for the issue of penalty points, make further provision in relation to driving under the influence of drink or drugs, including preliminary testing, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic Amendment Act 2016.

**Traffic (Amendment) Bill 2016 –
Second Reading approved**

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill amends the Traffic Act 2005 in order to achieve a number of purposes, which I will now set out.

In the first instance, the Bill will enable the prosecution of speeding through the use of fixed cameras, which have been installed at various locations throughout Gibraltar and which would be capable of being processed through the issue of fixed penalty notices. The speed cameras have been placed in consultation with the RGP, who are the experts on the ground when it comes to recognising speeding hotspots.

Another objective of the Bill is to amend the provisions for drinking under the influence, and this Bill introduces the power to conduct roadside testing of drivers who are suspected of being under the influence of alcohol or drugs.

The Bill also makes provision for new offences that have led to a fatality due to the driver's carelessness, including where the driver has been under the influence of alcohol or drugs.

Lastly, the Bill confirms the powers for the introduction of a penalty points regime through regulations.

With respect to the offence of speeding, section 44 has been recast in order to accommodate the possibility of being prosecuted on the basis of a prescribed device, namely a speed camera. Currently, handheld devices have been deployed by the RGP, but in principle any device may be

745 used as long as it has been prescribed. Additionally, sections 44A and 44B insert new provisions relating to the identity of the driver, and in particular the duty to provide information as to the identity of the driver, when requested to do so. Failure to provide such information is an offence in its own right.

750 In the case of fixed cameras, there is no certainty that the identity of the driver will be apparent. It is therefore necessary to have a mechanism whereby there is an element of compulsion in order to establish the facts. Section 44A makes provision for businesses that may have a fleet of vehicles and a number of drivers capable of driving these vehicles. Essentially, businesses and companies need to keep records of drivers who have been assigned specific vehicles, but if they cannot identify the driver and can prove to the court that it was reasonable
755 not to maintain records, they may avoid liability themselves as an entity.

Clause 7 effects an amendment to section 45 and clause 8 adds sections 45A and 45B and relate to instances where the use of a motor vehicle has resulted in death. The penalty for death caused by reckless or dangerous driving is increased from a maximum of five to 14 years imprisonment. Section 45A provides a separate offence where a person causes death through
760 careless or inconsiderate driving, and Section 45B where there has been careless driving and the driver was under the influence of alcohol or drugs.

Clause 10 inserts a new Part 3A and provides the Minister with powers to make regulations for the introduction and administration of a penalty points regime. The powers therein include the ability to designate what offences will attract penalty points and will allow for
765 disqualification of drivers who accumulate a certain number of points.

Clause 11 inserts sections 63A to 63F and are provisions that confer added powers to deal with breath and drugs tests for drivers. Additionally, section 63A creates an offence of driving when the amount of specified drugs exceeds a prescribed limit. The drugs and limits will be prescribed in subsidiary legislation. The amendments also confer new powers to require a
770 preliminary drugs and breath test other than in a police station, and in certain circumstances, including where there is a reasonable suspicion that a person has been driving under the influence.

There are also attendant powers of arrest and entry. In essence, these will enable the Police to require that a person undergoes a breath test or a drugs test by sweat or saliva and thereafter
775 to arrest a person who either refuses to undergo the test or fails the test itself.

Finally, Mr Speaker, at the Committee Stage I will be moving an amendment to clause 2 to provide for separate provisions of the Act to be commenced at separate times.

I commend this Bill to Parliament. *(Banging on desks)*

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

Hon. T N Hammond: Mr Speaker, I stand simply to say that Members of Her Majesty's Opposition will be voting to support this Bill, particularly the measures which will allow the
785 introduction of the fixed cameras; they are very welcome. I think particularly in Gibraltar we will see an improvement in road safety. The hot spots have been identified by the Royal Gibraltar Police, people will know where the cameras are and they will know there is no escaping a penalty if they speed in those areas. So that has to be an improvement to road safety, which is something that everyone in this House will clearly wish to support. I think the introduction of a
790 points regime is also welcome. It will hopefully curb repeat offences.

And so, overall, I congratulate the Minister on a good piece of legislation. I know I have been critical in the past about the speed with which the legislation, in particular with respect to the speed cameras, has come about, but it is very welcome at this point in time.

795 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 to make further provision in respect of certain driving offences, to further provide for the

800 use of certain devices in the prosecution of offences, amend the provisions relating to fixed penalty notices, confer powers for the issue of penalty points, make further provision in relation to driving under the influence of drink or drugs, including preliminary testing, and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic Amendment Act 2016.

**Traffic (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

805 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

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

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Magistrates' Poor Fund (Repeal) Bill 2016, the Mental Health Bill 2016, the Animals and Birds (Amendment) (No.2) Bill 2016, the Employment (Amendment) Bill 2016 and the Traffic (Amendment) Bill 2016.

In Committee of the whole Parliament

**Magistrates' Poor Fund (Repeal) Bill 2016 –
Clauses considered and approved**

820 **Clerk:** A Bill for an Act to repeal the Magistrates' Poor Fund Act and make provision for the dissolution of the charitable trust constituted by such Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

825 **Mr Chairman:** Stands part of the Bill.

**Mental Health Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provision with respect of the reception, care and treatment of mentally disordered persons, the management of the personal welfare, property and affairs of persons who lack capacity and for connected purposes.

Part 1, clause A.

830

Mr Chairman: Stands part of the Bill.

Clerk: Part 2, clauses 2 to 13.

835

Mr Chairman: Stand part of the Bill.

Clerk: Clause 14 as amended.

840

Mr Chairman: An amendment was circulated on 12th September. Unless any hon. Members have any objection, I take it that it is approved and be incorporated into the Bill. So, clause 14, as amended, stands part of the Bill.

Clerk: Clauses 15 to 43.

845

Mr Chairman: Stand part of the Bill.

Clerk: Part 3, clauses 44 to 54.

850

Mr Chairman: Stand part of the Bill.

Clerk: Part 4, clauses 55 to 63.

Mr Chairman: Stand part of the Bill.

855

Clerk: Part 5, clauses 64 to 89.

Mr Chairman: Stand part of the Bill.
The Hon. Elliott Phillips.

860

Hon. E J Phillips: Just in relation to section 89, in relation to ‘best interests’ and ‘life-sustaining treatment’, is it envisaged that there would be provision for an application to the court in relation to the withdrawal of life-sustaining treatment? I am talking about those circumstances where a patient lacks capacity and therefore the GHA would have to make, for example, an application to the court in relation to the withdrawal of life-sustaining treatment. That will follow on from the ‘best interest’ section, section 89. Is that what is envisaged by that section?

865

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Chairman, I do believe so. I would not disagree with what the Member has said; I think that is the right interpretation.

870

Hon. E J Phillips: The only concern I had in relation to applications that are made for the withdrawal of life-sustaining treatment, was that quite clearly that would result in death. So, insofar as that section is concerned, it would be motivated by the desire to bring about a

875 patient's death. Quite clearly, if nourishing tubes are removed from a patient, where the best interests of the patient are to remove them in relation to the life-sustaining treatment, that will bring about and cause the death of the patient. That is the only question I had in relation to this legislation. I really could not find it anywhere else within the section. That is why I have asked it at the Committee Stage, rather than at the Second Reading.

880

Dr J E Cortes: Was there a question in that?

Hon. E J Phillips: Just to clarify what I was asking.

885

Clerk: Part 6, clauses 90 to 103.

Mr Chairman: Stand part of the Bill.

Clerk: Part 7, clauses 104 to 108.

890

Mr Chairman: Stand part of the Bill.

Clerk: Part 8, clauses 109 to 112.

895

Mr Chairman: Stand part of the Bill.

Clerk: Part 9, clauses 113 to 116.

Mr Chairman: Stand part of the Bill.

900

Clerk: Part 10, clauses 117 to 135.

Mr Chairman: Stand part of the Bill.

905

Clerk: Schedules 1 to 3.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

910

Mr Chairman: Stands part of the Bill.

**Animal and Birds (Amendment) (No. 2) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Animals and Birds Act.
Clauses 1 to 3.

915

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Employment (Amendment) Bill 2016 –
Clauses considered and approved**

920 **Clerk:** A Bill for an Act to amend the Employment Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

925 **Clerk:** Clause 2, as amended.

Mr Chairman: A number of amendments were circulated from hon. Members of the Opposition on 5th July. They amend clause 2, paragraph 4, and clause 2, paragraph 5 – a number of them, in the case of the latter. I take it that unless hon. Members have any comments, they are agreed to and therefore incorporated into the Bill, and they will stand part of the Bill.
930 So, clause 2, as amended, stand part of the Bill.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licuidi): Mr Chairman, just for clarification, I understand that you referred to amendments which were being proposed by Members of the Opposition.
935

Mr Chairman: Did I?

Minister for Health, the Environment, Energy and Climate Change (Dr J E Cortes): I understood that. Just for the record and for the sake of clarity.
940

Mr Chairman: I amend what I said by deleting the word ‘Opposition’ and inserting, therefore, ‘Government’.

945 **Clerk:** Clause 2, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

950

Mr Chairman: Stands part of the Bill.

**Traffic (Amendment) Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005 to make further provision in respect of certain driving offences, to further provide for the use of certain devices in the prosecution of offences, amend the provisions relating to fixed penalty notices, confer powers for the issue of penalty points, make further provision in relation to driving under the influence of drink or drugs, including preliminary testing, and for connected purposes be read a first time.
955

Clerk: Clause 1.

960 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 2, as amended.

965 **Mr Chairman:** The amendment here is with respect to the day of operation into the Act by notice in the *Gazette* and that different dates may be appointed for different provisions. That was circulated a couple of days ago. Are all hon. Members happy with that?

970 **Hon T N Hammond:** If I may, Mr Chairman, simply in terms of the amendment, clearly the effect of the amendment, I presume, could be to cause further delay to the implementation of certain aspects of the legislation. Having congratulated the Minister earlier on bringing the legislation to this stage, I wonder if he has any idea in terms of..., particularly for the fixed cameras, whether or not he envisages any significant delay from this point going forward as to the introduction of those cameras.

975 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Chairman, the purpose is precisely to avoid particular delays in relation specifically to the fixed speed cameras. There have to be administrative arrangements made, there have to be infrastructural arrangements made, particularly from an IT side in relation to the penalty points system, which are not ready yet. Therefore, as of today we are not ready to press the button and implement the penalty points system; but we may be ready, as soon as all administrative
980 arrangements are made, to issue and process the fixed penalty notices in respect of the speed cameras, to implement that part of the legislation as well as the other parts in relation to offences of causing death, certain driving offences causing death and also the introduction of devices and prescribing devices for drugs testing in particular.

985 At the moment we have a general offence of driving under the influence of drink or drugs. We have a prescribed limit for drink but not for drugs, and therefore we are creating the legislation to be able to prescribe limits for drugs and the type of drugs that would be prescribed. What we do not want is to have to have everything that this Bill caters for absolutely ready before we can press any button at all. Therefore, to the extent that we can start implementing the pieces of legislation that we can immediately, or as soon as possible, then that
990 is the purpose of the amendment, so as not to delay the parts that can be implemented straight away, and in particular the part that the hon. Member is speaking about.

Hon. T N Hammond: Thank you. I am reassured.

995 **Clerk:** Clause 2, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 3 to 24.

1000

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1005

Mr Chairman: A fairly long title, stands part of the Bill.

**Magistrates' Poor Fund (Repeal) Bill 2016,
Mental Health Bill 2016,
Animals and Birds (Amendment) No. 2) Bill 2016,
Employment (Amendment) Bill 2016,
Traffic (Amendment) Bill 2016 –
Third Reading approved: Bills passed**

1010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Magistrates' Poor Fund (Repeal) Bill 2016, the Mental Health Bill 2016, the Animals and Birds (Amendment) (No. 2) Bill 2016, the Employment (Amendment) Bill 2016 and the Traffic (Amendment) Bill 2016 have been considered in Committee and agreed to, some with and some without amendments, and I now move that they be read a third time and passed.

1015 **Mr Speaker:** Since the Opposition have indicated that they support these five Bills, I am going to take them all together. So I now put the question, which is that the Magistrates' Poor Fund (Repeal) Bill 2016, the Mental Health Bill 2016, the Animals and Birds (Amendment) (No. 2) Bill 2016, the Employment (Amendment) Bill 2016 and the Traffic (Amendment) Bill 2016 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

1020 **Hon. Chief Minister:** Mr Speaker, can I suggest to the House this may be a convenient moment to recess for 10 to 15 minutes for light refreshment before we carry on?

Mr Speaker: The House will now recess for 15 minutes. We will be back at five.

The House recessed at 4.45 p.m. and resumed its sitting at 5.09 p.m.

PRIVATE MEMBERS' MOTIONS

**Public Accounts Committee –
Amended motion carried**

Clerk: We now proceed with Private Member's motions. The Hon. R M Clinton.

1025 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House notes the contents of the Principal Auditor's Report on the Audit to the Public Accounts of Gibraltar for the year 31st March 2014 and calls on the Government to address his findings. This House furthermore resolves that a Standing Committee be created designated as the Public Accounts Committee for the examination of the accounts showing the appropriation of sums granted by Parliament to meet the public expenditure, to consist of four Members, two Government Ministers and two Opposition Members, who shall be nominated at the commencement of every session and of whom two shall be a quorum, with the Chair to be held by the Opposition.

1030 Mr Speaker, every year the Principal Auditor is required to submit a report on his audit of the Public Accounts of Gibraltar and attach his certificate. This annual report is then submitted to the Speaker to be laid before Parliament, pursuant to section 74(2) of the Constitution of Gibraltar. This year, the report for 31st March 2014 was presented to you on 26th August 2015 and laid before Parliament on 20th January this year.

1035 The Principal Auditor's Report and Associated Accounts for 31st March 2014 amounts to what is a very hefty report, running to 363 pages, and I can tell you it weighs in at over 1.5 kilos. Whereas I am sure that all of us in this House have actually read the report from cover to cover, I would ask them when was the last time the Principal Auditor's Report was actually debated in this Parliament – perhaps the Father of the House might know.

1040 The report of the Principal Auditor, although laid before Parliament, serves, unfortunately, merely as a doorstop if no one in this House actively considers and debates its contents. I trust Members have brought their copies with them today, because I want to refer to one particular matter which the Principal Auditor makes reference to on page 107 in respect of the revision of audit legislation as follows, and I quote:

As I commented in last year's report, I am hopeful that the audit draft legislation, which provides an improved legal basis to secure a more modern and efficient public audit service and adequately addresses key issues of audit independence, will be taken to the Gibraltar Parliament during the coming year.

I examined the report for 31st March 2013, and under the same heading, on page 95, the Principal Auditor had the following to say:

In my report on the Public Accounts for the financial year 2008-09 I explained proposals made to Government over a number of years to revise the audit legislation contained in Parts 8 and 9 of the Public Finance Control and Audit Act, as no significant modifications have been made since its enactment in 1977. The prime aim of these proposals was to provide an improved legal basis to secure a more modern and efficient public audit service that is fully independent of the Government of Gibraltar.

1045 I went back to the report for 2008-09 and found that this has been a recurrent theme, going back to 17th March 1998 when the proposals were first submitted by the Principal Auditor's predecessor. The Principal Auditor's frustration with Parliament is palpable. I trust this Government will consider the Principal Auditor's request so that if necessary legislation can be brought into place in the lifetime of this Parliament, that it be done.

1050 There are, of course, many other detailed elements of the Principal Auditor's report that could be usefully debated if we had unlimited parliamentary time. For example, why is it that the Gibraltar Development Corporation has not submitted any accounts for audit for the last 18 years? Presumably if this Parliament passed a law requiring them to be audited by the Principal Auditor, then why on earth have they not been?

1055 This is not a partisan issue, but goes to the heart of the management and scrutiny of our public finances, and it is scrutiny that is the key theme to my motion and the purpose of bringing this motion to the House. There are numerous reports and documents laid in Parliament, and yet these perhaps do not receive the attention and scrutiny that they should.

1060 Mr Speaker, let me give you an example of why these documents need scrutiny. Only last month, on 9th September, the audited accounts for the Gibraltar Electricity Authority for the years ended 31st March 2012, 2013, 2014 and 2015 were laid before Parliament. For the year 2015, on page 9, of which I have a copy here, was the following comment in respect of the fuel hedge contract – and I know Mr Bossano will find this interesting – and I quote:

At the latest available fuel price it is expected that the fuel hedge contract cost will be approximately ...

– and again I am quoting –

£312.7 million in the financial year 2015-16.

1065 Needless to say, I almost fell off my chair when I read this. It would mean that Gibraltar would be almost bankrupt, if it was true. Thankfully, I was able to deal with this matter bilaterally, on a non-partisan basis, with the Hon. Minister Dr John Cortes, who kindly investigated and wrote to me on 20th September to confirm that, and I quote:

The figure should have read £12.7 million and not £312.7 million. It appears that the pound sign became a three somewhere in the process. Thank you for pointing this out. I am sure we are both relieved.

Which indeed we are.

1070 Mr Speaker, with this illustration it goes to show how important it is to read the documents that are laid before this Parliament; and yet, giving our limited parliamentary time, how are we going to scrutinise financial reports and public finance audit reports as a Parliament in an effective and efficient manner?

1075 Thankfully, we do not have to reinvent the wheel, as the mother of all Parliaments faced the same problem in 1857 and addressed the problem by the creation of a standing select committee tasked solely with the scrutiny of public finances. In 2007, the committee celebrated its 150th anniversary and produced a booklet outlining its work and history. I have placed a copy of that booklet in the antechamber for Members' information, and it makes interesting reading. Let me read from its introduction. I quote:

Expectations about the proper stewardship and accountability for public money go back many centuries. Generations of politicians and public officials have recognised the significance of the proper handling of public funds, the need to combat fraud and corruption and the importance of getting the most from tax revenue. Such themes have been at the heart of relations between the Crown and Parliament, and then subsequently have featured in numerous Parliamentary debates.

The Committee of Public Accounts is a key part of our accountability arrangements to safeguard public money ... in 1857 – a select committee of the House of Commons recommended the creation of a committee to oversee government accounts. This was a crucial step in the already long running efforts to secure proper stewardship. In 1861, the Committee came into being and continues to this day to examine the use Government makes of public money. Over time, the role of the Committee has changed in line with the needs of the day – for example, widening the type of subjects considered from purely financial matters to broader concerns about the effectiveness of public programmes; increasing the number of hearings held and reports produced; and taking evidence from a wider range of witnesses, including from outside the public sector.

At times, there has been resistance to the expansion of the focus of the Committee's enquiries: in the late nineteenth century, for example, to the consideration of more than just the regularity of expenditure; in the 1940s to the desire for access to public corporations; and in the 1990s to its desire to examine public sector companies. Nevertheless, the mutual interest in the effective use of public money between Government and Parliament is clear ... 'The Committee has thus helped the Government to secure financial savings, raise the standards of public services and improve the quality of delivery.'

1080 And so, Mr Speaker, need I say more to convince Members of this House that we need a Scrutiny Committee, we need a Public Accounts Committee?

There may be some who think that in a Parliament of our size such a committee may not be practical, as was the view of the Commission on Democratic and Parliamentary Reform in January 2013. My views on this report have already been ventilated this morning.

1085 Mr Speaker, let me point out to this House that times have changed and continue to change, and we really risk falling behind with best parliamentary practice. In his report for 31st March 2013, again page 95, the Principal Auditor made the following remarks, and I quote:

The Assistant Principal Auditor and I were invited to participate in an Overseas Territories Auditor Generals conference and workshop organised by the United Kingdom's National Audit Office (NAO) and held at the NAO's offices in London at the end of January 2014. The theme of the conference or workshop was 'Strengthening Audits and Parliamentary Oversight in the Overseas Territories' and was sponsored by the Foreign and Commonwealth Office. The objectives of the conference workshop were to (1) provide an opportunity for Overseas Territories representatives to be updated on recent developments in public audit and parliamentary oversight; (2) develop a shared understanding of what makes a Public Accounts Committee effective; (3) examine current approaches to auditing major risk areas; and, finally, (4) develop ways to enhance the effectiveness of oversight systems in the Overseas Territories.

It is perhaps no coincidence that this conference was organised after the November 2013 communiqué of the Commonwealth Heads of Government meeting, which in paragraphs 45 and 46 stated, and I quote:

Heads of government recognise the contribution that strong, properly resourced and independent supreme audit institutions play in improving transparency, accountability and value for money to ensure that public funds are appropriately spent.

1090 And paragraph 46:

Heads of government further reaffirmed that strong and independent parliamentary oversight plays an important role in preserving the trust of citizens in the integrity of government through public account committees that are effective, independent and transparent.

1095 The topic of public accounts committees or scrutiny committees was the subject of a workshop in the 46th Commonwealth Parliamentary Association, British Islands and Mediterranean Region Annual Conference, which I attended in May earlier this year. I was taken aback to discover that Gibraltar was the only participant at that conference not to have a public accounts committee; and not only that but in fact the CPA had, following the Commonwealth Heads of Government meeting in November, actually created a parallel group just for public accounts committees. Let me quote from their dedicated website as follows:

In June 2014, Chairs and Members of Public Accounts and equivalent Committees of Commonwealth parliaments attending the 4th Westminster Workshop on Parliamentary Financial Scrutiny of Public Expenditure at Westminster constituted the Commonwealth Association of Public Accounts Committees (CAPAC) ... CAPAC is designed to support the work of Commonwealth Public Accounts Committees in promoting good governance, implementing the declaration on these committees contained in the communiqué of the November 2013 Commonwealth Heads of Government Meeting ...

The aims of CAPAC are as follows:

- making the case for the independence of Commonwealth PACs, and for implementation of all appropriate PAC recommendations, as key components of good governance
- defining, publishing and promoting standards of good practice, in line with Commonwealth principles, to assist CAPAC Member Committees in being effective, transparent and independent
- providing training ...
- acting as a clearing house of ... information ...
- carrying out peer reviews ...
- engaging ... stakeholders ...
- strengthening the capacity of small states' PACs.

1100 In November 2015 the CAPAC initiative was endorsed by the Commonwealth Heads of Government meeting, where their communiqué noted the establishment of the Commonwealth Association of Public Accounts Committees as a network for strengthening public financial management and accountability, these being vital in maintaining the trust of citizens and the integrity of governments and legislatures.

1105 The current members of CAPAC are Bangladesh, Barbados, Cameroon, Fiji, Ghana, Jamaica, Kenya, Malawi, Malaysia, Maldives, Malta, Mauritius, Namibia, Pakistan, Papua New Guinea, Rwanda, Sierra Leone, Sri Lanka, Swaziland, Tanzania, Uganda and the United Kingdom. Associate members are Anguilla, Jersey and Northern Island.

1110 Mr Speaker, as you can see, the concept of having a public accounts committee is now seen as best practice in the Commonwealth, and we now have an opportunity to leverage on this new institution, being CAPAC, which would not be too late to join perhaps as an associate.

1115 And, Mr Speaker, finally, despite what has been said this morning, I would like to emphasise that I presented this motion with Gibraltar's best interests at heart and on a non-partisan basis, and I hope that Members will consider my motion in that light, which I now commend to the House. **(A Member: Hear, hear.)**

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: I now propose the question, in terms of the motion moved by the Hon. Roy Clinton. Does anybody wish to contribute to the debate? The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I have a feeling of déjà vu. I thought we had debated a very similar motion this morning; in fact, of course, we have.

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It is very clear to me that the hon. Gentleman comes to this issue relatively green – green in the context of how there has been debate on the Auditor’s Report. In the time that I have been here since 2003, there has been a lot of debate on the Auditor’s Report on specific issues. The Auditor’s Report gives rise to questions that are asked and then it gives rise to motions that are brought; it gives rise to questions that are asked at the Committee Stage and at the Second Reading of the Bill on the Appropriation when looking back at how things have been done in other years – a lot of debate, in fact, based around the Principal Auditor’s Report.

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He seems to think that he is the only person who has had regard to it; I did not realise he had such a high regard for himself. As I told him today, there has been an economist in this House for quite some time and he taught those of us who have had the benefit of political tutelage, something which I know hon. political partisan virgins opposite are not having the benefit of in respect of someone who has had the longevity of Joe Bossano or even Peter Caruana in Parliament, but he taught us the importance of this document and the importance of being able to ask questions as a result of this document.

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Of course, the difficulty that hon. Members have is that a lot of the issues that this document raises it raises about the time when the party that most of them still represent were in office, as I will demonstrate in a few moments.

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The hon. Gentleman gets up and says, ‘Of course, I am not doing this on a partisan basis.’ He cannot do it on a partisan basis, because when he wants to ask about why the GDC has not filed accounts for 18 years in respect of 2014 he knows that he is asking questions of himself in political terms. He is asking questions of the GSD. I will give him the answer. Perhaps Mr Bossano later might agree to become involved in this debate and give us the benefit of his experience of these matters.

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The GDC used to file accounts. The last accounts filed were (**Hon. J J Bossano:** 1996.) 1996. The practice of stopping the filing of the accounts of the GDC was initiated by the greatest Gibraltarian of all time, as the current Leader of what is left of the Opposition used to describe him. So it is quite something to hear a representative of the GSD get up and make those sorts of statements about the GDC.

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He knows, Mr Speaker, that our position is that they will be filed. We agree with the Principal Auditor. The hon. Gentleman might have known that if he had been following the proceedings of this House for the 16 years between 1996 and 2011 when we were making those points. He might have recalled reading that in that magnificent weekly publication the *New People*, because those were issues that we constantly might read in that publication.

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So the answer to how are we going to have a debate when this is such a fulsome report ... He has even taken the liberty of weighing it and telling us the weight in grams. Well, I will tell him how we are going to have the debate: in the way that we always do, because he can ask questions about what is in the report, those questions can lead to motions, those motions and questions can even lead to press releases, and we can have exchanges outside of this place if necessary, as we have often had in the past. But what is not going to be possible is to have a system like Westminster where you have 650 parliamentarians, when you have 17 here; because the Chancellor of the Exchequer, who is the Minister for Finance, is not a Member of the Public Accounts Committee of the United Kingdom. For many years it was chaired by Margaret Hodge, until recently. So, of course, if you have got 650 MPs and some of them are not Ministers – and this goes for the argument about whether you have backbenchers or not – then you can have 10 of them beavering away on that subject and asking civil servants questions, but if you only have Ministers and you do not have backbenchers, then what you are saying, if you are suggesting that you do not have time to debate the Principal Auditor’s Report in this

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1170 Chamber, is that you are going to have a reduced meeting of this Chamber and have that lengthy debate.

For a retired banker with all the time in the world and nothing to do, that might be lovely; it might actually float his boat. But for actively engaged, not lazy, very hardworking Members of Parliament who are Ministers, this is to have a Budget debate every day that the hon. Member
1175 wants to have a Public Accounts Committee. So, for all the reasons, therefore, that I gave this morning, it cannot happen and he cannot make a comparison with the Westminster Parliament for the reasons that I have illustrated to him.

When he says there should be two Members of the Government involved in the committee, he is calling for two Ministers to stop work on whatever it is they are doing to come here to look
1180 with him at the price of Brooke Bond tea. It does not make any sense. If he does have the best interests of Gibraltar at heart, doesn't he realise that it is in Gibraltar's best interest that Ministers should be working on the subjects which deliver for Gibraltar?

And so, therefore, the history lesson is really quite irrelevant. The hon. Gentleman says we have to look after public money. Well, he has an opportunity a month – we will get back into the
1185 rhythm of it from now – to ask us whatever question he likes about public money, and we will give him those answers that we think are appropriate, the same answers we would give him in the Public Accounts Committee. So changing the mechanism is not going to avail him of any assistance, and to suggest a committee that is two and two is to go against the practice of committees in this House as they have been in the past – and chaired by him.

When we look at history, Mr Speaker, I prefer the history of Joshua Hassan in 1972, of Joshua
1190 Hassan in 1976, of Joshua Hassan in 1984, of Joe Bossano in 1988, of Joe Bossano in 1992, of Peter Caruana in 1996, 2000, 2003 – does he get my rhythm? – and 2007, and of Fabian Picardo in 2011, which is a robust parliamentary system where there is absolute freedom to ask any question an hon. Member wants, to get the information that the Government is prepared to
1195 give and to debate on it or to say that it has not been given, and to have that argument which we are having in the most robust manner.

We have not really argued about anything else in the past four and a half years, almost five. The debate has been about public finance at every Question Time, at every meeting, in every
1200 husting. All they want to talk about is public finance. How can they suggest that they do not have a forum to debate the public finances of Gibraltar? What they do not like is the conclusion that the public finances of Gibraltar are stronger than they ever have been.

But they cannot say that they have not got a forum for debate of the public finances; that we do not have a strong and properly resourced audit institution, which he says is one of the indicia
1205 of good governance – of course we do, we have a Principal Auditor's office that has regularly and independently produced reports which have been debated in this House, even though he might not have been a retired banker then and not have had the time to note that we were debating issues which arise from the report in Question Time and in motions etc; that we should have a strong parliamentary oversight – well, strong parliamentary oversight does not have to happen
1210 in a committee, it can happen in a place like this, where we have the toughest and strictest parliamentary oversight, and quite unlike other Chief Ministers I come here every month for that parliamentary oversight.

And to hear a Member of the Gibraltar Social Democrats say that we should be copying
1215 Westminster, when I spent 12 years in this House hearing, even when he was in opposition to me, the former Chief Minister, the Leader of the GSD – the most successful Leader of the GSD – tell us that Westminster do not do everything right and that we should be doing things our way, to now be told 'this is the history of Westminster, this is what we should be doing' is really quite incredible.

The good governance I prefer is the good governance of Gibraltar as we have been doing it, as it was done in this respect by the Gibraltar Social Democrats and as it was done in this respect
1220 by the first GSLP administration and by the AACR, except for one term when they had the Public Accounts Committee and they themselves decided not to have one.

1225 And so, Mr Speaker, when he tells us that he has moved this motion in a non-partisan manner, proposing himself in effect as the Chairman of a Public Accounts Committee with two Members of the Opposition and two Members of the Government, forgetting the Independent Member, it really is quite incredible to hear, especially when he gets up and he makes speeches which are clearly partisan.

1230 I am going to give notice that I intend to move an amendment to the motion, and I will give written notice in a moment, Mr Speaker, of the amendment that I intend to move, where I also intend to highlight other parts of this report. For example, the content of paragraph 2.12.2 – I hope the hon. Member has brought his with him. Paragraph 2.12.2 of the Principal Auditor's Report of 2014 says this:

I must once again report that no decision has yet been taken on how the outstanding amount owed by the defaulter of a loan ...

– these are the Public Accounts of Gibraltar –

issued on 16th January 2003, amounting to £48,000 plus interest, is to be treated. The total debt as at 31st May 2015 was £78,000, made up of £48,000 in respect of capital, £12,907 relating to the loan agreement interest and £17,133 in connection with default interest.

1235 So, Mr Speaker, when I am asked by a motion to comment on and debate the Principal Auditor's accounts, surely if I am acting in a non-partisan manner with Gibraltar's best interests at heart, that is the issue that I want to highlight. *That* is the issue that I want to highlight, especially given everything that has been said in the context of the past four years in the past Parliament about Credit Finance Company Ltd granting loans. These are the Principal Auditor's accounts for 2014. These accounts are talking about a loan. This is a loan given with public money, with taxpayers' money, of £48,000. I have taken an interest in that, because the hon. Gentleman is not the only one who reads these accounts, and I found out a little bit more about it. It is a loan and a grant to a company, and I understand that a Minister in the former administration had an interest in that company, and I am continuing to research that.

1240 And so the amendment that I intend to move is as follows, and I have written notice of it here ready to go. I will read it to the House and then circulate it. What I propose to do, Mr Speaker, is delete every word after the words 'This House' when they appear in the motion and replace them with the following:

1245

This House notes the contents of paragraph 2.12.2 of the Principal Auditor's Report on the Audit of the Public Accounts of Gibraltar for 31st March 2014; notes the information already provided to the House by the Chief Minister ...

– what I have just said –

in respect of the loan in question, which was granted by the former GSD administration and which appears to have been lost; commends the Chief Minister for bringing to the attention of this House the information on this loan granted by the former GSD and which appears to have been lost; seeks that the Government should ascertain greater information in respect of said loan and to make public such details as may be possible of the said impaired loan granted by the former GSD administration; and further notes and agrees with the findings of the Commission on Democratic and Parliamentary Reform which reported to Parliament in January 2013, which, as provided for in the motion standing in the name of the Chief Minister and approved this morning by the Parliament, unanimously expressed the view of the Commission that there is no need to establish a General Purpose Standing Committee nor a Public Accounts Committee given that the Opposition Members have every opportunity to

examine Government expenditure in detail as well as debating the report from the Principal Auditor on the Government's accounts for every financial year.

I pass it now, Mr Speaker, so it can be copied and provided and written notice can be provided to you and to every Member. I will pause there whilst it is circulated.

1250 **Mr Speaker:** Is the Chief Minister proposing to say something further in support of the amendment?

Hon. Chief Minister: Yes, Mr Speaker.

1255 **Mr Speaker:** Very well.

Hon. Chief Minister: Mr Speaker, I think hon. Members have now received the written notice of amendment.

1260 The hon. Gentleman cannot get away with suggesting, as he does, that we do not have the opportunities for strong and properly resourced auditors to review the Government accounts, because I am reminded in the amendment that I have put of the actual words of the Commission which we debated this morning. The words of the Commission were that there is no need to establish a General Purpose Standing Committee nor a Public Accounts Committee, given that
1265 Opposition Members have every opportunity to examine Government expenditure in detail as well as debating the report from the Principal Auditor on the Government's accounts for every financial year. It is clear that is the position of the Commission; we were referring to it this morning.

1270 What one is left with the view of is that a motion is moved clearly in an attempt to show a desire to lead on issues like this, but one is left with the impression that the mover is not just highly partisan in trying to do so, but, to adopt his nomenclature – not one which I would otherwise have thrown across the floor of the House as liberally as it was this morning – the mover must also be quite lazy, because if he wants to have a debate about this 1.5 kilo report and he wants to scrutinise public expenditure, but he does not want to bring to the attention
1275 paragraph 2.12.2, then he is either highly partisan and wants to hide away this very concerning note about an impaired loan granted by the party that he represents, or he is very lazy and had not picked it up. What we need to be careful of is that when we are told that he is the one reading material, he is not either reading it through partisan spectacles or not reading it at all and just pretending to do so.

1280 So, Mr Speaker, on that basis I move the amendment as set out in writing, as required by the rules, and I commend the Bill as amended to the House. *(Banging on desks)*

A Member: Hear, hear.

1285 **Mr Speaker:** What is now before the House is the Chief Minister's amendment, and the mover of the original motion, apart from any other Member of the Opposition, including Mr Roy Clinton, are able to speak on the amendment.

Hon. R M Clinton: Thank you, Mr Speaker.

1290 I must say I am quite impressed with the Chief Minister's performance this afternoon in completely overturning my motion.

I note that he has not addressed the concern of the Principal Auditor in respect of modernising legislation – which he has obviously conveniently forgotten to take notes on – which, of course, the Principal Auditor himself has been chasing for years, regardless of the administration.

1295 I just find it incredible that the Chief Minister picks on one section of this 300-odd page
report to support his own partisan issues. Perhaps I may ask the Chief Minister, while he is
looking at that paragraph, could he also do me the favour of investigating, in section 2.14.5, on
arrears of import duties, a significant decrease of £391,236 compared against previous years'
arrears position decrease related to a company having paid all amounts due. Perhaps he could
1300 investigate that for me as well.

Mr Speaker, the Chief Minister's approach to my motion is what it is. It lacks any form of
consideration for what is best parliamentary practice. The Public Accounts Committee may have
originated in Westminster, but the fact of the matter is Members of the Commonwealth have
also adopted it, and I know for a fact the Falkland Islands have a Public Accounts Committee and
1305 they manage quite well to survive with one. I cannot understand the Chief Minister's reluctance
to add this additional level of transparency and checks and balances to this Parliament. It really
will not cause him any offence.

And what he fails to tell this House is that the select committee is not just about questions
and answers – and I note his rather guarded response when he said 'appropriate answers to
1310 questions', which means he will be the arbiter of what he answers.

Mr Speaker, a select committee on public accounts will cover everything that concerns this
Parliament in terms of public funds. It is not necessarily going to be a rod for the Government's
back. It may be a mechanism to investigate areas in which Parliament wants some clarity. It may
be independent contractors to Government. Who knows? But it is not something that the
1315 Government should feel is going to be used to attack them. In fact, in Westminster it is used to
great effect on a cross-party basis to get the best results for the taxpayer – and that is where I
am coming from, Mr Speaker: the best result for the taxpayer.

The Chief Minister's amendment shows quite clearly he does not care about the taxpayer. All
he cares about is a soundbite. There is no substance to this motion amending my motion. It is
1320 utter nonsense. (**Hon. D A Feetham:** Hear, hear.)

Mr Speaker, I have made a perfectly cogent argument as to what is good parliamentary
practice in the 21st century. If other countries round the world have Public Accounts
Committees, if other territories in the Overseas Territories have Public Accounts Committees,
why do we not? That is what I would like to know from the Chief Minister. If the Falkland Islands
1325 can have one, if Jersey can have one, if Guernsey can have one, and they are much smaller than
we are, why can't we have one? What is it that the Chief Minister finds so offensive about public
accounts committees?

And no, I am not doing it because I am bored; I am doing it because I am here, and I am here
because ... okay, we did not win the election, but I was still elected to sit here and hold the
1330 Government to account, (*Banging on desks*) and for as long as I am on this side of this House I
will do that – and of course he will have to accept that, whether he likes it or not. I am not here
to create work for myself; I am here to work for the taxpayer and I will continue to do so. I have
not heard a single comment from the Chief Minister as to why public accounts committees are
of no value to Parliament.

And so, Mr Speaker, I will once again ask for a division of the House on this vote, because I
would not want the Hon. Mr Costa to lose out on his buckets of transparency, to add to them
with the Chief Minister kicking it over immediately. No more buckets of transparency, because
the Chief Minister, frankly, is not interested in transparency. This Chief Minister wants to go and
do whatever the hell he pleases.

Mr Speaker, I have actually researched the subject. I have put the evidence before this
House. If I cannot convince the Members of this House as to the utility of a public accounts
committee, then alas I have failed, but I will continue to put the case.

And so, Mr Speaker, as I sit down I will ask for a division of the House. Thank you. (*Banging on
1345 desks*)

Mr Speaker: Does any other Member wish to speak on the Chief Minister's amendment?

I call upon the Chief Minister to reply.

1350 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has not dealt with the subject of the amendment; he has replied as if he were replying on the main motion. But I have never seen in the time I have been in this Parliament, even when I was in Opposition and I had some Members opposite me who had such little ability that one of them was once seen to be reading *The ABC of Thinking* – you would have thought that somebody who would be a Minister would have worked out the ABC of thinking – I have never, even then, seen somebody squirm on a hook that they
1355 have created for themselves like I have seen the hon. Gentleman squirm today. To have come here proud to have read the Auditor’s report, ready to deal with it and present it to us as something that only he reads, and not to have realised what a hook he was creating for himself and his party because of this impaired loan that they granted – which I have already given details of, and more to come – and not to address it in the context of his reply, demonstrates that the
1360 the only person in this room who is now squirming and seeking to avoid transparency and clarity is the hon. Gentleman.

How can he not have said, ‘Oh my goodness, that’s true, it’s a loan granted and money lost,’ in the same breath as he says ‘I only care about the taxpayer’? Well, where is your caring for the taxpayer and his loss, her loss, our loss of £78,000? Where is the care for the taxpayer? It is
1365 utterly ridiculous to get up and say that in the context of this debate without addressing the substance of the amendment, which talks about the loss that his party has put the taxpayer to of £78,000.

I am not surprised that when he sat down they all banged the table and he banged himself – he is the only artist I have ever seen clap his own performance. Because that is that it must be, a
1370 performance, to call a division on an amendment like this – which is absolutely his right – and not address, in the context of replying to it, the very serious matter that I have brought before the public today, the very serious issue of a loan granted by them and impaired and apparently involving a Minister in the Government that granted that very loan, and to say that they are somehow the champions of the taxpayer.

1375 Mr Speaker, they are the losers for the taxpayer. Not only have they lost money on the estates that they developed, not only have we been left with that rotten legacy, we will be left with the rotten legacy of a GSD loan, lost, of £78,000. And he gets up and he pretends that he can talk about best parliamentary practice and that he cares about the interest of the taxpayer. Well, he cares so much about the interest of the taxpayer that the paragraph he wants me to
1380 read and comment on is 2.14.5, which is the one that says that arrears are down. That is the bit that he should have been banging the table on. Arrears are down. He should at least have said, ‘Congratulations, arrears are down.’ No, the bit he does not want to talk about is the loss of £78,000.

How can I take seriously a man who, in 10 months of being in this Parliament, thinks that he
1385 can tell us what is best parliamentary practice? Is there no element of humility about the man at all? Zero element of humility that he comes here and he goes against the Commission with a cumulative 44 years of experience. He comes here to speak against the Government, all of whom have more parliamentary experience than him, and says, ‘I am speaking from the chair of best parliamentary practice.’ Doesn’t he realise that if between them they had one ounce of
1390 shame, he would be putting his leader to shame because his leader was a Member of Government for four years which did not have a public accounts committee? Well, maybe he does not think of him as his leader either; I do not know how bad things are on that side. For 16 years they were in Government and they did not do it, and now they are the arbiters of best parliamentary practice.

1395 He says I have not dealt with the issue of why it cannot operate here. Of course I have. I told him. The other Parliaments he is talking about all have backbenchers. It is likely the backbenchers are the ones who make up the parliamentary public accounts committee.

1400 Mr Speaker, there is no way that he is going to persuade us that we should spend our time ...
apart from coming to Parliament once a month to answer all their questions, also to be here, in
1405 addition, in the public accounts committee, because what we are going to do is run Gibraltar and
deliver our manifesto. That is what we have been elected Ministers to do, and to provide the
accountability and transparency which is the pride of this Government, which is greater than any
1410 accountability and transparency provided by any Government, in particular the stitched up
Government of the GSD between 1996 and 2011 that almost gave zero information and met in
Parliament twice a year in an election year and three times a year when there was not an
election. Does he understand that? Does he know that he is representing the political insignia of
a party that came to Parliament to answer questions three times a year at most, two times a
year when there was an election? And he pretends to be the champion of transparency! Mr
Speaker, he should be banging the table when I sit down to thank this Government for having
1415 implemented the monthly meetings of the Parliament, despite the fact that in this particular
session we agreed we would not meet every month because of the Referendum until now.

That is transparency and accountability, not deciding that he is going to go off on a
bookwormish exploration of the history of public accounts committees and pretend in that way
to be able to give people a lecture on what parliamentary best practice is, having been here for
1420 10 months. That is utterly ridiculous. It is evidence of somebody with nothing to do during the
day; and frankly, given that we spend our time delivering for Gibraltar, he should stop wasting
our time.

He should ask his party to make a public statement about the loan they granted in 2003 and
he should have realised that he should have addressed that in the context of the amendment to
1425 the motion that I have moved.

As for the legislation, I will have him know I have had a number of meetings with the Principal
Auditor to fair that legislation in order to be able to bring it to the House, Mr Speaker, and I
trust it will be possible to bring it soon and I trust that I will be the Chief Minister to bring it,
1430 despite the fact that the former Chief Minister, the one that they all used to adulate when he
was around to hear them, did not do so.

To have heard a Member of Parliament – forget a GSD Member of Parliament, a Member of
Parliament – be confronted with an amendment to a motion that raises this issue and not to
have heard a word from him in response, betrays the reality of what he is trying to do in this
House, betrays what his motivation was in respect of bringing this motion and betrays the huge
1435 embarrassment to which he has subjected himself by asking the Parliament to debate the
Principal Auditor's Report that highlights the loss of money by the GSD, the utterly shameful loss
of taxpayer's money by the GSD to such an extent that they should never be able to call
themselves champion of the taxpayer at all. They are the losers for the Taxpayer, and the motion
will stand with Government votes after a division to demonstrate that on *Hansard* for ever.
(*Banging on desks*)

Mr Speaker: I will now put the Chief Minister's amendment to the vote. Is there a division
required? Yes.

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1445

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
 The Hon. J J Bossano
 The Hon. Dr J E Cortes
 The Hon. N F Costa
 The Hon. Dr J J Garcia
 The Hon. G H Licudi
 The Hon. F R Picardo
 The Hon. Miss S J Sacramento

AGAINST

The Hon. R M Clinton
 The Hon. D A Feetham
 The Hon. T N Hammond
 The Hon. Ms M D Hassan Nahon
 The Hon. L F Llamas
 The Hon. E J Phillips
 The Hon. E J Reyes

ABSENT

The Hon. A J Isola
 The Hon. S E Linares

1450 The amendment is now carried – my apologies – by 8 votes to 7, with two Members on the Government side absent.

Now before the House is the Chief Minister’s amended motion. All Members may speak to it except Mr Clinton, who has already done so, and the Chief Minister himself. All the other Members may speak to the motion. *(Interjection)* The original motion, as amended, is what is now before the House. The Hon. Mr Clinton will be able to exercise his right to reply, but he cannot contribute now in the body of the debate.

Hon. D A Feetham: He has the last word.

1460 **Mr Speaker:** Absolutely, but not in the body of the debate.

Hon. D A Feetham: Mr Speaker, just to say this in relation to the amended motion: I invite the Hon. the Chief Minister to make a full public statement about the loan that he alleges has been made to a company, and I think he used the words, which was apparently had a connection with a Government Minister’. I think that it is a matter that the Chief Minister has got to make a full public statement, and I would also invite him to keep the House informed about the recovery of the loan, because certainly on this side of the House we have absolutely no information in relation to any loan that has been provided to a Minister or a company with which a GSD Minister had a connection, and quite frankly we are absolutely baffled as to why a loan, which at the end of the day is a debt, cannot be recovered. Certainly from our point of view we would invite the Government to take every single measure possible and leave no stone unturned in the recovery of a loan, if a loan exists, because that is what a situation such as that calls for. If there is a debt it ought to be recovered, and it is as simple as that. *(Interjection)* But I think that the Hon. the Chief Minister should not approach this, with almost pussyfooting around as to the identity of the GSD Minister, as to whether there is something that is possibly underhand. If there is a loan, he should say there is a loan. He should say why it is impaired, he should say who is the – *(Interjection)* No, he should say who is the Minister he says apparently was connected with the company and he should put all the facts in the public whom domain so that the public, who have an absolute right to know – because certainly we are not, on this side of the House, going to do a Chief Minister with Credit Finance and say, ‘It is commercially sensitive, we are not providing you with the information.’ That is the view that the hon. Gentleman takes. We ask the questions on Credit Finance and the hon. Gentleman says, ‘It is commercially sensitive, we are not going to be providing you with any information.’

I am telling him, on behalf of the GSD Opposition: tell us what the loan is about, provide the public with as much information as possible and absolutely bring all the machinery of Government to bear on the recovery of that particular loan, because certainly on this side of the House we have absolutely nothing to hide – contrary, it has to be said, to the attitude that the hon. Gentleman takes in relation to Credit Finance. So that is my invitation to him, the Hon. the Chief Minister.

1490

Hon. Chief Minister: Mr Speaker, is he giving way?

Hon. D A Feetham: No, I am not giving way.

1495 **Hon. Chief Minister:** Well, he has invited me to do something – can I just respond to the invitation?

Hon. D A Feetham: No.

1500 **Hon. Chief Minister:** Oh, he wants to make an invitation and not give way – okay.

Mr Speaker: The Hon. Gilbert Licudi.

1505 **Hon. Chief Minister:** Mr Speaker, will the hon. Gentleman give way?

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): I will indeed. *(Laughter)*

1510 **Hon. Chief Minister:** That is the sort of ridiculous activity to which one is put by the Hon. the Leader of the Opposition – the *current* Leader of the *current* Opposition.

Mr Speaker, I accept the invitation, but it is not an invitation that I have had to accept; it is what I have been telling the House for the past 15 minutes I am going to do. It is what the motion from Mr Clinton as amended requires me to do. So I hope he will vote in favour of it, because he has voted against the amendment but now that it is before the House and it requires me to do all of that, I will do so.

1515 Mr Speaker, what he does not seem to understand is that this book is the Auditor's Report in respect of the accounts of the *Government*, taxpayers' money. Credit Finance Company Ltd, when he puts his brain back in between his ears, he will remember is the company that has savers' money from the Gibraltar Savings Bank; it is not taxpayers' money. His own argument, is that it is saver's money –

1520 **Hon. D A Feetham:** He is wrong.

1525 **Hon. Chief Minister:** Mr Speaker, I am not going to engage in a shouting match across the floor with him. I am telling him the position, and when he thinks about it he will realise that it is right.

This is different: this is taxpayers' money lent by *his* party when they were in office, and I am telling him I have an indication to a company involving a GSD Minister. I will make a public statement when I have the full information, and I will remind him that it is a loan granted in 2003 and that the limitation period – which I think we may have now been able to do away with, as a result of the exchanges that we dealt with – expired when he was a Minister, six years later in 2009. But if this money is recoverable, I will very much make sure it is recovered and that everybody knows how it was lent by the GSD, to whom it was lent by the GSD out of taxpayers' money, how the GSD were able to lend to companies involving themselves when they were here, and why we think that is not right and why we think that a debate about the Principal Auditor's Report of 2014 and the comment on it is not a comment on a debate on it unless you zero in on that matter and you identify that issue and you deal with it.

1535 And so, being the completely and utterly transparent lot that we are, we will do everything that I said we would do, which is exactly what he then foolishly got up and invited me to do as well. But now that he has done that inviting he may want to go back and read the amendment and support the motion as now amended; because, if he does not, he will be voting against the

principle of the invitation that he has just put. So perhaps, Mr Speaker, he should engage brain before tongue on all matters, not just Credit Finance.

1545 **Hon. G H Licudi:** Mr Speaker, having given way to the Chief Minister and the Chief Minister
having made the point that I was going to make (*Laughter*) – and he has done so very eloquently
indeed – I will limit myself just to reiterate one of the points. (**A Member:** Sit down.) I was going
to sit down, but having got up originally I will make the point that the Hon. the Chief Minister
1550 has already, to an extent, dealt with. And that is that the hon. Member opposite, the Leader of
the Opposition, has said – and he used these words – ‘the debt ought to be recovered’ and he
has used very strong words urging the Government to do so. As the Chief Minister has pointed
out, this is a 2003 debt, a debt which arose when the GSD was in Government. So, rather than
urging us to take steps to recover this debt, he ought to be asking himself, ‘Why is it that my
1555 party never did anything to recover this particular debt?’ and ‘Why is it that my party allowed
the limitation period to elapse in 2009 without having done anything to recover that debt?’ and
‘Why is it that I’ – I am speaking for the Hon. the Leader of the Opposition – ‘in 2009, being
Minister for Justice and realising that limitation periods come to an end after six years for the
recovery of debt, did absolutely nothing, knowing that Government debt was being
1560 accumulated?’ And not just this, but other types of Government debt were being accumulated.
As Minister for Justice he did absolutely nothing to change the limitation period to allow
Government debt to be recovered going back as much time as was necessary. It fell to us to do
that. Not only was he Minister for Justice in 2009 at the time that this limitation period expired
for this particular debt; he continued to be so until December 2011, for a further two years, and
1565 still he did absolutely nothing to do this. (*Interjection by Hon. D A Feetham*) Well, if it was a 2003
debt – (*Interjection by Hon. D A Feetham*)

Hon. Chief Minister: We are not 100% clear, but we almost are clear –

1570 **Hon. G H Licudi:** Well, we almost are clear –

Hon. Chief Minister: – that there was no payment from the date the loan was granted, and
that therefore the limitation period would have run from the date of the signature of the
document.

1575 **Hon. G H Licudi:** Well, all things being equal – (*Interjections by Hon. D A Feetham and Hon.
Chief Minister*)

Mr Speaker, subject to the investigation that the Hon. the Chief Minister is going to make,
and subject to the public statement which the Hon. Minister said he was going to do before
being challenged and asked to do so and the Chief Minister again confirming that that was the
1580 original intention of what he was going to do, it is our belief at the moment that the limitation
period would have expired in 2009. But even if it did not, if it had expired in 2010 or 2011, still
the hon. Member was Minister for Justice and did absolutely nothing, and it did fall to us.

The reason that it can be recovered now, to the extent that it is recoverable – we do not
know; we have to check the precise circumstances. The company, for all we know, might not
1585 exist, might have become insolvent. We just do not know. That is something that needs to be
looked at in terms of practical recoverability, quite apart from the issue of the legal right to
recover. The reason we can do it now is because, as the Chief Minister has said, this is
Government debt, this is pure taxpayers’ money, and the amendment that we have made to the
limitation period allows the Government now to recover Government debt such as this is.

1590 Therefore, for all those reasons, the hon. Member should do what the Chief Minister has
invited him to do and to vote in favour of the original motion as amended, because if he believes
that this paragraph in the Principal Auditor’s Report raises a serious issue of recoverability and

everything possible should be done to recover that debt, then he should be supporting this motion together with the rest of his colleagues. *(Banging on desks)*

1595

Mr Speaker: Does any other hon. Member wish to speak before I call upon the mover to reply? The Hon. Joe Bossano.

Hon. Chief Minister: Hear, hear.

1600

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, fond as I am of the hon. Member, I find it incredible that he comes here and tells us all the research that he has done because we are not keeping up with the times of what happened in 1857 – that is to say we are now in 1856 in Gibraltar and the rest of the Commonwealth is in 2016. Does he really think that, until he told us today, we did not know what is happening in the rest of the Commonwealth, or we do not know what is happening in Westminster, and that until he arrived here nobody knew? Everybody in this Parliament has known what the rest were doing from the day I arrived in 1972. Indeed, my particular involvement in the CPA has been such that I spoke first at a CPA conference before I spoke in this Chamber in 1972. So the research that he has brought to the House is hardly likely to impress me or make me change my mind, because everything that he has told us I have known since 1972. And certainly in 1972 when I was here it was not the view of the Government of the day or the view of the Opposition of the day that we necessarily had to do what was being done elsewhere simply because it was being done elsewhere.

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To suggest that it is essential to have a public accounts committee, otherwise the transparency and the control of the public finances is in danger, and then tell us all the people from Malawi to Swaziland that have a public accounts committee, when everybody knows they are in total chaos in their public finances and the public accounts committees in those countries have not moved one iota in improving the situation ... He must live in the real world, and in the real world there is a logical reason for this.

1620

I have been against the Public Accounts Committee in Government and in Opposition. I think that perhaps is something that he may feel is strange because he happens to be in a party that has got an Opposition view when they are in Opposition and a Government view when they are in Government. But in our case in the GSLP we said we would not support a public accounts committee in opposition and we said it in Government.

1625

No, I am not giving way, because bad habits catch on. *(Laughter)*

Hon. D A Feetham: You give way and I always give way. He never gives way to me.

1630

Hon Chief Minister: *Como que no!* I gave way to you before!

Hon. J J Bossano: I think my hon. colleague Mr Picardo gives too much way to you. *(Laughter)*

So the answer is that it is a conscious policy decision, as far as I am concerned. I can tell him to the extent that if we had had a free vote on the public accounts committee, the most that would have been voting for a public accounts committee would have been 16, because in that free vote I would have voted no. So I want him to be clear.

1635

And I can tell him that the logic of the Public Accounts Committee in the United Kingdom may be that it is not possible for a document ... If this weighs one kilo, theirs must weigh one tonne, because their budget is billions. Their deficit is billions, never mind anything else. So of course it may require a year to go through that.

1640

But of course the hon. Member can do what I did when I was there. When I arrived in this House, Mr Speaker, as you know, the finances of Gibraltar were de facto run by the Financial Secretary. The Financial Secretary, before the Constitution was changed and certainly in 1972, was the man who presented and defended the estimates, and because he was an official

1645 appointed by London there was no shadow – nobody ever questioned the figure. So the
politicians argued about the policies but they did not argue about the numbers. The numbers
were what the emissary of the colonial power told the colonials they were allowed to spend, and
the Financial Secretary's role was not to allow the politicians elected by the people to spend
1650 money that the United Kingdom might think might be something that would create a continued
liability for them. That was their role, and the first time somebody actually stood up and
questioned the finances of Gibraltar and challenged the approach of the Financial Secretary was
when I arrived in 1972 – and I kept on doing it for 32 years from the Opposition and defending it
for eight years from Government.

When I used to get the book, I used to use the book as my source of information to seek
1655 further clarification. But let us be clear: if we have a public accounts committee to go through
the book, that is not going to do what he wants, which is to get answers to the things that are
not in the book. So, in fact, if he thinks that he can come to the Public Accounts Committee and
say, 'Ah, well, yes, there is a situation here where the Government has, from the Consolidated
Fund, the money in two banks – I want to know why you chose those two banks and I want to
1660 know what day you put it in and I want to know what day you took it out,' which is the kind of
information that he thinks is legitimate to question ... Well, look, the Principal Auditor is entitled
to do that, because if the Principal Auditor does that he does not do it simply because he feels
he wants more information but he might say, 'Why have you put the money ...?' For example, I
can imagine that it would have been possible for a Principal Auditor to question – but it was not
1665 questioned; it was a policy decision – what was the logic of borrowing from Barclays Bank, for
example, at 5% and then depositing the money back with them at 1% and losing 4% to the
benefit of ... It was not questioned for a very simple reason, because the Government said, 'It is
a policy decision because we want to be able to give more interest to pensioners, and therefore
we want to give more interest to pensioners but we want to have the money readily accessible.'
1670 Well, that is the explanation that was given. It was an explanation that certainly politically I was
not happy with, but it was an explanation which, as far as the Principal Auditor was concerned,
was sufficient for him not to question it further, because it is not for the Principal Auditor to
question the policies of Governments that have been elected by the people.

If the hon. Member cares to analyse the way this book is written, he will realise that he does
1675 what he can do and what he should do, which is to ask the controlling officers, who are the
people accountable for the expenditure. So, if we say in this Parliament we want to provide
money to a particular institution, it might not be the most sensible thing to do from a fiscal point
of view, it might not be the most sensible thing to do from the point of economic growth, but if
it is the decision of the Parliament to put a sum of money for a particular institution, then that
1680 cannot be questioned. And if the policy of the Government of the day which was brought here
and which was voted here and was included in the estimate ... So what the Principal Auditor
does is he gets the report of the Accountant General and goes through every head of
expenditure, and if he finds that, for example, there is a policy to collect the arrears of rent, then
every year he says, 'What are you doing about the policy of collecting arrears of rent, which is
1685 not happening?' If there was a policy not to collect arrears of rent, then the answer to the
Principal Auditor would be that the Government has taken a policy decision that people can live
rent free. But as long as the policy is, in theory at least, to collect the arrears, then every year
that policy is picked up by the Principal Auditor.

In 1972, when I came in, I took the opportunity that this book gave me to do what I told him
1690 the last time he was doing already, a one man public accounts committee, which ... they all
thought I was bestowing an honour by recognising that that was what he was doing. Well, look, I
used to do the same when I was sitting there, and this book is in fact an opportunity that the
hon. Member has and he will be doing a public service by doing that, because maybe we have
not had the time to look at all the things that the Principal Auditor is telling the controlling
1695 officers to do, not the Ministers, but if the controlling officer has his attention drawn to
something, then the Minister, if he has got any common sense, will look at it, because it is better

1700 for him to look at it than have to be reminded from the Opposition benches. But if the hon.
Member picks things up and then puts questions on it, which I used to do ... I felt, when I was
doing it, that I was helping to improve the quality of the Government on the basis that it was
1705 very probable that the Ministers had not gone through the whole book because they had many
other things to do. And therefore, from the Opposition I raised a lot of questions, and this is one
way in which, in effect, we are adding in Parliament to the usefulness of the things that the
Principal Auditor draws attention to. But I can tell him that he has drawn attention to things
years after years after years, and certainly one of the fundamental flaws in what the hon.
1710 Member puts to us ... I know that he, having entered recently into politics and having recently
been elected, may feel 'I cannot be held accountable for what has been done by the party that I
have joined before I joined it and when that party was in Government' – except that the party
that he has joined used to do it to us. The party that he has joined spent 15 years telling people
who had not been there 15 years ago that they were responsible for everything that was being
1715 done by the GSLP. So, as far as they were concerned, the present Leader of the GSD was
responsible for everything that the GSLP had done when he was in the GSLP. And then, in 2003
when they made this loan, he stopped being responsible for the GSLP because he was only
responsible then for the so-called Gibraltar Labour Party, which had a very short life. And then,
of course, he joined the other side, and when he joined the other side, by definition, applying
the criteria that they introduced of political responsibility, he acquired responsibility in 2007 for
all the things that he had criticised before 2007, which he defended subsequently.

So the situation, Mr Speaker, is that we know the history of the Public Accounts Committee,
but he has to know the history of the Parliament of Gibraltar and of the decisions that have been
taken. And for 15 years that the GSD was in Government, bringing the audited accounts to the
1720 House, I think there was only one occasion when there was actually a motion note in the audited
accounts – not even a motion saying let's have a vote on approving, because the accounts do
not need approval, the accounts are submitted to Parliament for their information and to
provide an insight into what the Auditor thinks requires being looked at. Also, in the case, for
example, of the clause that he mentioned, if the Auditor is saying £391,000 of arrears have been
1725 paid, you can argue, 'I want to know why the arrears existed in the first place; I am more
interested in knowing why only £391,000 has been paid and there is still £130,000 that has not
been paid.'

But the point, of course, is that the motion that was brought on the one occasion that it was
brought motion, noting – with no vote, because by noting it all that we were seeking was that in
1730 fact we should have a debate about the book as a whole. But in practice it was something that
only happened once because it was far more useful, given the level of detail that there is, to
focus on something and then bring either as a particular motion or a series of questions on a
particular area that was thought worth highlighting.

I can tell the hon. Members that another reason why I have always been against is because I
1735 believe, frankly, that people elect us either on that side or on this one to accept political
responsibility for what happens because the Parliament is suffering, and therefore I do not think
it is right that the onus of satisfying the Members of the Opposition or the public should fall on
the civil servants. Certainly it may happen in the United Kingdom, but there is a level of
anonymity in the United Kingdom because of its size, but I think that if a civil servant is doing his
1740 job and the Department is not working well, then the answer is not to grill the civil servant – you
grill me, because it is my job to make sure that the public service is delivering the results. And if,
therefore, there is evidence that the service can be improved and it is not being improved, that
is the political responsibility that I have acquired when I stood for election and I promised the
people that we would deliver a service and that I would deliver it with a prudential control of
1745 public finances. We have been elected to do that. If we do not do that, we have to answer to the
Members opposite. If we do not do that because the machinery of the Government is not
delivering it, then it is our responsibility to make that machinery deliver. If we tell the people in

the machinery to do it and they do not do it because they do not want to do it, then it is a different issue and there are disciplinary measures to be taken.

1750 So, really, I do not think it is in anybody's benefit – either the taxpayer, or the Parliament or
the Civil Service – to go down a route which would simply create more aggravation and, in my
view, no savings for anybody. But I certainly welcome anything that is in this book that the hon.
Member wants to bring to the attention of the Government either in the Parliament or directly,
1755 and if we have not looked at it ourselves and we have not produced answers and it is brought to
the Parliament then we have got the obligation to do it. But I would be opposed, because I was
in Government and in a position to say the civil servant who is in the office is the one who has
got to come here. We are the ones who have got to sit down and defend it, and we are the ones
who have decided to take a job where we can be sacked every four years. And look, they have
not sacked me in the last 44 – I do not expect I am at risk.

1760

Hon. Chief Minister: Will the hon. Gentleman give way?

Hon. J J Bossano: I will give way.

1765

Hon. Chief Minister: I am grateful, Mr Speaker, just as the hon. Gentleman sits down, to
advise the House that I have now had an opportunity of reviewing, with the assistance of the
Clerk of the House and the hon. Gentleman, Mr Costa, the annual accounts of the Principal
Auditor with the report of the Principal Auditor for the years 2007-08. I am going to limit myself
to those years which are the years when the Hon. the current Leader of the current Opposition
1770 was elected into the Parliament: 2007-08, 2008-09, 2009-10, 2010-11. All of them refer to the
impaired loan, so I am afraid he is fixed with knowledge of the impaired loan for the period that
he was a Minister – the loan given by the Government of which he became a Member.

1770

Hon. J J Bossano: And so, Mr Speaker, having dealt with that side of it, I just want to put the
1775 hon. Member in the picture on what happened to the GDC and the accounts of the GDC and the
auditor of the GDC.

Hon. D A Feetham: Can I ask him a question before he moves, and then he can answer?

1780

Hon. J J Bossano: I will give way.

Hon. D A Feetham: Thank you very much, Mr Speaker, I am very grateful to the Hon.
Mr Bossano.

1785

He has said during the course of his intervention – which I found extremely interesting, I have
to say – that he has always been against the Public Accounts Committee. I have not looked at
Hansard, but I have a recollection that Peter Caruana, as he then was, had on occasion stood up
in this House when he was talking about ... and the recollection goes back to 2011, the debate
that we had on parliamentary reform, where he I think said that he had offered or suggested a
Public Accounts Committee to the hon. Gentleman but the hon. Gentleman had, in fact, never
1790 been in favour, which is something that he has confirmed during the course of today. Is my
recollection correct that between 1996 and 2000 – I was not here in Gibraltar at the time – there
was a suggestion for the setup of a Public Accounts Committee by the then Government and the
hon. Gentleman was not in favour of it?

1795

Hon. J J Bossano: Mr Speaker, I do not think there was a formal suggestion; I think there was
a sounding out of whether the position of the GSLP had changed, and the answer was it had not
changed post 1996, and it has not changed in 2016. He knows that in the GSLP we tend not to
change, having been there himself.

1800 I can tell him something that was suggested to us, given that my colleague the Chief Minister
mentioned the frequency of questions that we have today. One of the things that was suggested
at one stage by the Chief Minister which we rejected was that we should have a Prime Minister's
Question Time equivalent with the caveat that there would be a limit to the time that we could
1805 spend on each question, and to the time that the whole session would last and to the number of
questions. That is to say he was prepared to come and answer questions from the Opposition on
condition that he said, 'Well, you can spend between ...' I do not know how familiar he was with
what used to be before, or whether he ever took the trouble to listen, but the tendency was that
the answers were frequently very, very long in respect to the questions. So he actually suggested
that there should be a 15-minute limit to each question, which meant, in effect, that you would
1810 spend one minute asking the question and he would spend 14 minutes giving you the answer –
and then it would be the next question. And there would be something like a three or four-hour
session and there would be a limit to the number of questions. So, in fact, the price for being
able to ask questions more frequently was a constraint on time. **(A Member: A guillotine.)** We
said we would rather stay with the system we had, and that system meant that, okay, we were
only able to ask questions once a year, or twice a year, or three times a year, and we just put
1815 3,000 questions in at one time.

So that is an indication of the concept of transparency and of the rights of the Opposition to
ask questions and of the obligations to him. I am not suggesting that he would behave like that if
he was here, but he needs to understand, that when in Government, the party that he has
joined felt that it was perfectly proper to have those views and to hold them. And why should
1820 we or the public or the electorate believe that what they say in Opposition is what they would
do in Government, when the practice of the past 15 years shows the opposite – shows that they
were saying certain things before they came in?

For example, in 1996 they came in and they said they were going to publish audited accounts
of all the companies, and they did – of all the companies of the time of the GSLP. They came in
1825 and the companies of the GSLP were audited. The position of the GSLP was if a company is
trading, why should we put a company, because it is state owned, in a position that a private
company is not, and when we legislate so that everybody has to do it, then all the Government
companies would have to do it and we had a commitment to do it for everybody and there
would have been a level playing field. He came in and he then informed the House that he would
1830 bring in audited accounts, and he did – up to 1996, and then after 1996 nothing happened. So
when he was saying 'I will make sure that the companies are audited' he should have said 'for
the period before I was there, but I will stop doing it when I am there.' And when he came to the
GDC he was critical of the fact that we tabled in this House audited accounts of the GDC, audited
by an auditing firm from the private sector – the area where the hon. Member has come from –
1835 because we felt it was perfectly okay for the audit to be done by private auditors and we did not
want to invest in making the Government Audit Department bigger and spend more money in
order to get the accounts of the GDC Gibraltar Development Corporation, which was set up ... If
he reads its constitution, it was set up not for what it was subsequently used for, which was to
employ people and put them in Government Departments, but in order to effectively bring
1840 about the regeneration of the economy of Gibraltar, which needed regenerating because of the
problem that we had with the MOD run down. In fact, when I was in Malta recently I was talking
to a colleague of ours who is the chairman of what they now call Malta Enterprise, which was
previously the Malta Development Corporation, which, like ours, was copied by them from the
Welsh Development Corporation. So we took the Welsh Development Corporation as a model in
1845 1988 and they had done the same thing 20 years before us. One of the things is that we are now
going to be working very closely with them because we have got similar interests and the
synergy between the two of us I think will be of benefit to their economy and to ours. And that
corporation that had that function, which was really acting as the agency to promote inward
investment, was audited by private auditors and brought to the House.

1850 This was a big crime, we were told by the GSD, this is a big crime. The greatest living
Gibraltarian said, 'Oh, something has got to be done about this!' and he brought an amendment
to the legislation, to the Act, and removed the clause about the auditing and put in there that it
should be audited by the Principal Auditor 'when the Government so decides'. I voted against it
– we voted against it from that side of the House. We opposed it. We said, 'Look, there is
1855 nothing to stop you using the Principal Auditor if you want to use it.' We chose not to use the
Principal Auditor; we chose to have a private auditor. We said they had to be audited every year.
You say you are going to be more transparent – presumably because he thinks you cannot trust
the auditors in the private sector. But we said, 'Well, look, if you want to do that, then that is
fine, but you should not make it mandatory – it should be left to the Government of the day
1860 whether they want to use a private auditor or whether you want to use a Government auditor.'

The reality of it is that the last accounts brought to the House audited were the 1996
accounts. They were brought here in 1997, audited by the private sector, and the change that
removed the private sector audit was not replaced by a public sector audit, it was replaced by
zero audit – *no* audit. Clearly, I can only suppose, knowing the greatest living Gibraltarian like I
1865 did, that he probably realised that it was not such a good idea, but rather than come back and
recognise that maybe I was right and maybe he was wrong and that perhaps it was not such a
good idea, rather than do that he just spent 15 years without doing an audit. I do not see how it
could be an improvement on what we had that there has been no audit since, and every year
the Principal Auditor has been saying, since it changed, 'When is it going to happen?' Well, the
1870 answer is we told him from the beginning it is not going to happen because we do not want you
to do it. We want any of the main principal audit firms that audit banks and audit gaming
companies. If they are good enough to audit those, they are good enough to audit the accounts
of the GDC.

That is the background. That is the research that the hon. Member should be doing, and then
1875 he would realise that he must not fall into the trap of thinking that everything that everybody
does on one side of the House must by definition be bad because you are on the other side of
the House. There may be things that are mistaken policies, but there is usually a logic and a
reason for doing those things, and frankly I think that with the best of intentions that he might
be doing it, as he claims, the reality of it is that it is not productive, and I agree with the Chief
1880 Minister that it is not a productive way to bring it about. But certainly if he wants to achieve a
contribution to the efficiency of the public sector, using this book to bring questions would be a
way of helping us.

Thank you, Mr Speaker. (*Banging on desks*)

1885 **Mr Speaker:** The Hon. Roy Clinton, exercising his right to reply.

Hon. R M Clinton: Mr Speaker, thank you. Marlene, do you want to?

Hon. Mr Speaker: Did you want to speak first?

1890

Hon. R M Clinton: No, I have got to be last.

Mr Speaker: Yes, certainly, the Hon. Marlene Hassan Nahon.

1895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am very concerned by the information that I have
just heard this afternoon and I would like to take some time to better understand the
information that has been disclosed. Until then I will abstain, but I do wish that Members on
both sides would be more constructive to their approach.

1900 **Hon. R M Clinton:** Mr Speaker, thank you.

I am always indebted to the Hon. Mr Joe Bossano for his contribution, which I always find instructive, (**A Member:** Hear, hear.) (*Banging on desks*) especially when it comes to the history lessons on this House, on which I am sure nobody can compete with him – other than you, Mr Speaker.

1905

Mr Speaker: I found it instructive many years ago. (*Laughter*)

Hon. R M Clinton: Mr Speaker, if my motion today has achieved anything at all, it is perhaps in two or three areas.

1910

Firstly, at last perhaps one of the Principal Auditor's wishes to have the audit legislation amended will now become part of the parliamentary agenda, and that I think at least I may have succeeded in convincing the Members opposite is something they may wish to consider doing.

The second thing is, it is remarkable we spent ... I was not keeping track of the time, but it certainly must have been at least an hour debating –

1915

Mr Speaker: And a half.

Hon. R M Clinton: An hour and a half debating one particular clause of a 300-page report. I am sure if we all went through the report clause by clause we would have lots of things to say about what the Principal Auditor has or has not found. (*Interjection*) But, Mr Speaker, it goes to prove my point that if we spent an hour and a half on one clause, can you imagine how long we would be here if we had to go through the entire document clause by clause? This is why I have suggested constructively that a public accounts committee would be the best forum to do that. But the Hon. Mr Bossano has at least had the decency to lay out his thoughts and rational thinking behind why he is opposed to a public accounts committee, as opposed to just completely deleting my motion and asserting his own motion, as the Chief Minister has done. And for that I thank the Hon. Mr Bossano, because he has at least had the honesty and clarity of thought to set out what his position is.

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1925

Finally, Mr Speaker, I still stand by what I said when I stood up and presented my original motion, and that is I do not see there is any harm to Gibraltar – in fact, I see it as a benefit – to have a public accounts committee. It does not have to be exactly the same model as Westminster; we can come up with our own version. I am sure if other countries have managed to do so, we can do so as well.

1930

With that, Mr Speaker, I cannot really commend the Chief Minister's motion but I will stand down. (*Laughter*)

1935

Hon. Chief Minister: Mr Speaker, I call for a division in the vote.

Mr Speaker: I now propose the motion and a division will be called.

1940

A division was called and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. Dr J J Garcia
The Hon. G H Licudi
The Hon. F R Picardo
The Hon. Miss S J Sacramento

AGAINST

The Hon. R M Clinton
The Hon. D A Feetham
The Hon. T N Hammond
The Hon. L F Llamas
The Hon. E J Phillips
The Hon. E J Reyes

ABSTAINED

The Hon. Ms M D Hassan Nahon

ABSENT

The Hon. A J Isola
The Hon. S E Linares

The motion as amended is carried by 8 votes to 6, with one abstention and two Members absent.

**Definition of public debt –
Amended motion carried**

Mr Speaker: The Hon. Roy Clinton.

1945 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House notes that section 73(1) of the Gibraltar Constitution Order 2006 defines public debt as all debt charges for which Gibraltar is liable. This House further notes that under the Public Finance (Borrowing Powers) Act, public debt is further defined as any borrowings of money by the Government. This House thus considers and resolves that borrowings by Government owned and controlled companies for Government purposes, whether secured on public assets or unsecured, should thus be considered and included in the measure of public debt and audited by the Principal Auditor, as ultimately Gibraltar is liable in the event of any default.

And so, Mr Speaker, another déjà vu moment for the Chief Minister.

1950 I brought this motion to the House because I truly believe that the people of Gibraltar deserve to know once and for all what the true debt position of this nation is. The GSLP fought an election in 2011 on the basis that the then Government was addicted to debt, and now of course it really cannot bring itself to tell the people the truth of its financial position. It should be a matter of legal certainty and not a political football what the true state of our finances are.

1955 The Government, I note, has accepted the legal grounding for the first part of my motion, namely that public debt is, and I quote, ‘all debt charges for which Gibraltar is liable’. You would think that that is sufficient for the Government to accept the logic of the rest of my motion, in that you cannot then hide public debt behind public companies.

Mr Speaker, I rehearsed part of this argument when debating the increase in the public debt limit earlier this year when I gave an example of what had happened in the Cayman Islands, and I shall repeat what I said as follows, for the benefit of Members.

1960 In the Cayman Islands the finances became so dire that in November 2011 the Cayman Islands had to agree a so-called framework for fiscal responsibility with the United Kingdom government. This required the Cayman government to pass into law the Public Management of Finance (Amendment) Law 2012. As part of that law, they had to define what public borrowing was deemed to include, and in that Act the following was deemed to be included: conventional
1965 borrowing from commercial and concessional institutions; the capitalised value of all alternative financing transactions, including PFI/PPP arrangements that would place future financial obligations in terms of increased expenditure or reduced revenue on the Cayman Island government; the risk-weighted debts and PPP/PFI arrangements of statutory authorities, government’s corporations and companies; borrowing that was contracted by the Cayman
1970 Island government but then not lent; and any other debts guaranteed by the Cayman Islands government. That was pretty much a very tight definition that was handed to the Cayman Islands government by the United Kingdom, but there can be no doubt from that definition what is to be included in the definition of public borrowing. At the time I challenged the Government to adopt such a definition of public debt, as it would once and for all finish this discussion.

1975 Mr Speaker, all this is before the Chief Minister in his Budget address revealed a £300 million borrowing secured on public housing estates that, in the Government’s words, and I quote:

To clarify, the £300 million did not become part of the Government’s useable cash reserves but of the cash pool of the Government companies ... It has nothing to do with the Government’s direct borrowing or spending ...

I quote again: 'It has nothing to do with the Government's direct borrowing or spending'. Mr Speaker, I am baffled. If the Government did not borrow that money, then who did? Was it the Government's fairy godmother perhaps?

1980 Mr Speaker, I would like to quote from the Public Finance (Borrowing Powers) Act under the heading Section 12 'Loan agreements and interest rate swap agreements to be tabled', which states as follows:

12. Every agreement specified in section 11

– loans and interest rate swaps –

shall be laid on the table of the Parliament at the next meeting of the Parliament commencing after the date on which the agreement is made.

1985 Mr Speaker, we have learnt in this House that the agreement was finalised on 31st May 2016. In his Budget reply on 8th July 2016, the Chief Minister protested as regards its disclosure, and I quote:

In respect of the £300 million financing, we have disclosed that in a speech by the Chief Minister at the first sitting at Parliament after the transaction was closed.

Mr Speaker, is it me, or does the Chief Minister's language reflect that action required by the Public Finance (Borrowing Powers) Act, other than he has not tabled any agreements? Is this, then, not public debt?

1990 I am, as usual, grateful to the Editor of the *New People*, the Chief Minister's favourite publication, and indeed mine, who wrote the following on 29th September 2016 in his editorial, and I quote:

The Government has always argued that the main reason for raising a £300 million loan is that there was an opportunity to raise a public loan

– I repeat, public loan –

at a very reasonable rate and payable long term.

1995 The editor of the *New People* is therefore of the view that the £300 million is a public loan and thus a public debt. The editor of the *New People* then goes on to say:

Whether the Government then uses this loan to eliminate more expensive loan agreements or for capital projects is a different matter.

And then he goes on:

If a loan is not repaid, this would not happen in any circumstances given that should there be difficulties in meeting the repayments, which of course is a totally hypothetical situation because the Government has other assets and recourse to its rainy day funds, it can divert funds from other sources to pay this particular loan.

2000 Mr Speaker, a loan is a loan is a loan, as recognised by the *New People*, and a public loan at that. It is not a miraculous investment and it is a loan secured on public housing estate buildings, as the Chief Minister himself has admitted. I truly fear for the state of our public finances if the Government can pull off a stunt like mortgaging public assets and yet not increasing public debt. It is a magic trick worthy of Houdini. This is a public loan, pure and simple. As an accountant and former auditor, I was taught to consider the substance of a transaction over its legal form. The Government is trying to hide behind a strict legal interpretation of a loan and not call it public debt, when in substance there is no doubt it is a debt of Gibraltar and not a debt of the
2005 Government's fairy godmother.

Mr Speaker, the Government has delighted in an official press release to call me sanctimonious. Well, let me illustrate my point by considering what would be their interpretation of a 10th commandment, which, for those who forget, starts off saying 'thou shall not covet thy neighbour's house'. The Government are, in effect, acting like commercial lawyers and saying, 'Okay, we understand the 10th, but if it's not your immediate neighbour that's okay, it's fine, because, strictly speaking, the law allows that – and besides, other people have done it before.'

Mr Speaker, the Government are missing the point. We are not sitting in this House as commercial lawyers trying to find clever ways of exploiting legal loopholes to suit political agendas, but as lawmakers. He himself said it earlier today. We are in this House here as lawmakers who are meant to set down the principles that govern us and bind us together as a nation.

Mr Speaker, the people of Gibraltar deserve to know where we, as a nation, stand financially, and thus I commend my motion to the House. Thank you, Mr Speaker. *(Banging on desks)*

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Mr Speaker: I now propose the question in terms of the motion moved by the Hon. Mr Clinton. Does anyone wish to ...? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker déjà vu indeed, but actually, I am pleased to say, now I am presented with a slightly different argument than the ones that we were this morning, although a much less effective argument and one which is so considerably flawed that it will be easy even for my children – if they are watching, because it is obviously I am not going to make it for their bedtime – to understand.

Mr Speaker, the hon. Gentleman starts by saying we need to have legal certainty on what Gibraltar's debt is. Well, we have legal certainty on what Gibraltar's debt is. We had legal certainty between 1972 ... Well, let me start in 1969 under the old Constitution and the initial Borrowing Powers Act. We had legal certainty between 1988 and 1996, we had legal certainty between 1996 and 2011, and we have had legal certainty since 2011. Of course we have.

Mr Speaker, it is one thing to say 'I think that this is, in effect, public debt and if you add them together you would be exceeding ...' You can say that if you like, but you cannot say it is not certain. Of course it is certain, it is entirely certain; and if it were not certain, the Principal Auditor should have said so, because if the Principal Auditor were looking at substance above form and said, 'That should be captured', then it would be captured, because he is not the only person who is an accountant who has been told to look at substance over form.

Now his argument is going to be 'But this is in the company structure and the Auditor has no jurisdiction over that.' No no, it is that their argument is that this is not the company structure, because they start from the premise that this is a debt of Gibraltar. Mr Speaker, this is not trying to be an artful lawyer; it is that Gibraltar is the Exchequer of Gibraltar and if something is in a company, even if the shareholder is Gibraltar, then it is not a liability of Gibraltar. And this is not Picardo talking; this is everybody who has been dealing with the public finances of Gibraltar since 1969. AACR, IWBP, GSLP, GSD, all of them and all of the correspondent Principal Auditors and all of the correspondent Financial Secretaries that between 1969 and 2006 were appointed by the United Kingdom out of the National Audit Office and they all thought that this was the way to define Gibraltar, and between 1996 and 2006 in particular, where we had UK-appointed Financial Secretaries and we had the invention of company borrowing by the GSD.

And so the hon. Gentleman needs to understand. He might not, from what I detect of him, like lawyers. It is up to him whether he likes lawyers or not. I do not dislike accountants. I do not judge people based on what their profession is. I know there are some who do, *(Laughter)* but this is not just lawyers. This is auditors and accountants and Financial Secretaries who are accountants, who have all understood that there is clear certainty – until, in the past four or five years, even before he arrived, it is clear that somebody thought that the argument that they

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thought they could make to salvage an unsalvageable political career, was to try and pretend that there was an issue with liability.

2060 It is clear that there is legal certainty as to what the debt of Gibraltar is, and the best demonstration of it came in the course of his own speech, because in his motion he quotes the position under the Gibraltar Constitution and the Public Finance (Borrowing Powers) Act and then goes on to refer to the amendment in the Cayman Islands which actually specifically by law imposed by the UK – they came very close to direct rule for issues unrelated to any of the sort of thing that we are debating here, very close to direct rule – they have a specific law that provides
2065 the things that the hon. Gentleman provided for. We do not. So he cannot, by a motion, say to us ... impute that that definition adopted in the Cayman Islands is how we must read the different definition which has existed in our law. It is utter nonsense, and one does not have to be a lawyer, an accountant or more than a four-year-old to understand it. There is a specific provision in the Cayman Islands.

2070 Let's be very clear: we consider that in this area we will continue to act as the Gibraltar Social Democrats did when they invented the concept of company borrowing not being a liability of Gibraltar and therefore not being part of the public debt – and they sit as Members of the GSD absent the hon. Lady. One of the things that they say to the public is judge them on their record and how well they did. Well, look, on this we agree they did well and we are continuing what
2075 they did. So what he is trying to persuade us to do, as I told him this morning, is to upend their practice, and he is trying to do it not even by an amendment to a law. He is trying to do it by a motion that the law should be interpreted in a particular way, which would be valueless even if we were to agree. Even if we were to agree, the Financial Secretary, the Principal Auditor and the Chief Justice, if something was challenged before them, would say, 'Look, this is nonsense –
2080 you have all had a spanking good time, you spent three hours debating it, you told us what you think it means, but you were not making law, you were having a debate on a motion.'

Hansard cannot be referred to when interpreting legislation because of something we debate in a motion. The rule is that you can look – I think it is *Pepper v Hart* – at *Hansard* when the Parliament that is making the law is debating the law if there is uncertainty in the law. There is
2085 no uncertainty. The only persons creating uncertainty as to the public debt of Gibraltar are the people who have now been elected for the GSD, because the people who were previously elected for the GSD are very clear as to what is public debt and what is company debt. It is the new GSD that is trying to undo the old GSD's certainties and is proposing that there is no certainty. But debating it in a motion would never change any of that.

2090 The hon. Gentleman can bring an amendment to the Public Finance (Borrowing Powers) Act, and if it is not one that he has cleared with the Government he knows what the result is going to be; and if it is one that tries to overturn what we are saying now, that we support the way they used to do it, he knows what the result is going to be. We are going to stick with Peter Caruana's way of doing things. We want to be like the greatest Gibraltarian of all time.

2095 So how can he be baffled when I told him that the £300 million that we borrowed was not public debt? It is very simple: it is borrowed through Government companies, therefore it is not a debt of Gibraltar even though the shareholder may be the Government of Gibraltar – because there is a very big difference between a company borrowing and the Government borrowing. He needs to understand it. The Government has not entered into an agreement. They themselves
2100 have produced documents, as if they were producing something secret out of a treasure trove, that demonstrate that the estates were in companies – and we will come back to that issue when we have the meeting. In companies. They were not held by the Crown. The Crown divested itself of ownership – we say in their time; for some reason they say in our time – in their time. Therefore, the borrower is the company, not the Government, and there is no
2105 Government guarantee. I do not know if the hon. Gentleman has understood that: there is no Government guarantee for Government company borrowing, because if there is the Government has to come here and by resolution of the House the guarantee has to be approved. So the Government companies trade without a guarantee.

2110 But, of course, as the hon. Gentleman said during the course of the debate, it is unlikely that the Government is ever going to go bankrupt – I do not know whether they are going to row back from that – and the Government will stand behind its companies, because that is the way it does business. But it does not have to, because there is no Government guarantee. This is an issue of legal liability. Public finance works on the basis of legal liabilities.

2115 He knows that there is a company called Credit Finance established with money from the Savings Bank, owned by the Government, etc. He knows that there is a Government company called Gibraltar Capital Assets. It does not come here immediately that it has to be tabled in that way; it comes here in the first debate, because it does not have to be tabled. It is not caught by the rules the hon. Gentleman is talking about. I am telling him because I believe that the people should know. That is how they found out, because I believe that the people should know, even though it is not on that part of the balance sheet which is public debt. That is why I told them at 2120 the first meeting of the Parliament in the Budget debate after we had done the transaction, but not because it is caught by the rule. He is confusing all of that.

Mr Speaker, the one thing that I am impressed about is that ... I have never seen the *New People* quoted so authoritatively in this House (*Laughter*) until the hon. Member was elected. I know that he got himself into a lot of trouble for quoting it at Peter Caruana. He will not get into any trouble for quoting it at me. But I must tell him that I speak for the Government, and not the *New People*. It is not the *Gazette*, although I am not entirely disabused of the idea that it might perhaps in future be the *Gazette*. Given that the hon. Gentleman is almost supporting that people should read it, perhaps it should be the *Gibraltar Gazette and New People* that we should issue in the future. So he is wrong to say, ‘Ah, but the *New People* said this’, as if that were one of the documents in the legal hierarchy of documentation which he can look at to make his case. I shall tell the editor of the *New People* of the fondness with which he regards everything that he writes, and if I ever have anything to say to him and I cannot find him or raise him by phone – he does not appear to have e-mail – I shall just put an article in the *New People* in my name and be sure that at least by Thursday morning he will have read it. 2135

I am the Chief Minister of Gibraltar, we are the Ministers for Gibraltar, we speak for Gibraltar and the official documentation of Gibraltar is not the *New People*. It does teach you something though, Mr Speaker: if you ban someone from reading something, then the last thing they are going to do is stop reading it, and I know that the hon. Gentleman was banned by Peter Caruana from reading the *New People* – and look at the effect it has had. I should go round banning people from reading the *New People* and perhaps the circulation would increase, as it deserves to increase. 2140

Then he says, Mr Speaker, a loan is a loan. Well, of course a loan is a loan and you look at substance and not at form, but whose loan is it? It is, frankly, infantile – and I say that despite being as fond of him as the Hon. the Father of the House is, although perhaps today that fondness might have been lost in the passion with which I field the arguments, but it is absolutely infantile to think that you can look through a company. The hon. Gentleman has made a career of being in banking and in Gibraltar and dealing with companies. The shareholder of a company is not the person with liability; it is the company. There is something called the doctrine of separate legal personality and the shareholder has a different personality to the company. And so for the hon. Gentleman to say ‘I see straight through a company where the shareholder is the Government of Gibraltar’ is really something that he knows is not the reality. There is no guarantee on public assets either, because they made the case that we had alienated the assets into the companies. There is the reality. And he says ‘I fear what would happen if they get away with creating a mortgage over public assets and it is not public debt.’ Well, then, he must be very fearful of going around telling people that he represents the Gibraltar Social Democrats, because they are the ones who showed us how to do it. They showed us. They sunk the estates into the companies, but more so they took a loan using Government assets, creating a mortgage over Government assets, to invest in the Midtown development when it was being carried out by one of their favourite developers. Remember that? That did not increase public 2150 2155 2160

debt. They took a loan over Gibraltar Car Parks when they had cars parks in there, and that did not increase public debt.

2165 So I am sorry to say that the wizard is the greatest Gibraltarian of all time, not me. I am no David Copperfield. I am no magician. But you can only make the arguments the hon. Gentleman is making if you look at it from the point of view of turning a complete Nelsonian blind eye to what they represent, to what they were trying to continue in 2011 and in 2015. We have no fairy godmother. We work very hard indeed for Gibraltar to ensure that Gibraltar is able to take advantage of the opportunities that present to it as Government.

2170 I recognise the hon. Lady is leaving. I am sorry that we have to sit so late tonight, I genuinely am.

Hon. Ms M D Hassan Nahon: I appreciate that you normally [*Inaudible*]

Hon. Chief Minister: I am sorry about that.

2175 We have to work very hard indeed, Mr Speaker, to create opportunities for Gibraltar and then decide whether those opportunities are taken by the Government itself or by the company structure which we inherited from the GSD.

2180 It is because we are lawmakers that in this place we must respect the laws that are already made as well, unless we believe they should be changed. He obviously thinks we need to be going down a Cayman sort of road. I suggest he should speak to the Chief Minister of the Cayman Islands, the Premier, about what he thinks about what the UK did to him and to his country by the imposition of that definition of public debt. He might find that his advice might not be to pursue that sort of definition. We have to respect the laws that are made, and if we want to change laws we do not have to come with motions about how laws are interpreted, we have to come with amendments and win the 10-7 debate, and either pass it with 17 or 8-9 or in some other way.

2185 People do deserve to know what the public debt is, and they do know what it is. When they made such a song and dance of what they said the public debt was before the election and they said that was the principle plank on which they were defending their manifesto, their pamphlet – that and the explosion that could happen at North Mole and take out most of Gibraltar ... Those are the two issues on which they fought the election, and they were so roundly rejected by the people they had to accept that the people had confidence about the way in which we are running the economy and the public finances and that their view was one which did not prosper.

2195 Given all of that, Mr Speaker, and given the events of this morning in this House, I think the only appropriate way to deal with this motion is to propose an amendment to it. I therefore give notice that I move the following amendment to the private Member's motion presented by Mr Clinton, which dealt with section 73(1) of the Gibraltar Constitution, and that is namely to delete every word after the words 'This House' when they appear in the third paragraph of the motion, with the following words:

This House thus further endorses the motion approved by the House already today and standing in the name of the Chief Minister, which approved the practice established under the former GSD administration under both the 1969 and 2006 Constitutions that borrowings by Government owned and controlled companies are not considered and included in the measure of public debt.

2200 Mr Speaker, I shall pause before I speak on the amendment whilst the Clerk kindly circulates it.

2205 Mr Speaker, I understand hon. Members now have the proposed amendment. What this amendment does, obviously, is reflect what I have said during the course of the debate this morning and what I have said during the course of the debate this afternoon about the reasons why it is right to continue with the definitions as they are today, and why in fact just enjoying a

debate on a motion – the sort of thing that all of us enjoy, otherwise we would not be in this Parliament – is not going to avail us of an opportunity to change the definitions and interpretations of a law and a constitution, however much fun it may be to debate those definitions.

2210 Having dealt with all the things that the hon. Gentleman has said already, and having already this morning indicated why I believe this was the right conclusion for the House to reach on the similar motion which I brought standing in my name, I intend to say very little other than I commend the motion as amended to the House and I ask the House to support the amendment that I now put before it.

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Mr Speaker: I now propose the amendment moved by the Chief Minister, and therefore I invite hon. Members to speak on it.

2220 **Hon. T N Clinton:** Mr Speaker, the editor of the *New People* will be most disappointed this evening to hear that the Chief Minister disagrees entirely with his analysis. I am sure that Joe will appreciate what I am saying, yes?

2225 We have heard today, or in fact just now, the Chief Minister say, ‘Ah, well, look, this borrowing, this £300 million, is not on that side of the balance sheet.’ Well, what side of the balance sheet is it on, then? There are only two sides to it, and in this particular case it would be a liability; so if it is not on the balance sheet it is off balance sheet, as we have always maintained.

2230 Mr Speaker, in the 2015 General Election, the one in which the Chief Minister is so fond of reminding us that 70% of the electorate voted for him and his party, I wonder if they would have voted for him if he had been entirely honest with them – if he had told them the day before the General Election he had incorporated Gibraltar Capital Assets Ltd and it was his intention to mortgage the buildings, you will recall in that, on the Government housing estates, six of them, for £300 million. If you read their GSLP manifesto, there is not a word about it in there. And he has the audacity to say, ‘Well, look, it’s in a company, we cannot pierce the veil of incorporation – you should know that, even if you’re not a lawyer.’ Yes, of course I know that. I also know about sham companies and the cases where you do pierce the veil. And what he actually said just now, which I am sure will be in *Hansard* ... He said, ‘Mr Speaker, this Government stands behind its companies.’ Well, if that is not a guarantee, what is?

2240 So, Mr Speaker, at the end of the day, regardless of how he wants to amend my original motion – and yes, we have had the debate this morning – the fact of the matter is hiding behind public companies, regardless of the intention at the time to borrow money for public purposes, must be by definition public debt, no matter in what shape or form he puts it.

2245 I could have perhaps accepted it if he had said, ‘Mr Clinton, we need to borrow £300 million, we are going to reschedule the debt, we are going to set up an SPV, we are going to mortgage the estates and then we are going to transfer that money into the Government’s coffers.’ But he has not done that; he has kept it off the Government books. If that money had then found its way onto the Government books by way of additional borrowing, then we would not be having this discussion because then the official gross debt of Gibraltar would be somewhere in the region of, excluding Credit Finance, £700-odd million. Simple maths. If you add Credit Finance, it would be over £1 billion.

2250 And so, Mr Speaker, I really cannot accept this amendment to my motion, although of course he has the majority – although I did find it interesting when the Father of the House did say, ‘If I was not subject to the collective vote I would vote in whatever way I would wish,’ which begs the question ... well, I thought he did already. In any case, I think, no matter what I say, the general public will see this magic trick for what it is. It is nothing more than a sleight of hand: he has taken £300 million of public assets, raised money on it and he will have us all believe it is not public debt. Well, Mr Speaker, I wish him luck in trying to convince the public of that.

2255 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: Any other contributor to the amendment? The Hon. the Leader of the Opposition.

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Hon. D A Feetham: Yes, Mr Speaker, very briefly.

The hon. Gentleman has asked what has changed from the practice under the GSD administration and the practice now. Well, let me summarise – and I am reiterating some of the points that I have made before, but let me summarise: Greece in 2008; worldwide recession; the move to greater financial transparency across nations, particularly in Europe; Credit Finance has happened; and a £300 million mortgage of the six estates. That is what has happened – and, my hon. learned Friend Mr Phillips reminds me as well, Brexit – and in those circumstances we should be moving towards greater not lesser transparency, which is what we are advocating.

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Mr Speaker, it really does not, in our view, matter, nor should it matter to them, whether the position of the GSD pre 2008 was the fact that Government-owned companies and the debt of Government-owned companies did not count as Government debt. At the end of the day, since I have been the Leader of the Opposition in 2013, one thing that they cannot accuse me of not having been consistent on is this point, because from the very first moment that I stood up and I started talking about these things, I said two things: one, I actually think Credit Finance ... effectively, the Government, in what it is doing, is breaching the legal borrowing limits. That is one thing that I said, and the hon. Gentleman made some of the points that he is making today. And secondly, the point I made was that even if technically there is no breach of the legal borrowing limit, because technically it does not form part of the debt of the Government, the reality is that in a community like Gibraltar we ought to be looking at the substance – what is the indebtedness of the community, not just technically the Government, but the community and that includes Government-owned companies. The hon. Gentleman says Government-owned companies are a separate legal personality – yes, of course they are a separate legal personality – one of the most trite statements the hon. Gentleman has made, but of course the Government is a shareholder but the Government is also, effectively, through public servants, also controls those Government-owned companies and are directors of those Government-owned companies. Nobody is going to say to me that the Chief Secretary – when he was, because the position changed and they are now corporate directors, but the Chief Secretary and the Financial Secretary, when they were directors of Credit Finance Company Ltd, they were making decisions in relation to what loans would be made by that company devoid of the opinions and the guidance of Government. That is not how it operates, Mr Speaker. The reality is that at the heart of this debate what we have is an argument on this side of the House that we should be realistic about how we view the public indebtedness of this community, and therefore we ought to take into account the debt of Government-owned companies and their view, which is, 'Well, no, let's take the narrow, technical, legal view, hide behind corporate legal personality, just simply to argue that our gross debt is £446 million, when if you take into account the debt of Government-owned companies, it would be over £1.1 billion.'

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That is really the substance of the debate, that is the heart of this debate, and that is what really divides that side of the House from this side of the House, and of course I commend not only to this House but I commend to the community generally that our view is the correct view, because at the end of the day you cannot talk about the indebtedness, what this community owes, without taking into account that £700 million or £800 million that Government-owned companies actually owe. For that reason, we will be voting against the amendments, and for all the reasons that my hon. Friend very eloquently, I have to say, and in his usual erudite way has espoused in the course of his own intervention, Mr Clinton. We will be voting against the amendment by the Chief Minister. *(Banging on desks)*

Mr Speaker: Is there any other contributor to the amendment?

I will, then, call on the Chief Minister to reply.

2310 **Hon. Chief Minister:** Mr Speaker, it is really, frankly, quite incredible to have to be dealing with these arguments. The Hon. the Leader of the Opposition says he has been consistent – well, as usual, he has been totally inconsistent, and I am going to start there, Mr Speaker.

He sat next to the former Chief Minister in this House during the course of the Budget debate of 2011 and subsequently on a motion brought by the former Chief Minister, saying that I was
2315 unfit to govern Gibraltar because I said, ‘If you take the Gibraltar debt as it is today and you take the company debt and you bring it together, and the Savings Bank debt’ –

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
No, you were asked about the gross debt.

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Hon. Chief Minister: In fact, the Hon. the Father of the House is right – he was arguing that we should not be dealing with the gross debt, we should be dealing only with the net debt. But on top of that, if you threw in the liability of the Government at the time in respect of what was not public debt –

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Hon. J J Bossano: Which we never criticised.

Hon. Chief Minister: – which we never criticised and I was very clear about, we would have exceeded the spending limit. And they all sat here and said it was terrible to even mention that.

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So, Mr Speaker, the idea that he can say that he has been consistent in anything – his politics in particular, let alone this issue – is completely undone. It is completely undone. But he says, ‘The community must know this and the community must know that.’ Well, this is the argument he was making in the election and seven out of 10 people in the community told him, ‘No, actually, we do not think you are right about that – we want to pursue the GSLP Liberal approach instead.’

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So when he starts talking about Brexit and Greece and those things being the reason why we should shackle ourselves even more and we should put ourselves into more strictures, not give ourselves more flexibility, I am left thinking in the words of that song, that this must be ‘a life of elusion, a life of control mixed with confusion’ and ask myself what we are doing here, because I cannot be hearing these things from the people who were doing them for 16 years, when he was sitting here like one of those puppy dogs that nods at the back of a car, nodding at everything that Mr Caruana said when he was doing exactly these things, and then saying, ‘Well, you would be breaching the borrowing limits if this were taken together, even if technically they are not to be taken together.’ He is a lawyer; he spends his life arguing technicalities. At least Mr Clinton can allege that he is not a lawyer and he does not argue technicalities – although much of what he has said is technically completely wrong. (**Hon. J J Bossano:** Yes.) But he is not just accusing us of getting this wrong; he is accusing us and every auditor and every Financial Secretary at least since 1996 of getting it wrong.

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To hear the Hon. Mr Clinton say that he knows about sham companies, as if this were a sham company – is that the spectre he was trying to raise by saying, ‘I know about companies and I know about the doctrine of separate legal personality and I know about sham companies’? How dare he even pretend to even raise that spectre about a company and a structure established by the Royal Bank of Canada, which has wanted to become involved with Gibraltar, by Stocks & Co, by Hassans, the law firm that were advisers ... of a company that has James Levy QC and John Collado and Charles Serruya as its directors – that is what he is saying is a sham company – and about a structure on which we were advised on by Peter Montegriffo, who I understand was always the man *he* supported for the leadership of the GSD, the founder of the GSD. That is what he is calling a sham company, or trying to pretend to use that language to raise that spectre of. For goodness sake, Mr Speaker, they really do need to engage brain before tongue – or, in his case, abacus before tongue if he is going to start making any sensible points.

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2365 Mr Speaker, this is not magic, this is not sleight of hand, this is not an area where there is a
lack of disclosure. This is an area where I have told him that through the Government company
structure we have borrowed £300 million, where I have told him what the security is. That is
what we have told them. There is no sleight of hand when what you do is say, 'This is what I
2370 have done.' Now, if you try and hide it, if you try to pretend it is not there, the hon. Gentleman
might then want to accuse somebody of sleight of hand, which would be exactly what happened
under the GSD when they mortgaged public assets, through the Government company structure
that they created, to raise a loan by a mortgage to invest in the Midtown development. That was
sleight of hand, applying his definition, not somebody saying, 'I have done this, I think it is a very
2375 good thing; I have done it through the company structure,' and saying it in this Parliament.

That is the problem that they have. I do not have the problem of getting away with anything.
I am not trying to get away with anything; I am doing what I think is the right thing for Gibraltar
and I am explaining it. The problem that they have is that they have to create the spectre that I
am somehow trying to do something which is sleight of hand, although we have spent the better
2375 part of the three months since we have done it talking about it and I have invited them to a
meeting to see it all. *(Interjection)* Yes, I know you are waiting for it. I have been to New York to
defend Gibraltar's sovereignty, which is more important than sitting round the table with you
and helping you to understand something that most people would have understood already.
(Hon. Miss S J Sacramento: Hear, hear.)

2380 And so, Mr Speaker, what needs to happen is that people need to not fall into the trap – and I
think very few ever will, perhaps less now than even in December last year – of thinking that
there is somehow a lack of certainty in the calculation of Gibraltar's debt liability, because that
does not exist. However hard the hon. Gentlemen might try to create that uncertainty, they
cannot do so, because when people come to make the determinations as to debt they look at
2385 the law, not at press releases. They do not even look at *Hansards* of motions. They look at what
the Constitution says in section 73, they look at what the Public Finance (Borrowing Powers) Act
says, and that is how they make determinations which are certain – the way that they have been
making them for the past 20 years.

2390 Mr Speaker, I understand that hon. Members feel very hard done by at being caught out
again on a motion that they should have given more thought to. I understand that they do not
like the fact that I am amending their motions to reflect reality on what is proper and
appropriate and not the foolishness that they would rather lay on the *Hansard* for eternity and
perpetuity. On this side of the House we are keen to ensure that we continue to provide legal
certainty and that nothing starts to, in any way, even bring a dew or a dust over it, and for that
2395 reason I have proposed this amended motion, and nothing I have heard, whether it was the Hon.
the Leader of the Opposition singing us 'Grease' or whether it was the Hon. Mr Clinton
lamenting that once again his labour of love, which is his motion of July, is being amended, none
of that moves me away from the importance to this community of having the legal certainty it
needs, and for that reason I ask the House to support the motion, as amended, although the
2400 amendment should be made so that the motion as amended now goes forward. *(Banging on
desks)*

Mr Speaker: I will now put the Chief Minister's amendment *(Interjection)*. The hon. Member
has spoken on the amendment. He is able to speak at the end of it all. We are going to take a
2405 vote. *(Interjection)* Call a division, yes.

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A division was called and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. Dr J J Garcia
The Hon. G H Licudi
The Hon. F R Picardo
The Hon. Miss S J Sacramento

AGAINST

The Hon. R M Clinton
The Hon. D A Feetham
The Hon. T N Hammond
The Hon. L F Llamas
The Hon. E J Phillips
The Hon. E J Reyes

ABSENT

The Hon. Ms M D Hassan Nahon
The Hon. A J Isola
The Hon. S E Linares

2415 **Mr Speaker:** There are 8 votes in favour of the amendment, 6 against, and there are 3 Members absent. The amendment is carried.

Does anybody wish to speak now on the motion, as amended, standing before the House?

Hon. R M Clinton: Mr –

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Mr Speaker: If the Hon. Mr Clinton speaks now, then he is exercising a right to reply and that would preclude anybody else from speaking. Does any other Member of the House want to take part in the debate before I ask Mr Clinton to reply?

2425 **Hon. D A Feetham:** Mr Speaker, I am just going to, by way of my last contribution, read from the motion that the hon. Gentleman referred to during the course of his own intervention on the amendment, which was a motion that was brought by the then Chief Minister, Sir Peter Caruana, in relation to a video podcast that had been posted by the hon. Gentleman on I think it was Facebook – in actual fact, his Facebook page. There is a transcript of what he said, and he said this. *(Interjection)* No, there is a transcript of what he... The then Chief Minister referred to a transcript of what he said in the podcast.

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Hon. Chief Minister: Read into *Hansard*?

2435 **Hon. D A Feetham:** Read into *Hansard*, absolutely – which just illustrates the remarkable role reversal that we find ourselves in during the course of this debate this evening. This is what the hon. Gentleman said during the course of the podcast. He was talking about gross debt at the time; it was not net debt:

Gross debt, in other words the amount owed by the Government of Gibraltar, is now up to £480 million. The ceiling is £500 million. It is already £480 million. Well, the gross debt borrowing limit is £500 million. If you add the £480 million that we have already borrowed in respect of gross debt and the £20 million that Mr Caruana has borrowed from banks, using Government buildings which he has put in a company, then you have reached a total of £500 million. That second £20 million, for technical reasons, does not count as Government borrowing, but in fact the Government now owes more than the law allows them to owe.

2440 End quote, Mr Speaker. *(Banging on desks)* End quote, Mr Speaker. *(Interjection by Hon. Chief Minister)* End quote, Mr Speaker.

I have to say, Mr Speaker, that I do not think that I have enjoyed quoting from the hon. Gentleman as much as I have enjoyed quoting from that very famous infamous podcast from 2011.

2445 **Hon. Chief Minister:** I am saying exactly the same thing, so quote it as often as you like because I will be very happy with great satisfaction.

Mr Speaker: Is there any other contribution before I call on the Hon. Mr Clinton to exercise his right? The Hon. Joe Bossano.

2450 **Hon. J J Bossano:** So I take it, Mr Speaker, that what the hon. Member is saying is that my friend and colleague was wrong when he said that – which is what he is saying now, but it is now right when he is saying it.

Hon. Chief Minister: Exactly.

2455 **Hon. J J Bossano:** Well, at least that argument I understand, although I do not share the argument. I think they were both wrong: he is wrong now and he was wrong then! *(Laughter)*

2460 But I have to tell him that what I find frightening is the level of ignorance about the accounts and the public finances of Gibraltar demonstrated by Members opposite, and I might understand it if people have been here a short time but I cannot understand how the Leader of the Opposition, who spent four years in Government, following four years when he campaigned on public debt as one of the key issues –

Hon. D A Feetham: In 2003 remember what I said.

2465 **Hon. J J Bossano:** In 2003 he was saying that the debt was too high at £100 million and he was accusing me – *(Interjection by Hon. D A Feetham)* No, Mr Speaker, we can go back and search it, but I do not need to search because my memory is not yet failing me.

2470 Independent of the PFI he was saying that in fact he was criticising the fact that the debt would have to be rolled over because the bulk of it was held by Community Care. There was a debate on the radio in the election campaign, where he actually accused me of siding and agreeing with the then Chief Minister because I was saying £100 million is not high debt. The moment that he changed sides – this was before the start of the love affair – when they started flirting together, then he changed his tune *(Interjection by Hon. Chief Minister)* and he moved from saying that the debt of £100 million is too high and you are going to have to borrow to repay it, to the argument that came on later in 2011, which was the argument that was being defended by the then Government, including him, he subscribed to that argument, and that argument, for example, was the result of what happened the first time they breached the limit. Forget the PFIs and forget whether they borrowed £20 million on the car park, because, as far as I am concerned, when we were in Opposition we did not oppose it, we did not accuse him of anything. It might have been said on that particular occasion by my Learned Friend the Chief Minister, but I can tell him that it is not something that we discovered then – we knew it before. In fact, one of the explanations that we were given the first time that it happened was that, because it was not Government debt, there was assumed to be a higher level of risk by the lender and that the rate of interest was higher than the rate would have been on Government debt. That is a record in *Hansard* he can go back and search for. He will find that the definition used by the GSD Government included the interest that they paid on what was not Government debt, was higher than they would pay on Government debt because it was assumed that it was secure on the asset and not on the results of the Government.

2485
2490 But the kind of arguments that they have put today are incredible. The hon. Member has told us that if they add the £300 million the debt would be so much – and that was excluding Credit Finance from the balance sheet, because if they included Credit Finance to the balance sheet the debt would be even higher. Is it that they do not know that the Government does not have a balance sheet? Haven't they even discovered that much after four years? Does he not know that there is no balance sheet? That these are cash accounts? That every time you spend money in buying an asset it does not appear on a balance sheet as an asset, it disappears, it is non-existent? So you could not put Credit Finance on the balance sheet of the Government because there is no such balance sheet, but if the balance sheet existed it would not go on the liability side; it would be an asset worth £400 million. You have got a company, that is worth
2495 £400 million, which is not on any balance sheet, but if you put it on a balance sheet it is an asset
2500 not a liability. The liability rests with the borrower of the money, not with the owner of the

company. So what is he saying? That if we lend money to somebody in a business it becomes a Government debt if it is from Credit Finance? And if it is from the Gibraltar International Bank, what does it become? Or is it that because one has got a moneylender's licence and the other
 2505 one has a credit institution licence the story changes? Is he saying that every time somebody puts money into the International Bank as a deposit our public debt grows? Is he saying that every time they make a loan on a mortgage our public debt grows? This is an insane definition of public debt. *(Laughter)* There is no limit to it. Never mind Greece: we will have more money than the entire world.

2510 There was a headline, Mr Speaker, that I noticed in yesterday's paper, and, given the importance that is attached to debt by the Members opposite, when I saw that the IMF was worried about the level of debt I began to say to myself, 'I have to read this', because it says 'Global debt record risks economic stagnation', and I said, 'Could it be that they have been persuaded by Clintonian economics?' Not so. The concern of the IMF is not about the record size
 2515 of the debt, but the consequences of debt being reduced. The concern of the IMF is that, notwithstanding everything that Governments are doing to stimulate economies, the level of debt which is predominantly private debt is being run down and therefore the stimulus of borrowing and spending by the Government is being contradicted and negated by the fact that people are not in a spending mood and people are actually reducing their exposure to debt. That
 2520 is the risk of stagnation. Stagnation can be brought about because you go into a situation which is deflationary. Does he not know that the response to the crisis has been that the debt of every single member state in the European Union has grown after the crisis? Does he not know that? Where does he get his analysis from?

Does he not know that, notwithstanding what they used to say in Government when they
 2525 came and told us here that the borrowing limit that they were setting was for net debt because that was what was the standard of the EU, they were not telling the truth. The Maastricht Treaty clearly says that the monetary union and the single currency require that member states keep their gross debt at 60% of their GDP. And the GSD, the first time that they decided to link debt to GDP – because they did it, nobody else. I know the Members opposite think that it should not be
 2530 linked to GDP now that they are in opposition, but when they were in Government they first linked GDP to gross debt and they put in the formula 40% of the GDP. They could have put 60%, because that is what is required by the EU. If they had put more than 60% they would have been in breach of the requirements of the EU, but they put 40%. But what happened is that within a year of putting 40% of gross debt they breached it and they had to change it retrospectively.
 2535 They did more than change it retrospectively – they actually redesigned the accounts, and if I wanted to be less generous I would say they did not redefine them, they cooked them. The accountant/auditor should have a look at that, Mr Speaker. They cooked it, because do you know, Mr Speaker, what they did? In order to ensure that the GDP was not caught out by the revenue, the one element that the hon. Member was reluctant to change ... I explained that to
 2540 him before. The problem with the ratios is that if you have got 40% of the GDP and the biggest thing that pushes GDP back up is company profits and you are taking 10% of company profits in revenue, then every time your GDP goes up by 100 your company profits pay 10% tax. So the GDP goes up by 100 and the Government revenue goes up by 10. So the ratio of 40:80 fails to work the moment you change the tax system, and instead of addressing that problem what they
 2545 did was inflate the revenue. And how did they inflate the revenue? By having the same money cycled twice, in and out of the authorities. You pay rates to yourself. And they did it retrospectively. They brought an amendment to the Budget law backdated to change the accounts, backdated because they had breached their ceilings.

We did not make a song and dance about it and accuse them of anything. This is what they
 2550 did. They created a rod for their own back because they did not know what they were doing and they put in things which then they could not breach. They could not work, they could not borrow the money they needed, and if the Government wanted to invest in doing things that were good for the economy and good for Gibraltar we were not going to say on a technicality, 'What you

2555 are doing is wrong, because you are not doing it ...' They created a law that they thought would allow them to borrow certain amounts of money and they discovered in practice they could not do it.

2560 So the next step, after they had put through the cycle everything they could think of and they ran out of things to do, the next step was to come back having argued that the rest of the world was being far less prudential than we were, because they all linked it to net debt but we were doing it as gross debt. The greatest Gibraltarian said, 'We are better than any of the guys anywhere else because we are being more conservative.' And a year later he came back and he said the very opposite. He said, 'No, no, no, it is not gross debt, it is important that it is net debt – you are all wrong when you keep on...' Well, look, I had been talking of gross debt for all the time that he has been talking of gross debt. He decided in one year it was no longer convenient, 2565 because he could not balance the books, to talk of gross debt, so the new correct version was the net debt, and anybody who had been talking about gross debt had now to move to the new conversion to net debt.

2570 Well, the reality of it is that I actually think gross debt is a better marker, but we moved to net debt this year and I think the first thing that the hon. Member opposite did was congratulated us. At least we were both now in agreement to use the net debt. Fine. If they want to talk about the net debt, on the eve of the election what the GSD did was they hired somebody from the London School of Economics to tell us – and appear on GBC – that in fact the net debt at 25% of GDP was enough to make the rest of the planet green with envy. No mention of anything that was not debt as defined in the law. Well, it is now 20%, so should the rest of the world be greener? No. Dr Cortes would be very happy if they were greener, but greener with 2575 envy, because now we are 20% and we have got a manifesto that is designed to bring us to 12.5%, half of the 25% that the professor from the London School of Economics was brought to Gibraltar to say that everybody would be green with envy if they could have 25% of GDP. Nobody uses a percentage of revenue anywhere else. I explained that before as well. The only 2580 people who use it are the people who have it rammed down their throat – like the Cayman Islands, who get told by the UK, 'Either you do that or you can go independent.' They cannot say it to us, they cannot say 'Either you do it or you go independent', but is what they do to the other colonies.

2585 The fact is that the level of debt is the debt of the Crown. The debt in the book is the debt of the Crown and if the debt of the Crown – which is the £447.7 million gross, £460 million aggregate and £366 million net – is so irrelevant, then why did they have a press conference to kick up a fuss about not being given the relevant figures? Why, if it does not matter? It does not matter whether he knows it is £450 million or £350 million, because it is not relevant. It is a billion – it is £1.1 billion according to him. Well, it is not £1.1 billion. It is insane to suggest that 2590 every time you have got a business that is Government owned, the Government debt goes up. Should the Government debt have included the ship repair yard? Should it have included the sand company that they had in the 1970s, where Maurice Featherstone was the chairman of the company and they would not answer any questions in the House because it was a commercial entity and they did not have to give information here as to the debts that the company had? Is 2595 the Gibraltar International Bank, which is 100% Government owned, increasing the public debt every time there are deposits in it?

2600 Don't hon. Members understand that if it is a question of arguing something logically their arguments do not hold water? Not only are they not consistent with everything they have said before ... They may be consistent in the case of Mr Clinton, who has not said anything else in the short time he has been here, but he sometimes gives me credit and I am grateful to him that he learns something from it. Well, look, he has got to learn that this is not an issue that we are saying we have chosen not to call something Government debt because we are borrowing money that we do not want to show. Government debt is defined in a particular way in the Constitution and in the law. It is the debt of Gibraltar. Gibraltar is the Crown. If Gibraltar buys a 2605 business, the indebtedness of that business does not become a debt on the liability of the

Crown. In fact, the asset does not even show. So every time we have invested in something through the Improvement and Development Fund there is no asset showing the investment we have made.

2610 Therefore, Mr Speaker, I have to say that they have not been able to make a case for what they want us to do. In fact, I think it is a disaster. If we followed what they wanted us to do it would be a disaster. What they wanted to do in the election would have been a disaster. Can they think of anything worse that they could do to this country, to the economy, to our ability to survive, to our ability to counteract Brexit and our ability to counteract Spain if they went round telling everybody that we have got a £1.1 billion debt, which nobody would understand was
2615 being calculated in the bizarre way that they want to calculate it? Everybody would think that the £1.1 billion debt was the debt on the books. That is what they would think. How many investors do you think are going to come to Gibraltar if you say there is a crisis like Greece? There is a crisis in the whole of Europe because of Brexit and we have got an additional crisis because Spain has made clear that anything that the UK manages to negotiate for itself they will
2620 try and block applying to us. They have made that clear and we should be under no illusions about that; and the answer to deal with that is that we must have more transparency.

Shall we send all our books to La Moncloa, so that they can get on with the job of destroying us? More transparency. We are going to tell them, 'No, we are indebted to our eyebrows and we are going to go bankrupt.' And this is the way we are going to defend ourselves! I have to say to
2625 the hon. Members: with friends like that who needs enemies? That is the last thing we want to be saying to them. Even if what they were saying were true, we should be keeping quiet about it, not parading it – and it is not true. This is like an issue that we have had in this House for years: since 1972 and between 1998 and 1996, figures on imports of certain commodities were provided and never mentioned in public. They were provided to me confidentially and I provided
2630 them to the Leader of the Opposition confidentially. Why? Because it is not in our interest to provide ammunition to our enemies. We are not enemies of each other. We have got different views, but we are not enemies of each other because we are all in the same boat. If the boat sinks, we all sink with it. The enemy is outside, and therefore our sense of responsibility, Members should know, requires us at the very least to be accurate, and if we really believe that
2635 something is right when it is not right, then at least do it in a manner which is not something that can create ammunition for those who want to see us disappearing from the face of the planet. And that is all I have to say on the subject, Mr Speaker. (*Banging on desks*)

Several Members: Hear, hear.

2640

Mr Speaker: Any other contribution?

I call upon Mr Roy Clinton to reply.

Hon. R M Clinton: Mr Speaker, we are indeed getting a veritable lesson in economics this
2645 afternoon and this evening from the Father of the House. I do not dispute a word of what he said about Keynesian economics, but we are not here to talk about Keynesian; we are here to talk about what is in fact our true level of borrowing.

He has just said effectively that we on the Opposition benches should turn a blind eye because it is in the collective interest of the community not to ask awkward questions – it would
2650 appear to be the case. Mr Speaker, it puts me in a quandary, because how can I on the one hand not ask questions, which is what I am here to do, and on the other hand turn a blind eye? I am afraid I cannot do either in terms of reconciling that position.

He spoke about the press conference that we gave about him not giving me an answer on even the aggregate debt figure, only to hear this morning that the Chief Minister will be putting
2655 it on a website for everybody to see, and for that I guess I am grateful to the Chief Minister. But the Hon. Mr Bossano also said, 'It was an absurd press conference because, hey, you know, you're not interested in the £400 million, you think it is a bigger number.' Well, in fact, this is

2660 what we are debating right now here today. Furthermore, in his answers he did not give any
 information on gross debt, and so when I speculated, ‘Well, perhaps they are going to borrow
 more,’ he immediately issued a press release saying, ‘No, that’s incorrect, we’re not going to
 borrow more – that’s nonsense,’ which is fine, because he would not tell us in this House
 whether he was going to borrow more or not, or what the aggregate level of debt was, which is
 why we need to know what the aggregate level of debt is when we ask the question, because
 otherwise, we can only speculate. But I am grateful to the Chief Minister, who it would appear
 2665 will be publishing this information on a timely basis on a Government website, and I will
 obviously be following that avidly.

Coming back to my motion, even though it is now amended beyond recognition, there is one
 particular phrase the Chief Minister used, and I am sure when we get *Hansard* we can all look it
 up. He said, and I quote, ‘We have borrowed £300 million.’ Well, Mr Speaker, who is ‘we’? Is
 2670 ‘we’ the GSLP, ‘we’ the Crown, ‘we’ Hassans, ‘we’ Crown agents? *Who* is ‘we’? ‘We the people’, I
 guess. And if it is ‘we’ who have borrowed it, then it is the Government and nobody else. He can
 structure it any way he wants, but at the end of the day it is a debt of this community and we
 cannot get away from it.

He took great exception to the use of my word a ‘sham’ company. In *Hansard* you will find
 2675 that when I asked about Credit Finance and who made the decisions for Credit Finance it has no
 employees. Treasury officials act on it. Not even the directors of the company make decisions for
 Credit Finance, it would appear. And Mr Bossano made it quite clear, when I asked, ‘Well, who
 controls Credit Finance?’ He said, ‘It’s the outfit.’ I asked, ‘Well, who is the outfit?’ and he said,
 ‘We are the outfit.’ So, Mr Speaker, it is a sham company. It has no substance. It is those
 2680 Ministers opposite who, the lawyers amongst them will probably appreciate, they are all shadow
 directors according to that contribution by the hon. Member, because – (*Interjection*) Yes.

And so, Mr Speaker, it really is unforgivable of this Government for the way they have dealt
 with my motion. As I have said before, the people of Gibraltar will see this £300 million for what
 it is: it is a public borrowing, pure and simple.

2685 With that, Mr Speaker, I stand down. Thank you.

Hon. Chief Minister: Mr Speaker, I call a division on the vote.

2690 **Mr Speaker:** Right, I now put the Chief Minister’s amended motion to the vote and the Clerk
 will call a division.

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
 The Hon. J J Bossano
 The Hon. Dr J E Cortes
 The Hon. N F Costa
 The Hon. Dr J J Garcia
 The Hon. G H Licudi
 The Hon. F R Picardo
 The Hon. Miss S J Sacramento

AGAINST

The Hon. R M Clinton
 The Hon. D A Feetham
 The Hon. T N Hammond
 The Hon. L F Llamas
 The Hon. E J Phillips
 The Hon. E J Reyes

ABSENT

The Hon. Ms M D Hassan Nahon
 The Hon. A J Isola
 The Hon. S E Linares

2695 The motion as amended by the Chief Minister is carried by 8 votes to 6 with 3 Members
 absent.

The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn
sine die.

Matter of Urgent Public Importance

Procedural

2700 **Mr Speaker:** I now have to inform the House that on 27th July – and this was the first occasion that Parliament met after the Budget debate – the Hon. Roy Clinton gave me notice of his intention to seek leave under Rule 24B for the purpose of discussing a definite Matter of Urgent Public Importance in respect of the Gibraltar International Bank Ltd.

I did not inform the Chief Minister about this notice that I had received until lunchtime today, because it was going to be pertinent today. I did that because I was following the practice of Mr Speaker Vasquez during the years when I was a Member of this House, and he only informed the House – Mr Bossano will correct me if I am wrong – of the notice that he had received when the Chief Minister of the day moved the amendment.

2710 On reflection, however, having regard to the fact that here we have a matter for which the Minister responsible from Government is Mr Albert Isola, who is unable to be present this afternoon, I wonder on reflection – and it is a matter ultimately for me to decide – whether the correct thing would not be to actually inform the Government at the time that I received notice, because then that will enable arrangements to be made for the Minister who is responsible for answering to the debate to do so.

2715 The Rules of the House are very unhelpful, because when I receive notice of the intention by a Member to raise a Matter of Urgent Public Importance on the amendment, it cannot be taken until the end of all public business – in other words, for all intents and purposes until the Chief Minister moves the adjournment of Parliament *sine die*. This is why I have been advocating, since I became ... in fact, before I became Speaker, when I was the Chairman of the Commission and the Commission so recommended that the Rules should be amended as a matter of urgency, so that a matter can be raised when the House adjourns – from 27th July, let us say it adjourned until 9th September. If the rule had allowed that, the debate which we can now have would have taken place on 27th July. That would have been much more logical and the likelihood is that the Minister responsible would have been here.

2725 The requirement under Rule 24B is ... first of all, there is no formal motion and therefore there is no debate. A maximum time allowed is 40 minutes. Members of the Opposition, not just the person who has given me notice but other Members of the Opposition can speak, and obviously what they desire is that someone from the Government should reply. Therefore, although there is no rule about it, the practice here during the years when Members invoked this rule was to give the Government a reasonable period of time out of those 40 minutes to be able to reply.

2730 So, before I call on the Hon. Mr Clinton, is there anything that is not clear in what I have said? Is there anything that Members require clarification on? If not, it is now 8.12, so 40 minutes ... I will allow until 8.52.

Gibraltar International Bank Ltd

2735 **Mr Speaker:** I call upon the Hon. Mr Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

Mr Speaker, first of all, thank you for allowing me to raise the matter of the Gibraltar International Bank on the adjournment.

2740 The Gibraltar International Bank Ltd is, as you yourself, Mr Speaker, stated in Parliament on 26th February 2016, and I quote:

A National Bank. It is going to play an important role in the economy.

The creation of the bank was something that was supported by the Opposition at the time in order to fill the void left by the departure of Barclays Bank from the local retail market. Being a national bank with a taxpayer funded capital of £25 million, it is naturally a Government-owned bank in which is a legitimate and real public interest.

2745 When I enquired politely of the Hon. Minister for Financial Services and Gaming whether he would make available the full audited financial statements of the bank to all Members of Parliament when they were completed, his response was, and I quote:

The full audited financial statements of the bank will be filed at Companies Registry and available for public inspection in accordance with the Companies Act. It will therefore not be just for Members opposite but for the whole community to see.

2750 Mr Speaker, you will of course recall the subsequent comical exchanges with the Chief Minister offering to pay the £30 fee to obtain a copy from the Registry for me and then to hand deliver it personally. I am pleased to advise the House that, as I stated I would, I wrote to the board of directors of the bank, who have kindly sent me a copy of their audited financial statements at 31st December 2015 with their compliments. I will place a copy of this document in the antechamber of the House for all Members to read with my compliments. In any event, 2755 the Government can also obtain a copy from Companies House for £30, these having been filed on 22nd July 2016.

The bank was incorporated on 23rd April 2013 and I will, for the benefit of Members who have not yet had sight of the bank's audited results, read an extract of the directors' report for 31st December 2015 as follows. I quote:

The bank obtained its full regulatory authorisation on 20th April 2015 and opened its doors for business on 5th May 2015. As a result of the announced closure of one of the main international retail banks in Gibraltar and the urgency to open a retail bank within a limited period of time, the bank had previously sought, as authorised by the Financial Services Commission in October 2014, to open current accounts online for customers on condition that these accounts would remain inactive and unfunded until the bank obtained its full regulatory authorisation and had opened for business.

The purpose of this exercise was to alleviate a potential situation whereby, upon the bank opening, thousands of customers would require current accounts and the bank would have been overwhelmed and unable to cope with the situation from an operational perspective. As a result of the exercise, the bank held 3,500 accounts in its books ready to be funded and utilised by clients on the first day of opening for business.

Although a success, a considerable number of personal and corporate customers applied to open accounts post bank opening, to the extent that appointments were being taken for months in advance. Simultaneously, in excess of 400 mortgage loan appointments were taken for the Government's housing scheme purchases, although none of these lendings would be drawn in 2015.

As at 31st December 2015, 5,286 client accounts had been opened with an aggregate deposit balance of £119.6 million. From the outset it was envisaged that the sheer volumes of opening and mortgage loan applications would stretch the bank's resources to the limit, and in order to reduce the waiting times for customers wanting to open accounts staff members were redeployed from other departments to assist the operational workload. During the eight months from opening to December, and as stated in its business plan, the bank concentrated its efforts and all its resources in establishing and consolidating its client base.

2760 Well, Mr Speaker, I think this House now has an appreciation of the challenge that the bank, its board, senior management and staff faced. I think it only right that we offer them our collective congratulations.

All, however, is not entirely peachy. The Minister was able, at the Budget in June, to give the House an update, in that as at 30th June 2016 the bank had achieved deposits of £224 million with over 7,000 accounts and a lending book of £43 million with 450 mortgages. However, the most important piece of information was omitted, namely being its financial results.

I will now quote from the directors' report again as at 31st December 2015, under the heading 'Profits and Dividends':

As anticipated in the business plan, the bank reflected a loss for the year after taxation which amounted to £6,029,288 with a comparable number of £1,404,674 in 2014. Again in respect of the available for sale financial asset of £549,370 comparable number nil has been recognised in other comprehensive income, resulting in a total comprehensive loss of £5,479,918 compared to a 2014 loss of £1,404,674.

The bank has no accumulated distributable profits. Accordingly, the directors do not recommend a dividend for the year ended 31st December 2015.

2770 In other words, Mr Speaker, the bank, as at 31st December 2015, has lost a cumulative total of £7 million or 28% over a quarter of its original £25 million taxpayer fund of share capital.

Before the Government Ministers opposite turn blue in the face with screams of scaremongering, this is now public information, and I accept that the bank has always said it would take three years to break even. Furthermore, I would point out that, per note 20.5 of the financial statements, I quote:

The bank's capital ratio as at 31st December 2015 was 40.82% (the minimum is in fact 8.625% regulatory requirement) with a surplus capital of £15,700,225.

2775 So, Mr Speaker, the bank is soundly capitalised as at 31st December 2015. However, this is the capital position before the drawdown of mortgages, which reached 450 as at 30th June 2016, and no doubt the ratio will have inevitably decreased.

2780 I would encourage the Minister to provide more regular updates to this House, and not just at Budget time, as evidently he has access to information from senior management as and when he deems it appropriate to report to Parliament. In addition, it would be useful if he would also provide this House with annual audited financial results and capital ratios, as I have just done, because this House and the taxpayer both have a legitimate interest in the banks performance and expect more than a 'get it yourself' attitude in respect of such information. I would expect the Minister to stand up each year and make a statement in respect of the bank's performance.

2785 Mr Speaker, for the avoidance of doubt, I once again congratulate the bank's board, senior management and staff for the hard work and trust that in years to come this community will reap dividends, not just in financial terms, but in the products and services that are offered and much needed by all.

Thank you, Mr Speaker.

2790

Mr Speaker: Does any other Member from the Opposition benches wish to speak?
Then I invite the Government to reply, if they so wish.

2795 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I do not think I have detected absolutely anything in what the hon. Gentleman has said that could be described as urgent on 27th July or urgent on 7th October. All that we have been treated to is the hon. Gentleman giving us what is his own analysis of the accounts of the bank, of a document that is public which he says was sent to him by the bank because he wrote to them, and which he has now had an opportunity of reading out – and which any member of the public could also have had an opportunity of seeing.

2800 Frankly, I do not detect that there is absolutely any reason, therefore, why the people who are listening and who are considering the debate in Parliament today, would have been persuaded that there is anything urgent to consider – except, of course, if there was a loss which needed to be made good, but the hon. Gentleman has said it is well capitalised, so there is no need for that. We do not deal in sham companies or in sham banks, Mr Speaker, although he
2805 was the manager of a bank that invested with Mr Madoff, and that got him into court on a number of occasions and that was clearly a sham, but the companies that we operate do not deal in sham. And because there is a three-year business plan, it is clear that this is not a loss that was unexpected. This is not an urgent matter that needs to be brought to the attention of

2810 the public because there is a sudden loss. If you do a business plan and you say we are not going to be profitable until the third year, it is not urgent to say in the first year that you are not profitable. So, it seems to me that the argument of urgency is entirely unavailable to avail the hon. Gentleman of any assistance whatsoever.

2815 But, Mr Speaker, what the Hon. Mr Isola, who is not here today for the reasons you have indicated, and I would have thought the easiest thing for the hon. Member was to say, 'Well, I will deal with this motion next time that we adjourn and Mr Isola is here ... What he said was this. This was in the context of his Budget speech:

I start by congratulating the Gibraltar International Bank for making a complete success of its first year in operation. Since it opened last year the Bank, led by Lawrence Podesta and Derek Sene, the staff and the Board of Directors have worked tirelessly and deserve the congratulations and thanks of this House and of the community at large for the fantastic start the bank has made in its first 12 months of operation.

Over 7,000 accounts opened; £244 million in deposits; and an increasing loan book, with some 450 mortgages, is a testament to the work of the team at GIB. Many spoke of the doom and gloom at the departure of Barclays in late 2013 and yet today it is a distant memory, with a seamless transition to this modern, innovative and digital bank. There is, of course, still work to be done but I believe that the target date for break even and profitability after three years trading will be met.

As we speak, they are working on new areas in terms of products and functions, including of course, mobile banking which I much look forward to seeing in operation. My sincere thanks to Lawrence, Derek, the Board of Directors and of course the staff at GIB for their professional commitment in delivering the quality and service we asked of them.

2820 Mr Speaker that is what the Hon. the Minister said at the time of the Budget. I think that might have been 26th July, if not 27th July or earlier in the month. So it is not even necessary to get up to represent thanks, because we have already given them on behalf of the Government and on behalf of all of the Parliament in what the Hon. the Minister said at the time. It is not necessary to give the same figures that the Hon. the Minister gave now in this Parliament again, because he gave them when he stood up and gave the information that he gave at the time of the Budget.

2825 But we are now asked to give *more* information *more* often. Well, Mr Speaker, we are going to give the information in relation to the bank that we consider is appropriate, in exactly the same way as we give information about Gibtelecom only when it is appropriate and they, when they were on this side of the House, gave information about Gibtelecom only when it was considered to be appropriate. We are not going to stand up whenever the hon. Gentleman likes, to give him information about the bank, because that is not the way that it is possible to operate in the context of Gibraltar's democracy. And we *are* going to tell him to go and get it himself when it comes to accounts that are going to be public. That is the position that he is going to find: we are going to tell him to go and get them himself, or we are going to put them on websites. And if he wants to go and get them from the bank to save himself £30, despite the fact that he is paid £36,000 to turn up here once a month, or if we are going to require him to get them free of charge from a website, that is the way we are going to continue to operate. That is the greatest level of transparency that this community has ever seen, because he is able to have access to this information. Nobody is preventing him from having access to the information. As he can see when he wrote to the Directors, they were not being told not to send him anything.

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2840 He says that we exercise control of the bank and therefore we must say more. Well, look, if they sent him copies of the accounts because they know him from his time as a banker – as a sham banker, to apply to him the standard that he applies to the directors of Credit Finance, who are upstanding members of the community, civil servants who are the controllers of the corporate controller of Credit Finance – it is fine, we have absolutely no difficulty with that. He went out and he got them himself and he saved himself 30 quid. Good for him. The taxpayer's salary that they pay him can be saved in respect of that amount.

2845 Mr Speaker, I am conscious that the accounts were filed at Companies House with a date of 22nd July, so if he did not have them before then – I do not know whether he said on what he

2850 date he got the accounts – he certainly had them or was able to access them by then, and they set out in 36 pages of detail everything that might want to be known about a company like the Gibraltar International Bank and that it is appropriate to know about a company like the Gibraltar International Bank if it is going to operate like an independent commercial entity, fulfilling the function that we all wished to see it fulfil in the context of the departure from Gibraltar of Barclays Bank.

2855 There is a report from the chairman which sets out a lot of detail of what it is that the bank is doing, there is a directors' report which is very detailed also and signed by the company secretary, and then there is the independent auditor's report to the members of the Gibraltar International Bank, which is filed on behalf of Ernst & Young. How can hon. Members suggest that this is not all of the information that they might wish to have in respect of the operation of a bank like the Gibraltar International Bank, which is an independent bank and which we said
2860 from the beginning would be operated like an independent bank and would be allowed to operate like an independent bank? Mr Speaker, one thing is to say one thing and then do another, because that is political hypocrisy. If we had said, 'This is going to be an independent bank', and then we were exercising control over every step that the directors took – for example, saying to them, 'Don't send Roy Clinton, the sham banker, the audited accounts when
2865 you have them,' well then we could be accused of political hypocrisy. But when we say that a company is going to operate as an independent commercial entity it is quite something, given that that is one of the things that the Opposition say they agree with us on, that what they should seek that we should do is that we should interfere with the running of the company, obtain information which is not the information that a commercial company has to by law
2870 comply with, and bring it here to satisfy the thirst for raw data that the hon. Gentleman seems to display. We are not going to fall into the trap of being lured into political hypocrisy, because that is to pretend to trap us into doing the opposite of what we have said we would do, which was what they had originally asked us to do as well.

2875 So, Mr Speaker, this very detailed report – which is 36 pages, setting out all of the accounting policies and all of the detail of what the bank has done and the financial statements in considerable detail for 2014, which is the year that the bank started operation, and 2015 – in the view of the Government sets out absolutely all the detail and data that the public can want to have if they also want to have the confidence that the bank that we call the Gibraltar International Bank is operating at an entirely arm's length from the Government and in a way
2880 that is entirely commercially free standing and not being interfered with.

2885 But it is clear, in the context of what the bank has done and is doing, that the capitalisation of the bank is not just designed to deal with the regulatory requirements, it is also designed to deal with the bank's need for capital in the context of its trading, and if there is something which is clear about the way in which the accounts have been filed and what the Hon. Minister said in the context of the debate in Parliament, it is that the bank is acting in a manner that is entirely consistent with what the Parliament has been told. I think the hon. Gentleman has recognised that in what he has said, which just leaves me completely adrift in terms of what it is that he is trying to raise as an issue on an adjournment debate. I do not know whether it is just an attempt to say, 'Ah, you see, I did not have to travel down to Companies House, I did not have to put my
2890 hand in my pocket in order to obtain the annual audited accounts; I was able, by dint of a letter' – no doubt marked 'Urgent Parliamentary Business' – 'to obtain a copy of the accounts myself.'

2895 I do not know if that is the point that the hon. Gentleman is trying to make, but he needs to remember the point that I was making when I was telling him that we would not treat him in a way that was privileged. The point I was making at the time – and hon. Members will recall that this is a point that comes up very often at Question Time, when people who are asking questions and answering questions fall into the trap that you always seek that we should not fall into, Mr Speaker, which is debate, and we fall into the trap of arguing over whether it is right to have to bring things here or whether in fact it is more appropriate in the modern technological age in which we live to simply be able to make things accessible online on the world wide web, so that

2900 every member of the community can have access to it. Well, Mr Speaker, the position of the Government remains that that is the better way to proceed and that the better thing to do is not to provide privileged access to Members opposite, in particular Mr Clinton, to documentation but to provide that documentation in a way that is accessible to all of the community in Gibraltar.

2905 That is what transparency is about. Transparency is not about giving them information; transparency is about making information available to the general public and a better way of making information available to the general public – who may not have, let's face it, the patience to sit through some of the debates that we have in this House in order to pick up a morsel of information that may pass between us – is to put it online. And so the Government's
2910 approach has consistently been that things which can be put online should be put online. The bank in this case files its data and its information, its audited accounts, as required by law – and, by the way, a Government wholly owned company filing its accounts on time, something which hon. Members are not able to boast of in respect of the party the initials of which they represent in this House – and those accounts are filed at Companies House in a manner that, by the way, is
2915 also accessible online to those who happen to have an account with Companies House or those who are able to go down there.

I have yet to understand what the hon. Member's great objection is. I would have understood him perhaps today if at the end of the evening he were to say to me, 'Fabian, given that you have acceded to my totally unreasonable request to establish a Public Accounts
2920 Committee, which is now going to take a lot of my time, I am no longer going to be able to be retired and putting my feet up in the afternoon, I have no time to go down to Companies House and still not the inclination to spend £30 in obtaining a document,' then I might have understood that he would have suggested that we should send him the account. But this is not the situation, we have not acceded to his totally unreasonable request to create the Public Accounts
2925 Committee, and so therefore I think it is entirely appropriate that we should report to this House in the way that we are committed to do in the context of all of the companies, in the way that has traditionally been the case during the course of the Budget debate. During the course of the Budget debate what we will do is we will provide the sort of headline information that we think it is appropriate for the public to have about the company, which will be very much in keeping
2930 with what is going to be filed publicly in the company's accounts.

I do not know whether that is going to completely dissatisfy him. Given what he is saying today, it appears that it might completely dissatisfy him. Well, he is going to end up having, in the words of Mick Jagger, no satisfaction, Mr Speaker, because we are not going to allow him to in some way, ruin or spoil the chances of Gibraltar International Bank to make a success of itself
2935 by in some way requiring us to give more information than is given about banks like Gibraltar International Bank, or by any competitor of Gibraltar International Bank. Because in respect of the bank of which he was a manager, nobody got a blow by blow account of how the profits were going, of how many people he was employing, of how many mortgages he was giving or how much was invested in Madoff. It was only when the requirement to file accounts was a legal
2940 one that bit that people would be able to go for payment of the same £30 to Gibraltar's Companies House – if they were established here, if they had a branch – and see those accounts and see those investments. Why should we put the taxpayer's investment in Gibraltar International Bank at risk by creating for Gibraltar International Bank a less level playing field than the one that applies to all of the other banks which operate in the same jurisdiction? It would be foolish to in some way allow the opportunity that is being dangled in front of us to be presented to members of the public as an opportunity for the bank to do better. This is actually an opportunity for the bank to find itself in a difficult situation when it comes to its competitors and in a way that would not, frankly, avail the taxpayer of any advantage, because at the end of the day the moneys that have been used to capitalise this bank – like the moneys that have been
2945 used to establish the University, another great building block of nationhood that we established in the course of the last Parliament – is taxpayers' money, which is voted by this House for those
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specific purposes and which we have an obligation to protect. We can have arguments about whether other amounts of money that we have been debating today are taxpayers' money or savers' money or not, but we have no argument that the amount which creates the capitalisation of Gibraltar International Bank is taxpayers' money, and given that it is taxpayers' money we have an obligation – and again this is a subject, I have no doubt, on which we do not disagree – to ensure that that money is protected and that we make the most of it going forward.

Mr Speaker, in that context, understanding how the bank has been created and the purpose for which the bank has been created, it would seem to me that it is not possible to accede to a request from the hon. Gentleman which, as I say, would, in effect, unlevel the playing field for the bank that we have created. He has just spent a moment trying to ingratiate himself to the directors and to the employees of the bank by giving them the thanks that he should have given them before, and which Mr Isola gave them at the time of the Budget, the fulsome thanks that it is absolutely right that this community should give them for the work that they have done in the establishment of the bank, and yet at the same time he is trying to entice us to unlevel the playing field in a way that might result in all of those people finding that the bank which they have created and for which they have been so fulsomely thanked fails because it is providing public information quite beyond the obligations that apply to all of its competitors. In fact, I should pause there, Mr Speaker, and refer to the fact that some of its competitors are also owned by governments, but not governments that are required to give the sort of information that the hon. Gentleman is suggesting that we should give about Gibraltar International Bank, because I cannot imagine that he would have survived very long if he were opposite George Osborne and not Fabian Picardo and he had told George Osborne to please send him a copy of the annual audited accounts of the Royal Bank of Scotland, which is majoritarily owned by the United Kingdom government, or of Lloyds Bank PLC because he did not want to go down to the Companies Registry or online in order to obtain for himself a copy of the accounts of that bank.

It seems to me, Mr Speaker, therefore, that given he was earlier telling us that the way that things are done in Westminster, some of the things that we should be copying and we should be doing things in the same way, that if he were at Westminster he would find that his entreaties during the course of the budget debate would have fallen not on deaf ears but in a great cry from the Chancellor of the Exchequer of 'Who does he think he is to get better treatment than any other member of the public!' Indeed, he would have been seen to be endangering the operation of Royal Bank of Scotland and of Lloyds Bank, that operate in a highly competitive banking environment, just like GIB in the context of Gibraltar, given that the products that it offers in the Gibraltar market are products which can be more or less attractive depending on the competition, and of course for us the requirement is that this is a bank that should succeed in its own right. We do not want to be pumping more money into a bank, unless of course it is that the bank does so well that it requires greater capitalisation because it is growing to such an extent that it is the right investment for our community to capitalise it further. That could, of course, become the case. It could be that Gibraltar International Bank grows beyond our own expectations and quicker than our own expectations, and if that is the case I am sure that initially we will hear them complaining and then eventually when they come to their senses they will come back to this place in order to thank and congratulate those they should have thanked and congratulated earlier.

Mr Speaker, the same, for example, is entirely true of the University. When we established the University, one of the other things that the hon. Gentleman was asking for was copies of annual reports, etc. Well, again, the commitment that we entered into in respect of the University is that it would operate entirely independently, and Members who were present may have detected that at the installation of the Chancellor and the Vice-Chancellor, one of the things that I said was I referred back to the mantra of 'Joe Bossano, no ordinary Joe' in the context of Gibraltar's political emancipation when he talked about the road to self-determination being paved by self-sufficiency. And in the context of the installation of the Vice-

3005 Chancellor I think it was also important to ensure that we made the point not just of recognising
the sterling work that Gilbert Licudi had done in the establishment of the University, the
‘political Father of the University’, as I described him at the time, but also the importance for the
University of standing on its own two feet and being a commercially viable entity that we could
be proud of being not just academically independent but also commercially independent.

3010 In the context of the bank, Mr Speaker, the same of course is true. Of course it is entirely
independent from a regulatory point of view and it is entirely independent as an entity. It must
also be financially independent, and unless what happens is that the community finds that its
bank has grown so successfully that it requires further capitalisation, the business plan is what
we must ensure we see compliance with, and in that context we would otherwise need to have
good explanations why the business plan has been failed.

3015 But what the hon. Gentleman has come today to tell us as a matter of urgency on an
adjournment debate is that the bank is doing exactly what he was told the bank was doing. In
other words, the bank has lost money in its first year, exactly as he had been told, and is
therefore likely also to lose money in its second year, exactly as he has been told, because he
has been told it is a three-year business plan and it will be in the third year of operation that the
bank will operate at a profit. *(Interjection by Hon. G H Licudi)* Break even, sorry.

3020 So, Mr Speaker, I have yet to understand what it is that the hon. Gentleman has tried to
achieve by his 24B statement today in his letter to you. And if I may say so, Mr Speaker, dealing
with the mechanics that has brought this debate today, I think it is important, even if it is not
necessary, that as a matter of courtesy if a Member of the Opposition wishes to raise an issue on
the adjournment then they should tell the Government, so that if they want to have a real
opportunity to question or to debate, the Government should be able to reply. Otherwise it is
very easy to simply say, ‘On the adjournment I am going to raise whatever I like without telling
you,’ and the Government will then reply and say, ‘Well, given that you have not given us notice
of what it is that you are going to be dealing with, it is not possible for us to do anything other
than say that we will look into the things that you are talking about, or that we will counter the
things that you are talking about from our general knowledge of the particular subject matter
that may have been raised, but without the ability to bring to the House the benefit of the
information that might otherwise have been obtained in the context of putting something across
to Members of the Government is an issue that Members wish to raise.’

3035 The hon. Member, as he has told the House, has written me three letters. I do not know
whether it is three or four, or more, or whatever it is, but he seems to take great gusto, every
time he writes me a letter, in CC-ing the Speaker and CC-ing the Leader of the Opposition and
CC-ing anybody else whom he thinks might have an interest in reading our correspondence. I
have absolutely no difficulty ... If he wants, what he can do next time is he can post a letter that
he would like me to read on Facebook and as long as he sends me a link to it in an appropriate e-
mail address that he knows I will read, then I can read the letter on Facebook. I have absolutely
no difficulty, because it is not as if he is going to be telling me anything sensitive or I am going to
be responding in respect of a letter, whether it is posted publicly or posted privately, marked
‘Urgent Parliamentary Business’ or not, in a way that is different.

3045 So I am surprised, Mr Speaker, that in the context of this opportunity which he has to raise an
issue on the adjournment he should choose to communicate only to you and that it should be
down to you, Mr Speaker, out of your desire to see the operation of Parliament to be more
effective, so that none of us waste any of our time, to have alerted us to the issue that there was
going to be an adjournment debate. Because given the practice that the hon. Gentleman has of
copying all and sundry in respect of the correspondence that he has with us, if only he had given
us notice that he had wished to raise this issue on the adjournment, then what we would simply
have done is to advise him that Albert was not going to be here, which particular area was it that
he wished to raise, and one of us would have been perhaps better prepared to deal with it. Of
course, that is before we heard him, and it was not as if he wanted to raise anything of any
particular concern which would have required us to go back to look into something and be able

to respond to him in a particular way, because all that he has done is get up and give a speech about the bank. That is literally all that we have been treated to.

3060 The hon. Gentleman has said, 'Adjournment motion: I would like to get up and speak about the bank,' and he has spoken about the bank and he has told us the things that are public about the bank and the things he was told about the bank in the Budget debate, and he has told us all of that again – and then he has told us that he wants to be told more about the bank. Well, Mr Speaker, none of that is, with the very greatest of respect, what this mechanism that you have rightly been pointing us all towards since you became Speaker, long before Mr Clinton became a Member of this House, none of that is what this particular part of the Standing Orders and Rule 24B is about or is for, and I would commend hon. Members to use, on both sides of the House, as you often do, the mechanism of the opportunity to raise matters on the adjournment but when they are urgent. Otherwise, all that happens is that we are going to be here for 40 minutes talking about things (*Interjection and laughter*) that are not urgent and are simply keeping us away from our families, our friends, or whatever it is that we might be prepared to do.

3070 As I say repeatedly, I am in politics because I am a parliamentarian. I love Parliament and I have relished the opportunity today to debate with hon. Members on all of the subjects on which we have debated. As far as I am concerned, they can consider that, despite the vehemence with which I argue my point, it does not change the fondness that I have for some of them – I cannot say all of them, but I am hoping that one day it will be all of them. But when it comes to the adjournment debate, Mr Speaker, I think it is important, for the purposes of ensuring compliance with the rules and ensuring that we do honour by the rules and respect them, that we do only raise on the adjournment issues which are urgent. That is not to say that there could not in future be something which becomes urgent and which has to be raised in this way.

3075 I see that the rule says that something has to be brought to your attention by five o'clock. That makes sense to me, Mr Speaker. It is sufficient time, I think, for one to be able to obtain information, as I was able to obtain, once I knew what the subject matter of what the hon. Gentleman wanted to speak about. To, in order to be able to reply to any urgent point that he made I have now had an opportunity of reading the Gibraltar International Bank Ltd Annual Accounts Report of 31st December 2015, filed, as the hon. Gentleman has said, on 22nd June, and would have been ready to reply to anything that he might have raised in any part of the 40 minutes that he might have spoken, which might have been urgent and requiring my attention. But I think, given where we are and given that it is 8.52 and that he raised nothing else, I should just move that the House do now adjourn *sine die*. (*Banging on desks*)

3080 **Hon Members:** Hear, hear.

3085 **Mr Speaker:** I also love Parliament, but I was within a minute of behaving like the Chairman of the Fourth Committee!

The House will now adjourn *sine die*.

The House adjourned at 8.53 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 4.15 p.m.

Gibraltar, Thursday, 20th October 2016

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 20th October 2016.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 24th, 29th and 30th June, 5th, 6th, 7th, 8th and
5 27th July, 9th, 15th, 22nd and 29th September, and 7th October 2016.

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

10 **Clerk:** (iii) Communications from the Chair.

Mr Speaker: I know there is a communication from the Chief Minister before the Chair.

Congratulations to the Leader of the Opposition on award of Queen's Counsel

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I rise just to congratulate the hon. Gentleman, the Leader of the Opposition, on having taken silk this week. The announcement, I think, was made from the Convent on Monday.

He is, as I have said already in a public statement, my principal political opponent these days and I often say long may that continue to be the case, but at a professional level he has been recognised with the award of the rank of Queen's Counsel and I wanted to, on behalf of all
20 Members on this side of the House, congratulate him in that respect. (*Banging on desks*)

Mr Speaker: May I associate myself with those remarks and congratulate the Leader of the Opposition on my own behalf and that of the staff here in Parliament – a most richly deserved achievement, in my view.

25 **Hon. D A Feetham:** Thank you very much to the Chief Minister and thank you very much, Mr Speaker, for your congratulations.

When the Hon. the Chief Minister said, about a week and a half ago, that he respected me as a lawyer but not as a politician, I saw a glimmer of hope that perhaps my application for silk had actually stood some prospect of success!

30 I am very grateful to the House not only on my own behalf but also on behalf of my wife Julia. They say that behind every man there is always a better woman, and no doubt that is more apposite in the case of my long-suffering wife Julia than in most cases. (**Several Members:** Hear, hear.) I am very grateful. (*Laughter and banging on desks*)

PAPERS TO BE LAID

35 **Clerk:** We carry on with the Order Paper: (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2015 and the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2016.

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

Clerk: The Hon. the Minister for Education and Justice & International Exchange of Information.

45 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We begin today with –

Mr Speaker: Before we proceed with answers, I have received notice from the Chief Minister that he wishes to make a Statement.

50

Cabinet reshuffle – Statement by the Chief Minister

Clerk: The Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this this morning I met with His Excellency the Governor to advise him to appoint new ministerial portfolios under section 46 of the Constitution and to issue particular directions to that effect.

I want to start this afternoon, of course, by thanking all Ministers for the work that they have each done in their Departments to date. I have spoken to all Ministers overnight and explained to them how it was that I proposed that the Government should now continue the discharge of its responsibilities and each, of course, are delighted to hear that they will be moving to new Departments and new challenges, whilst of course being saddened in the same measure to leave behind people whom they have built very strong relationships within the past five years.

60

The work Ministers have done in the Departments that they have been responsible for since 9th December 2011 and then in the year building up to the General Election last year was magnificent work and I want to thank them for it. It was, of course, that work which led to the magnificent and unprecedented growth in our support, from 200 votes in 2011 to 5,000 votes in the General Election of 2015 last year when we were supported by seven out of 10 voters.

As hon. Members will recall, I announced that there would be a ministerial reshuffle after the General Election by the time of the following Budget. The small matter of the campaign in the Referendum on exiting the European Union got in the way and I must tell the House today that there are differences in the reshuffle that we will do today to the reshuffle that we would have done a year ago after the General Election, as a result of the Brexit referendum. So, it is time now, almost a year after the General Election, to reshuffle, to refresh and to reboot.

We think that we have, in the announcements that we made this morning, a better calibration of the spread of Departments in order to better align service delivery in areas where we have detected that we are doubling up on efforts where we are delivering a service to our community. As a result, when hon. Members look at this reshuffle they will see that the changes obviously have nothing to do with any individual's capacity to deliver in one Department or not deliver in another Department. You see, Mr Speaker, I have no doubt that I am probably the luckiest Chief Minister in the history of Gibraltar – and I note that I am in the presence of two others – in terms of the talent available to me and the undoubted ability of Ministers to deliver in any Department or Ministry that I might ask them to deliver on.

This is, therefore, Mr Speaker, the ministerial configuration with which I would have wanted to start the lifetime of this Parliament, with the additional changes that the Deputy Chief Minister and I have made as a result of the Brexit referendum.

So, if I can start now with the work that I am going to ask the Deputy Chief Minister to discharge on behalf of Her Majesty's Government of Gibraltar. Joseph Garcia and I have been working together now for well-nigh 25 years, a quarter of a century in politics together – and, as far as he looks, not a day older – and this manifestation of a portfolio is one which we have agreed is the best way for him to assist me in the discharge of my obligations and for him to apply his extraordinary talents. Those who know Dr Garcia as long as I do, know that his abilities are without rival in the context of making the case for Gibraltar. He is no doubt, in my mind, the best Deputy Chief Minister Gibraltar has ever had and is able to deputise for me, and in some instances to do a much better job than I would, in terms of lobbying and ensuring that Gibraltar's message is put across.

At this historic time in the affairs of Gibraltar, Joseph Garcia becomes the Minister for Exiting the European Union. He continues to have responsibility for lobbying internationally and for the representative offices abroad, and he continues to have responsibility for European Affairs. If I may say so, Mr Speaker, for Joseph Garcia and for Fabian Picardo it is indeed with a very heavy heart that we create ministerial responsibility for leaving the European Union, something that I know all Members in this House would not have wanted to see us have to do. In the process of doing so, the Deputy Chief Minister will retain responsibility for Lands and Government Projects, for Civil Aviation, for Information and for Political, Democratic and Civic Reform, as well as for the promotion of the right to self-determination and liaison with the United Nations.

Mr Speaker, I follow now with the announcement of a major ministerial change which relates to the work of John Cortes, who will become Gibraltar's new Minister for Education and will relinquish responsibility for Health. In doing so, I think it is important to highlight that John Cortes is a magnificent political operator – although I think he prefers to think of himself as an environmentalist first and foremost. He has done a magnificent job, therefore, in Health. He has brought transformational changes to the Gibraltar Health Authority, where we have repatriated many, many services, which means not just a lower cost to the Health Service but also less stress for patients, who are now able to enjoy the benefit of care in Gibraltar where previously they might have had to go abroad for the purposes of that care. He leaves what is the highest spending Department in Gibraltar, but he leaves this post able to have the satisfaction of the

115 huge number of projects that he has completed in the past year alone and in the five years that
he has been in post since December 2011. There are many other changes also already on foot in
the GHA, some of them already very near to completion, but I am going to ask him also now to
retain responsibility for the Environment and for the Upper Rock, which are the areas that all of
us know are second nature to him, as well as Climate Change. The maintenance, administration
and operation of tourist sites and beaches will also pass to him, which we think is better served
120 in that Department in the context of the Department of the Environment than in the context of
the Department of Tourism, where we are looking instead to develop a Department that
promotes Gibraltar internationally. Minister Cortes is going to retain responsibility for public
health and environmental health, and the big change is that he is going to become the Minister
for the second highest spending Department in the Government, which is Education.

125 Now with Education, I am giving John a huge amount of responsibility and I am going to ask
him to do something which has never been done before in the history of Gibraltar. Mr Speaker, I
am asking John Cortes to deliver five new schools during the lifetime of this Parliament. The
planning of that work is already underway, but the beginning of the projects is to start under his
time as Minister for Education. He is also going to be responsible for delivering on our
130 commitment to bring school lunches into school. He is therefore going to become Gibraltar's
very own Jamie Oliver! In Education also John will have responsibility for the further
development of the University of Gibraltar, one of the flagship projects that Gilbert Licudi was
the father of and which now is ripe for further development under the tutelage of Professor
Daniella Tilbury as Vice Chancellor.

135 I am also asking John to take responsibility for Heritage, which we think sits well with his
responsibility for the environment, given that a lot of our heritage assets are in areas where he is
going to be doing a lot of work also with the part of his portfolio that deals with urban renewal.
And he will retain responsibility for the utilities, including refuse collection and disposal, which
again sits well with the environmental portfolio that I am asking him to take responsibility for. In
140 terms of heritage, I remind Members that there will soon be a new Heritage and Antiquities Act,
and it will be his responsibility to see that Act through Parliament. So, in effect, he will be both
our Jamie Oliver and our Indiana Jones, all rolled into one! I can think of no one better to take on
these onerous responsibilities.

145 Gilbert Licudi will move from Education, which is now the domain of John Cortes, to take
responsibility for Employment, for Tourism, Commercial Aviation and the Port. I should say,
Mr Speaker, it is very apposite that Mr Licudi is not here with us today, given that he is in
Denmark promoting Gibraltar in an international backgammon tournament, where he plays for
the Gibraltar side, already starting to do the work as Minister for Tourism.

150 Gilbert Licudi, as all those who have had the opportunity of working with him will know, is an
incredibly gifted politician and professional. He is a man who has delivered, in the lifetime of the
last Parliament and in the early part of this Parliament also, probably more than most Ministers
have delivered in all their time in the previous Governments that there have been in Gibraltar.
He has already delivered two new schools, he has delivered a University and he has delivered a
small boats marina already.

155 I am asking him, therefore, to apply his considerable ability to areas where we need to
explore new possibilities in a post-Brexit world. Tourism is one of those responsibilities. I think it
is an area where we can do things in a different way, and that is why the Department for
Tourism, the Ministry of Tourism that Gilbert Licudi will lead, will not be responsible for the
maintenance of the tourist sites and the beaches. It is going to be a Department which I will now
160 ask to look outwards to the rest of the world, and not inwards to Gibraltar, in order to promote
Gibraltar to the rest of the world as a tourist destination – with responsibility for keeping the
sites in the order that they need to be in and to the standard that they need to be, passing, as I
said, to the Ministry of the Environment.

165 I am also asking Gilbert Licudi to head a Department of Commercial Aviation, which will
include responsibility for Gibraltar Air Terminal Ltd and new commercial aviation projects –

another area where we believe there are opportunities for Gibraltar after Brexit – and to take responsibility for all entry points to Gibraltar, including the Port. I am consolidating all responsibilities in respect of the Port – which was previously split across Ministries – in one Ministry for the Port, to include Maritime Services and ship and yacht registration, another potential area of business for Gibraltar.

In respect of employment and Social Security, which will move, together with the industrial tribunal, to Gilbert Licudi, he inherits from Neil Costa the lowest level of unemployment in recorded history in Gibraltar and his job will be to maintain those low levels of unemployment in the ballpark of where they are today – something, Mr Speaker, that Mr Licudi will be well acquainted with as he was the shadow Minister with responsibility for employment in the time that I was Leader of the Opposition and, before me, under Joe Bossano.

Gilbert Licudi will retain responsibility for co-ordination of international exchange of information, Civil Contingencies, the Gibraltar Fire & Rescue Service and the Airport Fire and Rescue Service.

Mr Speaker, I move on now to the responsibilities of Albert Isola. Albert Isola will head a new Ministry: a Ministry of Commerce. It is important, in my view, to consolidate in one Ministry what we do for the financial services industry, what we do for the gaming industry and what we do for the e-commerce industry, and what we do in e-government, and therefore he will also take responsibility for government IT, together with the responsibility for Business and Commercial Affairs and for postal services.

Albert Isola is undoubtedly a very, very safe pair of hands. Members of the financial services and gaming communities know that they have in Albert Isola a Minister who listens and who understands the issues that affect business in Gibraltar. He is undoubtedly an excellent conciliator who has the capacity to deliver on the most sensitive projects, and as we move into this post-Brexit world we need to ensure that what we do for commerce in Gibraltar we do well and we do in a joined-up way, and hence the creation of this one Ministry that will deal with the concerns of business in Gibraltar. I know that Albert will have a very big job on his hands to ensure that Gibraltar's financial services remain attractive post Brexit. He is already doing an excellent job of working with me and with the Deputy Chief Minister in recalibrating the nature of our relationship with the United Kingdom post Brexit to ensure that Gibraltar does remain very attractive to the financial services community. He has the depth of understanding of those industries to be able to assist us and to deliver for us and for those industries.

I move on now to two extraordinarily talented young people who have done an excellent job in Government since 9th of December 2011 – and I am not going to start talking about Joe Bossano, Mr Speaker! *(Laughter)*

Neil Costa has done a magnificent job in every Ministry I have asked him to oversee. He will become the Minister for Health, Care and Justice. Health is not a new area for Neil, as he held shadow responsibility for Health in the Opposition under both Joe Bossano and myself, and in creating this new Ministry of Health and Care, we have thought it important that we consolidate the way that we deliver care across the board in our community. Until now, we have had a Ministry dealing with Health, a Ministry dealing with Elderly Residential Services and a Department of Social Services, and another for the disabled. So today we create the Ministry of Health and Care, a Ministry that will deal with all the care services that we give in our community in one joined-up way. Neil will take on responsibility for the Health Authority, for Elderly Residential Services, for Social Services and for the Disabled, all under one Minister. We think it is time to stop doubling up the work that we do and to seek efficiency in the way that we deliver these services, so that we get the best value for money and therefore have more to plough back into the provision of care that we give in our community. This Ministry of Health Care is one that I have been very keen indeed to create since 26th of November last year and I am very happy that Neil Costa is going to be heading it. His record in each of the Departments that I have asked him to lead on is one of delivery and one of efficiency, and it is absolutely right that he should have the opportunity to now head this new pioneering Ministry of Health and

Care. I sincerely believe that creating the Ministry of Health and Care is the most revolutionary aspect of what the Government is doing today in this reshuffle and it will be good for our community in the long term.

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One of the things I am also asking Neil Costa to do is to take over where Gilbert Licudi has done a huge amount of work in the Ministry of Justice. Neil Costa becomes also today Gibraltar's Minister for Justice, and the youngest one ever to boot. He will take on responsibility for the legal system, for the Probation Service, for tribunals, for the community service schemes, for access to justice, legal aid and assistance, which we all know is in an issue that has to be resolved as soon as possible and where Gilbert Licudi has done a huge amount of work already with the Bar Council and with the judiciary to find the right parameters. Neil also takes on responsibility for law drafting. And so, after today, Neil Costa becomes Minister for Health, Care and Justice. In dealing with issues which relate to health and care I am conscious that the issues that face Gibraltar are not just issues for our community; they are issues for all of Europe and for the United Kingdom in particular. Wherever health services are provided free at the point of delivery there is a problem in all communities as our communities age, and we have to ensure that we are able to continue to provide the standard of care that we want to see provided across the board. It is also important to note that there is a huge interplay between Care and Justice, particularly in the areas of mental health and in respect of some young people in care, and this Ministry will be best equipped to deal with those issues under the auspices of one Minister.

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The other young talent that has done extraordinary work in the time that she has been working with me in Government has been Samantha Sacramento. Mr Speaker, I should tell the House that Samantha Sacramento was flying into Gibraltar today but has found herself diverted not just from her Ministries but also to Malaga airport instead of Gibraltar, and will join us as soon as we are able to get her into the jurisdiction.

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She is a very, very talented and passionate young woman, who cares not just about the politics of what she does but for the people in her care as a result of her ministerial portfolios. She is, I must tell you, the unsung hero of the building of Charles Bruzon House and Seamaster Lodge for the Elderly. She has been, as Minister with responsibility for Social Services and the Disabled and responsibility for Housing, the person who has ensured that those developments are prepared for people with disabilities and the elderly in a way that works for them. She has done extraordinary work in the remedial works required at Albert Risso House and Bishop Canilla house, and therefore creating a new Ministry today within the concept of the Housing Ministry is that of the Ministry of *affordable* Housing. No longer will the Government deal, through its Housing Ministry, just with the rental of Government property; we will now also deal, through the Housing Ministry, with the development of affordable property, something which has traditionally been done through No. 6 Convent Place alone. In the post-Brexit scenario that we face, it is important that I be able to continue to do the international work which I now I have to do with the Deputy Chief Minister, but that should not delay the development of affordable housing in Gibraltar, and given the work that Samantha has done already in property development for the Government at Charles Bruzon House and at Seamaster Lodge and the deep understanding she has, therefore, of building requirements, I think it is absolutely right and proper that she should be given the additional responsibility of taking on Gibraltar's affordable housing schemes and the responsibility and obligation that we acquired at the last General Election to develop approximately 1,500 more affordable homes during the lifetime of this Parliament. Work is quite advanced on paper in respect of these. The time has come now to start the process of delivering them, and I am going to ask her to start and lead in that process herself.

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Samantha has also done fantastic work in the area of collection of housing arrears, as many Members of the House will know. That is the work she is doing at Housing and she is going to continue with that responsibility, as well as with responsibility for Equality and the Minorities, where she has done ground-breaking work in the past five years. Gibraltar has changed dramatically, under the auspices of her role as Minister for Equality, in the way that it deals with

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270 minorities and how we approach equality, and it is right that she should continue to have that responsibility.

Samantha also takes on responsibility for Civic Rights, Citizens' and Advice the Ombudsman, Consumer Affairs and Protection, Data Protection and Health and Safety; and also, with a heavy heart, I must also announce that she will take on responsibility for the control of drugs misuse, including substance abuse, and responsibility for Bruce's Farm. The reason I say once again 'with a heavy heart' is because you will know that I wanted to take on that responsibility myself after the last General Election. I am very keen to see us do a lot of work in that area, but it is impossible for me to do that work at the moment given the work I have to do internationally in respect of Brexit. Therefore I have asked Samantha to take on that responsibility. I know that she will do it well, and what I propose to do is to create an inter-ministerial committee on the prevention of the misuse of drugs and on rehabilitation of drugs offenders, which I will chair and which will include Samantha and also the Minister for Justice and Health, Neil Costa, so that I can do some of the work that I wanted to do but that I do not delay the important work that needs to be done more efficiently in respect of that particular area of responsibility.

285 Mr Speaker, Steven Linares will continue to be the Minister for Culture, Youth and Sport, but he will relinquish responsibility for Heritage, which, as I have told you, will become the responsibility of John Cortes. Steven has done an absolutely excellent job in respect of the work he has done in Sports and in Culture. It is in his time that you have seen the development of events-led tourism as a result of the events that are organised by the Ministry of Culture – in particular, the Gibraltar Music Festival, which I think is something that now will continue to grow and grow. And in the context of the work that he has already done, this fantastic political operator – who is vivacious and convivial, and all who know him get on with – will also assist me by taking on responsibility for broadcasting and the media, which until now has been my own responsibility and which I also reluctantly relinquish in order to be better able to deal with the international issues facing Gibraltar today.

295 Paul Balban is a serious operator who knows his areas of responsibility better than absolutely anyone in Gibraltar or in this Parliament, and I am going to ask him to head a new Department, which will be a Department for Infrastructure and Planning, bringing together all the areas of Technical Services, Town Planning, and Transport and Public Service Vehicles, and Public Transport, together with his existing responsibilities for Traffic, Parking, Roads and Licensing, and Vehicles, and of course the implementation of the Sustainable Traffic and Transport Plan. That is best described, in our view, not just as a Department of Technical Services but a Department of Infrastructure and Planning, which is really what it is, and I have confidence that we are now very close indeed to being able to make major announcements in respect of the implementation of the strategic Traffic and Transport Plan.

300 And last and most certainly not least, of course, is the man that Joseph and I are lucky to have as a political mentor within the Government, the former Chief Minister of Gibraltar, the Hon. Joe Bossano – another one of the young talented people in my Government – who will remain Minister for Economic Development and Inward Investment and will continue to have responsibility for international trade and telecommunications and enterprise, but who will see the creation of a new Ministry today, which I am asking him to head, which is a Ministry of Public Sector efficiency. I think it is essential, in the context of the world into which we are going to be operating, that we understand that the public sector that we fund is as efficient as it can be. We do not believe in austerity and we do not believe in cuts, and we are and remain committed to the manning levels of the Civil Service; but we do believe in efficiency and we think that one of the biggest selling points for Gibraltar is to be one of the most efficient places in the world in which you can do business. In order to do that, we have to keep constantly under review how our public sector works and what it delivers for the community that it is designed to serve. As Chief Minister of Gibraltar, my first obligation is to serve the public in Gibraltar and I head what is in fact the public sector. Each of my Ministers has a responsibility to taxpayers and to voters. Every single civil servant, everybody who takes their emoluments from the Crown, has a

responsibility to the public to be the most efficient in the way that we discharge our obligations to them, and it is absolutely right, therefore, that we constantly check and review how we do public sector efficiencies in Gibraltar to ensure that we get the best results that we can and that we are dealing with inward investors and we are dealing with those who want to do business in Gibraltar in the most efficient way.

Mr Speaker, I think that creating the responsibility for public sector efficiency through Joe Bossano, who understands the public sector intimately, having been Chief Minister and having been a leading trade unionist in the 1970s and 1980s, will work very well with me retaining responsibility for the Civil Service and Albert Isola taking responsibility for commerce. In that way, together we can work to calibrate how best to ensure that the public sector delivers for this community as efficiently as it should. I am also asking Joe Bossano to take on responsibility from me for procurement, because this is one of the areas where I believe that the public sector can do better. I have believed that passionately since we were elected. I believe that we have done a lot of work already with the excellent people in the Department of Procurement to make our procurement better, but I think we can improve it even more. Finally, Joe will also retain responsibility for training and for the Gibraltar Savings Bank.

Mr Speaker, as I think is obvious, this is a Government of huge Gibraltarian talent. We do not do everything right, but we try to do as much as we can as well as we can, and with this reshuffle I believe that we can go further in doing so. I believe that these new Departments will make for a better layout of Ministries which are better suited to deliver our Strongest Foundations manifesto and to deal with the many challenges that Brexit presents to us. It may be necessary to tinker a little more around the edges of this reshuffle in the future because we are creating new Departments, but we need to make sure that everything is picked up to right effect in the right places as some of these departmental changes take effect. But I am sure that with the energy and the enthusiasm and the vigour that my Ministers will bring to the work that they will continue to do now in their new Ministries, we will be able to produce excellent results again, not just for the GSLP/Liberals at the next election but for the whole of Gibraltar in the delivery of the service that we provide as a Government – and that is what matters the most. And in reshuffling and rebooting and refreshing this Government I am conscious that it is important for us always for the political philosophy that we hold to ensure that no one on this side of the House ever feels that we have become the Establishment. We are not, Mr Speaker. We are the representatives of the electorate in the heart of Government, and with this reshuffle I hope we will be able to do more for those that we serve.

In this House, Mr Speaker, I hope that Ministers with new responsibilities will be able to work well with Members opposite in respect of the discharge of our respective parliamentary responsibilities also.

Thank you very much, Mr Speaker. *(Banging on desks)*

Mr Speaker: May I explain, for the benefit of the new Members of the Opposition – the relatively new Members now – that it is the practice when a ministerial statement is made in Parliament, to allow Members of the Opposition to ask questions for clarification, if they so wish.

**Procedural –
Ministerial titles**

Clerk: We now move on to Answers to Oral Questions. We –

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Mr Speaker: May I clear up a couple of things. I take it that the answers to the questions that have already been submitted will continue to be made by the outgoing Ministers as it were.

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes, it was remiss of me not to say during the course of my statement that for this parliamentary session Members will be answering questions in respect of the Ministries in which they were at the time the questions were submitted.

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Mr Speaker: For the next meeting of Parliament there is a need for the Clerk, with the Chief Minister, to consider the new titles, in respect of each new Minister, that are going to be inserted in the answers, so that they are explanatory but not longer than is absolutely necessary. That is something that can be carried out between now and then.

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Hon. Chief Minister: Mr Speaker, yes. I do not think the titles will change very much, and in fact they are probably now shorter –

Mr Speaker: You have indications already?

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Hon. Chief Minister: Yes, I think they are probably shorter now than they were. Legal Notice 207/2016, which has been issued, I understand, a few moments ago, is the notice under section 46(1) of the Constitution, signed by His Excellency – the particular directions under section 46 which actually provide the new titles – and I am sure if one of them seems a little long the Clerk and I can liaise to agree a suitably abridged version for reading purposes.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q609/2016

**Returning graduates –
Placement in suitable jobs**

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Clerk: We now commence with Question 609/2016. The questioner is the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, may I echo my congratulations to the Leader of the Opposition on taking silk. I am very happy for him to have received this honour.

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Also, if I may, I would like to take this opportunity to wish all 10 Ministers the best of luck in their respective new portfolios, that they will run and deliver their new mandates with distinction and to the best of their abilities for the betterment of our community.

Mr Speaker, I know I have said this before, but even though we may not share the same political vision I want to thank in particular Minister Cortes for always having his door open in the Health Ministry. It is amazing how many people he has helped me to help, and I thank him

400 for his approachability. I similarly look forward to sharing positive working relationships with the other Ministers in their new portfolios for the good of our people. (*Banging on desks*)

Now moving on to my question: can the Minister for Education explain whether he is satisfied with the placing of graduates in jobs which reflect their specialities, once they return from the UK?

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Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the information requested is not available, as very few graduates who return to Gibraltar register with the Employment Service as unemployed and therefore submit to the Employment Service their qualifications, including the degree they have read.

Whereas it is, of course, wonderful to be able to report to this House that most graduates find direct employment as a result of our thriving economy, it means, unfortunately, that I do not have any empirical basis on which I can provide an answer to the hon. Lady's specific question. When terms of engagement are received by the Employment Service, their qualifications, including their degree, are not submitted, as it is not a legal requirement under the Employment Regulations 1994.

I can tell the hon. Lady, however, that whereas the 2012 Census of Gibraltar does not provide specific details on whether a graduate's job reflects his or her specialities, the data shows that most graduates are employed in 'professional, managers and senior officials' and 'associate professional and technical' occupations. In fact, 84% of male and female graduates in full-time employment were registered in these occupations.

Hon. Ms M D Hassan Nahon: If I may, Mr Speaker, I would like to ask the Hon. Member, Minister Costa ... I have spoken with various individuals who have come back from the UK and have spent a few years in Gibraltar feeling a little lost because they have not been able to put their speciality to the best of their abilities. I appreciate the statistics that the hon. Member has put out, but would there be a policy to help such people who are feeling that their specialities are a little wasted and not used? Where would they turn and what would he recommend that they do in order for them to feel that they are managing or satisfying that speciality?

Hon. N F Costa: Mr Speaker, I remind the hon. Lady that at some point this year the Hon. former Minister for Education, Mr Licudi and I announced the creation of an Employment Development Service so that there are officials within the Employment Service who deal specifically with graduates returning to Gibraltar, and they guide, assist and advise them on vacancies that are available within the private sector and of course any vacancies coming out in the public sector.

As I have explained to the hon. Lady, it is thankfully a fact that most graduates when they return ... As somebody said to me very recently, all the good ones are taken up immediately and those who are having some trouble know that they can attend the Employment Service, and indeed the Education Service, to be able to be guided.

I have met with various – I can think, off the top of my head, of maybe four or five – graduates who have returned and who have had some difficulty in finding employment based on the speciality that they have read, but I am happy to say that most of them have been able to find a job that is, tangentially at least, related to their academic qualifications.

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Hon. Ms M D Hassan Nahon: Sorry, if I may one last time: what about the situation where perhaps a graduate has been here for many years and perhaps has been working somewhere else but has a different speciality that he or she has not wanted to take up then – does that individual become expired to the system that you are now explaining to us works? Is it only for recent graduates, or ...? Can you understand what I am getting at? Thank you.

Hon. N F Costa: Mr Speaker, I think I understand the hon. Lady's question. The service that is provided by the Employment Service is open to absolutely every graduate, whether they have just returned from the UK or whether they have worked in the United Kingdom or elsewhere and are returning. It is a new service. It is relatively recent – it was only announced and came into operation, if I recall correctly, just before summer – so maybe I have been guilty of not making sufficient announcements or sufficient communications on the existence of the service; and whereas I am no longer the Minister for Employment, I have no doubt that the current Minister for Employment will be equally delighted to meet with any persons, if she has certain people in mind that we may be able to assist.

Hon. D A Feetham: Mr Speaker, a related supplementary: what about incentivising young people to do degrees in areas and professional qualifications in areas which are going to be necessary for the economy in the future? Is that something that the Government is also considering and has considered?

Hon. N F Costa: Yes, Mr Speaker. In fact, the reason why I did not address the point asked in the supplementary question was because the hon. Lady was asking me about returning graduates, but the Employment Service careers service that I spoke of just recently also deals with the Department of Education, and jointly they present public talks and also they hold private meetings and tutorials with the Education Department attending the schools and they identify what are the industries in Gibraltar which are bound to have vacancies in the future.

I know that Minister Bossano, when he was the Minister for Employment, made, rightly, the case that there were vacancies coming in respect of accounting and auditors, and to the hon. Gentleman's credit I think we have over 60 graduates, as a result of Minister Bossano's efforts, currently undergoing accounting and finance in the UK, so that over the three years accounting and auditing firms will find they will no longer seek vacancies elsewhere but rather will be able to recruit home talent.

The Education Department and Employment together, of course, work also closely with Minister Isola, who assists in feeding information in respect of gaming and financial services, so we think that collectively and holistically we have been able to, I think as the hon. Gentleman has done, identify a gap where we should be telling students, before they go off to university and before they choose their careers, which are the opportunities that are likely to arise when they return to Gibraltar.

Hon. D A Feetham: Mr Speaker, I am very grateful for that. Indeed, accountancy has been a longstanding issue not only during the currency of this Government but going back to the GSD Government, and there has been a huge amount of recruiting of accountants from the Philippines, of all places – I do not know why the Philippines, but there has been a lot of recruitment from the Philippines, as the hon. Gentleman recognises from across the benches.

Is the Government's philosophy and policy limited to information – in other words, providing students with the information of the vacancies of the areas that might be growth areas in the future; or is the Government going further and providing incentives to students to go into those areas? Off the top of my head, something that we certainly put in our manifesto was top-up grants, for example, in relation to students going to the United Kingdom and doing certain kinds of degrees which are necessary in order to fill skills gaps here in Gibraltar in areas that are necessary.

Clerk: Question 610. The Hon. T N Hammond.
Oh sorry, I beg your pardon. My apologies.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Over the last couple of years, Gibtelecom have been offering additional support to encourage

465 people to go into that area, and unfortunately there have been no takers, even though we have
got 950 people. I think historically when the GSLP took on the commitment to provide
everybody with the opportunity of going into further education, the philosophy has been since
then to give every child that comes out of school the opportunity to do what is their natural
inclination and what they are likely to be best at, without in fact focusing on whether it would be
470 what Gibraltar needed. To that extent, the old practice of saying that if people did not come
back to work in Gibraltar they would be penalised stopped making any sense, because we were
not asking them to go and study for something specifically. I think there may be a time in the
future when we will need to revisit that, but it has not happened so far. The incentive in the
particular area of telecommunications where I am involved has not worked.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q610/2016

Wellington Front refurbishment – Costs

475 **Clerk:** Question 610. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say what have been the total costs of
the Wellington Front refurbishment and if any of that cost has fallen outside of the contract with
Koala Ltd; and, if so, what that amount is and to whom it has been paid?

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Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not
in a position at this moment in time to provide the information requested, but expect to be able
to do so on the project completion.

Hon. T N Hammond: Mr Speaker, I understand there may not be a precise figure of the final
cost, but can the Minister not provide some information on the costs to date and whether any of
those costs have fallen outside of the contract with Koala, or can he even indicate whether any
costs whatsoever have fallen outside of the contract with Koala?

Hon. S E Linares: Mr Speaker, the project has not yet finished, but there was a contract with
Koala, as the hon. Member rightly says, and yes, there might have been certain other works, but
what we always try to do in these cases is that if we have a budget for the project we might
then, at the end, say, 'Right, okay, you do this job but don't do that job which was part of the
specification, therefore, in order to keep within the budget.' That is why it is very difficult at this
moment in time to give the Hon. Member how all the invoices that come for different works
that happen there ... If anybody goes to Wellington Front you will see that different jobs have
been cropping up within the general project, but like I said, what we do is we try and see how
we can cut down on certain things that were originally there but are probably not necessary, in
order to try and cover up for works that might be necessary.

Hon. D A Feetham: Mr Speaker, I think I understand what the hon. Gentleman is saying, and I
will just try and paraphrase him and ask my supplementary. What he is saying is – and it is not
unusual in a construction contract – that the main contract went to Koala, but, in order to keep
costs down, certain aspects of the job were subcontracted to some other construction company,

or some other company, because they were able to do it cheaper than Koala. No? Well, could he explain, please, because therefore I have not understood it.

Hon. S E Linares: It is nothing to do with the works being cheaper. The contract was given to Koala. Whether Koala then subcontracts in the general contract ... it is up to Koala who they subcontract to for different works. What I am saying is that in the general project of the whole of the Wellington Front there are certain things ... It is nothing to do with cheap or not cheap; it is what you want done or do not want done, nothing to do with the price.

I will give you an example: the outside walls which are in Queensway, for example, were originally to be plastered, to be sandblasted and everything like that, and we thought, 'Well, that is not really necessary to do, because the walls are all right as they are now, but the money you were going to spend to do that, do something else inside, which we would like you to do,' and whether it is Koala who does it through another subcontractor ... it is up to Koala to decide who does their works for them. That is what I meant.

Hon. D A Feetham: Okay, Mr Speaker, so essentially what he is saying is this, isn't it – that there are no costs that have fallen outside the contract with Koala because there is a Government contract with Koala and whether Koala subcontracts to anybody else is up to Koala. That is what he is saying, correct? Therefore, the answer to the question posed by my hon. Friend is that there are no costs that have fallen outside the contract with Koala.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the answer to the question is the answer first given: that the project is not yet finished and that it may be that there are some costs which relate to the project or it may be there are not, but when the project is finished we will be able to tell him.

The hon. Gentleman should know that Wellington Front is an area which has, for example, sewerage pipes going through it and sewerage pumps going in it. Some of those are assigned to this project and some are not. In order to give an answer which is correct, we have to wait for the project to finish in order to be able to give an answer which is correct. Because the last thing we want to do is to give an answer which is not correct; otherwise we will be accused of giving inaccurate information to the House, which the hon. Members will not want to be receiving. In respect of a project like this, when it is finished we will be able to give a detailed breakdown of the costs.

Hon. D A Feetham: Yes, Mr Speaker, but I understand that that explanation that the hon. Gentleman has provided is applicable to the cost of the project, because what he is saying is, 'Well, look, we cannot provide you with the cost of the project, because we are still receiving invoices and until we basically collate all these invoices and look at them we cannot provide you with the information.' But part of the question is different. Part of the question is whether there have been any costs that have fallen outside the contract with Koala, and I am not going to push it but I would have thought that that is something that the Government is capable of answering, because either – and he has provided two different answers – either everything has been included in the contract with Koala, which Koala then subcontracts, or there is a contract with Koala and then there are several minor or larger, I do not know, contracts with third parties. That is the question: whether it is the former or the latter.

Hon. Chief Minister: Mr Speaker, I just do not understand where the hon. Gentleman thinks he is going. There is a contract with Koala which is obviously being honoured and the works are being done; and if, in the context of that contract, Koala subcontracts anything, it is a matter entirely for Koala. We will get the invoicing from Koala. When we have finished the project we will be able to tell them what that project has cost, etc. But there may be other things happening in respect of Wellington Front. The hon. Member's question is about Wellington Front. Yes, of

course we know, but they relate to the project and the wider aspects of the project. Some of them may be in the original determination of what the project should be and some of them will be outside the original determination of what the project should be, because it is normal, as the hon. Gentleman knows, in any construction project that you may end up breaking something whilst you work, or something may turn out not to be of the standard and quality that you expected when you were going into a project and it may break and it has to be repaired. That will be known at the end of the project.

The hon. Gentleman has been in Government and has been in charge of projects. I do not hesitate to remind him of how overspent his projects were and how overspent his Government usually was. At the airport they went from £24 million to £84 million, the highest overspend in the history of Gibraltar politics – probably one of the highest overspends in the history of politics in the world, Mr Speaker. But in respect of this project at Wellington Front we will be able to give a full and accurate answer when the project is finished.

Hon. T N Hammond: Mr Speaker, it certainly was not my intention when I forwarded the question to ... I did not expect quite a convoluted and difficult ... And it was not my intention to catch Government out in any way, it was a genuine interest to find out whether there was anything beyond the scope, because I am aware that Government do publish some figures – I do not know if it is running totals of works related to Wellington Front being carried out by Koala – and I was interested to know whether any other works may be factored in which are not available under the Government website.

If I were to come back at the next session and rephrase the question – rather than use ‘total cost’ use ‘running costs so far’ – does the Government think it would be able to provide an answer as to costs accrued so far, both towards Koala and potentially towards any other company that may be involved?

Hon. Chief Minister: Mr Speaker, as with most Government projects, invoicing is happening all the time, there are adjustments happening, and we do not want to give information which then turns out not to be accurate – because when we give information in good faith which is then subject to adjustments, then we are exposing ourselves to suggestions that we have somehow misled the House either intentionally or unintentionally. So I would rather wait for a moment when we are able to give accurate information and not give a management account of any particular project to Members opposite, because we do not think that that is in the interests of efficiency.

Hon. D A Feetham: Mr Speaker, this presumably went out to tender, so the Government obviously has a price on this particular contract. Are they prepared to at least say whether the job is within the price, or is it going to exceed the price? What is the price?

Hon. Chief Minister: Mr Speaker, again I think hon. Gentlemen have heard me say before that where a contract is not completed we do not want to disclose that information, because it is not in the Government’s commercial interest to do so. We are still, at every stage, like every developer, negotiating the context of what is being delivered and trying to get the best deal for the taxpayer. As in the course of every potential development, things are coming up which we might think are new and not in the original scope but which we want done in the original price, and that is an ongoing negotiation.

At the end of the process we will be able to tell hon. Gentlemen what the job given was, what the tender price was, what the final price was and what the variations were. I think that is what is in the best interests of the taxpayer, so that we provide the community with full transparency as to the contract and tender price, the actual completion value of the contract and what was done for that completion value.

Hon. T N Hammond: Mr Speaker, can the Government therefore confirm – because I am in some doubt now; I was not previously, but I am actually in some doubt with respect to the figures it publishes on its website related to this project and payments made to Koala – that those figures it publishes are accurate, because it seems Government is not absolutely certain whether it can provide this House with information that is accurate.

Hon. Chief Minister: Mr Speaker, of course they are accurate, because it is a reflection of payments made, so they are accurate as to a transaction. In other words, this is the amount that has been paid. What has it been paid for? Some of it is advance payment in respect of some aspects of the work, some of it is moneys which were retained in respect of other aspects of the work where the period of the retention is now at an end. So it is an accurate reflection, a snapshot, of what has been paid, but in terms of what it has been paid for ... there is obviously in any project, large or small, a constant negotiation between the Government and those providing services to us, which comes to an end in a final account, and that is when we can give accurate information as to payments made and what for.

Hon. T N Hammond: In which case, Mr Speaker, because I can find information on payments made to Koala but not to any other companies related to the Wellington Front project, would it be correct to say that no payments have thus far been made to any third parties directly by Government, any other companies directly by Government, with respect to the Wellington Front project?

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman takes the term ‘Wellington Front project’ to mean that which Koala was contracted to do and is defined in that way, because it may be that you have got ... and I am just literally inventing this for the purposes of illustration. You could have a company that deals with sewerage that has been asked to do sewage clearing works, and that would be usually the responsibility of the Minister for Infrastructure and Planning, to use the terminology I will use in the next meeting of the House, and that may also relate to works done in the context of Wellington Front. That is not the Wellington Front project, but it is at Wellington Front and it may have been brought to our attention as a result of the Wellington Front project. An expansive definition of the ‘Wellington Front project’ might include that, because Koala might have told us that they cannot get new pipes in until the sewerage issue is dealt with. That is why it is accurate to say that payments in respect of that project have only been made to Koala and not to third parties, but that there may be third parties being paid for works that somehow tangentially also relate to Wellington Front more generally but which may have an effect on Wellington Front is also true.

Q611/2016
National Theatre –
Estimated construction cost

Clerk: Question 611. The Hon. R M Clinton.

485 **Hon. R M Clinton:** Mr Speaker, how much does the Government estimate the construction of a National Theatre would cost?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not in a position at this moment in time to disclose the information requested. Various estimates of

what the theatre will cost are available to Government. The project has not yet commenced, and when it does, in order to get the best deal for Gibraltar, we would be unwise to disclose what we think each option should cost.

Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his answer. I just wonder if he could give us a ballpark – whether it is going to be somewhere between £10 million and £20 million, or £1 million, or £500,000, any idea at all; and also, perhaps as a rider while I am standing, if he could confirm the location would still be the site of the old Queen’s Cinema and the Queen’s Hotel, which I think the Government bought for about £5 million.

Chief Minister (Hon. F R Picardo): Mr Speaker, we will not be giving an estimate or a ballpark or a finger in the air, first of all because that is to ask a hypothetical question, which is not allowed under the Rules of the House, and second because it would be foolish in the extreme for us to do so. If we pitch it here in the House just for the purposes of entertaining the hon. Gentleman with a ballpark play, we may be pitching it higher than it should be, and somebody who might be able to do it for less for this community might then take the advantage of saying, ‘Well, if they think it is ballpark £x I am going to go up to £x and I am going to be in their ballpark.’ So, given that we are very prudent in terms of looking after the public purse and we look after every single penny, I can assure him that we are not going to do anything that puts us at risk of giving an advantage to those who commercially interface with the Government by falling into the trap of answering his hypothetical question. But I can tell him this: we have absolutely no intention of wasting £10 million on the process of preparing for the development.

Hon. R M Clinton: Mr Speaker, perhaps the Hon. the Chief Minister prefers to answer my second question, which is: is the preferred site still the Queen’s Cinema or the Queen’s Hotel?

Hon. Chief Minister: Mr Speaker, yes.

Hon. D A Feetham: Mr Speaker, in relation to this particular project, is this a project that the Government intends to complete within the next four years?

Hon. Chief Minister: I know that the hon. Gentleman chivvies between asking us please not to complete our manifesto because it costs too much and he thinks we cannot afford it, and then chastising us for not completing those parts of our manifesto that he identifies we have not yet done and suggesting that we should have done so. I have absolutely no intention of falling into the invitation spelt TRAP of not completing our manifesto in the lifetime of this Parliament, and this is a manifesto commitment.

Q612/2016
External lift to Parliament –
Concerns of Heritage Trust

490 **Clerk:** Question 612. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it intends to address the concerns of the Heritage Trust in respect of the siting of the proposed external lift to Parliament, and why is a chairlift not a viable alternative option?

495

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, Her Majesty's Government of Gibraltar is fully committed to an inclusive society where nobody is disadvantaged. We aim to provide such an inclusive environment in all of our public buildings regardless of age, gender or disability. To do so we have to consider removing barriers which have been imposed in the past.

We have to acknowledge that buildings were designed without considering those with disabilities. We all therefore face a challenge when such inclusiveness is to be achieved in historic buildings. We have to balance the safeguarding of our historic fabric with its continued use by *all* members of our society. The Government continues to consider all options.

We acknowledge and we are grateful to the Heritage Trust, who have voiced their concerns. However, we are committed to providing access to all and feel that we have left no stone unturned when looking for possible solutions. We do continue to look forward to working with the Trust in all our projects.

The question of the use of a chairlift as an option is one which was discarded by technical experts advising Government, as it raised a number of obvious issues. Whilst chairlifts may be acceptable in a private dwelling where their use is restricted to a few individuals with limited mobility, their use in public buildings such as this Parliament raises a number of concerns. Apart from the fact that the public stairs serve as a fire escape and restricting its already narrow width imposes significant risks, there are more basic issues, such as how someone with this disability is to be managed and where are the wheelchairs to be stored.

Those who are disabled are to be treated with the dignity that they deserve and we do not believe that a chairlift is the best option.

Hon. R M Clinton: Thank you, Mr Speaker, sorry, thank you to the hon. Member.

Unfortunately, I do not believe I have heard an answer to the question in terms of the concerns of the Heritage Trust, because if he has, no doubt, read the letter to him, or to the Government, they were concerned that they had originally agreed to the siting of the lift at the north-east corner of the building and now it is to be on the north-west corner of the building, in which is, I think, a slightly different schematic design to the original option 1, as opposed to their preferred option 3. Can the Minister please explain why, what was previously agreed, the Government has now changed its mind?

Hon. S E Linares: Mr Speaker, because having the lift in the north-east corner of Main Street site provided with a ramp, and the ramp would have come through at a gradient of 1.3, assuming headroom is at 2.3 m, which is the norm, or 1.6, assuming that the headroom is 2 m, which is less. Therefore it falls short of the limit that is legal, which is 1.12, and therefore to put a gradient at the angle of where the lift would have actually come to and then get into this Chamber would have been too much of a gradient, and therefore it would have made it illegal. So the technical advice that we have had is that doing it on the north-east of this building ... although I must say that the principle of putting a lift outside has already been accepted, it is a question of whether we put it on the north east or on the north west, and it is obviously technically easier and legal to put it on the north west, which was the original place where it was agreed. But then, yes, with consultation with the Heritage Trust and my office, the Ministry of Heritage ... together came and thought that it would be better to do it on the north east, and when all the technical works came about doing it in the north east, all these things arose about the gradient, so there was no other option but to go back to where it was originally, which the Heritage Trust was not quite happy with, but neither were the Heritage Ministry, but there was no other option, and therefore it has been decided that it should be on the north west of the building. But the encroachment on the building is exactly the same: either you put the lift on the north east or the north west. So it was thought at the time – because I was involved in that – that it looked better for the building to have it on the north east, but these things have arisen

550 which are of a technical nature, of a legal nature, and therefore we have had to revert to going to the north west. I am pointing in the hall, because it is exactly where we would do the lift.

Hon. Chief Minister: If I may be of assistance to the House, Mr Speaker – and the hon. Gentleman might be pleased to hear that all of those issues have now landed on my desk and I am not satisfied that it is not possible to pursue other options and I am looking at those other options myself ... I will say with equal clarity that if the choice comes when it is only possible to do it in one particular way, then it will be done in that way, whether or not we would all wish it to be done in another, because the most important of the two principles that we are dealing with – and both of them are hugely important: first the preservation of our heritage, and second access to people with disabilities – the second one is the one that is most important. So we are going to continue to try again to get this right in a way that satisfies not just the Heritage Trust but everyone in Gibraltar who is concerned about heritage. They happen to have the opportunity to voice their concerns as the Trust, but in the Ministry in particular and in my office we have these concerns as well and we want to get it absolutely right, but when we put, in the end, on the balance – which I hope we do not have to do – doing it one way which does not satisfy the Ministry for Heritage and the Heritage Trust, or even us, but is the only way to guarantee access to disabled people, then the hammer will fall in favour of disabled people if it has to.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's intervention and I am glad to hear that his office is having a look at the whole issue.

I of course agree entirely with him that access is the main priority, and certainly we need to bear that in mind as obviously this building was not designed in a time when those were paramount issues, but I agree with him that at the end of the day disability access must come first.

575 It may be a complete diversion, but I notice that there is no such provision for Members of this House. Maybe that will come at a later date, or maybe it can be done in parallel. I seem to recall there was some objection to members of the public passing through the Chamber if a lift was sited on that side of the House rather than on that side of the House. But anyway, it is a by-the-by and I certainly would not want to double the cost for the taxpayer to create two sets of lifts just for our convenience.

580 The Hon. Minister, on heritage, mentioned the question of legal matters. Just for the benefit of Members, who may or may not be aware, under the Gibraltar Heritage Act this building is actually listed on schedule 2 as a category B listed building under section 40, which means there is a restriction under section 49. That restriction means – and you will forgive me while I read from my not-so-big phone; I have not got a tablet yet – that:

49. No person who is beneficially interested in any Listed "B" building, structure, site or land shall–

– I only quote part (a), which is relevant; part (b) is about trees, which I know John will be interested in, though probably not in this case –

(a) make to that building, structure, site or land any alterations, addition, or repair that affects its archaeological, architectural, artistic, historical or vernacular character ...
except in accordance with a permit in writing issued for that purpose by the Government acting after consultation with the Board.

The 'Board' being, of course, the board of Heritage Trust.

590 So I think what I am trying to say is the board of Heritage Trust is more than just an NGO acting in this case; it actually has a legal standing in whether or not a permit is issued and obviously the Government has got to act in consultation with it.

If I read the letter from the Heritage Trust to the Government, I notice they make reference to a heritage permit. I just wonder if that permit was for the north-east corner or for the north-west corner, and is that permit going to be changed.

595 **Hon. Chief Minister:** Mr Speaker, let me start by dealing with the first point the hon. Gentleman dealt with. We have absolutely no intention whatsoever of installing a lift for hon. Members to be able to access this place. Hon. Members are advised to take the stairs. It is good for all of us, Mr Speaker.

600 If there is a Member who is disabled, that is why we are going to add a lift, so that he can come and access this place and do his job, or he can come and watch this place in action if he is not a Member, but there will be one lift and I think that that is absolutely sufficient for hon. Members or members of the public.

605 Frankly, if we needed to close our stairs and we needed to come in through the general area, we could. Members of the House of Commons access the House of Commons through the same door that members of the public access the House of Commons. They sometimes have advantages in terms of security in areas that they can access, and people would not be able to access the back, but we have absolutely zero intention of doubling up the cost in respect of access to this building when it comes to adding a lift.

610 Second, Mr Speaker, the law provides that a permit is required. No permit has been issued. There is consultation in the process of making a final determination. That consultation which the Heritage Trust is entitled to under the Act has already occurred, but the Government nonetheless now is taking other considerations into account in order to be able to try and marry those competing concerns of protecting our heritage and giving access for people with disabilities, which, by the way, is something that we have been wrestling with for some time
615 now but was *never* the policy of the previous administration, never the policy of the previous administration – something which I think is, frankly, shameful. We will get this right and we will get it right for the protection of our heritage and for access for people with disabilities.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, can I now move that the House do now adjourn to tomorrow at 2.30 in the afternoon.
620

Mr Speaker: The House will now adjourn to tomorrow at 2.30 in the afternoon, when we will proceed with Question 613.

The House adjourned at 4.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.41 p.m. – 5.58 p.m.

Gibraltar, Friday, 21st October 2016

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The Gibraltar Parliament

The Parliament met at 2.41 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

Q613-614/2016

Heritage –

Heritage and Antiquities Act; Heritage Trust trustees

Clerk: Friday, 21st October 2016. We continue with answers to questions and we commence with Question 613. The Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update in respect of the implementation of the new Heritage and Antiquities Act?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

10 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 614.

Clerk: Question 614. The Hon. R M Clinton.

15 **Hon. R M Clinton:** Mr Speaker, on what basis does the Government select trustees to be appointed to the Heritage Trust and when will it reduce the number of appointees?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

20 **Hon. S E Linares:** Mr Speaker, I can confirm that the new Heritage and Antiquities Act is on track. I had a final revision meeting with members from my Ministry and the Government Legal Office very recently to iron out the latest draft. Pending certain clarifications and amendments, we should be in a position to present the Bill to Parliament very shortly.

25 Within the Bill mentioned above the appointment of trustees will be amended to fulfil our manifesto commitment.

Hon. R M Clinton: I thank the Minister for his response.

30 If he could clarify two things for me: how many appointees does he now envisage in the new Act; and again, in my question I asked on what basis does the Government select trustees, or is it that the new Act will totally abolish the appointment of any trustees by Government?

Hon. S E Linares: Mr Speaker, the trustees are appointed as they have been appointed for many years, exactly in the same manner. That means that the Government decide who are the trustees. In our case we select people who are very interested in heritage. The last one we appointed was the archivist, who was very interested in heritage himself so we decided to appoint him as one of the Government trustees.

What I have done as a Minister is consulted the Heritage Trust to see how we can fulfil the manifesto commitment, which says that the Trust will have a majority of trustees that they can pick, and we will be doing that and amending the law as in the Bill and that will be reflected in the Bill.

Hon. R M Clinton: I thank the Minister for his answer.

No doubt he will be attending the Heritage Trust AGM on 17th November and no doubt the Trust and the trustees will welcome the update on the passage of the legislation.

Thank you, Mr Speaker.

Q615/2016
Victoria Stadium –
Lighting

Clerk: Question 615. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport provide details as to why it has been necessary to cancel evening allocations at Victoria Stadium Pitch No.2, as it seems the floodlights serving this pitch cannot be switched on if the floodlights at Pitch No.1 are also in use at the same time?

Clerk: Answer, the Hon. the Minister for Sport, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there was only a need to cancel one evening allocation whilst the issue of the floodlight mechanism was resolved. Once this was addressed, training allocations have continued as normal.

Hon. E J Reyes: Mr Speaker, as a regular visitor to the stadium in the evenings, is the Minister able to confirm that the existing lighting of floodlights to pitch 2 – is that how it is staying, or is that being reviewed with the possibility of intensifying a bit more light? Although one can carry out certain training with the lights as it is at the moment, it is certainly not good enough for any type of competitive game going on.

Hon. S E Linares: Mr Speaker, basically there were no lights before, and therefore we have been able to put in lights despite the fact that we were told when we came into Government that the lights were not even allowed to be lit at that place. We worked together with the RAF and the air traffic control to see how we could mitigate the fact that we could put lights in Pitch No.2.

Having said that, what we always strive for is to try and upgrade the lights, and at the moment there do not seem to have been any requests to upgrade the lights, but if there is any request – which there is on the main pitch, for example, because, as the hon. Member knows, when he was the Minister ... again, the terminology can be ascertained by the people who are experts, but you had 200 lux, which is how light the stadium was at the time that he was there, and then we had UEFA and FIFA coming in and asking us to upgrade it. We upgraded it to 1,200 lux, to which people were saying, 'Oh, we will have to wear sunglasses to play football and

to be there!' Now, apparently, we have to upgrade it again, so it is a constant thing that we are looking at, and it is exactly the same with Pitch No.2. We did not have lights, we have put in some temporary lights because some of them, as the hon. Member knows, are put up temporarily, and if we need to upgrade it, then again these are issues where we always have to consult a third party, which could well be the Airport and how it affects that. As the hon. Member also knows, we have put lights in the hockey pitch and those are collapsible lights, again because we had to mitigate the issues of the air traffic control. So we will be working as much as we can to have exactly the highest light and of the highest quality.

85 **Hon. E J Reyes:** Mr Speaker, I must say I am really pleased on behalf of sports lovers to see that this Minister managed to succeed at least by dotting the I's and crossing the t's of work that I had started I think about three or four station commanders ago. It is certainly much better than what it was, but it still lacks, like I said, the intensity to be able to carry on some competitive type of games.

90 The Minister did mention that if there was a request to increase the light to Pitch No.2, he would look into it. Can he please accept my word for it, given that I spend so many hours there at the stadium, that there is, believe me, quite a substantial number of requests for improved or at least a greater amount of light on Pitch No.2 and I would like him to consider it over the next few months.

95 **Hon. S E Linares:** I will do, Mr Speaker.

Q616/2016
Football, cricket and rugby –
Facilities

Clerk: Question 616. The Hon. E J Reyes.

100 **Hon. E J Reyes:** Can the Minister for Sports update this House if he has now identified and agreed upon or is in the process of discussions with respective sports governing associations regarding any additional or alternative facilities for the playing, teaching and development of football, cricket or rugby?

105 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Government is in close and continuous discussion with both the Rugby and Cricket Association in order to develop the Europa playing fields to provide adequate facilities for the playing, teaching and development of all sports mentioned and others.

110 **Hon. E J Phillips:** Mr Speaker, just one supplementary in relation to that. As a father who goes every Saturday to watch his son play football in the resources that we have currently available, one question in relation to alternatives and I think one thing that the Minister should be looking at is how we make more efficient the process of allocation of pitches. My understanding of the position is that many of the clubs' coaches and their assistant coaches, within that alternative facilities question point that my hon. Friend has made ... that people have to go at eight or 8.30 in the morning to get that allocation. Is the Government looking at ways of making that more efficient, rather than have 20 coaches turn up to the GFA, or at least the point at which they get allocations to the GFA, and make it a lot more easier for people using those

120 facilities to get allocations, i.e. using other forms of allocation – online applications or some
database that they could use to get allocations for football? It just seems to me to be inefficient
to have 20 members of our community rocking up to the GSLA headquarters asking for an
allocation for the specific week in advance. I just thought the Government may be looking at
more efficient ways of dealing with this problem.

125

Hon. S E Linares: Mr Speaker, as the father also of a child who plays football and goes there
constantly and understands the problem, the hon. Member is actually wrong because the
allocations of football, for example, are given to the GFA in block and then it is the GFA who
distributes it. As the hon. Member might concur with me, then the GFA distributes it to different
130 clubs and it is up to them to have the system that the hon. Member is saying. If they want to
have an online basis with their clubs, then they can do that, but the GSLA does have a system of
online applications and all that but it is done through the governing body. Therefore, what the
GSLA will not do is, for example, give my son's club, Europa Football Club, specific training
sessions, because it is up to the GFA to try and distribute it amongst the clubs. So whatever the
135 hon. Member is saying I understand, but I think it is more a system that needs to be done by the
GFA itself rather than the GSLA, because again, like I say, it is done in block. Basketball is the
same, and volleyball – anybody who uses the Bayside complex goes under the governing body of
that sport, which is given block allocations and then that sport distributes it specially for training.
When there are matches, they will have allocations and everybody knows when the matches are
140 played, but when it is for training sessions it is up to the GFA to do that.

Hon. E J Phillips: One further point in relation to the Europa Point allocations that you were
talking about before. There have been a number of occasions where a number of people have
raised this with me in relation to Europa Point. You have mentioned the development of that
145 area for the playing of football, for example. There have been a number of occasions, and I have
actually experienced one of them myself, where the gates are locked and no one is able then to
open them and you have children climbing right behind, quite dangerously so, to get on to the
Europa Point football pitch. I am not too sure if the Minister is aware of those circumstances,
they have certainly been made aware to me, but what is the Government doing about it? I know
150 they have laid astroturf in certain sections of Europa Point. What further developments does the
Government have in mind in relation to that specific area and access and egress?

Hon. S E Linares: As I have answered in the question, what we are doing is working with the
rugby and the cricket in order to develop the area further than what it is today. That was an idea
155 that I had because we had leftover turf from when we ripped up the old turf. We had turf left
over and basically it is recycling turf, and that is why you can see that the laying out was done on
a temporary basis. At the beginning, I can also tell the hon. Member, there was no one who
wanted to use that space – it was too far away, it was not adequate, there were health and
safety issues. As soon as people understand that, yes, of course we try and mitigate health and
160 safety issues, we try and play in grounds that are safer ... because this turf was a 10-year old turf,
but it is adequate for training sessions.

I am aware, because I actually see it from my balcony. I live up there and I see this constantly
and I know what the hon. Member is saying, but I can tell you that the GSLA is all the time trying
to fence off so that children do not jump, but children will be children. My son is one who goes
165 down there and sometimes jumps over the fence to play with his friends, which is wrong, of
course it is wrong, and I tell him off. *(Interjection)* Yes, of course, and that is why I do take the
responsibility seriously, and that is why we try and mitigate and make it as safe as possible. So
what I am saying is ... Why isn't it open? Well, it is not open because it would be open for people
to take their dogs and do what they do with dogs there, and that is even more dangerous
170 because of health and safety. *(Interjection)* Well, what I am saying is health and safety generally

of using the space. The GSLA gives the GFA allocations now, and they then distribute it to the clubs, even in that space.

175 **Hon. E J Phillips:** I think, with respect, the Hon. Minister is getting rather confused about what I mean about the access to those particular pitches – recycled pitches, if you want to call them that. There have been occasions – I have experienced one of those in particular as well – that when an allocation is provided to a club, for example, there is no access available because the GSLA representative has not been there to open that gate for precisely the reasons that you have identified in terms of health and safety. That was the point I was trying to make, if the
180 Minister could give us any information or clarification as to how that operates.

Hon. S E Linares: It operates as I have just told you. If there was not, on that occasion, somebody to open the gate from the GSLA, we will find out why they were not there, but I can tell him that the system is that, if you have an allocation, somebody should go there and open
185 the door for you and the children to go in and play. If that was not the case, then something down there has failed and somebody has not gone to open the gate. But I will find out why that has happened and see that it does not happen again.

Hon. E J Phillips: I just make the point that these are concerned parents who have come to
190 me and ask me to put that question, and I have had a number of them and that is why it has been raised in this House.

Hon. D A Feetham: Mr Speaker, as a father who has constantly attempted to indoctrinate his children to play and watch football, and in particular support Manchester United, and who has
195 abysmally failed on both counts because none of my children have turned out to be sporty – *(Interjection by Mr Speaker) (Laughter)* No, it is not the Manchester United side of the equation that has turned them off, I can tell you; it is sport in general.

The hon. Gentleman must be aware of the importance of proper and adequate training facilities to the development of football in particular in Gibraltar. We have a situation where
200 most of our clubs are having to travel to Spain in order to train their players in Spain because they cannot obtain allocation here in Gibraltar. That is really stifling the development of the game here in Gibraltar. Therefore, does he not agree with me that if we really want to develop football here in Gibraltar the Government has to prioritise the finding of extra training facilities so that people do not have to travel to Spain in order to train on Spanish pitches?

205 **Hon. S E Linares:** Mr Speaker, again as a father – and, proudly, my son actually supports my team, which is Spurs, and I am sure that Mr Speaker would not like to hear that, because he is from Arsenal – what I am saying is that of course we are looking for as many spaces ... every single space. I go round travelling on my motorbike to see if I can identify spaces and areas in
210 which children can not only play football but any other sports that we can find. It is an issue that Gibraltar is limited in space; we cannot get over that. We try and find, and positively, all the time to see if we can get areas where we can convert into a playing area for futsal, for netball, for basketball and all that. We are striving all the time.

I can assure the hon. Member that I do see the importance, not only as a father but a
215 professional PE teacher, that it is very, very important for children to do sports and that we will strive and do as much as we can to find areas in which sports can be practised.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may just assist in that respect, because –

220 **Mr Speaker:** Are there any other fathers who wish to inform the House about their – *(Laughter and banging on desks)*

Hon. Chief Minister: Yes, Mr Speaker, as the proud father of a young Gibraltarian footballer, and, given that everybody is naming their team, I happen to be lucky enough to have received, from a friend who went to watch the match earlier this week, the programme of the Liverpool v Manchester United match the other day from Anfield, (**A Member:** Boring!) and wishing to see a Gibraltarian play at that level for any of the top teams in any league ...

The hon. Members have to recall that we fought a General Election campaign maintaining the Victoria Stadium, adding playing fields and pitches at Europa. Also, alongside the Victoria Stadium when we finish the hon. Gentlemen's project, which they did not finish in their time, of the 'tunnel under the runway', as it is colloquially called, we will add training pitches in the area of Victoria Stadium alongside the pitches that we are going to add at Europa, alongside assisting the GFA to have their own separate stadium.

So, in the context of stifling the development of football in Gibraltar, I think hon. Members need to look at themselves and look at their pamphlet and see that they were the ones who carried less training pitches in the context of the proposal that they put before the public. They were the ones who stopped the development of the tunnel because they ended the contract which then led us to litigation, which we won, and we are the team that stands for more training facilities.

So I am sure, Mr Speaker, we will score the goal, there will be more places to train and I hope when the time comes when we do deliver on all of that, they stand up – not in this House, outside of this House – in front of the electorate and say, 'Vote GSLP Liberal because they do what they say.'

Several Members: Hear, hear. (*Banging on desks*)

Mr Speaker: I am going to curtail these exchanges on sporting facilities by all these proud parents, given that I am only a grandfather and all I do with my son is to go fishing and therefore I do not need any of the sporting facilities. I am going to curtail the exchanges and move on to the next question. (*Banging on desks*)

Mr Speaker: I will allow you one supplementary and no more.

Hon. E J Reyes: Thank you, Mr Speaker, it is on the original answer.

Mr Speaker: Yes.

Hon. E J Reyes: In the original answer, Mr Speaker, the Minister said that, looking at the Europa playing fields, he was looking into the development for the playing, teaching and development of cricket and rugby, and he mentioned others. Is it possible to have an indication of what sports fall under the category of 'others'?

Hon. S E Linares: Yes, Mr Speaker. I am pleased to announce that it is football, for training of football as well. (*Interjection*) Pardon? No, 'others' is football, rugby, cricket or any other outdoor sports that can be done. You can play American football or whatever. (*Interjection by Hon. Chief Minister*)

Mr Speaker: Petanca, for instance?

Hon. S E Linares: Petanca, yes. It is an open area in which we will concentrate rugby and cricket, but there will be a lot of time as well that can be used for other training facilities for any other sports, and that is what 'other' means.

Hon. E J Reyes: Yes, I understand the Minister.

275 **Mr Speaker:** I said one supplementary, I will allow you only one more.

Hon. E J Reyes: No, Mr Speaker, I am just trying to –

280 **Mr Speaker:** We really have to make progress, otherwise hon. Members will not have any spare time to spend with their children. *(Laughter)*

No, I am serious. We have over a hundred questions to deal with and I think there is a limit to the amount of time that we should spend here unnecessarily. **(A Member:** Hear, hear.) When it is necessary we spend as much time as possible. So let's see if we can make progress.

285 The Hon. the Member who supports Arsenal, I will allow him one final supplementary. *(Laughter)*

Hon. E J Reyes: Thank you, Mr Speaker.

290 What I was really trying to find out was, when he mentioned the word 'others' – and I know that others could be petanca right down to anything else – I was trying to home in ... Is there any particular sport that perhaps he can mention that he has already started to give very serious consideration to? I take it that the Minister will probably have even spoken with some associations, so perhaps he can enlighten this House by saying, 'Although not cast in stone, the others could possibly be ...' and perhaps list one or two.

295 **Hon. S E Linares:** I have already mentioned football is an extra one and I would suggest that some training sessions from other sports that might want to – for example netball or basketball or hockey might want some allocations there. *(Interjection by Hon. Chief Minister)*

Q617/2016
Sports and Leisure Authority –
Advertising of vacancies

Clerk: Question 617. The Hon. E J Reyes.

300 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports provide details of any current vacancies at the Sports and Leisure Authority, together with details of when these vacancies, if there are any, will be advertised?

305 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the GSLA currently has the following three vacancies: Centre Manager, grade 5; Assistant Sports Development and Training Manager, grade 4; Assistant Admin Manager, grade 4.

310 These vacancies have been advertised and interviews are scheduled to take place in the very near future. Mr Speaker, I can announce that whilst this question has been submitted to date I think already interviews have already happened.

Q618/2016
Sports-related grants –
Payments during current financial year

Mr Speaker: Next question.

315 **Clerk:** Question 618. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide updated details of all payments made during this current financial year in respect of any sports-related grants?

320 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite a schedule in respect of all payments made during this financial year in respect of the sports-related grants.

Answer to Question No 618/2016

Grants Awarded for sports development projects

Athletics	4,427.71
Badminton	2,148.67
Chess	14,737.00
Hockey	2,986.50
Netball	514.48
Rhythmic Gymnastics	5,664.00
Rowing	832.53
Shooting	13,119.62
Triathlon	290.00

Grants Awarded for International Competitions

Island Games	81,896.48
Straits Games	10,147.55

Grants Awarded to Sporting Societies

Athletics	7,718.84
Basketball	60,790.20
Darts	6,904.64
Hockey	20,254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	2,028.59

Q619/2016
Cultural grants –
Awards during current financial year

325 **Clerk** Question 619. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Culture provide updated details of any cultural grants awarded so far pertaining to this current financial year.

330 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite a schedule in respect of cultural grants awarded in this financial year.

Answer to Question No. 619/2016

Cultural Grants for financial year 2016 - 2017	£
Being payment for sponsorship of the Gibraltar World Music Festival	50,000.00
Gibraltar National Dance Organisation - IDO conference held in Gibraltar	10,000.00
Art in Movement - Costs of instructors to lead workshop exhibitions, gradings & equipment	980.00
Julian Felice - Bayside & Westside Drama Group for promotional material and clothing	1,500.00
Macap (Face Frames Gallery) Ltd - Face Frames Gallery application for visiting artist - Agustin Incicco	657.00
Guy Valarino - Part funding of promotion and marketing pack	1,850.00
Ideal Productions - Assistance for the Mrs Gibraltar 2016 Pageant	1,880.00
Shane Dalmedo - Assistance for the Gorham's Family of Neanderthals project	2,000.00
Stylos Dance Studio for participation in Destination Dance UK	2,777.00
Gibraltar Philharmonic Society – Assistance for concerts to promote classical music	10,000.00
Gibraltar Face & Body Paint Association Attending the World Body Painting Festival	1,570.00
S A McLaren - Assistance for fees at Northern Ballet School	3,648.00
Gibraltar Academy of Music & the Performing Arts Gibraltar Youth Choir competition in Barcelona	4,868.00
Gibraltar Academy of Music & the Performing Arts Gibraltar Festival of Young Musicians - sounds and lights	1,245.00
Fine Arts Association Props for life and portrait sessions, chairs and easels & painting of gallery vault	3,404.20
Giorann Henshaw for Gibraltar Artisans Market - ten expandable tables	2,250.00
Jensan Callejon - Performance by DJ and local artist at Great Wall of China	1,000.00
Gibraltar Cultural Services - Berlin Artist Exchange Residency Project 16	6,000.00

Continued Answer to Question No. 619/2016

MO Productions Production of the 15th Gibraltar International Dance Festival & participation at 2017 Sussex Festival	5,000.00
Richard Garcia - Services for Evaluating a book	50.00
The Gibraltar Photographic Society Replacement of furniture in the Photographic Society premises	1,800.00

Q620-623/2016

Youth clubs –

Names; youth workers; attendees; programmes

335 **Clerk:** Question 620. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the names of the current youth clubs operating within our community?

340 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 621 to 623.

345 **Clerk:** Question 621. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the numbers of qualified youth workers employed at each youth club?

350 **Clerk:** Question 622. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of children and/or young people who regularly attend each club?

355 **Clerk:** Question 623. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what programmes are being run from each youth club.

360 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the following youth clubs operate within our community: Youth Centre, Laguna Youth Club, Plater Youth Club and Dolphins Youth Club.

365 There are no youth workers employed in youth clubs. All youth workers are employed by the Youth Service.

It is very difficult, if not impossible, to ascertain exactly how many young people attend regularly each club. This is due to the fact that it depends on the programmes and projects that are offered at any given time.

370 All clubs and projects deliver informal educational programmes which reflect the needs of young people attending. These programmes include raising self-esteem, drug and alcohol

awareness, bullying workshops, developing team work, managing emotions, exploring coping strategies to manage their anger, personal hygiene, etc. The sessions are delivered through a variety of visual aids and interactive games, encouraging positive participation and attitude at all times. The aims of the programmes are to enable young people to develop their life skills so that they can contribute positively to their community. This is carried out during weekdays and weekends throughout the whole of the year.

For further information on our Youth Service I would advise the hon. Member to access their magnificent website, on which activities and programmes are posted together with the posts of every single member of staff within the Youth Service. The website also includes policy procedures, contacts, training and news, which are updated on a regular basis.

Hon. E J Phillips: Mr Speaker, thank you to the Minister for explaining the magnificent website that is available.

I just want to know how the Government, or the Youth Service, attempts to judge how successful they are being at communicating and working with young people in relation to these life skills. You talk about certain areas such as personal development, drugs and alcohol awareness. Clearly, some serious issues are being dealt with, with young people using that particular youth club in that service. How does the Government satisfy itself, if it does not really know what numbers are visiting the youth clubs on a regular basis, that ... How does it monitor success of that and judge whether they need to make improvements, for example, in one particular area. How does it work? Is it on a piecemeal basis, or on a youth worker particularly referring to the Youth Service saying, 'We need to do more of this, or less of that'? How does it work?

Hon. S E Linares: Mr Speaker, it is very simple. The youth workers get together nearly every week, they consult each other, they co-ordinate between youth clubs, they identify where the needs are, and therefore, for example, that is why I said that there is no youth worker employed in a youth club – they are all the Youth Service. They are all basically working under one roof and then they go to the youth clubs to deliver the programmes as and when required. For example, there might be a programme or a specific need within the south area of Gibraltar, like in the Dolphin Club, and therefore the youth worker goes there. They also have part-time youth workers who help, volunteers who help, but the one who leads is obviously the professional. The professional is the youth worker and, like I said, if the hon. Member looks at the website they are there. Everybody who is qualified, their names, their photographs, everything is there and also a rundown of all the programmes. But when it comes to say how many, numbers, well, if there is a programme there might be eight children or young people. There might be another programme that has more interest or is more amenable to young people and there are 20 in a group. So it all depends on the programme and the project that they are doing.

So it is not a question of me telling the hon. Member that in each youth club 10 people come every day. It does not work like that. It depends on the programme and what they are doing.

Hon. E J Phillips: The only difficulty I have, Mr Speaker, with the answer is that clearly children depend on regularity and frequency. You are dealing with very serious issues with children, in terms of drugs and alcohol awareness/abuse. It almost appears, from the description of the activities and the programmes that are being performed at these youth clubs, that it reflects almost a counselling service, and I think there must be an element of that to all of this anyway, but what I would say is that given the fact that children require regularity and frequency, if you are having what appears to be a floating youth service around our youth clubs, don't you think it would be better served having at least a regularity with one particular individual at each club?

Hon. S E Linares: Mr Speaker, I go back again that they are not employed by youth clubs, but yes, of course there is within the staff, I believe, continuity as well, and it is a very serious area. 425 The Youth Service, I can tell you, and the youth workers are very professional and very dedicated people who work even weekends, Saturdays and Sundays, and they do get involved in many things which we then have to pass to Social Services, for example, and children who are bullied and children who have mental health problems, and it is dealt with, with the GHA, which we are working with very closely to see how we can deal with young people who have mental health 430 issues.

Yes, the first port of call usually is the youth club. Children have social problems – they go to the youth club and they do have people ... There is continuity in the sense that there is usually a professional youth worker in each youth club and there is a lot of continuity. Maybe after four or five years there might be changes, but when I said ‘floating’ it is not floating in that a youth 435 worker goes one day to one youth club and then moves to the other. There are enough staff that have continuity and they stay. In the Dolphin Youth Club, for example, there is a youth worker there who has been there for about three years. There is a lot of continuity. It could well be that there is a need to move that person from one ... It is like a school teacher, basically, where you are in a school, you stay the whole year in a school and then maybe the Department of 440 Education wants to move you to another school. That is how it works, so there is continuity.

I accept that it is a very important role that they do play because they are always the first port of call for young people directly. That is why we work very closely with the GHA, with the Social Services, with everything, because ultimately it is to do with child protection issues.

Hon. E J Phillips: Mr Speaker, I just have one more question, and I would invite the Minister to take this up as I am just trying to make a positive contribution to this question, and that is that don't you think, Minister, we should be moving more towards an active citizenship 445 programme at that youth level so that we can encourage civil responsibility, pride and respect?

I think one of the comments when people talk to me about our children and where they have to go in terms of sports activities and other activities, is don't you think, given the Government's 450 commitment to educating our children about Gibraltar's history and the pride that all our children should have for our history, that we should encourage active citizenship within our youth clubs?

Hon. S E Linares: I completely agree, Mr Speaker, and I can tell you that the Youth Service is very, very actively looking at doing those life skill programmes. They have got programmes to do with Mental Health Awareness Day, they get involved in that; the Easter community events which they do with the RGP; the Care Agency; and then they have Clean up the World, which is something to do with the conscience of the young people. I can tell you that they are very 460 actively all the time looking, and youth workers are all the time. Citizenship is another issue which they teach in a different way to the school environment. They teach how to become citizens: they should know their rights, but they should also know their responsibilities.

I can tell the hon. Member that I am very satisfied in the way in which currently the Youth Service is delivering all this and always strives to improve.

Mr Speaker: The Hon. Edwin Reyes has a supplementary arising from Question 618. 465

Hon. E J Reyes: Thank you, Mr Speaker. I am really grateful for that.

Very short and sweet: on the schedule provided to Question 618, like you just said, under the 470 sub-paragraph ‘Grants awarded to Sporting Societies’, the penultimate one is shooting, £11,090. I know shooting has disciplines within the association, like the clay target, the pistol shooting and the air rifles, which we traditionally used to call small bore, those type. Can the Minister, if he does have it to hand – if not, he can sort of search it out for us in respect of which of the

475 disciplines, because there is a huge difference between clay target and pistol shooting. The shooter in one discipline does not necessarily take part in the other.

480 **Hon. S E Linares:** Mr Speaker, I will clear it up with him, but from memory I think it is either one or the other or both. I remember that the target shooting bought equipment that they needed and they asked for a grant, which was given. But it could also be the new venue, which is the pistol shooting up in the retrenchment block where the new equipment would not be needed for the new premises. I will find out because it is a big amount, but I think it is split into the two. That means that the two clubs, target shooting and pistol, who are separate but all under one umbrella of shooting, both asked for grants. Therefore, I would suspect that if they are split it should have been notified here as split, but if they are not it might be one or the other and we can put the name of the association that it is.

Hon. E J Reyes: Thank you.

490 And finally, Mr Speaker, on the page of hosting of special sports and leisure events, there is £6,100 expenditure in sports day sound system. Am I correct in assuming ... I did see a vast improvement in the school sports this year, in the PA system. Am I correct in assuming that that is an expenditure in respect of use by all the schools and would therefore ... I would perhaps dare say the equipment might even now be registered in the inventory of the Gibraltar Sports & Leisure Authority, or is it a one-off hire charge for one particular school, or, for example, the other sports day, the GibSports Day? It could be that. The Minister may have it, but if not, Mr Speaker, I am willing to wait until he finds out.

500 **Hon. S E Linares:** Yes, Mr Speaker, again I will try and ascertain why the sports day has been placed there as the sound system. The hon. Member is correct, it should be all the sound systems for the sports days of schools and GibSports. But again I think the hon. Member is right, it might not have been put here but placed somewhere else. But I will find out for him.

Hon. E J Reyes: I am really grateful. That concludes my supplementaries on 618, Mr Speaker.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q624/2016

Gibraltar Nature Reserve mobile application – Upper Rock interactive map

Clerk: Question 624. The Hon. L F Llamas.

505 **Hon. L F Llamas:** Mr Speaker, can the Government explain why the Upper Rock app interactive map does not work?

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

510 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Gibraltar Nature Reserve mobile application requires a software update and this is currently being actioned. A new version of the application will be published this year and will include additional material on the Nature Reserve and all its components.

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Hon. L F Llamas: Mr Speaker, can I ask if the new app is being designed by the same company that did the current app, or is it a new company?

520 **Hon. Dr J E Cortes:** Mr Speaker, I do not have the information, but I do know is that it is one aspect of the application, the so-called 'free tracking' function that is not working properly; all the rest of it works. I suspect it probably is the same people, but I will have to confirm that.

Q625/2016
Barbary Macaques –
Prosecutions for feeding

Clerk: Question 625. The Hon. E J Phillips.

525 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how many people have been prosecuted for the offence of feeding Barbary Macaques in the Upper Nature Reserve?

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

530 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, no people have been fined.

535 **Hon. E J Phillips:** Mr Speaker, just to clarify, no people have been fined was the answer to that question. Does it mean that it is not necessarily accurate how many people have been prosecuted? So no people have been prosecuted – is that correct?

Dr J E Cortes: Fined or prosecuted.

Hon. E J Phillips: Thank you.

Q626-628/2016
Litter –
Number of wardens employed and powers; prosecutions; fines

540 **Clerk:** Question 626. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of litter wardens currently employed by the Government and explain what powers are currently available to litter wardens?

545 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

550 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with 627 and 628.

Clerk: Question 627. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm how many successful prosecutions have been conducted in relation to litter offences?

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Clerk: Question 628. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of fines imposed by the courts or other authorities, law enforcement or otherwise, in respect to litter offences over the last five years?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there are currently two litter wardens employed by the Department of the Environment and Climate Change. The powers include the ability to issue fines under the Litter Act and the Animals and Birds Act. They are also empowered to report for process in relation to offences against the Nature Protection Act. This includes stopping and searching, examining anything or vehicles which that person may have in his or her possession, and seizing and detaining anything for the purposes of processing under the Act.

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There have been no prosecutions in relation to litter offences, but rather fines paid in court. In 2016, 31 tickets have been paid. Out of these, 12 were for dangerous litter at £250 and the remaining 19 were for litter at £70.

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In the past five years 101 litter tickets have been issued.

Q629/2016

Bluefin tuna –

Tonnage caught and registered

Clerk: Question 629. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Question 293/2016, can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught and registered in Gibraltar during the 2016 season?

580

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the tonnage of tuna caught this season is 13.894.

Q630/2016

Waste treatment plant –

Awarding of contract

Clerk: Question 630. The Hon. T N Hammond.

590 **Hon. T N Hammond:** Further to the answers provided to Questions 449/2015, 8/2016 and 332/2016, can the Minister now state when the contract for the waste treatment plant will be awarded?

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

595 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, we are still not in a position to award the tender.

600 **Hon. T N Hammond:** Mr Speaker, is the Minister in a position to explain why we have had such a substantial delay in this project when it was originally stated by the Minister that there would be an announcement prior to August 2015 as to who would have this contract? We are now obviously well over a year beyond that point and there is still no announcement.

605 **Hon. Dr J E Cortes:** Yes, Mr Speaker. It is as a result of the success of the recycling programme that we have in treating our urban waste. We are increasing recycling streams tremendously. The amount of non-recyclable waste is decreasing and we have to reassess what type of treatment a decreasing amount of waste is going to have, and that is the reason why we have not taken an ultimate decision.

610 We are having the matter studied, but it is a very different amount of urban waste that we are producing now because there is so much more recycling and so much more being removed, so some of the original plans are non-viable because there is less waste to be treated.

615 **Hon. T N Hammond:** Mr Speaker, I might accept that we have made inroads into recycling, and that is a success undoubtedly. However, the fact is – and I need to be careful not to use unparliamentary language here, but we continue to pump human waste out directly into the sea and that is the issue that concerns me here and the issue that I am addressing.

620 **Hon. Dr J E Cortes:** Mr Speaker, we are obviously talking at cross purposes. From the waste treatment plant we normally used to refer to solid waste, the rubbish that is collected. From the hon. Member's supplementary it appears to me that he is talking about sewage, so we are talking about two separate things. My initial answer was in relation to waste treatment; now he is talking in relation to sewage.

625 In relation to sewage, we are still in detailed discussions with our preferred provider. We are making progress, but we are not in a position to declare the situation just yet.

Hon. T N Hammond: Mr Speaker, is the Minister able to give an indication of when he might be in a position to provide that information?

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

Hon. D A Feetham: But is the Government still committed to a sewage waste treatment plant?

635 **Hon. Dr J E Cortes:** Mr Speaker, I think that asking that question to me can only have one answer: of course I am committed to that plant.

Q631/2016
Temporary power turbines –
Total cost since January 2012

Clerk: Question 631. The Hon. T N Hammond.

640 **Hon. T N Hammond:** Mr Speaker, can the Minister say what the total cost of the temporary power turbines has been since January 2012?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the total rental cost of the power turbines since January 2012 has been £12,499,251.42.

Q632/2016
Electronic health record –
Cycling-related accidents

Clerk: Question 632. The Hon. T N Hammond.

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Hon. T N Hammond: Further to Question 99/2015, has the electronic health record been upgraded to allow for the recording of cycling-related accidents?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no, but let me just qualify that. The electronic health record system has not needed to be upgraded, but we are now entering the data in a different way so that we are now able to identify it. So we have not had to upgrade it but we do now have a record of cycling accidents.

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Q633/2016
Residential Dementia and Day Care Centre –
Update re opening

Clerk: Question 633. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide an update in respect of the opening of the Residential Dementia and Day Care Centre?

665

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the residential unit is expected to open within the next two months. The day centre

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is due to open next week – I believe Monday – for relocated services, and in about five to six weeks for new services.

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Q634/2016
Dementia Day Care Centre –
Contractor

Clerk: Question 634. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise to whom the contract has been awarded in respect of the Dementia Day Care Centre?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
685 Mr Speaker, a preferred bidder has been identified with whom discussions will be held, but I am not yet in a position to disclose this publicly.

Hon. R M Clinton: Mr Speaker, am I correct in understanding the Hon. Minister in that he will be opening the Day Care Centre next week and fully operational within the next five weeks, but he has not actually awarded the contract yet?
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Hon. Dr J E Cortes: Yes, Mr Speaker. I am sure that the hon. Member is about to ask me how I am going to do it, but I will let him ask me before I answer it.

Hon. R M Clinton: Mr Speaker, yes, I would be grateful if the Hon. Minister would enlighten me!
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Hon. Dr J E Cortes: I love getting Mr Clinton to do things I ask him to do!

Mr Speaker, the services opening this week are relocated services which are currently held elsewhere within Health Authority premises. In the choosing of the preferred bidder we have ensured that they have the resources available to kick in very quickly within the time period that I have stated, so that is part of the arrangement. So the Hon. Mr Costa will shortly be talking details through with the team that is already handling that, and they will be ready to start to provide the service within the timeframe I have said.
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Q635 and 646/2016
Primary Care Centre –
Update on new appointments system

Clerk: Question 635. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Minister envisage making any further changes to the appointments system at the Primary Care Centre?
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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

715 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I will answer this question together with Question 646.

Clerk: Question 646. The Hon. Ms M D Hassan Nahon.

720 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health give us an update on how the
Primary Care Centre's new system is working?

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

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Hon. Dr J E Cortes: Mr Speaker, in answer to Question 635, the Primary Care Team is
constantly testing the system in table-top exercise to see whether any changes to the
distribution of appointments would reap benefits. For example, repeat prescriptions and the
manner in which sick notes are dispensed are areas which are being looked at – and if I may add
730 one which is not in the prepared answer, another thing that is being considered is allowing
doctors the occasional slot during the day to deal with patients over the phone, for example
reporting test results and so on over the phone, where they would be able to do perhaps a
number of patients in one slot and not require the patients to come in. That is some extra
information I have gained since the prepared answer.

735 In answer to Question 646, certainly in terms of availability of appointments it is ensuring
that patients have access to a greater number of appointments on a daily basis than before. At
present, patients have access to between 100 and 120 advance appointments and between 140
and 160 on-the-day appointments. Prior to the changes there would only have been on-the-day
appointments, as the advance appointments would have all been exhausted by the first day of
740 the month. Typically there would have been between 70 and 85 appointments available only,
instead of the number available now.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for that information and I am sure
that the statistics are favourable, and I am happy to hear that, but I hear a lot of complaints that
745 people simply cannot get through. I myself have tried, I have had my kids ... Two or three of
them have been sick in the last month and I have literally given up calling. I am giving this
information in good faith because I have given up and ended up going privately because I just
simply cannot get through; and a lot of people tell me the same thing, so something is still not
working right.

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Hon. Dr J E Cortes: Mr Speaker, I will give them the information. I appreciate that. I am
assuming that the hon. Lady is referring to phone appointments, phoning in and cannot get on
the phone. At the appropriate time there are up to seven operators constantly manning the
phones. There are hundreds of calls coming in. We took a sample month and there were in fact
755 55,000 calls into the PCC in one month. As you can understand, it is absolutely impossible,
without employing a lot more people for a short period of time, to cope with that number of
phone calls; it is virtually an impossibility and certainly the staff there are doing the best that
they can, but dealing with 55,000 calls in a month – it is unbelievable, and I could not believe it
when I was told – is very, very difficult. At least most times the message gets through in the
760 system that there are people on line and how much time they have to wait, but it is very, very
difficult and I do apologise to people who phone. It is just that there is such a number of people
calling in at the same time.

Hon. Ms M D Hassan Nahon: Mr Speaker, is there any way to gauge how many of these calls
765 do not get through? That would give us an indication of whether we need more manpower to
answer the phones, and perhaps even more doctors. I am sure the hon. Member will agree this

is a matter of absolute priority, so if more manpower is needed as a result of finding out how many more of these calls are not getting answered, it would be good to know in order to take action.

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Hon. Dr J E Cortes: I do not think, Mr Speaker, that the number of doctors, whether or not we need more – and we have a lot more than when we came into office – but whether we need more is related to the number of calls, because those 55,000 will be calls. It will not be 55,000 people – if somebody calls three times, that will register as three calls, and most of those people will be seen; the only thing is that they have to wait a long time. I can get the information. I can ask the GHA's IT team to extract that information. I will make it available to my colleague and I am sure that if you ask him later on he will be able to supply it.

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It is a complex matter and we are trying very hard. I think we are making a great deal of progress, but clearly there is always more to do.

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Hon. D A Feetham: Mr Speaker, does the hon. Gentleman accept that this is one of the areas where there appears to be a significant amount of grievances from members of the public?

Hon. Dr J E Cortes: Mr Speaker, of course, but many fewer than there used to be. The progress that we have made in the Primary Care Centre over the last few years – and there is written testimony from users and from doctors about the progress we have made – is tremendous, but you would expect that the greatest number of complaints would come from the frontline, when people are anxious, when people are not feeling well and when there is a lot of demand on the service. So absolutely, it is one area which will continue always to attract attention and people will continue wanting improvements, but that is actually almost by definition when you are accessing the service and that is where there is the highest volume of interaction, and therefore that is where you would expect most areas of concern.

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Hon. D A Feetham: Mr Speaker, but this has been a topic on which successive shadow Ministers for Health have indeed been questioning, particularly the Hon. Minister, almost on a four-monthly basis. I have gone back to all the questions and I have questions about this going back to 2012, and the Hon. Minister keeps on coming back and saying it is a developing situation. At some point members of the public are going to want some concrete answers from the hon. Gentleman and not 'well, it's developing and we are looking at it'.

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Isn't it not the reality that five years on from him taking over the reins as Minister for Health, we are nowhere near having a solution to this particular problem than we were five years ago?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker –

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Hon. D A Feetham: Ah, to the rescue!

Hon. Dr J E Cortes: No, no, no... as I....

Hon. Chief Minister: Mr Speaker, I hear the trembling fear in the Hon. Leader of the Opposition's voice at the fact that I have got up and his attempt at a feeble joke to deflect from the fact that he has fallen into an almighty trap. He has given me the opportunity to actually reflect on the fact that actually in the five years that John Cortes has been Minister for Health, he has improved that situation tremendously in relation to the Primary Care Centre.

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Are there complaints today? Of course there *might* be, and it is very likely, Mr Speaker, that it is impossible to devise a system which will not lead to a complaint, because I daresay to the hon. Gentleman, and indeed to the hon. Lady, in the context of the substance of what we are debating, that it is impossible to say that somebody might not call up one day and the line might

be engaged because there is a huge demand for the service and we are continually seeking to improve it.

820 Mr Speaker, this is Question Time. It is not a time for political speeches from the hon. Gentleman in the guise of questions; it is time for short, sharp questions. But, I am not going to respond in kind by dealing with the litany of advances that John Cortes has brought to all areas of the Health Service in Gibraltar, (*Banging on desks*) in particular the Primary Care Centre.

825 Mr Speaker, the hon. Lady has moved on and does not defend the three initials that the hon. Gentleman now leads, but he is fixed with the abysmal service that we inherited five years ago and that we have improved tremendously, and that we are continuing to improve tremendously and that we will never rest from improving. That is why they will always hear from us that we are developing the service further, because when we have improved it we will improve it again. That is what John Cortes has done for each one of the five magnificent years that he has led for
830 Health in Gibraltar and that is what Neil Costa will now do for the many magnificent years that he will lead for health for my Government too. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, it is an indictment on the Minister for Health that the Chief Minister has to stand up to defend him. (**A Member:** Oh!) Yes, because he cannot do it for
835 himself! (*Interjections*)

Mr Speaker, does the Hon. the Minister for Health – (*Interjection and laughter*) Yes, I hope he does not throw that at me. No. Shall I sit down? Shall I hide underneath the – ? (*Interjection*)

840 Mr Speaker, doesn't he recognise – doesn't the entire Government recognise – it is not a question of a complaint, as the Hon. the Chief Minister has described it, or some complaints, as the Hon. Chief Minister has described it? There is a litany of complaints about the operation of the Primary Care Centre, and what I want to know is what the Government is going to do about it, Mr Speaker.

Hon. Chief Minister: Mr Speaker, it is not that John Cortes cannot defend himself. John
845 Cortes can more than just defend himself. John Cortes has demonstrated that the hon. Gentleman is no match for him – even in advocacy, where he was recently professionally recognised – when it comes to politics and in particular in relation to the Health Service. But, it is that John Cortes does not need to defend himself, because the whole Government, and indeed the whole community, recognises the job that John Cortes has done in relation to Health. Or
850 doesn't he know that he had only a distance of a mere, I think, 300 votes from John Cortes in the 2011 General Election and almost 5,000 at the last General Election? (*Banging on desks*) That is the judgement of the community in respect of how John Cortes has improved the Primary Care Centre, *that* is the judgement of the community in respect of how this Government has delivered in respect of the Health Services, and *that*, Mr Speaker, is nothing compared to what
855 the professionals will tell you has been the improvement that John Cortes has brought to the services that they provide to this community.

Mr Speaker, if you care to talk to patients and you care to analyse what sort of reaction there is from them in respect of the service that we provide, it is very easy to talk to the few who have had a problem. My job and his job has been and Neil Costa's job now is to improve on those who
860 have had a problem so that they never have a problem again. But the number of people who do not have a problem, who enjoy their passage through the Health Service, who have access to the Primary Care Centre without a problem I am sorry to say to him is much greater now than it ever was under them. The difference is that we will not rest until we improve it as much as we can.

865 Mr Speaker, John Cortes will get up to defend himself when a serious point is made which needs defending, not when a cheap political point is shot by a man who reshuffled his Cabinet before he knew what the Departments to shadow were to be.

870 **Mr Speaker:** May I point out to hon. Members that they are now of course debating the Primary Care Centre and it is not just a case of asking a simple supplementary and receiving an answer.

The Primary Care Centre is a very important item of great public interest – I use it myself regularly – and therefore I would welcome that hon. Members should debate the Primary Care Centre under a substantive motion, but I am not going to allow many further exchanges on this issue now. Information has been sought, two questions have been answered giving information; 875 I am not going to allow a debate on the Primary Care Centre.

The Hon. the Leader of the Opposition.

880 **Hon. D A Feetham:** Mr Speaker, very grateful for the guidance. I just have one more supplementary question and it is for the former and sacked Minister for Health. (*Interjection*) Can he please Mr Speaker –

Hon. Chief Minister: Point of order.

885 **Mr Speaker:** I would like the Hon. Leader of the Opposition, in order to maintain an equable temperament this afternoon, to withdraw the word ‘sacked’. I do not think that any objective person would consider that any Minister in Gibraltar has been sacked. There were 10 Ministers at the beginning of the week; there are 10 Ministers at the end of this week. Would he please withdraw the word, even though he may have said it in a joking fashion without any malice, but I really do not want exchanges to descend this afternoon into idle comments.

890 **Hon. D A Feetham:** Mr Speaker ... may I ...

Hon. Chief Minister: If I can assist the House, Mr Speaker, can I just tell the hon. Gentleman, on the basis of –

895 **Hon. D A Feetham:** Mr Speaker has asked me.

Mr Speaker: [inaudible] the Hon. the Leader of the Opposition has [inaudible].

900 **Hon. Chief Minister:** But can I assist the House for a moment? (*Interjection by Mr Speaker*) All right.

905 **Hon. D A Feetham:** Mr Speaker, of course. Mr Speaker asked me to withdraw the term ‘sacked’ and I will happily withdraw the term ‘sacked’: the *former* Minister for Health, and after the Hon the Chief Minister or...

I will ask my question, and my question is very simple. What people want to know is what is the Government doing in order to improve the service in the Primary Care Centre.

910 **Hon. Chief Minister:** Mr Speaker, just dealing with the point of order that I was going to make, which I think you very usefully dealt with, it is very easy to descend into name-calling, but I would hasten upon the hon. Gentleman to recognise that although I thought he did it untimeously because it was clear that there was going to be a Government reshuffle – I had advertised it on a number of occasions and it actually came, I think, within a week of him having done his – when a Government is going to reshuffle, it does not sack anyone, promote or demote, unless people are sent to the back benches, but if anyone, having been reshuffled, is going to be described as having been sacked, I implore him to look at his own list of shadow responsibilities, because he has just sacked himself from Education, (*Laughter*) if you apply that standard, and sacked somebody else from Health and taking it on – although I do recognise, of course, he was in much greater difficulty than I was because he cannot keep his party together 915

920 and one of his people has gone, to no longer be one of his people, into an independent chair. But in those circumstances, given that he has been sacked as party leader by her, I implore him not to use that sort of language, which is so easy to then lead to a debate.

Hon. Dr J E Cortes: Mr Speaker, I will now answer on the factual content.

925 As the hon. Member clearly has not heard my answer and I made it very clear that whereas before there could be as few as 70 to 85 appointments on the day, now there are between 240 and 280 on-the-day appointments. Appointments no longer run out. We now have 22 doctors instead of 16, we now have a fully electronic health record in the Primary Care Centre, and elderly people no longer have to queue up at 6 a.m. in order to get their appointments. If that is
930 not improvement, clearly the hon. Member opposite is totally out of touch and my hon. and learned Friend Mr Costa will have a very easy time in answering his totally uninformed questions in the future. *(Banging on desks)*

As to my own situation, I think that the Hon. the Leader of the Opposition might care to walk around St Bernard's Hospital on Monday morning and gauge the reaction about my departure
935 for himself. He may not be so well received after the comments that he has made today.

Mr Speaker, a little press release reported in one corner of *the Gibraltar Chronicle* criticising my performance will not go down in history, but today, just before coming here, I walked into the chemotherapy suite and I saw two Gibraltarian patients having their treatment there – and I need say no more.

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Several Members: Hear, hear. *(Banging on desks)*

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say to the Minister for Health, or the ex-
945 Minister for Health, considering that I have called a few times on different occasions with three different children sick in the space of a month and a half and never have I been able to get through, can he take that as a sort of case study that if people ... It is very difficult to explain, but I understand what he means by you cannot always get through, but one person here has tried on various occasions and has not got through. So, please, if he could look into it, because the system does not seem to be working from over the phone. I know there are a lot of disabled
950 people as well who say the same thing and I think it should be looked at with a priority.

Thank you.

Hon. J E Cortes: Certainly Mr Speaker, that is one thing that will certainly be looked into.

955 **Hon. R M Clinton:** Mr Speaker, if I may make a hopefully constructive comment or question perhaps for the new Minister for Health: is given the difficulties that people obviously have in making telephone appointments, that he perhaps would like to consider looking into some kind of ... I know you already have a queuing system, but whether by having separate phone numbers for children's appointments or different types of appointments, or even within the same
960 queuing system. I know everybody hates trying to contact their bank, but a way you can perhaps say, 'Press 3 for children's appointments'. I know parents do find it distressing when their kids are ill. Obviously every illness is distressing, but it may be a form of triaging so that of those 50,000 calls there might be some which are more urgent than others, or parents feel more distressed than others may be. Just a suggestion: would the Minister consider it?

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Hon. Dr J E Cortes: Mr Speaker, some of these things have been looked at and also the making of appointments online, and that should be able to happen soon with the electronic system.

970 There is a problem: people do not like calling the bank and being passed from one to the other and people could get the idea that if they, say, press 1 for children, they are going to press

1 anyway and it might not be a child, and then they hear 'Sorry, I cannot deal with it.' So it is not as simple as that, but certainly these are all things that are constantly under review.

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Q636/2016
Accident and Emergency –
Patient access

Clerk: Question 636. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is the Minister satisfied that patient access to the Accident and Emergency Department works well?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes Sir.

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Hon. D A Feetham: Mr Speaker, this is another area where there are a host of complaints in relation to the system. Anybody who goes to the Accident and Emergency will see that there are significant delays in the access to the department. My question is: is the Minister looking to improve the situation there, so that the very significant waiting times can be reduced?

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Let me tell him this, just by way of an example: only last week I was told by an elderly lady that she had gone to the Accident and Emergency at 10 o'clock in the evening and was only seen at four o'clock in the morning – that is an elderly lady. You can understand why people feel very strongly about this, and you can understand why there are significant grievances.

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Hon. Dr J E Cortes: Mr Speaker, my answer was very clear. I believe that access works well because everybody has access to it.

Once you have arrived there are several considerations. I am not aware of this particular situation, although obviously we would need to look at the details as to what happened. There are fast-track systems for children, for example; we are now changing the system for ladies who are pregnant who have threatening miscarriages and we are taking them elsewhere so they do not have to wait in the waiting room; and lots of things.

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One never knows what might be going on behind the scenes and whether there are emergencies that are being dealt with. Certainly there are more A&E doctors now than there were five years ago and the Department is currently going through a phase of construction to expand and have more facilities inside so more people will be taken care of inside without having to wait outside.

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What I can say is that, because fortunately we now have an electronic system there as well, I am now able to call up statistics. I can say, for example, that in the year up to 18th October, which is just a day or two ago, there had been 29,548 attendances at A&E; that the average waiting time for arrival to discharge is four hours 20 minutes, which is just higher than the UK standard and much better than the actual case in the UK, where they are hitting averages of up to six or seven hours; and that the average waiting time from arrival to seeing a clinician is one hour and nine minutes, which is very good indeed. So the average is now much better than it was. We have occasions when the system seems not to work as well, but we are now able to pinpoint exactly which these instances are and investigate them further. I think that, again, is huge progress, and now we have this information readily available at the press of a button.

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

1020 I was surprised by the original answer that the hon. Gentleman gave, that access works well, because there is a corridor that leads you to the Accident and Emergency – that is the reality of the situation.

1025 In relation to the construction that the hon. Gentleman mentioned of an extension to the Accident and Emergency, the information that is coming to me is that there has been a considerable scaling down of the equipment and features that were going to be made available at that extension. Is that something that the hon. Gentleman is aware of? If he is not aware of that, can he look into it? The concern expressed in relation to that is that of course the extension with those features was something that was going to improve the service considerably, whereas now the scaling back might have an impact on the improvement in the service.

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Hon. Dr J E Cortes: Mr Speaker, I am not aware of the detail. I am surprised, because I would have thought that I would have been made aware. I will certainly look into it, and if it is something I believe unreasonable I will ask the new Minister for Health to look into it and to rectify it if it is something that has been done for some reason. But I am not aware and I cannot confirm that that is the case.

1035

Q637/2016
Gibraltar Health Authority –
Formal complaints

Clerk: Question 637. The Hon. D A Feetham.

1040 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health state how many formal complaints have been made in relation to services within or associated with the GHA within the last two years, broken down by year and brief nature of the complaint?

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

1045 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the information requested is on the GHA website.

1050 **Hon. D A Feetham:** Mr Speaker, just to clarify the answer the hon. Gentleman has provided, my understanding is that there are effectively three types of complaint, and I would ask the hon. Gentleman to confirm or correct me if I am wrong: there are complaints to the GHA Complaints Board, and then there are formal complaints to the GHA and informal complaints to the GHA. My question relates to formal complaints to the GHA. First of all, is my understanding of the various layers of complaints procedures correct; and secondly, does the answer relate to those formal complaints made to the GHA?

1055

1060 **Hon. Dr J E Cortes:** Mr Speaker, his information is incorrect and out of date. I will not make any comment on that. It is incorrect and out of date because, as of April or May last year, the whole complaints system was taken over by the Ombudsman's Complaint Handling Scheme and is now all dealt with through that, and the Complaints Board no longer exists. Complaints now go through different levels to the Ombudsman. If there are any issues which need independent clinical investigation, the Ombudsman will then access somebody from outside Gibraltar through his own good offices. So there are not those different levels; they are all detailed by the Ombudsman.

1065 In the GHA website, in the quarterly reports of the complaints officer – or, now, the
Complaints Handling Scheme Officer – it gives full details of complaints by discipline and by area.
It is quite a comprehensive report.

1070 As I said last time, Mr Speaker, in answer to another question, because all the complaints are
now registered and treated in a more formal way, except for the very, very minor ones – why is
my water not here and why is it by the next bed – and because all these complaints now go
formally through the Ombudsman’s handling scheme, there are in fact more recorded
complaints. That is an artefact of an improved system and is not necessarily a reflection of an
increased number of complaints. This is why we have to look at statistics with wisdom and
insight and we cannot just look at numbers on their own. I think I have answered the question
that I have been asked in supplementary.

1075 **Hon. D A Feetham:** Mr Speaker, I would have thought that there were more complaints
because there are more people complaining. That is the simple analysis that I would make
(*Interjection*) – Mr Speaker, may I – in my simple non-scientific mind, I suppose.

1080 Mr Speaker, I have asked him the question because I did go to the GHA website. I went to the
GHA website, and if the hon. Gentleman goes to it himself – and it appears he has not for some
considerable amount of time, but if he goes and he looks at complaints – (*Interjection*) Yes. If he
goes and looks at complaints, it says ‘GHA Complaints Procedures’. I have got it here, Mr
Speaker, this leaflet, and this is the information that I downloaded only this week from the GHA
website. It is a leaflet. This leaflet explains:

How you can let us know if you are dissatisfied as a result of a direct experience with our service.

Who can I complain to?

A verbal informal complaint to a member of staff in the Department where the complaint originated in the
Primary Care Centre, then to the relevant manager at the centre.

A written formal complaint addressed to the Chief Executive of the GHA or the Complaints Co-ordinator.

1085 That is why I have asked the question, because it is on the GHA website.

So are we saying, therefore, that the information that the public is being given in the GHA
website is out of date, is incorrect and therefore needs to be corrected by the GHA, by the
Department that the Hon. Minister obviously runs so well?

1090 **Hon. Dr J E Cortes:** Mr Speaker, there are a couple of things that have been raised. I accessed
the GHA website yesterday, so maybe even more recently than he did. He is looking at a
different place, and I will go into that now. It appears that that bit of information may be out of
date. There was some information which was referred to by the Hon. Mr Clinton on mental
health when we went on *Viewpoint* last week which was also out of date and which is now
1095 correct and updated. I will have to look into whether the right page has not been linked to on
this occasion; I will have to check that. It is a massive website and is in the process of being
renewed, so that might stand correction. But the information, the data and the statistics are
included in the Quarterly Report section and all the information that I have said is available
there.

1100 Oh, and one more thing: there are not necessarily more complaints recorded because more
people are complaining, because if people in the past had an informal complaint which did not
go into the statistics and now they have a formal complaint that goes into the statistics, even if
there are fewer complaints the numbers in the statistics might be greater.

1105 But there is another thing: even if there were more complaints, considering that now we are
doing 2,000 more operations than three or four years ago and we have 10,000 more patient-
doctor contacts in St Bernard’s alone than we had three or four years ago, there are going to be
more interactions and therefore there could be more occasions when things do not go according
to what the patient would like to see. I can tell you though that if you divide the number of
complaints by the number of interactions, the rate, which is very important, is in fact down.

1110 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, can I pass this over to the hon. Gentleman?

Mr Speaker: Yes.

1115

Hon. D A Feetham: This is a leaflet downloaded from the actual website. It did not appear to me to be unreasonable, because you could have a complaint to the Ombudsman but you could also have a complaint to the GHA itself, and that is what I was directing my question to.

1120 You could have an informal complaint to the GHA, which is all set out in that leaflet, a formal complaint to the Chief Executive of the GHA, and separately a complaint to the Ombudsman by somebody who perhaps, for example, is not satisfied with the response given by the Chief Executive of the GHA in a formal complaint. The hon. Gentleman is saying that that does no longer exist, and obviously I am taking that answer at face value.

1125 **Hon. Dr J E Cortes:** Mr Speaker, the new complaints board – sorry, the new complaints procedure – was actually passed here in Parliament in time for its enactment earlier on last year. This seems to have a couple of things out of date, including the e-mail address and the reference to an independent review panel, and obviously I will make sure – even if it is the last thing I do as Minister for Health – that this is corrected and updated.

1130

Mr Speaker: Next question.

Q638/2016
St Bernard's Hospital –
Nurses

Clerk: Question 638. The Hon. D A Feetham.

1135 **Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses employed in each department of St Bernard's Hospital, also stating whether those nurses are permanent and pensionable or on a fixed term contract, together with their nationality?

1140 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is in the schedule I now hand over.

1145 I have been uncharacteristically helpful maybe, Mr Speaker, although I think not even the Leader of the Opposition who seems to have it in for me today would consider me unhelpful, in that the information does include other areas of the Health Authority and not exclusively St Bernard's Hospital.

Answer to Question 638/2016

DEPT NAME	NUMBER	P&P	P&P nationality	Contract	Contract nationality
MATERNITY	5	5	1 BRI 4 GIB	0	0
MENTAL HEALTH	86	70	46 GIB 22 BRI 1 PORT 1 MALAY	16	2 SPA 14 BRI
TSSU/CSSD	9	9	GIB	0	0
PCC	26	26	1 GERMANY 1 SPA 18 GIB 6 BRI	0	0
ITU	30	21	2 BRI 9 GIB 1 FRE 9 SPA	9	3 BRI 5 SPA 1 ROM
DUDLEY TOOMEY WARD	28	26	BRI 3 SPA 4 GIB 19	2	2 SPA
OPERATING DEPT	33	19	5 bri 8 gib 4 spa 1 polish 1 irish	14	5 bri 8 spa 1 POL
CAPT MURCHISON	32	30	23 GIB 1 SPA 5 BRI 1 PORT	2	2 SPA
A&E	23	19	1 BRI 4 SPA 14 GIB	4	3 SPA 1 BRI
OPHTHALMOLOGY	6	6	2 SPA 4 GIB	0	0
JOHN WARD	33	24	BRI 3 SPA 5 GIB 16	9	3 BRI 6 SPA
INFECTION CONTROL	2	2	1 GIB 1 BRI	0	0
CLINICS	19	19	14 GIB 2 SPA 3 BRI	0	0
VICTORIA WARD	30	28	17 GIB 4 SPA 7 BRI	2	2 SPA
DIALYSIS & HAEMOFILTRATION	6	0		6	SPA
RAINBOW	19	14	8 BRI 5 GIB 1 SPA	5	4 BRI 1 SPA
NIGHT ROTATION	22	18	17 GIB 1 SWE	4	SPA
CARDIAC REHAB	1	1	GIB		
BREAST SCREENING	1	1	BRI		
DIABETES	1	1	GIB	0	0
DERMATOLOGY	1	1	GIB	0	0
PALLIATIVE	2	2	GIB	0	0
PHLEBOTOMY	3	3	GIB	0	0
MEDICAL INVESTIGATION UNIT	2	2	GIB	0	0
DENTAL	6	4	GIB	2	1 PORT 1 GERMANY
DISTRICT	15	15	11 GIB	4	BRI

1150 **Mr Speaker:** The Clerk will call the next question and then we can come back to this one if the Hon. the Leader of the Opposition has any supplementaries.

**Q639 and 648/2016
St Bernard's Hospital –
Doctors' contracts**

Clerk: Question 639. The Hon. D A Feetham.

1155 **Hon. D A Feetham:** Mr Speaker, can the Minister provide a schedule showing the length of contracts of all doctors employed at St Bernard's Hospital, showing the areas in which they practise, their nationality and the date they started?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 648.

Clerk: Question 648. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the Minister for Health explain why it is that most of the doctors and surgeons in St Bernard's Hospital are not on a fixed contract or pension scheme?

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

1170

Hon. Dr J E Cortes: Mr Speaker, the information is in the schedule I now hand over in relation to Question 639.

ANSWER TO QUESTION 648

Answer to question 639

Post	Sub-Category	Location	Status	Nationality	Date Entry	Termination
Associate Specialist		SBH	GHA Non-Permanent	Ger	02/10/2006	04/01/2018
Consultant	Orthopaedic Surgeon	SBH	GHA Non-Permanent	Ger	01/07/2006	28/02/2017
Consultant	Ophthalmologist	SBH	GHA Non-Permanent	Bri	19/03/2012	31/01/2017
Consultant	Physician	SBH	GHA Non-Permanent	Bri/Gib	10/08/2015	09/08/2018
Consultant	Paediatrician	SBH	GHA Non-Permanent	Bri	01/10/2008	31/12/2016
Consultant	Haematology Services	SBH	GHA Non-Permanent	Spa	08/01/2012	08/05/2019
Consultant	Physician	SBH	GHA Non-Permanent	Iri	07/08/2006	28/02/2017
Consultant	Ophthalmologist	SBH	GHA Non-Permanent	Bri	08/06/1995	23/12/2016
Consultant	Orthopaedic Surgeon	SBH	GHA Non-Permanent	Bri/Hungarian	11/09/2014	10/09/2017
Consultant	ENT	SBH	GHA Non-Permanent	Polish	13/10/2014	12/10/2017
Consultant	Physician	SBH	GHA Non-Permanent	Pol	02/06/2008	28/02/2017
Consultant	Physician	SBH	GHA Non-Permanent	Spa	01/02/2005	28/02/2017
Consultant	Paediatrician	SBH	GHA Non-Permanent	Hung	20/10/2014	19/10/2017
Consultant	ENT	SBH	GHA Non-Permanent	Ger	01/12/2010	28/02/2017
Consultant	Radiologist	SBH	GHA Non-Permanent	Czech	01/11/2010	31/01/2017
Consultant	Anaesthetist	SBH	GHA Non-Permanent	Bri	27/05/2003	28/02/2017
Consultant	Radiologist	SBH	GHA Non-Permanent	Bri	03/09/2012	02/12/2016
Consultant	Gynaecologist	SBH	GHA Non-Permanent	Bri	01/06/2011	30/11/2016
Consultant	Gynaecologist	SBH	GHA Non-Permanent	Dutch	14/09/2015	13/09/2018
Consultant	Radiologist	SBH	GHA Non-Permanent	Czech	01/02/2012	31/01/2017
Consultant	Paediatrician	SBH	GHA Non-Permanent	Bri/Gib	05/09/2005	04/12/2016
Consultant	Anaesthetist	SBH	GHA Non-Permanent	Bri	09/11/2009	20/01/2017
Medical Intern		SBH	GHA Non-Permanent	Bri	10/03/2015	09/03/2017
Non-Consultant Hospital Doctor	Ortho & Trauma	SBH	GHA Non-Permanent	Bri	05/09/2016	04/08/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Hung	29/08/2016	28/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Pak	05/02/1997	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Ger	01/06/2010	31/07/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Pak	25/02/1997	31/07/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Can	06/08/2003	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	09/01/2014	08/12/2016
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	12/01/2015	11/12/2016
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	01/07/2015	31/05/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Hung/Bri	03/11/2014	02/10/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	05/02/2003	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Cyp	11/08/2015	10/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Bri	05/09/2011	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	02/07/2015	31/05/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Spa	05/02/2001	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Spa	01/09/2006	31/07/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Bri	28/01/2002	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Spa	04/02/2004	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	06/06/2012	31/07/2016

1175 In relation to Question 648, doctors recruited since 2012 are on a fixed-term contract or pension scheme, depending on circumstances. I may just explain, for example, we have a doctor recruited since then on a short-term contract because there is a Gibraltarian who is due to return with those qualifications who will replace him.

1180 Those in post before that are on various different arrangements entered into with the previous administration. However, the situation will shortly be rectified with the introduction of the new consultant contract and contract for non-consultant hospital doctors.

1185 **Hon. Ms M D Hassan Nahon:** Is the Minister aware that this is sadly one of the principal reasons why we have been losing very good doctors? They are simply not happy, or have not been happy, with their working conditions.

Hon. Dr J E Cortes: Mr Speaker, that is not the case. I do not accept that being a true reflection of the facts.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have an e-mail that was sent around by a few of the doctors who left recently, one I am happy to lend the Minister. In the e-mail they are warning Ministers, managers and politicians. They say that they have warned them about the arrogance; the lack of respect for doctors; the fact that they consider that the GHA do not take advice from doctors and that they only take advice from the, I quote, 'corrupted incompetent professionals with their own agendas'; warning that the system will fail; that Gibraltar is going to lose a second surgeon; as well as warning about the GHA's lack of interest in their discontent; not interested in recognising the value of properly trained staff; do not respond to obvious red flags; saying there is little hope for the improvement of the system.

1195 This is something that I consider very, very concerning, especially when we have lost three doctors and we are now relying on locums, which is affecting quality and continuity of care, and of course the fact that it is costing a hell of a lot more money.

1200 **Mr Speaker:** This supplementary may not come strictly within the ambit of the two questions. I think I should allow an opportunity to the Hon. Minister because these are very serious allegations which are being made and which I am sure he will want to deal with.

1205 **Hon. D A Feetham:** Mr Speaker, may I ask as well, for the benefit of *Hansard*, that whatever e-mail the hon. Lady has should in fact form part of the record, because if we are going to be discussing an e-mail it should form part of the record so that we can then refer back.

1210 **Mr Speaker:** You are quite right, yes. The Hon. Leader is quite correct. If it is going to be made available to the Hon. the Minister, it should be made generally available.

1215 **Hon. Dr J E Cortes:** Mr Speaker, the question of when a person decides to leave a place of employment is always a very delicate one. I have to be careful what information I give and I am glad I do not know the name of the individual who wrote that e-mail, because it maybe that that person left for reasons that he may not have been happy with, but for all we know the GHA may not have been happy with the service that he or she provided, and there is always the ability to leave, send an e-mail which is not substantiated, and make spurious accusations which would need to be investigated. Therefore, that is something that one has to look at very carefully.

1220 In the case of the three surgeons who have left recently, one of them on retirement, one for family reasons and one for other private reasons, that is for them and is not for me to discuss in this House.

I am satisfied that those allegations are spurious and incorrect. I could bring a host of other e-mails from a host of other professionals who say the very opposite.

1225 So we must be careful. Did that doctor go because there was a certain grievance and therefore he is trying to get his own back because he did not agree with the action which may have led to that? We have got to be very, very careful. These are serious allegations and they would have to be thoroughly investigated.

In relation to locums –

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Minister for Business & Employment (Hon. N F Costa): Do you mind?

Hon. Dr J E Cortes: No, I will give way.

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Hon. N F Costa: Mr Speaker, on a point of order, this is a matter that we have spoken about previously when the hon. Lady decided to bring to this House – for the first time, I may add – questions on the basis of rumours that she had heard.

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I did refer Mr Speaker to the Standing Orders and I will refer him to Rule 17(1), and there are three Standing Orders which are relevant and which ... I think we have got to be extremely careful not to allow Members opposite to put questions which would be, in my view, a grave violation of the following Standing Orders.

The first is 17(1)(iii) and says:

if a question contains a statement, the Member asking it shall make himself responsible for the accuracy of the statement;

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In my submission, Mr Speaker, it is nigh impossible for the hon. Lady, without having the resources to make an investigation, to be able to tell this House whether or not the statements that she reads out in an e-mail are accurate, for the very good reasons that my hon. colleague Mr John Cortes has just said.

Secondly, 17(1)(vii):

a question shall not ask for an expression of opinion, or for the solution of ... hypothetical propositions;

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In essence, Mr Speaker, when an e-mail is brought or any other statement is read which the Minister has not had an opportunity to consider and to investigate, what he is asking is essentially to opine on matters, on hypotheticals, which he is not allowed to do.

And thirdly, and certainly directly on point on this matter – and forgive me if I get the Roman numeral incorrectly – is 17(1)(xv):

a question shall not be asked seeking for information set forth in ... ordinary works of reference.

Sorry, 17(1)(iv):

a question shall not be asked as to whether statements in the Press or of private individuals ... are accurate;

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Mr Speaker, for all of those reasons and for all of those submissions it is not right that any Member of this House once again comes asking about questions based on innuendo, rumour and statements on which the hon. Gentleman has been ambushed without notice and is totally incorrect.

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Mr Speaker: The Hon. the Minister is perfectly correct and I should not have been as liberal as I have been.

1265

He is particularly correct in respect of 17(1)(iii). A Member asking a question has got to make themselves responsible for the accuracy of the statement. Perhaps I have erred in being over liberal because Members of the Opposition, most of them, are still new and perhaps I err on their side ... Though some people may not think so, I do err on the side of giving them an opportunity. But having realised how serious the matter was, I thought I should not rule it out,

because an allegation has been made and obviously the Minister must have an opportunity to deal with that matter.

1270 **Hon. N F Costa:** Yes, but, Mr Speaker, the reason why I rose to address the Chair on a point of order is because the moment that the House allows it on *Hansard* after having followed the Hon. the Leader of the Opposition's request that it should be placed on the record because the question has been asked, we are literally opening a floodgate that literally no one wants to allow.

1275 Mr Speaker, it is *impossible* for a Minister to come to this House being able to answer questions on statements, made by third parties, which the Minister has not had the opportunity to investigate. If it were to be allowed, we could be here ad infinitum every day of the week and twice on Sundays talking about rumours.

1280 **Mr Speaker:** The Hon. Minister is perfectly correct. One of the things that I have learned in the four years – the other day, four years – since I have been Speaker, is that the Rules are not well known by hon. Members.

I would invite ... in fact, I would instruct hon. Members that they should be familiar with the Rules. There is a need for them to know what the Rules are. Sometimes there may be a fine distinction, but we need to be very, very careful.

1285 Here we have had, this afternoon, certain statements made from some party – whom, we do not know. The hon. Member has to make herself responsible, and before she does come to the House making such statements she needs to ensure that they are accurate. If they are 100% accurate, then she is responsible and not whoever has made the allegations. (*Interjection*)

1290 **Hon. Ms M D Hassan Nahon:** Please... Can I, if you do not mind?

Mr Speaker: But what it comes down to is ... and I would particularly ask the Members of the Opposition, because they are the ones who ask questions. Some of them are experienced, they have been here a number of years. There are definite Rules governing the right to ask questions – Rule 17 in particular. They need to be familiar with Rule 17.

Does the Leader of the Opposition wish to ...?

Hon. D A Feetham: Well, the hon. Lady wants to.

1300 **Hon. Ms M D Hassan Nahon:** Thank you.

Mr Speaker, with the utmost respect to you I was here the other day, four days ago, and I showed you the e-mail and I asked you if it was appropriate for me to ask. (*Interjection by Mr Speaker*) I know, because I am not a lawyer and I have not been here for a long time, I purposely came to you to ask if it was appropriate (*Interjection by Mr Speaker*) to bring up the e-mail.

1305 Can I just say a couple of other things. I accept the legal point, I would not like to start getting into that debate, but I would not call them rumours, because rumours are what people say without names. Whether they are spurious or not maybe can be debated, even though I do not agree because they are from two different doctors saying very similar things, so I would not use the word 'spurious'; but certainly not rumours, because they are not anonymous or hearsay.

1310 Above all, I think that there is a tendency here ... we are missing the point. What really should be coming out here ... the concern is that I have an e-mail and that I have given information that a few of our doctors – very, very good doctors – have left with very serious accusations, and I would have liked to have seen the Minister, or any of the Government Ministers opposite, showing more concern, rather than defensiveness that the situation ... about the things that I have been bringing up.

I am very sorry, but this is affecting an entire population that three doctors have left, and to say that they were personal reasons and retirement ... Clearly not, when I have an e-mail saying the opposite from two of them.

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Hon. N F Costa: Mr Speaker –

Mr Speaker: No, I have the floor.

1325

Clearly, I am to blame because I have misled the hon. Lady and, had I not done so, had I guided her correctly, the matter would not have arisen. I have to apologise to her and to hon. Members because this has happened.

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The procedure should have been that the matter could have been raised in a general way: has the Minister received any complaints; is he aware of any complaints? Blah, blah, blah. That is the manner in which it should have been raised and not in the specific manner in which it has been.

I apologise to hon. Members. We all make mistakes. I have stated before in the House that I am not infallible, otherwise I would not be here – I might be in the Vatican instead. *(Laughter)* So I do apologise.

1335

Hon. N F Costa: Mr Speaker, if I may – just by way of assistance, I can assure the hon. Lady that I only arose because we want to be able to provide to this House the information that she requests. But it is not possible to be able to provide any information to the hon. Lady if she does not tell us of such allegations and accusations before the House, to be able to investigate it. And with the greatest of respect to the hon. Lady, because she knows that I have a lot of time and respect for her, just because two people say something does not make it right, and for us to be able to determine and ascertain – for the benefit, as she rightly says, of our community – allow us the opportunity to investigate those complaints.

1340

Hon. Ms M D Hasson Nahon: Fair enough, but can I just say: now am I entitled to ask had the Minister for Health heard all these accusations? They are saying they have put them forward to the Minister. Am I allowed to ask whether these complaints ...? Or is the Minister saying that he has never heard any of these complaints?

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Mr Speaker: You are able to. The Minister may not give you the –

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Hon. Ms M D Hasson Nahon: Are these complaints new? They are alleging that these complaints are not new: are they new?

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Hon. D A Feetham: Well, I was going to add. I have to say on the point of order I understand the elevation of rumours, I understand the question of making yourself responsible for statements, and I also understand the hon. Gentleman's point about asking the Minister a question without actually the Minister having seen the e-mail for himself so that he can then objectively look at the e-mail and then comment on it, because at the end of the day he cannot comment on something he has not seen. But the reality of the situation, Mr Speaker, has to be that on something as serious as this, that if there is an e-mail from two doctors – I have not seen it – that make serious allegations, surely the hon. Lady is entitled to ask about those allegations. The hon. Gentleman can then deny, accept or comment or whatever, but otherwise the scrutiny of this House, in terms of the ability of the hon. Lady to ask questions about this, would be severely curtailed. It is the process.

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I understand it is the process, it is the affording of the opportunity, and I also understand it is the adoption by a Member of Parliament of something that is said in an e-mail. What a Member of Parliament cannot do is adopt something that is in an e-mail when that person does not have first-hand knowledge of what is contained in the e-mail. But the Member of Parliament must be

1370 entitled to basically ask the Minister to comment, provided he or she gives the Minister an opportunity to basically see the allegations that he is supposed to meet.

Mr Speaker: Yes, but on the other hand, care has to be taken that under the guise of a question that may appear perfectly harmless – why is it that doctors are not on a fixed contract or pension scheme – a supplementary is then asked which puts the Minister in an impossible position. It is for me to be the ultimate judge as to whether I should allow that supplementary or not. On this occasion I did, and I am wrong.

Hon. N F Costa: Mr Speaker, if an hon. Gentleman or an hon. Lady wishes to have specific information on specific instances, the only way that the hon. Gentlemen opposite or the hon. Lady is going to receive it is by asking us, before the House, to investigate. Or, if they come to this House ready with a question, surely it would have to be on the Order Paper, with notice, and not – and I do not mean this word disrespectfully – ‘ambushed’ under the guise of a question that is only, if anything, tangentially related to the question on the Order Paper.

1385 But if, say, the hon. Lady only found out or only received the e-mail today or the day before and did not have the opportunity to put it on the Order Paper, but she felt that it was urgent and needed to be ventilated in this House, if she did not feel comfortable or did not wish to make the enquiry of Dr John Cortes before the House, respectfully then the question would have had to be couched on ‘Is the Hon. Gentleman aware that ...?’ or couched in general ways for the hon. Minister to be able to say ‘I have not heard’ or ‘I have heard’ or ‘I will investigate’, but to say in this House categorically that there are accusations and there are allegations which have been put forward by a doctor ... And in this society a doctor is taken as a person of absolute trust. When a doctor tells you to take a medicine, you do not go back home and check it so see whether or not you should take it. A doctor is in a position of absolute trust, and when doctors say something people tend to take that advice, really, as biblical, as gospel.

1395 As I say Mr Speaker, the Hon. Mr Cortes in particular, of all Ministers, would be the first one to dive head-in to be able to obtain the information that he is requested to do. I just rose because I thought it was unfair that under the guise of a question that was at most tangentially related to the question on the Order Paper, he should then have been put accusations by an e-mail which he has never sighted.

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Mr Speaker: The upshot of it all is that I myself need to brush up on my rules, musn’t I!

Hon. Dr J E Cortes: If I may, this is hugely complex. I can say that we have well over 30 doctors now and the vast majority are very happy, but we have got to be careful because just because somebody is a doctor ... they are also human.

1405 Let us take an example of a member of any other profession who for some reason may leave. For all the hon. Lady knows – and it was not the case in this case – somebody may have gone through a disciplinary process or may have had some other problems and they were forced in one way or another to leave and they may have grievances. Then they can write *whatever they like*, whether or not it is true, and hand it to a Member of the Opposition, and then it is raised in Parliament and one has to defend something which is potentially totally unjustified, unfounded and spurious. Therefore we have to be very, very careful.

1410 On this particular occasion I have not seen the e-mail. I think from what the hon. Member says it is now not possible to put that in *Hansard*, but I would be very happy to see it and to share my comments.

1415 I think we are talking about three general surgeons who left. I have got to be very careful again, because I may know aspects of what led to their departure that I cannot share. *(Interjection)* Absolutely. I can say that at least one of them gave me a hug and thanked me for all I had done for him before he left. Another one thanked me for trying to resolve a question of registration which it has not been possible to resolve, and I will leave it at that. So there was no

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breakdown in my relationship with them. But you never know what is behind ... and you do not know – not you, Mr Speaker; I was not referring to this Lady, I was talking in general terms. So when we are talking about the departure of a person who then writes an e-mail, we have got to be very careful how much credence we give to it.

1425 Of course I am concerned, but I think that one thing is clear: it is not as easy to be a doctor in the GHA now as it was before, because we insist now on a certain standard of registration and we are now working on job plans. The majority of them embrace this, but some may feel less comfortable than they were when management and the Minister were not more on top of the fact that they are here, getting paid to provide a service to the people during the hours that they
1430 are paid – and perhaps it is not as easy now to be a doctor. The majority have embraced them. One or two may have decided to go away for other reasons – not these in particular, but I think that when you try and improve standards and demand certain standards, then some people accept it and some people do not.

1435 On the specific matter of locums, locums tend to be more expensive, but on some occasions locums are actually better than the people who left. On this occasion we are very lucky, for example, with one particular general surgeon locum who has certain skills which the other ones did not have, and even though he costs us slightly more we are now able to do some operations or some investigations in Gibraltar that we used to have to refer abroad or we had to bring in a visiting consultant. So in fact in some areas the cost has actually increased. So you cannot say
1440 that a locum in particular is necessarily something negative.

1445 On one other subject, since we are on the subject of locums, I think that the main Opposition party raised the issue of the fact that we do not have a pathologist. We do. We have a locum pathologist. Sadly, we do not have a substantive pathologist because the pathologist died, passed away under tragic circumstances after a short but very serious illness. We then had to bring in a locum. We advertised and interviewed, we selected somebody who told us that he would only come if he got twice the pay we were giving him, if he got extra time, if he had an extra-special flat, and we told him no. (*Interjection*) So we are now through the process with a locum who is doing an excellent job of replacing him.

1450 So it is very easy to hear rumours in the street, or pick things off Facebook and then make a press release about it, or even worse bring them to Parliament, but we must be very, very careful and not lose the respect of the people by bringing such things here. Mr Speaker, of course everybody is free to bring things here, but I think that the hon. Members opposite will probably find the Hon. Mr Costa as approachable as I, and if they have genuine concerns let's try and resolve them without trying to make unnecessary political capital out of individual
1455 circumstances about which facts we are not certain.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you, I am grateful for that. I think that the Hon. Minister knows that whenever I can I try to speak to him privately and I am not one to try to make political capital but to help people, above all. But this case for me was of very grave public concern, because to see three doctors leaving Gibraltar in a space of three or four months was something that worried me for the sake of our community in general.

1460 I do not know any more how to put it across, because I feel like I am not really getting much by way of answer, confirming or not whether the Ministers as alleged have been hearing about it, but I accept the answer.

1465 I just want to ask one more thing, which is not exactly about that. Back to the original question really, a supplementary. The Minister for Health tells me that the doctors who are now getting pensions and contracts as from 2012. Where does the Government stand on the fact that doctors who were working here for 10, 15 years did not have contracts or pensions? I am sure we will get back that it was before your administration, but perhaps did you try to right a wrong there? I know particularly, and I am sure that the Minister knows who I am talking about,
1470 that there is one terminally ill doctor who has cried to me and told me that he has got nothing to leave to his family – and that is not a rumour; that is from the horse's mouth.

1475 **Hon. Dr J E Cortes:** Mr Speaker, once again, this is very difficult because in Gibraltar it is a small place, we all know each other and we know who the people concerned are. It is a tragic situation of that particular individual, but it is not as it appears. I cannot give personal details in this House, so I will have to explain to the hon. Member outside this House, and even if *Hansard* will not reflect the answer I owe it to that individual not to provide the answer, but I have given certain assurances to his colleagues about his status.

1480 Mr Speaker, the situation regarding contracts is as follows. The consultants in 2004 were given a pay deal subject to a contract which never transpired. In 2012 we started negotiations on the contracts. For a number of reasons these negotiations were quite extended, they were very complex. Sometimes it was the doctors' representatives, Unite the Union, who took a little bit longer to respond to some queries; sometimes it was the GHA's management. We are now in a situation that we have agreed on all the main details of the contract and we are now just
1485 working out minor adjustments. I am sure that Mr Costa will be able to announce the full acceptance of the consultants' contract now within months.

With the junior doctors and non-consultant hospital doctors, we have been meeting with them regularly, we have been improving their terms and conditions, changing some of the shifts so that they do not do, particularly in some areas, as many hours. We have more now in place,
1490 we have given them safeguards regarding their security of tenure, and again we are developing that contract and working very closely together.

I think that covers most of the areas.

Hon. D A Feetham: Mr Speaker, may I? It was one of my questions too.

1495 What we have here is three consultant surgeons leaving within a short period of time in a particular area. We are talking about surgery. It must be more than mere coincidence that that has taken place. And let me tell you that one of those doctors is very close to my own heart – he saved my life – and I know exactly why he left, because he also told me, and it is *not* coincidence. *(Interjection)* I mean low morale was the reason that he expressed to me as the reason for going.
1500 Does the hon. Member accept that it cannot just simply be coincidence that three consultant surgeons have left during a short period of time?

Hon. Dr J E Cortes: Mr Speaker, I do not know who the doctor he is talking about is, but it is not relevant. Low morale can come from a whole lot of reasons, including one's own personal position, one's own personal perception of improvement and that perhaps you are resisting the change. So low morale is not necessarily due to the organisation; or, if it is due to the organisation, it may be a negative response to a positive development.
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And yes, Mr Speaker, there is such a thing as coincidence.

1510 **Chief Minister (Hon. F R Picardo)** Maybe I can be of assistance, because I have had discussions with the relevant doctor in question in respect of –

Hon. D A Feetham: Mr Speaker, are we actually speaking under the Rules? If we are going to stick to the Rules ... A point of order, Mr Speaker.
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Hon. Chief Minister: No, Mr Speaker, I am giving more information to the House. Doesn't the hon. Gentleman want more information? This is Question Time.

Mr Speaker: First of all, I need to judge whether in fact the Chief Minister is providing additional information in his intervention to what the Minister has provided.
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Hon. Chief Minister: Mr Speaker, I hope I will be able to assist the House because I have had discussions with the surgeon that the hon. Gentleman has discussed, on a number of occasions about the issues that related to him in particular. We will not be disclosing who that is, although

1525 the hon. Gentleman has thanked this person in public before and named them, and therefore
people may be able to identify who it is. I understand anyway that that person reached
retirement age, Mr Speaker, and that should give us an indication of how he reached the
1530 decision that he should retire – because he reached retirement age. But the issue affecting that
person repeatedly was that he wanted to be able to buy a larger home, and he came to see me
in respect of that on a number of occasions and asked to be able to access Government tenders
without having to go through the tender system and asked to be able to purchase property from
the Government without having to go through a public competition system.

Mr Speaker, with the best will in the world the Government is not able to allow people to
jump the queue simply because they happen to be in a particular profession. If that affected
1535 morale – because the hon. Gentleman might like to know that this particular surgeon said
repeatedly to me that this was affecting his morale – I am afraid that following the rules is
something that the Government is always going to have to do, because people are not able to
jump the rules in respect of property purchase in Gibraltar because of the profession they may
be exercising.

1540 I hope, Mr Speaker, that that assists to inform the House – nay, the community, because all
the community is getting is what the hon. Members opposite are saying – but we are not able to
give more information unless they put us in the position where we have no alternative but to do
so.

But the last time I checked, Mr Speaker, retirement age was retirement age.

1545 **Hon. D A Feetham:** Well, Mr Speaker, I am sorry but I cannot accept the accuracy of the
answer the hon. Gentleman has given and I feel duty bound and morally bound to actually stand
up and to – (*Interjection*) No, Mr Speaker, he has given a statement which is not accurate. This
particular surgeon is in Sweden practising.

1550 **Hon. Chief Minister:** Mr Speaker –

Hon. D A Feetham: He is in Sweden practising.

1555 **Hon. Chief Minister:** He may be in Sweden practising, Mr Speaker, because they may have a
different retirement age or he may have gone into private practice, but he may not be in the
public sector in Sweden practising. Here, he was in the public sector, in the GHA, and he reached
retirement age. Or is it that the hon. Gentleman thinks that he can just get up and say things in
order to try and create an impression of something else? Is the hon. Gentleman saying that the
1560 surgeon is in Sweden practising on the public purse, employed by the Swedish public health
authorities? And if he is, can he tell us what the retirement age is there and can he tell us
whether he is just contracted as a consultant outside the retirement age, because here he
reached retirement age.

When somebody reaches retirement age, Mr Speaker, what they tend to do is retire, whether
1565 their morale is high or their morale is low. If they then are able to obtain consultancy work
somewhere else, well very good, but it does not affect that they have reached retirement age
and it does not affect that whilst they have been here the thing that they have said has affected
their morale is that they are not able to purchase a bigger home outside of the tender system.

1570 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I happen to know the history of this
doctor and the housing issue, and I think that I need to clarify that the doctor was not asking for
anything that he was not promised. This doctor came to Gibraltar in the – (*Interjection*) Please,
Mr Speaker, I believe that –

1575 **Mr Speaker:** The hon. Lady is making a statement.

Hon. Ms M D Hassan Nahon: No Okay, I will stand by that. I will stand by the statement I am about to make. Please, let me just ... I think I am entitled to ... If I know something that perhaps the Chief Minister is not correct about, I think I should be entitled to say it.

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Mr Speaker: Please put it in the form of a question. *(Laughter)*

Hon. Ms M D Hassan Nahon: The doctor was contracted before this GSLP Government came to office and it was the GSD who gave him a promise of a property and for his child to have school care in Gibraltar. That was a promise that unfortunately the GSD did not honour on this doctor. So the doctor was initially cheated off, to say the least, because this promise and this part of his job contract, as he saw it, was not honoured and he had difficulty finding a place, based on the fact that they told him they would accommodate him. The Chief Minister knows this, because I came to see the Chief Minister before I joined the GSD, before the by-election, to explain to him that this doctor was not being given what he had been promised. However, let me just assure the House that he moved on from there and that his issues – take the e-mail, do not take the email, whatever you want – are not based on the house. I do not think it is fair and I think I am being fair enough to explain that this was a promise by an administration that was not honoured and it is not fair to say that he was trying to jump the queue or ask for something that he did not deserve, because it was part of what he was told before he came to Gibraltar.

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Hon. Chief Minister: Well, Mr Speaker, I am grateful to the hon. Lady in respect of that information about what it is that he was allegedly promised, and I hope I get my grammar right in answering her now, but let's be very clear –

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Mr Speaker: Let me make one thing clear now. I am going to allow the Chief Minister now to intervene. Then I think the Leader of the Opposition has a supplementary and I will allow a supplementary. Then I am bringing the exchange ... We are then moving on, from then on.

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Hon. D A Feetham: I have no more supplementaries.

Mr Speaker: You don't? Then we are moving on.

Hon. Chief Minister: So, Mr Speaker, let's be very clear. The hon. Lady is right: she told me those things in the context of setting up a meeting between me and this person, this doctor. I then had the meeting with the doctor, who did not mention any of those things. He said, 'Look, the thing I need is this ...' *(Interjection by Hon. Ms M D Hassan Nahon)* But she was not at the meeting. What she has told the House is what she told me, which led to my having the meeting with the doctor. At the meeting with the doctor he says to me, 'Look, what I need is this: I need a property and I cannot afford to pay Gibraltar prices, and so therefore can I please buy a property from the Government without having to go through the tender process?' And my answer was, 'Look, you have to go through the tender process and you have to be in touch with the Deputy Chief Minister. There are things coming out in the Upper Town you may wish to buy there during the course of making a bid, and we give good deals in the context of those bids. People put in their sealed bids, the top bid gets it and you can get it – but we cannot do it otherwise.' But none of the things that she had said to me and she has referred to the House now were the things that the doctor was saying to me.

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Frankly, she is absolutely right. If somebody is given a job on the basis that they are going to be provided with (a) or (b), then that is the job offer and it should be made good, but he did not put those things to me as the things that were relevant to him. *(Interjection by Hon. Ms M D Hassan Nahon)* Right, absolutely, but those were not the things that he then put to me. Your meeting with me led to my meeting with him, and we were not able to resolve it in a way that he was very satisfied with but he went away saying that he would make a bid in the context of

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1630 the then tender process. I do not know whether the man then made a bid or did not make a bid,
but one has different pressures in one's life and if one then decides that it is not resolved and
you want to take a particular course of action it has got nothing to do ... and I think the
important thing here, Mr Speaker, is it has got nothing to do with what was happening in the
Health Service. I know that what the hon. Lady has said does relate to the Health Service, but it
is very surprising that those things which the hon. Gentleman was not aware of as Minister of
1635 Health were not the basis of the man's going. The man left because he retired, because he
reached retirement age.

I do not know how we can have a disagreement about that, Mr Speaker. It is simple:
retirement age tends to affect morale in different people in different ways, because you reach
an age where you do not feel as young as you used to.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
That is why I don't retire! *(Laughter)*

Hon. Chief Minister: But it is not the wider malaise that hon. Members are referring to.

1645 The hon. John Cortes has a record, I think, of inspiring most people who work with him. I
have yet to hear somebody who works in a Department run by John Cortes saying that they are
low on morale. If anything, and until they work with Neil Costa, who has a particularly uplifting
effect on me and everybody else he works with also, *(Laughter)* the people in the Health
Authority are slightly in mourning because they are losing a man that they love, **(A Member:**
1650 **Yes.)** a Minister who is well loved in his Departments, **(A Member: Yes.)** and I am sure that they
will also grow to love Neil Costa. People in the Department of Education are looking forward to
him starting his stint there, because he is a man who is also known for his ability in respect of
education. He has got more PhDs than most of us have hot dinners or than I answer questions in
this House, *(Laughter)* but he does not have an effect of ruining people's morale – whoever they
1655 have operated on, Mr Speaker.

Hon. Ms M D Hassan Nahon: I have never suggested that the Minister has ruined anybody's
morale. What I have brought up is issues in the Health Service and I am sorry to see that we have
digressed onto matters of housing and other sorts of things that really have nothing to do with
1660 this. I am actually glad that I was privy to a lot of this history, because I was able to put it right.
(Interjection)

But we still have not dealt with the bottom line, which is that two doctors have alleged that
things are very, very bad in the Health Service, and we are still on the defensive and we still have
not got to the crux of the issue. I am very sorry about that, for the community – not only for the
1665 doctors, let me say but for the community. It worries me deeply that a few really, really good
doctors have left Gibraltar, because it will have a domino effect in the quality and care of our
people. I am really sorry about that, because now we are going to be having locums – the usual
Xanit situation – and there is not going to be quality and continuity of care. I hope to God I am
wrong.

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Hon. Chief Minister: Mr Speaker, the hon. Lady has to understand that it is not all just
politics. It is not all just politics. It is politics here. This is politics: we are having a debate which is
political.

1675 She would have my full and entire agreement if I thought for one moment that the Minister
for Health had supervised the mechanism where doctors are going, out of desperation for issues
related to the Health Service, and we were being left with locums who could not deal with
matters. That is not the case, but sometimes when somebody goes you have to have a locum
because that is the way that you get the best person for the job. There are other questions on
the Order Paper that will disclose the excellent job that is being done in finding the right people
1680 for the job, in many instances locals who are away – locals, not locums. Locals who are away.

1685 What she *surmises* is going to happen, which is hell and brimstone, is that we are only going to have locums, we are not going to have doctors to operate on our people, our community. Woe is us! That is not happening. We have had a coincidence of people leaving at a particular time for issues that are unrelated. Issues that are unrelated. I can tell her that the issues which affected the morale of this particular individual – which is what the Hon. the Leader of the Opposition raised, not her – when they came to me were unrelated to the Health Service. Right. Unrelated to the Health Service.

1690 The hon. Lady needs to understand you had a situation where the hon. Gentleman has got up and explained very candidly what happened in relation to the pathologist. The pathologist did not leave because of low morale. It is clear that the pathologist (*Interjection by Hon. D A Feetham*) passed away. (*Interjection by Hon. Ms Hassan Nahon*) I know you are not talking about the pathologist; I am. Perhaps if you listen you will understand what I am trying to say. The pathologist passed away. It is not that we do not know why the pathologist passed away because we have not got a pathologist to do a pathology on the pathologist. We had a locum quickly and we will have a locum pathologist until we have a full-time pathologist.

1695 Is it that Members are saying, ‘You should move even more quickly, because what we think is right’ – and this is where the balance has to be struck in terms of professionalism – ‘is to be able to choose the best person for the job long term, and when people leave you can either replace them quickly or you can replace them with reasonable pause so that you find the right person in the long term.’

1700 It is not as if we are being told nobody wants to work in the Gibraltar Health Authority because morale there is so low; the opposite is true. We have a lot of applications and that is why we need locums, whilst we sift them to get the right people for the jobs; and where possible, where we have invested – coming back to some of the questions we were dealing with yesterday – in educating Gibraltarians who are away, who are experts in those disciplines who apply, to see whether they can be the ones to take them if they are the best person for the job, because this is the Health Service, this is not just a place where you get in because of your passport. (*Interjection by Mr Speaker*) Coming on later. I hope that deals with the issues that the hon. Lady is raising. She does not have to think, ‘Woe is us – we haven’t got any doctors in the Health Authority!’ We have more doctors and more consultants now than we had when we were in Opposition and after we took over in 2011, so I think we are moving in the right direction.

1715 **Hon. D A Feetham:** Mr Speaker, may I? (*Interjection by Hon. Dr J E Cortes*) I will give you a chance to round up with this question; no doubt you will use it to round up.

How many surgeons are there now working at the hospital?

1720 **Hon. Dr J E Cortes:** Mr Speaker, I am not sure whether I answered that as a question in a recent meeting of Parliament or whether I provided that to the media in relation to a press question. Off the top of my head, and this is recollection, we have four general surgeons at consultant or associate specialist level, four orthopaedic surgeons, three obstetrician-gynaecologists, six junior doctors –

1725 **Hon. D A Feetham:** Locums?

Hon. Dr J Cortes: No, locums? We have surgeons. Surgeon locums, we have the three covering the general surgeons, although the recruitment process is already well underway, and we have one, possibly two, covering long-term sickness, as far as locums are concerned.

1730 But if I may round off the question, locums are necessary because of the recruitment process, and remember that doctors, particularly good doctors with good jobs, need to give considerable notice to their own employers before they can leave and take up another job such as in Gibraltar.

1735 The surgical department in St Bernard's Hospital is an excellent department which has made huge progress. We now have, instead of one operating theatre, four or five operating theatres, including day surgery; we have more surgeons, we have more nurses. So anybody who, in those circumstances, had low morale is probably better off somewhere else.

1740 Just to round up completely on this, I can confirm, now that I know who the doctor in question is, that he did embrace me and thank me from the bottom of his heart for the way that he had been treated by me during his time under my Ministry.

Several Members: Hear, hear. (*Banging on desks*)

Q640/2016
St Bernard's Hospital –
Attracting consultants

Clerk: Question 640. The Hon. D A Feetham.

1745 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health explain what he is doing to attract local consultants who are working in UK hospitals and further afield to come and work at St Bernard's Hospital?

1750 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, a great deal. Doctors who are consultants, or training to be consultants, who contact the GHA or are known to the GHA are always engaged with.

1755 Consultant posts which are due to become vacant are tracked and matched with the availability of local doctors. One example is the replacement of Dr Mike Maskill, whose retirement was planned and whose post was advertised on a designate basis and filled by Dr Gareth Latin, who eventually took over from him.

1760 Similar processes are envisaged in at least three other cases, and any new cases about which we may become aware, either through approaches by individuals or through information sought from the Department of Education, are also followed up.

Q641/2016
DHA stores –
Stock control security and frontline management

Clerk: Question 641. The Hon. D A Feetham.

1765 **Hon. D A Feetham:** Mr Speaker, what steps has the Government taken to permanently address the concerns raised by the GHA's Director of Finance and Procurement in his report to the GHA Board dated 31st May 2012 regarding serious concerns about stock control security and the frontline management in stores?

1770 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in April 2014, after long negotiations with Unite, amended elements of the stores restructure proposal of 2011, held up due to longstanding stores staff claims, were finally given the green light and implemented.

1775 In January 2015 the Stores Supervisor position was finally made permanent after it had been filled on a temporary basis since the retirement of the previous supervisory grade D officer back in August 2011.

1780 In April 2015 an approved second HEO position within GHA Finance and Procurement was finally recruited and was assigned higher management responsibility for procurement and stores.

1785 In May 2015 the new HEO, the procurement and stores front line managers, together with GHA IT commenced working on the development of an in-house bespoke electronic inventory management solution. The software development has now been completed and was recently successfully piloted with some elements of pantry supplies. We will shortly carry out all major preparatory groundwork needed for the software to be uploaded with the relevant stores inventory data for the stock items to be barcoded before the software can become sustainable and operational within what will be a first phase of development and improvement in inventory management and control in this area.

1790 **Hon. D A Feetham:** Mr Speaker, thank you very much to the Minister for the answer.

Let me just read from the actual report, because it did strike me as quite a striking analysis from the Director of Finance and Procurement. What he said was, and I quote:

Stock control, security and the frontline management in stores continue to be a very serious concern and a risk that, if not addressed permanently, could have serious financial and patient care implications.

1795 That was on 31st May 2012. Why has it taken the Minister two years to get to his first step, which was in 2014, and then three years, to 2015, in order to introduce all the items that the hon. Gentleman has listed in his answer, given what are very serious concerns expressed by the Director for Finance and Procurement about, apparently, lack of control?

1800 **Hon. Dr J E Cortes:** Mr Speaker, perhaps the Hon. the Leader of the Opposition ... I am so sorry that I am being moved from Health, if only because I will not have the pleasure of answering his questions. *(Interjection by Hon. Chief Minister)* But anyway, Mr Speaker, *(Interjection by Hon. D A Feetham)* I am grateful to the Hon. the Leader of the Opposition. Perhaps he should be able to answer me, if I were allowed to ask him questions, why in the 16 years up to 31st May 2012 nothing had even been identified. **(A Member: Hear, hear.)** *(Banging on desks)*

1805 Mr Speaker, the matter started improving at that time. There was a complex need to restructure the stores department, which had implications which Unite the Union was concerned about, and it took very long and hard negotiations to finally resolve them.

1810 The process of preparing bespoke software is complicated, but I am now very glad to say that we are beginning the implementation – not a moment too soon, I will agree, but there was a process to follow and the process at least was started in 2012 after nothing had been done about it for many, many years. *(Banging on desks)*

Q642/2016
GHA Director of Finance –
Submission of monthly finance report

Clerk: Question 642. The Hon. D A Feetham.

1815 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health advise if the GHA Director of Finance continues to submit to the GHA board a monthly finance report?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no, sir, he has never submitted a monthly report. Shall I assist, Mr Speaker, before he asks, that he has submitted a quarterly report?

1825 **Hon. D A Feetham:** And is that a document that the hon. Gentleman is prepared to make available to the Opposition?

Hon. Dr J E Cortes: Mr Speaker, I suspect that the reason for this question may be related to the last board meeting, where the ... There is a finance report which is an internal document, and there is a finance report which is a public document, which is tabled at the public meetings of the Health Authority. So there is an element which he can access on the website and there is an element which obviously is an internal report.

1830
1835 **Hon. D A Feetham:** So, Mr Speaker, just to be clear in my mind about that answer, the quarterly finance report – is that a public document? Is it available to the public? Is he willing to make it available to the public? Or is he saying that parts of that report have been made public through the board's report, which is what he is saying?

1840 **Hon. Dr J E Cortes:** Mr Speaker, there is an internal working document for the organisation, which is the quarterly report. There are internal reports that have a shorter timeframe, once a month some of them and so on. But the ones I am referring to are the quarterly reports which are submitted to the board. There is a summary of those reports which is part of the open agenda, which is a public document.

1845 **Hon. D A Feetham:** Mr Speaker, we all welcome reasonable expenditure and proper expenditure on health. I cannot think of anything else that I would wish the public finances of this community to be spent on, apart from possibly education, Social Services, health. Those are the areas where any fair society would invest a vast bulk of the income generated by that society. But there is no doubt that over recent years there has been a huge increase in expenditure on health. It is projected in the books to increase to about £8.2 million a month by the end of this financial year. I suspect that it might even increase more than that.

1850
1855 In the light of that, does he not accept that transparency in the way that the finances of the GHA are managed and handled is just as important as transparency in the areas of public finance? Therefore, I would invite the Hon. the Minister to perhaps at the very least provide a public summary of these reports on a monthly basis, if not the entirety of the report, so that there can be greater scrutiny of the finances of the GHA.

Hon. Dr J E Cortes: Mr Speaker, there is clearly a Budget session of Parliament where the question of expenditure in the Health Service, as elsewhere, is openly discussed at length. I have

1860 already said that a summary of the report is published in the quarterly board reports and therefore it is already happening.

Q643/2016
Gibraltar Health Authority –
Date of next public board meeting

Clerk: Question 643. The Hon. D A Feetham.

1865 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health advise when the next GHA board meeting will take place in public

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

1870 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, subject, obviously, to the new Minister possibly changing the date for other commitments, the intention and the booking is that the next GHA board meeting in public will take place on 23rd November this year. Mr Clinton will no doubt be there.

1875 **Mr Speaker:** Next question.

Q644/2016
Gibraltar Health Authority –
Amounts paid out in claims

Clerk: Question 644. The Hon. D A Feetham.

1880 **Hon. D A Feetham:** Mr Speaker, how much has the GHA, or the Government on its behalf, paid out in respect of claims made against the GHA in respect of the last four years, providing a breakdown on a case by case basis?

Just to clarify, I am not asking the hon. Gentleman to provide the actual names of the cases, but if he can provide the breakdown I would appreciate it.

1885 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is in the schedule I hand over.

1890 Let me just explain, Mr Speaker, that it is presented by total cases by month rather than individual cases and it is divided into two parts. The first part is those sums which are paid for directly by the GHA and the second part are those parts of claims that are paid for by our insurers. So there are two tables there.

1895 **Mr Speaker:** Perhaps it ought to be made clear for the benefit of the general public that the Minister, in the schedule, has not revealed any names.

Hon. Dr J E Cortes: Absolutely, Mr Speaker, no names are provided whatsoever.

Mr Speaker: No names are revealed in the schedule.

1900

Mr Speaker: Next question. We can come back to it.

Answer to Question 644/2016

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2012

Month Paid	New Claim	Brought forward from previous years	Amount
Jan-12	1		£2,968.12
Feb-12	1		£3,034.00
Mar-12	3		£21,926.43
Apr-12	0	1	£112.58
May-12	3		£6,809.00
Jun-12	0		£0.00
Jul-12	0		£0.00
Aug-12	1		£650.80
Sep-12	0		£0.00
Oct-12	1		£4,501.98
Nov-12	2		£8,647.52
Dec-12	0		£0.00

PLEASE NOTE

Breakdown by case is not available for this year

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2013

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from	Amount
Jan-13	1	1		£48,238.40
Feb-13	2	1		£32,837.00
Feb-13	3	1		£15,000.00
Feb-13	4	1		£475.00
Apr-13	5	0	1	£135.00
May-13	6	1		£37,696.50
Aug-13	7	1		£10,000.00
Aug-13	8	1		£42,838.30
Sep-13	9	1		£10,000.00
Oct-13	10	1		£10,766.00
Oct-13	11	1		£34,000.00
Dec-13	12	0	1	£7,287.90

Cont...

Answer to Question 644/2016 continued

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2014

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from previous years	Amount
Jan-14	1	1		£29,111.00
Mar-14	2	0	1	£9,500.00
May-14	3	1		£12,500.00
May-14	4	1		£47,720.97
Jun-14	5	0	1	£12,000.00
Oct-14	6	0	1	£36,604.00
Nov-14	7	0	1	£0.00
Dec-14	8	1		£25,000.00
Dec-14	9	1		£50,000.00

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2015

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from previous years	Amount
Jan-15		0	0	£0.00
Feb-15	1	1	0	£22,500.00
Mar-15		0	0	£0.00
Apr-15		0	0	£0.00
May-15	2	1	0	£17,500.00
Jun-15		0	0	£0.00
Jul-15		0	0	£0.00
Aug-15	3	1	0	£10,000.00
Sep-15	4	1	0	£4,250.00
Oct-15		0	0	£0.00
Nov-15	5	1	0	£75,000.00
Dec-15		0	0	£0.00

Q645/2016
Primary Care Centre –
Sampling patients for drugs

Clerk: Question 645. The Hon. Ms M D Hassan Nahon.

1905

Hon. Ms M D Hassan Nahon: Can the Government confirm whether the Primary Care Centre is sampling people with depression for drugs?

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

1910 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, it is unclear what is meant by 'sampling'. If it is meant to refer to whether patients are tested routinely without the full consent and awareness of the patient of what exactly they are being tested for, the answer is no, sir.

1915 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think this relates to another question, which is Question 647. I do not know if I am entitled to –

Mr Speaker: You can come back to it.

1920 **Hon. Ms M D Hassan Nahon:** If I can come back to it, but I think what I am trying to say is that my intention with this question was to suggest whether there should be a first stop to establish the root causes for depression primarily in youngsters and start treating the symptoms early on by trying to establish whether depression is coming from drugs.

1925 I read with a lot of concern the Connected Health document produced by Felix Alvarez and Damian Broton, who were suggesting a one-stop shop where everything would be treated in one go and therefore disorders for addictive personality and so on could be dealt with early on – this is why I am asking – as a prime tac to deal with people who are showing signs of depression at the Primary Care Centre as a first stop.

1930 I do not know whether legalities come into it, but I do not see why they would not have to be aware of it.

Mr Speaker: Could I suggest to the Minister that, given that Question 647 is of a similar nature – the only thing is that it is dealing with A&E, but it is of a similar nature – you deal with it. (*Interjection by Hon. Dr J E Cortes*) Yes. Question 646 we have done, so we will deal with Question 647.

1935

Q647/2016
Accident and Emergency –
Testing patients for drugs

Clerk: Question 647. The Hon. Ms M D Hassan Nahon.

1940 **Hon. Ms M D Hassan Nahon:** Can the Government inform whether youngsters or anyone who ends up blacked out in A&E gets drug tested?

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

1945 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, yes. I am happy to answer the supplementary to explain the difference.

Mr Speaker: Yes, enlarge on it now.

1950 **Hon. Dr J E Cortes:** Mr Speaker, the critical difference between a person going to a GP with depression and somebody attending blacked out in A&E is as follows.

1955 A person who goes to a GP with depression cannot be tested for drugs without their consent, because clearly that would be an invasion of their privacy and would affect the patient-doctor relationship. A doctor cannot just secretly ask for tests and take a blood sample without the patient knowing. The patient can discuss it with the doctor and the doctor can arrange for those tests to be done, but it has to be with their consent. It *cannot* be done without their consent.

1960 The situation in A&E when somebody arrives blacked out, where there is no knowledge of what the situation would be – there is no chance of a conversation, like a GP can have with somebody with depression – is very different, because then the doctor has to rule out all the different potential causes of the blackout.

1960 Therefore I can confirm that in all cases, depending on the doctor's assessment, intoxicated youngsters will have blood-alcohol levels tested and urine toxicology for cannabinoids, opiates, amphetamines and other drugs, where there is an index of suspicion and this appears to be a feasible cause for the blackout.

1965 **Hon. Ms M D Hassan Nahon:** On a supplementary to Question 647 particularly, can I ask: do families get told or made aware of the findings of these tests, particularly for youngsters, so that they can be aware of it and try and deal with the problems of their children?

1970 **Hon. Dr J E Cortes:** In Gibraltar we all are very possessive of our children up to a fairly advanced stage, and it will not be the first time that I have had people coming to see me *'porque el niño'* or *'porque la niña'* and then you ask how old they are and they are something like 38 or 40! What can one say? Clearly, in those circumstances it would be given to the person, the patient. Anybody over 18 would have to have the ability to determine who else he tells. Anybody under 18 – and sometimes there is flexibility and the age can be 16, but anybody who is younger than that – clearly there is involvement of the parents.

Hon. Ms M D Hassan Nahon: Thank you.

1980 As a supplementary on Question 645 particularly, can the Minister tell me whether doctors have a mandate or whether he would consider giving a mandate to doctors to recommend to patients that they see with depression to talk about the possibility ... whether they believe that they are on drugs, or take it from there and advise them to get tested for drugs or deal with what may seem like a drug problem in the patient?

1985 **Hon. Dr J E Cortes:** Mr Speaker, I do not think doctors need a mandate, because doctors are trained in this, and obviously if they detect a possibility of a drug connection to a state of depression they are going to broach the subject.

1990 What I can say is that just a few days ago I met with Felix and Damian and in fact they told me that they had given you some information that they thought you were going to put into questions, and I said, 'Absolutely, it is her perfect right to do that,' and I have agreed – and I am sure that the Hon. Mr Costa will support me in what I have agreed – that I will meet them quite shortly with the GP leads in order to discuss how they could improve the service for people who are suffering from the influence of drugs.

1995 I think that is a better way of informing them, rather than giving a directive, because then the doctors will be able to express what their concerns may be, what the ethical issues may be, and they are going to be meeting with this group led by Felix and Damian in order to develop a modus operandi. I am sure that the Hon. Mr Costa will enjoy chairing that meeting, as I would have had I chaired it.

2000 **Hon. Ms M D Hassan Nahon:** Thank you. I am very happy to hear of this development and I would welcome any opportunity for Minister Costa to involve me if he thinks I can be of any value to this new incentive. Thank you.

Q649/2016
Fibromyalgia –
Classification

Clerk: Question 649. The Hon. Ms M D Hassan Nahon.

2005 **Hon. Ms M D Hassan Nahon:** Can the Government explain why fibromyalgia is not considered a disability?

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

2010 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, fibromyalgia is a medical condition; it is not a disability.

2015 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I accept that the Hon. Minister must know a lot more than me about medicine, and so I have been doing some research on Google – as we all end up in that place – and it is, I believe, open to interpretation in that, for example, the US accepts that it is a disability and offers benefits as a result.

2020 I have spoken to a few sufferers here in Gibraltar – it actually affects women more than men – and that is why I know that they suffer deeply and it does cause a lot of hindrance and suffering. Because I see that in different countries it is treated as a disability, I ask the Minister if Government would be willing to look into it because of the fact that there is a lot of suffering going on and it does debilitate the sufferer.

2025 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I think I need to explain this – and I have lots of friends who suffer from this condition.

The thing is that in defining a disability it is the effect that the medical condition has on your ability to perform in life. Therefore, you may have any particular condition at a certain minor level which is not enough to make you disabled, and yet that condition may progress and then you are disabled. So the definition of disability is not the medical condition but how it affects you in life.

2030 Therefore, I believe that, for example, when the Disability Panel meets to assess whether a patient is disabled or not, it is not the condition but how it is affecting them, so it is not necessarily that fibromyalgia is excluded as a cause for disability. That is the subtle difference that I should point out.

2035 **Hon. Ms M D Hassan Nahon:** I appreciate that. So can I just ask the Minister: what would he say to a fibromyalgia sufferer who is severely debilitated by this and feels that he or she should be entitled to benefits and what goes with the disability of such a debilitating condition?

2040 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, this used to be my area when I was responsible for Social Security; now it is the Hon. Minister Licudi who will be taking over that portfolio.

Hon. Ms M D Hassan Nahon: I look forward to him taking over.

2045 **Chief Minister (Hon. F R Picardo):** You'd better do your homework! *(Laughter)*

Hon. Ms M D Hassan Nahon: I'm fine with Google!

Hon. N F Costa: A Google scholar!

2050 As I explained to I think it was the Hon. Mr Llamas and the Hon. Mr Hammond in a series of questions and supplementaries, the Disability Allowance is awarded to persons by an interdisciplinary panel. There are two panels, one for adults and the other for children, depending on the application and then depending, of course, on the specialists who sit on the panel, and the assessment is made on the influence of the disability of that person. So, if a
2055 person's disability is such that it affects that person's ability to do the things that the hon. Lady and I would take for granted – such as dressing, showering, preparing for a day – then Disability Allowance is provided.

Mr Speaker: Next question.

Q650/2016

**Mental health issues in young people –
Investigation of increased numbers**

2060 **Clerk:** Question 650. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have an opinion on the growing concern in Gibraltar about an apparent increase in mental health issues with young people, and are there plans afoot to look into the matter?

2065

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
2070 Mr Speaker, Government takes very seriously all issues related to child and adolescent mental health, as is reflected in our 2015 manifesto commitments. Greater awareness, improved assessments and screening programmes can account for apparent increases in current cases in Gibraltar.

2075 A multi-agency committee chaired by the Minister for Health has been meeting regularly with the aim of consolidating and advancing the work that is currently undertaken, improve inter-agency collaboration and communication, and explore ways of developing child and adolescent mental health services suitable for the needs of Gibraltar.

2080 This is over and above the current arrangements, which include courses for staff and parents on autism and the monthly meetings of the multi-agency Child and Adolescent Review Group and other work by the GHA, Social Services, the Youth Service and the Education Department.

Hon. Ms M D Hassan Nahon: Mr Speaker, I was personally, as I know that other Members in this House have been, very saddened by the amount of suicides that have taken place this year. It made me think about the situation with mental health and the fact that, as far as I can count,
2085 we have had four suicides this year and a few attempted suicides. I find this quite a big rate of suicides in Gibraltar and it genuinely worries me as to whether our Mental Health department is failing us. Is there follow-up care, I ask, for patients who have perhaps left Ocean Views or patients who have gone back home? Where is Mental Health when these are the types of figures that we have been looking at so far?

2090

Hon. Dr J E Cortes: Mr Speaker, this is not a direct supplementary but I am very happy to answer it.

Very shortly after the latest of the very, very sad suicides – and these things touch us all in Gibraltar much more closely than in less close-knit communities – I called a meeting of the

2095 Mental Health team and we had wide discussions. This is not something that can be conclusive,
because there are many different causes for suicide and not all the persons who have
committed suicide were known to the Mental Health Service or had made any contact with the
Mental Health Service. They can be people who have problems and they do not make contact
and maybe are unrecognised. So I asked the Mental Health team to look critically at what we
2100 may or may not be doing and I am expecting that a report will be presented to my successor on
this.

There is follow-up by the Community Mental Health team, who do an excellent job, but sadly
we cannot control what happens in every person's life and it is possible that suicide in a small
community can almost have a copycat effect and people who are thinking of it may almost be
2105 encouraged to take that step when they have heard of other people doing it. This is something
that is very, very sad, but I can assure the House that the team is looking very critically at
whether there is anything at all that can be done in order to approach and to be able to prevent
this sort of situation – but it is very difficult.

2110 **Hon. Ms M D Hassan Nahon:** Thank you for that.

I accept what the Minister is trying to say, but I would like to make him aware that only
yesterday I had to deal with an attempted suicide. And this is not rumour, this is not spurious – I
saw it for myself: there is no follow-up care. I say this in good faith. Please note that there are
2115 people who are left alone and there is no follow-up care at the moment, or perhaps a very low
level of follow-up care, and I urge the Minister to please look into this more carefully. The
assumption is that psychiatric medicine is given and patients are left to their own devices and
there is not enough follow-up.

In a supplementary, if I may ask: what provisions are given in schools to our young students,
in terms of mental health?

2120

Mr Speaker: Is the Minister able to answer that?

Hon. Dr J E Cortes: Mr Speaker, I will be in a couple of weeks' time as the Minister for
Education, or maybe just a couple of hours' time – because I pick things up very quickly! (**A**
2125 **Member:** Hear, hear.) (*Banging on desks and laughter*)

Seriously, Mr Speaker, I do know a little bit about it because I prepared for the *Viewpoint*
discussion last week. The schools have their own special needs co-ordinators. They have a
person in the school – it is often the deputy head – who is detailed to look after pastoral care,
and there are also two educational psychologists, which is one more than when we took office;
2130 we had a manifesto commitment then. And there is a considerable amount of support and cross
working with the Youth Service and so on. For more detail than that it would have to be either
the Hon. Gilbert Licudi, who is not with us today, or me after I have been able to inform myself
better. There is support there. Certainly it is an area which, because of the work I have done in
the GHA on mental health, particularly interests me and I hope to look at how we can improve
2135 services for children in the Department of Education in the future.

In relation to the sad incident that the hon. Member tells us she witnessed yesterday,
without knowing the details I cannot comment, but if there are any particular concerns she
wants to share with me later I would be happy to talk to the Mental Health team and see what
2140 may or may not have happened and what support maybe would be necessary in the future.

2140

Hon. Ms M D Hassan Nahon: Thank you for that. I will indeed speak to you about that later,
but again I was not trying to use that point to make a political point but mainly to make you
aware of what is actually happening.

In terms of the schools and a psychologist, luckily on this occasion I did do my homework and
2145 from what I understand there is no clinical psychologist in schools. Would the Government be
interested in introducing a clinical psychologist – because I believe that the educational

psychologists do not necessarily know how to deal with mental health like a clinical psychologist – which would be greatly appreciated there?

2150 **Hon. Dr J E Cortes:** Mr Speaker, there is a clinical psychology service provided by the GHA, which employs three clinical psychologists and they do work with the schools when young children are referred to them either through the school, through the Youth Service or through a GP. I could not tell you what volume of work they have, but I do know that there is access to clinical psychologists. Even though they are not working for the Department of Education, they
2155 are working for the GHA.

Hon. Ms M D Hassan Nahon: This was my question, Mr Speaker: whether the Government would be interested in having an on-site Department of Education clinical psychologist. I would urge them to look at this.

2160 I hear the Minister saying no. Why would you not agree with me if it means helping our young students?

Hon. Dr J E Cortes: Mr Speaker, I am not able to comment on that; I do not know enough about what the educational demands would be for a clinical psychologist.

2165 We must be careful here, because very often we say, 'Why don't we have such and such in Gibraltar? Why don't we have a specialist in this and that?' We must be very careful that, because of Gibraltar's small size, in some specialities we would not have enough cases to keep that specialist skilled, and therefore in the UK sometimes for particular conditions you have to have maybe 200 or 300 patients a year in order to keep your accreditation and for an order for
2170 your college to allow you to practise. We cannot bring people to Gibraltar to be employed here within our schools or elsewhere if there are not enough cases. What we would have to do is bring a specialist over for a period of time – like we bring child psychiatrists over, for example – but we would not have enough work for them. It is not just that they would be sitting down doing nothing; it is that they would de-skill, which means that they would not be of any practical
2175 use, or limited practical use.

But I do not know what the workload would be and so on, so at this point in time I cannot comment further.

Hon. Ms M D Hassan Nahon: I do not think that one clinical psychologist working for the
2180 Department of Education, shared by all the schools that we have in Gibraltar, would stay stagnant, but again that is just a comment.

Hon. Dr J E Cortes: I didn't say that.

2185 **Hon. Ms M D Hassan Nahon:** No, I am not saying you said that, but I would more or less guess that their workload would be taken up, and therefore it was just a constructive suggestion.

Hon. R M Clinton: Mr Speaker, would the Minister be able to advise the House whether in his
2190 meeting with the Mental Health team there is an intention to include any NGOs in the general discussion about the recent spate of suicides? I appreciate it was not mentioned in the *Viewpoint* programme, probably precisely because we do not want to encourage any copy cats, but it is obviously very concerning to the community – and we are a small community.

2195 **Hon. Dr J E Cortes:** Mr Speaker, again the Hon. Mr Costa may have a different approach, or not, to the one that I was planning, but certainly my policy has always been to involve the relevant NGOs. I come from an NGO background, after all, and I must, for example, say that I have discussed the suicide issue already with a group of counsellors who are not officially yet

2200 structured as an organisation but who came to see me collectively to talk to me about issues in relation to counselling. So I have already done that and it is something that I ... What I normally do in these circumstances is I talk to the internal team first to see exactly what the issues are and so on and then invite NGOs for a more general discussion, and then meet again – internally, for example – to see whether we need to change anything or develop anything further.

2205 **Hon. R M Clinton:** Mr Speaker, I thank the Minister.

Perhaps a question addressed to the new Minister – to perhaps consider organisational frameworks and models such as the Samaritans, which obviously is a well-established model worldwide. Obviously, we have Childline in Gibraltar, but it is catering for a completely different age range. A lot of people who may be driven to suicide could fall completely out of the net in terms of mental health care, not necessarily displaying any symptoms or perhaps not even wanting to get help, which perhaps leads them to this – and this is particularly more prevalent amongst males because we tend not to share our problems with other people, as perhaps the other gender does more readily. Again, just a suggestion that the Minister would consider that when he takes over his Ministry.

2215

Hon. Dr J E Cortes: I must say that my hon. and learned Friend's diary is already pretty full and he does not know it yet! I have already scheduled a meeting with Childline. They have, in fact, announced publicly that they are going to extend their activity to include adults. I think that civil society has a huge role to play in developing our medical services and I am sure that my colleague does so. Already in his diary – although, as I say, he does not know it yet – there is a scheduled meeting with them to explore just that line.

2220

Hon. D A Feetham: Mr Speaker, coming back to the original Question 650 – and the question by the hon. Lady was does the Government have an opinion on the growing concern in Gibraltar about an apparent increase in mental health issues with young people – is the Government agreeing that there is a growing problem of mental health issues with young people? And if there is, how does the Government actually come to that conclusion? Is it because it has statistics of these things and therefore the hon. Gentleman can make that assessment?

2225

I am just interested because there have been many, many supplementary questions in relation to this, but I am just not clear whether, from the answers that have been provided, the Government actually accepts that there is an apparent increase in mental health issues with young people; and if it does, on what basis does it make that assessment?

2230

Hon. Dr J E Cortes: What is an 'apparent increase'? I certainly have no data to corroborate that, but 'apparent' ... What is 'apparent'? If you hear of several cases in the street or in the newspapers, or talking to people, or when particular issues come up on one of the social media, it is very difficult to pinpoint. I think that whether there is an increase or not, real or apparent, mental health issues have to be tackled and we are doing quite a bit to improve provision.

2235

There has been a spate of suicides, not all in young people, but that maybe unusual, a coincidence perhaps, possibly copycat – it is a very delicate matter, so I am being very careful in how I express this view. Perhaps given over a period of 20 years the incidents in Gibraltar may be lower. I do not think that is related necessarily to youth mental health issues.

2240

It is a fact, not just in Gibraltar but throughout the western world – if that definition is still valid – that cases of particular conditions, such as autism for example, are increasing. But then, as I said in my answer, our ability to detect this is also improving. There is better training, more vigilance, more screening programmes. So it may be apparent. Is it real? I cannot judge one way or the other. What we have to do is tackle the problem regardless of that.

2245

Mr Speaker: Next question.

Q651/2016

**Government cleaning contracts –
Changes in the last year**

2250

Clerk: Question 651. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government confirm whether there have been any changes in Government cleaning contracts in the last year?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
2260 Mr Speaker, no, sir.

Hon. Ms M D Hassan Nahon: Mr Speaker, I ask because I have witnessed for myself and also heard a lot of complaints about Gibraltar looking rather filthy, in particular and I want to let the Government know that in the lighthouse the toilets are pretty disgusting and I think it is a bad image that we are giving to our tourists in our main area of pride, where everything should be in tiptop condition.

2265

I was wondering if it may have had something to do with cleaning contracts or workload, salaries, cuts in manpower. I also suggest ... I do not know why rubbish is not collected on a Saturday. You have people here for the weekend, and Gibraltar has tons of bin liners all over Gibraltar on a weekend. I do not know, but it is just looking rather shabby. This was the root of my question.

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may be able to assist, because the hon. Lady mentioned Europa Point and how ... I did see the post of one individual who had actually gone there, and I thought it was pretty disgusting the way the toilets were. I was concerned about it and I stand up to answer that because the GSLA has, in a way, the parks, and we try and do all the parks and all the toilets and have everything as clean as is possible. We have already got a maintenance team, of which we have a hotline of things that might be going wrong in the parks.

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Yes, it was on a Sunday, somebody was supposed to have cleaned that toilet on that day, but I can assure the hon. Lady that there are not any cuts or anything that has happened to the cleaning contracts that at least I am aware of, or that we have cut down on anything. It was just that day, and I agree with the person who posted it that it was rather disgusting. I can assure the hon. Lady that it is constantly being cleaned. What you cannot avoid is that it is cleaned one minute and then 10 minutes later somebody comes in and leaves it in a disgusting manner, and then you have to wait for another hour until somebody comes and cleans it again. But it was specifically on the Europa Point one.

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Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Minister for the answer, but I have to say in all honesty this had nothing to do with the Facebook post. I am really on none of the groups. I do not think I am on any of the groups, because I decided it was better for my health not to be, even though it might remove me a little bit from society, but it works out better for me.

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I take my children there very often to play, so I see it, so I very much doubt, anyway, the coincidence of me having found this complaint on the day that he talks about. I also have very dear friends who actually have to make time every morning during the school run to go and take their kids to play at about eight or 8.30 in the morning and they stay there for a little while before they go and do the school run, and they have also been rather shocked by the condition

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2300 of the toilets. So it really has nothing to do with that one event that he talks about, and I think it is an ongoing problem. So I hope that with his connections and Departments he can maybe have a closer eye on it, so that Gibraltar's image is not affected by this.

2305 **Hon. E J Phillips:** Mr Speaker, I think, with respect, my learned Friend raises an interesting point about not only rubbish in our streets but litter as well. Obviously the Minister confirmed that there had been zero prosecutions in respect of litter offences and 101 tickets issued in the last five years, which amounts to one and a half a month in five years, which I think ... Clearly it is a question of education enforcement, isn't it?

2310 **Hon. Dr J E Cortes:** Mr Speaker, again, if you average out over five years, when in the first few years there was not a single litter warden in the former administration, there were no litter tickets ... *(Interjection)* What I am saying is that you cannot average it over five years, because we implemented the programme a couple of years later, so you have got to average it over maybe two or three years. You cannot say – **(Mr Speaker: Sixteen!)** Well, over 16 years: what is zero over 16? Infinity, no? *(Laughter)* The Hon. Speaker was my mathematics teacher, so he will correct me if I am wrong.

2315 But I cannot really say. We are actually fining a lot more people recently – if you made a graph, it is increasing – and we are doing a lot. In fact, now one of the reasons why people ask to see me is to see whether I can waive their litter tickets, which I cannot and I will not. This is a new dimension, so I think it is having an effect.

2320 But as my hon. Friend says, if you happen to go into a toilet after somebody has been in it, or there have been three coaches coming in and made it a bit of a mess, that is regrettable. What I can say is that whenever we have reports of toilets and so on being in a bad condition we immediately take action and get it rectified.

2325 **Hon. D A Feetham:** Mr Speaker, may I?

Mr Speaker: Yes you may, but I hope that you are not going to ask a supplementary which is going to contribute to a debate on the general cleanliness or otherwise of Gibraltar. Let's be fair. I will allow the Hon. the Leader ... We have the original question: can the Government confirm whether there have been any changes in Government cleaning contracts in the last year? The answer could have been, 'Yes, we cancelled this particular contract but we gave a new one to somebody else', or, 'We have introduced new requirements in our contracts in respect of this and that.' That is the kind of answer that I would have thought was really relevant to the original question. And what happens instead? We are beginning to get into a debate about the general state of cleanliness or otherwise in Gibraltar.

2335 The Hon. the Leader of the Opposition.

2340 **Hon. D A Feetham:** Mr Speaker has obviously read my mind in terms of the question that I was going to ask, and I will tell you why I was going to ask it: it is because the hon. Lady in her own supplementary – Mr Speaker has not picked her up on that, and allowed it – asked about the toilet and asked about the general cleanliness of Gibraltar. The Hon. Minister Linares answered about the toilet but not about the general cleanliness of Gibraltar, and I just wondered whether that aspect of the question that the hon. Lady has asked would be answered, which I understand is: does the Government accept that there has been a recent deterioration in the cleanliness of Gibraltar? I think that was the question that was asked by the hon. Lady, and it is an important issue because I certainly am getting an increasing number of complaints in this regard and therefore it is right that the Government, which has received a question, should be afforded the opportunity of answering it.

2350 **Mr Speaker:** I will, of course, allow the Government Minister to answer, and then we are going to move on. But I look forward at the next meeting of the House to a motion in which there will be a general discussion about the cleanliness or otherwise of Gibraltar.

2355 **Hon. Dr J E Cortes:** Mr Speaker, again, it is hard to tell because all the information that the hon. Member will have got by way of complaints will be anecdotal, it will not have been a systematic study of rate of cleanliness and so on.

I know that the litter wardens work very hard, we are now fining more than ever. I chair a litter committee, which includes NGOs, which meet regularly and we have made a lot of progress in a lot of areas from sorting out problems like the long-standing problems of bins in Chatham Counterguard, which are no longer there, and other areas we are tackling. So I think there are areas which are better; there may be some areas which are worse, and these are things that we have to carry on working on.

2365 **Mr Speaker:** Yes, Mr Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

2370 Going back to the original question on cleaning contracts and the subject of procurement, I notice it was the Minister for Sports and Leisure who stood up and answered the question in respect of his area or Department taking care of those particular facilities. My question to the Government is: what is the Government policy on cleaning contracts? Is there an omnibus contract for the whole of Gibraltar? Do you split it down by the schools, by the sports authorities, by main streets? What is the general policy on cleaning contracts? Are they centralised? Is this something perhaps that Minister Bossano will be looking at in terms of procurement, whether to look at the award of these particular types of contracts? I guess what I am saying, Mr Speaker, is: does each Department award their own cleaning contracts?

2375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer is that the position at the moment remains exactly as it was under the former administration, because they gave a 20-year contract –

2380 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Which has not finished.

2385 **Hon. Chief Minister:** – for cleaning services, which covers the whole of Gibraltar, and given the comments that we have heard today, that 20-year contract that they gave does not seem to be fit for purpose. But we will take under advisement all the things that we have heard today in the context of reviewing the cleaning contract that the GSD gave for 20 years for the whole of Gibraltar.

2390 Frankly, Mr Speaker, I also do not think that this question arises from the original question, but anyway ...

2395 **Hon. R M Clinton:** Mr Speaker, I thought it was particularly pertinent to the original question. *(Interjection)* It is, but the question was have there been any changes in the Government cleaning contract. I am asking how are these contracts awarded. That is particular pertinent to the question.

2400 **Mr Speaker:** That in itself can be an original question: on what terms does the Government award a contract? That can be a substantive original question and not a supplementary. But I am being liberal because it is Friday afternoon. *Pero la siguiente vez se vai a enterar. (Laughter)*

Hon. Dr J E Cortes: All I can say on that is that the Department of the –

Mr Speaker: I do not need to apologise for that aside do I? (*Laughter*)

A Member: Nobody heard it!

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Dr J E Cortes: Just to finish this one, the Department of the Environment manages one general contract, which is the one that the Hon. Chief Minister has explained was inherited, and that is the one that I am responsible for.

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There may be minor cleaning contracts here and there for little areas or office areas and so on. I am not aware of the detail and it would have to be a substantive question where all my colleagues would have to feed in to provide a substantive answer.

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Hon. Chief Minister: Let me be clear, because I think it is important that the House has the right information. The GSD gave, in Government, a 20-year contract for the cleaning of Gibraltar. There are office contracts, so different offices may have different contracts for Government offices, but for Gibraltar there is one contract for 20 years, granted in 1997 by the party opposite when they were in Government.

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Mr Speaker: Right, I am now going to give my former pupil, the Hon. Dr Cortes, a respite after the very busy afternoon that he has had. So we will move on to Question –

Hon. Ms M D Hassan Nahon: Excuse me.

2425

Mr Speaker: My patience is being stretched. Okay.

Hon. Ms M D Hassan Nahon: Sorry. I appreciate that the contract is being run by the same people as before, so does it mean that the GSD is to blame? I do not see it like that. If Gibraltar is getting smelly –

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Mr Speaker: No –

Hon. Ms M D Hassan Nahon: – and if Gibraltar –

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Mr Speaker: No!

Hon. Ms M D Hassan Nahon: – how can the Government –

Mr Speaker: I am going to ask you one more time –

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Hon. Ms M D Hassan Nahon: – not take responsibility for these –

Mr Speaker: If Gibraltar is getting smelly, you bring a motion –

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Hon. Ms M D Hassan Nahon: I am sorry –

Mr Speaker: – to the next meeting of Parliament and we will debate it then.

2450

Hon. Ms M D Hassan Nahon: – but how can you say that the cleaning contract was given by the GSD so eso es *lo que hay*?

Mr Speaker: Order! (*Mr Speaker bangs on the desk*) Order! Please! Order. Do not make me have to stand up and suspend the session. I expect hon. Members who have got the floor to let

me have the floor when I ask for it. That is fundamental to the respect which the office of Speaker is entitled to.

2455 If I am not doing my job properly, if I do make a mistake ... and I have apologised already, but I do expect fundamental basic respect. When I ask for the floor hon. Members must concede the floor to me and not carry on arguing the toss with me. That they must do.

2460 **Hon. Chief Minister:** Mr Speaker, if I can clarify, I have not for one moment said anything to do with that. I have been asked a separate question about how we procure services and I have said we have procured the service 20 years ago, or 19 years ago, in 1997. I did not answer the hon. Lady's question; those questions were answered by somebody else. She has jumped to the conclusion that I am blaming today's problems, as they have put them, in respect of cleanliness on that contract.

2465 I was asked a defined question – how does the Government procure those contracts – and I have answered saying that we procured them under the former administration 19 years ago. They gave a contract for 20 years. She has then said, 'Is the Government saying the GSD are to blame?' We have not said that, because it is obviously not the GSD who are supposed to be cleaning our roads and it is not the GSLP who are supposed to be cleaning our roads; it is supposed to be the people who the GSD gave the contract to. So, if our roads are not as clean as they should be, it is obviously a company that is responsible.

2475 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I apologise on my part if I got you hot tempered, and I apologise to the Chief Minister if I seem to have misunderstood. I did not mean it like that. I just got the impression that perhaps it was a bit like 'this is a contract, these are the people from the GSD who came in under the GSD, they have a 20-year contract and this is what we have'. It came to me as an implication to the fact that perhaps if they are not working to the best of their ability or Gibraltar is smelling a bit, it is a contract that we cannot get rid of. I am sorry.

Q688/2016
'Last shop in Europe' site –
Plans for development

2480 **Mr Speaker:** Question 688, please.

Clerk: Question 688. The Hon. L F Llamas.

2485 **Hon. L F Llamas:** Mr Speaker, what plans does Government have to deal with the plot of land next to the lighthouse where the last shop in Europe once stood? (*Laughter*)

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

2490 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, Government is shortly to advertise the plot of land for expressions of interest. Government is open to ideas for its development that are in keeping and sensitive to the area. A condition will be imposed on the successful tenderer to include a Neanderthal interpretation and visitor centre within the development to complement the world heritage site at Gorham's Cave.

2495 **Hon. L F Llamas:** That is very interesting and is something which I think will be quite well received.

2500 Can I just ask why nothing has been done, in terms of leaving it abandoned in that state, in the same context as my Friend has just said, the image it portrays of Gibraltar, having a tourist spot where loads of tourists go up in coaches and taxis and they see a derelict area day in and day out?

Hon. Deputy Chief Minister: Mr Speaker, I fear the answer may be rather similar to the answer the hon. Lady was given. It is a long story and I will try to explain it as succinctly as possible.

2505 The site was put out for expressions of interest by the hon. Members themselves when they were in office and a preferred bidder was identified. They started discussions with that preferred bidder. We continued the discussions with the preferred bidder. There were a number of issues which stalled those discussions when both sides of the House have been in Government.

2510 One of them was the possibility of locating a sewage treatment plant in the area, which the preferred bidder was not very keen to see and wanted certain guarantees and assurances which I think neither they nor we were prepared to give.

Secondly, if you recall the issue with the stadium which was going to be located in that area and which may have had a restaurant in the area, again that also delayed the project considerably.

2515 Finally, the third delay was caused by Brexit, where the preferred bidder wanted some kind of assurance or guarantee, or at least wanted to wait until the Referendum had taken place and to know what was going to happen before taking a decision. The Referendum took place, the results in Gibraltar we all know and the results in the UK we all know, and then, as a result of that, we have now terminated discussions with that preferred bidder and that is why the plot is going out to tender again.

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Hon. R M Clinton: Mr Speaker, I am sure we all remember the old shop that used to be there, but what remains of the original shop I think is a heritage piece which I think, and I am happy to be corrected, are either a bomb-proof shelter or an ammunition store. Would the Minister be able to confirm to the House that that will not be allowed to be demolished?

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Hon. Deputy Chief Minister: Mr Speaker, can I say I am not aware exactly of the heritage value of what he is referring to, although I am aware of what it is that he is referring to. My understanding is that that is where they want to locate the Neanderthal visitors interpretation centre, so there is some intention to preserve it at the moment but we need to wait and see when the expressions of interest come in and then determine the area that is going to be required and also determine the heritage value of that particular area that he is referring to. I myself am not clear on that question at the moment.

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Mr Speaker: Before we move on to the next question, I cannot help but comment that whoever called that 'the last shop in Europe' of course had no knowledge of geography whatsoever – unless there are no shops in Tarifa, that is. *(Interjection)*

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A Member: Or for language. Much cheapness.

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Q689/2016

**Northern Defences regeneration –
Progress**

Clerk: Question 689. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can the Government say what progress has been made in the project to regenerate the Northern Defences, and when does Government expect the project to be complete?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. Following the completion of cleaning-up works in the area of the Puerta de Granada site and Princess Lines last year, works this year at the Northern Defences have focused on the King's and Queen's Lines.

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The progress to date is as follows. Access from the Princess Lines via Lower Forbes Battery to the Queen's Lines is now possible. All tunnels (King's and Queen's Gallery) have been cleared of debris and asbestos. Musketry loop holes along Queen's Gallery have been unblocked and provide a new attraction to this unique military site. Tons of debris and rubble are currently being removed from the Queen's Lines. These operations are expected to be completed by the end of this year.

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Cleaning-up operations will then focus on the area of King's Lines in January 2017. Completion of such cleaning-up operations is expected by March 2017.

I would like to add that it gives me great pleasure that tours along these newly exposed areas are now available and are being organised by the Heritage Trust and the Government.

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Hon. T N Hammond: Just for complete clarity then, the entirety of the project is expected to be completed in March 2017 – is that correct?

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Hon. Deputy Chief Minister: No, Mr Speaker, this only refers to that particular area. I think when the project was originally announced and we started to get involved in the Northern Defences I made it very clear that this was going to be a long-term project, it was something that was going to take very many years. So I am talking about this particular area, the Queen's Lines, King's Lines, King's Gallery, Queen's Gallery. That is the area which will be completed by March 2017 in terms of the clearing-out operation.

ADJOURNMENT

2575

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn to Wednesday, 26th October at 11 a.m.

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Mr Speaker: The House will now adjourn to Wednesday, 26th October at eleven in the morning.

The House adjourned at 5.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.03 a.m. – 2.05 p.m.

Gibraltar, Wednesday, 26th October 2016

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The Gibraltar Parliament

The Parliament met at 11.03 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

Standing Order 7(1) suspended to proceed with Government Bills

Mr Speaker: The Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

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

GOVERNMENT BILLS

FIRST AND SECOND READING

Civil Marriage Amendment Bill 2016 – First Reading approved

10 **Clerk:** A Bill for an Act to make provisions for the marriage of same sex couples and for connected purposes.

The Hon. the Minister for Tourism, Housing, Equality and Social Services.

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the marriage of same sex couples and for connected purposes, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the marriage of same sex couples and for connected purposes be read a first time.

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

Clerk: The Civil Marriage Amendment Act 2016.

**Civil Marriage Amendment Bill 2016 –
Second Reading approved**

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):

25 Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Bill intends to give effect to the Government's proposals to enable civil marriage between people of the same gender.

Mr Speaker, the first landmark moment came with the introduction of the Civil Partnership Act in 2014. There has since then been lobbying for civil marriage between individuals of the same sex to be made possible.

30 The Government's manifesto commitment in 2015 was to publish a Command Paper in order to take the public views on this issue. Having taken office for a second time last November, we immediately set out to give effect to our manifesto commitment and issued the Command Paper in December 2015, the response to which, Mr Speaker, was overwhelming. Indeed, it was the largest response ever received to a Government Command Paper. The majority of the responses were in favour of equalising civil marriage.

Since the close of the consultation period, which we even extended, and through an inter-ministerial committee headed by the Chief Minister, we have given a lot of thought and consideration to the matter. Such was the importance that we have given to this process, that we also had lengthy meetings with representative groups. Marriage is a hugely important institution.

This of course has been an important and has also been a very emotive subject, with strong views for and against. I wish at this stage, Mr Speaker, to thank everyone who was involved in the consultation process and helped inform and guide us with their different views and indeed valuable insight. It is important for us to strike the balance which provides equality and respecting individuals' beliefs.

Mr Speaker, this Bill will enable same sex couples to enter in a civil ceremony. That is, Mr Speaker, a civil ceremony in a registry office or other approved place, whilst protecting and promoting religious freedom. I wish to make that point very clear, Mr Speaker, that this is about civil marriage and not holy matrimony or any other religious marriage and I will explain certain religious safeguards, particularly those we introduced following our consultation process, in a moment.

We believe, Mr Speaker, that opening up marriage to all couples demonstrates society's respect for all individuals regardless of their sexuality, making our society fairer and more inclusive for all its members. This change strengthens the vital institution of marriage and ensures that it remains an essential building block of modern society.

Turning to the formalities of the Bill, Mr Speaker, the amendment to the Marriage Act introduces two new definitions, 'parties' and 'relevant marriage'. These are introduced in section 2 in order to give effect to the provisions allowing for same sex marriage. The term 'parties' had to be defined as there were numerous references within the Act and no clear definition was afforded to it. In order to avoid uncertainty or any ambiguity, given the extension of marriage to same sex couples, this had to be addressed and it now means opposite sex and same sex couples.

The other definition included in section 2 was the 'relevant marriage' meaning a marriage of a same sex couple.

Two further amendments are made after section 6 and section 40 respectively, with the introduction of new sections 6A, 6B and 40A.

Section 6A, Mr Speaker: the existing section 6 subsection (a), which deals with marriages solemnised or contracted in a place of worship, is slightly amended so that it is now subject to the provisions contained under the new section 6A.

Section 6A relates to marriage of same sex couples in a place of worship and it reads as follows, Mr Speaker:

Marriage of same sex couples in a place of worship.

6A.(1) A minister in a place of worship may not be compelled by any means (including the enforcement of a contract or a statutory or other legal requirement) to—

(a) conduct a relevant marriage;

(b) be present at, carry out, or otherwise participate in, a relevant marriage; or

(c) consent to a relevant marriage being conducted,

where the reason for the minister not doing so is that the relevant marriage concerns a same sex couple.

(2) A religious organisation may not be compelled by any means to allow the use of premises owned or controlled by it for the purposes of a relevant marriage where the reason for not doing so is that the relevant marriage concerns a same sex couple.

75 By not compelling ministers to carry out a relevant marriage of a same sex couple in a place of worship, the above amendments impose no obligation on ministers and protects those who do not wish to conduct, be present, carry out or otherwise participate or consent to a relevant marriage.

The section makes it clear that attempts to use the enforcement of a contract, statute or other legal requirement to compel a minister to carry out a relevant marriage shall not be upheld. It respects and protects religious freedoms.

80 To this extent, Government has not changed the definition of marriage as determined by any religion. The definition of holy matrimony, a sacrament of the Catholic Church or the respective rights of marriage in the Jewish, Islamic or Hindu religions remain entirely unaffected. Furthermore, any religious organisation is also protected in that it may not be compelled to allow the use of any premises owned or controlled by them for the purposes of a relevant marriage of a same sex couple.

85 Section 6B, Mr Speaker, provides a provision to opt out by a Deputy Registrar. This section grants a Deputy Registrar who does not wish to conduct a relevant marriage of a same sex couple, a provision to opt out. This stance is akin to the position taken in relation to ministers under section 6A, insofar as the Deputy Registrars may not be compelled by any means to conduct a relevant marriage of the same sex couple.

In such cases, an alternative Deputy Registrar shall be assigned for the purposes of the relevant marriage. Again, this protects and respects religious freedoms of a Deputy Registrar and at the same time, allows for marriage of same sex couples to take effect by appointing an alternate in his stead.

95 Section 40A, Mr Speaker, allows for the conversion of civil partnerships into marriage of those couples who may wish to do so. The only requirement is that they must have formed a civil partnership pursuant to the Civil Partnership Act 2014. This section provides the power for the Minister with responsibility for personal status to make rules establishing the procedure for conversion of civil partnerships and such rules shall make provision for the technical arrangements, Mr Speaker.

If a couple decide to convert their civil partnership into a marriage, once the conversion process is completed, the civil partnership automatically ends and the couple are treated as having been married since the date the civil partnership was entered into.

105 There are also amendments to the Matrimonial Causes Act, Mr Speaker. The Matrimonial Causes Act governs matrimonial causes and makes provision for matters incidental thereto, or connected therewith. Consequently, amendments are required to the Matrimonial Causes Act following the changes made to the Marriage Act for the purposes of this Bill.

110 The most important of the consequential amendments to the Matrimonial Causes Act is that marriage shall not be void on the grounds that the parties are not respectively male and female under section 25(1)(c) and that a marriage shall not be voidable under section 25A(a) and (b) when it applies to the marriage of a same sex couple.

The Bill, Mr Speaker, also allows the Government to amend any Act or subsidiary legislation by way of regulations in order to make further provision and such consequential, transitional and savings provisions deemed necessary for the marriage of same sex couples.

115 Mr Speaker, I wish to single out Joyleen Gomez-Bruzon and Nadia Sisarello-Parody from the Government's Law Drafting Office for their hard work in this process in such a short period of time and also for their invaluable advice on the subject. A Bill such as this one requires a lot of work as it has wide-reaching consequential amendments to many other pieces of legislation.

120 Finally, Mr Speaker, this Bill will place all couples on the same footing as other couples already married at the Registry Office, as the proposed amendments to the Marriage Act will provide the same option for all.

This, Mr Speaker, is another historic step and a reflection of a progressive and inclusive society and a further testament of our commitment to equality. (**A Member:** Quite right.) There is no such thing as 'gay marriage', Mr Speaker; it will just be marriage for all.

125 Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

A Member: Hear, hear.

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

The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, today we are debating the amendment to the Marriage Act to bring about marriage between same sex couples.

135 I welcome the speech of the hon. Member for Equality and commend the Government on the manner in which it has brought the Bill.

Mr Speaker, I will support the Bill, subject to one reservation, because it provides this House the chance to support couples, loving couples of the same sex who desire to be married. It is my hope that everyone in this House will support the Government Bill because it will give the opportunity to those in our community to have their relationships celebrated, valued and recognised by the State in the same way as everyone else is.

140 Mr Speaker, to those people inside and outside of this place who oppose the Bill, and argue that those couples already have a statutory framework for civil partnership, I say this. The introduction of civil partnership was a step in the right direction, in my view, and I am proud that this has past the legislation when it did.

However, we need to take the next evolutionary step forward. I understand that there are those that strongly oppose the Bill and I respect their right to hold those views, but I do not agree with them. Mr Speaker, this is not just about the ceremony of marriage and everything else that it entails. It is about the promotion and recognition of long and stable relationships.

150 Why would we as a society want to prevent a same sex couple from getting married just because they are gay? Marriage represents a meaningful commitment and why should that not include those of the same sex? If we as a Parliament fail to pass the Bill, Mr Speaker, we are saying to those who fall in love with someone else of the same sex that they are worth less than opposite sex couples.

155 Mr Speaker, there are a number of key objections to the amendments to the Marriage Act and I feel duty bound to ventilate those objections so that this House can properly reflect on them, even though I form the view that these objections do not hold up to detailed scrutiny.

160 Mr Speaker, those who oppose the Bill fear that religious organisations in our society which oppose same sex marriage will be expected to perform marriage between gay men and women. This argument is, with the greatest of respect, wrong and misconceived. The amendment provides safeguards in the form of section 6A of the Bill that the hon. Member talked about.

165 Mr Speaker, everyone in this House I believe respects the views of our religious leaders and the safeguards provided in the Bill demonstrate that we as a community recognise the right of our religious institutions to refuse to solemnise same sex marriages which do not accord with their belief systems.

Marriage in my view is not the preserve of religious organisations and whilst respecting their religious freedom and their right not to conduct religious marriages between same sex couples, we cannot and must not allow the exemptions or opt-outs contained in section 6B to extend to Registrars who conduct civil marriages on behalf of the State.

170 I want to pause at that point and explain my reservation about section 6B. In my view, those charged by the State for conducting civil marriages cannot simply refuse to perform their public duty because of their beliefs. The Marriage Registrar and the Deputy Registrar are public officials and as such, they must conduct marriages that are permitted by our laws.

175 On the superficial level, section 6B provides for a mechanism whereby in a specific case of a Deputy Registrar refusing to conduct a marriage on the basis that it is a same sex marriage, can appoint a replacement Registrar or an alternate, as the hon. Member discussed before. In my view, although we have created the architecture which purports not to offend basic fundamental rights, I believe it is a wrong starting point to take.

180 Secondly, Mr Speaker, I have heard it been said by those who oppose same sex marriage that the word 'marriage' by definition means marriage between a man and a woman and that definition has been in place for hundreds, if not thousands of years. The religious view is that marriage is between a man and a woman and therefore the amendment to the Marriage Act compromises their faith. I have said that the Bill protects their faith, but in my view it should not prevent this House from changing the law. Not amending the law simply reflects discrimination,
185 plain and simple.

The law, until relatively recently, provided that legal sex was between a man and a woman. For many years, women in marriage were treated by their husbands as property in which fathers handed their daughters to a suitor and denied rights of their own. Years ago, the rape of a husband of his wife was not even illegal. In common law countries, civil marriages were
190 introduced over 170 years ago and at the time I understand it was a radical move. In summary, Mr Speaker, marriage has evolved over time and why should it not evolve further?

195 Thirdly, Mr Speaker, I have heard it being advanced that marriage is about the procreation of children, and I think this is a mischaracterisation. Civil marriage does not, for instance, by definition include reference to the bringing into the world of children. Society does not prohibit the marriage of loving couples based on their ability to have children. There are many couples who cannot have children, couples who marry years after child-bearing years.

I accept that the process of marriage is the first step to the starting of a family in the significant majority of marriages. However, gay couples bring up children too. The lifelong commitment of marriage is much more than the bringing up of children.

200 And at this point and with Mr Speaker's leave, I make reference to a former Shadow Home Affairs Minister who said this in the Westminster Parliament, which I thought was important to air here. She said:

Most MPs will know the sadness but also the inspiration they have drawn from visiting a long-married couple where, for example, the wife is struggling to cope, struggling to remember the world around her and struggling to recognise even the husband with whom she has shared decades of her life, yet he carries on: cooking for her, washing for her, getting her up, putting her to bed, talking to her even as she becomes a stranger in front of him. That is marriage. But I have also visited a gay man, who died some years ago after a long illness during which he was cared for every day at home, in hospital and eventually in a hospice, by his long-term partner. I do not see why that cannot be marriage too. The idea that the biology of procreation should deny same-sex couples the respect that comes with marriage is to ignore the full richness—the happiness but also the tragedies—of modern family life. For better, for worse, for richer, for poorer, in sickness and in health: that is marriage.

205 Fourth, it is argued that same sex marriage will undermine the institution of marriage. I disagree fundamentally with that proposition. Marriage has evolved over many generations. Britain, Spain, France, Denmark, Belgium and others, celebrate same sex marriage and their institutions have not collapsed. Our views in our community on homosexuality have changed and evolved over time and we must now accept that. We must as a Parliament embrace this evolution and support the Bill.

210 The Bill before the House is about giving couples who wish to marry the same rights as anyone else. The Bill also protects the religious organisations who do not agree with same sex marriage. I am of the view that the Bill does not dilute the meaning of marriage but rather evolves and strengthens the institution of marriage and the promotion of long and stable relationships, which can only be of benefit to our society.

215 I have expressed my reservations about section 6B, but I cannot in all conscience vote down the Bill that represents a fundamental step in the right direction. I would commend the Bill to the House. (*Banging on desks*)

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, in 1969 when Franco infamously closed our frontier with Spain, some of the worse affected in our community were those whose partners lived on the other side. The pain suffered by all Gibraltarians was felt hundredfold by these individuals, as joyous relationships were suddenly strained with distance, separation and needless uncertainty.

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Theirs is a mostly untold story of yearful heartache and wasted years that time could not fully repair. Thankfully those times are now long behind us but it is immensely saddening that so many years later where progress has been made in other areas, there are still legal barriers hindering the affairs of the heart.

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The heart, Mr Speaker, knows nothing about frontiers. It also knows not about gender, it knows not about doctrine, it knows not about what society expects. It knows only about love. This love is blind, but it is a powerful force that motivates many of our actions and pushes us to overcome the obstacles that are placed in our way. Indeed, while its course never runs smoothly, it can never understand why those obstacles are there in the first place and can never forgive those who put them there.

235

This Bill is not just about rights, Mr Speaker; it is also about doing what is right, and what is not right is that we continue to allow the law to hang an anachronism over members of our community. Like love, the law must also be blind and a law that claims to be secular must be allowed to neither discriminate nor privilege. It must not pass judgement on a love that has no impact whatsoever on the lives of others and no longer must it impede the pursuit of happiness. To prevent two people who love each other from living their lives and realising their dreams, that is the true abomination and I commend the motivating principle behind this Bill in righting a grievous wrong.

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However, Mr Speaker, while I endorse this principle, I have to express serious reservations, as the Bill grants concessions to Government workers to refuse to discharge their professional responsibilities. I am saddened that a Bill that aims to end discrimination with one hand legitimises it with the other. I am worried about the precedence this sets, as well as the seeming recognition that some members of our community are entitled to less than others simply because of their sexual orientation.

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This attitude would not be accepted toward any other minority, so it is disappointing to see it applied to our gay community with a religious objection being permitted to override a professional duty and blunting the purpose of this Bill.

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As a result, I am sorry to say that we fall short of legislating in favour of the inclusive and progressive society we all desire to live in and it is in this spirit of addressing this that I will be tabling an amendment to clause 2(4) of the Bill, which I shall present at Committee Stage.

Thank you.

Mr Speaker: Is there any other contributor to the debate on the Second Reading?
The Hon. Dr Joseph Garcia.

260

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. I too welcome the opportunity to say a few words on the Government Bill before the House today.

Before doing so, I wish to congratulate my hon. Friend the Minister for Equality, Samantha Sacramento, for her leadership over this issue and for introducing the Bill. I say this, because the proposed legislation before us has potentially created more controversy outside this Parliament than it has created inside this Chamber. This is in itself, a rare occurrence. Indeed, in 17 years in this House it seems to me that this has been one of the most commented, talked about and written about draft laws that we have debated.

Controversy, Mr Speaker, is not a bad thing. It serves to generate interest in the proceedings of the House and in the work that we do here on behalf of the people who elected us. It also exposes Members to a whole range of detailed and strongly held views on both sides of the divide.

My own view is that this Bill is precisely about equality. It is our duty to ensure that the same avenues and procedures available for mixed gender couples are also made available to same sex couples as well. That is the bottom line. Equality between the citizens is the first duty of the State.

Mr Speaker, in 1999 the then administration, with our support, set up a Select Committee of this House in order to consider a reform of the 1969 Constitution. I was one of the five Members who sat on that Committee. My colleague Joe Bossano is the only other Member who is still in this House. The process involved looking at the then Constitution line by line and making amendments to the text as it then existed.

I recall that in the very first meeting of that Committee in December 1999, the Human Rights section was discussed and in particular, the non-discrimination categories that it contains. This is now section 14 of the Constitution, which prohibits discrimination on a number of grounds. The list of categories includes sex, race, language, creed and political opinion, among others. In that very first meeting, both Joe Bossano and I flagged the possible inclusion of sexual orientation as one of those non-discrimination categories.

Mr Speaker, this happened at the time when the GGR, now the ERG, did not even exist and when there was no external pressure in this regard. I remember that the view from the then Government Members was that the term 'sex' covered sexual orientation and that therefore it was not necessary to include the specific reference as one of the categories on the list.

Mr Speaker, I say that because I am therefore proud to sit here as a Member of a progressive team that has shown itself willing to consult, to listen, to discuss and to take a view on the issue. Many times in life and also in politics the easiest option is to do nothing or to follow the line of least resistance. That is not the way we operate. When we take a view, we lead from the front.

The House knows that a Command Paper was published in December 2015 and the views were taken until the end of January 2016. In March, an Inter-Ministerial Committee was established and meetings were held with interested parties. I was not involved in that process but I know that it was intensive and meticulous; 3,490 responses to the consultation were made. This was the highest ever for any consultation on any proposed legislation.

There have been voices accusing the Government of having moved too slowly. The reality, Mr Speaker, is that the more consultation there is, the slower that a process becomes. Indeed, at the other end of the spectrum the Government has also been accused of moving too fast. The fact is that this Government introduced civil partnerships in 2014 and is set to legislate on civil marriage only two years later.

Mr Speaker, the Civil Partnership Act was a landmark piece of legislation which provided, for the first time in Gibraltar, for recognition by the State of a union between two people of the same sex. That recognition was also extended to opposite sex couples who did not want to get married.

In a practical sense, this meant that the rights, the benefits and the entitlements as citizens which were enjoyed by heterosexual married couples have now come to be enjoyed by same sex couples as well.

315 However, a couple made up of a man and a woman is also able to take advantage of civil marriage in order to have their union recognised by the State. This means that there are two routes for recognition by the State of unions made up of two people of opposite sexes. They can either enter into a civil partnership or they can enter into a civil marriage, whereas same sex couples only have one route for this recognition by the State, and that is the route of civil partnership.

320 This is why, in my view the issue is one of equality of citizens in the eyes of the State. The inequality lies not in the rights, benefits or entitlements that either route will bestow on the couple; it lies on the availability of one or two avenues to get there, depending on the sexual orientation of the people involved.

325 Mr Speaker, the discussions and debates that we have had in Gibraltar over this matter are no different to those that have arisen in other parts of Europe. As of June 2016, 13 European countries legally recognise and perform same sex marriages. These are Belgium, Denmark, Finland, France, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom. On 22nd December 2015, Jersey approved the principle that same sex couples be allowed to marry. The relevant legislation is due to come into force in January 2017. In Guernsey, a year later almost to the day, on 21st September this year, the States of Guernsey approved a Bill to legalise same sex marriage by a vote of 33 to 5.

330 It is true to say that there are also many countries that do not recognise civil partnerships or civil marriage between two persons of the same sex.

335 Mr Speaker, there is no right and wrong in this debate. The Government has gone to great lengths to explain that this Bill will have no impact on the different religions, the way in which they choose to define marriage or choose to practise their beliefs. Indeed, the reverse is true. The freedom of religious denominations to continue as they always have done is explicitly protected in the Bill, following the representations that have been received.

340 The Bill in my view is not about religion at all. It is not about religious marriage; it is about civil marriage. At the heart of the Bill is the cold principle that every citizen should be equal in the eyes of the State. The central issue is that the different procedures and processes offered by the State for recognition of a union between two people should be open to everyone. (**A Member:** Absolutely.)

345 There are two such processes, as I said earlier. These are civil partnership and civil marriage. Therefore, in the same way that civil partnership is open to all couples regardless of their sexual orientation, civil marriage cannot be open to heterosexual couples alone. That is not equality.

Mr Speaker, I will be supporting the Bill. (*Banging on desks*)

Mr Speaker: Any other contributor? The Hon. Neil Costa.

350 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, whereas it would not surprise anyone inside and outside of this House to hear me say that the Government should have legislated to enable civil marriages for same sex couples from the outset, there is no doubt in my mind that civil partnerships were a hugely important and progressive step forward, and I am extremely proud to have been a Member of the Government who introduced civil partnerships in 2014. Although civil partnerships provide legal recognition for same sex relationships, it is absolutely right to now take the additional step for equality by introducing equal marriage in Gibraltar and allowing same sex couples the chance to marry if they choose to do so.

360 To those who argue that civil partnerships contain in all material respects similar rights to marriage and that therefore this Bill is in effect unnecessary, I would say that a legal partnership cannot logically be the same as civil marriage, because if it were, why have two legal schemes regulating unions?

In other words, Mr Speaker, by having a regime that enables same sex couples to register their partnership but another legal system to which they are not allowed to enter, we

365 necessarily as a society are making a conscious distinction against same sex couples. There is no
skirting around the issue that we are saying that a civil partnership is not quite the same as a civil
marriage. We are saying that same sex couples are prohibited from entering into civil marriages
while opposite sex couples may also enter into a civil partnership – in my view, plain
discrimination.

370 Mr Speaker, imagine our collective disgust and dismay as our community if we substituted
'same sex couples' for 'black couples', for 'Jewish couples', for 'couples with disabilities'. We
would rightly call it racism, anti-Semitism and bigotry, and indeed, Mr Speaker, this distinction
that still exists today is clearly one that some in our society seek to maintain precisely because it
is an important difference in the minds of some members of our community. Otherwise, why
375 seek and fight to keep this legal distinction?

It is clearly the case in the light of this wonderful debate, Mr Speaker, that we can enjoy in
Gibraltar without fear of prejudice, that society views marriage and civil partnerships as being
different. Same sex couples therefore, rightly in my view, feel their relationship is not valued by
society in the same way as civil marriage. All couples who enter into a lifelong commitment
380 should be able to call it marriage.

If same sex couples wish to exchange promises of love, of responsibility, of commitment in
marriage, who am I, Mr Speaker, to stop them? If a same sex couple wishes to bring up children
in love, in affection, in protection and in family, why would I seek to prevent such a beautiful and
meaningful thing to come to pass?

385 Mr Speaker, there is significant evidence that shows that opposite sex couples do not have –
to put it mildly – the best track record in bringing up children, and one only has to read the
newspapers to hear of some terrible tragedies that afflict vulnerable children. On the other
hand, Mr Speaker, I am not aware of any studies that indicate that children raised in same sex
relationships fare any worse or suffer any more harm than a child who is brought up by same sex
390 couples.

And, Mr Speaker, if the House would allow me to be personal for just a moment, as the child
of parents who separated when I was around ten, I can tell this House without a moment's
hesitation that it would not have made the slightest jot of difference to me if my parents were of
the same sex and had they not gone through the suffering of their separation.

395 And so, Mr Speaker, who are we in Parliament, in Government, in the State, to tell any
person whom they can love and how they can live their lives? I abhor such a thought and cannot
countenance any actions that may create laws that patently say that someone is slightly less
than somebody else.

Imagine, Mr Speaker, the child at school who feels marginalised, different and perhaps
400 inferior from his class mates because he is attracted to a member of his own sex. Imagine, if you
would, the father who would not fight, Mr Speaker, for his child's right to enter into a civil
marriage and to ensure that his child is treated in all respects exactly like everybody else.

Mr Speaker, in my opinion, we either believe that we are all equally worthy of the law's
protection or we do not, and it does beg the question, are we not all flesh and blood? Are we
405 not all sentient human beings wishing, all of us, in our way to be happy? Of course we are, Mr
Speaker, and I sincerely believe that we are all deserving of the same rights, privileges and legal
protections. And it would be for me, Mr Speaker, a frightening dereliction of my responsibilities
not to support this Bill, because society considers our laws, rightly, as representing our values.
And our values surely must be that we all love each other and that we are all equal as human
410 beings.

Mr Speaker, I do of course recognise that members of our community worry about the way
that our world is changing. There are those who argue that the definition of marriage has for
hundreds ... indeed, for millennia, been between a man and a woman and should remain so.
Others oppose same sex unions because they believe that marriage is about the procreation of
415 children. For some community members, it is their faith that matters and therefore argue that it
will weaken the institution of religious marriage.

My own view, Mr Speaker, is that in fact allowing more couples to enter into marriage will actually strengthen the institution of civil marriage, not weaken it. There are countries in Europe as the Hon. the Deputy Chief Minister has said, who have introduced same sex marriage and it has not shown a weakness or an undermining of religious marriage in those countries. These countries have managed to introduce same sex marriage, while at the same time protecting religious freedom.

And in that respect, Mr Speaker, the Bill before the House does protect the right of those who do not agree with same sex marriage. For those who are concerned that equal civil marriage threatens freedom of religion, they can rest assured the Bill contains guarantees that neither a religious organisation nor a Minister in a place of worship will be forced by law to marry same sex couples.

And Mr Speaker, I can assure religious members of our community, many of whom I have the great privilege of calling friends, that I will equally fight with the same ardour as I stand here today to fight for the cause of one civil marriage for all, for the right to freedom of worship and in not ever allowing the situation where the State obliges a person of faith to act against their conscience.

Let me also say, Mr Speaker, that whereas I am no religious scholar, I have read the New Testament and for me, what strikes me above all other things, is the commandment to love each other and to love God.

Mr Speaker, I wish to thank the hon. and learned Lady, my learned friend Samantha Sacramento who has shown, I think, great leadership in this House (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*) in bringing forward the Civil Partnership Act and now this civil marriage for all and I will urge her, in fact, to continue to be as progressive and, if I may, perhaps even more radical as the Parliament progresses.

Mr Speaker, I conclude by saying that equality is indivisible. One cannot be partially equal. Either one is equal or one is not, and therefore the Bill before the House tells the world that it values everybody equally in Gibraltar and for this reason, I have no hesitation whatsoever to commend the Bill to the House. (*Banging on desks*)

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I am mindful that the first section of the Constitution deals precisely with the protection of fundamental rights and freedoms. Section 15 talks about the right to marry and found a family. Section 15 reads quite simply:

Men and women of marriageable age have the right to marry and to found a family as prescribed by any law governing the exercise of this right.

I note it is silent as to who they may marry, but just that they may marry.

I personally identify with the comments of my hon. colleagues in this House so far this morning. I believe it is a measure that is perhaps long overdue and if I may paraphrase the famous Shylock speech in *The Merchant of Venice*, 'Has the gay couple not eyes? Has the gay couple hands, organs, dimensions, senses, affections and passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a heterosexual couple? If you prick us, do we not bleed?' And so, Mr Speaker, I think and agree with my colleagues in this House that it is about equality and not about discrimination.

I must say that on the whole I am satisfied with the intention of the Bill to eliminate what is an unjust discrimination. However, I would welcome clarification from the Members opposite, as to how on the one hand, as my hon. Lady has said, they remove the discrimination, and yet on the other hand seem to legalise an objection to it. If you were to change a few words in paragraph 6B, you would find it extremely obnoxious, if you were to allow this kind of

465 exemption in any other form of legislation in Gibraltar. So, Mr Speaker, I would welcome clarification from Members opposite as to how on the one hand they feel that this eliminates discrimination and yet on the other hand allows for it.

That, Mr Speaker, is I think important and I note that the hon. Lady to my left is proposing to delete this clause. I would welcome the views of the Members opposite as to whether or not
470 they would consider that proposal.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

475 **Hon. E J Reyes:** Thank you Mr Speaker.

I wish to make a small contribution because I believe I am the only person in this House who has ever actually conducted the ceremony of marriage, so I can talk from a different perspective and so on!

Yes, Mr Speaker, it is a Bill that obviously I feel is relatively easy to support. There are a couple of minor things that have been aired now by my hon. colleagues here on this side.
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I must start by saying that I like the words the hon. Lady, as the mover of the Bill said, that marriage was a meaningful commitment between two people and starting from that point, irrespective of whether the two are male or the two are female or they happen to be male and female, there should be total unity in everyone in supporting that marriage is a meaningful
485 commitment.

The small differences seem to be arising in that we all wish to protect the religious institutions and their laws. For example we take the Roman Catholic Church, the canon law and so on and I do not think anyone has any problems in supporting the principle that we have to respect their laws.

490 However, having been on that side of the marriage ceremony where from my point of view it was canon law that was dictating whether I could or could not conduct that marriage, because canon law is far more stricter in who can enter into a marriage or not. And it was the State that was allowing people like myself who at the time were ministers of religion to actually conduct the marriage.

495 Very different to, for example, from a marriage ceremony that I attended in my days when I lived in Rome as a student, when one of my friends was getting married and he actually had to go through two marriage ceremonies. He had to go and have a state wedding at a particular state building and then he had to go and have a church wedding at the church of his choosing because the state was not recognising the religious minister as an authorised person or registrar
500 or deputy registrar to conduct a civil marriage because the claim was that their laws were completely different.

I know colleagues on this side of the House are rightly saying that we are not entirely 100% yet convinced and we want to hear what the Government has to say about on the one hand trying to protect those who want to opt out of not conducting same sex marriages but I just
505 want to warn both sides of the House, do we really want to end up with a situation where church marriages will not at the same time simultaneously be recognised as civil marriages? It would mean that those getting married would have to necessarily go one day to the civil registry and have their marriage there and then most couples, like my daughter in a couple of weeks' time, choose to get married at a weekend because it is easier for guests to attend and then the church wedding is something different. All I can say is, that as the father of the bride, it does cut
510 a lot of expenses if you have both things happening on the same day. Believe me, it costs quite a pretty penny to get married nowadays!

But, Mr Speaker, having said that like I think Members on both sides of the House, we have heard what constituents have to say. We have taken their views on board and so on and I have
515 listened to everyone with equal respect and so on. Yet there is one young lady, in fact I do not

think she is quite of voting age yet because I believe she is still a sixth-former, gave me these words, with which, with your leave, Mr Speaker, I want to end my contribution today.

520 This young beautiful lady said, 'Heterosexual marriage is a tradition. However, may I remind you that human ritual sacrifice, public executions and curing illnesses with spells and magic were all considered a tradition once. Let us go back to the days where we could watch people being beheaded in the town square, shall we?'

With that, Mr Speaker, I declare my intention to support this Bill. (*Banging on desks*)

Mr Speaker: The Hon. John Cortes.

525

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, one of the essential points that has been made in this debate, particularly outside this House, is that the Government governs for all the people and not just for those who hold a particular view, whether or not it is the view of the majority.

530 Having said that, it is clear that one of the main arguments used against the Bill outside this Chamber is a religious one. As a Catholic who tries his best to practise his Christian faith, this is important to me and I have given the matter a great deal of thought.

535 There is much in society today, Mr Speaker, that differs from some of the teachings of my church and of other denominations, Christian or otherwise – some of which have also expressed a view on the subject, divorce, marriage between divorcees, extra marital sex, even what we do with the ashes of our deceased loved ones are examples, and all are allowed by civil society. Some may argue that these undermine the fabric of society, but society continues nevertheless and the relationship between church, all denominations, and state continues to be excellent.

540 There will be those who are religious who choose not to divorce or choose to do so; it is their choice and their decision. Few would question that now and I have not heard that point emerge in the public debate surrounding this Bill. Nor is it for me nor for this Parliament to cast judgement – judge not on the way that couples faced with such situations express their free will, another important tenet of the faith with which I grew up.

545 I would argue that the same applies to civil marriage. Indeed, civil marriage between a man and a woman exists and has existed in Gibraltar for decades and is not a church wedding but a civil occasion which clearly in concept is identical to what this Bill wishes to introduce. It does not impose a duty for same sex couples to marry nor force anyone who believes it to be wrong to do so. Nor will the lack of such provision prevent persons of the same sex who love each other from entering into a relationship.

550 What it does is give a right to all persons regardless of sexual orientation to be treated equally in civil terms in the eyes of the law, not of the church. Only the church can determine who marries under the church, but civil marriage is not the sacrament of holy matrimony, nor the equivalent in other denominations. And so I see no conflict.

555 Mr Speaker, as a practising Christian with total respect for those who disagree, with love for all of my fellow citizens and with a clean conscience, I will be supporting the Bill. (*Banging on desks*)

Mr Speaker: Is there any other contributor? (*Interjections*)

560 **Hon. D A Feetham:** If the Hon. the Chief Minister wants me to go first, then I will happily oblige him.

565 Mr Speaker, I will be personally supporting this Bill. I have a history of supporting these kinds of issues and I am a fervent supporter and believer in equality. I have stood in this House, Mr Speaker in a minority of four, with everybody else except for four colleagues including myself, voting for issues of this nature, including it has to be said, my hon. Friend, Mr Reyes and I see no reason why I should change my mind and indeed, I am a firm believer in this particular issue of gay marriage.

570 What I intend to do, Mr Speaker, is outline the policy of the GSD in relation to this. I will then very briefly go through my reasons as to why I will be supporting this Bill. I will then address the question of the amendment by the hon. Lady, and also, very briefly touch upon some further amendments that I believe are necessary in order to deal with blatant inequalities that may arise from this Bill. I am not asking the Government to do it in the context of this Bill, but to bear it in mind that further amendments will be necessary in the context in particular of the Immigration, Asylum and Refugee Act, and it is something I have touched upon in this House in the past.

575 Mr Speaker, the policy of the GSD is that it will not impose either on its MPs or on its Members, any view on a matter of conscience. It is up to an individual GSD Member, an individual Member of Parliament, to make up his or her own mind as to the way that he or she wants to support or not support, or vote in favour or vote against these types of issues.

580 And I believe it is right that on these types of issues that impact on matters of conscience and people feel very strongly about, they should have the right to express their own views in favour or against these kinds of issues. Indeed, the hon. Lady described the Civil Partnership Act as the first landmark moment in these types of issues. I disagree with her. Indeed, the first landmark moment was in 1991 because these issues are issues that developed over time and the first landmark moment was 1991, when the Hon. the Father of the House, as Chief Minister of this community, brought a Bill to this House to decriminalise homosexuality. On that occasion the GSD too allowed a free vote and no-one on our side of the political equation at the time, voted against the decriminalisation of homosexuality.

The next major step –

590 **Mr Speaker:** In 1991 I was the Leader of the Opposition; the GSD were not in Opposition.

Hon. D A Feetham: I beg your pardon, it was 1992. I beg your pardon, it was 1992. Quite right, it was Sir Peter Caruana – or Peter Caruana as he then was – who was the Leader of the Opposition. In 1992 on the decriminalisation of homosexuality, the GSD allowed a free vote and indeed nobody opposed the decriminalisation of homosexuality.

595 The next major step was in 2010 when I brought to this House a Private Member's Bill in order to equalise the age of consent and bring down the age of consent for homosexuals from 18 as it then was to 16. The context in which that arose, Mr Speaker, was because at the time I was amending all the criminal legislation in Gibraltar in the Crimes Act, and I took a position, supported by Mr Reyes, supported by Mr Montiel and supported by Mr Netto, that we would not come to this House with a Bill modernising all our criminal legislation and leave what was to us a blatant inequality in our legislation, which we believed was unconstitutional and in any event, infringed on our conscience because of that inequality.

600 The way that was resolved within the Government of the day was that we were, or I was, supported in the bringing of a Private Member's Motion where that Private Member's Motion was supported by four Members of the GSD Government at the time and everybody in this House, including the then Opposition, voted against.

605 In 2010, as a consequence of that, the matter was then placed before the Supreme Court. The Supreme Court then came back and agreed with the view expressed by myself, expressed by Mr Reyes, by Mr Montiel and Mr Netto, that in fact the inequality was unconstitutional and as a consequence of that, we then brought the Crimes Bill, which was supported by every single Member of the GSD Government at the time, which equalised the age of consent at 16.

610 It is then right that the hon. Lady then brought to this Parliament the Civil Partnership Act, which was and is rightly described as a landmark moment in the advancement of civil rights and in the advancement of these types of issues. And indeed, at the time, everybody on this side of the House also supported this particular Bill and everybody on this side of the House, despite the fact that it is a matter on which they are voting their consciences and there is no three-line or four-line whip operating on this side of the House, everybody on this side of the House is going to be supporting this Bill today.

620 Mr Speaker, from my own point of view and the reason why I support it is not only because I support equality and I have a track record of supporting equality, I believe that equality has to be advanced at every single opportunity. One of the reasons why I have made the point that I have made about the hon. Lady's comment about the first landmark moment is because society has to remain vigilant. Society has to remain vigilant and we cannot see that Bill or this Bill as a final moment in the advancement of civil rights and in the advancement of equality. As society develops, there will no doubt be further landmark moments and I hope to be in this House, Mr Speaker, in order to support them.

630 But, Mr Speaker, more than anything else I support this Bill for this reason. I am a firm believer, Mr Speaker, in the institution of marriage. My parents were also, like the parents of Mr Costa, divorced when I was ten in fact, the same as Mr Costa. But I believe that marriage offers a cementing and stable environment in which families are brought up, in which children in my view are brought up. I believe that having allowed gay couples, as indeed the hon. Gentleman – and I left this out in the history of landmark moments – allowed for the case to be brought to court in relation to gay adoption which has now been allowed as a consequence of a decision of the Supreme Court, I think it was in 2013, which I believe was also a landmark moment.

635 But having taken the decision, by law or otherwise, that gay couples can adopt, I think it is wholly illogical to then say that gay couples cannot have access to that institution of marriage that has those benefits for those couples. In my view, it is completely and utterly illogical. If gay couples want to marry or if straight couples want to marry, they should have the right to marry and gay couples should have the right to marry. I believe that marriage provides that stable, cementing environment in which families are brought up and therefore it should be accessible, in my view, to gay couples.

640 Mr Speaker, in relation to the amendment, this is where I am in a minority on this side of the House. I believe that the clause allowing an opt-out on religious grounds for Registrars, is justifiable and I will be supporting that particular clause in the Bill and I will be voting against the amendment.

645 Mr Speaker, Gibraltar is a very small community. It is a tolerant community. In Gibraltar we have learned to live with each other, different religions in a melting pot that is Gibraltar. Indeed, the Gibraltarian people have grown out of this melting pot and the stability that we have in our society comes from tolerance. I believe that, if we are to be that tolerant society that has been so successful in living with each other and tolerating our different religious beliefs and our different beliefs in other spheres too, that we have to allow people who have a religious conviction and therefore cannot for a religious conviction perform a civil marriage to have the opt-out and for that not to be forced on them, Mr Speaker.

650 And let me also say this: that although I am a believer and a firm believer in equality, one of the things that I lament most, in the way that the United Kingdom and other jurisdictions have developed as a consequence of some of the legislation that has been introduced from the equality perspective in some of those jurisdictions, has been the forcing on Christian minorities, on Muslim minorities or religious minorities, to do things that they would not otherwise have done because of their conscience. Let me give the House some examples of that.

655 Mr Speaker, it is absolutely ridiculous in my view – absolutely ridiculous – that a bakery in Ireland ought to be forced to bake a cake for a gay marriage and be found liable in a court of law for not doing so, simply because we are talking about Christian bakers, Catholic bakers, who took the view that on religious grounds, they were not prepared to bake that cake. There ought to be a sense of sensibleness in my respectful view in relation to this. We should not be forcing people to do things that go against their religious convictions.

660 In the United Kingdom, one of the largest adoption organisations in the United Kingdom was the Catholic Church, one of the largest adoption centres and indeed other Christian churches. As a consequence of some of the equality legislation that was introduced in the United Kingdom, it has forced these adoption centres to close, who were placing children in worthwhile families.

They have had to close because their own religious convictions would not allow them to obviously adopt to gay couples.

675 Now, I may disagree with that and I may say a gay couple is just as capable of adopting and bringing up a child in the context of a loving, safe and secure relationship as anybody else. But I think that we have to be sensible in society and that we have got to recognise that there are people with different views, that there are people like those Christian organisations in the United Kingdom that offer a worthwhile service to society and we should not be forcing those people to do things that go against their own conscience.

680 And I think it is right in that context for the Government to introduce into this Bill, a clause that does not ... that will allow Registrars to opt out of gay marriage, civil marriage on religious grounds. And for those reasons, Mr Speaker, I will be opposing the amendment that is proposed by my hon. lady Friend, Marlene Nahon Hassan.

685 Finally, Mr Speaker, in relation to further amendments, I would also invite the Government to bear in mind that not only does the Matrimonial Causes Act need to be amended, but also the Immigration, Asylum and Refugee Act and I brought this matter to the House in the past but I think it is an important matter.

690 At the moment what we have is a blatant discrimination against men who are married to foreign women, their wives are not entitled to the same residency rights as a situation where a Gibraltar woman is married to a foreign man or indeed, Mr Speaker, because they amended this particular Act upon the introduction of the Civil Partnership Act, or indeed a gay couple that has entered into a civil partnership. I think that is wrong.

695 There is also a discrimination against the children of a Gibraltar man married to a foreign woman, which again are discriminated against in relation to those in a civil partnership and also gay people in a civil partnership and also a Gibraltar woman married to a foreign man. I think that, in the context of that Act that is now going to have to be amended, of course, in order to also recognise that there is a civil partnership, that we should end that discrimination across the board, and I invite the Government to do so.

700 But for those reasons, Mr Speaker, I will be supporting this Bill and I will also be voting against the amendment proposed by the hon. Lady. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I do think today is a landmark day for this community and for this Parliament.

705 I want to start with section 15 of the Constitution which the hon. Member referred to, which is the section which relates to the right to marry and found a family. Mr Speaker, that section, what it has been interpreted to mean in the case law of the European Court of Human Rights and what it says on the *face* of it, in my view, is *central* to a determination of how this Parliament deals with this matter.

710 I know it has been central also to the course of the debate in this community, because many have said that there is no *right* to marry, in the course of contributions that I have read in the past year. But in fact, Mr Speaker, section 15 of the Constitution – our principle and overriding enactment – actually says this:

Men and women of marriageable age have the right to marry and to found a family as prescribed by any law governing the exercise of this right.

715 So it is a right, and that right is exercised in keeping with laws, and this Parliament makes laws. But anyone who has approached this debate from the point of view that there is no *right to marry* has failed to read section 15 of the Constitution, or at least has failed to understand it.

Because I have also read some comments to suggest, well, it is a right for men and women. Well, Mr Speaker, we may describe our sexual orientations in different ways. I have learnt from

720 Samantha Sacramento that it is now LGBTTT, lesbian, gay, bisexual, transsexual and transgender, but we do not describe each other physically as anything other than men and women. So this is a right that applies to everyone in our community regardless of their sexual orientation and that is already preserved in our Constitution.

725 And it does not say, Mr Speaker, in this section that this is a right for men and women to marry each other. That would have been an important addition to this section if that is what was meant by it. 'Men and women of marriageable age have the right to marry' – full stop. It then goes on to talk about founding a family. Well, Mr Speaker, therefore I think that it is essential that this clause of our Constitution is central in our minds as we have the debate that we are having today.

730 Mr Speaker, I did not imagine on 9th December 2011 that I would be Chief Minister of Gibraltar, to see a Bill moved for equal marriage whilst I was in the Government that I was leading. I did not imagine that that would be the case in 2011 when we were framing our manifesto, when we had the internal debate of what we would do to deal with this issue of discrimination, that same sex couples were not able to enter into a partnership.

735 I sincerely believed that we were not just trail blazing; we were doing the right thing in the right way when we brought the legislation on civil partnerships. We did it, Mr Speaker, in a way that had not been done for example, in the United Kingdom, where civil partnerships were available *only* to couples who were of the same sex orientation but not to heterosexual couples, creating thereby a new discrimination which has just been undone in the UK but which we were careful not to create in Gibraltar when we made our Civil Partnerships Act.

740 Mr Speaker, I told the House in March 2012, in answer to Question 318/2012 that I believed we had satisfied the concerns of the LGBTTT community in the creation of the Civil Partnerships Act. In fact I specifically said this, Mr Speaker ... and it is not good to go around quoting oneself, Mr Speaker. Lord Denning used to do it by laying down bits of law that he would come back to quote of himself in order to lay down new bits of law. But I think that it is important, that when
745 we have said things and we have changed our minds, we face up to it and understand why that has happened.

I said specifically this:

My own view is that we should not have gay marriage in Gibraltar, that we should have civil partnerships.

750 That was in March 2012. Mr Speaker, for me it has been a road of long consideration and of very careful thought, which I can only describe as very deep soul searching, to come to the conclusion that in the context of the following General Election, the one in 2015, the position of the party that I lead and of the executive of one of the parties in the alliance that is this Government, should be to propose a consultation in the context of our manifesto to do exactly the opposite of what I believed in 2012 should not happen.

755 Mr Speaker, what was it that changed *my* mind in that respect? Well, the dates here are actually very, very important. But most of my thinking has actually developed in discussions and deep considerations of this issue with my own wife. You see, Mr Speaker, in March 2012 I was the husband of a very pregnant wife but I was not a father. I became a father in April 2012. And, Mr Speaker, I do not think there is anything that changes your outlook like having a child and understanding the importance of what that child means to you and how that child looks to you
760 for protection in his early life.

And Mr Speaker, my discussions at home have been very, very concerning from the point of view of where I was in March 2012. Because, Mr Speaker, put yourself in the position of a husband who is asked this: 'now that you have a little boy, how would you feel in 30 years' time if your son has that sexual orientation and he is not able to do something that everybody else who is of a different sexual orientation is able to do?' In terms of the civic – not in terms of the physical or in terms of something else; in terms of the civic. And if he were able to turn around
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to you then, in 30 years' time and say, 'I cannot marry, Dad, because when you had the power you did not change the law.'

770 Well, Mr Speaker, this is not a place of power exercised in that way. This is not a place where I am going to say to the ten people who sit on my side, nine of whom are in Gibraltar today, 'You must vote in one particular way or you must not vote in a particular way.' That is not the way to exercise power. But to search your soul, to understand what you may have done that led you to a conclusion that may have been wrong and to then seek to understand with your community, whether you should make those changes that might lead to a different conversation 30 years
775 thence, I think was the right thing to do.

And that is why we included in our manifesto, after a long discussion in our Executive Committee where there were different views, after a detailed discussion with our coalition partners in the Liberal Party, that we would do a consultation in the whole of our community.

780 Well, Mr Speaker, I am not in bad company in changing my mind on this subject. President Obama was against equal marriage in 2008. He said that he believed that the United States should pursue civil unions and not civil marriages for those of the same sex. And yet by 2013 in his second inaugural address, he said this:

If we are truly created equal, then surely the love we commit to one another must be equal as well.

And in 2015, I think the whole world will remember the words which resonated from him when he welcomed the decision of the United States Supreme Court to make equal marriage
785 legal in the United States, through a judicial decision, not through a legislative change.

So, Mr Speaker, our approach has been to go to the community with this issue. Our manifesto, Mr Speaker, our Strongest Foundations manifesto of 2015, at pages 95 and 96, deals with the issue of equality. It sets out the work that we had done by November last year and the work that we were seeking a mandate to continue to do. In the section which is in great
790 measure down to the drafting of the hon. Lady and the detailed policy discussions of the Executive Committee, it says this on page 96 – 'civil partnerships':

We trail blazed with the landmark commitment, which we have already delivered, to introduce into law the Civil Partnership Act. This recognises the rights of people to have their same sex relationships reflected in legislation and all rights that accrue from this because we did not consider it was right for the State to discriminate between people on the grounds of their sexual orientation. This regime is now also open to opposite sex couples so that there is full equality across all the sexual orientations. We will now publish a Command Paper in order to take the views of the public on how best to deal with the request by some for civil marriage to be extended to same sex couples. We are totally committed both to ensuring that religious denominations are not forced to change their practices, beliefs or sacraments in any way and to the principle that the State must not discriminate between individuals based on grounds of sexual orientation. The results of the responses to the Command Paper will be published by June next year.

This manifesto, Mr Speaker, garnered wholesale support during the course of the last General Election in Gibraltar and that commitment was part of the manifesto before the people at the General Election. Mr Speaker, in fact I am very pleased that we introduced also, the
795 concept of the Command Paper because the Command Paper was not known to this Parliament and to our laws, until 2011 when we became the Government.

We were therefore able to put in the context of that Command Paper, which is a paper published by Command of Her Majesty through the Government, and I will come to that later because this is a Government Bill, an important issue to highlight which both the hon. Lady and
800 the Deputy Chief Minister have highlighted. But this is a Command Paper published by Command of Her Majesty for people to consider what their views are and to come back with the views that they wish to express in the context of that consultation.

So, Mr Speaker, I think we were able to publish the Command Paper in time and I think we have slipped by about 60 days in the context of publishing the responses to that, because we
805 were committed to a date in June this year. But a small matter of a Referendum dealing with

some international partnerships of the United Kingdom has really dominated the first part of this year, but we otherwise complied with our undertaking to the letter.

810 Before I move on to deal with that part of what we did, Mr Speaker, dealing with civil marriages, I want to just reflect for a moment on civil partnerships. Because in the same way as civil partnerships in the United Kingdom excluded heterosexuals and we did not and they have had to change it, it is also true, Mr Speaker, that civil partnerships have found a life beyond their original *raison d'être*. I mean the original reason for civil partnerships was to provide a route for people of the same sex to have the ability to enter into stable relationships, recognised by the State, without knocking on the door of marriage.

815 But of course, as we allowed them here for heterosexual couples also and they were allowed eventually in the UK also for heterosexual couples, civil partnerships have found a different sort of life for themselves. And this very morning, Mr Speaker, perhaps providentially and in time for my speech, I read in one of my favourite columns in *The Times*, the Matthew Parris This Week column, the following excellent reference. And Matthew Parris writes this of himself – the title is
820 'Not the Marrying Kind': he says that new data offers an interesting peek into gay relationships. The number of civil partnerships formed last year is almost half the number in 2014 when gay marriage was introduced. So far, so unsurprising. If marriage is available, less people are likely to be going for the civil partnerships which were introduced to avoid those marriages.

825 But within that figure, he tells us, there is a more striking one. Nearly half of new civil partnerships are between over 50s compared with only a fifth in 2013, the year before marriage became an option. And his conclusion, Mr Speaker, I think is as amusing as it is informative: 'That many older gays who get hitched are still resisting marriage suggests that opposition to the reform was not always routed in moral disapproval, but sometimes in reluctance to change the meaning of long familiar words. Kind friends sometimes call my partner and me "husbands".
830 Though I have tried, I just cannot get comfortable with that word, but then again, I am 67', he tells us.

Well, Mr Speaker, it may be that it is important to highlight that simply because the option is on the table, it does not mean that we are going to require anybody or force anybody to do it.

835 Mr Speaker, the consultation which we undertook was probably the widest consultation exercise undertaken in this community, certainly in my political lifetime. I do not know whether something has gone deeper than the consultation on this Command Paper but it is certainly not something I remember.

840 The Select Committee on the Constitution which the Hon. the Father of the House and the Deputy Chief Minister formed part of, opened itself out to contributions from the community. There were lots of people who were politically involved who wanted to contribute to that, but the depth and breadth of the support for this Command Paper in the responses to it, is something I have never come across before in my political life.

845 And if I may say so, Mr Speaker, it ranged across the board of the whole of the community. We engaged with so many people, Mr Speaker, people I had never met before, people I thought I knew and had views that I was not able to associate with, and of course some who I knew and who had views I knew I could associate with, Mr Speaker.

850 And if I may say so, with thanks, the representations made also included representations made very thoughtfully and carefully and sensitively by His Lordship, the Bishop Zammit and His Lordship, the former Bishop Heskett, and I will come to some of those contributions in a moment.

855 The first part that I want to come to, Mr Speaker, is in the opinion that His Lordship the Bishop provided on 8th September 2016 and which was published in the *Gibraltar Chronicle* on the eve of his ordination in Malta, where he said that as Bishop of many in Gibraltar, he was writing his letter to express concerns about the issue of equal marriage and to share some considerations. I thought that there was a part that the House should be referred to. Two parts in particular, and the first is this.

In paragraph 11, His Lordship says this:

Whatever the decision of Parliament regarding this matter, the Church will hold fast to its authentic understanding of marriage, which has been written in the human heart, consolidated in history and confirmed by the Word of God. Any civil law allowing same sex marriage has no bearing on the teaching of the Church regarding the sacrament of marriage.

That is absolutely right, Mr Speaker. Whether one shares His Lordship's view in respect of the first part of his sentence or not, the second part of this paragraph is of course, absolutely true.
860 Nothing that we are doing here today in any way affects the teachings of the Church regarding the sacrament of marriage, or any other religious teaching in relation to the many incarnations of marriage.

And as the Bishop I think said in some of his other public interventions, but he said directly to us in the inter-ministerial committee meeting that we had with him and other members of the Church, the Church proposes but does not impose. I think the Church has been, through His Lordship the Bishop, exquisite in observing that approach, in providing us with information, in providing us with guidance on what their views are, but has not for one moment suggested to us that we should or should not do any particular thing in the context of the consultation and, indeed, is not purporting to say to the community that it must or must not do any particular thing.
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Those views of His Lordship, Mr Speaker, the views of every Member in this House as expressed and the views of everybody who contributed to the consultation and those who did not, all of them are protected and preserved by section 9(1) of our Constitution, which says this – “Protection of Freedom of Conscience:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

875 The first phrase of that paragraph is the most important, Mr Speaker, because it says, ‘except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience’. Everything else is mechanics.

So we live, Mr Speaker, in a free society, where one is free to worship or not worship the god or gods that one wishes to worship or not worship, and in a society which in the other section I have read to you, establishes the right of men and women to marry.
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And, Mr Speaker, it was not just His Lordship and the Church that provided us with useful and careful and sensitive guidance on aspects of this proposed amendment. It was also the Evangelical Alliance who represent a lot of other denominations and who spent a lot of time with us – very convivial time, even though we might have different views, but a very convivial time understanding each other and understanding the issues that we were wrestling with and wanting to deal with in the best possible way for this community.
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And the Equality Rights Group, Mr Speaker, who have led on this issue for those seeking marriage equality, with whom we had a very positive engagement. Not just in respect of the protection of the fundamental rights of all those who wish to marry regardless of their sexual orientation, but also if I may say so, the protection of people to practice their own religion in their own way and how those rights must also be preserved. Something which the Equality Rights Group were very keen to ensure we understood they were as signed up to as they might have been signed up to the cause of equal marriage.
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We met, Mr Speaker, with a group of lawyers, young and not so young, who of course through our profession I knew well and in fact, all members of the Inter-Ministerial Committee happened to be lawyers so we all knew each other and have always got on relatively well, and had a good legal ding-dong on the subject of marriage and rights and not rights. Their thinking was also helpful in informing us in how we framed some of the exceptions that we had been asked to consider by the Church and which some of these members of our profession at the Bar
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900 were able to help us shape in some way. We disagreed with most, but not with all, Mr Speaker, who came to see us in that context.

Mr Speaker, this was a process of consultation which resulted in the most careful consideration, most in-depth analysis of what was put to us in the context of this Command Paper and the responses to it. And if I may say so, Mr Speaker, I think I speak for all of the
905 Members of the Inter-Ministerial Committee when I say that I think this was a *hugely* enriching process.

This was not just dealing with the law; this was dealing with who we are in a values-based system like Gibraltar. Where is our morality today? Is this law a law that affects our morality in some way? It was a hugely stimulating and enriching process, Mr Speaker.

910 I chaired that Inter-Ministerial Committee with Samantha Sacramento, Neil Costa, Gilbert Licudi and Albert Isola as members of it. Albert Isola is, as Members will know, in China today on Government business. Mr Licudi and Mr Costa are here and they will agree with me that Samantha Sacramento's work in relation to equality is absolutely trail blazing and landmark in many ways, Mr Speaker.

915 Attitude is probably the first way that marks her out for distinction in this field, because Samantha Sacramento does not need to be told that laws need to be changed to provide for a more equal society; she feels it instinctively and understands it instinctively. And she is not in a position where she has to come with a Private Member's Bill to this House, Mr Speaker, to seek to rely on Opposition votes to change things; this is a woman who is able to count on
920 Government support, because she persuades those who might need persuading – not that we take long to be persuaded – when she raises an issue of equality that it must be dealt with in that particular way.

And she is a young talent, Mr Speaker, who I think those advocates for equality outside of this Parliament – which you might call the equality lobby – have long recognised as a
925 magnificent advocate for equality. She is the one, Mr Speaker, who taught me that it is not gay marriage. We sometimes go round using the terms like 'gay marriage' as shorthand in the context of this debate.

It is not gay marriage; it is about *equal* marriage. And terminology matters. Political correctness is not something that people should have much time for, but the importance of
930 terminology and how different terminology can hurt others, is something that we should all have regard to and she has consistently kept us on the straight and narrow in that respect when we have fallen into shorthand.

Mr Speaker, if I can just deal briefly with the usual discordant note that the current Leader of the Opposition has struck in respect of the debate and which I feel I must reply to, especially
935 given the fact that he has given us a draft of his retirement or resignation letter already during the course of a recent television programme, at the same time as he told us that he felt he was not paid enough for the job that he does.

Putting those things to one side, Mr Speaker, and ready to deal with them in the context of another debate, look, we agree that in relation to homosexuality, the first landmark moment
940 was the decriminalisation of that by the first GSLP Government during the course of its second administration, not its first administration.

If I may say so, Mr Speaker, when it comes to criminal laws, I do not think that Governments come to Parliament for people to vote their consciences, although I always expect my party to vote its conscience. They do not need to be given a free vote to vote their consciences; I actually
945 expect them to vote their consciences every time we come here. If they disagree with me, they disagree with me. I intend to vote my conscience and so should they.

That is what they are paid for because they are Members of Parliament and that is part of the allowance that they are paid, the one that the hon. Gentleman said to *GBC* he thought was too low, to come here and vote their consciences. But to have to be given a free vote on whether or
950 not to *decriminalise* here, Mr Speaker, is really quite something. But the hon. Gentleman is wrong about so much, Mr Speaker, that even when he refers to facts which are so objectively

determinable as to how people voted, he gets it wrong. (*Interjection by Hon. D A Feetham*) Mr Corby voted against –

955 **Hon. D A Feetham:** No, he abstained.

Hon. Chief Minister: Well he voted against decriminalisation then. (*Interjection by Hon. D A Feetham*) ‘My conscience does not allow me to vote in favour of the amendments’: Mr Speaker, that is quite something. (**Hon. D A Feetham:** He abstained.) That is quite something. It really is
960 quite incredible that the hon. Gentleman tries to use that as a badge of honour in the context of what his party stands for in terms of equality – really quite something.

And then he talks about his record of standing for these things. Well, Mr Speaker, look he came here with a Private Member’s Bill on equalising the age of consent, where he wanted to rely on Opposition votes to get it through. When in exactly the same way as we were dealing
965 with the issue of this decriminalisation in 1992, our view was that it was an absolute scandal that the equalisation of the age of consent, which was a *legal requirement*, should come to this Parliament by the hand of a Minister for Justice’s Private Member’s Bill. (*Interjection by Hon. D A Feetham*) It was absolutely disgraceful, Mr Speaker. It should have come as a Government Bill, Mr Speaker. (*Interjection by Hon. D A Feetham*) It should have come as a Government Bill, Mr
970 Speaker, not as a Private Member’s Bill.

So look, Mr Speaker, the hon. Gentleman wants to clothe himself in the cloak of being the most equal person here. But look, if it were true that he is, he will be fulsome and genuine in his support for the work that the hon. Lady has done and for the work that the hon. the former
975 Minister for Health, Mr Cortes has done. Because if there is one thing we can be absolutely proud of, it is our record in respect of equality. The hon. Gentleman has recently ensured that IVF is available for same sex couples in the same way that it is available for heterosexual couples, something that we introduced ourselves in any event, Mr Speaker.

The hon. Lady’s work in respect of equality does not need to be spelt out for people to understand how magnificent it has been. But, Mr Speaker, to try and denigrate that in the
980 context of this debate and to bring the partisan into it I think really demonstrates that the hon. Gentleman is only interested in putting on such cloak as he thinks might garner him some element of support at any particular time.

And I think it is unfortunate that this otherwise convivial debate on which we have been able to hear contributions from Members Opposite where I think we have all agreed has had to be
985 tarnished by that attempt to bring in the partisan. And if he is *such* a champion of equality, Mr Speaker, where was this in the pamphlet?

Because, Mr Speaker, let us be clear, we had a soul searching debate in our Executive. I had a soul searching debate at home with my wife, thinking about the future of my children. We put it in our manifesto and we have acted in keeping with our manifesto. Where is it in his?
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Look, Mr Speaker, we did the same thing in relation to smoking in public places, another important issue of a different type. The hon. Member’s manifesto in 2011 was six of one and half a dozen of another in respect of smoking in public places. You could read, you could sense in the manifesto, this was a tightrope-walking exercise of trying to appease those who were in
995 favour of stopping smoking in public places and not annoy the smokers.

And, Mr Speaker, for the hon. Gentleman to now say that he is the champion of equality and that he has a record of standing for these things when he was the person responsible for – I cannot call it a manifesto; I do not know what to call it – the *pamphlet* that was put out at the last General Election, which was silent on the subject despite a letter from the Equality Rights Group dealing with the issue and asking parties to state their positions on it, is really to ask
1000 people to believe anything.

I think the hon. Gentleman was honest when he says that he thinks he is underpaid. He has such a high opinion of himself I do believe he thinks he is underpaid. And I am very grateful that

he went on television to say that he thinks he should be remunerated better than he is. But everything else, Mr Speaker, just does not ring true. It does not ring true.

1005 So anyway, the champion of equality who did not put anything about equal marriage in his pamphlet, I think has added very little to the debate but I do welcome the contributions from other Members, Mr Speaker. If I may say so, though he is not here to hear me, Mr Speaker, Mr Reyes made a very interesting and poignant contribution because he has been a man of the cloth, as he reminded us. He has actually married people. And it is also important for us to
1010 recognise and appreciate the journey that he has made and the contribution that he has made today in this Parliament, and I sincerely, sincerely value it, Mr Speaker.

Mr Speaker, the consultation also included debates organised in other fora. *The Panorama* and *The Chronicle* carried contributions from one and another. Gibraltar Broadcasting, the public broadcaster organised a debate on the subject, which I think was held at one of the cinemas. Joe
1015 Garcia contributed – not this one, another one – Eric Ellul, both of whom I think also contributed lengthy pieces in the local press on the subject of their objection to changes in the legislation. Eddy Wood, Charles Gomez – and Charles I think, is one of the people who came to see us in the context of the later more detailed consultation and he has also written extensively in the local media and social media. I think he contributed from the floor in the context of that debate.

1020 And finally, Mr Speaker, Ivan Hernandez, who was on that *Viewpoint* programme and who wrote for me the most touching opinion on this subject. He wrote an absolutely excellent contribution that told us not just about why he thought the rules should change from an objective point of view, from the international point of view, from the rules and mores point of view; he talked to us about himself and the discrimination he had suffered overtly and not
1025 overtly.

Because you see sometimes, Mr Speaker, we think that simply because we do not call somebody an awful name, we are not discriminating against them. And I have heard it said before, 'Well, in Gibraltar we have never discriminated against gays, we have never given them a problem.' Well look, Mr Speaker, we do not have to be Zimbabwe beating up people who love
1030 people of the same sex, or Russia who do the same thing, to discriminate against people and to make them feel excluded.

And this man's opinion explained to us that he had not felt able to return to Gibraltar to live with his parents and his extended family, his brothers etc. because of the way Gibraltar was structured in society. Sometimes the most learned, the most intelligent understand the
1035 structures of state discrimination better and therefore find them so anathema that they cannot form part of that state, and that is what Ivan told us in that piece. He said, 'I couldn't come back to be with my family because the place in which I wished to live institutionalised a discrimination against what I was.' And that was a subjective contribution that I think was amongst the most powerful things I have read in a long time in any newspaper, local, national or international and I
1040 thank him for having shared that level of his yearning for equality with the rest of the community. It was not wasted at all.

Mr Speaker, there were 2,336 contributions in the consultation – 2,336 contributions to a Command Paper is an extraordinary number. It is literally 10% of the electorate; it is almost a fifth of our vote and almost half of theirs. That is. That is an extraordinary number, Mr Speaker:
1045 1,368 comments were in favour – and the community may want to have these numbers – 1,368 comments were in favour, 955 comments were against same sex marriage and 13 were in favour of a referendum to decide the matter.

Well, Mr Speaker, every single person who wrote a contribution or who simply signed the contribution with which they agreed which had been prepared by others, deserves the thanks of
1050 the Government for having become engaged in this process with us and for their respective contributions. If I may say so, Mr Speaker, instead of each of us putting on a cloak of how we are a champion of this or of that, what we need to do and what we need to reflect as representatives of our community is how proud Gibraltar should be of itself, of the debate that we have had, of the way in which we have had it, of the amount of contributions filed and

1055 frankly, Mr Speaker, of the magnificent and peaceful way in which we do not just tolerate but we respect each other's views and we understand each other's feelings.

Mr Speaker, it is also absolutely true that the figurehead of this push for equal marriage has undoubtedly been Felix Alvarez, who has really pushed for this change in the law, along with others. But he is always the person who is prepared to put his head above the parapet and, if necessary, become unpopular in order to pursue an issue in which he believes and it is right that we should recognise the work that he has done in addressing this issue, usually with Charles Trico in tow who comes to see us.

And if I may share an intimate reference, Mr Speaker, one of the meetings that we had in the Inter-Ministerial Committee with Felix and with Charles and when we were saying to them, I was sharing my views and the views of others, I made my own views public as to why I thought this should proceed, Charles Trico said to me, 'Well, Felix and I have probably done the easy part, which is to persuade you. The difficult thing now is to find ourselves a husband!' (*Laughter*) I suggested, Mr Speaker, that perhaps they should talk to each other, but Felix and Charles said there was absolutely no question of that. They both deserve to be singled out, Mr Speaker, for particular mention and for the thanks of this community for having led from the unpopular front, Mr Speaker.

The contributions that we have had have really been reflections of very deeply held beliefs and of the things that define each of us as individuals and therefore as a collective define us as a people and as a community. And I think this is really the best and deepest debate that we have had as a nation for many generations.

I do not know how our laws on divorce came to be on our Statute Book, I do not know how our laws in other controversial areas came to be on our Statute Books. In those days there was less consultation, there was no Command Paper, there might have been the British Government putting pressure, it is true to say, Mr Speaker, that in some of the other overseas territories, the British Government has had to put pressure simply not just to decriminalise homosexual activity but to also to get rid of the death penalty which was still on the Statute Books of some of the other overseas territories, that may have come about in that way.

This is a change in our law that we as a community are bringing ourselves after the deepest soul searching, because it is clear that people have really, really dug deep to understand who they were, what they wanted to say to us in the context of the contributions that they were making, where we come from, where we are going to, what is it that we feel our journey should be in the future, and how this law fits into that.

Mr Speaker, it may be that we do not have debates about morality and about equality often enough these days, the hon. Lady always tells us that we must not take equality for granted and that is absolutely right. Perhaps we should be having more of these debates. Perhaps we have too many debates about finances and foreign policy and we do not pause often enough to debate who we are, where we are going and how our laws should reflect that.

I happen to think, Mr Speaker, that one of the reasons that does not happen is because the big moral questions have been settled, because the left has won all of the arguments. Before, people were not entitled to universal education; they are now because the left won the argument. People were not entitled to universal health care because the left won the argument. Dare I say it, Mr Speaker, there was no universal suffrage until the left won the argument. Some might have been pleased if there was not, Mr Speaker; they might have got a larger share of the vote just of landowners than they did of the general population.

But those moral questions, Mr Speaker, have been settled because the left won the argument, but the left must never forget that it is important to keep winning the arguments.

Mr Speaker, Gibraltar has confronted this debate with maturity and I want to congratulate not just my colleagues in Government but everybody that has dealt with us in the consultation for that maturity and for the courage and conviction that it takes to put yourself out there and to give a view that on one side or the other you know will be unpopular with the other side.

It is also true, Mr Speaker, that the debate has been had overwhelmingly in a spirit of respect. Not just of tolerance but of deep respect and I think that was most in evidence at that *Viewpoint* programme that I have referred to already.

1110 Some people have talked about their religion, some people have talked about their morality, some people have talked about their consciences and some people have talked about themselves. But where we have done so, we have been able to do so largely – and I think with only two exceptions that I will come to – without causing each other any pain, without calling each other any names or without judging each other. And that for me has really been the highlight of this consultation process.

1115 And so, Mr Speaker, two discordant notes really did stand out to me in the context of the debate, which I thought were an aberration in an otherwise robust but very constructive process of debate. Because I think, Mr Speaker, that there is absolutely no room in Gibraltar whatsoever for us to consider that any person is ill or disabled because of a sexual orientation, as one contributor to a *GBC Newswatch* programme said.

1120 Similarly, Mr Speaker, I do not believe that it is acceptable that there is any room in Gibraltar for somebody to refer to the religions of others in the context of this debate as a Bronze Age religion, as one correspondent said in the letters page of *Panorama*.

1125 Mr Speaker, we are a community that is defined by its respect – not just tolerance; its respect – for the views of each other and in fact, that is exactly what section 9(1) provides, that no person shall be hindered in the enjoyment of his freedom of conscience.

And, Mr Speaker, there is freedom of speech: you can say whatever you like about somebody else's religion and about somebody else's beliefs. Of course you can. But discretion is sometimes the better part of valour, when it comes to those issues.

1130 Mr Speaker, one man's food is another man's poison and I do not think that has ever been truer in respect of a debate on a law than it is in relation to this matter. That is why, Mr Speaker, on this issue I want it to be explicit that everybody on this side of the House will be voting their consciences.

1135 I say 'explicit' because all hon. Members must remember that it is implicit in every single vote. Whether it is a matter relating to financial services or it is a matter relating to morality, on this side of the House everybody always votes their consciences; but in this instance, I think it is important that we be explicit in saying that.

1140 Mr Speaker, one of the determining factors of the debate has been how this law interplays with the law on civil partnerships. I have heard time and again, statements to the effect that 'what does the gay community' – as some have referred to it – 'want, given that they have everything that they need now in the context of civil partnerships?' Well, Mr Speaker, it is true that civil partnerships were akin to marriage in just about every way possible and that the Government did not offer a defence in the context of a case on same sex adoption in the Supreme Court. Therefore, with civil partnerships and with that decision, the architecture of same sex relationships and the architecture of opposite sex relationships was in effect identical other than in nomenclature. That is one of the things that was consistently put to us, 'but why do *they*' – disclosing the 'them and us' aspect in some people's mentality – 'want more? They have everything already in civil partnerships – it is just a word.'

1145 Well, Mr Speaker, therein lies the rub. Because you see it is a mighty double edged sword that argument, for those who say that we should not change this law in this way, because if everything in substance has happened – if we take an attitude of substance over form – if everything in substance has happened in relation to same sex relationships that has to happen for them to be equal to heterosexual relationships, other than the nomenclature applied to the description available, then it is clear to me that those who are against this Bill have lost the argument. Because they cannot argue that moral hell and brimstone will befall this community because of the nature of the relationships. Because as part of their argument to stop this Bill, 1155 some have said, 'Look, they have got everything! They have that in the context of a civil partnership.' That demonstrates that this debate has become just about a word.

1160 And look, short of going into the etymology of the word 'marriage', which this community has enjoyed better scholars than me giving it chapter and verse on for both sides, the fact is that we are just talking now about the word 'marriage'. That is the reality, Mr Speaker.

So if you are in a debate which is about form and not about substance, solve it quickly because you are not going to need to be going on for very long because the horse has bolted, Mr Speaker. We had nowhere near the level of antipathy to the Civil Partnerships Act when it passed, that we found from some quarters in respect of this matter.

1165 Mr Speaker, is it not incredible, though, to reflect on how far we have come in less than five years since we became the Government? It is not yet 9th December 2016. We have not yet been in Government for five years. We have already legislated for civil partnerships and we are now, I trust, about to see on the Second Reading what I hope will be unanimous support for this Bill. Well, Mr Speaker, those are five short years of very, very exciting changes.

1170 Mr Speaker, that does not mean that the many years before them were not long and arduous for those who suffered those discriminations.

And it is less, Mr Speaker, than one year since we received the overwhelming mandate of the people of Gibraltar for our strongest foundations manifesto. Less than a year since then, we are implementing the manifesto commitment bringing the Bill to the House for debate on a second reading.

1175 Mr Speaker, as I have said, everybody on this side will be voting their consciences and therefore, Mr Speaker, I will ask the Clerk for a division of votes during the course of The Second Reading, Mr Speaker. There are no whips on this side, Mr Speaker, neither three-line nor four-line. There never are, but it is important that people see how we vote our consciences.

1180 Mr Speaker, just before I deal with my concluding remarks, I want to deal with the issue of clause 6B. It is important in a community which is structured like ours is structured, where 955 people are against this measure and 1,368 are in favour, according to the responses to the consultation, that what we do is structured to ensure that we do not create new hostages to fortune.

1185 I have read hon. Members section 9(1) of the Constitution. Section 9(1) of the Constitution, in the view of the Government, avails a public servant of a constitutional right not to be required to do something which is contrary to his conscience. What we are doing, therefore, is ensuring that we provide not just for the right of equality of those who are same sex couples, but also of the freedom of conscience of the public servant who may not wish to be involved in the – I will use the word loosely – officiation of that particular union.

1190 Now, Mr Speaker, the Government comes to this as the main architect of the *Corpus Juris* of Gibraltar but also as the employer in the context of public servants. And in that sense, as a responsible employer, our role must be to ensure that we provide the service to the public – i.e. in this context the same or opposite sex couples who wish to enter marriage at a civil level – and provide the protection for our employees who wish the freedom of conscience, which the Constitution provides them, not to be involved in that whilst still being able to accede to the relevant post of Deputy Registrar or Registrar. This strikes that balance, Mr Speaker.

1195 This does not create a new discrimination because you see, Mr Speaker, in the goods and services cases, the bakers were denying the cake. We are not going to do that. We are going to ensure that the Deputy Registrar or the Registrar is there to marry those of same sex who wish to enter into those marriages.

1200 The Government is the organisation; the third parties are those who wish to enter the state of civil marriage. They come to the Government and they say, 'Can I please have a cake?' and the Government says, 'After this change in the law, you will have the cake.' But we cannot be told that inside the Government the cake must be baked by Joe or by Jerry, by Diane or by Dorian. It is a matter entirely for the Government.

1205 The Chief Secretary, the Head of Human Resources, the Head of Department, can move a civil servant who is a clerical grade, overnight from one post to another. That is the way it has always

1210 been in the Civil Service. It has always been handled in that way. It is an established practice of the Civil Service.

Now, if there is a person who does not want to officiate same sex marriages, they can simply be moved; but they might be quite happy to officiate other marriages. So the Government as employer is preserving the right of its employees who do not wish to do this, to have access to the grade of Deputy Registrar, to be able to do the other marriages which they wish to do and yet respect their 9(1) right not to do other things.

1215 And this happens across the board, by the way. There are many other examples of things that people are not required to do in the service because of their beliefs. There are people who do not work on particular days because of their beliefs. There are people who do not count votes because they do not wish to do so. Nobody is compelled to do so. Mr Speaker, there are many
1220 examples in the service of that and what the Government believes is, that it is absolutely right and proper that the Equality Rights Group, that those who are members of the 1,368 who responded saying that there should be equal marriage, should insist that Gibraltar should provide equal marriage and that we should do it in the same way as we do same sex marriage.

But nobody is entitled to be married in opposite sex marriage by Joe or by Jerry or by Dorian or by Dennis. Nobody is. A Registrar turns up on that day and it will be the one with the black hair, the one with the ginger hair, the one with the blonde hair, whoever is available on that day is the person who officiates at that civil ceremony. And that is what the Government is going to ensure that we do. We are going to provide the service in the context of the goods and services cases, we are going to provide the cake.

1230 You can go into the baking shop and you can say, 'I want a cake from this shop' and you buy the cake from that shop because the goods and services legislation provides for that. But you cannot say to the baker, 'And it must be baked by Joe, or by Jerry or by Dorian or by Denise.' You are not allowed to do that, you are just allowed to have a cake. They can outsource the provision of the cake; they can get Miriam to prepare the cake. That is the reality.

1235 I see the hon. Lady shaking her head but that is the reality of the legislation, and that is what the courts have provided for, that nobody should be denied service. There cannot be a denial of service, but in the context of a public service, which is 4,000 people – the Civil Service which is half of that – there cannot be a law that says the same person must do the same thing for everybody else.

1240 Look otherwise, the hon. Lady needs to understand, people are just going to *reportarse de malo*, which is colloquially known as reporting in sick on that particular day if they do not want to officiate at a particular thing, or they are going to fall back on their own right under 9(1).

So this strikes the right balance because we will provide absolutely the service that is required in order to provide equality to those who **must** have equal marriage, but we will not force it down anybody's throat that they **must** also officiate those marriages when – I do not understand why, but – they may have an objection to it. The hon. Lady needs to understand that we do that as an employer, an employer not just as a Government moving a Bill to bring equality, because there must also be an equal right to freedom of conscience.

1245 And if I may just round up on this point in this way, Mr Speaker, if it is right for hon. Members opposite to be able to vote their conscience and it is right for us on this side of the House to vote our consciences, and the hon. Lady has freedom of conscience and can vote against this Bill if she wanted to, why must it not also be right that a civil servant should be able to have the freedom of conscience not to do something which he is a conscientious objector to. It is a blade that cuts both ways, Mr Speaker. *(Interjection by Hon. Ms M D Hassan Nahon)*

1255 No, Mr Speaker, the hon. Lady is saying from a sedentary position that we are allowing them to discriminate under our umbrella. Look, Mr Speaker, what we are doing is ensuring that we respect our employees' freedom of conscience under 9(1) of the Constitution. Now, that we are required to do, by the way.

1260 We could do it in another way, we do not have to put it in the legislation. We could simply allow it administratively, but we believe it is right to do it in this way. I note, Mr Speaker – I do

note this – that she is leading the Opposition in respect of this amendment and that the hon. Member is a minority of I do not know whether one or two in respect of that, but she is leading the Opposition in respect of this. I think she has got three votes out of seven, I do not know whether she has got four, but I congratulate her for bringing an amendment which enjoys the support of other Members of the benches opposite according to what they have told us during the course of their speeches. I do not know whether they will be prevailed upon – i.e. whipped! – to vote in a different way or not when she puts the amendment. (*Interjection by Hon. Ms M D Hassan Nahon*)

Mr Speaker, I want to now deal with the final part of my address by saying something of what His Lordship said in the context of the opinion piece in *The Chronicle* of 8th September, which I referred to earlier. Mr Speaker, paragraphs 12, 13 and 14 of what His Lordship said bear reflection. And in large measure, where they are not dealing with his view of the substance of the issue but where they are dealing with his views on society and cohesion, I think they bear understanding.

His Lordship says this:

12. Issues of religious freedom and freedom of conscience may arise in the future if there are no clear safeguards in the law which would accept marriage as applicable also to same sex partnerships. It is hoped that the proposed law, if it goes through, would make sure that such issues will be clearly safeguarded, and such safeguards must apply not only to sacred places, church ministers and believers, but also to conscientious objectors and the use of property belonging to religious institutions or conscientious objectors.

– which I think deals also with the 6B point.

13. Much has been written and said about this issue and at times antagonistic language and behaviour were evident. There is no place for such attitudes in a civilised society and I am sure that Gibraltar is such a society, where all may express their opinions in freedom and there is reciprocal respect towards such opinions. Disagreement is not discrimination. People with different views of Marriage will hopefully be able to express their beliefs and convictions without fear of intimidation or hostility, and that religious freedom and liberty will be supported and defended. We do not force people to agree with us, but we ask to be granted the same freedom to hold our beliefs.

14. Gibraltar has always been looked upon as one big family with different religions and cultures living peacefully together. In spite of our different opinions and beliefs, it is my hope that all of us will continue to live together without hostile feelings alongside those whom we agree to disagree with, whatever the final outcome of this debate.

I think those words from Bishop Zammit are absolutely worth reflecting on, because they are entirely and absolutely correct as to the cohesion of this community of ours that we call Gibraltar.

Mr Speaker, in the final analysis, love is love and before anything else, that really must be what marriage is about. And if love is love, then who feels that love, who do they feel it for, what sex they are and what sex the person that they feel it for is, should not be a reason to deny today, a description to one couple's love that is applicable to another couple's love.

Today, as the Bishop himself has recognised, this Parliament is not interfering with any religion. We are not changing any sacrament or trying to alter the course of nature. Today we are changing a law that got in the way of love, and in doing so, Mr Speaker, we are doing the right thing.

So, Mr Speaker, I have been dying to say these words and I hope that with our votes, all of us – not just one of us; all of us – by the power vested in us by the people of Gibraltar, we are moving forward to deliver marriage equality. And when we pass this Bill, Mr Speaker, and it becomes an Act, then we will be able to say genuinely, we will be able to say honestly, we will be able to say truthfully that which section 15 of our Constitution has been proclaiming but which our laws have been denying.

And I will therefore end, Mr Speaker, exactly as I started, by quoting section 15, because I believe after we vote and if the vote is in the affirmative, then Gibraltar will be a place where

'men and women of marriageable age shall have the right to marry and to found a family' – but only then, Mr Speaker, at last. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute? I will call the mover to reply.

1300

Hon. Miss S J Sacramento: Mr Speaker, there is very little that I need to add now following the words, particularly of the Chief Minister that we have heard.

1305

The only issue between us really, Mr Speaker, has been the objection of those on the opposite benches to the proposed section 6B, other than by the Leader of the Opposition, Mr Speaker.

And I just want to make this very minor point. The consultation process, Mr Speaker, as we heard from the Hon. Chief Minister, was a long one, a serious one and one which we took in depth because it was important for us to understand what the strength of feeling was in the proposal that we were going to put to the Parliament.

1310

Because of course it is a fundamental matter of equality when we were looking at extending the principle of marriage to people of the same sex. And of course, Mr Speaker, when we are looking at something that is so fundamental, we are not in the same breath going to discriminate against anybody, because the point of this legislation, Mr Speaker, is to eradicate discrimination.

1315

And we are the architects of our own laws, Mr Speaker, and in this process we have had a very well thought out balancing act between the expression that we find which is enshrined in part 14 of the Constitution and the protection that we find in 9(1) which the Chief Minister has explained to us already.

1320

Hon. E J Phillips: Will the hon. Lady give way? I am grateful.

Mr Speaker, just before the hon. Lady develops her response in a particular way, I just wanted to ask the question and put forward a proposition in relation to *Ladele v. London Borough of Islington* – that was the leading authority in the European Court of Human Rights that dealt with this issue of discrimination.

1325

Now my understanding of the ruling by the European Court from 2 to 7 was that the majority of the European Court held that Mrs Ladele was not discriminated against by the London Borough of Islington on the basis that she refused to conduct a ceremony of marriage. So my view is that insofar as discrimination is concerned, our concern and I think that of the hon. Lady on this side of the House, there are real deep concerns about 6B in terms of potential discrimination.

1330

I was wondering whether the learned and hon. Lady had a view in relation to that, given the authority in *Ladele*.

1335

Hon. Miss S J Sacramento: Mr Speaker, just before I gave way I was referring to our Constitution, Mr Speaker, and it is our Constitution that provides the community with these fundamental rights and freedoms, Mr Speaker. And it is our view that people are entitled to protection under 9(1) of the Constitution, Mr Speaker.

1340

Furthermore, as the hon. Gentleman is I am sure aware, before a Bill is brought to Parliament, we require it to have a certificate that tells us that it complies with the Constitution. So I do not agree with ... Well, I am grateful for the point that he has made in relation to UK legislation, Mr Speaker. I am satisfied on the basis of the advice that we have, that this Bill does not infringe the Constitution.

1345

Hon. D A Feetham: Would the hon. Lady give way?

Mr Speaker: There are certain matters that can be revisited in Committee. I do not want this toing and froing when the mover is exercising her right to reply – otherwise the debate never finishes.

1350 **Hon. Ms S J Sacramento:** Because, Mr Speaker, the point that I am trying to make is that when we are deciding this legislation and undertaking this balancing act, (*Interjections*) others agree with us as well, Mr Speaker, that while of course the fundamental point that we are moving, Mr Speaker in the amendment to the marriage –

1355 **Mr Speaker:** I would be sincerely grateful if hon. Members were to stop talking across the floor of the House.

1360 **Hon. Miss S J Sacramento:** Mr Speaker, this is recognised by many, even by the Equality Rights Group, Mr Speaker, who have publicly said and acknowledged that the freedom of religious expression is important. But, Mr Speaker, as you said it may be something that maybe more appropriate for us if it is going to lead to a discussion or a debate, to discuss at Committee stage.

The only other point that I wanted to make, Mr Speaker, in perhaps cleaning up what has been said this morning, is the point made by the Hon. the Leader of the Opposition referring to a couple of pieces of legislation, Mr Speaker.

1365 It is very clear from the Bill, Mr Speaker, that there are a lot of amendments, consequential amendments that need to be made to the legislation which is why we have the power that we have in section 4, because not only do we have to make the consequential amendments to the legislation that he referred to; in fact we have to make amendments to 33 pieces of legislation to ensure that all our legislation complies with this Act should it go through.

1370 Mr Speaker, that is why I thought and I felt it important to single out the sterling work made by our lawyers in the Legal Drafting Office, because while what we see here in terms of the Act is just proposed amendments to the Marriage Act and to the Matrimonial Causes Act, Mr Speaker, there are amendments to 33 other pieces of legislation that need to be undertaken. I know that has been a tremendous piece of work that they have undertaken in a very short period of time.

1375 I have nothing further to add, Mr Speaker. (*Banging on desks*)

Mr Speaker: Since the Chief Minister made reference to the fact that he was going to ask for a division, I think it ought to be made clear and I am going to do so, that it is going to be recorded that two Members are absent and that nothing should be read into that. It is in this Parliament, Members, when they have to stick their necks out to vote, do not follow the practice of some other Parliaments, where some Members of Parliament who do not wish to vote in a particular way, just absent themselves from Parliament. That is not the practice here.

1380 The two Members, one from the Government and one from the Opposition, who are not present in the Chamber today are unavoidably absent and in fact they did not know that this Bill was going to come up this morning. It was not until earlier this morning that the Chief Minister gave me notice of the fact that the Bill was going to be taken today and we informed Members of the Opposition.

1385 I think the position of Members who are away, who are absent, has to be safeguarded. We do not want people sometime in the future to be reading into their absence something which is totally out of order.

1390 I now put the question, which is that a Bill for an Act to make provision for the marriage of same sex couples, and for connected purposes, be read a second time. And a division has been called for.

1395 *Voting resulted as follows:*

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. R M Clinton
Hon. Dr J E Cortes
Hon. N F Costa
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. E J Phillips
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

AGAINST

None

ABSENT

Hon. T N Hammond
Hon. A J Isola

Mr Speaker: 15 votes have been cast in favour, and there are two Members absent. Therefore the Bill is carried. (*Banging on desks*)

1400

Clerk: The Civil Marriage Amendment Act 2016.

COMMITTEE STAGE AND THIRD READING

**Civil Marriage Amendment Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1405

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

1410

Mr Speaker: Does the Chief Minister wish to move to recess now?

Chief Minister (Hon. F R Picardo): No Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause – that is to say, the Civil Marriage Amendment Bill 2016.

In Committee of the whole Parliament

**Civil Marriage Amendment Bill 2016 –
Clauses considered and approved**

1415

Clerk: A Bill for an Act to make provisions for the marriage of same sex couples and for connected purposes.

Clause 1.

1420

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2.

1425 **Mr Chairman:** A notice has been circulated of an amendment which the Hon. Marlene Hassan Nahon now wishes to move.

Reference has been made during the course of the Second Reading and the matter has been debated, but there is no reason why now in Committee, the matter cannot be revisited and the hon. Lady if she so wishes can now speak again in support of the amendment.

1430 **Hon. Ms M D Hassan Nahon:** Mr Chairman, I never in my wildest dreams, as a traditional Jewess that I am, thought I would ever find myself quoting the New Testament. But today I thought this quote was especially pertinent, from Galatians 3:28 –

There is neither Jew nor Gentile, neither slave nor free, nor is there male and female for you are all one in Jesus Christ.

1435 Mr Chairman, in my earlier response, I stated that the principle behind this Bill aims to right a grievous wrong. This amendment has the same intention. Members of this House should not be comfortable with the fact that a Bill with these aims should effectively grant a licence to discriminate. What does it say to our community about the commitment and conviction behind this Bill, that the access to equal rights that motivates this legislation is in itself denied by it? Is it not saying, Mr Chairman, that as a House we are so insecure about the principle of same sex marriage that we are willing to grant the Government's own employees the right to not observe one of our own laws?

1440 Does this not devalue the Bill? Does this not raise doubts about our commitment to end discrimination? Does this paradox sit easily with Members, some of whom have flown the flag for an equality that we are now calling into question? Is there actually such a thing as 'a little bit' of equality?

1445 Mr Chairman, I ask the House, could this not be seen by the people of Gibraltar as more of a cop out than an opt out?

1450 Such a question, Mr Chairman seems justified especially in the light of the Equalities and Human Rights Commission's recommendation to UK MPs that a clause like the one that is being proposed would represent a breach of human rights. As a result, governments in England, Wales and Scotland decided not to exempt registrars. In their view, religious views do not override other freedoms, including the right to equal marriage. Italy adopted a similar approach and while there was naturally some resistance, these nations persevered with the conviction that this was the right thing to do.

1455 This may only apply to jurisdictions outside Gibraltar, but should human rights not be a universal constant unrestricted by frontiers? What is more sacred, Mr Chairman, than our rights as human beings. Even in Northern Ireland where equal marriage is not yet even legal, the rights of gay individuals are still respected and protected, as was the case only a few days ago when an appeal court in Belfast ruled that a bakery had discriminated against a gay customer by refusing to bake a cake featuring a slogan that endorsed the very act of equal marriage that we are making legal today. Their ruling stated that the principles of equality should not be changed to suit religious arguments and yet we are making that particular allowance today. Should Gibraltar be playing catch-up, Mr Chairman, on an issue as important as fundamental human rights?

1460 And where do we go from here, Mr Chairman? Are we for example going to allow Registrars to refuse to marry divorced individuals, given that this is allowed by law but clashes with some religious doctrine? Can a Jewish Registrar deny conducting a civil marriage where a Jew is marrying outside the faith because his religion forbids this? This may be allowed by law and by the Constitution but it does not happen because it is wrong. We should not be drawing arbitrary lines on issues of equality, Mr Chairman.

1470 I am a person of faith, Mr Chairman, but I am also a person of compassion, and I do not believe that my religious views, which might not be shared by others, should dictate how they should live their lives where it has no impact on how I live mine. I also believe, as I think all proponents of modern democracy should, that Church and State are two separate entities and the agendas of the former should not always be the same as the latter.

1475 Later on in this parliamentary session, we will be discussing the issue of co-education. How ironic that the decision to separate boys and girls at secondary school, a decision that was partly influenced by the Church, is over 40 years later being contested on the same session that we are allowing similar influences to shape another decision. Let us not make the same mistake again.

1480 The law should never be allowed to discriminate, Mr Chairman. After all, according to the Treaty of Utrecht I should not even be here and neither should all of Jewish or Muslim faith. And yet, 300 years later this Bill as it currently stands seems to recognise that one section of our community is not entitled to the same treatment as others. Instead, the law should embrace one common to all belief systems, be it in one God, many Gods or no God at all, and that is the law of tolerance, and it is in this spirit that I lend the full weight of my conscience and humanity towards supporting this amendment and I urge all my parliamentary colleagues to do likewise.

1485 And if this amendment does not go through, Mr Chairman, I shall be sad about the message that this Bill will be sending: that it is acceptable for a person to discriminate against another by denying them a service they are employed to provide.

1490 I shall be dejected about the fact that we will be communicating to our gay community that they will not be entitled to the fair treatment that this Bill aims to ensure; that it is fine to see them as lesser class citizens against the very principles of our Constitution. I would be concerned about the precedent that this could set and I would be disturbed by what it suggests about us as parliamentarians and human beings.

Mr Chairman, surely moral backbones should not be allowed to buckle that easily.

1495 And lastly, Mr Chairman, I would like to say that irrespective of my amendment being passed or not, on the balance of the predicament currently facing gay members of our community, I wholeheartedly support this Bill in recognition of the fact that it represents a significant step forward in our maturity as a nation. While a decision not to delete this clause would fail to fully address some of the injustices in our society, I hope and pray that with time, perseverance and especially tolerance, we will eventually arrive at a Gibraltar that is truly for all.

1500 Thank you.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, the Government was not minded to accept the amendment when the hon. Lady put it initially. If we had to be persuaded to definitely not support it, she has just managed to do that completely.

1505 Because for her to suggest that we are somehow, by not accepting her amendment to our law to create equal marriage, creating a lesser class of citizenship amongst our gay community and that somehow we are communicating that is, if I may say so with respect to her, creating an embarrassment for Gibraltar. Gibraltar is not going to create a lesser class of citizen or in some way communicate to gay members of our community that that is what they are.

1510 What we are going to do is we are going to ensure that the Government of Gibraltar, which is what this side of the House represents, stops discriminating against people when it comes to entering into equal marriage. And we are going to provide that service using any one of the 2,200 civil servants employed by the Government to do so.

1515 Now, it may be, Mr Speaker, that the Chief Secretary could carry out these marriages or it may be, Mr Speaker, that a junior member could carry out these marriages, but who is Deputy Registrar at the point when the marriage comes to be celebrated is a matter entirely for the Chief Secretary.

1520 Mr Speaker, to say that by trying to walk the tightrope of these very difficult issues, we are incurring in any of the things that the hon. Lady has just read us out that we are incurring in, is to pretend that she lives in a world where section 9(1) of the Constitution does not apply. Now, the

preservation of the right of freedom of consciousness is not the preservation of the right to inequality. Everybody must be treated in the same way – of course they must.

1525 But the hon. Lady needs to understand, we are employers as well as being Government. As a Government we bring here as the executive, a law to pass in order to allow equal marriage. We are the first Government in the history of Gibraltar to do that in the context of a Government Bill.

1530 We are the trail blazers, the leaders, the deliverers of equality and to hear that because we want to also protect our employees' freedom of consciousness, we somehow are the ones who are making gay members of our community, who have never been availed of any assistance or support in the context of this issue until we have been elected, making them somehow lesser citizens really lets the hon. Lady down.

1535 Look, I know that in the chair in which she sits, she needs to look for relevance and needs to look for arguments that raise her above the parapet. She has certainly done that today because she seems to have the support of some Members on the benches opposite, where the Leader of the Opposition does not take the same view as they do.

That is all very good in terms of politics but this is about much more than just politics. This is about whether we deny Government employees the operation of section 9(1) of the Constitution.

1540 Now, we have to deliver to those who are arguing for equal rights those equal rights. This Bill at last does so. This Government has delivered where no other Government has delivered. Our manifesto promised to do that where the one that she defended at the General Election did not even mention it. But you have to do it in the context of the constitutional architecture in which you operate which provides for that freedom of conscience also to be protected in respect of your employees.

1545 You could take a different attitude: you could say look, if you are not prepared to do this, I do not allow you to accede to the grade of Deputy Registrar. Well look, Mr Chairman, that would be to deny somebody advancement simply because of their own conscience. Look, I do not defend that view; I do not think it is fair, proper or in any way defensible to have the view that you do not allow yourself to be used to officiate those marriages. I think it is nonsense but if somebody has them, I also think many other views that people have are nonsense, but they are free to have them. The Constitution provides for that.

1550 Now let me turn it round for the hon. Lady. Is she saying with her amendment, that Government employees will be lesser employees because they will not be entitled like every other Gibraltarian to the protection of section 9(1) or that they have to leave Government employment in order to do so? Mr Chairman, when you subject the argument to logical scrutiny, it is embarrassing!

1560 Because look, there is one thing that she has to accept and that is the Constitution. She can like my arguments, she cannot like my arguments, whatever – we usually quite like each other's arguments – but in the context of this that she is putting now, she has to understand the ground rules. She cannot undo with her rhetoric, section 9(1) of the Constitution because that is what would lead to inequality and to some people being lesser than others, if you take away the right of freedom of conscience from people.

1565 Now, you respect that right and you respect their employment and you say, 'Okay, you will not have to do this.' But I am definitely going to do it; my Government is definitely going to deliver that equal marriage. In the context of what she said about cakes, we are going to deliver the cake. We are a bakery that will deliver a cake to whoever arrives asking for a cake, whatever makeup of orientations together they may be. I am committed to that, this Government is committed to that, we have all voted that we are committed to that.

1570 But what they cannot do, Mr Chairman, from benches opposite, and I note that the Hon. the Leader of the Opposition has said – well, I do not know whether he has changed his mind, you never know – has said during the course of the Second Reading that he agrees with us, perhaps for different reasons, that it should not be done, is that we can be told who has to officiate the

marriage. It has to be one of those people who have been Deputy Registrar and they can be forced to do so.

1575 It is the most logical way of doing so, Mr Speaker, to have an exception, as we have here, that simply allows people who because of their conscience do not want to do this not to have to do it. Although we think they would be wrong to have those pangs of conscience and that they would be failing to see that equality is best delivered in a way that is seeing through the sexual orientations of people who turn up to marriage.

1580 But some of the things that the hon. Lady has said she has to make herself accountable for, for goodness' sake: Gibraltar survives on the basis that human rights are international and apply across the board everywhere. We rely on our right to self-determination, our international human rights. To simply respect one of our employees own fundamental rights under section 9(1) of the Constitution, whilst accepting our obligation to deliver the service, is not to somehow
1585 create a chasm in respect of human rights.

Now, if hon. Members are just doing this for politics, they are doing Gibraltar a huge disservice if they are just doing this for politics. If they are doing it for any other reason, I implore them to better understand section 9(1) of the Constitution and what it is that it says and what it is that it sets up and to think of themselves as employers in the context of this debate, as
1590 employers under section 9(1) who have the obligation to respect that right for the people who are employed for them.

And as probably the best employer in town, the Government is going to respect the section 9(1) rights of its employees, and therefore we will not accept the amendment.

1595 **Hon. R M Clinton:** Mr Chairman, I have heard a lot about the Constitution this morning. In fact I did read it myself in my own contribution to the debate. And we are hearing a lot about section 9(1) and the Government's duty of care it would appear to its employees, not to infringe on their consciences. But unless the Government intends to legislate across the board for all its employees in any capacity whether they be cleaners, doctors, lawyers, or any other person
1600 employed by them, for them to exercise their freedom of conscience ... and reading section 9(1) all it says is:

'Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience ...'

Now, I will obviously defer to my learned colleague to my right, the Hon. Elliott Phillips, where he quotes the *Ladele* case which went to the European Court, and he will correct my memory, but my memory was that the ruling was the individual was not being hindered in his
1605 enjoyment of their freedom of conscience.

And again, the Chief Minister refers constantly to section 9(1) but ignores section 9(5). section 9(5) says:

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) or (3) to the extent that the law in question makes provision –
(a) in the interests of defence, public safety, public order, public morality or public health; or
(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion or belief without the unsolicited intervention of persons professing any other religion or belief, except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

And I would like to pause on section 9(5)(b): 'nothing done in the authority of any law that should be held to be inconsistent in the contravention of subsection (1)' and clause (b) 'for the
1610 purpose of protecting the rights and freedoms of other persons'. So how does he reconcile inserting clause 6B with subsection (5)(b) of the Constitution? Otherwise any individual in the employment of the Government could rightly turn round to their supervisor and say, 'No, I am sorry I am not going to serve this divorcee because it is against my conscience.' That cannot be right.

1615 As a former employer, how could I in the bank allow an employee to say, 'No, I do not want to deal with that person because it is against my religious belief'?

By inserting this clause – and to this extent, I agree with the hon. Lady – is you are more or less condoning a form of discrimination. You are not protecting somebody's conscience; you are actually enshrining legislation the right to discriminate, and this is what I do not understand.

1620 And no, this is not politics; this is just that I do not understand why the Government feels they need to insert this clause. It cannot be to protect employees, because if that was the case, they would be doing it across the board on all legislation, not just this one.

So again, I will be supporting the hon. Lady's amendment because I do not see how it is abhorrent to not have this clause, in terms of section 9(1) of the Constitution. Section 9(5) of the
1625 Constitution applies exactly for the protection of rights and freedoms of other persons. If you insert section 9B you are doing the exact opposite.

And so, Mr Chairman, I will be voting in favour of the lady's amendment.

Hon. Chief Minister: Well, Mr Chairman, I think that a lot of what the hon. Gentleman has
1630 said is just complete nonsense in the context of 9(1) and 9(5). Look, the debate that we are having is on the subject of this Bill. The only thing before the Parliament is this Bill. There is not before the Parliament, a law about who collects whose rubbish. There is not a law before the Parliament a law about any other aspect of what the Government does as a municipality or as a Government, just this issue of equal marriage. That is why we are only doing it in relation to
1635 marriage, because if it came up in some other area we might agree to protect our employees also in that way.

Now the hon. Gentleman said, why are you doing it only in relation to this? Well, I would have thought that was blindingly obvious: because that is what we are dealing with today.

And he says he does not understand what it is that is the hindrance that people might suffer.
1640 Well, it is very simple, Mr Chairman. The hindrance is that they may not be able to access that job with that grade with that salary unless they are prepared to forgo their freedom of conscience and officiate marriages which they are not prepared to officiate. I would have thought that much was obvious. Section 9(5) is there to protect against a clash of freedoms and that is exactly what we are doing with 6B. In other words, if one wants to express one's freedom
1645 of speech by going out and insulting people, the hon. Gentleman knows that there are laws which restrict that if you incur in libel or in slander. So there are laws that protect against clashes of freedoms.

Now, does the hon. Gentleman want to set up a society where you say, 'Right, you are free to do this and you are no longer free to say that you will not be a party to it'? I want to set up a
1650 society which is truly free where both, an individual is entitled to all of the same rights that anybody else is entitled and other individuals who are involved in the provision of that, so long as the service continues to be provided, cannot be singled out to be the ones that must provide it.

And that is what we are doing: we are walking that tightrope to both ensure a landmark
1655 change in our law which delivers the service to members of our same sex community of marriage to them, which they have long been denied, which I was initially against and I am now in favour of as a result of all the things I told hon. Members, for all of the reasons that has been delayed in Gibraltar, at last there is a Government that is going to deliver that full equality. And at the same time, we are not going to force some of our employees to be the officiators of that because we respect their section 9(1) rights.
1660

Mr Chairman, I do not know that the hon. Gentleman has said anything about 9(1) and 9(5) that requires any other response. I would have thought it was blindingly obvious from reading the two sections that, particularly in the context of being an employer, one has to protect the
1665 9(1) right, especially if you can deliver the service that we have all agreed has to be delivered under section 15.

I give the hon. Gentleman the same example I gave the hon. Lady, because I think they are not getting it, so I explain it in terms of the case involving the cake. You walk into the bakery, whatever sexual orientation you are, you are entitled to bake the cake. You are not entitled to tell the baker, 'I want the cake that has been baked by the fifth cook from the back, six from the left.' There is a cake on show, it is available, you can have the cake. I think it is wrong not to sell people cakes because of their sexual orientation.

But there are people who also have the right to be protected in the way that they exercise their freedom of conscience, however much we may completely disagree with them. And not just in the context of structuring the community as a Government, but as an employer and that is the difference that the hon. Gentleman has to appreciate: as an employer, as a public sector employer that provides services to the general public. If you are working in a bank you provide services to who you like; you do not have to provide them to everyone. We *must* provide the same service to absolutely everyone in this community and no-one, heterosexual or homosexual, same sex or opposite sex, is able to go into a registry and say, 'I want to be married by Dorian the blonde.' You just put your name down to be married and somebody turns up and marries you. And what the hon. Gentleman and Lady is saying is that we must force a particular individual to marry those who are of the same sex and that, Mr Chairman, is entirely wrong and unacceptable.

Mr Chairman: I hope that in the contribution that hon. Members make, even if it is in Committee, they will not just repeat the same argument again and again and again. Because otherwise we are not getting anywhere. I do not hear any fresh arguments either on one side or on the other. I do not want to curtail debate but let us not repeat ourselves.

Hon. E J Phillips: Mr Chairman, just on that point, I indicated in my speech that I took the view that 6B was offensive and therefore I believe that I have every right to mention this issue again and speak on the amendment that my hon. friend has mentioned.

But I would just say one thing, we do not dispute – of course I do not dispute – that the Government is an employer, but an employer has to take tough decisions. And quite frankly, where you have a civil registrar, a marriage registrar who is effectively conducting an entirely secular role, I think it is wrong for a civil Registrar or Registrar in Gibraltar to say that, 'I will not marry that individual' and for the Government to create by way of legislation a mechanism for them for the appointment of another Deputy Registrar.

How would a gay person, going into the Registrar saying, 'Please marry me' – 'Oh, I am sorry, I cannot marry you, but we will get someone appointed for the purposes of the law to marry you because I feel that my freedom of conscience is being engaged' ...? Frankly I do not agree, I think 6B is offensive and I think that it should be removed. I would agree with the hon. Lady that her amendment should be approved by this House.

Hon. Chief Minister: Well, Mr Chairman, I do not know which 9(1) the hon. Gentleman read. Was it the 9(1) that says people shall only have the freedom of conscience when dealing with issues of morality or religion? I have not read in 9(1) anything that says people shall have freedom of conscience except when they are dealing with issues which are secular. That is an invention of the hon. Gentleman. Everything is secular, even the moral and the religious you are dealing with the today, you are dealing with decisions that are being made today.

People's protection is there for everything that they do. Now if you take a job, look, I would expect that people who now take a job as Deputy Registrar will know that they are likely to be asked in some instances to officiate at same sex marriages. So if they take the job in future, you might even argue that they are volent if they seek the job, but at the moment there are people there. Some of them may or may not agree with it. I have not had a discussion, I do not want to make a judgement about whether people there are or are not prepared as a matter of

conscience to officiate these marriages. But for the hon. Gentleman to say that because the matter is secular then 9(1) does not apply, look, it is it absolute and utter nonsense.

1720 And the idea that gay people he says, are going to turn up and are going to be told by the Registrar they are not going to be married by them, look that also, with respect to the hon. Gentleman, is a cartoon version of what happens.

1725 Look, what happens is that people who wish to enter a civil marriage fill in a form. They submit it and they are told when the form is verified and the fee is paid, 'Okay, we have a slot tomorrow at three or we have a slot this afternoon at six.' It is about slots, and they turn up and the person who will be there will be a person who is prepared to officiate that marriage.

So no gay person, no lesbian person, no bisexual person, no transgender person, no transsexual person – I think have got them all – is going to turn up and be told they are not going to be married – far from it – or that 'this person' is not going to marry them. They are creating an edifice of potential discrimination which is just not there.

1730 What we are doing is ensuring as an employer that when the form comes in, we do not say, 'Ah Mr X, you do not want to do same sex marriages because you are always against them for whatever issue of religion or conscience or whatever - you *must* do it. And as I do not like you and I am your boss, you must do it. And when you say you will not, you will be subject to discrimination because you will be demoted or there will be a black mark on your file.'

1735 We as an employer are ensuring that does not happen. But not in a way that is going to create for a person of the LGBTT community any rejection or anything like that. Because we would never allow that and if that is what were happening, we would have championed the cause that they are pretending to champion now.

1740 But that is not going to happen. We are going to ensure that every LGBTT person who turns up to enter into a same sex marriage, has the service of that same sex marriage officiated for them and we are the first Government in the history of Gibraltar to lead on that and deliver on that. But, at the same time, we are going to protect our employees' freedom of conscience.

Hon. D A Feetham: Mr Chairman, may I?

1745

Mr Chairman: Yes.

Hon. D A Feetham: Mr Chairman, let us be clear about my own position which the Hon. the Chief Minister has made every attempt in order to confuse. I am going to be voting against the amendment. I do not vote against the amendment for the reasons that the Hon. the Chief Minister puts forward, which is that by not including this amendment, the human rights contained in 9(1) of the Constitution of public servants might be infringed by not allowing them to basically opt out of a ceremony.

1750 And the reasons why I do not even go there is because the matter has already been determined by the European Court of Human Rights, which contains exactly the same provisions as in our Constitution. Because what happened in *Ladele* was that this lady refused to perform a civil marriage to gay people and she was sacked. She sued for unfair dismissal, her claim was dismissed and then she went to the European Court of Human Rights saying, 'My human rights have been infringed because I refused to perform this marriage on the grounds of my religion.'

1760 And the European Court of Human Rights said, 'Well no, there is a balance here. There are also somebody else's human rights and you cannot refuse to perform the marriage.'

1765 So I do not oppose the amendment on the grounds that the Government opposes the amendment. I oppose the amendment because I think it is wrong to force on public servants to perform gay marriage in circumstances, Mr Chairman, let us not forget, where *Ladele* was actually sacked for refusing to perform a gay marriage.

Are we saying in this House that a public servant that refuses to perform a gay marriage ought to be sacked? Because there is no way in a million years that I would sign up to any such

law, Mr Chairman. (**A Member:** Hear, hear.) No way, Mr Chairman, that I would sign up to that law.

1770 And that is the reason why I am opposing this amendment. Because in a tolerant, in a respectful in the kind of society that we live in in Gibraltar, where we are respectful of each other, we should not be forcing upon people who have their own religious beliefs and their own rights of conscience, to perform a gay marriage in circumstances where, as the Chief Minister has quite rightly pointed out, somebody else is going to be performing it and therefore no one is going to be deprived of the right to marry.

1775 And let me just end with this point. The hon. Lady has mentioned the Irish bakery case, as indeed I did during the course of my contribution. I read with interest, Mr Chairman, a contribution by Peter Tatchell in *The Daily Telegraph* who for many people was actually the main activist in favour of gay marriage in the United Kingdom, actually saying that in cases like the Irish bakery cases, that it is wrong and that he regrets the fact that the law has actually been pushed that far into a situation where those who bake a cake in a small bakery can be sued for refusing to provide a cake for a gay wedding ceremony on the grounds of religion.

1780 I mean come on, Mr Chairman! What kind of a society would we live in today if those kinds of claims were allowed in our Gibraltar, Mr Chairman? Well certainly, I am not signing up to any amendment that could possibly lead to that kind of situation. Because in Gibraltar we pride ourselves in our openness and we pride ourselves in the fact that we live together and respect each other.

1785 Therefore I agree entirely with the Government that this clause is apposite and this clause ought to be included.

1790 **Hon. Chief Minister:** Well, Mr Chairman, I really do not know who the hon. Gentleman has agreed with but I think I should thank him for saying that he agreed with us, although he started saying that he did not.

1795 Because you see, Mr Chairman, his interpretation of *Ladele* is not one that we share, for the reasons that he came on to when he said that he supported the text of 6B, because Ladele was fired. And *this* amendment ensures that nobody *would* be fired. (*Interjection*)

But exactly the ... Exactly, when in fact the servant in question of an entity, public or otherwise in that case, had to go through a legal case of unfair dismissal in order to protect the position (*Interjections*) that she should have been entitled to.

1800 And, Mr Chairman, our view is that there has to be clear protection in our law for employees in that respect, whilst at the same time delivering the service. And where I do not think we agree, Mr Chairman, is in relation to the cake, because we take the view that the cake *should* be delivered. The cake should be delivered. It is just that you cannot require the baker's shop to have that particular baker bake it for you.

1805 So perhaps unusually, Mr Chairman, I will be grateful for the support although I entirely disagree with the reasoning. Usually it is both, but in this instance at least it is only the support that I welcome, but not the reasoning.

1810 **Hon. L F Llamas:** Mr Chairman, I just have one question to ask which I cannot actually understand and it is to do with providing that service.

If a heterosexual couple attends a counter and files the form and they get offered certain slots, perhaps on the following day, but then a homosexual couple a gay couple goes and fills in the same form but perhaps does not get offered the next day because there is not a Deputy Registrar available on the next day, what would happen on this occasion? Well, it is hypothetical but perhaps ...

Hon. Chief Minister: Mr Chairman, I am grateful for the hon. Gentleman's practical question. Notifications are usually up for 21 days for a marriage so we have time to plan. We have six Registrars. We anticipate that we will be able to fill every slot six times over every day if we had

1820 enough chapels. I do not know whether we are allowed to call them that – enough ‘rooms’ in which to officiate civil marriages, rather than ‘chapels’, in which to do them. So at a practical level nobody is going to be even delayed because there may or may not be a Registrar who wishes or does not wish to do this.

1825 Can I just say for the purposes of the record, no Deputy Registrar has evinced to us any suggestion that they do not want to do these same sex marriages at a civil level, so nobody should think that there is a person at the Civil Registration Office who does not want to do them. This is a matter of legal theory to protect potential putative employees, not actual complaints of concerns from anybody who is not prepared to bake the cake.

1830 **Hon. Ms M D Hassan Nahon:** If a Registrar refused to marry a couple because the couple is black or his religion forbids them to, are there provisions in the law for such or is this law just for sexual orientation?

1835 **Hon. Chief Minister:** There is specific provision in our law in that respect, because the Constitution provides a protection against discrimination on the grounds of race and there would be an action against the Government as the employer of the individual for that discrimination.

1840 As the Hon. the Deputy Chief Minister indicated in the earlier intervention that he made, there is no specific protection in our law on the grounds of sexual orientation. There is a law that suggests that the word ‘sex’ in the Constitution means sexual orientation in some instances, but the words ‘sexual orientation’ do not appear in our Constitution as a grounds for actionable discrimination, because the Hon. Mr Bossano and the Hon. Mr Garcia were not able to prevail upon those who were in the Select Committee at the time, none of whom are now here, to include that word, which I am quite happy to tell the hon. Lady we shall be seeking, in the context of the new Constitution, should be included.

1845 Then there would be an inbuilt actionable discrimination on sexual orientation grounds, without needing to rely on external jurisprudence. There is not at the moment but there is on the grounds of race and on the grounds of religion, etc.

1850 **Hon. Ms M D Hassan Nahon:** So is this something you will be looking at in the constitutional reform?

1855 **Hon. Chief Minister:** Well, unless the hon. Lady is turning me down, I have suggested that we should look at it together in the context of the Select Committee that she is going to be invited to form a part of. And what I am doing, I am giving notice that one of the things I will certainly be doing, is I believe, as my colleagues the Hon. Dr Garcia and the Hon. Mr Bossano believed at the time of the 1999 Select Committee, that this is an issue that must be in the body of the Constitution itself explicitly as sexual orientation.

1860 **Hon. Ms M D Hassan Nahon:** I appreciate that, Mr Chairman, Chief Minister, because I cannot, I do not find myself able to wade in on the legal argument. There are enough lawyers here and I am not one of them.

1865 But for me this is a matter of morality and it was not in order to find a form of relevance from my lonely chair. It was more about principle and at least to know that the Chief Minister considers it a point that could be used as a discussion and perhaps hopefully to move in Constitutional Reform Committee decisions, would be a great thing for us, I think.

Hon. R M Clinton: Mr Chairman, coming back to the Constitution and the protection against discrimination on grounds of race orientation etc. Section 14(2) says:

Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.

1870 Subsection (3) goes on:

In this section, the expression “discriminatory” means affording different treatment to different persons ...

I will not bore the House by reading the rest, but obviously it includes sexual orientation.

How does the Chief Minister reconcile this to his purported concern to protect people’s freedom of conscience when everything in our Constitution is saying ‘Don’t discriminate against minorities’?

1875

Hon. Chief Minister: I think it is so obvious but I suppose that he has not asked rhetorically to demonstrate what little understanding he has of the Constitution; he must have asked in wanting me to give him an explanation.

1880 What I am going to do, Mr Chairman, is ensure that you do not put a public sector employee in front of people who are looking for a service from the Government who is not able in all conscience to discharge that function in order not to incur in the area which that section deals with.

1885 In other words, we are not going to have a public sector employer, a civil servant, put in a situation where he feels because of his conscience that he has to discriminate and say to them, ‘I will not marry you, whatever the law provides.’ (*Interjection*) That is the position and we are not going to discriminate against those who tell us that they would be put in that position.

1890 Now, the hon. Member’s various emanations of quizzical faces that I have been treated to since he was elected in November last year continues to entertain us. But it is very simple, that is what the section provides. You cannot, if you are a public servant, discriminate against somebody in the context of the discharge of your public office. So, we are not going to put a public servant in that position. We are going to allow them not to be put in that position and another public servant will be put in that position who will not incur in that discrimination.

1895 Although I must tell him that it is not the Constitution that gave rise to equal marriage; it is the actions of this Government with our manifesto which demonstrates that we are the ones who really cared about this subject, with our consultation and with our Government Bill. That is what is going to end the discrimination, not any operation of the Constitution in that respect because the bit he has read is about the person who stands in front of the same sex couple who now have the right to accede to that marriage.

1900 And in the context of 9(1) what we are doing is allowing through 6B that the person who stands in front of that couple does not incur in that discrimination.

1905 **Hon. R M Clinton:** So, Mr Chairman, if I follow his logic, if he decided to pass in law an amendment where somebody decided that they did not like people’s colour, language, creed or something else, then he would remove them from that position so he did not have to effectively breach this section of the Constitution. Is that not what he is saying?

1910 **Hon. Chief Minister:** Mr Chairman, I have explained it so many times, over and over again, that my answer to the hon. Gentleman is to go back and read the *Hansard* over and over again as many times as he likes and to put down his beige friend for a while and enjoy re-reading this debate over and over again, because I have already provided the answer over and over again.

Hon. R M Clinton: Mr Chairman, I am here in a constructive frame of mind, trying to make sure we pass the best possible legislation for the people of Gibraltar. (*Interjection*) All I get from the Chief Minister are comical remarks and nothing constructive.

1915 Now he has the benefit of having an Oxford degree in Law which I do not have, so I as most people in Gibraltar, have to read the Constitution as a lay person, because frankly that is all I am when it comes to the Constitution.

1920 But it seems obvious to me, although it is not obvious to him, what he is doing is that the Government is effectively condoning discrimination. It is as simple as that and, Mr Chairman, seeing as my contributions are not valued by the Chief Minister or anybody else on that side of this House, I will end my contributions there.

Hon. Chief Minister: Mr Chairman, I do not think I have ever heard such an attempt to make a person a victim in this House as I have in the course of the hon. Gentleman's intervention.

1925

Mr Chairman: Could I ask hon. Members, today has been a day when overall the standard of debating has been excellent and all the parliamentary proprieties as required by the Rules have been observed. Could I please ask them to stick to that standard?

1930 **Hon. Chief Minister:** Thank you, Mr Chairman.

And as I was saying, the hon. Gentleman has attempted to make a victim of himself simply because he apparently wants me to explain over and over again what certain parts of the Constitution mean.

1935 Well look, Mr Chairman, there are a number of lawyers on his side of the House, he has heard on a number of occasions what their views are in relation to 9(1). I would have thought he would have more regard for their views than he has for mine, he can go back and read them all in the *Hansard*, but he is not paid by the public in Gibraltar, to just keep asking us the same question all over again, every five minutes and make the same rhetoric.

1940 We take a different view: we are not creating a discrimination; we are at last from this side of the House undoing a historic discrimination. We are trail blazing and we are the first movers in this. Otherwise I might ask him, why did he not prevail upon people on the other side to put in their pamphlet at the last General Election anything to do with same sex marriage?

1945 Because if they come here and talk about wanting to protect against discriminations being created, etc. what he should have done is done that in his executive committee and put something in his manifesto like we put in ours. That is what they would have done if they really cared – not pretend here to be caring now about an issue which is a non-issue and which actually imperils civil servants.

1950 And I am very pleased actually that the Leader of the Opposition takes a completely different view to him and a number of others. To see what number of others and assuming that this is the last contribution in respect of this section, I would call for a division in respect of the vote in respect of the amendment.

1955 **Hon. D A Feetham:** And, Mr Chairman, I emphasise that for me what is important here is that we should not be placing public servants in a position where public servants can potentially be sacked simply because their conscience as Christians, Muslims or whatever, prevents them from performing this kind of service. I think that in a small community like Gibraltar that would be wrong and that is the reason why I am voting against the amendment.

1960 **Mr Chairman:** May, I, the Leader of the Opposition have spoken about people being sacked. There is a post of Registrar, isn't there? Not just of Deputy Registrar; there is a post of Registrar, and therefore people would be applying for promotion to that post and therefore there is a danger. I am saying this because of my knowledge as 13 years Chairman of the PSC, where the Government always tries to be a good employer, that people should not be inhibited from being able to apply for promotion. Not just the fear of being sacked but applying for promotion as well.

1965

Okay, I think we will put the hon. Lady's amendment to the vote and I think a division has been requested.

Voting resulted as follows:

FOR

Hon. R M Clinton
Hon. Ms M D Hassan Nahon
Hon. L F Llamas
Hon. E J Phillips

AGAINST

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

ABSENT

Hon. T N Hammond
Hon. A J Isola

Mr Chairman: The amendment is defeated by 11 votes to 4.
Therefore clause 2 stands part of the Bill. (*Interjections*)

1970

Clerk: Clause 3.

Mr Chairman: Stands part of the Bill.

1975

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 4. (*Interjections*)

1980

Mr Chairman: Clause 3 stands part of the Bill. Clause 4 stands part of the Bill. The long title stands part of the Bill.

**Civil Marriage Amendment Bill 2016 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, now I know why it is called a 'division'!

1985

Mr Speaker, I have the honour to report that the Civil Marriage Amendment Bill 2016 has been considered in Committee and agreed to without amendments.

I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Civil Marriage Amendment Bill 2016 be read a third time and passed.

1990

Those in favour? (**Members:** Aye.) Those against? Carried. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, it is a happy day for Gibraltar. Equal marriage now applies to all in our community and, with an entreaty to hon. Members not to celebrate too heartily, I move that the House do now adjourn until 3.30 this afternoon.

1995

Mr Speaker: The House will now recess until 3.30 this afternoon.

2000

The House recessed at 2.05 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.19 p.m.

Gibraltar, Wednesday, 26th October 2016

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The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q589/2016

**Approved care providers –
Progress**

Clerk: We continue with answers to questions.

We commence with Question 589, the Hon. L F Llamas.

5 **Hon. L F Llamas:** Can the Government provide a list of approved care providers?

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

10 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, there is no list of approved care providers.

15 **Hon. L F Llamas:** Mr Speaker, I bring this question to the House because in the last Parliament session, I referred to a Government Press Release this summer, earlier this year, where the former Minister for Employment had made a suggestion that a number of recruits were being recruited from an approved care provider, and I asked for a list at that point, but because it was not actually connected to the original question, I was not able to obtain the list.

Would the Minister be able to explain why there is a mention of this in a Press Release, but I am not able to get the actual list?

20 **Hon. Miss S J Sacramento:** Mr Speaker, I am not aware of the Press Release that the hon. Gentleman is referring to; it is a Press Release that was issued by the former Minister for Employment. While I am, obviously I read all Press Releases, but if it was issued months ago, I cannot be absolutely sure of the exact words that are referred to in a Press Release or not.

25 The situation is that, unlike in the construction industry, for example – and I am wearing my Minister for Housing hat – there is a list of approved contractors that the Government uses to undertake works. In order to be on the approved list of contractors, people have to meet a specific criteria.

30 We do not have an equivalent of that list or that system in Care. That does not mean that we do not use care providers, or that they are not approved, or that we do not monitor, as I have explained in previous sessions of Parliament, Mr Speaker, but technically it is not an approved

list of care providers in the same manner that we have other approved contractors in the Government.

Q590-591/2016
Floating attractions in beaches –
Cost

Clerk: Question 590, the Hon. L F Llamas.

35 **Hon. L F Llamas:** Mr Speaker, can the Government confirm the full cost of purchasing and installing the floating attractions installed in our beaches?

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

40 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 591.

Clerk: Question 591, the Hon. L F Llamas.

45 **Hon. L F Llamas:** Mr Speaker, can the Government explain how many floating attractions are in usable condition and why the decision to discontinue the use?

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

50 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the total cost to date, since the first attraction was purchased by the Gibraltar Tourist Board, in the financial year 2013-14, is a £182,795.

Mr Speaker, as the summer season has ended, no floating devices are currently in use.

55 **Hon. L F Llamas:** Mr Speaker, obviously I would not expect for the floating attractions to be in use when it is not summer season, but I believe they have not been used throughout this particular summer season. I know that some of them are undergoing repair perhaps, due to weather, but nevertheless there is obviously a substantial investment by the Government, and I think Government should explain why they have not been used in this particular summer
60 season.

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is wrong and they have; and precisely because it was this Government that made this investment, in order to provide access to the beach by users with disabilities.

65 Mr Speaker, we came into Government in December 2011; our first summer was the summer of 2012. There existed a system for bathing at the beach, which was a pergola at Eastern Beach, which of course is laudable that this existed as providing something for people with disabilities. I did not have the time in the first year to be able to improve it, but it gave me a year to lead up to the summer of 2013-14, where I worked very closely with my colleague, the then Minister for
70 Tourism, the Hon. Mr Costa, and what we did was, in that summer, Mr Speaker, we invested very heavily, in most of Gibraltar's beaches, so that they could be completely accessible to people with physical disabilities for the first time in the history of Gibraltar, Mr Speaker.

Now, to make those beaches accessible for people, Mr Speaker, we invested in infrastructure. You will recall Mr Speaker, that we have new ramps at Catalan Bay, we have
75 Mobi-Mats that take you to the sea shore, we invested in all new equipment and very

importantly, Mr Speaker, we have changing stations, which we call 'Changing Places', which allow people, adults with physical disabilities, who require a lot of assistance. We have track hoists in this place, Mr Speaker, in Changing Places, so we have completely revolutionised the way that people with disabilities and elderly people with mobility issues can bathe in Gibraltar.

80 Mr Speaker, the hon. Gentleman thinks that he can rewrite history, because one day this summer, on National Day, one of the flotation devices that we use, which is particularly used by people who are in wheelchairs to swim in the beach, suffered a puncture.

Mr Speaker, it was National Day, but that puncture was fixed within half an hour. But of course, the Opposition, who did not really do much by way of assisting people with disabilities, particularly going to the beach, want to make a big song and dance, because at the end of a summer season, because of wear and tear, one of the facilities had a puncture.

85 Bur Mr Speaker, what this Government has done and this Government's track record for people with disabilities is unprecedented, to the extent that we have physically changed the landscape of Gibraltar, particularly the beaches. Mr Speaker, on a particular day, one piece of equipment had a puncture and it was remedied very, very shortly after.

90 So, Mr Speaker, that is the state of affairs at the beach this summer.

Hon. L F Llamas: Mr Speaker, unfortunately I believe the Minister has gone on the defensive and misinterpreted my question. My question is about the floating attractions – the ones that you jump on; not the floating devices to assist people with disabilities.

95

Hon. Miss S J Sacramento: Mr Speaker, unfortunately and regrettably, those were all vandalised, Mr Speaker.

100 It is actually quite *shocking*, Mr Speaker, that the Government goes and invests in these devices and every couple of weeks during the summer, we have to get people – life guards and sometimes divers – to patch these up. Mr Speaker, it is disgusting; and this summer, when we went to get them, they had all been absolutely destroyed, Mr Speaker.

105 So this massive investment – and I apologise, because the answer is in relation to what was interpreted as a different question – I do not know how much they cost, or how much the investment was initially, but certainly Mr Speaker, it is a combination actually of vandalism, and in some of the beaches that are not protected, then it is because of the exposure to the elements that it is not sustainable, and it costs a lot of money to repair and maintain continuously. While some of the damage is as a result of the weather, the majority of the damage, Mr Speaker, is literally when we see it, is that they become slashed. People go in the middle of night with, I do not know, pen knives or whatever, and slash, Mr Speaker. It is very sad and very regrettable that there are people with malice to that extent, and Mr Speaker, it was not feasible to continue.

110

Hon. L F Llamas: Mr Speaker, I was completely unaware that that was the situation and that is the reason why the Government has discontinued their use. Obviously, on this side of the House we condemn any sort of vandalism imposed on these attractions, which obviously were enjoyed by so many members of our community, especially the younger ones.

115

Q592/2016
Visitors to Upper Rock –
Methods of public transport

Clerk: Question 592, the Hon. L F Llamas.

120

Hon. L F Llamas: Mr Speaker, further to Written Question 47/2016, can the Government provide an updated schedule, together with a definition for the term 'other' contained in the previous schedules?

125

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the term 'other' refers to visitors made up of those accessing the Upper Rock through the cable car and those visiting the 100 Ton Gun exhibition.

130

The updated schedule requested is public information and is available online.

135

Hon. L F Llamas: Mr Speaker, at the time of presenting this question to this Parliament, the information was neither in the same format as the schedules I have been provided by Parliament, nor was it updated, so that is the reason why I brought this question to Parliament, otherwise I would not be wasting her time and mine.

140

Hon. Miss S J Sacramento: Mr Speaker, I specifically checked, obviously, before answering, preparing the written answer. When it was answered it was prepared in this manner and I was told that the information was uploaded online a week before the question was asked.

145

Clerk: Question 593, the Hon. L F Llamas.

150

Hon. L F Llamas: Can I just come back to that question? I have just managed to log in.

The information provided on the actual website is not the one that I have been getting through Parliament; it is actually consolidated, per month and per year.

155

The one I am always asking for in Parliament, since the new Policy on the Upper Rock came into place, was a breakdown per public service vehicles, walking tourists and any other tourists going up the Nature Reserve. That is the difference between the schedule I get in Parliament and the schedule that is on the Government website, so the information is not in the public domain.

160

Hon. Miss S J Sacramento: Mr Speaker, I have the schedule that is in the public domain. If he wishes to have a further breakdown, then I am happy to provide him with a further breakdown, but, Mr Speaker, the answer that the hon. Gentleman seeks is not obvious and apparent from the question. But if that is what he is seeking, Mr Speaker, then that is not an issue. It is information that has been provided in the past, information that I am happy to provide if he were to request it clearly, which I am sure that he is doing it now, and it is information that I can provide.

165

Hon. L F Llamas: Mr Speaker, I have asked for the schedule twice, since we started the summer policy and I am actually referring to the written question for December 2016, where the schedule is ... I am asking for an update as one on that schedule, so if I need to actually spell out what is in the schedule, then I will have to, but if I think I am referring to a previous question on a schedule, then I do not think I have to spell it out each and every time.

170

But that is my position.

Q593/2016

**Foreign licensed vehicles visiting Upper Rock –
Number turned away**

165 **Clerk:** Question 593, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide statistics of how many foreign licensed vehicles have been turned away at the entrances to the Upper Rock Nature Reserve?

170 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): No Mr Speaker, the Government, does not keep a record of this.

175 **Hon. L F Llamas:** Mr Speaker, I would like to know how this Government actually analyse its sustainable tourism policy, if it is not monitoring the results and the consequences of this policy.

Sustainable tourism is composed of three important factors: it is the economic, the environmental and it is also the social. I think Government would have been wise to actually monitor the situation at the point of entry and understood whether the policy that is being implemented is being well received by the tourists.

180 For example, if we take into account – which is quite astonishing – an increase in reviews on a forum such as Trip Advisor, which has 70 reviews on Gibraltar rating it as terrible, 35 of which are from the last six months, I think Government would do wise in monitoring what the situation and the consequences of this policy, because obviously, I think the social aspect and what people are saying on these public forums should be monitored at inception, rather than wait for people to drive up, to be told they cannot go up the Rock and then plaster it all over the internet.

190 **Hon. Miss S J Sacramento:** Mr Speaker, the way –

Chief Minister (Hon. F R Picardo): Where is the question?

Hon. Miss S J Sacramento: There was one at the very beginning, before the ramble.

195 **Hon. L F Llamas:** How would the Government analyse the sustainable tourism policy (*Interjection*) if it is not monitoring the results of the policy? (*Interjection by the Hon. Chief Minister*)

200 **Mr Speaker:** Perhaps I should remind hon. Members, the purpose of questions is not just to seek information; it is also to urge the Government to adopt a certain course of action on a certain policy. Perhaps what the hon. Member is after is precisely that.

The hon. Lady has said, 'No, we do not keep such a record'. You are making the point that it is relevant to do so. In that instance, I would suggest that a proper supplementary would be to urge the Minister to pursue the line of policy that you would like her to.

205 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker.

I will explain to him how the Government monitors how successful our tourism strategy is. This, Mr Speaker, is as a result of an unprecedented investment in our tourism product and in particular, in the Nature Reserve and in the Upper Rock.

210 Mr Speaker, I have the schedule that I was referring to before – the one that I said is available publicly online – and these figures show that for the last few months, our average number of

visitors to the Upper Rock ... not our average number; our *total* number, to the Upper Rock are on average, month on month, 10,000 visitors up from the same month last year.

215 So that is how we quantify it, Mr Speaker: hard facts, hard figures, our tourist numbers are up. Our visitor numbers to the Nature Reserve are up.

Hon. L F Llamas: Mr Speaker, the numbers may be up, but if you take, for example, a review of somebody – and I will quote this one – a driver in Gibraltar in a Spanish-plated car, gets told 220 50% up the Rock, that the entrance is only available to locals, and you have to go find an alternative route. ‘Bearing in mind that I have a British passport, we had to walk 50 minutes to find loads of cars parked around and we were left with no alternative but to pay 12 euros to be able to walk up. The only positive out of my trip to Gibraltar was the cheap fuel’. So, even though I appreciate that Government looks at its statistics, and statistics speak for themselves, but I do believe and I would urge Government to see beyond the figures and analyse what 225 people are taking back with them.

Will the Government change its view and actually analyse what people are taking back with them home to spread to their friends and families?

Hon. Miss S J Sacramento: Mr Speaker, I do not know what the hon. Gentleman is reading. I 230 do not know where it is from, I do not know who reads it, I do not know what date it is.

Certainly, of course, there has been a change in policy and there are people who visit Gibraltar and may be getting used to the new policy. Certainly the Tourist Board makes every effort to be able to communicate that policy. On occasions there may be people who may not read the policy, who may not learn the policy and find themselves up the Rock.

235 But Mr Speaker, Gibraltar’s not the largest country in the world – all they need to do is drive down and park and they would be able to find other means of accessing the Upper Rock, Mr Speaker –

A Member: In the 1,000 car parks. *(Interjections)*

240

Hon. Miss S J Sacramento: Mr Speaker, the important thing here is that this Government had a very clear vision and a very clear strategy in relation to tourism in Gibraltar and the figures; particularly in the Upper Rock, speak volumes.

245 And Mr Speaker, I just want to add to that one final point that wherever you go, there will always be good reviews, positive reviews, negative reviews. I am sure, Mr Speaker, if one were to go to Disneyland and then look on the various websites where people are given the opportunity to comment, I am sure that among the lots of positive ones – as indeed, we do receive a lot of positive ones about Gibraltar – there will be negative ones. That’s life, Mr Speaker. The world is not perfect and you cannot please everybody all of the time.

250 But of course, if criticisms are brought to our attention, we will always look at them and we will always strive to improve, Mr Speaker, but the figures and the facts show that we are improving, and that we are improving significantly.

Hon. D A Feetham: Mr Speaker, on that point the hon. Lady has said the figures prove that 255 we are improving significantly and indeed she also said that the figures are on the up and up.

Mr Speaker, can I draw the hon. Lady’s attention to the Tourist Survey Report 2015, and in particular page 5, which is Tourist Expenditure in Gibraltar, from 2005 all the way to 2015, and if she looks at the amount of money spent by tourists in 2011, it was £279.79 million. Today, it stands at £199 million, it is actually gone up from the 2014, where it dipped at a £168 million.

260 Therefore the figures *do not* show an up, certainly not in tourist expenditure, and can the hon. Lady confirm that some of the decisions that the Government has made in relation to the Upper Rock are not seeping into these figures that we see here, or are they attributable to something else?

265 **Hon. Miss S J Sacramento:** No, Mr Speaker – and that question is somewhat far removed from the original question, which relates to visitor numbers in the Upper Rock, and whether we monitor people who are turned away. Because if we were, from that, were to follow through to a logical supplementary, Mr Speaker, it would be whether people are spending less money on the Upper Rock and, Mr Speaker, what we are looking at is the figures.

270 I am perfectly aware of the survey. I am perfectly aware that obviously what we need to do is make sure that ... Our primary objective has to be to ensure that we have more visitors to Gibraltar. When visitors come to Gibraltar, we need to ensure that they spend as much money in Gibraltar as possible, but Mr Speaker, one thing is the report and the content of the report – but I would not, Mr Speaker, relate that to the policy in relation to the Upper Rock whatsoever. In fact, I do not know what report the hon. Gentleman is referring to and what the date of that report is, but I doubt that that has any connection with the policy, given that the policy that we are referring to was introduced recently and I think that that report ... I am not sure which one it is, but it may be that it predates the policy. *(Interjection)* Therefore Mr Speaker, it predates the policy.

Q594/2016
Signage around Gibraltar –
Plans to update

280 **Mr Speaker:** Question 594, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government have any plans to update and renovate the signs in Gibraltar, in particular tourist sites, parking areas and last but not least, the Royal Anglian Way Suspension Bridge?

285 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, signs in Gibraltar are updated and renovated as needed.

290 In respect of the Windsor Bridge at Royal Anglian Way, a new sign is being produced and should be in place in the next few weeks.

295 **Hon. L F Llamas:** Mr Speaker, I do not know how well they are renovated because some of them are quite appalling – due to vandalism, because they are outdated, for whatever reason – but they simply do not seem to be maintained. Actually, they seem to disappear when they get too bad and they do not seem to actually be replaced. I have seen that happen on one occasion.

But referring to what I was saying before, when tourists go up the Rock and they get turned away and they say, ‘Well, Gibraltar is a very small place, they just need to turn back and find parking’, one particular place, which is the 1,000 parking space area built in the Midtown, does not actually have a parking sign to direct you to it.

300 If you come from the frontier, unless it has happened within the last couple of days, but if you come from the frontier, you get directed to Ocean Village parking and then eventually you get directed to Alameda Estate parking area, but there is no sign in between to tell you to turn left at King’s Bastion and park in that public parking area. So will they actually be updating these signs any time soon; or are people expected to carry on second-guessing and hoping that they have an updated TomTom?

305

Hon. Miss S J Sacramento: Mr Speaker, as I said originally, signs are updated and renovated as needed. Clearly one was needed for the new car park and I understand from the Minister for Transport that it is now up – it is already up. *(Interjection)* It is about to be put up.

310 Mr Speaker, the thing is that when we need signs, it is not like one can go to a supermarket and buy a sign. Signs need to go before the planning authorities and they need to be procured and it is the whole system that needs to be in place, Mr Speaker, but I understand that it will be in place very soon.

315 **Hon. L F Llamas:** Mr Speaker, of course they need to go to planning and through the planning process, but one would think that if you are building a bridge, you go through the planning process and you include a sign; and if you are building a multi-storey car park, you go to the planning commission and say, 'By the way, I want a sign', and you implement everything at the same time – *(Interjections and banging on desks)*

320 So, can we have a date, by when these signs will be up?

Hon. Miss S J Sacramento: Mr Speaker, it is in the process. I understand that it will be ready very soon.

325 But Mr Speaker, it is actually quite funny, because I was in touch with someone who was asking me, particularly for a traffic sign, who told me that he had been chasing the Government for a traffic sign for in excess of ten years. So while the hon. Gentleman may wish to pontificate as much as he does in relation to traffic signs, it is something, Mr Speaker, that seems to be something that historically has not been as straightforward, but certainly Mr Speaker, I can assure everybody, that in terms of, particularly in terms of signs that will impact and assist
330 tourism, that these are being reviewed, as I said initially Mr Speaker, to make sure that we have as fluid a system as possible.

Hon. D A Feetham: Mr Speaker, with your leave, I have a supplementary. It is on signage and it does relate to the Upper Rock, but it relates more to the previous question, but I think that
335 there is relevance as well, when we are talking about signage to the Upper Rock in general.

Mr Speaker, I obviously live in the Upper Rock. I drive up to the Upper Rock and through the Upper Rock every single day and I can tell the Hon. Minister that at times it is absolute pandemonium at the entrance to the Upper Rock, because of the fact that mainly Spanish registered vehicles get to the Upper Rock, get to the barrier at the Upper Rock and then they are
340 forced to turn back. If there were proper signage – either at the bottom, at the actual Mount Alvernia entrance, or elsewhere, that foreign registered vehicles cannot drive into the Upper Rock, then it would prevent that kind of pandemonium from occurring. Certainly it would prevent irate tourists as well, whose opinion may be seeping in and are being expressed in Trip Advisor, as the hon. Gentleman alluded to earlier, because of course it is very frustrating to drive
345 all the way up there and then, at the barrier, be told that you have got to turn back. A simple signage would deal with that and I would commend that to the Hon. Minister.

Does she not agree with me?

Hon. Miss S J Sacramento: Of course I agree that we can always look to see to facilitate
350 processes, Mr Speaker.

Hon. T N Hammond: Mr Speaker, if I may, as signage can always be a frustration when you are in a strange town and do not know quite where you are going, often it has happened to me in Spain, so I can imagine it is similar for tourists in Gibraltar, despite the small area.

355 Can I just ask if the Minister, or if the Government would consider actually conducting a review of the signage in general, just to ensure that it is providing tourists with the necessary information and probably at the same time alleviating traffic, to some extent, by not having them stopping in the middle of the road and causing disruption?

360 **Hon. Miss S J Sacramento:** Yes, that is already happening. In fact I requested one a couple of months ago and I expect it shortly, but now I expect it to be handed to my colleague, the new Minister for Tourism. But I did request that a while ago, because what I want to see is a more holistic approach to the system.

365 When it was highlighted to me by this gentleman who had been asking for this sign in excess of ten years, that is when the penny dropped.

370 **Hon. D A Feetham:** Mr Speaker, just returning to my supplementary – we are not, on this side, actually on this, politicising this particular issue; what we are trying to do is to make constructive suggestions for the improvement of the service – the hon. Lady has said yes, we can strive to improve, but the question that I have asked related to the signage for tourists to be told at an early juncture that they cannot drive into the Upper Rock, and is that within the plans of the Government to include such signage, either at the bottom of Sunset Close, or alternatively ... well, actually *and* on the other side, which is the Mount Alvernia side, in order to prevent those kind of scenes that I have alluded to?

375 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the question of signage, as I have just said, is part of a wholesale review that I requested.

380 But having said that, Mr Speaker, the Tourist Board, at the outset, when the change of policy was introduced, *did* employ people to give out leaflets, not only at the entry points to the Upper Rock, but also at the frontier, and have people actually be down the hill in the area where the hon. Gentleman is referring to, in order to direct tourists to the change of policy, initially when the policy was changed.

But in terms of the signs, as I said, I commissioned a report to look at a more seamless way at having signage in Gibraltar.

Q595/2016
Tourism policies –
Publication

385 **Clerk:** Question 595, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what tourism policies are currently in place, and whether these will be clearly set out when appropriate on its website, brochures, etc.?

390 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government's tourism policy is very clear: to attract tourists to Gibraltar.

395 We achieve this by: investment in Gibraltar as a destination, which we have at unprecedented levels; by marketing the destination; working with, and continuously developing relationships within the industry; and with events-led tourism, on which we co-operate with other Departments and in particular, the Ministry of Culture.

Our strategy is working extremely well and the figures speak for themselves.

400 I will forgive the hon. Gentleman, as his clear lack of experience in these matters is obvious, but it is not normal or customary for such policies to be on a tourist board website or brochure.

Hon. L F Llamas: Mr Speaker, obviously the basic policies that one would expect should not be ... I have actually put there 'when appropriate'. You would not expect what the Minister has just said to actually be on a website. That would make common sense to just implement them.

405 I am referring to policies such as the Upper Rock ban, that for example when you go to the visit Gibraltar website, you are greeted with, and I quote, and this is live:

No unauthorised private vehicles are permitted in the Nature Reserve, however a number of walking, taxi or bus tours are available.

410 So, this website omits to tell you that you can go walking without having to go on an actual tour, because it is implying that you can go on a walking tour, and it is also omitting the fact that if you are in any way disabled, and either have a blue badge or a doctor's letter – I do not know exactly what the policy is – that you will be exempt from this policy and you will be able to go in your own vehicle to the Upper Rock.

415 So, it is this type of policy and any other one which may be implemented, but we do not know, because obviously we got to find out about this policy through sheer hit-and-miss and rumours going round town that this policy had come into place. It was nowhere on the website and it was nowhere to be seen.

So I am asking whether these types of policies will be updated and will be made clearer on websites. And I appreciate her thinking that I am being foolish in asking this question, but I am looking at this from the point of a tourist who goes into the official website and gets this policy to read and does not get the full length of the policy.

420 Will she be updating this any time soon?

Hon. Miss S J Sacramento: Mr Speaker, I think I just heard the hon. Gentleman say that he was reading live from the Tourist Board website. It means therefore, Mr Speaker, that the policy is live on the Tourist Board website. The Tourist Board website says that no unauthorised vehicles are allowed in the Upper Rock.

425 Clearly, I think it is pretty clear that a tourist will not assume that they are authorised to go into the Upper Rock. The message is on the website, Mr Speaker, it is very clear. I honestly do not understand: the website is live, so a tourist who wanted to go into the Visit Gibraltar website this afternoon because he wants to go to Gibraltar tomorrow will have a notification on the website that says that unauthorised vehicles are not allowed in the Upper Rock.

Hon. L F Llamas: So, can the Hon. Minister then explain how somebody who wants to go hiking up the Upper Rock is supposed to derive that they can go hiking up the Upper Rock, without having to go on a tour, through the website, because it is not clear; and how somebody who suffers from disabilities, or is disabled in any way, can be exempt from this policy? That is not either clear on the website.

Hon. Miss S J Sacramento: I do not understand the first supplementary, Mr Speaker, because what the website has is a prohibitive notice relating to vehicles. It does not say that you are not allowed to walk. I do not understand the first supplementary.

440 And insofar the second supplementary, Mr Speaker, there is always an ideal level of information that one wants on a website, but the website also has a space that invites you to contact the Tourist Board if you want any particular details, or an email can be sent and the details are on the website.

445 If somebody, on the website, were to reach a particular site on the website and wants further information, then that information could be sought and that information would be available. But having said that, that the website can have a little bit more information: I will look at the website again and see what else we can do to update it, because that is the beauty of a website, Mr Speaker, it can be updated very quickly if there is any need for improvement.

450 **Hon. L F Llamas:** Yes and obviously this is only one form of or one way of communicating with tourists abroad. There are people who may not have access to online and will come as they have come in the past and find out, but obviously we cannot pre-empt every occasion.

But what I am trying to get at is the wording – it is not making a song and dance on the website of what the policy is. It is the actual wording which says:

... however a number of walking, taxi or bus tours are available.

455 So there is nothing in that wording that allows you to interpret that if you want to go walking by yourself, you can still do so; and obviously I think the disabled exemption should also be on there.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I know that we are using our old portfolios during this session in Parliament, but clearly it is a matter I have an interest in as the new Minister for Tourism. It just seems to me that the interpretation that the hon. Member is giving to that is plainly wrong. It talks of walking; it talks of taxi – it does not necessarily have to be a taxi tour; it can be a taxi ride; and then it talks of bus tours. So the reference to ‘tours’ is bus tours. So you can go by walking, you can go
460 by taxi, or you can take a bus tour. It is simple – plain language!
465

Mr Speaker: I just wonder what one can do, when one does not have any access to websites, like myself! (*Laughter*) I do not seem to be able to do anything these days! (*Interjections*)

470 **Hon. D A Feetham:** Mr Speaker, the question has been asked in good faith. I now have it in front of me:

No unauthorised private vehicles are permitted in the Nature Reserve, however a number of walking, taxi or bus tours are available.

I think it is ambiguous. Can the hon. Lady take it from us that if we find it ambiguous, somebody who does not understand the English language, or the English language being a second language or a third language, is also going to find it ambiguous?

475 All we are trying to do, from this side of the House, is to be helpful in relation to this. We are not trying to catch the hon. Lady out and therefore to ask a question, otherwise I am in breach of the rules, will she at the very least look at this, consider it and then come to a conclusion, based on what she has heard today, about whether this is or is not ambiguous? (*Interjections*)

480 **Hon. Miss S J Sacramento:** Mr Speaker, I said before that things would be looked at, but in relation to his question, well no, because I will not be looking at it. I will leave that to the hon. Gentleman to look at in future!

But of course, I will, of course – (*Interjection*) This hon. Gentleman, who is now responsible for the Nature Reserve and for the sites, Mr Speaker.

Q596/2016
visitgibraltar.gi website–
Plans to make multi-lingual

485 **Clerk:** Question 596, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what plans does Government have to make the visitgibraltar.gi website multi-lingual?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the website and its content are being reviewed.

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Hon. L F Llamas: Mr Speaker, what plans does Government have, in terms of when the review will take place – well, it is under review, but – when it will actually go live? Is it in talks with service providers to provide the new platform? How far in the process is Government actually involved with updating the actual site?

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Hon. Miss S J Sacramento: Mr Speaker, I was looking at alternative proposals for the website. I cannot give more information than that, because it has not been developed that far yet.

Q589/2016

Approved care providers – Further supplementary questions

Hon. L F Llamas: Mr Speaker, am I able to come back to Question 589, the list of approved care providers?

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Mr Speaker, the original question I asked back in September was Question 484, and I asked whether Press Release 371/2006 could be elaborated a bit further in giving us further details of what Government had done in order to create these 50 new care worker vacancies. With the answer from the Hon. Mr Costa, a Government-approved care services provider, Grand Home Care, had been engaged in providing, at that point in time, 20 of the vacancies. So as a result, I asked a supplementary of: who were the Government's approved care service providers? And obviously, the Minister, at that point, did not have the information – *(Interjection by Hon. Miss S J Sacramento)*

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I said that the Minister Costa, in his reply to my original question, mentioned Government-approved care services providers, so knowing that there should be – deducing from that answer, that there is – an approved care service providers list or schedule, if the Minister, if she has not got the information today, will forward it within the next couple of days, after this session is over?

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Hon. Miss S J Sacramento: No, Mr Speaker, because my answer does not actually change, because that answer given by Minister Costa is not necessarily incompatible with the answer that I have given, for the same reason that I gave when I answered and for the same reason that I have given the Parliament in the past.

520

In terms of the mechanics, it is not like there is a list of endless providers as we have in the construction world, or we may have a list of a variety of people. We know, from previous answers we have given in the Parliament before, there are only a couple of service providers who provide care, and what I think is meant by that, is that it is approved in terms of the care that is provided, for the reasons that I have given in the Parliament in the past, as opposed to having a list of contractors.

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A care provider, when it provides care to the Government, has an arrangement with the Government and the Government has to be satisfied with the level of care that they are providing, and that is what makes them approved. If something were to not satisfy the Government in the care, then they would not be approved. And that is the difference, I think, of what is intended, as opposed to having a list of care providers.

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When I said that there is not a list of care providers, there is not a list of care providers. Because there is a word or that wording appears in a press release does not change the answer

535 that I have given. It is not that there is a list that exists that I am not aware of or I am not familiar
with; there is not a list as such.

Hon. L F Llamas: So would I be right in saying, in this case, that all care services providers are
Government approved, and that there are none which are not approved? (*Interjections*)

540

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
Speaker, I think, part of the reason for the confusion in the point that the hon. Member is
making, is that he may be aware that originally, the approved contractor list was limited to
certain activities and that earlier this year, we extended it effectively to anybody selling, or
545 supplying, or doing work for the Government. That is not approved by the Department that uses
the contractor; that is approved by the Department that had the original list, which originally
consisted of construction companies, cleaning companies and security companies. I think at one
stage, I gave the Leader of the Opposition the list and I said to him it was being added to, not
because there were more of the same activities, but because there are new activities that are
550 being added to it, in the sense that the logic is, look, given that the original list, which was
started by the previous administration, included a condition, for example, that people have to
be up to date with their social insurance, up to date with their tax, have to give first
opportunities in vacancies to people who are registered unemployed, it makes sense to extend it
to as many activities as we can, because it is clearly a useful thing to have, to monitor whether
555 the people that are being paid by the Government are actually paying their due things.

But I think that is where the approved list concept comes from.

Hon. L F Llamas: Mr Speaker, given that the Minister has said that they get approved in the
sense of the level of care that they provide and there is only a number of care service providers,
560 I think it would be beneficial for the community, given that there is nobody who regulates them,
other than Government, when they use them, that the names be listed of who has been
approved as a Government care service provider, for the sake of those in the community who
may think that all of them are approved, and there may be one which is not being used by
Government because the standard of care falls below the level expected.

565 I would urge the Minister to provide us with a list of Government-approved care services
providers, in order to reassure the community that the care provider that they are using is also
approved by the Government, given that there is no regulatory authority in Gibraltar to regulate
these companies.

570 **Hon. Miss S J Sacramento:** There was no question –

Hon. L F Llamas: Will the Minister look into this and provide Parliament with a schedule of
the Government-approved care services providers?

575 **Hon. Miss S J Sacramento:** Mr Speaker, there is no such schedule.

Q597/2016
Wifi hotspots –
Tourism expenditure 2016-17

Clerk: Question 597, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what the expenditure of 'Wifi
Hotspots' contained within the Government estimates 2016-17 under Tourism is in relation to?

580 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this relates to Wifi hotspots provided at various locations in Gibraltar where visitors and residents can access certain websites for free.

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Hon. L F Llamas: Does the Minister have a list of where these hotspots are?

Hon. Miss S J Sacramento: Mr Speaker, these were covered in the recent sitting of this House, but again, the locations are: the Apes' Den; Cable Car Top Station; Camp Bay; Casemates; Catalan Bay; Coach Terminus; Cruise Terminal; Eastern Beach; Europa Point; The Frontier; Garrison Library; Gibraltar Museum; the Great Siege Tunnels; John Mackintosh Square, Little Bay; Moorish Castle; 100 Ton Gun; Ocean Village, Queensway Quay; Sandy Bay; and St Michael's Cave.

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And the websites that can be accessed are: Visitgibraltar.gi; Gibraltar Airport; Government of Gibraltar; Gibraltar Bus Company; and Gibraltar Port Authority.

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Q598/2016

Persons with disabilities – Accessibility signs and maps

Clerk: Question 598, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government have any plans to update signs and provide accessibility maps for persons with disabilities on how to move around in Gibraltar?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Department of Equality is already working on a holistic programme with the Gibraltar Tourist Board and the Technical Services Department.

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Hon. L F Llamas: Does the Minister have any idea whether the plans will be implemented before Christmas, after Christmas, in 2017 – is there an actual timeline?

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Hon. Miss S J Sacramento: Mr Speaker, it is part of a bigger accessibility project, so it is unlikely to happen before Christmas, but it will happen as soon as it can possibly happen.

Q599/2016

Shop Mobility Contract – Expenditure under Tourism

Clerk: Question 599, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what the expenditure of 'Shop Mobility Contract' contained within the Government estimates for 2016-17 under Tourism is relation to?

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

620 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, this relates to a maintenance contract for the provision of what was previously provided at the Shop Mobility Centre.

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Q600/2016
Mons Calpe Mews and Beach View Terraces purchasers –
Allocation of returned rental housing

Clerk: Question 600, the Hon. E J Reyes;

630 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Housing, provide details of how many rental homes have been allocated and/or assigned by Government, inclusive of room composition of said homes, from the stock returned by purchasers of both Mons Calpe Mews and Beach View Terraces?

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

635 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, 16 flats have already been allocated or assigned by Government from the stock returned by purchasers of both Mons Calpe Mews and Beach View Terraces.

The room composition is as follows: six 2rkbs; eight 3rkbs; and two 4rkbs.

640 **Hon. E J Reyes:** Mr Speaker, is the Minister aware if there are still any other Government rental homes to be returned, because the purchasers are still in the process of doing that; and if that is the case, does she have at least an approximate estimate whether it is going to be just a small handful or in the 20s?

645 **Hon. Miss S J Sacramento:** There are more than 16 that are returning; it is just that because the question was in relation to those allocated or assigned. More have been returned, but they are in the process of being cleaned and refurbished.

650 Now, off the top of my head, I do not think that there are ... I think most people have completed and if maybe there are a couple who have not completed, I do not think that those will be returning more to the housing stock. This is a different question.

There are more coming into the housing stock, but not because of completion: because they are still in the pipeline, they are being refurbished and they are being cleaned.

Q601/2016
Tenants –
Urgent decanting since April 2016

Clerk: Question 601, the Hon. E J Reyes;

655 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since 1st April 2016, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 1st April, six tenants have required urgent decanting from their homes: one in June, two in July, one in September and two in October, five as a result of flooding and one as a result of a fire.

665 One tenant returned to their flat in June, two returned in July and one in September. There are two tenants currently in hotel accommodation.

Hon. E J Reyes: And may I ask, arising from that, Mr Speaker, the decision that the flats, or the homes, that required to be decanted on an urgent basis, who certifies or who decides when the said home is ready to return?

670 There seems to be ... I am not trying to attack Government; I am trying to come to an understanding with them that there seems at times to be tenants, who say, 'Government has said the temporary accommodation is going to cease to be available for me as of Friday, they want me to move back', but yet, they claim that the housing official or whatever has still not been able to sign the papers certifying that the house is now suitable, re-habitable and some are claiming that their electricity supply is not available and so on.

675 Is there someone or a system whereby certain certificates of re-fitness for habitation is available? Does the Minister have some information in that respect available?

Hon. Miss S J Sacramento: Mr Speaker, the situation that the hon. Gentleman is alluding to is very unusual because what we do is, in the normal course of things – because we are talking about repairs – regardless of the reason for the repairs, whether there is decanting or not, so repairs will be sent to be repaired, whether it is by the Housing Works Agency, or by a sub-contractor, depending on the works that are required. Once the works are completed, they will then be certified by the Inspector and Housing Department, then the person will be asked to move back in.

680 It is the Housing Department that decants the person and provides for the alternative accommodation. If the Housing Department has now remedied any defects in the flat or in the premises, then the person will be asked to move in. You do not do one without the other, you cannot – if you have decanted the person, you cannot force the person back in, unless the premises are fit for them to return, but clearly, at the same token, if the premises are fit, then the person needs to return. But then, that is an internal process that will be dealt with by the Inspector and then by the Housing Manager, but I have never heard of any gap in between.

Hon. E J Reyes: No, the gaps that I have heard, Mr Speaker... We are talking about urgent decanting, yes? So, I think the Minister gave me the good examples before: flooding or fires, things that are unexpected, it happens. We react on humanitarian grounds, we decant the family, we carry out the repair works.

695 There are claims, and I ask the question, Mr Speaker, because over the course of the last few months, there have been more than one that says, 'I've been told that I can go back, but my house still doesn't have electricity supply because no one has certified that the electrical circuit is now available for use', and so on, and I am trying to determine, so that in many ways I can work alongside the hon. Lady for when these constituents come up and say, is there someone who ultimately has to sign some certification? When there are new constructions – and Minister Bossano can certainly guide on this one – someone has to sign and say, 'Right, it is certified that they've now met the conditions, and so on. We accept it and therefore the houses can be issued.'

700 I am trying to apply a similar sort of situation in these cases, where unfortunately, urgency has required them to be decanted, and some tenants are claiming, 'I've been pushed back, because they say that the accommodation is only temporary, that has to be returned to the

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stock and so on' – all that is acceptable, but ultimately, whose responsibility is it for signing on the given dotted line, saying 'this house is now in a condition where you can move back in'?

715 **Hon. Miss S J Sacramento:** Mr Speaker, any works are verified, certified by or on behalf of the Housing Works Agency. I certainly have never been called because of a situation like that, but if something odd like that were to arise, then I would ask the hon. Gentleman to call me and I am sure we can find a solution, but certainly nothing of that nature has been brought to my attention.

720 Maybe that sometimes, Departments may have slipped, somewhere along the line, but that is certainly not the policy and not the practice as far as I am aware. There may be an exception, it may have happened to somebody who went to see the hon. Gentleman instead of going to the Department, who would have reported it, but surely, as the hon. Gentleman says, I am happy to work together if this were to happen.

725 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister has said, should I come across a situation, I can then approach her, so I think that should settle the matter for today and we will continue working jointly for the benefit of tenants.

Q602/2016
Eviction of squatters –
Legal costs since April 2016

Clerk: Question 602, the Hon. E J Reyes.

730 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since 1st April 2016; providing a breakdown showing the number of homes involved and to whom payments were made?

735 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 1st April 2016, a total of £2,585 has been paid to Triay & Triay in respect of five eviction proceedings.

Q603/2016
Repairs to rental homes –
Details of pending works

740 **Clerk:** Question 603, the Hon. E J Reyes.

745 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of pending repairs to rental homes, indicating the dates when there reports were made by tenants and stating how many will be repaired by (a) the Housing Works Agency, (b) sub-contractors, and (c) the assigned tenants themselves?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):

750 Mr Speaker, there are currently 273 pending repairs to rental homes. The date in which these were reported were as follows: there were 28 in May; 42 in June; 35 in July; 40 in August; 47 in September; and 81 in October

Twenty-seven of these will be repaired by the Housing Works Agency; 246 will be repaired by sub-contractors; and one is on a self-repair basis.

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Hon. E J Reyes: Mr Speaker, from the answer the Hon. Minister has given to me, the dates given by ... If I heard correctly, so that the one that is longest outstanding dates back to 28th May. Can the Minister reconfirm that there is no reports prior to 28th May still pending to be carried out?

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Hon. Miss S J Sacramento: That is what I am told, Mr Speaker.

Hon. E J Reyes: Mr Speaker, can the hon. Lady come to some sort of agreement with me? If I can produce to her, on behalf of a tenant that claims to have reported matters that require repairs, dating way back to February and there were matters that arose as a result of refurbishment works or being carried out at Laguna Estate and therefore problems that did not exist before, have now come in; water seepage and so on and this constituent even showed me photographic evidence and so on, claiming that the reports were made way back in February and as a concerned tenant, the summer months have helped to dry it a little bit, but as soon as the first rainfalls come, they are expecting a really pretty bad winter. How can we ensure that the Hon. Minister has the total and correct updated information? Unless I am being misled by constituents, but certainly the reports seem to have been – or the repairs seem to have been requested way before May of this year.

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Hon. Miss S J Sacramento: Mr Speaker, it may be that there is a case that has slipped. It may be that there is a mistake in the system, but certainly if there is someone who has an outstanding report, then I am happy for the hon. Gentleman to give me the details and I will look into it.

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It would not be in the case like that, of structural damage or anything significant like damp, but the hon. Gentleman needs to be mindful as well, that as from the beginning of the year, non-urgent works, or non-fundamental structural works, are not happening if the tenant is in arrears. It would not be in the case where there is damage that would affect the integrity of the building, or may have an impact on a neighbour, but let's say that someone wants new tiles, because they have had those tiles for a long time, if those people are in arrears and there is no justification for the arrears, then people in arrears will not have non-urgent works undertaken for them, until they pay the arrears, until they settle the arrears – unless they are, of courses, themselves, having genuine reasons for being in arrears. (*Interjection*)

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The hon. Gentleman may recall, I mentioned this at my budget speech and I have mentioned it before, when we have discussed the arrears and there was agreement across the floor of the House, that we would have support – and of course this relates to people who do not pay rent, because they do not want to pay rent, as opposed to people who cannot pay rent.

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Hon. E J Reyes: Yes Mr Speaker, I think the hon. Lady might recall that I have always supported her in respect that if a tenant wants the benefit of his rights as a tenant, he must also fulfil his commitments and pay the rent and so on.

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I may have got a bit confused before, when the Hon. Minister was trying to explain to me the type of work and whether it impinged or infringed upon a neighbour and so on. From what I saw, the photographic evidence, this seems to be because of refurbishment works being undertaken at Laguna, there is now water ingress through the roof and down the walls and so on, that was not there before, so that home has now for months ... that dampness keeps on

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805 increasing. I stress again, the biggest concern is the wet weather is soon approaching us. In Gibraltar, it does not rain; it pours and when it pours, that person really, really has a very serious and, in my opinion, genuine concern because of the amount of water coming in, the amount of buckets having to be put around the house, the amount of mops and cloths that one has to buy, to soak up this water.

810 I tried to explain to the hon. Lady before, there could be something that ... I don't know, maybe the system is such, that – the report was made as far back as February – they have started to work upon it by reporting it to the contractor, so therefore as far as the Housing Works Agency, it is ticked, action is being taken upon. But now, in the last days of October, certainly as far as the tenant is concerned, the repairs have not been undertaken.

815 **Hon. Miss S J Sacramento:** That is precisely what it is, Mr Speaker, because now that the hon. Gentleman has explained what the works are, and if they are attributable to the construction works, to the refurbishment, those repair works, the remedial work will not be undertaken by the Housing Works Agency, or the normal sub-contractors. It will be referred to the contractor that is undertaking the refurbishment works, and that is why it is not in *this* schedule.

820 **Hon. E J Reyes:** Yes, Mr Speaker, and just to make sure I do not give the lady the wrong impression, I am not only referring to or using the example of Laguna Estate. I can give her, perhaps later on, behind the Speaker's chair, even the name of the tenant, from Alameda Estate, who has been waiting for repairs since last November and it has not been started upon so it has not fitted into the category ...

825 I was giving the Minister the benefit of the doubt that work is ongoing, therefore it is no longer classified as outstanding to be done, so perhaps we need to find minutes over a cup of tea and a biscuit, and we can update ourselves for the benefit of tenants.

Q604/2016
Reallocation of empty homes –
Expenditure on repairs

Clerk: Question 604, the Hon. E J Reyes.

830 **Hon. E J Reyes:** Can the Minister for Housing provide details of all expenditure incurred so far this current financial year, in respect of contracts awarded for making empty homes suitable for re-allocation; stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

835 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

840 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Avanti, £17,545 for two properties ; Property Repairs Ltd £10,858 for one property; Liberty General Construction, £18,458 for two properties; Base Maintenance, £9,243 for one property; Sarah Jane Construction, £8,896 for one property; Ernest Lopez & Sons Ltd, £12,031 for one property; Ace Plumbing, £13,320 for one property; Eulogio Cruz Construction, £11,396 for one property; JI Construction, £19,950 for one property.

845 The works carried out by these companies were all general refurbishment works, such as plastering walls, ceilings, taking down walls, painting, replacing floor tiles, doors, plumbing, electrical works, etc.

Hon. E J Reyes: Mr Speaker, if I may, one of them – the £13,320, the name of the company was plumbing something. I automatically ... My brains – (*Interjection*) yes – Ace Plumbing. My brain automatically went into, ‘This must be some sort of plumbing repair’. I know plumbers, like most good craftsmen, are not cheap, but £13,320, for plumbing does, to me, sound a very, very big quantity.

850 Is it just the one residential home, or is it because there is a whole series ... they are refurbishing like a block or from source, or so on? Perhaps the Minister has a little bit more information in that respect.

Hon. Miss S J Sacramento: Mr Speaker, the name of the company is Ace Plumbing and (*Interjection*) these figures represent refurbishment of homes, not necessarily and it is not ... Just because the name of the company is Ace Plumbing, it does not mean that it exclusively undertakes plumbing work. It undertakes general repair works, so a figure such as this is our average for the repair and the refurbishment of a flat. It is not just for plumbing. It is for the whole refurbishment.

Hon. E J Reyes: Yes, I understand that. In fairness to her, Mr Speaker, my question did end saying, ‘indicating the type/nature of the repair work’ and the Hon. Minister has given it to me in a very collective term, saying this or the other. Perhaps for a future session, should I come up with this question? She knows that I like to pose it at least quarterly and so on. If it is possible, and she is providing the information saying from this expenditure, well, look more or less so much was in respect of plumbing and so much in respect of the other. It gives us a better picture to see, because I know roof repairs, for example can be extremely expensive. Just the mere fact that scaffolding has to go up immediately shoots the price sky high, so some sort of break down might help, not only the Opposition, but will help Government tenants to better understand how money is being used for the refurbishment of homes.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, when the properties are handed back, as the hon. Member may know, from having been in Government, they are handed back in a certain state of disrepair. There is a standard set down by the Housing Administration – which I imagine was there before, it is not one that has been changed – which lays down to what level it has to be restored before it can be allocated. These properties are properties that come to me – ‘to me’ meaning to the people that are employed in Town Range – to distribute it and as he can see from the list, the policy is to distribute it amongst the local companies that can handle that level of work, but nothing much bigger, because they employ half a dozen people, and irrespective of a title, Ace Plumbing is somebody that tends to have more plumbers than other things, but it does not mean they cannot do anything unless it is plumbing. So, if there is an all plumbing job, they are more likely to take it, but they can still take on a house that needs re-tiling and re-plastering and maybe doing something because they have taken the kitchen sink with them, or something else, because they have taken the toilet with them – other things have happened.

885 But the actual level of work that is required is assessed by the landlord, the Housing Administration and they determine the price, which, if it is above £2,000, which it normally is above £2,000 for a refurbishment, is then given to the people in Town Range who get three quotes, which have to be below the figure that has already been determined as acceptable by the landlord. Out of those three quotes, the standard rule is that we give it to the lowest quote, unless there is only a couple of hundred pounds’ difference between the lowest and the highest, in which case we then look at which company is running out of work, because there is a dual purpose to this. One is to get the houses done and re-rented and the other is to keep people in jobs, so that they do not get laid off.

895 So in a sense, the distribution of the list is a reflection of those two policy objectives. One is that we give it, so that we get value for money, to the one that gives the best quote below the

ceiling laid down by the Housing; and the second is, that when they are very close – which they often are, because really, there is not much that they can ... that one can be much cheaper than all the rest, but there will be some people there that have got it, even though they might be a couple of hundred pounds higher than somebody else, simply because they are running out of work and we seek to avoid that.

Hon. E J Reyes: Yes Mr Speaker, if I may, there was, in my subsection (c), under the assigned tenants themselves, there is one who is going to carry out that repair work – *(Interjection)* Sorry, I was referring to the subsection (c). The Minister said that one tenant is going to carry out that repair work themselves. How are the expenses towards that repair settled? Is it that the tenant buys the materials and gets given so much in compensation as well if he provides his own labour, or is there some other formula? Perhaps the Minister can enlighten me a little bit on how we estimate, or how we reach an acceptable estimate to both sides of the cost of that repair.

Hon. Miss S J Sacramento: Mr Speaker, this is a supplementary, not to this question, to another question, but generally when it is self-repair, the estimate at the Housing Works Agency will calculate the value of the works and its usually provided by vouchers, or the materials are provided.

Q605/2016
Rent relief –
Levels awarded

Clerk: Question 605, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Government satisfied with the level of rent relief they are awarding at present?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, yes.

Ms M D Hassan Nahon: Mr Speaker, there are many pensioners, and people living on the edge, shall we say, who consider that pennies off in rent relief – as I understand, in some cases, we are talking about 15 pence or 60 pence a month, 15 pence a week, something like that – really does not help in any significant way. So would the Minister be willing to revise the policy, or is the Housing Ministry undertaking ever a case by case process, to help those who feel that the rent relief awarded does not relieve much at all?

Hon. Miss S J Sacramento: Well no, Mr Speaker, because the hon. Lady starts from the wrong premise, in that we are assuming that rent relief is only 15 pence off the rent.

The way rent relief is calculated, actually, is based on the income of the person, so if we are going to talk about figures, then I am going to give the correct figures and put it into context, because it is not that people have 15p rent relief.

There is a formula to calculate and the factor that is taken into account is the whole of the household income and marital status and whether there are children living there or if the person has a disability, because every case is assessed on a case by case basis and the applicant is looked at individually.

945 So, for example, if a single person were on the minimum welfare payment, or minimum income guarantee, then they would not pay rent, so the level of rent is commensurate with the income of the individual and this is a policy that has been in place since 2007.

But let's give another example: let's say if there is a single pensioner, who is on an income of say, £400 a month, then their rent would be £11.40. So if we look at an average rent – say, a 3RKB in Glacis has a monthly rent of £64 – then we are talking about a rent relief of much more in excess of 15p.

950 It may be that the hon. Lady has been given information by one individual, but that one individual does not represent the assistance that Government provides by way of rent relief and we look at the income and we look at the scenario and we look at the household income.

Ms M D Hassan Nahon: Mr Speaker, I am grateful for that answer and I know that the hon. Lady does a lot to help the vulnerable and the needy, because I have spoken to her about these situations before, but can I just ask if a member of the public comes to me and tells me that they really are finding it hard to pay their rent and that the rent relief they have been awarded just does not make a difference to them, how would the hon. Lady suggest I help that individual or those people?

960 There are a few people, not just one, but various, who have come to me with this situation – with this issue that they have. Where could the hon. Lady tell me to direct them, in these cases?

Hon. Miss S J Sacramento: Well, Mr Speaker, my advice would be to look at the case as a whole, because maybe what needs to be looked at is the rest of the expenditure and not the rent relief, because the formula to assist the person by way of rent relief is already in place so the rent relief the person will get will be commensurate to their income. So if someone is in a very low income, then their rent relief would be a 100% because they do not have to pay any rent.

970 What I am trying to say is that there is a connection between the level of rent relief and the income that that person is receiving, so if the level of rent relief is low then it is commensurate to the income and it may be that that individual needs to look at other ways in which the income is distributed because the relief is commensurate to the level of the income, and if someone is on a very low income, then the rent relief is a 100% and rent due is zero.

Q606/2016
Children of separated parents –
Housing requirements

975 **Clerk:** Question 606, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the Government policy on allowing parents who are separated and have agreed joint custody terms and conditions out of court in relation to housing requirements?

980 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, 'joint custody' is not a legal term since the introduction of the Children Act in 2009. What used to be referred to as joint custody is in law now parental responsibility. On separation, joint parental responsibility has not, and never has been the test for determining entitlement to housing composition, as most parents will have this in any event.

In cases of separation, the Housing Department requires proof that both parents have joint residence of the child, in addition to joint parental responsibility and if joint residence is established, then both parents are entitled to the same housing requirements for the child.

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Hon. Ms M D Hassan Nahon: Mr Speaker, from what I understand in this area, it seems that the law discriminates men, in the sense that men actually need this shared residency order agreement which the hon. Lady has just mentioned, forcing them to have to go to lawyers and spend money to legally validate something that the mother gets naturally without having to provide this agreement. I have evidence of this, which I am happy to show her in private, because obviously it comes from different sources and different individuals who have suffered this.

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Would the Minister be prepared to accept that this policy needs changing and reviewing to make it more egalitarian?

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Hon. Miss S J Sacramento: No, Mr Speaker, because the policy is not as the hon. Lady understands it to be.

The policy applies to the child and it relates to the parent who has the residence of the child. If parents separate and one parent has the residence of the child, then the parent with the residence for the child will be given the room for the child, because the additional room is for the child and not for the parent.

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It has never been the case that when parents separate, the child is accommodated in both dwellings. There will be provision for the child to live with one parent or the other, but in exceptional cases, because it is in exceptional cases where both parents have joint residence – nothing to do with joint custody; joint custody is a different concept – but if both parents have joint residence, then a room for the child will be allocated with each parent. So the policy is actually very egalitarian. But it is based on the arrangement that is made for the child and I do not agree that lawyers need to become involved for evidence of that because there is no ... What I have said is that the policy is that the parties need to provide evidence. I have not said that the parties need to provide a court order, because in fact that was the position before, but because I do not believe that people should be spending money on lawyers and I think that – and in fact it goes against – (*Interjection*) in cases such as this – and particularly in cases such as this because the overriding objective of the Children Act is the ‘no order principle,’ it would be quite contradictory for the Housing Department to be asking people to go to court where the framework of the legislation does not want you to go to court.

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So what I did in the Housing Department to facilitate the process was to ask for evidence and evidence can be provided by way of a sworn statement; and a lawyer and therefore expenditure is not required.

So, Mr Speaker, in answer to the question, I think that the procedure, particularly the new procedure, is very fair.

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Hon. D A Feetham: Mr Speaker. May I? Because this is certainly a bugbear with me, and I don't mind my saying that it was a bugbear when I was Minister for Justice and this arose at Cabinet, because the hon. Lady is right: it does discriminate invariably against men.

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It does not discriminate objectively against men in this sense that of course a man or a woman can have residency in respect of the child and his or her spouse can then have contact. Effectively what the law does is that it affords either both parties joint residency, in which case there would be no problem, as the hon. Lady has rightly pointed out, because both of them would be entitled to the same Government housing; or the law provides for one of them to receive residency in respect of the child, with the other spouse or the other parent receiving contact.

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Now invariably, it is the mother that always ... well, not always, but the mother invariably obtains residency. It is the father that obtains contact, and in that kind of situation, you then

1040 have ... Government housing will go to the mother, so if a couple is living in a three-bedroom flat, for example, the mother will take the Government flat, then the father has to look for alternative accommodation. If the father cannot afford to obtain alternative accommodation, the state, the Government, will afford a Government property, but the Government affords a one-bedroom flat or a studio flat for those fathers and that is where, does she not agree, that the discrimination arises and the unfairness arises? If you have a large family in a 3 or 4RKB, it is 1045 unfair to then award the father just simply – who cannot afford private accommodation, let's not forget – a one-bedroom flat or a studio flat, where he is never going to be able to enjoy the contact with his children, because his children are never going to be able to stay overnight, it is impossible!

1050 That is the unfairness and that is what I would urge – and I have done so before to the hon. Lady in this House – for the unfairness to be considered by the Government. I have to say that these arguments are not new. I have already said that these arguments are what we had when we were in Government and I was not able to prevail upon my colleagues that the policy ought to be changed, but certainly I urge the hon. Lady to look upon this, because I certainly agree with the hon. Lady that it is a discrimination, of men in particular.

1055 **Hon. Miss S J Sacramento:** Mr Speaker, when we are talking about Government rental stock, of which there is a limited amount available, then there needs to be certain criteria set, to ensure that there is an equitable distribution of rental stock to everybody.

1060 Now, if the housing stock is limited and a *child* – because the allocation really is made in respect of the child and not the parent; it is just that the parent will take the consequence of the room allocated to that child – if a child lives with one particular parent, for the majority of the time and will have contact with the other parent from time to time, say one night, two nights a week – then, in the context of the limited housing stock available, that is the rationale for this policy. That is the base line, Mr Speaker.

1065 However, having said that, there are always exceptions and avenues, where individual cases, which may be outside of the norm, are also considered, because we do have these social avenue or the medical avenue, which are open to people who necessarily may need to make different applications.

1070 The hon. Gentleman said that it is difficult for someone who is allocated a studio and then has three or four children, for them to have contact. First of all, there are very few properties which are studios, the majority of them will be ... Actually, there are more 2RKBs, which is actually a one-bedroom than there are 1RKBs which is a studio, so it is very, very rare for people to have a studio; we are talking about a 1RKB. And 1RKB, in terms of dimensions, is actually quite big and does allow for partitions, but if there is a case, a situation, where there is 1075 significant contact and the parent has a lot of children and there can be justification, then in cases like that, they will be considered by the committee and a view may be taken.

1080 But certainly, if someone has a child and that child lives with their mother five days a week, if the Government were to be providing a bedroom for every child whose parents are separated, then we would have to double the housing stock that we provide because we are providing double for that child.

1085 The view that is taken, by the Housing Department and has historically been taken by the Housing Department, as the hon. Gentleman says, is of course in the context of the limited stock and but it is also consistent with the view that is taken by the courts when it is necessary for the court to take a decision. It is generally that the child lives with one parent and it is the view of the court, where the policy is then followed through by the Housing Department.

1090 **Hon. E J Phillips:** I just have one further question in relation to that, and I know that my learned and hon. Friend has experience with, for example, parental alienation syndrome, which is often the cause of separation and what happens when the children stay with their mother and there has been refused access and it goes to court and there is a dispute. But I think it is right

that the hon. Member should have an eye of that, because the number of instances of that occurring now, and men coming up to me and speaking to me about the lack of access, the lack of opportunity to spend time with their children and the effects thereafter on those children that cannot re-engage with their father, I think it is a really, really important fact. I think we should be looking at ways in which we can alleviate that problem by increasing the opportunities available to men, in those situations, to have further contact with their children, and overnight access.

I know the hon. Member knows about this and I appreciate that it is a balancing exercise insofar as the housing stock is concerned, but we may be dealing in the future with a generation of young children without proper access to their fathers and serious issues of parental alienation syndrome, which I know the hon. Member is aware of, through her practice in the law.

Hon. Miss S J Sacramento: Yes Mr Speaker, and it is precisely because of my practice and my experience in a former life, that I have simplified the procedure to help cases where it is possible, but as I said, we have to live in the position where we have limited stock and if the stock is limited there is only so much that we can do. So it is all the constraints in relation to the housing stock.

It may be, Mr Speaker, that in the next few years and because everything is fluid, Mr Speaker, so in the next few years when we complete the new affordable housing that we will be constructing, because the housing stock availability changes, that the demands on the stock change and it may lead to a result ... it may result in a change in policy.

Of course, Mr Speaker, when I am looking at my Department, I deal with the immediate issues and I am looking at medium-term planning and at long-term planning because this issue precisely will probably only get worse, because that is a reflection of society going forward. They are things that I need to bear in mind in terms of my long term planning. Insofar as my immediate situation, I am constrained by the stock that is available to me.

Q607/2016
Drug addiction issues –
Migrating Government responsibilities

Clerk: Question 607, the Hon. Ms M D Hassan Nahon.

The Hon. Ms M D Hassan Nahon: Does the Government not think it is time to migrate drug addiction issues from the Social Services Ministry to the Health Ministry?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): No.

Hon. Ms M D Hassan Nahon: Mr Speaker, I noticed from a press release in today's *Chronicle*, an Inter-Ministerial Committee to take up work of studying possible changes to drugs policy in Gibraltar. Can I ask how often will this team be meeting?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I am going to be the chairman of that Committee and I wanted to meet with regularity. The hon. Lady knows I want to do much of this work myself, but as I said in the context of the statement I made to the House last week on the reshuffle, it is not going to be possible for me to take the portfolio, but I want to stay involved with those issues and the Committee will also have the Hon. Minister for Care on it as well.

1135 So we meet every Monday, but as a Committee, we will probably meet once a month, I imagine.

Hon. Ms M D Hassan Nahon: What major changes will be on the agenda and what is the timeline expected in the delivery of any changes?

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Hon. Chief Minister: Mr Speaker, I think it is a question the hon. Lady might wish to ask us after we have met for the first time. I could share ideas with her here etc., but I do not think that Question Time is for that sort of discussion.

1145 I am quite happy to also have a discussion with her on any ideas she may have and if she wants to come to the Committee on a particular day and give us her views of things that we might be prepared to consider with her, which may be relevant of course, we would be happy to do so, or to write to me with those ideas, I am quite happy to consider anything which could be of assistance to the community in this respect.

1150 **Hon. Ms M D Hassan Nahon:** If I can just track back to the original question, I just wanted to ask: the World Health Organisation talks about drug addiction issues being a health issue. It is considered a mental, psychosocial and physical illness and there is plenty of evidence from the WHO to suggest this.

1155 So when the hon. Lady said, no, is it something that will not be moved at all, or will they not consider this evidence from the WHO and perhaps think about the possibility of migrating such an issue to Health?

1160 **Hon. Chief Minister:** Mr Speaker, I know she is asking the hon. Lady but the distribution of portfolios is down to the Chief Minister and I have determined that it should not be included in the amalgamation. The initial amalgamation at least of areas related to Care, which is now the responsibility of Mr Costa, who is dealing with all of the areas of Care, but not with drugs, although he is going to be involved in the Inter-Ministerial Committee.

1165 I am persuaded that the Health Services have a role to play. That is why I have created the Inter-Ministerial Committee, and the Minister for Care will be part of that Inter-Ministerial Committee. I am not persuaded that there should not be a separate ministerial responsibility to deal with these aspects – or the many connected aspects of issues that are related to the abuse of drugs – and that, at the moment, is not going to be something that changes. Look, it could be that the result of the work that we do together; it appears that there is more work to be done in respect to the control of the abuse of drugs and its misuse and their misuse, from the Health point of view, than from the Justice point of view or the independent portfolio point of view, but
1170 at the moment, this is a determination made a week ago.

Q608/2016
Drugs detoxification –
Ocean Views and Bruce's Farm

Clerk: Question 608, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Would the Government agree that detoxification of drugs should be stopped being undertaken at Ocean Views and carried out in Bruce's Farm?

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

1180 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** No, Mr Speaker.

1185 **Hon. Ms M D Hassan Nahon:** Mr Speaker, from many of my conversations with many ex-drug addicts and their families, it normally takes weeks for a transfer between these two places and there is a lot of time lost in a system that at present is not cohesive and what is needed is a system that encourages the addict to get treated immediately, instead of wasting time in an environment which is not bespoke to the needs of the addict, only to have to face a new challenge weeks later, when they have lost much time.

1190 In light of this, is there anything that the Minister would consider in terms of changing the process?

1195 **Hon. Miss S J Sacramento:** Mr Speaker. There are different issues here. The issue of the question being asked is whether detoxification should take place at Bruce's Farm instead of at Ocean Views. Mr Speaker, detoxification from drugs, from someone who is a drug abuser, is a very serious matter and needs to be done and undertaken in a safe, clinical setting, such as Ocean Views. Bruce's Farm is not a clinical setting; it is a rehabilitation facility, which is more of a social therapeutic setting. What we cannot have is a structure that provides for one thing, providing a service which is complex and medical, and which is provided by the Government elsewhere, particularly given that Bruce's Farm is up the Rock.

1200 Imagine if someone is being detoxed, even if we had the structure and the staff – which of course in Bruce's Farm, the staffing there is related to the service that is provided ... It is not a clinical service, it is not a hospital, it is not a nursing facility. It is a rehabilitation centre – a *therapeutic* rehabilitation centre, because there are different types of rehabilitation centres.

1205 In fact, I have visited various rehabilitation centres and in none of those rehabilitation centres is the detox facility part of the rehabilitation facility. They have two separate functions.

1210 But let's imagine for the moment that we were to have the infrastructure, the nursing and the medical supervision that we have in Ocean Views, up at Bruce's Farm. Can you imagine, Mr Speaker, if we were to have an emergency at the Bruce's Farm, having to transfer that person to hospital in the middle of the night from the Upper Rock? We would have to get the ambulance up there and then the ambulance back down.

1215 The reason why it is not done, Mr Speaker, is because detox is complex, there can be people who have multiple addictions. They can be addicted to more than one substance: usually it is to drugs and to alcohol together which makes detox more complicated and it is therefore important that we have it in a setting that has the adequate clinical supervision to ensure that detoxification is undertaken safely for the person.

1220 **Hon. Ms M D Hassan Nahon:** In that case, is the Minister therefore satisfied, at least at present, Ocean Views is the apt place to cater for the detox process, or does she believe that more can be done at Bruce's Farm to provide a better and more bespoke environment for the detoxification process?

Hon. Miss S J Sacramento: Mr Speaker, I believe that detox needs to be kept separate and needs to be provided in a medical facility with clinical supervision, and Bruce's Farm is not that facility.

1225 **Hon. E J Phillips:** Mr Speaker, with your leave, I do have a question that straddles both 607 and 60 ... and with your leave ... very shortly. Thank you.

Chief Minister (Hon. F R Picardo): Mr Speaker, would the hon. Gentleman just give way for a moment?

1230 I am starting to run perilously late for a meeting. Can I therefore propose that the House now adjourn – and perhaps we take that supplementary tomorrow, if it is convenient for the hon. Gentleman – to 2 p.m. tomorrow afternoon?

Mr Speaker: The House will now adjourn to tomorrow afternoon at 2 p.m.

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The House adjourned at 5.19 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 6.03 p.m.

Gibraltar, Thursday, 27th October 2016

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The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q607-608/2016

Drug addiction and rehabilitation – Further supplementary questions

Mr Speaker: There was a supplementary that was left pending yesterday evening.
The Hon. Elliott Phillips.

5 **Hon. E J Phillips:** I am grateful, Mr Speaker.

Yesterday, in response to Questions 607 and 608, there was some discussion about the Inter-Ministerial Committee that had been established, that I think the Chief Minister referred to a week ago in respect of drugs and that important issue.

10 One of my concerns about that response was that the Government had established on 26th June 2013 an Inter-Ministerial Committee in relation to drugs and rehabilitation; what I would like to know is what progress has been made in relation to that Committee? It has now been reconstituted with different Members – the former Minister for Justice is now out, as we know – but what were the terms of reference for that Committee in 2013 and how have they changed now, some three years later, and what progress has been made with that Committee?

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, the hon. Member is absolutely right, I did set up an Inter-Ministerial Committee in 2013 to review the matter of drugs in Gibraltar. If the hon. Gentleman, as I am sure, has read the press release relating to that, he will see that the result of the Inter-Ministerial Committee was to form a Drug Strategy Committee. In fact the members of the Strategy Committee are listed in that press release, and the result is that the Committee was born from the Inter-Ministerial Committee, and the Drug Strategy Committee is one that was working and working very well since 2013, and one that will continue.

20 Now that I am once again the Minister responsible for drugs, it may be that ... The new Inter-Ministerial Committee, I am sure will continue the work. It may be that the first Inter-Ministerial Committee will really continue as the new Inter-Ministerial Committee. It is the same Ministers wearing different hats.

25 Well, obviously the first one was not chaired by the Chief Minister, and it is important that the Chief Minister chairs the new Inter-Ministerial Committee. There were other Ministers in my original Inter-Ministerial Committee, but I am sure that they will be called upon when the
30

relevant issues to those portfolios arise. But it is about the work that flows from the Inter-Ministerial Committees because of course the Ministers at that level set the policy. The policy was that we develop a strategy, and it is the work of the Strategy Committee really that will give us the overall product that we want.

35

Hon. E J Phillips: I am grateful for the answer to that question.

I think that the hon. learned Member will understand what I am getting at and that this is a Government that has established a Committee to establish a sub-committee, effectively, that is dealing on the ground with it and then, once a reshuffle happens, develops another Committee to do something else.

40

Frankly, we would like to know what the results of the Drugs Strategy Committee are and what has been happening on the ground, because I think this side of the House and members of the Committee could care less really about the constant establishment of committees on committees, on committees, but really want to know what is happening in relation to the Government's policy in relation to drugs, and what efforts are being made and what conclusions are being drawn from that Committee.

45

I take the point that the Chief Minister clearly has an interest in drug rehabilitation and drugs and the strategy moving forward, and I commend him for that. I also commend him for suggesting that he does not have, really, the time to deal with it because he is dealing with bigger issues such as Brexit; but, look, we need to know in this House how this Drug Strategy Committee is moving forward, what decisions are being made, how they are tackling drugs in our streets, and crime relating to it. I would appreciate a little bit more information about how the Government intends to pursue its policies in relation to drugs moving forward.

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Hon. Miss S J Sacramento: Well, Mr Speaker, I can say that I am absolutely delighted to be the Minister with the constitutional responsibility for drugs, as from last Thursday. I have been the Minister with responsibility for drugs for approximately two years and I cannot wait for next week where I have already convened a meeting of my new drugs team to make sure that we progress everything in relation to drugs as much as possible as much as we can.

60

Hon. Ms M D Hassan Nahon: Excuse me, we still have not had an answer on what has been achieved in the last ministerial committees and pre-committees until today. What can we see that is palpable? Can you give us any information on what actually has been achieved in these committees?

65

Hon. Miss S J Sacramento: Mr Speaker, a lot has been achieved by having a focus on drugs in the last five years. We have developed policies and what is the most important thing, particularly in relation to drugs, given that it straddles so many Departments and so many areas in life, is that I think the most important thing to come out of it is the fact that we are now working in an inter-departmental and inter-agency way as has never been seen before because we have the most relevant Departments working together, because we have the Police working with the Social Services, with the drugs rehabilitation facilities, with Education, with Justice and all the different spheres.

70

What we have achieved through the Committee is two things: one is that we are looking at each Department individually to see how each Department can improve the way that it deals with the drugs problem in Gibraltar and then what we have been doing is working together to see how, together, we can improve the way that we work together in relation to the drugs problem in Gibraltar. So what we look at is improving each individual Department, so each individual Department will see how it can restructure itself and do things better.

75

80

Speaking from my experience in the facilities that I have been responsible for up to date, which is of course Bruce's Farm, Drug Awareness and Drug Rehabilitation in the Community, looking for tangible pointers and evidence as to the improvement, we can see that our

85 occupancy levels at Bruce's Farm are up. I have said in this House before that Bruce's Farm
occupancy levels were at an all-time low in 2011, and they have now been extremely high – in
fact at the point where a couple of months ago I was called and I was told, 'Minister, we have a
problem. Bruce's Farm is full.' So I said, I am delighted to have this problem because it means
that the Strategy is working and that we are getting people with a drug problem into the rehab
facility where they ought to be.

90 Just because a rehabilitation facility is empty does not mean there is not a drug problem in
Gibraltar. A drug problem exists in Gibraltar as it exists everywhere in the world and what our
duty to do as a Government is of course to reduce the problem. But there are people who are
victims of addiction, because no addict wants to be an addict, so we have to make sure that we
are there to support the addict, try to help the addict from become free of the addiction and of
course be there to support their families as well, and do as much as possible in terms of
95 awareness to hopefully make sure that people do not fall into the problem of addiction –
whether it is through drugs, alcohol or other addictions – and by working together, of course our
aim is to tackle the drugs problem in Gibraltar. It is not a simple thing to do; it is not something
that we can do overnight and while we aspire to not having a drugs problem in Gibraltar, it is
something that we need to be constantly aware of and constantly working with all the relevant
100 sectors, to do as much as we can to prevent it and to support people who have the problem.

Hon. E J Phillips: Mr Speaker, just to follow up – (*Interjections by Hon. Miss S J Sacramento
and Hon. Chief Minister*)

105 I did not know the Chief Minister had a preference on who speaks first; I thought it was Mr
Speaker. I am on my feet. Mr Speaker, I am on my feet. (*Interjections*)

Mr Speaker: Order!

110 **Hon. Ms M D Hassan Nahon:** It was because it was my question.

Hon. E J Phillips: It is a supplementary on a supplementary on a supplementary.

Mr Speaker: Order. The Hon. Elliot Phillips.

115 **Hon. E J Phillips:** I am grateful.

I thank the Minister for her response but it seems to be a lot of air and not a lot of action in
respect to the policy on drugs. (*Banging on desks*) There is not one answer to the question.

120 My hon. Friend, Ms Hassan Nahon has asked the question: what specific areas and tangible
benefits have arisen out of the Drug Strategy Committee? There is nothing. There is clearly no
strategy by this Government in relation to drugs, apart from establishing committee upon
committee.

I am grateful the Chief Minister has the time to concentrate on this area and now say that he
actually cannot concentrate on it and therefore it has to go back to Miss Sacramento, the
Minister for drugs, but what action has been taken by this Government in the last five years?

125 People are entitled to know this information. We have a drugs problem on our streets and
this Government is failing to deal with it.

Mr Speaker: You have asked a supplementary: what action has been taken in the last five
years?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am surprised that the hon. Gentleman is not
going to be, in this House, somebody that we can regard as somebody who is going to allow, for
example, the hon. Lady to continue dealing with her supplementaries as she allowed him to

135 finish his line of supplementary questioning before she got up – because I think all that is going to happen is that it is all going to get very mixed up.

We have just had a Member for the GSD get up and follow up a question of the independent Member in respect of the information that has been provided to her. I do not think that is helpful, but if the hon. Gentleman simply wants to jump like a nervous jack-in-the-box to be the first one to answer or to ask a further supplementary, it is a matter entirely for him, but I commend to him a more measured way of pursuing questioning. He might not then find that he has to ask to once again put to a witness something that he should have put earlier – but anyway.

145 Mr Speaker, in terms of the question that the hon. Gentleman has now asked and the question that the hon. Lady asked, the Minister is giving the information. It is just that they do not like to hear it, Mr Speaker. Is having Bruce's Farm empty an indication that there is no drug problem in Gibraltar? Look, Mr Speaker, I think objectively anybody will accept that that is not the case. It is a question of rehabilitation having not had the support it should have, and that is why Bruce's Farm was empty.

150 Or is it that the hon. Gentleman is going to make the case that on 9th December 2011 Gibraltar did not have a drug problem?

He might, because there are two ways for governments to deal with the issue of drugs. The first, which is actually commended to governments around the world by public relations officers for governments, is to say, 'Well, look we do not recognise that we have much of a drug problem. Some people are caught with drugs but Gibraltar does not have a drug problem.' That is one way of dealing with the issue of drugs.

The other way to deal with it, which is harder but is in my view absolutely the right way to deal with it, is to say, 'Gibraltar, like every other state in the world' – and the hon. Lady has put it better than I can – 'has a drug problem and we are trying to deal with it.' The first way to do that is to acknowledge the existence of a problem.

160 The hon. Member should go back and try and find in *Hansard* a moment when the former administration got up and did that. They never did. Certainly not in the time that I was here. So step 1 in dealing with the problem: acknowledge that you have it. That is the first thing that we are doing in respect of this matter.

165 Step 2: deal with the obvious parts of the problem – i.e. those who have been convicted in respect of the possession or misuse of drugs and those who have got an addiction problem that they want to see dealt with. In relation to the second, the issue of Bruce's Farm is one on which Mr Corby led, and in relation to which Mr Joe Caruana, with Camp Emanuel, had been dealing before when the former administration was not prepared to assist. But look, the former administration dealt with it when it created Bruce's Farm.

170 When Mr Corby leaves Government, Bruce's Farm is ignored for many years. So what have we done, tangibly in respect of the issue of drugs? Once again ensured that Bruce's Farm is available to deal with those who have an addiction problem.

175 The best possible commendation of what this Government is doing, which is not 'air', Mr Speaker, is the work that Steven Linares and Samantha Sacramento have done in respect of ensuring that Bruce's Farm is available to be used, and people who go through the system say thank you for making Bruce's Farm available once again, because it was falling into disuse because the resources were not there before 9th December 2011, although it had been the creation of a GSD Minister.

180 The other issue, which is the issue of dealing with those who have offended: does the hon. Member not know that we put great emphasis in respect of the rehabilitation of offenders?

Mr Speaker, do you want to say something?

185 **Mr Speaker:** Yes. I would like you to bring your answer to a conclusion, because I have a comment to make.

Hon. Chief Minister: Mr Speaker, I am quite happy to –

Mr Speaker: I will allow you to ...

190 **Hon. Chief Minister:** So, dealing with the rehabilitation of offenders who have been
convicted of the misuse of drugs in a more effective way; dealing with those who are addicted in
a more effective way; creating an Inter-Ministerial Committee, which was something that was
already working before the reshuffle and the new Committee that I have created, where I will
continue to be involved in that way rather than the way that I wanted to be directly involved.
195 Well, Mr Speaker, if the hon. Gentleman wants to pretend that that is ‘air’, well look, he had
better explain to us what it is that he breathes. Because what we have done in respect of dealing
with people with a drug problem is *certainly not* air.

Mr Speaker: From a simple supplementary question, we are now, as is very often the case,
200 having a debate on the general drugs problem. And it all arises from two questions: 607, ‘does
the Government think it is time to migrate drug addiction issues from the Social Services
Ministry to the Health Ministry?’; 608, ‘would the Government agree that detoxification of drugs
should stop being undertaken at Ocean Views and carried out at Bruce’s Farm?’ Two fairly
specific questions, and now we begin to have a debate on the drugs problems generally.

205 A very important issue for Gibraltar, and I invite Members, if they so wish, to bring a motion
to Parliament and debate the drugs problem in a general sense, and then you have every right to
ask the Government to explain what they have been doing for the last five years.

Hon. E J Phillips: Mr Speaker, I am grateful for that intervention, because I think that is right.
210 Our supplementary question was in relation to the Inter-Ministerial Committee that was
established by the Government and what developed from that was: what tangible benefits have
been derived from that Committee, which I think is a natural logical conclusion to these
questions.

215 But I take the point that the Chief Minister’s response has now gone into swings and
roundabouts about their policy – but there we go.

Mr Speaker: What develops from that is a general debate and of course, the usual practice
that a supplementary becomes a pretext for a debate.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q652/2016

Taxi fares –

Increase in unit rate

220 **Clerk:** We now move to Question 652, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can Government say on what basis the decision was made
to increase the unit rate for taxi fares from 20p to 30p for journeys under eight miles?

225 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the
increase arose as a result of a request originating from the Gibraltar Taxi Association.

230 **Hon. T N Hammond:** Mr Speaker, I take it from that answer that the Government found an increase to the fare of 50% was a reasonable increase. Could the Minister tell me when the previous increase might have occurred, if he has that information available?

235 **Hon. P J Balban:** Mr Speaker, the previous increase occurred sometime in 2013, and it was felt reasonable, that an increase from 20p to 30p for these journeys, at the time that we decided to go ahead with it.

240 **Hon. T N Hammond:** Mr Speaker, bearing in mind the general rise in cost of living from 2013 to the present day is nothing like 50%, on what basis did the Minister consider that to be a reasonable increase in fares?

245 **Hon. P J Balban:** Mr Speaker, we did not feel that the actual percentage increase was relevant. It was just an increase of 10p. If we had gone up from, say, £1,000 to £1,500 then you would say, well, it is quite a significant difference in money; but when we are talking of 20p to 30p, we are talking about 10 pence. It did not come across at that moment in time as a huge increase.

250 **Hon. T N Hammond:** Mr Speaker, I have to disagree with the Minister in terms of it not being a significant increase, because it is a 50% increase, and well above inflation, and certainly pensioners for instance with their pensions, would love to receive a 50% increase, but certainly have not done so over the same period.

Was there any requirement in terms of service delivery imposed on the Gibraltar Taxi Association in order to implement this increase?

255 **Hon. P J Balban:** Mr Speaker, the service provided by the Taxi Association is a metered service, so they have to be actually there to be able to gain the benefit of that increase. That is the reply.

260 **Hon. T N Hammond:** Mr Speaker, what I am referring to: is there any requirement imposed in terms of the availability or improvements to the taxi service? We know the city service is frequently criticised. Was there any discussion between the GTA and the Government in terms of service delivery improvements, or any metrics in that regard for this increase?

265 **Hon. P J Balban:** Mr Speaker, the only way (*Interjection by Hon. Chief Minister*) that a taxi driver can actually gain the increase, as the hon. Gentleman has mentioned, is if they are there actually giving the service, so it is an incentive and so right for taxi drivers to be there, working, to be able to benefit from that 10p increase. If they are not there, they do not get the increase. So it is an incentive for them to work.

Q653-655/2016

Company enforcing parking regulations – Government arrangements

270 **Clerk:** Question 653, the Hon. T N Hammond.

275 **Hon. T N Hammond:** Mr Speaker, can Government say whether any Government or Government-owned company assets were transferred to the company now enforcing parking regulations and if so, whether there was any consideration paid for these assets?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 654 and 655.

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Clerk: Question 654, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say what arrangements are in place between themselves and the company now contracted to enforce parking regulations with respect of collection of fines imposed by that company?

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Clerk: Question 655, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say whether it has imposed any quotas with respect to parking fines on the company now responsible for enforcing parking regulations?

290

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Question 653, Gibraltar Car Parks Ltd (GCPL) has provided the company with the equipment for the period of the term of the contract and on a loaned basis. On termination of the contract, the company has an obligation under the contract to return to GCPL all such non-consumable items of equipment.

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There was no consideration paid.

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During normal working counter hours for Government, members of the public who are fined pay at the offices of Gibraltar Car Parks Ltd.

Payments received by the PMOs are handed in to Gibraltar Car Parks Ltd the following working day and processed accordingly.

And finally, in answer to Question 655, no quotas are imposed on the company.

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Hon. T N Hammond: Just coming back to Question 653, Mr Speaker, I understand then that the equipment has been loaned to the company. Is the Minister aware of what the length of the contract to that company is?

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Hon. P J Balban: Mr Speaker, the length of the contract is five years, I believe.

Hon. T N Hammond: So presumably, Mr Speaker, there is effectively a cost to the Taxpayer in terms of the depreciation of the assets, because over five years, if it is a vehicle, for instance, clearly it will be five years older and worth less. Is it correct to say that there is certainly no contribution on the part of the company in terms of depreciation of the assets that they have been loaned for free?

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Hon. P J Balban: Mr Speaker, in answer to the question, yes, clearly the goods will depreciate, but no different rate than they would have, had they remained with the company. They are being used by the new company, so the depreciation is the same. The arrangements are exactly the same arrangements as that agreed by the previous administration with Master Services cleaning, so I do not see how there is any problem with the way things have been done.

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Hon. T N Hammond: Mr Speaker, just for the record, I have not said there is a problem. I am just trying to establish the process by which the arrangements have been made with that company. The Minister seems to have become somewhat defensive on that issue, but he has clarified the point and I am grateful for that.

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Mr Speaker: The Hon. Roy Clinton.

330 **Hon. R M Clinton:** Mr Speaker, as in any commercial contract, I imagine there will be some incentive involved for the company. Could the Minister advise the House if the company get any share or some kind of percentage of the fines raised?

335 **Hon. P J Balban:** Mr Speaker, that was exactly the question that was asked by the hon. Gentleman: whether there was any incentive to fine. The reply to that question was no.

They get agreed amounts of money for the contract and the services they provide, and that is their incentive: what they get paid.

Q656/2016
Clamping of vehicles –
Monthly figures since 2015

Clerk: Question 656, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can Government say how many clamps in order to disable vehicles have been placed, by month, since January 2015?

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

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Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Gentleman is as follows: January 2015, one; February 2015, zero; March 2015, one; April 2015, zero; May 2015, one ; June 2015, one; July 2015, five; August 2015, one; September and October 2015, both zero; November 2015, one; December 2015, all the way to August 2016, zero; September 2016, 341.

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Hon. T N Hammond: Mr Speaker, can the Minister explain why the sudden and very dramatic increase in clamping of vehicles has occurred and is this now Government policy to enforce parking through a clamping policy?

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Hon. P J Balban: Mr Speaker, the law provides for the clamping of vehicles. Remember one thing must be noted, that the clamping of vehicles is done strictly to vehicles who would otherwise get that fine from the windows, screw it up in a ball and throw it away in the bin and not come back into Gibraltar, for example.

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The reason why there are so many clamps, is the only way that we can ensure that an offending vehicle which is not locally registered can pay their dues like any other person. So it is actually a matter of equality.

Hon. T N Hammond: So the Minister is saying there has been a change of policy and the intention is now going forward.

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Presumably there has been a change of policy, because from January 2015 to August 2016, there were fewer than 10 vehicles clamped, and then in September there were 341 vehicles clamped. So I presume that the Government's policy on enforcing of parking or the enforcement of parking measures has changed and it is now the intention to impose and use clamps as a means to enforce illegal parking.

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Hon. P J Balban: Mr Speaker, it is not a new policy. It has always been there – the facilities have always been there. Cars can be clamped or towed away, depending on the circumstances. It is just that local cars are not clamped or towed away. There is an FPN, as we call it, a fixed penalty notice is affixed to their window. It is only the vehicles that cannot or we suspect do not have to come back to pay this fine: it is the only method that we have to be able to ensure that they pay. This is also the case in every other country.

Hon. T N Hammond: Just coming back on one thing that the Minister said, is it the case, then, that of those 341 vehicles not a single local vehicle has been clamped?

Hon. P J Balban: Mr Speaker, no, that is not correct. Well, yes ... as far as I am aware, and I would have to come back to him, because obviously that is a very specific question which I would need to ask you to give notice to, or I can provide an answer at another time. I am of the opinion that – it is my understanding that – the clamps have probably all been issued to vehicles that are not local.

Now, tow-aways are a different story, because there could be a vehicle which is causing obstruction, and regardless of where the origin of that vehicle is, then that vehicle needs to be removed.

Hon. T N Hammond: Mr Speaker, I can inform the Minister that local vehicles have certainly been clamped, because I have been approached by many people who have been clamped in this way, particularly in Grand Parade, as it happens, and are actually finding it quite difficult at the moment, if they live in, for instance, Alameda Estate, to find parking, because they are actually terrified of being slightly off the white line and parked. So I can inform the Minister that certainly, of that 341, at least a proportion – I cannot say how large a proportion – has been clamped.

Hon. P J Balban: I have not heard any question coming from that, it has just been a statement. But I will find out. I thank the hon. Gentleman for that information. Again, I am of the understanding that is not the case because we have fixed penalty notices, but again I will find out and revert if necessary.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could clarify for me, what is the difference in the fine level between a fixed penalty notice and a clamping fine? And, does the clamping fine accrue to the Government or Gibraltar Car Parks, or does that go to the company which is doing the clamping?

Hon. P J Balban: Mr Speaker, there is absolutely no difference in the fine between a clamp and a fixed penalty notice. It is just the mechanism that we have to ensure the fine is paid. So, if it is a fixed penalty notice we give the person adequate time to go and pay, and the clamp is just a method that we can ensure that same payment. But there is not an increase in payment in that respect.

And, no, the hon. Member is asking the same question but from a different angle and I have already said that there is no incentive to the company apart from what the agreed sum is per contract for them to clamp more vehicles, or tow away more vehicles or fine more vehicles. I think I have adequately answered that from every angle now.

Hon. L F Llamas: Mr Speaker, I have got a supplementary to do with looking at this from the tourist angle.

Obviously the majority of these vehicles are coming from abroad and it is right that they have to respect where they should be parking. However, recently, only two weeks ago I saw a foreign registered car being clamped in the residential area of Alameda Estate and the person who was

clamping was not even aware that there is no such thing as a residential scheme and in Humphreys are yet to be implemented, and obviously nobody has an updated disc because it has not been renewed in quite some time.

Is the Government aware that this is an issue which has to be raised with the company in order to ensure that people are not unfairly clamped?

Hon. P J Balban: Mr Speaker, the hon. Gentleman is stating ... well, I assume that he is clear on what he is saying. *(Interjections)* Well, I will inform the hon. Member that there is no such residential scheme in the Alameda Estate, so that is not the case.

Now, where there have been clamps is when there has been a cleaning operation that has taken place and I am not sure of the days, but one time it is the north side, then it is the south side and car owners who fail to recognise that are clamped. So, if someone has been clamped that does not sound right because there is no residential scheme – *(Interjections)*

Mr Speaker, the hon. Member mentions the word ‘fear’, the fear of people regarding being clamped. It depends on which side you are on. If you are looking for a parking space and you are trying to find – as has everyone who has tried to find a car-parking space – this scheme of street-cleaning, not only does it do what the word states, which is clean the area, but it also serves a very, very important secondary function, and that is to allow for the circulation of vehicles. As we all know people, unfortunately, leave vehicles parked for weeks on end, if not months on end if there is no such scheme in place and, in effect, what they are doing is just taking a parking away from other potential users.

So, really, I think it is just a question of respect and these cleaning campaigns help not only to clean places, but for drivers to be respectful of others who may also wish to use those parking spaces. When parking enforcement was lower, people were saying it is not fair because they are not being targeted enough; and now, when it is better, it is not fair because it is too much. Whichever side you look at it, you are damned if you do and damned if you don’t.

I think this is a fair system, it ensures that indiscriminate owners who park their vehicles illegally at the expense of others are reprimanded in that respect.

Hon. L F Llamas: Yes, but my question specifically deals with the fact of a car which was parked and it had nothing to do with the cleaning and, when explained to the company employee, he actually did remove the clamp. I am asking Government if they can please ensure that this does not occur because it gives rise to tourists –

A Member: Put some signs up!

Hon. L F Llamas: – being clamped unfairly when they should not have been. That is the question I want to ask.

Hon. P J Balban: Mr Speaker, the hon. Gentleman is speaking completely about one case in question. If that is the case, there are mechanisms where the person can appeal that.

Mr Speaker: There is no need for an appeal, it was removed.

Hon. P J Balban: Oh, it was removed? Ah, right. *(Interjections)*

Hon. L F Llamas: It was removed because I happened to be there and tell the company employee that he could not clamp it because there was no such scheme in Alameda; and, obviously, the tourist would be none the wiser to be able to appeal if he had found the clamp.

So what I am talking about is the mechanism from Government’s point of view needs to be addressed with the company to ensure that tourist cars are not unfairly clamped when they should not be, and they are only clamped when they should be.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, look, the Government of course seeks that the
company should only enforce the laws of Gibraltar and, if an over-zealous member of the
company thought he was doing something which was beyond the laws of Gibraltar, if that is the
case – because we are taking the hon. Member at his word – we will check with the company to
see on what occasion a person had a conversation with the hon. Gentleman who has become
480 the advocate of foreign drivers in Gibraltar. I hope he gets many votes from them, Mr Speaker!
(*Laughter*) The advocate of foreign drivers in Gibraltar will see what it is that he was advocating
on that day!

But look, a company that has a Government contract to enforce parking laws cannot enforce
laws that do not exist. But we will follow up with the company to determine what it was that
485 was happening in that particular case.

Hon. T N Hammond: Just coming back on the answer that the Hon. the Minister has given in
terms of whether it is a change of policy or not: am I correct in my inference that what is
happening is that the Government is trying to educate drivers? In that case it would imply to me
490 that there has been a change of policy and that we see better behaviours around parking, with
people not taking a parking space up for several weeks; in which case, it would seem to me that
local vehicles are being clamped because, clearly in order to enforce that policy of education on
our roads for local drivers, you would have to clamp local vehicles.

495 **Hon. P J Balban:** Mr Speaker, persons can be educated by being taught how to read signs and
obeying them, or by the placing of a fixed-penalty notice, or via clamping, or by towing away.
This is a process whereby we have to address it, and I think everyone will agree the dire situation
that is to do with parking. So, either we address it or we do not address it; and this is what we
are doing. (*Interjection*)

500 It is a dire situation of illegal parking, yes, everywhere in Gibraltar. Things are much, much
better now, but that is the issue we are trying to address.

Q657/2016
Right-hand drive vehicles –
Importation numbers

Clerk: Question 657, the Hon. T N Hammond.

505 **Hon. T N Hammond:** Can Government say how many right-hand drive vehicles have been
imported by month since January 2014?

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

510 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the
Department has never kept statistics on right-hand drive vehicles registered in Gibraltar.

Hon. T N Hammond: Mr Speaker, I could be wrong on this but does not the logbook of the
vehicle indicate whether it is a left-hand drive or a right-hand drive vehicle?

515 **Hon. P J Balban:** Not that I am aware of, Mr Speaker, no. As I said these statistics have never
been kept in Gibraltar.

Q658/2016
Paving stones in Main Street –
Filling in the gaps

Clerk: Question 658, the Hon. E J Phillips.

520 **Hon. E J Phillips:** Mr Speaker, I ask this question on behalf of all the ladies that wear high heels in our community.

Can the Government confirm the position as regards the Government's commitment to filling in paving stones in Main Street?

525 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, this was actually placed in our Manifesto directly as a result of our concerns for ladies who do wear high-heeled shoes, who were informing us and complaining of injuries sustained because of the works carried out to Main Street by the previous administration, that did not cater for their needs.

530 During the 2015-16 Financial Year, the Government filled the gaps between the paving stones at the northern end of Main Street from its junction between Cooperage Lane up to the junction with Engineer Lane, a length of approximately 100 metres.

535 During the current financial year a similar phase of works will be carried out to tackle those areas where open joints are causing a problem. The areas are currently being identified and works are earmarked to commence before the end of this year.

Hon. E J Phillips: Mr Speaker, I find that quite surprising, given the statement made by the Government on 8th May 2016 in which they confirmed that the phase should take place within five weeks to complete, in respect of filling in paving stone joints; and it was with much fanfare that the Government announced they would complete this process. And yet five months on there is no end in sight in relation to filling-in of paving stones.

540 Can the Government confirm what the hold-up is in relation to this matter, given the clear health and safety risks that have been referred to by the Government in relation to ladies' tripping over these paving stones? It is clear that the blame game continues with the GSLP blaming the GSD administration in relation to not filling them in in the first place.

545 But the question I would like to put to him is: why is it taking, when the initial estimate was five weeks and now we are five months on, is there still no progress? We have done 100 metres of Main Street and there is no end in sight.

550 Can the Government explain the delay in relation to that?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is not a blame game; this is a reality check. This is a reality check that hon. Members are responsible for the works that caused this problem. It is a reality check that the hon. Member is getting up and acknowledging that there is a problem with a project that, previously, was a fanfare project for the GSD. This is a reality check that this side of the House is dealing with the problem. A reality check that we have started to deal with it, and a reality check that the works are going to be done in the context of the timetable that the hon. Gentleman has disclosed. That is what is happening, Mr Speaker.

555 Now, look, as a husband who suffers the beration of a wife who wears high heels, for not having yet sorted out the huge problem that the GSD created, I acknowledge that we have to complete this project and we will. Because they created the problem, which they have now accepted in the line of questioning that the hon. Gentleman has pursued, and we will finish fixing it, Mr Speaker. It is that simple.

565 I am sorry if the hon. Gentleman has ‘tripped up’ over policy on this one, but he should have seen it coming!

Hon. E J Phillips: Mr Speaker, I have one supplementary and I will give way then to my hon. Friend.

570 It just strikes me that you have a situation where the Government commit to doing something in five weeks, and five months later there is still no progress. They like to... It clearly is the blame game, Mr Speaker. But in their statement, and Mr Balban in his press release, said the following: ‘It gives me great satisfaction to announce the commencement of a paving repair programme as part of the Government’s continued commitments following extensive trials over
575 the last two years.’

How long is it going to take for this Government to solve the health and safety risks that are presented in relation to paving stones? It is two years of trials – *extensive* trials by the Government’s own admission – to now, and January is when we start filling in the gaps.

Mr Speaker, there is just no explanation for it.

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Hon. Chief Minister: I am delighted, Mr Speaker, to be able to join the dots for the hon. Gentleman.

He has just said something really quite remarkable and, as a result, I think the Government will have to consider how it acts in what was a flagship GSD project is actually a health and safety risk. When he goes back and reads his *Hansard* he will realise that he has now put the
585 Government on notice that the GSD’s project to put those paving stones in Main Street which, as we have had to hear from the GSD before, was a flagship project, is a health and safety risk to ladies.

So we will take that under advisement and we will consider how we deal with this magnificent admission from the GSD through the mouth of Mr Phillips, that this is a health and
590 safety risk.

The Government is dealing with a problem that we identified from opposition, and which we are fixing, which is not an easy problem to fix. You cannot just cement, because you sometimes need to undo these stones, they are not made to be cemented in, it is complex and there have
595 been delays and there have been alternatives considered. But look, Mr Speaker, we are on the verge of being able to resolve it. The hon. Gentleman has said so.

But the admission that this is a health and safety risk created by the hon. Members opposite, is one that I am very grateful for. I am genuinely grateful for the candour that the hon. Gentleman has brought to this House about the *abysmal* record of the former administration,
600 and we shall pursue that carefully to understand what other health and safety risks this may create for our community in general.

Hon. E J Phillips: Mr Speaker, if it is a health and safety risk as the learned Chief Minister says, why has it not been done before? It is going to take three years to fill paving stones.

605 My understanding is that the real issue for the Government here is the cost and actually removing each one of these blocks and cementing round it. That is the real issue, it is costing them too much and they cannot afford it!

Hon. Chief Minister: Mr Speaker, that is another demonstration of the nonsense that comes
610 out of the hon. Gentleman’s mouth.

If he thinks that the Government of Gibraltar cannot afford that somebody remove a brick, clean it and put it in cement, he has got to persuade the Hon. the Leader of the Opposition that we are not actually in the good financial state we are in, because the Leader of the Opposition has already said that we are never going to go bankrupt – something that I was grateful he had
615 realised.

But it is not the Government that believes that this is a health and safety risk. The Government believes it is an inconvenience in particular for those who wear high heels. It is that the hon. Gentleman has got up and said today something really quite impossible to believe. He has got up and said that this is a health and safety risk!

620 Now, nobody has ever said that before; he is the first person to say it. So in the context of him saying it we are going to go away and consider how we deal with it. Everybody just thought it was a nuisance and an inconvenience until he got up and said that the flagship GSD project of the repaving of Main Street has created a health and safety risk. We will look at that.

625 Until then we are the practical ones; we are the ones dealing with the problem. We identified the problem which they did not say existed. We are dealing with that problem and look, Mr Speaker, when there is a Government project that is not in their manifesto for 2011 or in their manifesto for 2015 ... so it is not as if it is something they had not identified before, but when we identified it they supported it. We are dealing with it; we are the ones pragmatically dealing with the problem.

630 We are not going to accept hon. Members coming here and become the timers of when we are doing it. We are doing it. We will deliver the result before the next general election, of something that we said was a problem. They did not say it was a problem, they said it was something magnificent. So there is going to be a bit of a reality check here. This is not just ding-dong, GSD-GSLP. This is not just politics. This is us delivering a real result on the ground –

635 literally – for those who find this an inconvenience.

He is the one who has raised it to the level of a health and safety risk.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, I have to declare I have an interest here because I tried to wear high heels (*Laughter*) in town and it is very inconvenient! Yesterday, alone, I was literally stuck in a little pothole – I had to drop my bag and get myself out of it. It is something that plagues us women who like to wear heels.

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Mr Speaker: And men if you watch the television, the adverts, there are a lot of men wearing high heels these days! (*Interjections*)

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Hon. Ms M D Hassan Nahon: Whatever goes, Mr Speaker, but everyone should be entitled to wear heels.

I mean, yesterday we passed a very important piece of legislation on equality and anybody who wants to wear heels, man or woman, should be entitled to and should be feeling safe enough to do so in Main Street.

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The point here is that we do not. And I, personally, from this little side of the House do not care about GSD/GSLP, it is irrelevant to me. I am a woman, I wear heels, I cannot wear them in Main Street and I want to know how soon these streets are going to be able to be fit for us women and men, or whoever, to wear heels, please?

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Mr Speaker: Last supplementary that I am allowing on the issue of stiletto heels.

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady has to acknowledge that she is in this House because she fought a general election with the GSD.

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The GSD did the works that created the problem. The GSD did not recognise that there was a problem. The GSLP Liberals said this has created a problem, and started the process of fixing it and are continuing the process of fixing it. So I will take from her statements today, *commendation* of the GSLP Liberals that we identified where she glibly did not at the last election, a problem; *commendation* that we are the ones fixing it and commendation that we should do so as soon as possible. So I will thank her for the backhanded compliment.

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But I will remind her, Mr Speaker, that section 15 of the Constitution availed us both of a very useful argument in respect of the right to equality to marry; but I have yet to find in the

Constitution, in respect of any particular aspect of attire, a right to wear anything. I think, unfortunately, there is a requirement that we wear *something* but not a right to wear anything.

670 But, having been the party that identified this nuisance, which we do not think is a health and safety risk, as the hon. Gentleman has in his usual hyperbole elevated the matter, we will continue to be the ones to deal with it timelessly. And I thank the hon. Lady for recognising that we were the first to realise this, we have been the ones to deal with it and we will be the ones to finish dealing with it, so that anybody can wear whatever they like in Main Street within the rules of public morality.

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Q659/2016

**Temporary mini-roundabout –
Permanent replacement**

Clerk: Question 659, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm how long the temporary roundabout at the junction between Glacis Road and Bayside Road has been in operation and when a permanent roundabout will be put in place?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the temporary mini roundabout at the junction of Glacis Road and Bayside Road was launched as a pilot scheme in April 2015. It will remain in place until the Ocean Spa Plaza development is completed, at which time a permanent roundabout will be constructed and the road resurfaced. The completion of the development is estimated to be around January 2018.

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Hon. E J Phillips: Mr Speaker, with respect to the Minister, that is an incredibly long time. Glacis Road is, as you know, an artery for incoming traffic, particularly tourist traffic and I think it is important that reflects it. Is there something can be done to beautify, effectively, or to make it look more pleasing to the eye for our tourists who spend their money in our jurisdiction, so that one of our arteries can be brightened up?

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It just looks terrible to have that rather odd plastic roundabout on which the markings are still unclear for incoming tourists and residents alike.

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Hon. P J Balban: Mr Speaker, the roundabout is working tremendously well and it does not make any sense whatsoever for us to resurface the road at great expense to the taxpayer and build a roundabout which is clearly going to be destroyed because of the work vehicles.

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The only reason why we have not completed it, is not because we do not want to complete it – yes, plastic bricks are not ideal – but it is because the damage sustained by the contractors would mean that we would spend a lot of money in repairing and making it good now, and then we would have to do the same works again in the future.

So it does not make sense. The roundabout is working well and our Highways Engineers are always constantly on top of it because the lorries themselves create potholes. Most of the damage that we see appearing at the roundabout is as a direct result of the HGV heavy goods vehicles that use the roundabout, many of which access the construction site.

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Hon. E J Phillips: Mr Speaker, we have HGV vehicles travelling all over Gibraltar, particularly in different areas where there are building sites. (*Interjection*) But, look, this is an artery to

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Gibraltar, it is the front of house for our jurisdiction, for tourists and for residents and it just looks appalling, with the greatest respect to the Minister.

715 Surely something can be done, without great expense, to improve the quality of that roundabout so that people do not see Gibraltar just as a built-up area where construction is going on all the time? I think we really need to look at the aesthetics of the problem here.

Hon. P J Balban: Mr Speaker, on this side of the House we do not agree with that way forward. Our way of looking at it is that it is a roundabout that works tremendously well; it has
720 proved it is no longer a pilot roundabout in that respect. It is something that will stay.

It is a roundabout that gives a driver many different options to be able to turn left and right, where before every vehicle was shunted towards Waterport roundabout, creating many more traffic problems. So our plan is when the time is right and when the building construction is over, we will fix a roundabout at once and it will be fixed and be there to enjoy by drivers for a long
725 time.

We are not going to spend money now and then have to spend it again. I do not think that is prudent use of taxpayers' money.

Hon. E J Phillips: I think, with respect, there should be a reassessment of that position
730 because there is no left turn now into Bayside Road – that is blocked by the hoardings for the Ocean Village development. So there is no movement down Bayside Road, so therefore it makes pointless the purpose of having the continued pilot roundabout.

I have seen no traffic and I travel up that street every day, in fact, because I am going to watch my son train at 7 p.m. every evening, although I will not be there tonight. (*Interjection*)
735 Well, some reconsideration of that then, because aesthetically it looks bad and I think there is no traffic – that is my understanding and I have been going up there every day, as I said.

Hon. P J Balban: Mr Speaker, it is a great thing that I was a taxi-driver and I have driven through Gibraltar's streets and I know, and I take an active interest in our roads in Gibraltar. And
740 on many days I actually go up there and look at things for myself, because that is what I really enjoy doing.

I disagree with the proposal by the hon. Member that we might as well remove the roundabout until 2018, by which time we can replace it again; that would be totally wrong in my opinion. He is right in terms that you cannot go into Bayside Road, but lots of taxi drivers especially will use that to access Ocean Village gym, the Ocean Village Sunborn and the Ocean
745 Village complex to pick up clients. If they could not do that they would have to go all the way to Sundial Roundabout and come through Bayside Road to access the Sunborn and to access the gym. Many people, especially after bingo nights at 11 o'clock at night, I still recall, are picked up at that point and without that roundabout they could not do that.

750 Now, the other thing they have to take into consideration is that when you exit Bayside Road, before you had to go straight on to the Waterport Roundabout even if you were going to Four Corners or even if you were going to the East Side, you would turn left there as it avoids having to get into that traffic jam.

755 So I do not agree with the hon. Gentleman and what he has said. I think that it serves a very good purpose at the moment and so we will not remove the roundabout, and we will stick to our grounds and fix it once and for all in 2018.

Q660/2016
Gibraltar Taxi Association –
Service Agreement

Clerk: Question 660, the Hon. Ms N D Hassan Nahon.

760 **Hon. Ms M D Hassan Nahon:** Is the Government happy with the city service provided by the Gibraltar Taxi Association following the agreement signed in 2013?

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

765 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** No, Mr Speaker.

Hon. Ms M D Hassan Nahon: Would the Government concur with the Chamber of Commerce that it is, quote, 'giving a very damaging image of Gibraltar to visiting business people and tourists alike'?

770 **Hon. P J Balban:** Mr Speaker, objectively I think we would all agree that the taxi service is not perfect. Now, whether that it is causing a damaging effect to Gibraltar that is, I suppose, a matter of opinion and one that has been expressed by the Chamber of Commerce, and which they have a right to express.

775 I would be foolish to stand up and say the taxi service is perfect in Gibraltar because that is not correct. There are a lot of things that can be done to improve it and they, themselves, are the best advocates, and they are self-critical of their efforts and they are the ones who often propose solutions themselves as to how things can be improved.

780 That they are a long way from achieving that, perhaps so; but that they are damaging to Gibraltar, I do not agree.

Hon. Ms M D Hassan Nahon: Would the Government agree with the Chamber's suggestion then, that without competition the service will never improve? Or is the Government looking into the possibility of issuing new licences as a means of improving the service?

785 **Hon. P J Balban:** Mr Speaker, it is not the intention of this Government to offer new licences. I recall the Chamber of Commerce meeting before elections where the GSD in fact said that if they won the next election they would consider granting 50 more licences. But we have no intention of doing so; in fact the number of taxi licences in Gibraltar is perfectly adequate in our opinion.

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A Member: Mr Speaker –

Hon. Ms M N D Hassan Nahon: Mr Speaker, can I please finish?

795 If the Government is saying now that they are not looking into new licences and we are not talking about competition either, what kind of mechanisms does the Government have in order to improve the service?

What is the Government thinking as a means to improve the service?

800 **Hon. P J Balban:** Mr Speaker, there are a number of issues that affect the taxi service in Gibraltar and none is more important than the traffic situation itself. And although everything cannot be blamed on the traffic but it is a considerable problem that taxi drivers face, and reasons why they cannot get from A to B in that respect.

805 So there are many, many factors which affect the quality of service in Gibraltar but the number ... and we expect that, once the tunnel under the airport is completed, then this will solve many of the issues.

Now, if what the hon. Lady is saying is it would be a great idea to offer more licences, then the moment that this traffic gets better, what do we do with these cars? There is absolutely no need for new licences. One hundred and twelve taxi licences in Gibraltar is adequate enough.

810 That cars cannot get to places quick enough, perhaps: that there are times of the year where there is a greater demand; we have days where cruise ships come in; we have a lot of influx of tourists across the border. Clearly, in any part of the world, in any city of the world, there will be times when it is not possible to get an adequate service, and that happens. I have spent time in Victoria Railway Station in London and other parts of the world where it is impossible to get a taxi within 45 minutes. Then there are other times, when you go to Casemates here or you go to
815 the Airport, and there are loads of taxis and not enough clients. Again, you cannot – just because there are no taxis in one given moment in time – you cannot just go and say, ‘Well, let us give out more licences’ and aggravate the situation when there are. That is it.

Hon. Ms M D Hassan Nahon: Mr Speaker, the only thing I have heard from the hon.
820 Gentleman are reasons like traffic and the tunnel not having been completed. For example, at two in the morning, I and friends, and people, and also, yes, you hear it on Facebook, there is a general complaint that taxis take sometimes 30 to 45 minutes to come. There is no traffic and it is absolutely tumble-weeds around Gibraltar. In that case, the traffic excuse, I just do not think is good enough.

825 The tunnel: who knows when that tunnel is going to be built? We cannot all keep our hopes up that the taxi service runs well the day that tunnel gets finished.

Furthermore, to say that you are not preparing any solutions like any more licences and the issue of creating a competitive environment just shows me that there is no solution coming forth from Government at the moment. Let us not get into the, ‘It started with the GSD’. I have also
830 lived through problems with the taxis as a child when more licences were issued, so I know about the sensitivities with the Taxi Association.

But I must say that Gibraltar is growing, thankfully. We have a very upper middle class population coming into Gibraltar all the time. We have business, trade and industry and we need to know if and when –
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Mr Speaker: Try to ask your question.

Hon. Ms M D Hassan Nahon: – does the Government have a solution for the taxi service.

840 **Mr Speaker:** Try to ask a question, please.

Hon. Ms M D Hassan Nahon: We need a solution now and it rests on the Government to give us a solution, so please tell us what the Government is doing about it?

845 **Mr Speaker:** What is the Government doing about it?

Hon. P J Balban: Mr Speaker, traffic is not the only problem. I have said the traffic is not the only problem. The tunnel: you say that we do not know when the tunnel will be built, but if you read Government press releases we have categorically stated that in November 2018 the tunnel
850 will be built, so by that moment in time we will see an improvement.

It is not all about traffic – you are right. At three o’clock in the morning there is no traffic, but there is a big demand for taxis and we cannot oblige drivers to be out there all the time. There are not that many drivers working at three o’clock in the morning.

855 Again, as I have given the example of problems you face when you travel to other busy parts
of the world where there is an inevitable wait, unfortunately there is a wait for taxis at any one
given moment in time during the day. But, needless to say, the Government is very aware of all
issues. I, myself, am very aware of all the issues and we are working with the GTA to find
solutions, which I will assure the hon. Lady of. She has experience of this in the past. We have to
look carefully at how to make things better, but we have accepted and I have said clearly that
860 the Government is not happy and we are working to find solutions to make things better, but
those solutions will not come as a result of giving extra licences. That is one thing that this
Government is adamant will not happen.

Mr Speaker: I am very sorry but I have to tell Members that we have been an hour here and
865 nine questions are what we have dealt with! If we have 127 questions to deal with, that is – nine
into 120 – 14 hours! That is not good enough. I do not think a parliament of this size anywhere in
the world sits for 14 hours dealing with questions. (*Interjection*)

I want hon. Members on both sides to keep that in mind. The Opposition, they have a job to
do: to get information, to urge Government to take action and find out what the policies are.
870 You can do that by asking short, sharp questions with a point.

The Government: make your answers short; deal with the question that you have been asked
and do not express opinions and debate. I must urge Members to do that, unless they do not
mind being here for 14 or 15 hours.

I am in the fortunate position that I can be here 14 or 15 hours because I have nothing else to
875 do other than the fact that I am Mayor of Gibraltar, and my commitments here are beginning to
interfere with the work that I need to do as Mayor. Other than that, I have no family or
problems why I cannot be here, but if that is the position with all Members: Members in
Government, who are very busy at this time of the year and Members in the Opposition who,
when all is said and done, this is a part-time job and they have other responsibilities ... I have to
880 tell you that these are the realities. It is up to you. I can only try to implement the Standing
Orders, but I do have to draw your attention.

An hour for nine questions – nine simple questions, not terribly controversial; just you wait
until we get to the controversial ones – that is not good enough. It is up to you.

885 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: he stated that the Government is
not entirely happy with the taxi service provided at the moment and he said he is looking at
solutions with the Taxi Association. Could the Minister advise if one of those solutions is actually
providing legislation to ensure that holders of licences actually do provide a service and, if they
do not provide that service, then the licence is removed?

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Hon. P J Balban: Mr Speaker, no. The law actually states that a driver has to conform to
certain days of the week for city service. At any given day of the week, you will find around 18 to
19 vehicles on city service – that is imposed upon them. They do that for five days. Added to that
you have the licences which are radio taxis and those radio taxis provide the radio service. That
895 adds another 15 to 20 vehicles that are doing a radio service as well. But those do it because
they want to – that is their shift; they choose to do that.

Those 18 to 19 vehicles or drivers that I have already mentioned are the ones who have to
commit for a shift of five days and then the next shift comes into play. We actually give them
times, so they have to provide a service. I am speaking from memory so I apologise if I am not
900 entirely correct. But I think I is from eight or nine in the morning until, I think it is something like
eight o'clock in the evening that they have to be there, with one hour break for lunch, etc. At
weekends, I think they are allowed to start a little bit later, so I think on a Sunday they start at
10 o'clock if their five day shift encompasses or covers a Sunday.

So the law ... This is not, 'I will go down to work when I want to' or 'I feel like doing a bit of
905 city service today' or not. They cannot do Rock tours every day of the week. They have to

provide a service to the community. That is in legislation. If they do not comply with that, then the transport inspectors – of which there are seven – they will fine them, not only for those purposes but for purposes like not displaying taxi insignia on the cars, not displaying the licence numbers, not having a fare table visible to everyone. So there are many, many reasons why, and they are policed in that respect. We do ensure that taxi drivers – which is the most important point that you raise – are there doing their shift when it is their turn.

Mr Speaker: Next question.

**Q661/2016 –
MOT appointments –
Waiting time and online booking**

Clerk: Question 661, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government explain to this House how long it is taking for car owners to obtain an MOT appointment and why it is no longer possible to obtain them online?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the next available appointment is for the 3rd January 2017.

The online MOT booking service is available and has been available throughout. However, some months ago one of the three lanes was closed due to staff shortage. As a result, the number of available bookings in the system has been reduced by a third. With fewer bookings available but the same number of MOT certificates expiring, the rate of bookings has not slowed down. This means that the waiting time for an appointment is constantly being pushed further and further into the future. This has had an impact on the online application. In order to keep performance of the Vehicle Road Worthiness Test booking system to an acceptable level, the calendar was originally only loaded with two months' worth of bookings.

When we were notified that no bookings were available during the two-month period, the window of appointments was increased to display three months, and later four months. The extra load created by checking four months' worth of bookings has resulted in the system being slowed down. However, while this may test the user's patience, the booking does get made if the user is willing to wait a few minutes and, of course, if there is an available slot within the four-month period.

Hon. Ms M D Hassan Nahon: I am sorry, Mr Speaker. I just want to say that at the time that I wrote this question, the online was not working, so if it is now I apologise for the question but at the time it was not working. That is all I wanted to say.

Hon. P J Balban: Mr Speaker, if the online booking system was down at that particular moment in time, obviously that may have been the case, but as far as I am informed, the reason is it has mainly been a slow-down more than it not working. As far as I am aware, it is working.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

**Q662/2016 –
Gibraltar Fire and Rescue Service and LNG –
Training and additional equipment**

Clerk: Question 662, the Hon. T M Hammond.

950 **Hon. T N Hammond:** Can the Minister say what, if any, training or additional equipment has been provided to the Gibraltar Fire and Rescue Service in order to deal with any incidents involving LNG and, if none, whether any training or additional equipment has been programmed or will be purchased?

955 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

960 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Gibraltar Fire and Rescue Service has been proactively engaged in ascertaining its operational training requirements since the initial stages of this project. Regular consultation and conference meetings have been held with professional representations from outside and local agencies to confirm the proper training and equipment needed for the GFRS to deal with any incidents involving LNG.

965 Numerous training providers have been identified and contacted. These include the Fire Service College in the UK and the Flack Fire Academy in Rotterdam. Last month three officers of the GFRS attended the Emergency Services Show in Birmingham, UK, at which they met with representatives from Emergency Services Training Institute in Texas, US. This organisation is globally renowned for excellence in LNG training, offering these courses in mainland Europe.

970 Also, during the GFRS visit to the Emergency Services Show a meeting with Mr Chris Caswell from the UK Fire Service National Operational Guidance Programme was arranged to obtain advice for the GFRS on the proper manner in which to formulate the emergency action plans for Gibraltar's LNG Plant. I am informed that Mr Caswell has formulated the original action plans for incidents at the UK LNG Isle of Grain Terminal.

975 Furthermore, the GFRS Hazardous Material and Environmental Protection Officer, with the Senior Officer of Operations and Training and the Chief Fire Officer, recently conducted a familiarisation and fact-finding visit to the LNG Terminal itself in the Isle of Grain in the UK. The interaction with experts here is intended to contribute in determining the GFRS action plans, training and possible equipment needs. This visit was organised in partnership with Kent Fire and Rescue Service who provided the GFRS with an insight into their method of operations at the LNG Terminal. In this connection, the brigade has also been in contact with their Norwegian counterparts to explore their approach to LNG incidents.

980 As the hon. Member will see from that response, there is already quite a lot of initial work and contact that has been established to precisely plan out the training requirements and the equipment requirements of GFRS in this matter.

**Q663-664/2016 –
HMGOG and the University of Gibraltar –
Funding arrangements and self-sufficiency**

Clerk: Question 663, the Hon. E J Phillips.

985 **Hon. E J. Phillips:** Can the Government confirm what funding arrangements are in place between Her Majesty's Government of Gibraltar and the University of Gibraltar?

Clerk: Answer, the Hon. the Minister for Education and Justice.

990 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer with Question 664.

Clerk: Question 664, the Hon. E J Phillips.

995 **Hon. E J Phillips:** Can the Government confirm when the Government expect the University of Gibraltar to be self-sufficient/self-funded?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1000 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, funding arrangements for the University of Gibraltar are a matter of public record. On 4th September 2014 a Bill to appropriate the sum of £10 million in order to fund the University of Gibraltar was published. That Bill was debated and passed by this House on 17th October 2014.

1005 As I have previously explained, Mr Speaker, the Government envisaged that the £10 million would fund the set-up costs to the tune of approximately £6 million, leaving around £2 million per year for the first two years of operation.

Section 35(2) of the University of Gibraltar Act provides that:

... the University shall use its best endeavours to become and remain self-financing.

1010 That is a statutory obligation on the University and the Government has every expectation that the University will comply with its obligations.

The University has been operational for just over a year. It is therefore too soon for the Government to say when it expects the University to be self-financing.

1015 **Hon. D A Feetham:** Mr Speaker, am I right in saying that the Government expects – and I think that the hon. Gentleman has mentioned this before, and if he has could he confirm that continues to be the present intention – that the University will break even at year three and will be self-financing by year four? That has been my understanding, but I will be corrected if I am wrong.

1020 **Hon. G H Licudi:** No, Mr Speaker. I do not believe I have ever said that. I have said that we have put together funding arrangements for the University up to year three, the first three years, as I have already explained. I do not believe and certainly I have no recollection of ever having said, after that the Government expects the University to be self-financing.

1025 As I have explained, the University has a statutory obligation to 'use its best endeavours' and the Government fully expects that statutory obligation to be complied with. That does not mean that it is going to be self-financing next year or six months thereafter. That means it has to use its best endeavours to comply with its statutory obligations, and we expect it to do so.

1030 **Hon. E J Phillips:** Mr Speaker, I have just one further supplementary, hopefully. Are there any other capital projects that are envisaged in relation to the University itself? I have in mind, of course, the accommodation block – particularly in relation to that. Could the Government clarify that?

1035 **Hon. G H Licudi:** Yes, Mr Speaker, that is indeed a capital project that is envisaged for the University, but it is not a Government project. That would be a University project. What we have done – and as I believe I have already said – we have made available the land to the University for the use of the accommodation block. It is for the University to now develop its plans and arrangements to actually build that accommodation block.

1040 **Hon. D A Feetham:** But, Mr Speaker, in any venture of this nature that is going to be costly – and of course we have already passed a Bill in this House for the initial funding for the University to the tune of £10 million; that is a cost to the taxpayer – there must be a business plan that must have been drawn up when the Government decided to create the University showing at what point the Government expected the University to be self-financing, bearing in mind that
1045 there is a statutory obligation as well on the University ‘using its best endeavours’ to become self-financing.

Is the hon. Gentleman telling me that really there is not a business plan showing to the Government when it expects it to be self-financing?

1050 **Hon. G H Licudi:** Certainly when the Government set up the University it did not carry out a projection as to when it would be self-financing. What I did say – and I have said many times: this is a University which was brand new; it was going to start in a small scale and it needed to develop and evolve over time. It was impossible to predict how the University was going to evolve and develop in any particular year to be able to say with any degree of accuracy or
1055 certainty, other than simply being speculative or hypothetical and say, ‘Well, I want it to be self-financing in five years or ten years.’ We could have plucked a figure out of the air. We have not done so and now it is for the University to develop its own business plans, having regard to the fact that it has been operational for a year and now knows its business and where it can obtain its funds from.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. He stated that land had been made available to the University for the accommodation block. Could he advise the House whether that land has been legally transferred to the University and, if so, when?

1065 **Hon. G H Licudi:** Mr Speaker, no, the land has not been legally – as far as I am aware ... Certainly I have made no arrangements, nor do I believe my colleagues have, for the land to be legally transferred. The land has been identified and earmarked and essentially made available to the University but not in a legal sense because the legal document still needs to be provided, but we have identified and earmarked that particular piece of land for the accommodation block
1070 of the University.

Mr Speaker: Next question.

**Q665/2016 –
University of Gibraltar –
Cost and staffing of kitchen and canteen**

Clerk: Question 665, the Hon. E J Phillips.

1075 **Hon. E J Phillips:** Can the Government confirm the cost of the kitchen and canteen installed at the University and the number of catering staff permanently employed to operate the kitchen and canteen?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1080

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the kitchen and canteen are part of the fabric of the University. There is a building cost which is part of the overall building costs, and certainly we do not have a building cost per room of the University. It was just a general project.

1085

But in terms of equipping and fitting – which is what, perhaps, the hon. Member is getting at – the cost of equipping and fitting the restaurant kitchen, the training kitchen and the canteen – because there are three elements: there is a restaurant kitchen; there is a training kitchen and there is a canteen at the University of Gibraltar. That cost was £256,042.55.

1090

The engagement of staff is a matter for the University of Gibraltar and not for the Government.

Mr Speaker: Next question.

**Q666/2016 –
University of Gibraltar –
Department of Education oversight or involvement**

Clerk: Question 666, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government confirm what oversight or involvement the Department of Education has in respect of the University of Gibraltar?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, section 19 of the University of Gibraltar Act sets out the composition of the Board of Governors. One of its members, by virtue of his post, is the Director of Education. That is the extent of the oversight and involvement of the Department of Education through its Director as a member of the Board of Governors of the University.

**Q667-670/2016 –
Five new schools –
Building stage, consultation, plans for Bayside School**

1105

Clerk: Question 667, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the exact stage reached by the Government in relation to the building of each of the new five schools?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer together with Questions 668 to 670.

1115

Clerk: Question 668, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether parents, students and teachers have been consulted in relation to the plans to rebuild the five new schools?

1120 **Clerk:** Question number 669, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not Bayside School will be rebuilt?

1125 **Clerk:** Question number 670, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain how it is envisaged that Bayside School will include, within the existing footprint of the school, playing fields for rugby, football and hockey?

1130 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the position remains as stated in answer to Question 474/2016. May I just say, Mr Speaker, that question was answered on 30th June 2016, so the position remains as stated in that answer.

1135 **Hon. E J Phillips:** As far as I recall from memory – and correct me if I am wrong, I am sure the Minister will – the position is that you are undergoing preparatory stages in relation to each of the schools. So insofar as the answer is concerned, you have not arrived at anything different as to the position? You are still in a preparation period for each of the new five schools? Is that correct?

1140 **Hon. G H Licudi:** That was the thrust of the answer given in June, so the preparatory work has commenced, consultation has commenced. A significant amount of preparatory work before bricks and mortar are actually laid is required, so that process is continuing. I am not saying that the process stopped in June because the answer is the same. The process of the preparatory work is continuing.

1145 **Hon. E J Phillips:** Mr Speaker, I am not too sure that 670 was answered in the last question in relation to the existing footprint and playing fields: rugby, football and hockey. There was some discussion in supplementary relating to that question but there is nothing more than that.

1150 I think the Chief Minister mentioned the playing fields, 'Why should not Gibraltar have the playing fields of public schools in the United Kingdom here?' I think that was referenced by him but there was no specific answer to that specific Question 671. I may be wrong. I know he may have it with him.

1155 **Hon. G H Licudi:** Mr Speaker, I do have *Hansard* with me. I do not know and I cannot recall whether that was specifically mentioned at the time but everything to do with the schools, Bayside and the others, and what will be contained in the footprint of those schools, are certainly part of the preparatory work that is being done at the moment.

1160 **Hon. E J Phillips:** One further supplementary in relation to that section of questions: it is right, then, that Bayside will be rebuilt? I just wanted to clarify that because it is not very clear from the answer that he is referring to and the one now whether it is going to be rebuilt. I just really need the answer to that very specific question.

1165 **Hon. G H Licudi:** Mr Speaker, part of the preparatory work involves precisely identifying how the project is going to be carried out and what the elements of the project will be. I did say at the time, I seem to recall, that it involves a very careful logistical exercise as to how it needs to

1170 be done. So those questions about rebuilding: which parts are rebuilt and which parts may not
1175 be rebuilt; whether the whole thing is rebuilt are certainly questions that the preparatory work
will raise.

Hon. E J Phillips: I think I will ask a very direct question, a very simple question. I know I am
1175 taking much of Mr Speaker's time in relation to this point, but the question I am getting at is that
the Government's manifesto – the Strongest Foundations Manifesto – refers to – and most of
the glossy pictures demonstrate – an entire rebuild of five new schools in our community. What
people expect to know is, is this going to be a lick of paint refurbishment of Bayside School or is
it going to be rebuilt? That is the question I am asking and I would appreciate the answer.

1180 **Hon. G H Licudi:** Mr Speaker, what you get in manifestos are artist's impressions giving an
idea of what is envisaged. The hon. Members will recall that the final product may not be exactly
the same as that artist's impression; it may actually be better. The hon. Members will recall that
1185 in 2011 we published a manifesto with a 700-berth marina, which has nothing to do – except for
the location which is very close – with the marina that we actually built. The marina that we built
is much, much better than the artist's impression in 2011 would suggest. Therefore, the fact that
there is an artist's impression is simply for guidance. It does not tie down the Government to
what it needs to do and how it needs to do it. All these things need to be assessed and
determined and the Government will take its time and will deliver its commitments as set out in
the manifesto before the end of this term of office.

1190 **Hon. E J Phillips:** Mr Speaker, the answer to that question really demonstrates – and I put the
question very succinctly – a real lack of vision and lack of preparation in relation to this –

Mr Speaker: Look – and I have to issue a word of warning to the hon. Member. He is not
1195 going to be able, unless he is very careful, to ask further questions arising from these five next
month. He may have to wait six months before he does so, according to the Rules, because we
are talking of *progress*. That is what he is seeking, right? Therefore, having asked the question,
having been told that the position is exactly the same as it was last June, in a way he has pre-
empted himself from asking questions that he was perfectly entitled to in January, but now that
1200 we are in October, that has been moved to about April. I think I should issue a word of warning.

Now, carry on with the question on Bayside.

Hon. E J Phillips: The reason why I say that is because clearly one of the questions that was
1205 put in this House today was about the roundabout at Bayside junction. If we are going to have
heavy lorries moving down through Bayside Road where the new school is going to be rebuilt, it
clearly shows a lack of vision and lack of preparation between my learned and hon. Friend across
the floor and the Minister Balban in relation to that. Clearly, there is no planning here. A school
is going to be rebuilt from the ground up and they are not even thinking about the roundabout
on Bayside Road. This school is going to be complete, they say, in three years' time, so we are
1210 looking at 2019, 2020.

I put it to him that we would at least like some indication as to how he is going to rebuild the
school.

1215 **Hon. G H Licudi:** Mr Speaker, to say that I am flabbergasted by that supplementary is the
understatement of the year! To suggest that the Government has not got vision because it has
not discussed the issue of a roundabout in the area not even outside Bayside ... He is talking
about Bayside and rebuilding Bayside, and now he turns to a roundabout which is 500 metres
away and suggests there is a lack of vision, lack of foresight and lack of planning because I have
not consulted with Mr Balban as to what will happen to the roundabout. The hon. Member has
1220 been given a clear position on that roundabout: it will be ready and resurfaced when the

building adjoining the roundabout is complete. That has absolutely nothing to do with Bayside, and therefore what the hon. Member is raising is quite simply a red herring.

1225 **Hon. D A Feetham:** Mr Speaker, what I am interested in, quite apart from the answers to the question that my learned and hon. Friend, Mr Phillips has asked, is whether the Government intends to rebuild Bayside School or whether it is just going to be an internal refurbishment of Bayside School, because the impression that clearly the community had at the last election was that Bayside School was going to be rebuilt. That is what I am interested in, in the supplementary that I am asking.

1230

Hon. G H Licudi: Mr Speaker, the excellent plans for the new Bayside Schools will be announced when the Government is ready to do so.

1235 **Hon. D A Feetham:** Mr Speaker, that may be so. I am absolutely certain that they are going to be excellent plans, of course –

Mr Speaker: He said for the ‘new’ Bayside School.

1240 **Hon. D A Feetham:** Yes, Mr Speaker, but of course one can call something ‘new’ by just simply refurbishing it on the inside. The question is: is it going to be rebuilt, or is it going to be a refurbishment job? That is basically it. That is a really simple question that the hon. Gentleman ought to be, in his capacity as Minister for Education, able to answer.

1245 **Hon. G H Licudi:** The position is very simple, Mr Speaker. We have certain requirements and we have given certain commitments. The professionals are now going to be looking at how those commitments and those requirements of the different schools... because we are not just looking at Bayside, we are looking at other schools, so the preparatory work is in respect of the other schools, and whether it is a complete rebuild or almost a complete rebuild, or a major refurbishment plus rebuild, the outcome will be a new school for Bayside, as we do have already
1250 two new St Bernard’s schools on the site of an old building, with magnificent facilities. Have those been rebuilt? Are they refurbished? What are they? It does not matter what the label is. Labels do not matter. What matters is the outcome and the product, and the product will be just as good as the new schools we have already delivered in our last term of office.

1255 **Several Members:** Hear, hear. (*Banging on desks*)

Q671-672/2016

Bayside School –

Conversion of timeout and sixth-form common rooms

Clerk: Question 671. The Hon. E J Phillips.

1260 **Hon. E J Phillips:** Mr Speaker, can the Government confirm why the timeout room at Bayside School was converted into a classroom and why the new timeout room was incorporated into the study hall?

Clerk: Answer the Hon. the Minister for Education and Justice.

1265 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 672.

Clerk: Question 672. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm why Bayside School has removed the sixth-form common room and converted it into a classroom?

1270

Clerk: Answer the Hon. the Minister for Education and Justice.

Hon. G H Licudi: Mr Speaker, this was done in order to create additional classrooms required due to an increase in the number of students.

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Hon. E J Phillips: Doesn't the hon. Gentleman agree with me that the longstanding common room that many of us in this House have enjoyed over the time of our studies at Bayside should be maintained in some form? It gives the opportunity for students to clearly have timeout space – I am not referring to the time out, but time to study privately in the common room – and have a break from their studies, so removing the common room has had an effect on students and some of them have approached me with this issue.

1280

In relation to the timeout room, my understanding from people who have spoken to me is that it has been converted into a classroom and that the new timeout room has been incorporated into a study hall. The timeout room is specifically, to my knowledge, being used for the purposes of time out for certain students who have had some difficulties, and therefore it just seemed the wrong process by which to increase rooms. I understand the need to increase rooms, but the maintenance of a common room is also important in Bayside.

1285

Hon. G H Licudi: Mr Speaker, if the hon. Member believes that individual Ministers sit down and determine what each room in every Government building is used for, then he has got a different notion to being in Government than what we have experienced in the last five years. These are decisions for the professionals. They have got the building, they have got a fabric there, they have got to make the best use of an educational facility to provide the level of support, learning and teaching that is required. So, if they decide that the best use... 'best' use, because there may be choices to be made: do you leave it in this use, or do you use it in this other way? The hon. Member may disagree, but the professionals who know about these things are the ones who take these decisions and they have decided that this is the best use for these particular facilities. Therefore, I bow to the professionals and not to the hon. Member.

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1295

Hon. E J Phillips: Mr Speaker, of course I understand the professionals are in situ and therefore they conduct what they believe is the best use of these rooms, but we also have to consider the significant number of students in sixth form that use the common room and have an interest in maintaining the common room. I understand that difficult decisions have to be made at that level, but I think we should also consider those students who require that facility. We have all used it – I have used it and I am sure all of us in this room who were at Bayside have used the common room.

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1305

Hon. G H Licudi: Yes, Mr Speaker, and I am sure the professionals who took these decisions have considered those matters and have determined what the best use is, but in any event I am sure that all these matters will again be considered in the context of the new Bayside School, in the same way as we considered all of these matters in the context of the new, excellent and magnificent St Bernard's schools.

1310

Two Members: Hear, hear. (*Banging on desks*)

1315

Hon. E J Reyes: Mr Speaker, I do not think I have got to declare my interest that I do come from the teaching profession, but I will.

1320 I am grateful to hear the Minister saying that he has left the matter in the hands of professionals. I take it by that he can either mean the profession in general, or perhaps by representation through the Teachers' Association or with the senior management, the headteacher, his deputies and so on. And of course consultation is great and helps Ministers, whatever political party they come from, to carry out their duties in the best manner possible.

1325 Can the Minister now confirm whether there has been any consultation whatsoever as well with the sixth-form students, who are the parties directly involved?

1330 **Hon. G H Licudi:** Mr Speaker, I have no idea. It has not been a ministerial decision. I have not even been consulted on this. It is not a matter for the Government or for the Minister to interfere in these matters. It is a matter for the professionals, and by 'the professionals' I would expect the head of the school and the senior management of the school to discuss it with the Department of Education and come to a view as to the best use of the facilities they have for all the students and all the staff.

1335 **Hon. E J Reyes:** Mr Speaker, taking on board what the Minister has just said, is there any Government policy as to whether there should or should not be a sixth form in any of our secondary schools?

A Member: Common room.

1340 **Hon. G H Licudi:** Mr Speaker, this is not a matter of whether there is or there is not a policy. There was a sixth-form common room. Would we like to see one in the schools for the secondary? Yes, absolutely, the Government would certainly like to see common rooms for the sixth form in the secondary schools.

Q673-674/2016
Truancy rates –
Rates by school

Clerk: Question 673. The Hon. E J Phillips.

1345 **Hon. E J Phillips:** Can the Government confirm truancy rates at each school operating under the auspices of the Department of Education?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1350 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 674.

Clerk: Question 674. The Hon. E J Phillips.

1355 **Hon. E J Phillips:** Can the Government confirm what measures or procedures are in place for reducing truancy?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1360 **Hon. G H Licudi:** Mr Speaker, truancy rates at all schools, barring Bayside and Westside, stand at 0% of the school population. At Bayside the truancy rate stands at 2.2% of the school population; the figure at Westside is 1%.

1365 School registers are checked daily and weekly. The school then endeavours to engage with
parents when children playing truant are flagged. Meetings are set up in school with the parents
in order to try and ascertain why the child is absconding. Strategies are worked out: it may well
be that the child is placed on a daily report which needs to be countersigned by the parent at
the end of each day. The school's liaison officer is then invited to come in and speak with the
child and the parents. The Department's Advisory Service becomes involved at this stage, and
education advisers and psychologists also attend these meetings. The situation is periodically
1370 reviewed.

The matter is referred to the Care Agency if the parents do not co-operate and the truancy
continues. The school writes to the parents explaining that the child is still absconding or not
attending school, and this could lead to the Director sending a school attendance order to the
family if the issue is not resolved.

Q675/2016
Royal Gibraltar Police –
Manpower resource

1375 **Clerk:** Question 675. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that they are satisfied that the
Royal Gibraltar Police are sufficiently resourced, particularly in relation to manpower?

1380 **Clerk:** Answer, the Hon. the Minister for Education.

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, yes.

Q676/2016
HM Court Service –
Drugs court

1385 **Clerk:** Question 676. The Hon. E J Phillips.

Hon. E J Phillips: Given the strong link between drugs and the commission of criminal
offences, has the Government given thought to the creation of a specific drugs court within the
existing resources available to HM Court Service?

1390 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, the Government does not currently have any intentions of creating a
specific drugs court.

1395 **Clerk:** Question 677. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt –

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was just going to suggest this might be a convenient moment, given that we are between Ministers, to recuse the House for 15 minutes and then continue.

Mr Speaker: We will now have a short recess.

The House recessed at 3.50 p.m. and resumed its sitting at 4.10 p.m.

1405

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q677-680/2016

Public finance –

Public debt; liquid reserves; Sinking Fund

Clerk: Question 677. The Hon. R M Clinton.

1410 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for each of the following dates, being 1st August 2016 and 1st September 2016?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1415

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 678 to 680.

Clerk: Question 678. The Hon. R M Clinton.

1420

Hon. R M Clinton: Mr Speaker, can the Government please provide the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for each of the following dates, being 1st August 2016 and 1st September 2016?

1425

Clerk: Question 679. The Hon. R M Clinton.

1430 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for each of the following dates, being 1st August 2016 and 1st September 2016?

Clerk: Question 680. The Hon. R M Clinton.

1435 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much has been paid out of the Sinking Fund from inception to 31st March 2016 in respect of interest payments?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1440 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government will be providing the information that has been provided previously, but not the further breakdowns requested by the hon. Member.

The gross debt and the Sinking Fund balance have not changed in July and August.

The cash reserves and the net debt for the dates requested were estimated at £45.2 million and £42.2 million, with the result of a net debt of £400.8 million and £403.8 million.

1445 Interest on the public debt from the Sinking Fund for the period requested has been £3,290,480 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for providing at least the cash reserves and the net debt figures of which I am very grateful.

1450 Can he confirm just one simple question, that – I suppose I should work backwards – the gross debt figures unchanged are £447.7 million?

Hon. J J Bossano: Yes, Mr Speaker, that is correct, there has been no change in that.

1455 **Hon. R M Clinton:** Thank you, Mr Speaker.

In respect of the other information I was requesting, would the Minister be able to confirm to me, in terms of the components – although he may not give me the numbers – of total liquid reserves, when it comes to Government-owned companies would that include companies such as Gibraltar Investment Holdings Ltd?

1460

Hon. J J Bossano: Mr Speaker, as I have explained in the past, the system that existed prior to December 2011 and came into existence post May 1996, i.e. the period when the party that he represents in this Parliament was in Government... all the money in all the companies is pooled together and managed by the Treasury. That includes, in some cases, companies that have got a zero balance, companies that have got a plus and companies that have got a minus, and the net figure of company balance is the addition of the pluses and the minuses.

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Hon. R M Clinton: Thank you, Mr Speaker.

We recently had the Principal Auditor's Report for 31st March 2015, and I note that in terms of liquid reserves the number at 31st March 2014 – including the Government-owned companies, which was £201.68 million – the total number was £284.29 million compared to the position at 31st March 2015, which was £134.33 million, which represents a decrease of £159.96 million, or effectively £160 million decrease in liquid reserves in one year. I note that the bulk of this seems to be from Government-owned companies.

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My question is: if Credit Finance has a call deposit with Gibraltar Investment Holdings Ltd, is the Minister confident that Gibraltar Investment Holdings Ltd will have sufficient cash to repay that call deposit if total cash in Government-owned companies at 31st March 2015 was only £60 million?

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Hon. J J Bossano: Mr Speaker, as you well know, the Standing Order does not allow Members to ask in supplementaries for information that has nothing to do with what was in the original question, and therefore the answer to his question is yes, but I am not required to give him an answer.

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Hon. R M Clinton: I understand that 'yes' to mean that he is confident that Gibraltar Investment Holdings can repay the call deposit at call. I presume ... if I may ask him to share with us what it is his understanding of the word 'call' means.

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Hon. J J Bossano: Mr Speaker, he is not entitled to ask me that question because it is in breach of the rules, which say that you cannot introduce new material in supplementaries that do not arise from the original question. Because I have given him an answer which he is not entitled to have, he now wants me to give him an explanation for my answer. Well, he is not going to get one.

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Hon. R M Clinton: Thank you, Mr Speaker.

1495 Again, I thank the hon. Member. Coming back to the question about the net debt and the gross debt figures, is it now the intention of the Government to place these numbers on the Government website on a monthly basis?

1500 **Hon. J J Bossano:** I do not put information on the Government web page at all – I do not believe in web pages – but it may well be that it gets put on the web page.

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for that answer.

1505 In terms of the Sinking Fund, I am now in possession, finally, of at least some movements in the Sinking Fund for the year 31st March 2015, and I note in his answer to my question the hon. Member says that the total interest paid out of the Sinking Fund was £3.294 million – if that is correct.

Hon. J J Bossano: I will repeat the answer, Mr Speaker: it is £3,290,480.

1510 **Hon. R M Clinton:** So, Mr Speaker, if I understand correctly, effectively £3.2 million between us, yes? Okay.

Mr Speaker, I would be grateful if the hon. Member could explain to me what is the discrepancy, as it would appear to me, between £3.2 million of interest and the payment showing in the Principal Auditor's Report for the Sinking Fund movement, which says:

Redemption returns paid on issue of capital bonds of £8,342,391.

1515 **Hon. J J Bossano:** Mr Speaker, perhaps I need to point out to the hon. Member that what he is doing now is asking in supplementaries for explanations of things that are in the Principal Auditor's Report, which was tabled at the last House.

1520 The explanation for that is the explanation that there is in the book: that that payment was for the repayment of capital bonds and not for the payment of interest. He has put a question of the payment of interest – I have given him the answer to the question that he has put and now he wants to know what is the explanation for what is reported by the auditor in the audited accounts that were tabled at the last meeting of the House. That explanation is that they are capital bonds that were repaid in that period and that was the amount that was repaid, but that amount did not constitute interest – which is what he has asked me now.

1525

Hon. R M Clinton: Mr Speaker, I really do here run the risk of having a supplemental disallowed. If I understand the Member correctly, is he telling me that the capital bonds were issued at a discount and redeemed at par, or they were redeemed at a premium?

1530 **Mr Speaker:** No matter how generous the Minister is in providing information, I find it very difficult as Speaker, given the five questions originally on the Order Paper, to take the view that that supplementary automatically arises from any of those five. I do not think it can be construed.

1535 There are questions which invariably the hon. Member is going to make which require separate notice. He has to give separate notice of questions.

Hon. R M Clinton: Mr Speaker, I accept your ruling entirely.

1540 If I may deal precisely with the £3.2 million paid out of the Sinking Fund, which – and the Minister may correct me – I presume must have been paid from 31st March 2015 and 31st March 2016, it must be for that year ...?

Hon. J J Bossano: Mr Speaker, I have answered the question that he asked, and he did not ask that question in respect of one financial year, he asked the question paid out from the inception of the fund, so the answer is that is the figure from the inception of the fund.

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Hon. R M Clinton: Mr Speaker, coming to the Public Finance (Borrowing Powers) Act, may I ask the Minister whether, in the calculation of the annual debt service ratio, any interest paid out of the Sinking Fund is taken into account?

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Hon. J J Bossano: (a) I am not a lawyer, and (b) I am not here to give him legal advice, Mr Speaker. Nevertheless, my interpretation – having been here for 44 years – of that particular piece of legislation is that the debt servicing ratio, which has to beat the percentage of the revenue, is independent of how it is repaid when it is repaid. The amount is calculated on the basis that if to service a public debt in a given year you have to pay £20 million in interest, then that is the figure that is used in the formula. The fact that it is paid from the Consolidated Fund or paid from the Sinking Fund or paid from anybody else has no relevance, because there is nothing in the law that makes any mention of where it has to be paid from. It is just a formula to give an indication of what it costs as recurrent expenditure to carry that volume of debt.

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Hon. R M Clinton: Mr Speaker, would the Hon. Minister accept that without the movements on the Sinking Fund in terms of interest, and given that, as he says, again, I am no lawyer either, the interest payment is made out of the Sinking Fund, that it would be pretty nigh impossible to work out the debt service ratio without the information on interest paid out of the Sinking Fund, because obviously when we look at the charges on the Consolidated Fund it has a LIBOR Bank interest and Government debenture interest, but obviously the interest paid out of the Sinking Fund would not appear?

1565

Hon. J J Bossano: No, Mr Speaker, I do not agree at all with what he says. I think it is completely irrelevant and complete nonsense. I have just explained to him.

1570

Look, if he is lending me money and I have to pay him interest, the amount of interest that I have to pay him is what is then used in the formula in the Public Loans Act, which then says that that is cut at a certain percentage. Whether I pay him from the Consolidated Fund or from the Sinking Fund, and whether I pay all of it from the Consolidated Fund or all of it from the Sinking Fund has no effect on what that figure is, because it is a figure that is determined by the amount that is payable, not by who pays it. So the answer is it does not matter. We can pay it all from one place or all from another, but it neither increases nor decreases the payable amount.

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Hon. R M Clinton: Mr Speaker, I think we both agree with each other. I understand exactly what the Hon. Minister is saying. But that is not my question. My question is: how is it possible to determine from the annual Estimates Book, which has a charge in here for bank interest and interest payment on Government debt, which is, as we all know, cash based, and then you have a one-line number £10 million into the Sinking Fund ... how is one able to determine what the debt service ratio from this side of the House is without having sight of what interest is paid through the Sinking Fund?

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Hon. J J Bossano: I am not sure that I am really supposed to give him lessons on how he should do it, which I did when I was there. Mr Speaker, he is asking me how is he, from the Opposition, going to figure out ... Well, look, he is looking at the wrong place in the book – that is the answer. What he should be looking at is the information he has already got on what is the interest on the debt, which is not something that is reflected anywhere in that, which is all estimates of what we think is going to be spent in respect of certain things during the course of the financial year.

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1595 At the end of the year an exercise is done, which is done retrospectively. You take the
previous year's revenue and the previous year's income and the previous year's expenditure,
and in that global numbers game there is a figure for the interest for the year which, for
example, at the beginning of the year you may not be able to predict. At the beginning of the
year we have an estimate of the amount of borrowing we have got. That does not mean that
there is a prohibition to increase the level of debt during the year, because what we have done
is an estimate, and the prohibition is the maximum of 40% of the GDP. If we wanted or we
1600 needed to increase the debt during the year, that debt would increase. If that debt increased,
the estimated interest during the year would naturally increase. It would increase more if we did
it in April and it would increase very little if we did it in February 2017. So it is not a figure that
you can calculate on the basis of the estimates for this year, because the estimates for this year
are not set in tablets of stone.

1605 At the end of the year what is required is that we should not have breached the percentages
laid down in the law, and I can tell him that interest rates would have to be very high for those
percentages to be breached with the volume of debt that we have got. So what he is looking at
is are we within the limit, and the answer is we are within the limit, but of course one of the
things with that particular limit, which is defective in a way, is that should the pound collapse
1610 totally tomorrow and we did not have fixed interest rates and we had floating rates, we could
suddenly find ourselves with the interest rates being more than we anticipated and the
possibility of having a problem that we might be reaching the maximum that is permissible
under the law. At present that is not something that is likely to happen.

1615 **Hon. R M Clinton:** Mr Speaker, finally, I would just like to record my thanks to the Minister
for actually now giving us the gross and net debt figures. Thank you, Mr Speaker.

Q681/2016

**Maritime Cadet Training Scheme –
Gibraltar students**

Clerk: Question 681. The Hon. E J Reyes.

1620 **Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any Gibraltar
students currently undertaking the Maritime Cadet Training Scheme, indicating at what stage
they are in their training and estimated completion date, together with qualifications aimed to
be attained?

1625 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, at present there are none undertaking the Maritime Cadet Training Scheme.
However, there is one person funded by a discretionary grant from the Department of Education
who has been doing a comparable course of study since 2015.

1630 **Hon. E J Reyes:** Mr Speaker, I am really glad to hear that there is a student enjoying a
discretionary grant and so on. Would the Minister happen to know what is the qualification that
should be attained upon successful completion of this course?

1635 **Hon. J J Bossano:** Yes, Mr Speaker, I thought he might want to know. The position is that this
student has been in the Warsash Maritime Academy, which is where we used to send the ones
under the scheme previously, as a cadet officer. He has been working on ... The first ship was

1640 called *Mare Transporter* from Germany. He has been back to Gibraltar and he has been out on several other ships. He is expected to finish his studies in 2018 and he would then be qualified as an Officer of the Watch. He has to accrue a minimum of 12 months on board a ship during the three-year period; and it is a sandwich course, which means he is part of the time in the college and part of the time at sea, and he has been on different ships.

1645 **Hon. E J Reyes:** Thank you, Mr Speaker. It is great to hear that and I hope the Minister does agree with me that these sort of courses, ones where it is a combination of practical and theory, do end up producing really – in my opinion, and I hope the Minister’s opinion as well – better quality professionals because they have done a lot of the training on the ground.

1650 May I add, Mr Speaker, if I posed it as a question, would the Minister agree with me that perhaps he could ask – especially the new Minister for Education who is going to take over that portfolio – should ask that we encourage, in a nice way, the professionals within the schools to ensure that the students there are informed about the availability of joining the Maritime Cadet Training Scheme. I am sure the Minister, like myself ... I am always extremely proud to see reports in newspapers, like in *Today*, of young Gibraltarians attaining qualifications and so on. Above all what makes us proudest is to see a Gibraltarian being the Captain of the Port, and
1655 perhaps when the day comes that the hon. Member and myself both decide to call it a day in this House and meet in the lower Chamber downstairs enjoying a coffee, then we will be satisfied that we have planted the seeds for a new Captain of the Port to be a Gibraltarian wherever possible.

1660 **Hon. J J Bossano:** Well, this is not a run-of-the-mill course, Mr Speaker, because it does mean spending at least half the time at sea on merchant vessels, and that is not everybody’s cup of tea. I spent myself four years, but not at such exalted heights – I was a mere deckhand! But certainly I think it is important that people should be aware that that is an opportunity that exists, and if there are people attracted then fine.

1665 I have always believed that in providing education – it is something that surfaced earlier in another question, no – really we should not push people in a direction that is not their natural inclination, because people are more likely to perform better and produce better results if what they set out to learn is something that inspires them and they enjoy doing. That is why in our educational scholarships we do not require people to limit themselves to things that are useful
1670 for us in Gibraltar. The result of that is that we lose an awful lot of the people that we train, but as the hon. Member correctly says, it is important that those who do undertake training would at least at some later stage in life be able to come back and bring back their knowledge and their experience to serve in Gibraltar, as has been done in the case of the Port.

1675 So, I agree with his sentiments and I will certainly recommend his views to the Minister for Education.

Q682-685/2016

**Construction Trades and Engineering Training Centres –
Enrolled trainees; new intakes; level 1 NVQ**

Clerk: Question 682. The Hon. E J Phillips.

1680 **Hon. E J Phillips:** Mr Speaker, can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Construction Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I will answer this question together with Questions 683 to 685.

Clerk: Question 683. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Engineering Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

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Clerk: Question 684. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please state the number of new intakes at the Construction Trades Training Centre and the Engineering Trades Training Centre in 2012, 2013, 2014, 2015 and 2016?

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Clerk: Question 685. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many people are currently undertaking Level 1 NVQ at the Construction Trades Training Centre and the Engineering Trades Training Centre?

1705

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I will include these issues in my contribution to the motion on the Order Paper dealing with training. *(Laughter)*

1710

Hon. D A Feetham: Mr Speaker, of course one thing is debating a motion, which Mr Speaker always has commended to this House since he took up the speakership, and indeed that we have lately been taking up, because we have been filing an intend to file motions very regularly; and the other is answering questions which are perfectly legitimate questions.

1715

Can the hon. Gentleman – because he has done this before – confirm that the information that we are seeking in these questions – certainly the information that I am seeking at 684 and the information that I am seeking at 685 – will be provided during the course of his intervention in the course of the motions? That is the question, but may I remind him that when we asked for questions on net debt and cash reserves prior to the Budget, the hon. Gentleman said that the information was going to be provided by the Chief Minister in the course of his intervention, and it never happened. So please could you confirm that that is going to be the case?

1720

Hon. J J Bossano: Yes, Mr Speaker. *(Interjection and laughter)*

1725

Q686-687/2016
Assistance re training and jobs –
Offenders; young people

Clerk: Question 686. The Hon. Ms M D Hassan Nahon.

1730 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to say that I am warmed for the first time to see another round of Hassan versus Bossano here in the House, and although at this time it is the Hassan side with less experience, I hope that even if we disagree we can deal in the same way that they did in the past with the same respect and dignity.

1735 The question is: is the Government satisfied with their level of assistance to rehabilitate and integrate offenders with jobs and a future after coming back into society following a prison sentence?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1740 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 687 – and I will do my best to keep the same level of affection in the answers that there used to exist between her dad and me.

Clerk: Question 687. The Hon. Ms M D Hassan Nahon.

1745 **Hon. Ms M D Hassan Nahon:** Does Government intend to look at training for our youngsters via vocational training to possibly prepare for the possibility of restrictions in border flow with the advent of Brexit and the subsequent uncertainty of access to foreign workers?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1750 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I have put quite a lot of detail because I am trying to give a full answer to the issues that have been raised by the hon. Member.

1755 As regards the retraining and rehabilitation and integration of offenders following a prison sentence, the answer is yes, but it is not an unqualified yes, as that would imply that nothing more or better can be done, and I believe that this view should never be taken. What I can say is that we are satisfied that more is being done now than was being done prior to December 2011.

1760 There is the indirect effect due to the improved market conditions. This is because the introduction of the Training for Employment Strategy has increased the level of employment and therefore considerably reduced the number of persons registered as seeking employment. So, on the one hand those disadvantaged by having served a custodial sentence face less competition from resident workers. At the same time, the economic programme since 2011 has increased the number of jobs in the labour market and a larger labour market means more demand for workers. This has gone up from 22,247 in 2011 to 26,144 in 2015. Thirdly, the joint campaign by my Department and the Department of Employment to remind approved Government contractors that they must give priority to local residents seeking employment applies equally to those entering the labour market after a custodial sentence.

1770 The introduction of the Training for Employment Strategy in 2012 was accompanied by making provision as part of the programme for financing a part-time counsellor, who was a person already undertaking work with Her Majesty's Prison on a voluntary basis and was therefore able to provide support for offenders on a more structured basis and as a result of the funding. This was developed both whilst a custodial sentence was being served and after release on a follow-up basis for a limited period, with the counselling then being delivered in premises provided within my Department.

1775 The opportunity to take up training in a placement where the employer has a job vacancy and is seeking to recruit from the unemployment list receives additional support to make it more attractive to employers to take on an offender after his release.

The Department has as well invested in providing additions to the facilities within Her Majesty's Prison for training in the construction trades. In the current programme from the

1780 European Union, the ESF funding can be used to provide training for persons still serving
custodial sentences, provided they have less than three years remaining prior to the date of
their release. This is part of the current programme making partial use of ESF funding, which was
originally intended to be a programme until 2020 but is currently expected to be available at a
1785 reduced level up to 2018. The need for initial local funding will be reviewed after this date,
depending on what arrangements apply as a result of the negotiations with the European Union.

As regards the training of resident workers, irrespective of age, in the event that border
restrictions following Brexit limits access to frontier workers, the position is that given the level
of unemployment and the number of frontier workers there would be limited impact from the
existing resident workforce in terms of redeploying them.

1790 The policy of the Government as stated in the 2011 manifesto is that there should be priority
given to resident workers for filling vacancies for which they are suitably qualified in the public
sector, and in the private sector where contractors provide a service to the public sector. The
training and apprenticeships provided since 2011 have been for the private sector in order to
encourage all private sector employers to give priority to resident workers by giving financial
1795 support in the provision of the training.

The most recent example has been the training and employment to qualify them for public
service vehicle drivers. This training has been funded by the Ministry for Economic
Development, working closely with the industry. It has been followed by a scheme that
guarantees a two-year employment contract in the private sector coach industry to service
1800 primarily the cruise liner visitors where there is an increasing number of visits creating a demand
which would have been at risk if it depended on the service relying on frontier workers. This has
now been successfully implemented with the support of the European Social Fund. The
allocations of this fund would have lasted, as I have said, until 2020 but for Brexit. It is likely that
the full allocation of the current programme will not be available to us, given the present
1805 intention of the UK to trigger the Article 50 notice in March 2017. This would lead to the
departure from the EU by March 2019, unless the EU agrees to defer the date. This deferment at
present seems unlikely and therefore my Department is working on the premise that it will not
happen.

1810 **Hon. Ms M D Hassan Nahon:** Mr Speaker, firstly, I am glad to hear of the hon. Member's
optimism regarding Brexit and where he said that there would be minimal impact – and I really
do hope that that will be the case, but of course only time will tell.

On the matter of ex-offenders, my concern was that I find that I speak to a lot of ex-offenders
and they feel a little lost as to who to go to – not just the counsellor, but is there anyone, any
1815 Department, where ex-offenders can go directly within Government to deal with the sensitivities
associated with getting back into the workplace?

Hon. J J Bossano: Well, yes, it is my Department. The person we are employing on a 20-hour
basis, on a part-time basis, has been dealing with something like 158 offenders over the period
1820 that he has been doing this job for us, since he started in 2013, and, as I have said, he is, in a
way, the conduit of the transition. The counselling is not limited to employment, but in the
context of the counselling, while the people are still serving the sentence he sees them regularly
in the prison, he encourages them to take on training and then he warns us, before they are due
to leave, when they are due to leave and we then alert the people who are responsible for
1825 providing potential trainees to the private sector on the basis that we tend to provide funding
for a longer period in order to make it more attractive for an employer to take somebody for
which, in effect, there will be a bigger amount of subvention so as to make it more likely that
they will be taken on. The counsellor then continues to make appointments to see them
regularly in a confidential context within my premises so as to give them support and follow-up
1830 advice once they have come out and they are already in the labour market.

1835 All this is a voluntary thing. Obviously the individuals have to want to take up this facility,
because there is no compulsion. We try to make it as attractive as we can. We all know that
sometimes it is difficult, for example, for persons in that context to attend regularly and so forth,
so there tends to be sometimes the problem of absenteeism at the start of the process. We tend
1840 to use, where we can, persons who are doing work for the Government and contracting work for
the Government, on the basis that we are in a better position to say to them if a guy misses one
day a week because he spends the money on the weekend and then he has got a problem
getting up on Monday, it is better to have him working four days than not to have him working
at all, and we, as the client, will not hold him responsible for any deficiencies in the delivery of
the work that you do for us. So we try to do it in a situation where we are the customer as well
in dealing with people who are providing services to the Government.

1845 But, as I said at the beginning when the hon. Lady asked me if I thought we were doing
enough, the answer is it is never going to be enough until you have got a perfect system and
everybody gets a job the day after they come out.

1850 **Hon. Ms M D Hassan Nahon:** If I may, one last supplementary. One of the setbacks that I
have found exists within ex-offenders is that they find it very hard to open bank accounts when
they come out and they get into the job market, and this is something obviously that holds them
back for obvious practical reasons. Is your Government willing to relax those laws or give some
kind of system or infrastructure for them to start having a bank account and getting back into
the day to day?

1855 **Hon. J J Bossano:** Well, I am not surprised because everybody seems to be having a problem
opening bank accounts nowadays in Gibraltar, so I can imagine it is even more difficult if you
have just been serving a custodial sentence.

1860 I do not think we can do much about it with commercial banks. I think if the Savings Bank
were at some point to extend the level of services, that may be an area where we could have
direct influence. But even in the Government-owned International Bank, from the beginning we
have treated it at arm's length. I do not know whether there is anything we can do, but I will
certainly try and find out if there is any way in which we can help.

1865 **Hon. E J Phillips:** Mr Speaker, just one question in relation to Question 687. Does the hon.
Member agree with me that in respect of training of skills, just in the context of the United
Kingdom when they are looking at Brexit, I know that the Minister for Training and Skills is
looking at increasing training opportunities for skills-based learning. It is a very important thing
in the United Kingdom to increase awareness in relation to skills and apprenticeships and
vocational training. Would the hon. Member agree with me that we need to do much more
about increasing those opportunities in the context of a Brexit situation?

1870 **Hon. J J Bossano:** I think we need to be conscious of the supply of potential trainees and the
numbers of frontier workers. You are talking about a couple of hundred people who are the
potential trainees, who are currently unemployed, and 7,000 frontier workers. If we lost 7,000
frontier workers they would have to be supermen if we were going to replace them with the 200
we have got out of work!

1875 What we have done, for example, in the case of the liner industry is a very good example,
because there you have a situation: we are talking about having trained about 50 people who
were previously unemployed, who had driving licences but they did not have PSV licences. We
first invested in their training and we got them qualified, and then we negotiated with the whole
industry a level of wage subsidy which would enable the industry to give regular work where
1880 previously we had two problems in that area which meant that they were dependant on frontier
workers. One problem was that there were people unemployed who did not have the right D-
licence and who could not afford to finance the training and pay to get the licence because they

1885 were unemployed – on the supply side of the equation. And on the demand side of the equation
the industry was not offering anything other than seasonal work. It was not offering permanent
work, and therefore it was not a sufficiently attractive proposition for local workers who were
unemployed, even though the rate of pay is quite good by the standards of the private sector,
because they preferred a lower paid job but continuity, whereas the industry tended to be ...
there was a demand which was very high at certain periods and less in other periods.

1890 By negotiation with the industry we have actually managed to reduce their labour costs by
providing financial help and that has enabled them to commit to guaranteed two-year contracts.
That means that, in effect, we have insulated that particular industry. It is a very small part of
the whole market, but we have actually succeeded in insulating that industry from any potential
risk, and in many respects the employers in that area want to be able to know that if they have
got a commitment with a liner company and the liner arrives at nine in the morning or eight in
1895 the morning, never mind the closure, there is not going to be a queue and they have got all the
coach drivers on the wrong side of the border. So that has been an example of something that
we have been able to do. The initiative came from the industry, to be fair, not from me, –
although they are giving me the credit for it. They came up with the idea and asked me to find a
way of finding the money to help them, and that is what I was able to contribute.

1900 But certainly it is something that I would be happy to look at in any other area where
something similar can be done. That is the answer.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with Government Bills.

Mr Speaker: I now put the question that Standing Orders be suspended in order to proceed
with Bills. Those in favour? (**Members:** Aye.) Carried.

BILLS

FIRST AND SECOND READING

Gibraltar Consultative Council Bill 2016 – First Reading approved

1910 **Clerk:** A Bill for an Act establishing the Gibraltar Consultative Council and governing its
functions and duties, and prescribing the terms of membership of the same.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that a Bill for an Act for a
Gibraltar Consultative Council be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act establishing the Gibraltar Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same be read a first time.

1915 Those in favour? (**Members:** Aye.) Those against. Carried.

Clerk: The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Second Reading approved**

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

1920 In my Budget speech of 2014 I indicated that I wanted to establish for Gibraltar a body akin, similar to that of the Privy Council in the United Kingdom.

During the course of that speech what I explained to the House was as follows: that when a nation such as ours finds that there are issues that affect the national interest, there needs to be a body above party politics that can provide an opportunity for consideration of those issues.

1925 The former Chief Minister, I reminded the House, had established a similar ad hoc consultative body when Gibraltar was facing the threat of joint sovereignty, but did not include the Opposition in it. I wanted to go further than that and change the way that we do politics on some issues which matter to the national interest, and as a keen supporter and defender of the Westminster adversarial system it is also right that we should at some stages, in the national
1930 interest, where the national interest is at stake, that we should be able to work together instead of adversarially, because Gibraltar's best brains can be brought to work in unison in some necessary instances, and not have to be condemned forever to be challenging each other. Therefore, I wanted to create this committee in order not to have to go down the alternative route, which is to simply throw out the baby with the bathwater of our adversarial system and
1935 have to, instead, for the committee system of government, which I would have thought was not a good thing for Gibraltar.

I indicated then, Mr Speaker, that such a body, in my view, had to be permanent and it should not be ad hoc, and I proposed that that body should be made up for their lifetimes of all individuals who had held the post of Chief Minister, for their lifetimes all individuals who have
1940 held the post of Deputy Chief Minister, for the period of their tenure in office the Leader of the Opposition and the Minister for Justice, and for such period as may be stipulated in the notice of appointment such other persons as the Chief Minister of the day may consider appropriate to appoint.

1945 Mr Speaker, I also made clear in 2014 that Members would be required to sign the Official Secrets Act and the information that might be shared with them in the context of that forum would be subject to strict rules of confidentiality, very much like the position in the Privy Council.

1950 Having such a Consultative Council, in my submission, would enable the Chief Minister of the day to meet with all or just some of the members of that Council as any Chief Minister may consider appropriate and exchange ideas or take advice on any particular matter or issue within the parameters of the strict confidence required of individuals who would make up that Gibraltar Consultative Council (GCC).

1955 I also said at the time that it was the view of the Government that individuals who became part of the Consultative Council should be able to use the prenominal letters of 'Right Honourable' or something similar, as is the case in respect of membership of the Privy Council in the United Kingdom. I also, I think, stressed at the time, Mr Speaker, that appointment to the Consultative Council should not be remunerated, because I thought it would be a huge honour

for a Gibraltarian to be called upon to serve by a Chief Minister of the day in respect of this advisory capacity. Neither do I think that this is a committee that will meet every day or every week.

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Mr Speaker, in 2014 therefore I gave instructions for a Bill to be drafted to implement that objective of the Government, and a Command Paper was published in April 2015 for a Gibraltar Consultative Council Act which would implement the decision to establish a body in Gibraltar similar to the Privy Council in the UK.

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When I first spoke of the matter I referred to the 'Chief Minister's Consultative Council', and speaking during the course of his response in the Budget debate the former Chief Minister, Sir Peter Caruana, suggested that perhaps it might be more appropriate that the Council should be named the Gibraltar Consultative Council rather than the Chief Minister's Consultative Council, something which I told him during the course of my response to the Budget addresses of hon. Members opposite that year, thought actually was a good idea and a better idea than calling it a Chief Minister's Consultative Council, so that it is clear that although it was designed to advise the Chief Minister, it was Gibraltar's Council and not in any way the Chief Minister's Council.

1970

Mr Speaker, as is stated in the Command Paper, when the Act comes into effect it is intended that there would be an inaugural meeting of the Gibraltar Consultative Council at which all members will take an oath of appointment. After that, the Chief Minister will convene a plenary meeting of the Council at least once every 12 months. A plenary meeting will be convened at least once within four months of the appointment of a new Chief Minister, who may at his discretion convene a meeting of the Gibraltar Consultative Council as he determines necessary. The note also explains that the Chief Minister may wish to consult individuals or groups or members of the GCC on any matters as and when he considers necessary.

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I think it is important to make that point, Mr Speaker, just to remind the House that it is not necessary that the whole committee meets every time that there is a need for the consultations to occur. It may be that there are people with particular expertise that a Chief Minister wants to consult in terms of the auspices of that committee. He may wish therefore to only contact two or three of the members of the GCC at any one time, or any other grouping.

1985

Mr Speaker, in the Command Paper it was also made clear that in our view this is a seminal piece of legislation, that it is important there should be a permanent forum created which allows what some might sometimes refer to as some of the best brains in Gibraltar to work together on issues that can affect all of our community regardless of the parties with which we might have a particular partisan allegiance. We thought, Mr Speaker, and repeated in the note to the Command Paper, that the UK Privy Council model is a good one for us to follow in establishing such a body and I was therefore looking forward to bringing the Bill to the House. I also thought that there would be widespread support for this Bill, and I am sure that it is likely that there will be – I think there have been indications that there would be – and the Bill, after consultation, was published I think before the last General Election and it fell away as a result of the dissolution this time last year.

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1995

There was a republication of the Bill on 25th February this year and, of course, thereafter we had many months when we did not meet because of the Referendum campaign etc. The Bill therefore now before the House in effect gives effect to the commitment originally made in that Budget speech that I have referred to of 2014 and the Command Paper of last year, 2015.

2000

If hon. Members look at the Bill, Mr Speaker, they will see that section 1 makes clear that the commencement of the Act will be on a date to be appointed by me, and my intention is to commence the Bill with effect from the beginning of next month if the Bill is to become an Act today.

2005

Section 2 sets out the interpretation of certain phrases that pertain within the Act.

Section 3 establishes the Consultative Council to aid and advise in the government of Gibraltar and sets out that the persons who are members of the Council shall from time to time be summoned by the Chief Minister and sworn in as counsellors.

2010 I should give the House notice, Mr Speaker, and I think hon. Members will now have it, that
these sections and some others have amendments set out in the letter I have provided to you
now. In order to assist hon. Members, I have not just given a table setting out what those
amendments are, but actually provided a copy of the Bill with the amendments set out in detail
on it as tracked changes.

2015 The Consultative Council is to be chaired, under section 3, by the Chief Minister, to be
composed of the post-holder members, the life members and the ad hoc members, as described
in that section. The post-holder members, as I told the House a few moments ago, will be the
Chief Minister, the Deputy Chief Minister, the Minister for Justice from time to time and the
Leader of the Opposition from time to time. Life members are individuals who have held the
post of Chief Minister or Deputy Chief Minister. Ad hoc members are any person or persons not
2020 exceeding 10 as may be appointed by the Chief Minister.

Mr Speaker, as is made clear in section 3, there will be an inaugural meeting of the Gibraltar
Consultative Council, at which all members shall take the oath of appointment, which is set out
in schedule 1, and will be appointed as members of the Council. Oaths of appointment will be
administered by the Chief Justice or a judge of the Supreme Court that the Chief Justice may
2025 determine is an appropriate person to take those oaths.

Part 3 of the Act covers tenure and membership and, as is made clear under section 4, post-
holder members hold membership of the Council for such time as they hold their particular
posts only in respect of those posts. They may then pass on to become life members who will
hold those positions for their lifetime.

2030 Section 6 provides for the ad hoc membership, who are individuals appointed for such period
as may be specified in their notice of appointment, and those periods can actually be specific
periods of years – five years, ten years, two years, one year – or another sort of period. For
example, it could be ‘for the lifetime of this Parliament’ – it could be that somebody is appointed
by a Chief Minister to be there ‘but for the lifetime of this Parliament’ in order not to take up
2035 space on the committee after the lifetime of that parliament.

Under section 7 it is made clear that membership of the Council is not remunerated, as I said
before, and under section 8 that members may, for the period that they are members, use the
prenominal style of Right Honourable in keeping with the Bill, but I am going to propose that we
should use the terminology ‘The Honourable’ rather than ‘The Right Honourable’. The reason for
2040 doing that is that the post-holder members and the life members are likely to be people who
have the letters ‘Honourable’ before their name, but some of the ad hoc members are not likely
to be people who have the word ‘Honourable’ before their name because they may simply be
people who have never been in the Parliament or in the House of Assembly; they could literally
be people who have a different sort of expertise. So I am going to move an amendment simply
2045 to use the terminology of ‘Honourable’ rather than the terminology of ‘Right Honourable’. It
may be that in future we come back to amend that and to go back to everybody who is in that
Council being ‘Right Honourable’, but for now I think it is sufficient to simply have people
prenominated as ‘Honourable’ if they are members of that Council – and that may mean no
change for those who are post-holder members or life members, who are likely to have those
2050 prenominals in any event.

Section 9, Mr Speaker, provides that no person is qualified to serve as a member of the
Council in certain circumstances, including if they have pledged allegiance to a foreign power –
or at least if they have disclosed that they have pledged allegiance to a foreign power;
individuals who are bankrupt would not be eligible; members of the armed forces; those who
2055 have been certified insane – and one hopes that the post-holder members will not also suffer
the ignominy of being removed from the Council for that reason; or those who have been under
a sentence of imprisonment.

Membership of the Council would also be suspended if the member who is a life member
accepts a judicial post, because of course it will not be appropriate for judicial post-holders to be

2060 members of the Council, and those exceptions, Mr Speaker, are the common exceptions, which are elsewhere in our laws.

Under section 9(5) membership of any ad hoc member would cease if the ad hoc member becomes an elected member of the Parliament and is not otherwise qualified as a post-holder member or accepts a judicial post. Post-holder members vacate their membership of the Council on ceasing to hold a particular post, unless that person is qualified for membership by becoming a life member or an ad hoc member.

Life members or ad hoc members can be removed from membership if all post-holder members and two-thirds of other members so agree.

2070 Public officers are to be appointed as secretaries of the Gibraltar Consultative Council also, so that there is a record of the functioning of the Council.

Plenary meetings of the Council will be held at least every 12 months, as I have said, and this is provided for in section 11(1). The Chief Minister can, in his discretion, convene other plenary meetings with members as he determines the governance of Gibraltar or the public interest requires. He or she can also constitute the subcommittees or consult individual members as he or she considers necessary.

2075 The duties of the Consultative Council will be:

... to advise Her Majesty's Government of Gibraltar and specifically the Chief Minister on any issue on which advice is requested by him or her via the structures and mechanisms laid out in this Act in respect of—

(a) the governance of Gibraltar;

(b) the public interest of Gibraltar;

(c) the conduct of or performance of public policy;

(d) the international obligations of Gibraltar;

(e) any matter touching upon the public affairs, peace, order and good government of Gibraltar.

The quorum of the plenary is set at five and in the absence of the Chief Minister the Deputy Chief Minister is able to preside at meetings and ensure that minutes are kept by the secretary of the Council and provide a copy to the Chief Minister.

2080 Part 5 of the Act governs confidentiality, publication and disclosure of matters considered by the Council; and, consistent with the sensitivity and the importance of the matters being discussed, this part really makes clear that deliberations of the Council are confidential and that members will be required on appointment to agree to be bound by the Official Secrets Act.

2085 Members will be restricted, without the consent of the Chief Minister, not to publish or disclose to any unauthorised person the contents of any document, communication or information which has come into their knowledge in the course of their duties under the Act, and the Act provides a number of penalties in the event of a breach.

2090 Section 20 in particular restricts disclosure of material in any legal proceedings of communications between the Chief Minister and members of the Council and between members of the Council themselves, unless the Chief Secretary, after consultation with the Chief Minister, consents in writing.

Section 21, as Members will see, is a general rule-making power to carry out the purposes of the Act.

2095 Schedules 1, 2 and 3 set out the oaths of appointment for members, the secretary and the Chief Secretary.

2100 I want to thank the Attorney General, Michael Llamas, for his advice in respect of the preparation of this Bill, and Keith Azopardi QC – who I think himself has been a Deputy Chief Minister and a Member of this House – who drafted the initial Bill and has greatly assisted me in the preparation for today. My relationship with Mr Azopardi goes back in politics a very, very long way. He was there with us in 1991 when we took our first faltering steps as politicians. We then ended up on different sides of the House, but always good friends and able to get on despite our political differences as they emerged.

2105 Mr Speaker, I believe this is a very, very important Bill for Gibraltar. It is seminal to be able to create such a body. I think it is a step in the process of the maturity of our democracy, and of course also an indication of the sorts of threats that you start to face as you emerge into nationhood and you have to determine your own responses to a lot of these issues that you are facing.

2110 Hon. Members have the amendments which I intend to move in committee. Just to highlight that they are really about turning the Bill into the sort of shape it would have if it was more in keeping with the drafting that we usually do, so it is more about the section headings than it is about changing any of the general principles and merits of the Bill that I have just related to the House. There are 22 amendments set out in the letter that I have provided. That is why I have also provided the Bill with the amendments, so that hon. Members can see that they are principally just moving things about and changing the subject headings.

2115 I would invite you, Mr Speaker, in committee – unless hon. Members opposite have a particular objection in respect of any one of the amendments – to simply refer to the amendments in the letter, because many of them are just very typographical for the reasons set out – other than the deletion of the word ‘Right’, which I have taken the House to also in the context of my speech and in the styling section at section 8.

2120 Mr Speaker, for all of the reasons I have just set out, I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: Before I invite hon. Members who may wish to speak on the general principles and merits of the Bill, there are two matters I want to raise.

2125 Having regard to what the Chief Minister has said, clause 8 in the enclosed table of amendments then instead of for “Right Honourable” substitute “The Right Honourable” and may be referred to as Councillors’, that should be ‘Honourable’ only. So that is a mistake – ‘Right’ should be cancelled.

2130 The other thing is the date: 2015 or 2016? Surely it is 2016. And therefore, again, clause 1, where it says ‘insert 2015’, that is wrong.

Hon. Chief Minister: It is, Mr Speaker, and that comes from the fact that these amendments were ready when the Bill was ready but it then fell away.

2135 **Mr Speaker:** So let me ask, then ... Well, in fact, what then happens is that clause 1 does not have to be amended. I do not think ‘replace heading in 1’ ... other than replace section heading title and amendment in section 1 and insert 2015. That does not have to be done.

And clause 8, we go back to that and it would read ‘substitute “the Honourable” and may be referred to as Councillors’.

2140 Does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

2145 **Hon. D A Feetham:** Mr Speaker, I am afraid that on this side of the House we cannot support this Bill. That is a decision that we have taken not easily or lightly, because it is within the makeup of the Opposition, as we have indeed demonstrated on a number of issues, to work with the Government where we can. But we feel, after internal and careful deliberation, that this particular Bill has the potential to stifle debate and therefore is a potentially retrograde step, from a democratic point of view, and I will attempt to make that out during the course of my intervention. But before I do so, I would like to place this particular Bill into its proper context.

2150 The Hon. the Chief Minister has said on a number of occasions that he is modelling the Council that is being created by this Bill on the UK Privy Council, and indeed at page 15 of their manifesto at the last election that is precisely what it says. It is a commitment to:

the creation of a Council that would be based on the principles that govern the UK Privy Council and allow members to be briefed confidentially on matters of national importance.

2155 A privy council is a body that advises the head of state, usually the monarch, in the context of
a constitutional monarchy. In the United Kingdom the Privy Council is a committee that advises
Her Majesty the Queen on a confidential basis on matters of state, but in particular how Her
Majesty exercises the Royal Prerogative – the most common example is issues such as state
honours – and members of the Committee then take the prenominal style ‘Right Honourable’.
2160 Their discussions are discussions that are undertaken in private, or secret, and indeed right up to
the late 1990s – it might have even been the beginning of the last decade – the oath of secrecy
in the Privy Council in the United Kingdom was actually itself in secret, and it was thought by
constitutional lawyers that revealing the nature of the oath was in fact treasonous until the Blair
government answered a question in Parliament and basically revealed the oath. But even in the
2165 United Kingdom, where the Privy Council is actually advising Her Majesty the Queen on very
narrow sets of circumstances or powers, the exercise of her prerogative powers, the Privy
Council has come under criticism from very reputable charities such as, for example, Justice,
who have described it, and I quote, as ‘bypassing Parliament and any prior accountability’. And
there we are talking about a Privy Council that is set up to advise Her Majesty the Queen, not a
politician, on very narrow powers that are exercisable by Her Majesty the Queen.

2170 Mr Speaker, of course the Chief Minister is not the monarch of Gibraltar, he is certainly not
exercising narrow prerogative powers, and the concerns of the Opposition are highlighted if we
go to the powers or the areas that this Consultative Council are going to be asked to advise the
Chief Minister of the day. They include the governance of Gibraltar, the public interest of
Gibraltar, the conduct of or performance of public policy, the international obligations of
2175 Gibraltar, any matter touching upon the public affairs, peace, order and good government of
Gibraltar. In other words, Mr Speaker, it includes everything under the political sun. That is the
reality.

If one looks at section 17 of this Bill, it says:

All deliberations of the Gibraltar Consultative Council and advice tendered by any member to the Chief Minister shall be tendered and received in absolute confidence.

Section 18:

Any member of the Gibraltar Consultative Council shall be required on appointment to signify on such form approved by the Chief Secretary for that purpose that he agrees to be bound by the Official Secrets Act ...

2180 And section 19:

(1) No member nor any other person shall without the consent in writing of the Chief Minister publish or disclose to any unauthorised person or otherwise than in the course of duties under this Act the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under this Act and a person who knowingly acts in contravention of this sub-section is guilty of an offence and is liable on conviction on indictment to imprisonment for up to one year and to a fine not exceeding level 4 ...

2185 So, Mr Speaker, I can be asked to come into this Consultative Council as Leader of the
Opposition and the Chief Minister imparts to me information about the governance of Gibraltar
or the public affairs or peace and order or good governance of Gibraltar. I receive it, and if I
believe that it is in the public interest that I should bring that to the attention of the people of
Gibraltar, if and I do so, I am committing a criminal offence. I would be the most foolish Leader
of the Opposition in political history if I allow myself to basically go into a trap of this nature, and
whether this is a deliberate trap or it is not a deliberate trap – and I give him the benefit of the
doubt – the reality is that it places the Leader of the Opposition in an almost impossible position.

2190 But of course it also covers people such as former Chief Ministers and former Deputy Chief
Ministers. It is the kind of people who could be expected at any given moment in time in the
future to stand up and criticise a government of the day – let's put it in neutral terms: not the
Hon. the Chief Minister or his Government, but a government of the day – on something
concerning the good governance, the public affairs and the public interest of Gibraltar. And yet if
it concerns a matter that the Chief Minister imparts to them in this Consultative Council, then
2195 they will be committing a criminal offence if they refer to it.

I just believe, Mr Speaker, that in those circumstances this is potentially a dangerous
retrograde step and it is an anathema, in my respectful view, to my understanding of
democracy. We do not need more titles, we do not need more secrecy; what we need is more
openness and more transparency. For those reasons we will be voting against this Bill. (*Banging
2200 on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits
of the Bill? The Hon. Roy Clinton.

2205 **Hon. R M Clinton:** Mr Speaker, I identify myself, obviously, with the remarks of my learned
colleague.

In reading this Bill, there is – apart from the obvious flaws that my hon. colleague has
mentioned, and I note there has been a wholesale copying of the Constitution, for example, on
disqualification for elected Members – nothing here about qualification for elected Members. In
2210 the Constitution, under section 27, it says that subject to section 28 – and section 28 is
effectively a paragraph that has been copied into this Bill about the disqualification under
section 9 – there is no qualification, and that qualification under section 27 in our Constitution
says:

... a person shall be qualified to be elected as an Elected Member of the Parliament if, and shall not be qualified to
be so elected ... [if] he is a British citizen or a British overseas territories citizen by virtue of a connection with
Gibraltar who has attained the age of eighteen years.

2215 There is nothing in here that says the hon. Member could not appoint a six-year-old to be a
Member of this Council, if he so pleased, as an ad hoc member.

So I feel there are some areas here that, if the Member is going to go ahead with it, even
though we oppose it, it is flawed.

2220 And in the context of appointing all previous Chief Ministers and Deputy Chief Ministers,
again there has to be, unfortunately, a disqualification for certain people in terms of the posts
that they may hold in future. And I note there is a disqualification section for an ad hoc member,
if he is elected as a Member of Parliament. However, what happens in the case of a life member
who has been the Chief Minister who is – I regret to say, Mr Speaker – the Speaker of this
Parliament? Is it right that the Speaker of the Parliament is forced, under these rules, to
2225 effectively swear ... I would not call it an oath of allegiance to the Chief Minister, but I dare say an
oath of secrecy, in that he has to swear to give good advice to the Chief Minister while he is
Speaker of this Parliament? I do not think that would be appropriate, Mr Speaker; but again the
drafting of this legislation, I think, needs further thought.

2230 Furthermore, Mr Speaker, I note this desire to create a privy council, and again this seems to
favour the lawyers amongst us, because I note that the Minister with responsibility for Justice is
a permanent member of this Council, but the Minister for Finance is not! Of course, at the
moment the Minister for Finance *is* the Chief Minister but if, for example, the Hon. Mr Bossano
was the Finance Minister he would be excluded from this Consultative Council. That cannot be
right.

2235 **Mr Speaker:** I thought he was a former Chief Minister?

Hon. R M Clinton: Well, sorry, indeed, I stand corrected!

2240 But if he was not, or if somebody else was the Finance Minister they would be excluded. And if this Consultative Council is truly meant to advise the Chief Minister on the range of subjects, as my learned colleague has mentioned, which is particularly lengthy and which will no doubt include financial aspects, should not the Minister for Finance also be included in this Consultative Council?

2245 And again I fear this is a wholesale attempted copying of the Privy Council in the UK which is, as in his manifesto commitment, exactly what it is. But if this is a consultative council and its general intention is to find the best possible advice for the Chief Minister, then I humbly submit that it should include other Members, including Finance, and not just the Minister for Justice.

Also, in some of the ad hoc members, I would like more clarity as to what qualifies somebody to be an ad hoc member; it seems to be entirely at the Chief Minister's discretion. Surely, there must be at least a minimum criteria for qualification for an ad hoc member?

2250 I come back to the point about qualification to even be an elected member. Could it be possible that the Chief Minister could appoint an American to form part of this Consultative Council? Or somebody else of any other nationality? What is missing, I think, in this Bill is qualification; there is a lot about disqualification but there is nothing much about qualification other than for the life members.

2255 And so, Mr Speaker, apart from the reasons that my learned colleague has given, I really cannot support this Bill as it stands.

Mr Speaker: Are there any other hon. Members who wish to speak?

The Hon. Marlene Hassan Nahon.

2260

Hon. Ms M D Hassan Nahon: Mr Speaker, in principle I always welcome any committee or body set up with the intention of brainstorming an advancement for the good of Gibraltar, so for my part in principle I would welcome the inception of this Council.

2265 The only question I have is why do we need to invoke the Official Secrets Act, because perhaps it is something that could chain us MPs? I would like to know more about that, please.

Mr Speaker: Does any other hon. Member wish to speak before I call on the Chief Minister to reply?

The Hon. the Chief Minister, then.

2270

Hon. Chief Minister: You can take a horse to water, Mr Speaker, but you cannot make him drink.

I am surprised that hon. Members feel they cannot support the Bill and that they have not said, 'Look, we would be able to support the Bill if it did this, or if it did that.'

2275 The speech from the Hon. Leader of the Opposition has been simply to say that they cannot support the Bill. The Bill was published in 2014 as a Command Paper, as I said to the House before; it was published as a Government Bill in 2015; the issue of the Bill was set out in the context of my party's manifesto at the last general election. And in respect of all three of those opportunities to write or to communicate to me that they had concerns about certain aspects of the Bill, but they would wish to support it nonetheless, there have been no communications with the Government – none whatsoever.

2280 When I spoke during the course of the Budget in 2014 and I gave these indications, the Hon. the Leader of the Opposition who was also Leader of the Opposition by then, thank God, did not for one moment say that he had a concern about the privy council structure, the Official Secrets Act, etc. Not at all. In fact I will have to go back and see whether he actually said that he might support it. But I doubt he did, because I reckon what he did was he got up and read his prepared speech. I stood here, Mr Speaker, and delivered the Budget for Gibraltar, and the hon.

Gentleman then got up and read the speech he had prepared, regardless of what it was that I might have said.

2290 Sir Peter Caruana, who he has described, as you will hear *ad nauseam* from us, as the greatest Gibraltarian of all time, said he was supportive of it but he thought the nomenclature should change.

I would have thought that in trying to create something constructive like the Gibraltar Consultative Council Act, that hon. Members, if they had these concerns, might have wanted to get in touch with the Government and say, 'These are the concerns that we have'; not simply highlight them in the context of their speech today. It is not as if this has been visited upon them; this is not a Bill brought in less than six weeks, certified as urgent and here we go. This is a Bill that has been doing the rounds for too long, in my view. So if I may say so, with respect to hon. Members opposite, I think that they are pretending constantly that they want to co-operate with the Government and that they want to be collegiate has just been demonstrated to be absolute bunkum!

They have just uncloaked the reality of what they are really like when they say they want to co-operate because, given the opportunity to do so, they have not even said, 'We want to be part of that Council but we have concerns about the confidentiality aspects.' All they have done is today say, 'We won't support the Bill because we have those concerns.' At least the hon. Lady has said, 'Can you deal with the issue for me and then I might be able to get comfortable with it?' That is not what we have heard from the Leader of the Opposition, he has not asked me to deal with something in my speech and respond to his concerns, he says he is *not* supporting it because of the issue of confidentiality.

2310 Well, Mr Speaker, if I may say so, the Hon. the Leader of the Opposition is once again, as he is wont to do in his interventions in this House and even in his interventions in the local media, he is making once again a mistake of historic proportions. Just like he made the mistake of historic proportions on Monday when he said he does not earn enough as Leader of the Opposition. And today, Mr Speaker, just over 96 hours later, in saying he is not going to support the establishment of a council for Gibraltarians to be able to provide advice to the Government in respect of all of the areas that have been set out.

He has then done an analysis of what the Privy Council is. Therefore, Mr Speaker, I think he must have understood, despite the Bill having been published for this long and despite everything I have said, that I am trying to create a privy council in Gibraltar. I am not creating a privy council in Gibraltar! I am creating a Consultative Council on the lines of the Privy Council for the United Kingdom, in Gibraltar. It is an advisory council, not to advise a monarch on titles, because we do not give titles here in Gibraltar in the way that they are given in the UK. We give titles in Gibraltar in this Parliament *together*, not in the way that it is done in the UK.

2320 Gibraltar advises the UK in relation to nominations from Gibraltar, through an Honours Board, but that is done in a different way. This has got nothing to do with that and to take the debate in relation to this to titles is to be so completely illucid in the analysis, that it is just incredible that the person who has delivered that speech is charged with the responsibility for leading Her Majesty's loyal Opposition in Gibraltar.

2330 We are talking about an opportunity to consider together things that matter to Gibraltar and the hon. Gentleman comes out with the fact that the Privy Council in the UK also advises in respect of state honours! It is absolutely an abdication, Mr Speaker, of the sort of responsibility that they could have taken by supporting the creation of this Council, that demonstrates why the hon. Gentleman is so ill-suited to public office.

2335 The hon. Gentleman himself went on to say that if he supported the creation of this Council, as if his failure to support it would in some way stop it from being created, he would be the most foolish Leader of the Opposition in history. Well, Mr Speaker, I think he may go down in the annals of Gibraltar's parliamentary history as the most foolish Leader of the Opposition in history, for not supporting the creation of a body that enables Gibraltarians to work together for the good of Gibraltar and to advise Government in that respect.

2340 He pretends to want to and he seems to have better ideas than anyone for any topical issue
that might arise. In fact the Hon. the Deputy Chief Minister and I were quite looking forward to
the meeting we were going to have with him on the issue of Brexit in July, because he was telling
us for months that he needed to meet us on the subject. When he met us, Mr Speaker, he
2345 nodded his head and told us that he thought we were doing a very good job indeed. And then
went off to carry on with his business.

So I really do not understand what it is that the hon. Gentleman thinks is going to happen in
the context of sharing information which is not otherwise publicly available, that might
somehow put him in strictures which he would not otherwise expect to be in. Or is it that he
expects to be brought into confidence, to be told things that are not otherwise publicly available
2350 bits of information – very sensitive, potentially, not publicly available bits of information – and to
simply be able to turn around and go outside and disclose that?

Well, Mr Speaker, the structure of this Bill is not because we have any particular piece of
information in our minds that we are going to share with him. It is because we have been
advised that is the best way to create such a body in the context of such an oath. But he has
2355 taken us down the road of titles, etc. in respect of the position of the Privy Council in the United
Kingdom. But you see he has foregone one of the most important aspects of what happens in
the United Kingdom today – for example, security briefings on Privy Council terms given to the
sorts of post-holders that we are talking about here. Or is he not aware, in his desire to pretend
that this is in the UK only about who becomes a knight and who becomes a peer, is he not
2360 aware, that members of the Opposition are given briefings on Privy Council terms on sensitive
defence issues and sensitive intelligence issues?

I have no desire to be involved more than I have to be, I suppose, in who becomes a knight or
who becomes a peer. In fact I do not think I have any influence whatsoever on who becomes a
peer; but we might have some influence on who takes some state honours by just reflecting the
2365 Gibraltar view when we are asked for it. But nothing could have been further from my mind.
Indeed I dare say, Mr Speaker, nothing was further from the Hon. the former Chief Minister's
mind when he replied to me in very positive terms about the creation of this Act, than who
becomes a knight or an OBE or an MBE, or takes another honour.

This was about creating a body that enabled Gibraltar to take a step in the direction of having
everyone work together in the context of things which have to happen *in camera*, because
advice is sought in respect of things which cannot be shared; and a structure had been proposed
by a person who was a former Deputy Chief Minister of the GSD! Keith Azopardi, who started
with us in 1991 and who I have spoken about in such convivial and friendly terms, went on to
become Deputy Chief Minister of the GSD, not of the GSLP Liberals. This is his draft and structure
2375 of how the thing should be done in order to ensure that there is the security of information
which is shared in that context.

This is a body created for the good of Gibraltar to ensure that we have the sort of advice that
another decision-maker, not a monarch but a prime minister, is also able to count on in the
context of the United Kingdom structure along the lines of the Privy Council. But we are not
2380 creating a privy council. I do not have a privy and, if I did, I would not need a council for it, Mr
Speaker.

So I really do not know how the hon. Gentleman's political paranoia has taken him to such a
level of concern that I might wish to have him imprisoned for disclosing something I have said,
that he cannot support the creation of a Council. He needs to understand, and I am going to
2385 make it explicit for him, nothing could be worse for me and for those that I represent on this
side of the House if, by becoming imprisoned, he disqualified himself from becoming the Leader
of the Opposition. We want him to stay forever as Leader of the Opposition; we do not want him
to go. We think that one of the best things that happens to us on this side of the House is that he
is on that side of the House. So he does not need to worry about us wanting to exploit anything
2390 that might lead to him becoming disqualified from being a Member of the House.

I do not want to see him in shackles, I do not want to see him anything other than actively leading the Gibraltar Social Democrats at the next, and every other, election. I was very disappointed when he said that he would leave the leadership of the party at the next election if he lost. I sincerely think that it is a bad thing for the GSLP and for the Liberal Party. Although I did notice, Mr Speaker, that he also said that he would stay on the GSD front bench, which is to have very little regard for what the next leader of the GSD after him might decide should be his role. He might decide that although he might offer himself he should not be a front bencher for the GSD – again, something which would cause huge disappointment on our side, Mr Speaker. But his intervention on Monday night will no doubt be one that endures in the context of the debates in this House.

So he should not be concerned to think that we have any reason for wanting to see him subject to any prosecution, but there is that provision in the Bill. It is true that there is that provision in the Bill. He has not said to me if I remove it he would support the Bill; he has not said that he is concerned about the post-holders who are in post at the time not being subject to it, he just said that it should not be the case. It is the case, as he has said, that in the UK Privy Council members are subject to confidentiality in respect of information that they receive in the context of that body which is not just, as I have shown, in relation to state honours. So I am very surprised that he has taken that attitude.

Mr Speaker, there are some areas where no modern society or state can have full transparency: areas of intelligence, areas of police investigations, areas of inter-state intelligence. Hon. Members need to realise that what we are trying to do in respect of this Bill is to share that information with them in the context of taking their advice and views on it as well. Now, because that sharing is structured in the way that this is structured in other nations and other states, that is why it is structured in this way. I am very surprised, therefore, at the attitude that they have taken.

Mr Speaker, no Government has been supportive of openness and transparency like this Government has been. We demonstrate that in the information that we volunteer, let alone the information that we give. And I know that it does not fit with the hon. Members' narrative of where we are because they want to pretend that we are not disclosing and not transparent; but that is all they are doing – pretending. And if there is one thing that the public is good at in Gibraltar, it is seeing through a ruse, spin, and whatever you like. But the public will see through you.

And if you pretend to be transparent and you are not, they will see through you. And if you pretend that somebody is not transparent when they are, they will also see through you. And the hon. Gentleman should know that because he ran a campaign during the general election last year that we were not transparent and that there was an issue with our public finances, and that there was an issue with LNG – and look where that got him. He was so seen-through that he was very transparent to the general public.

Moving on to the Hon. Mr Clinton, who is not here to hear my response to the points that he made, can I just say that when he gets up and says, 'Obviously I support the position of the Leader of the Opposition', I think he needs to realise that remark is no longer one that he can afford to make. Yesterday he took a different position to the Leader of the Opposition in respect of the amendment proposed by the hon. Lady – who I will come to in a minute. He took a completely different position, so in the context of 'obviously' there is nothing obvious about it!

The Hon. the Leader of the Opposition yesterday did not lead the Opposition when it came to the position in respect of the amendment. Yesterday, Mr Speaker, the Leader of the Opposition was the hon. independent Member. She proposed an amendment with which we did not agree and the majority of Members opposite voted with her, not with him. So whenever any Member opposite gets up, absent the hon. Lady, I suggest to them that they no longer fall into the trap of saying, 'Obviously I agree with the Leader of the Opposition', because we will all be on tenterhooks for the next three years to see on which way they fall and whether they are more

towards the rocket chair or more towards the centre of gravity there, for many years, we hope. For many years, the centre of gravity there.

2445 Then the Hon. Mr Clinton took us through what he sees as the failings of the Bill, which we see as some of the strengths. The ability to appoint a person to advise in the Consultative Council who might not fit the criteria of appointment to this House; I will give the hon. Member an example, a member of the clergy. A member of the clergy could be an important person from whom the Chief Minister may want to take advice in the context of understanding our community and our society.

2450 A member of the clergy cannot stand for Parliament, they are prohibited from being Members of Parliament if they are members of the clergy. And yet they may be an important part in a particular moment in our history because of who they are, perhaps less than because they wear a dog collar. They could be an important part of the advice that a Chief Minister may want to take.

2455 Restricting the pool of available talent to advise, to the pool of talent that is available to stand for Parliament, would mean that we would be stuck with *us* – or something that looks like you. Well, Mr Speaker, we think that there are many more things that are thought of in the philosophy of what the Gibraltarian is, and who we might want to take advice from; and that may include people who are not eligible to stand for election. So I think Mr Clinton has made a mistake going down that route.

2460 I could appoint an American, he says, in the context of his submission. Well I suppose I could, but there is a provision that says that I would not be able to appoint somebody who has sworn allegiance to a foreign power. So if I was to appoint an American, Mr Speaker, the passport is allegiance to a foreign power; it is not, in my view, contrary to that rule but it would be very particular.

2465 But if he or she who was Chief Minister at any particular time was to decide that they wanted to appoint an American, who would not otherwise be eligible to be a Member of this Parliament, there might be a very good reason for doing so. And why should we not have that talent available for a year or for six months? It would be an ad hoc appointment. I think it is absolutely right and proper that we should have that power.

2470 And then he says, but of course the Minister for Finance might not be available if he were not the Chief Minister and, if he were another Minister, we would not have the benefit of his advice. What a deep misunderstanding of the structure of Government! The Chief Minister, if he is not also the Minister for Finance, sees the Minister for Finance at Cabinet meetings every Monday; at least that is the way we do it because we run a cabinet government. And I know if there is one thing that they appear to have been briefed on it is that when they were in Government they did not have any cabinet meetings. So they might not see each other unless they bump into each other in the corridor. *(Interjection)* Well at least not with the regularity that we have them. *(Interjection by Mr Speaker)*

2480 I accept, Mr Speaker, that they sometimes had cabinet meetings, or meetings of the Gibraltar Council of Ministers once in a while, but not very often. We even had a Minister in the GSD get up in this House and say to us, 'Oh, that is not a decision for me, that is a decision for central Government.'

2485 Well, doesn't the hon. Gentleman forget that the Hon. Mr Britto referred to some decisions as being decisions not for him and his Ministry but for Central Government? Mr Speaker, central Government is now cabinet Government. We meet every Monday unless one or two of us are travelling, and we get together. And I would therefore have the benefit, if I was Chief Minister, of taking advice from the Minister for Public Finance – if that was not me, as it is – from Mr Bossano, who is the one that Mr Clinton has postulated would take the role in the context of a cabinet meeting or indeed in the context of a bilateral meeting, without having to have him in the Consultative Council, with all the oaths that we have already taken as Ministers.

So, Mr Speaker, I think the things said by Mr Clinton are really, again, another ruse not to support a very positive step forward in the development of our democracy. We do not share the concerns that Mr Clinton has set out.

2495 I detected from the hon. Lady, a more genuine approach to a concern which I hope I can deal with. She said, 'I am just a little concerned about this business of MPs being chained' – in her usual figurative language – 'with information that they cannot disclose'. The position is this and the reason for the structure is this: any MP or any member of the Consultative Council can say anything they like, publicly, they retain their right of freedom of expression in respect of any
2500 matter. The only potential liability, because this is the structure that has been proposed to us, is that if somebody disclosed something that they had only found out in the context of the Council, which had been shared with them, and which was sensitive – (*Interjections*)

Mr Speaker, if the hon. Gentleman is going to go down the road of saying that everything that is said in the Council is subject to the Official Secrets Act, he needs to understand the structure of Official Secrets. In other words, if somebody is given a cup of Earl Grey tea from Brooke Bond, with a bourbon cream, that person can come out and say, 'I had an Earl Grey tea from Brooke Bond, and a bourbon cream'. In the old days the Official Secrets Act did not permit that and the explanation to civil servants was that they could not, in breach of the Official
2505 Secrets Act, even say what brand of tea they had had, because that was what the Official Secrets Act meant.
2510

This is a design to protect sensitive information, not to protect everything. (*Interjections*) So, Mr Speaker, what jeopardy would a person be putting themselves into if they were to take membership of this Council? Well, the jeopardy is an obvious one: if something is disclosed which is sensitive and information which that person has not received otherwise, then there is a
2515 potential prosecution. Good luck to the Chief Minister that presses that button in relation to something that is merely political; and whoever would be subject to prosecution would probably be the greatest martyr in the political history of Gibraltar.

So this is not something intended, as the hon. Gentleman has suggested, to catch a member out when they have said something that might embarrass a Chief Minister, that is certainly not
2520 what we are talking about. We are talking about very, very potentially sensitive material that would in the context of a disclosure somehow require prosecution. (*Interjections*)

Look, Mr Speaker, whether or not it says that, that is obviously the reality and if the hon. Member wants to look just at oaths he should look at some of the oaths that people have signed in the context of Official Secrets, and of course they are very, very strict oaths which leave very
2525 little wriggle room. But the number of prosecutions under the Official Secrets Act is very low and it relates only to the disclosure of sensitive information, not anything else.

In the context of a political body like this, what I am saying in this House today would be relevant because it would be an issue of interpretation of that section under *Pepper v Hart*. It would not be an exposure to a criminal sanction to anyone, she can have the comfort, who
2530 disclosed anything other than sensitive information.

Now, Mr Speaker, in that context I would hope that with what appears to be from her at least a genuine desire to work together in the common interest of Gibraltar, she would be able to support this Bill which sets out to create a body where we can do that joint work; where we can have those joint discussions, where we can share that sensitive information and where it may be
2535 that we might actually be able to, together, progress the cause of Gibraltar when we are dealing with very sensitive matters.

In fact, Mr Speaker, when I referred to the creation of this body in 2014, Brexit was not even thought of. At that time we had not even had a reference to a referendum from David Cameron, and yet look at where we are today. Now there will be a select committee in respect of Brexit.
2540 The select committee will sit *in camera* but nobody needs to sign the Official Secrets Act in order to have information shared *in camera*, because we can tell you some of the things that we are doing in the context of confidentiality. Because we will trust that that confidentiality will not be

broken even though we might have a political disagreement because that is politics, and if it is broken the sanction would be political.

2545 If somebody says something which is said in confidence by a Chief Minister to a member of the select committee or a Deputy Chief Minister to a member of the select committee, the sanction is that we say, 'We cannot trust you anymore and Gibraltar has been let down by you'. But if it is in the context of more sensitive information and we think there might be such more sensitive information in the future which is beyond the political, that is when these Official
2550 Secrets Act issues might be relevant when they would not otherwise, in my view, be relevant.

So, Mr Speaker, I trust I have given her the comfort that this is not an attempt to chain anyone up or to muzzle anyone, or to somehow prevent someone from speaking their mind on an issue where they have had information which is political, but to move Gibraltar into a different level. And I sincerely believe that it is really quite concerning that the hon. Members
2555 opposite are now coming to a conclusion. They talk about wanting to work together and yet, when they have been given the opportunity to do so, it would appear that they are going to seek a spurious reason not to support the creation of the Council.

I do not think, Mr Speaker, that history will judge them lightly for doing so. Neither is it likely that they can do anything in the next few minutes which would prevent the creation of the
2560 Council, which will therefore have the opportunity of creating that body which I have shared with hon. Members we think should be shared. And which will, for the first time, allow Gibraltar to take a step in the direction of the establishment of a body that shares the level of information between Members that is necessary. I am conscious that this is an important Bill and that all
2565 hon. Members who are present in the House today will want to have the opportunity of voting in one direction or another, in order to determine what the position of each of the parties may be.

I think it is important, Mr Speaker, that we should have a chance to work together in the context of a Council like the one I am proposing. Even with the amendments that I am going to
2570 move I think the Council is going to work well. I think it is going to allow not just Members of this House, but Gibraltarians and others who might be appointed, to give something more to Gibraltar in the context of this maturing of our democracy, which I believe is heralded by this Council – and which hon. Members have had two years to share their concerns about with us, and which they have not shared to date.

Mr Speaker, I see that Mr Clinton has returned to the Chamber. I answered the points that he
2575 raised and maybe he was able to hear that over the modern equivalent of the tannoy that we have got, namely the transmission behind the Speaker's Chair.

I therefore, Mr Speaker, commend the Bill to the House. (*Banging on desks*)

Mr Speaker: I now put the question which is that a Bill for an Act establishing the Gibraltar
2580 Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same, be read a second time. Those in favour? (**Members:** Aye.) Those against? (*Interjections by Hon. Ms M D Hassan Nahon.*)
Carried.

2585 **Clerk:** The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Committee Stage and Third Reading deferred**

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

2590 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Several Members:** Aye.) (**Several Members:** Nay.)
Then it will not be taken today, it will be deferred to another day. It can be taken tomorrow.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): In that case the Bill will be how we start tomorrow; and I move that the House do now adjourn to tomorrow morning at 11.30 a.m.

2595 **Mr Speaker:** Tomorrow morning at... ?

Hon. Chief Minister: That the House adjourn to tomorrow morning at 11.30 a.m.

2600 **Mr Speaker:** At 11.30 a.m.?
The House will now adjourn to tomorrow morning at 11.30 a.m.

The House adjourned at 6.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.34 a.m. – 12.45 p.m.

Gibraltar, Friday, 28th October 2016

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The Gibraltar Parliament

The Parliament met at 11.34 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q690/2016

GJBS and its subcontractors– Work done on Ministers' private property

Clerk: We continue with Answers to Questions.

We are now doing questions to the Chief Minister and we commence with Question 690, the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government please list all works undertaken by GJBS or its subcontractors on the private properties of Government Ministers over the last five years to date, describing the nature and monetary value of the works undertaken?

10

Clerk: Answer, the Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, the following works have been undertaken by the GJBS in the homes of Government Ministers and paid for by the Government. Before 1996, in the home of the Hon. Joe Bossano MP, security works carried out on the recommendation and advice of the Royal Gibraltar Police. The total: circa £15,000.

Between 1996 and 2011, at the home of Sir Peter Caruana QC, security works carried out on the recommendation and advice of the Royal Gibraltar Police, circa £30,000.

After 2012, at my own home, security works carried out on the recommendation and advice of the Royal Gibraltar Police, in the value of about £34,500.

20

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for that answer. I notice that his answer – it may be that that is the nature of the reply – in that it only seems to be in respect of Chief Ministers, but my question was wider, in respect of Government Ministers.

25

Was he saying that the only work undertaken by GJBS – and again, I am not asking just in terms of paid by the public purse but actually conducted by them – whether it is limited or this includes not just Chief Ministers but also all Government Ministers?

Hon. Chief Minister: Mr Speaker, these are the works paid for by the Government. The Government is answerable for the work paid for by the Government. GJBS does works for the

30 Government and for third parties. It has traditionally always done so. It is a company that operates in the private sector as much as it does in the public sector.

We are the shareholders of GJBS but, as we do in relation to other Government companies, we do not answer questions about the work of those Government companies, neither GibTelecom nor the Gibraltar International Bank, etc.

35 Mr Speaker, as far as the records show, the only work paid for by the Government – which is what I am answering for: work paid for by the Government – are these works which relate to these three Ministers who also happen to be the Chief Ministers of the particular period, who are the ones who have had security works done. No other work has been paid for by the Government in any other Minister's home that the records indicate.

Q691/2016

Bluewater Project, Coaling Island Project and Rooke Development – Updates

40 **Clerk:** Question 691, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide updates in respect of the Bluewater Project, the Coaling Island Project and the Rooke Development?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains as set out in answer to Question 435/2016, which I note is less than six months ago.

50 **Hon. R M Clinton:** Mr Speaker, I think, following parliamentary Rules, I was asking for an update which is not the same question as I asked six months ago.

From the Chief Minister's answer, if he can just confirm to me: basically, there is no progress from the last time he provided an update?

55 **Hon. Chief Minister:** Well, Mr Speaker, following parliamentary Rules, asking almost exactly the same question, whether it is for an update or not, is asking the same question within six months. Question 435 was:

Mr Speaker, can the Chief Minister please provide Parliament with an update in respect of the Bluewater Project, Coaling Island development and reclamation project, and the proposed Rooke development and any premiums received, due or contractually agreed?

And this one is:

Can the Government please provide updates in respect of the Bluewater Project, the Coaling Island Project and the Rooke Development?

60 So to me, Mr Speaker, it is asking exactly the same question within a period of six months. I have not said that there is no progress or development. I have said that we are in exactly the same stage as we were at the time that he asked Question 435.

Mr Speaker: Next question.

Q692/2016
Chief Secretary –
Links to Civil Service and Government pay scales

65 **Clerk:** Question number 692, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a list of all pay grades in the Civil Service and Government authorities whose pay scale is in any way linked to that of the Chief Secretary?

70

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the grades of Financial Secretary, Attorney General, Members of Parliament, Leader of the Opposition, Speaker, Ministers and Chief Minister are linked to that of the Chief Secretary as a result of the motion of December 1998 carried by GSD majority.

75

Since then, the pay scale of the Principal Auditor has also been linked to the pay scale of the Chief Secretary.

80 **Hon. R M Clinton:** Mr Speaker, I am grateful for that response. Would the Chief Minister be able to tell us or tell the House what his analogue is to the Chief Secretary as a percentage?

Hon. Chief Minister: Mr Speaker, I do not think it is a question that arises from here. I would need notice. I think actually it is something that was provided for in the motion. I would have to read the motion to work it out or otherwise, but if he gives notice of the question I can, I am sure, provide it to him.

85

Mr Speaker: If the original question had said, 'and explain how these are linked, the manner in which they are linked to the salary of the Chief Secretary', then it would have been perfectly in order and no need for a separate question.

90

Hon. Chief Minister: Of course it is not a legitimate supplementary. How do you expect me to know every formula going? I will tell you, somebody who works it out will tell you, and it is what the GSD thought it should be.

95

Hon. R M Clinton: Mr Speaker, I will of course follow your advice.

Perhaps the Chief Minister might be able to answer this. Given the list of grades that are linked to the Chief Secretary, would I be correct in saying, that in some way, shape or form, they would get some kind of pay increase, as the Chief Secretary is getting, of 28% – I am still pending a response from him on that – in some shape or form?

100

Hon. Chief Minister: Mr Speaker, I believe that would be the ordinary meaning of what the word 'linked' means.

105

Mr Speaker: Next question.

Q693/2016

**Bob Peliza Mews and Hassan Centenary Terraces –
Updates**

Clerk: Question 693, the Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, can the Government please provide an update in respect of
Bob Peliza Mews and Hassan Centenary Terraces?

Clerk: Answer, the Hon. the Chief Minister.

115 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as set out in answer to
Questions 534/2016 and 535/2016, which I note is just about a month ago, certainly within the
six-month period.

120 **Hon. R M Clinton:** Mr Speaker, I notice the Government is not shy of issuing press releases –
certainly one dated 26th August – saying that negotiations for both developments are now in an
advanced stage and the Government continues to push to get the best possible deal for the
Taxpayer. Can I ask the Chief Minister how he is progressing in getting the best possible deal for
the Taxpayer?

125 **Hon. Chief Minister:** Very well, Mr Speaker.

Hon. R M Clinton: Mr Speaker, does he have any idea as to when ground might be broken in
these developments as there are people waiting still to hear from the Government following the
glossy brochures that were issued more than a year ago?

130 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. R M Clinton: Does he have a date, Mr Speaker?

135 **Hon. Chief Minister:** A likely date, Mr Speaker.

Hon. R M Clinton: Would that be in the lifetime of this Parliament, Mr Speaker?

Hon. Chief Minister: Certainly, Mr Speaker.

It is your turn again, as we are answering these sort of questions every month.

Q694-695/2016

**Gibraltar Capital Assets Ltd –
Mortgage use and Hassans' fees**

140 **Clerk:** Question 694, the Hon. R M Clinton.

145 **Hon. R M Clinton:** Mr Speaker, can the Government please advise to what use the
£300 million loan raised in Gibraltar Capital Assets Ltd by way of mortgage over six housing
estate buildings is to be put?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 695.

150 **Clerk:** Question 695, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government state how much in the way of fees Hassans has been or is due to be paid in respect of work undertaken in respect of the £300 million loan raised by Gibraltar Capital Assets Ltd?

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

Chief Minister (Hon. F R Picardo): Tempting as it is to say to the hon. Gentleman that he should ask the fellow sitting next him, Mr Speaker, I will say this: as the Hon. R M Clinton is aware, we are due to have a meeting to discuss all of these points. I shall look forward to discussing all aspects of this matter with him then. A full list of fees paid to all advisers will be provided at the meeting.

160 The £300 million will be held by the Government-owned companies to provide flexibility to refinance existing borrowing and to fund further capital projects by these companies.

165 **Hon. R M Clinton:** Mr Speaker, I am grateful for that answer. As he is aware, I did write to him on 3rd October and I would be grateful if he would give me an indication as to when he would be able to have this meeting in respect of the £300 million loan?

170 **Hon. Chief Minister:** Mr Speaker, I hope it will be in the next 14 to 21 days, maximum.

Hon. R M Clinton: Mr Speaker, I am grateful for that and I look forward to the meeting in due course.

175 In respect of the use of the £300 million, could he explain to the House how he would intend to get the money from Gibraltar Capital Assets Ltd to the Government's own coffers in respect of refinancing?

Hon. Chief Minister: Well, Mr Speaker, I do not think I have to do that because I do not think I am required to explain to him how the company structure works, especially given it is one that was established by them, but I have said that there will be further capital projects by the companies. I have not said it will be by the Government.

180 **Hon. R M Clinton:** Mr Speaker, will the Chief Minister be able to explain, when he says 'capital projects', these would be Government capital projects?

185 **Hon. Chief Minister:** Mr Speaker, I have said, 'by the companies'.

Hon. R M Clinton: So, Mr Speaker, I presume these are Government-owned companies and therefore they will be Government projects, by definition?

190 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that we have a disagreement about that, we have ventilated 100 times since the time he was elected to this House, that the Government projects are the Government projects set out in the Estimates Book in the I&D.

195 **Hon. R M Clinton:** So, Mr Speaker, this money will be used by Government-owned companies to finance capital projects which are not going through the Improvement & Development Fund? That effectively is what the Chief Minister is saying.

Hon. Chief Minister: Repeatedly, Mr Speaker.

Q696/2016
Devil's Tower Road Workers' Hostel site –
Details of sale

200 **Clerk:** Question 696, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amounts raised from the sale of the site of the Devil's Tower Road Workers' Hostel; to whom, and for what period is the lease?

205

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Devil's Tower Road site has been leased to G&JB (Hotels) 2014 Ltd for a period of 150 years. The amount raised from the sale is £530,000.

210

Hon. R M Clinton: Mr Speaker, this may or may not be deemed to be a justifiable supplementary, but would the Chief Minister know the date of the sale agreement or the date of the lease, when it was granted?

215

Hon. Chief Minister: No, Mr Speaker, I do not know the date of the lease. If the hon. Gentleman gives me notice, I am sure I can provide it. That probably is also a question that refers to something that will be or is in the public domain because the leases are searchable. But if he gives me notice, I can give him the date.

220

Hon. R M Clinton: Mr Speaker, just for the Chief Minister's information – this is obviously not a question – I would have him know I have done a search at Land Property and there is no such lease registered, certainly within the last month.

225

Hon. D A Feetham: Mr Speaker, GJB Hotels: is that the company that owns the Caleta Palace Hotel?

230

Hon. Chief Minister: Mr Speaker, I gave the title as G&JB (Hotels) 2014 Ltd. The Caleta Palace Hotel was built, I think, in 1965 and as far as I know is not owned by this company, but I am not able to tell him whether it is or whether it is not. It may be that it has been moved into this company by the family that owns the Caleta Palace Hotel or not.

I do not think it is a question that arises anyway from the question that has been put.

235

Hon. R M Clinton: Mr Speaker, just to connect the dots, or he may correct me if I am wrong: this is the company that is going to develop the Holiday Inn Express, or the Holiday Inn?

240

Hon. Chief Minister: Mr Speaker, I think that is also public information, because the DPC considered an application from G&JB (Hotels) 2014 Ltd for the development of that hotel, so it is public information.

Of course, the DPC now sits in public and hon. Members can attend and see what is considered and the minutes are available and it is all online. This is public information.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's confirmation.

Q697/2016
Relocation of Moroccan Hostel –
Receipt of premium

Clerk: Question 697, the Hon. R M Clinton.

245

Hon. R M Clinton: Mr Speaker, can the Government advise, as per its press release 48/2014, if it received the premium of £2.7 million from the developer of Buena Vista for the relocation of the Moroccan Hostel from the Stone Block?

250

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, the Government received the £2.7 million premium in December 2014.

Q698-699/2016
GCP Investments and GAR Ltd –
Deed of Sale and stamp duty

Clerk: Question 698, the Hon. R M Clinton.

255

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the Deed of Sale between GCP Investments – a Government-owned company – and GAR Ltd – another Government company – on 1st July 2014 for 14 properties with a combined value of £40,292,975.59; how was this valuation arrived at and where did GAR obtain the money from?

260

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 699.

265

Clerk: Question 699, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, how much stamp duty was paid to Government on the sale of property from GCP Investments Ltd to GAR Ltd for £40,292,975.59?

270

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, these properties were valued in February 2013 by Land Property Services Ltd and were transferred by the Crown to GCP Investments Ltd. They were subsequently transferred to GAR Ltd as part of a rationalisation exercise.

275

The total stamp duty paid was £1.4 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response. Could he explain the rationale for this reorganisation? What was the reason for it?

280

Hon. Chief Minister: Mr Speaker, rationalisation.

Hon. R M Clinton: Mr Speaker, rationalisation to what end, I would ask?

285 **Hon. Chief Minister:** Mr Speaker, what we considered to be a better way of holding the properties.

Hon. R M Clinton: Mr Speaker, I am sure the Chief Minister will appreciate that you do not do something for no reason, especially when you have to then pay yourself £1.4 million in stamp duty.

290 Again I ask, what was the reason for moving it from one Government-owned company to another Government-owned company?

Hon. Chief Minister: Mr Speaker, of course you do not move something from one company to another company, especially if you incur a charge, unless there is a good reason for it and rationalisation is a very good reason to do something like this. In other words, rationalisation means to better structure your holding of assets. That is why we have done it, because we think this is a better way of holding the assets.

300 **Hon. R M Clinton:** Mr Speaker, I am grateful for that.
In what way is it better?

Hon. Chief Minister: Mr Speaker, perhaps he should give notice of that question, because all he has asked me is about the transaction and he has not asked me for a detailed understanding of the rationalisation. He may find that the Government does not want to give more detail, or he may find that if he writes he may get a further answer, but what he cannot do is to say that this arises.

310 **Hon. R M Clinton:** Well, Mr Speaker, I will follow his advice and I will write in next time a question specifically asking for the Government's thinking on this.

Hon. T N Hammond: Mr Speaker, if I may just ask ... I may have missed the answer in the original question – and apologies if I did and the Chief Minister has to repeat himself – but where did GAR Ltd obtain the money from? I am sure the Chief Minister probably answered that but I did not hear.

315 **Hon. Chief Minister:** Mr Speaker, I do not have the detail of where GAR obtained the money from. The hon. Gentleman is right that that is one of the constituent elements of the question but I do not have the detail in the answer of where GAR obtained the money from. I assume it has either been dealt with by way of inter-company loans or it has been dealt with from own funds of GAR.

Hon. T N Hammond: Mr Speaker, in either of those cases, GAR being a Government-owned company, its own funds would effectively be money obtained through Government – or would it be through another income source?

325 **Hon. Chief Minister:** Mr Speaker, it would be from the pool of cash that the companies have, a pool of cash which was established for the companies by the GSD administration.

Q700-701/2016
Derivative contracts –
Details of policy, current contracts and valuation

Clerk: Question 700, the Hon. R M Clinton.

330 **Hon. R M Clinton:** Mr Speaker, what is the Government's policy in respect of the entering into and use of derivative contracts; who is authorised to enter into them and what exposure limits have been set and by whom?

Clerk: Answer, the Hon. the Chief Minister.

335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 701.

Clerk: Question 701, the Hon. R M Clinton.

340 **Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of all derivative contracts, excluding interest rate swaps, held by the Government, Government agencies or companies, together with the current valuation?

Clerk: Answer, the Hon. the Chief Minister.

345

Chief Minister (Hon. F R Picardo): Mr Speaker, derivative contracts are entered into with the approval of the Government in order to hedge interest rates on loans, fuel costs and currency risks.

350 In the case of fuel hedges, the authority of the GEA board is required as well as that of the Government. Hedging of currency risks are authorised by the Financial Secretary with the approval of the Government.

Excluding interest rate swaps, the only derivative contract currently held is the five-year Fuel Hedge entered into by the Gibraltar Electricity Authority which expires on 30th September 2017.

355 **Hon. R M Clinton:** Mr Speaker, can I ask who would be responsible, then, for monitoring these contracts?

Hon. Chief Minister: The Ministry of Finance.

Q702/2016

Government financing for commercial property development – Details

360 **Clerk:** Question 702, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, has the Government or any Government agency or company provided any financing for any commercial property development in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

365

Chief Minister (Hon. F R Picardo): Mr Speaker, my Government stopped the financing of a commercial property development by third parties which the GSD was pursuing and for which they had taken a mortgage of £20 million secured over more than 20 Government properties to the value of £32,914,000.

370

Hon. R M Clinton: Mr Speaker, the Chief Minister can correct me if what I say now is wrong. He is effectively confirming that there is no current Government financing for any commercial property developments in Gibraltar.

Hon. Chief Minister: That is right, Mr Speaker.

375

Mr Speaker: Next question.

Q703-704/2016
Air Terminal –
Purchase, lease and stamp duty

Clerk: Question 703, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the transaction executed between Gibraltar Air Terminal Ltd and Gibraltar Land Holdings Ltd and the Crown on 20th May 2013 whereby Gibraltar Air Terminal Ltd surrendered its lease to the Crown, Gibraltar Land Holdings Ltd purchased the Air Terminal for £90 million and then gave a lease to Gibraltar Air Terminal Ltd for 20 years at an annual rental of £5.4 million?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 704.

Clerk: Question 704, the Hon. R M Clinton.

390

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of stamp duty paid on the £90 million by Gibraltar Land Holdings on the purchase of the Air Terminal; has the £90 million been paid to the Crown; and where did Gibraltar Land Holdings obtain £90 million from?

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the purpose of this transaction was to reflect the Airport Terminal building in the balance sheet of the Government-owned companies at cost and to reflect the annual market rental value of this asset.

The total stamp duty paid was £3.3 million – and I think he could have worked that out for himself.

Hon. R M Clinton: Mr Speaker, I do not believe I heard an answer in respect of where did the £90 million comes from.

405

Hon. Chief Minister: He did not, Mr Speaker, but I assume it comes from the pool of cash which the GSD established for the companies, which is where the companies' monies lies.

Hon. R M Clinton: Mr Speaker, when I ask a question I would like the answer rather than the Chief Minister's assumption. Does he have any clarity on the question?

410

Mr Speaker: Repeat the question please.

Hon. R M Clinton: Mr Speaker, I asked, other than his own assumption, does he have any actual information as to where the £90 million came from?

415

Hon. Chief Minister: That is a question, Mr Speaker! Before there was not a question. Before, he got up and said what he would like, which is a matter for him. He can tell us what he likes, what he wishes and all the rest of it.

420 No, Mr Speaker, I do not have the information, but my assumptions are usually correct.

Hon. R M Clinton: Mr Speaker, with respect to the Chief Minister, I have asked a fairly simple question and he has responded with his personal assumption. I am asking the Government of Gibraltar do they know, do they not know, where the £90 million came from for this transaction?

Hon. Chief Minister: Mr Speaker, I have told him that it has very likely come from the pool of cash that the companies have available to them, which the GSD established, because that is where the companies get their money from.

430

Hon. R M Clinton: Well then, Mr Speaker, let me ask him this question: can he confirm that the £90 million was actually paid over in respect of this transaction?

Hon. Chief Minister: Mr Speaker, I would need notice of that question, but when a transaction occurs for an amount, it occurs for an amount.

435

Hon. R M Clinton: Mr Speaker, I believe I have given notice to this question in 704 where I said specifically, '... has the £90 million been paid to the Crown?'

Hon. Chief Minister: Well, Mr Speaker, the Crown has not entered into a transaction with its own companies for which it has not been paid, because I would have been notified of that.

440

Hon. R M Clinton: Mr Speaker, so can I assume by that remark that the Crown has been paid?

Hon. Chief Minister: Mr Speaker, as far as I heard the hon. Gentleman say, 'I will assume from that ...' – well, that is fine.

445

Hon. R M Clinton: Mr Speaker, I will ask again of the Chief Minister, has the Crown been paid the £90 million in respect of this transaction?

450

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

Hon. R M Clinton: Mr Speaker, as I do not have *Hansard* in front of me could he perhaps refresh my memory as to what he said a couple of minutes ago, because I did not hear him say the Crown was paid £90 million.

455

Hon. Chief Minister: No, Mr Speaker, he can go on *Hansard* and look at it when it comes out. I am not here to refresh anybody's memory about anything.

460

Hon. R M Clinton: Well, Mr Speaker, I guess then the Crown has not been paid the £90 million since he will not confirm it.

Hon. Chief Minister: Mr Speaker, I said something before which led him to assume the opposite and now he wants to guess the opposite. It is up to him. He is getting rather confused this morning.

465

Hon. R M Clinton: Well, Mr Speaker, let me ask him this: is the £90 million sale by the Crown reflected in the books of the Government as at the date of transaction?

470

Hon. Chief Minister: Mr Speaker, those parts of the books of the Government will already have been published and the hon. Gentleman can look at them himself.

I cannot imagine any reason why the Government would not want to reflect the transaction.

475

Hon. D A Feetham: Mr Speaker, when the Hon. the Chief Minister says that the money comes from, 'the pool of monies in Government-owned companies' he is referring to the pool of money that is held on call account by Gibraltar Investments Holdings, is he not?

Hon. Chief Minister: Yes, sir.

480

Hon. D A Feetham: Therefore, Mr Speaker, what he is referring to is the pool of money that is being paid to Gibraltar Investment Holdings by Credit Finance Company Ltd and indeed also the proceeds from the loan that was obtained in relation to the various estates that the Government has now mortgaged to the hilt.

485

Hon. Chief Minister: Mr Speaker, we have had a number of discussions about whether something is a mortgage or is not a mortgage. We have had a number of discussions about what is or is not in the pool of companies. The hon. Gentleman, therefore, has had extensive opportunities to try and determine what is and is not in that pool. They set it up, Mr Speaker, when they were in Government. They thought it was a good thing to have when they were in Government. We have continued the application of it and there are many things which make up that pool, Mr Speaker.

490

Hon. D A Feetham: Mr Speaker, perhaps I can simplify it and maybe he gives me a straight answer to this question: is the bulk of the money that is in Gibraltar Investment Holdings the proceeds from the £320 million paid over by Credit Finance Company Ltd – their creation – and the £300 million from the loan obtained as a consequence of the mortgage on the Government estates? When one talks about the 'pool of money', the bulk of that money is that money?

495

Hon. Chief Minister: The hon. Gentleman always wants straight answers to crooked questions.

500

Mr Speaker, that supplementary does not arise from this question.

Hon. R M Clinton: Mr Speaker, if I may return to Question 703, can I ask the Chief Minister if he would characterise the transaction as a sale and leaseback?

505

Hon. Chief Minister: Mr Speaker, an analysis of a sale-and-leaseback transaction requires much more than me just to get up and answer the hon. Gentleman's question as if we were having a conversation over a pint – so he is not going to get my analysis of that here.

510

I would be delighted to have a pint with him and do this and many other analyses, but not here.

Q705/2016
National football stadium –
Update

Clerk: Question 705, the Hon. E J Reyes.

515

Hon. E J Reyes: Mr Speaker, sir, given the apparent abandonment by the Gibraltar Football Association of their plans to construct a national football stadium at the Europa Playing Fields site, can Government provide updated information in respect of what other alternative site or sites are being considered for the provision of a UEFA Cat. 3 approved stadium?

520

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as stated in Press Release 634/2015, subject to DPC approval, the proposed move of the new football stadium is to Lathbury Barracks. But, Mr Speaker, this is not a Government project; it is a GFA project.

525

Hon. E J Reyes: Yes, Mr Speaker, I accept what the Chief Minister is saying – I am sorry my wording is wrong. I know it is a GFA project, that is why I started my question by saying that ‘the apparent abandonment’ was by Gibraltar Football Association of using the Europa grounds.

530

What I do try, as well, to ask in the question, especially the part after the comma: are any other alternative sites, other than the one referred to in press release 634 – which is the Windmill Hill – being considered? Because there is a lot of talk amongst people who frequent football games, either Victoria Stadium or Faro, in that other sites could be looked into.

535

I was asking the Chief Minister – not trying to catch him out but more out of concern for football lovers and above all those of us who have to put up with the inconvenience of travelling all the way to Faro – to see if there are any other sites being considered.

Hon. Chief Minister: Mr Speaker, I have a residual affection for the hon. Gentleman because we have been in this House together for so long, that when he asks me a question I do not think he is trying to trip me up, I genuinely think he is trying to get to the information.

540

He is right that Faro causes a number of inconveniences, in the Government certainly. Individually, as a collective, we would like to see our national football stadium happen and football coming home to Gibraltar.

545

In particular, Mr Speaker, I tell him, as somebody who is now permanently on a diet, going to Faro presents many, many temptations, usually of the fishy variety, and it is better to stay home and closer to the local and locale than it is to go to Faro.

550

Mr Speaker, there is wide sympathy in all parts of the Government for wanting football to be able to come back to Gibraltar. This is, again, a GFA project. The GFA are looking at Lathbury. I understand they have only recently finished their in-depth analysis of that location, which is the one that they have asked us to look at. If they want us to look at other locations, we will. As long as they are compatible with other land-use requirements of the Government and of this community, we will of course try to work with them if Lathbury does not work.

555

We are wishing to make this happen in Gibraltar. It is not easy to have another football stadium in Gibraltar. It has to be, as hon. Members know, a football stadium. It cannot be a multi-sport stadium. I know that the GFA are constantly trying to repatriate football, even if it is on an interim basis, just for some matches to Gibraltar, which might even be played in the existing facilities whilst they look for a new home. They have the full support of the Government in doing that, as hon. Gentlemen know. They have seen that we have refurbished part of the Victoria Stadium already in order to deal with non-national games. There is now a possibility of some national games coming, potentially, which I think we would all welcome.

560

This is a vexed issue for a territory that is two and a half miles by one mile at its widest point, Mr Speaker. But within the six km² we will find a way of doing business. We find a way of doing everything.

565 **Hon. Ms M D Hasson Nahon:** Mr Speaker, can I rise, can I ask?

The Chief Minister explained about Lathbury Barracks, but I just wanted to say, despite the fact that we know that there have been partisan disagreements on the location of the proposed GFA stadium, I would like to ask the Chief Minister, isn't it obvious that going for or recommending a place like Lathbury Barracks that is so aloof and so remote – when you think
570 that so many foreigners are going to be coming to Gibraltar – there are inevitably going to be transport issues, getting so far and coming back?

Isn't it obvious that it would be much better suited to recommend something in the Bayside area, especially when the schools are going to be taken down, rebuilt, or whatever, and there is scope to place it somewhere near the Frontier, near Spain, near a massive car park? Isn't it
575 obvious that logistically it would make a lot more sense to have it in the North District?

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady may or may not know ... In fact, from what I know of her, she will understand that those of us who are Liverpool fans have to suffer the trek out of Liverpool City centre to Anfield, which is very far indeed, very difficult to get to,
580 etc. It does not stop Anfield from being full every time the Reds play at home. It does not mean that they always win, although I understand that this year we are not doing badly. There is one particular team just ahead of us. (**A Member:** No comment!)

Mr Speaker, look, this is about land use, and remodelling things is not easy and the UEFA requirements are not easy. I know this is not a Government issue, this is a GFA issue. The GFA
585 asked the Government for Europa; the GFA asked the Government for Lathbury. The Government have tried to help the GFA to identify other areas but we are trying to work with the GFA. The GFA have looked – for all the reasons the hon. Lady has talked about – to the North District. They have looked at Victoria repeatedly. The partisan disagreements about Victoria are not that we do not want to do it there, it is that UEFA have been insistent that it cannot be a
590 multiuse facility; we would potentially lose it for all other sports. There are all sorts of issues tied up here.

What would be the best area? The hon. Lady is probably right that it is easier and more convenient for those who are coming into Gibraltar if it could be further north. It is also true that, if you want to make more of those who are coming to Gibraltar, you want them to walk
595 through Gibraltar. In some respects, you also want to keep them away from some parts.

This is not an easy decision. The only thing a Government can do in this situation is work with the Association that has the responsibility to provide the facility and try and help them as much as possible. I am sure whoever might have been in Government, we would all be trying to work
600 with the Gibraltar Football Association to deliver this facility as soon as possible in the best possible place and in the best possible way so that football fans from Gibraltar and from the rest of the world can enjoy the GFA's matches in Gibraltar, and Champions and Europa League matches in Gibraltar, where our lads and ladies do us so proud.

It is particularly true that now the ladies' game is taking off in Gibraltar as a result of the efforts being made by the GFA. It is also true that in the men's game we have had some
605 extraordinary successes in the past six months. Lincoln Football Club beating Celtic in Gibraltar was really quite an incredible thing that people might not have imagined possible. All of those things, I think, contribute to the affection that there is for what is already one of the most popular sports in Gibraltar.

She can rest assured that the Government is doing everything possible in working for the GFA
610 to deliver the best possible facility for those sportsmen who play the game and those fans who want to go and watch the game being played in Gibraltar.

615 **Hon. D A Feetham:** Mr Speaker, what UEFA will not do is actually fund a national stadium, or provide a contribution in respect of funding of a national stadium, if it is used for other sports. It does not actually prevent national football games being played – and indeed there are examples elsewhere – in a multipurpose facility. UEFA will allow that.

620 My question is this: the question by my hon. Friend, Mr Reyes, talks about UEFA Cat. 3. The football stadium that is being planned by the GFA is a Cat. 4. UEFA rules provide that in the absence of a Cat. 4 – and there is no Cat. 4 here in Gibraltar at present – international football can be played at a Cat. 3. Victoria Stadium is very close to a Cat. 3. The Government has done a good job in relation to the upgrade of Victoria Stadium – it is very close.

625 Therefore, will the Government, just as a temporary measure ... Because we all know that the Government's policy is to facilitate the release of land to the GFA in order to build its own football-exclusive Cat. 4 stadium. Will the Government consider – and again I urge on them to consider – the upgrade of Victoria Stadium just that little bit more from that Cat. 2.8, as the hon. Gentleman described it, to a Cat. 3 which would enable the Victoria Stadium to be used – only on a temporary basis – for our home games? I am not sure what the position is on FIFA, but certainly on UEFA, that is the position.

630 **Hon. Chief Minister:** Mr Speaker, I do not accept anything that the hon. Gentleman says is or is not UEFA's position. The Government will continue to work with the GFA and consider the things that the GFA ask us to consider, not anything that he asks us to consider about what is, in effect, their responsibility, their obligations, and their membership of UEFA and their membership, now, of FIFA – something that we all welcome.

635

Mr Speaker: Next question, please.

Q706/2016

Write-offs of Government arrears – Number and Limitation Act

Clerk: Question 706, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Mr Speaker, how many write-offs of Government arrears have taken place in each of the last five years and how many will the Government now pursue in the light of the recent changes to the Limitation Act?

Clerk: Answer, the Hon. the Chief Minister.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, details of arrears written off are published in the Annual Audited Accounts. Details of the arrears asked about are previously provided in answer to Question 576/2016.

650 The amendment to the Limitation Act will no longer prevent the Government from following up arrears due which were previously statute barred or debts which are reaching six years from becoming statute barred.

Whenever possible, in future actions brought against a debtor in respect of Government arrears due, the full extent of the arrears due to the Crown may be pursued as appropriate, notwithstanding that none of this debt may have previously been written-off as a result of the Limitation Act.

655

Mr Speaker: Next question.

Q707/2016

**Allegation against GSD Minister made 7th October –
Information to substantiate**

Clerk: Question 707, the Hon. D A Feetham.

660 **Hon. D A Feetham:** Mr Speaker, will the Chief Minister place before this House the information he had on Friday 7th October 2016 to substantiate the allegation that in January 2003 the GSD Government had made a loan to a company in which a Government Minister apparently had an interest?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will make a further statement in due course to provide all relevant information at its disposal in respect of this matter.

670

Hon. D A Feetham: Mr Speaker, with respect, that is not a satisfactory answer. What information, Mr Speaker, did he have at his disposal on that Friday to basically say to this House that he thought or there was some kind of *prima facie* evidence that Inverigan Ltd had received a loan and that Inverigan Ltd was owned or that a GSD Minister had an interest in Inverigan Ltd?

675

Hon. Chief Minister: Mr Speaker, he may or may not be satisfied with my answer, but I have told him what I have told him: I will make a full statement in due course which will provide that and all the other information which I consider appropriate.

680

Hon. D A Feetham: Mr Speaker, has he, in a professional capacity, acted for any of the shareholders in Inverigan Ltd and was that the reason why, in his own mind, he made this link – I will ask him some further questions in relation to this – which is completely and utterly spurious as far as this inference that a Government Minister had an interest in this particular company in January 2003?

685

Hon. Chief Minister: Mr Speaker, I am not answerable in this House for the things I may or may not have done in my professional capacity.

690

Hon. D A Feetham: Mr Speaker, if he acted for one of the shareholders of Inverigan Ltd, does he not agree with me that he ought to have declared his interest when he made the statement that he made on Friday 7th October to this House?

Hon. Chief Minister: No, Mr Speaker, I do not agree. But I do not see how that is a question that arises from.... How is that a supplementary that arises from this question?

695

Hon. Gentlemen know that we spend hours here because they do not follow the Rules that they have to ask questions which arise. The hon. Gentleman wants to go on an exciting cross-examination of the Chief Minister to try and lead him to the place that he wants to try and catch him in the trap of. I have given the answer to this question: I will make a full statement and provide the full information when I am ready, Mr Speaker. I am not answerable in this House for things I did as a professional – which I am very proud of having done.

700

Hon. D A Feetham: Mr Speaker, to use the phrase that he used in relation to us when he surprised us with this information, surprised the rest of Gibraltar – it appeared in the *Gibraltar Chronicle* the next day, front page – ‘The Opposition is wriggling on a hook.’ Well, it appears to me, Mr Speaker, that it is the Chief Minister who is now wriggling on a hook.

705

What information did he have to slur the reputations of eight GSD Government Ministers when he made the statement that he made on 7th October, two weeks ago, Mr Speaker?

710 **Hon. Chief Minister:** The hon. Gentleman can rest assured, Mr Speaker, that I am not wriggling and I am on no hook. But just asking the same question over and over again is not going to change how I am going to answer, nor is it going to change the statement I am going to make which will clarify everything for the whole of this community, especially given that it is something that has been contained in the auditors' accounts for many, many years.

715 The community will be very pleased to see what I have to say about that particular matter and will be very interested to hear what I have to say in relation to the matters that have been ventilated in this House. I very much look forward to making it, Mr Speaker. Perhaps the hon. Gentleman does not look forward to my making it and that is why he is trying to dissemble it and trying to suggest that I should be saying something now instead of when I am ready.

720 What we are doing, Mr Speaker, is having a debate on the subject rather than dealing with questions. I commend to the hon. Gentleman that he should watch the Westminster Parliament more often. He might learn how to ask questions in Parliament, because it is completely different to asking questions in court. He does not seem to be able to change the guise in which he asks the questions.

725 **Hon. D A Feetham:** Does he know, Mr Speaker – and he ought to have known, because I believe that he acted for the shareholders of this particular company – that a GSD Government Minister had a shareholding in this particular company and sold his shareholding in this particular company on 28th April 2000? Therefore, when the loan was granted in January 2003 there was absolutely no interest. Therefore, it was wholly improper of the Chief Minister to have made the assertions and the allegations that he made on 7th October, two weeks ago.

735 **Hon. Chief Minister:** Mr Speaker, I do not see how that arises from this question. This is a statement that the hon. Gentleman has obviously been itching to make. I remit him to the answer I gave a few moments ago. I will be making a full statement of what I knew and what else I know and why I said the things I said in due course. But he obviously wanted to get up and say those things. He might have just done it in his first supplementary and we could have avoided all of this uncomfortable dancing around each other that he insists on doing – although I must say he is one dancer that cannot be described as having two left feet anymore because he seems to have gone to the other side.

740 **Mr Speaker:** Perhaps it will be of assistance if I explain that, given that the Chief Minister has committed himself to make a ministerial statement on the matter arising from a question, the attitude that I will adopt will then be different as to when a normal ministerial statement is made –

745 **Hon. Chief Minister:** Mr Speaker, my answer has been that I will make a *further* statement. I have not said it is a ministerial statement and I have not necessarily said it will be in this House.

750 **Mr Speaker:** That further statement will arise from a question. Therefore, unlike a ministerial statement, when only questions on clarification are permitted, the questions that will be asked will be part of the normal process of question and answer.

755 **Hon. D A Feetham:** Mr Speaker, in order to assist the Hon. the Chief Minister – and bearing in mind that the Hon. the Chief Minister invites us constantly, rather than answer questions in this House, to do searches at Companies House and expects us to trawl through hundreds of companies – we have made our own enquiries in relation to this. I have a file with all the documents here to substantiate what I have put to the Chief Minister and, if he wants me to

send copies of this, I will be delighted to do so during the course of next week, if he wants me to send copies.

760

Hon. Chief Minister: I do not want copies of any documents he has, Mr Speaker.

Mr Speaker: We move on to the next question.

Q708-715/2016
Top 30 Government debtors –
Details

Clerk: Question 708, the Hon. D A Feetham.

765

Hon. D A Feetham: Mr Speaker, can the Government provide a list of the amounts owed by the top 30 debtors for PAYE tax arrears, without disclosing the names of those debtors?

Clerk: Answer, the Hon. the Chief Minister.

770

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 709 to 715.

Clerk: Question 709, the Hon. D A Feetham.

775

Hon. D A Feetham: Mr Speaker, can the Government provide a list of amounts owed by the top 30 debtors for Social Insurance arrears, without disclosing the names of those debtors?

Clerk: Question 710, the Hon. D A Feetham.

780

Hon. D A Feetham: Can the Government provide a list of amounts owed by the top 30 debtors for Personal Tax arrears, without disclosing the names of those debtors?

Clerk: Question 711, the Hon. D A Feetham.

785

Hon. D A Feetham: Can the Government provide a list of the amounts owed by the top 30 debtors for Corporate Tax arrears without disclosing the names of those debtors?

Clerk: Question 712, the Hon. D A Feetham.

790

Hon. D A Feetham: Can the Government state whether any individual or company listed in the lists of arrears provided for PAYE, Social Insurance, Rates, Corporate and Personal Tax appears in more than one list and how many do so?

795

Clerk: Question 713, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide a list of the amounts owed by the top 30 debtors for Rates arrears, without disclosing the names of those debtors?

800

Clerk: Question 714, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government provide a list of the amounts owed by the top 30 debtors for electricity arrears without disclosing the names of those debtors?

805 **Clerk:** Question 715, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide a list of the amounts owed by the top 30 debtors for rent arrears without disclosing the names of those debtors?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is in a schedule I now hand over.

ANSWER TO QUESTION 708 Top 30 Amounts outstanding for PAYE
£582,402.73
£364,113.32
£352,613.02
£271,008.39
£256,717.72
£217,118.40
£176,527.52
£168,908.44
£154,446.93
£147,630.02
£144,411.90
£140,430.74
£132,866.71
£119,186.99
£115,695.64
£110,012.40
£107,557.71
£103,611.40
£100,040.99
£98,548.17
£90,680.00
£90,116.59
£82,860.18
£80,872.62
£75,425.23
£69,841.78
£67,394.77
£65,527.55
£60,003.31
£57,972.68

ANSWER TO QUESTION 709 Top 30 Amounts outstanding for SI
£316,998.09
£306,069.88
£252,406.96
£220,876.09
£155,370.69
£153,079.29
£139,414.29
£131,095.55
£128,389.24
£118,396.84
£60,000.00
£92,236.04
£91,514.17
£84,913.95
£84,188.98
£80,230.54
£73,608.33
£71,353.70
£70,119.03
£65,728.97
£64,019.25
£62,131.66
£54,317.07
£53,713.65
£52,458.91
£52,137.06
£51,364.54
£50,098.04
£49,764.10
£47,946.01

ANSWER TO QUESTION 710 Top 30 Amounts outstanding for Personal Tax
£320,978.48
£231,430.52
£208,962.65
£170,171.48
£129,760.63
£117,175.67
£116,961.29
£112,832.80
£108,886.78
£87,509.52
£86,448.04
£81,790.08
£77,160.50
£75,448.16
£73,409.65
£72,131.38
£71,650.00
£67,666.66
£66,571.68
£64,471.24
£63,878.00
£62,475.36
£59,129.00
£58,816.49
£58,367.09
£58,080.00
£57,660.66
£55,934.43
£55,488.77
£53,177.78

ANSWER TO QUESTION 711	
Top 30 outstanding for Corporate Tax	
£359,008.29	
£325,982.97	
£248,994.34	
£164,640.02	
£153,614.93	
£143,816.86	
£137,857.80	
£121,012.27	
£110,238.96	
£98,518.68	
£96,205.88	
£89,656.27	
£88,372.47	
£84,961.17	
£81,083.65	
£77,758.00	
£75,813.18	
£75,046.29	
£72,284.23	
£67,788.50	
£65,717.60	
£64,320.74	
£56,895.48	
£53,727.95	
£52,988.30	
£52,797.07	
£52,366.09	
£51,414.00	
£50,079.14	
£39,019.42	

ANSWER TO QUESTION 712

Companies/ Individuals appearing more than once on the various lists (with amounts on each list)

Companies					
PAYE	SI	PERSONAL TAX	CORPORATE	RATES	
£582,402.73	£306,069.88				
£364,113.32	£316,998.09				
£271,008.39	£131,095.55				£46,576.40
£147,630.02	£252,406.96				
£256,717.72	£118,396.84				
£140,430.74	£220,876.09				
£168,908.44	£155,370.69				
£154,446.93	£84,913.95				
£154,446.93	£84,913.95				
£60,003.31	£153,079.29				
£100,040.99	£92,236.04				
£107,557.71	£70,119.03				
£90,680.00	£80,230.54				
	£91,514.17		£52,797.07		
£57,972.68	£65,728.97				
£69,841.78	£50,098.04				
	£52,458.91				£28,100.41

Individuals					
PAYE	SI	PERSONAL	CORPORATE	RATES	
		£57,660.66			£77,195.60

ANSWER TO QUESTION 713	
Top 30 Rates Arrears with penalties	
RATES	PENALTIES
£590,127.48	£56,125.08
£115,211.12	£169,123.93
£14,766.80	£196,966.70
£39,155.15	£152,226.60
£34,528.39	£138,371.61
£35,693.91	£84,569.32
£60,254.51	£45,572.00
£83,852.93	£15,259.07
£46,576.40	£48,520.27
£22,491.81	£62,977.12
£49,301.82	£29,406.15
£7,562.97	£69,632.63
£27,091.13	£41,083.50
£15,779.21	£50,063.71
£45,587.72	£18,316.48
£25,835.34	£35,906.49
£43,879.69	£15,906.96
£12,813.40	£41,084.12
£28,100.41	£23,931.79
£41,169.59	£10,524.66
£14,365.77	£28,743.87
£22,695.90	£19,219.66
£8,906.97	£30,386.23
£8,130.64	£31,140.62
£17,857.28	£20,991.77
£4,741.22	£32,766.88
£22,774.76	£14,729.01
£6,376.07	£30,057.99
£18,639.20	£16,179.63
£5,710.11	£28,566.87

ANSWER TO QUESTION 714	
Top 30 Elec Arrears	
£19,691.00	
£18,474.68	
£17,899.35	
£17,641.56	
£16,179.62	
£15,497.52	
£15,394.82	
£15,000.00	
£14,721.10	
£13,887.77	
£13,704.40	
£12,983.44	
£12,761.82	
£12,420.81	
£12,397.13	
£12,307.70	
£12,241.31	
£11,777.38	
£11,768.52	
£11,765.07	
£11,437.48	
£11,417.47	
£11,297.85	
£11,137.65	
£10,661.73	
£10,495.72	
£10,128.53	
£10,041.28	
£9,891.15	
£9,824.78	

ANSWER TO QUESTION 715	
Amount owed by top 30 debtors	
£14,483.04	
£14,543.94	
£14,706.61	
£14,722.97	
£14,745.79	
£14,762.69	
£14,911.83	
£14,987.90	
£15,078.09	
£15,123.17	
£15,197.56	
£15,356.51	
£15,421.68	
£15,613.47	
£16,403.75	
£16,907.63	
£16,961.80	
£17,078.88	
£17,427.03	
£17,482.27	
£17,586.52	
£17,651.45	
£17,737.72	
£17,748.27	
£18,027.60	
£18,253.79	
£18,509.41	
£18,933.53	
£19,227.15	
£19,707.52	

Questions for Written Answer

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbers W56/2016 through to W59/2016.

Questions for Oral Answer

Q708-715/2016 Top 30 Government debtors – Supplementary questions

Mr Speaker: Are there any supplementaries arising from the schedule?

Hon. D A Feetham: Yes.

820 Mr Speaker, in relation to this schedule, there are quite a few staggering amounts. I do not say that in a way that I hope will be politically contentious, but if one looks at, for example, the answer in relation to PAYE, the highest one is £582,402. That same company – well, it must be a company – owes, as well, Social Insurance of £306,000. That is £800,000.

Mr Speaker: Do you know that it is the same company?

825

Hon. D A Feetham: Yes, because it is provided. It is one of the questions that I asked. If you actually look at Question 712. Does Mr Speaker have it? (**Mr Speaker:** Yes.) Question 712: Mr Speaker, will see £582,000 and then for Social Insurance it has £306,000. Does Mr Speaker have it? Then underneath it, there is a £364,000 and Social Insurance £300,000. That is equal to
830 £600,000. Then, underneath that, £271,000 and £131,000.

Mr Speaker, have any of these companies gone into liquidation or does the Government envisage that it will still be able to recover these amounts from these debtors? I am talking in particular, Mr Speaker, about the high amounts at the top of these various columns, say the first five, which are quite high in each sector?

835

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government's intention is that everybody should pay what is due and every corporate should pay what is due. If they are not in liquidation, then they are companies that are going to be or are being already very actively chased by the Government. In respect of some, Mr Speaker, we are dealing with companies that are in
840 liquidation. In respect of others, we may be dealing with different scenarios.

The position of this Government is that these arrears must be paid and they must be paid timeously – and there is a constant exercise now ongoing in respect of this matter. A lot of the debt is aged debt which comes from before our time and may not be recoverable, although there is, of course, a hesitation to write-off large amounts, in particular if there are directors
845 who might be within the jurisdiction who have liability in respect of Social Insurance, etc. But nobody is going to be let off and there is already ongoing a process of recovery.

Hon. D A Feetham: Well, can he help me with ...? Does he know how many of these companies that owe these vast amounts of money are in liquidation? Does he have that
850 information?

If he does not, I am going to ask another question on notice in relation to this anyway. I may ask it by way of a written question. But does he have that information, as to whether these companies are or are not in liquidation?

855 **Hon. Chief Minister:** I do not have it with me, Mr Speaker, but it is information that can be provided, I am sure, because we will have the information through the Official Receiver.

Hon. E J Reyes: May I, Mr Speaker ...? Just to clarify, from the list provided in answer to Question 715, it refers to debtors for rent arrears. I know they range from £19,707 to £14,483
860 for the top 30 debtors. Is the Chief Minister aware, are all these 30 arrears in respect of Government rental homes or could some of them be because Government does own, for example, properties where they are leased out on a commercial basis? I am thinking, for example, if one takes, let's say, Laguna Estate or Varyl Begg Estate, underneath the blocks there are some commercial premises, so someone could owe rent from there. It belongs in the
865 housing estate, but not necessarily for a rental home; in fact, it is a commercial enterprise rather than a family home.

I do not know whether, between the Ministers, they can work it out.

Mr Speaker: Are you saying that the question –
870

Hon. E J Reyes: The question did not make a distinction between residential or commercial.

Mr Speaker: – did not make a distinction between residential or commercial?

875 **Hon. E J Reyes:** No, I am asking because ...
Yes. I know, Mr Speaker, but –

Mr Speaker: It could be both.

880 **Hon. E J Reyes:** The Minister for Housing and I talk a lot behind the Chair. She knows how supportive I am that those –

Mr Speaker: Does the hon. Lady or the Chief Minister have the information?

885 **Hon. Chief Minister:** Mr Speaker, the Chief Minister is not yet an hon. Lady, but I do hope in future that the GSLP ... *(Laughter) (Interjection by Mr Speaker)*

Mr Speaker: Does the hon. Lady or the Chief Minister. I look forward to the day when an hon. Lady becomes Chief Minister–
890

Hon. Chief Minister: So do I, Mr Speaker, and I sincerely hope that she is a socialist lady that takes the post and leads by example.

Mr Speaker, I do not have the information, but the information has been sought from all the Departments that receive rents or that have properties that receive rents, and then the top
895 30 have been provided. I do not have a breakdown of what is commercial and what is residential.

Mr Speaker: Any other supplementaries?

900 **Hon. D A Feetham:** Yes, Mr Speaker.

Mr Speaker, is the Government going to pursue a policy of naming and shaming these various companies for the high levels of arrears that are owed to the Government?

905 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman must know the answer to that question. We have passed legislation in order to be able to do so – it was an initiative of this Government. We have found that very often, when we are about to publish, people pay, and if there is not yet a payment in respect of these amounts, it is very likely that a lot of this debt is aged debt which cannot be recovered, otherwise that instrument would also have been used alongside all the other instruments we use to recover debt.

910 I think it is important that people understand their liability to pay their dues in this community, whether it is in respect of residential property, commercial property; whether it is in respect of taxation or Social Insurance. It is one that must be complied with. Shaming people is, in my view, a better tool than winding them up, if you are able in that way to continue to see the company in operation and receive the monies. But, hon. Members must know, we are the ones who passed the law to do that so, of course, that is one of the things we are likely to be doing.

915

Mr Speaker: Perhaps there is no need to make it clear – or perhaps there is – that although the schedule will not be recorded in *Hansard*, the information provided is now in the public domain.

920 **Hon. D A Feetham:** It would be in the *Hansard*!

Mr Speaker: No, a schedule ... (*Interjection*) It would be? Okay, previously, it was not. I am glad to hear.

Anyhow, more so, it is in the public domain.

Order of the Day

COMMITTEE STAGE AND THIRD READING

Gibraltar Consultative Council Bill 2016 – Committee Stage and Third Reading

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

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, dealing with the amendments that I tabled yesterday to the Bill for the Consultative Council Act, hon. Members have, I think, the letter that we submitted ... We have not gone to Committee yet. (*Interjection by Hon. J J Bossano*) Oh, sorry.

Mr Speaker, I move that the House should now resolve itself into Committee to consider the Gibraltar Consultative Council Bill clause by clause.

935 Dealing with the letter that I provided yesterday and with the updated, track-changed version of the Bill, Mr Speaker, with the two mistakes that you spotted in respect of '2015' being '2016' and just taking out the words, 'Right Honourable' in the eighth proposed change, I would ask, Mr Speaker, that you take as read those proposed changes which are really just adding titles in most places, taking out a 'G' for a 'g', etc.

In Committee of the whole Parliament

940

**Gibraltar Consultative Council Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act establishing the Gibraltar Consultative Council and governing its functions and duties and prescribing the terms of membership of the same.

Clause 1, as amended.

945

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2, as amended.

950

Mr Chairman: A number of amendments which have been circulated – hon. Members have had them since yesterday. Unless there is any objection, clause 3, as amended, stands part of the Bill.

Chief Minister (Hon. F R Picardo): The Act was introduced in parts, Mr Chairman. Do you want to do it by part rather than by clause? It is up to you – just to accelerate the business of the House. *(Interjection by Mr Chairman)* Ah, there is that one as well, sorry, yes.

955

Clerk: Clause 5, as amended.

960

Mr Chairman: Stands part of the Bill.

Clerk: Clause 6, as amended.

Mr Chairman: Stands part of the Bill.

965

Clerk: Clause 7, as amended.

Mr Chairman: Stands part of the Bill.

970

Clerk: Clause 8, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 9.

975

Mr Chairman: In respect of clause 9, there was a matter raised by the Hon. Edwin Reyes yesterday, and I have received a copy of an amendment that he is proposing to clause 9(2) which has been circulated. I do not know whether the Chief Minister is happy to accept the amendment.

980

Hon. Chief Minister: The hon. Gentleman discussed this with me yesterday and I understood the point that he was making. As I confessed to him, issues that relate to the hierarchy of the military confuse me completely, as it is not a thing that I understand. I know he understands them much better than I do. I think this is a useful way of clarifying, given what he explained to me, and I am happy to accept the amendment as proposed.

985

Mr Chairman: Very well, then clause 9, as amended, including the amendment moved by the Hon. Edwin Reyes, stands part of the Bill.

Clerk: Clause 10, as amended.

990

Mr Chairman: Stands part of the Bill.

Clerk: Clause 11, as amended.

995

Mr Chairman: Stands part of the Bill.

Clerk: Clause 12, as amended.

Mr Chairman: Stands part of the Bill.

1000

Clerk: Clause 13, as amended.

Mr Chairman: Stands part of the Bill.

1005

Clerk: Clause 14, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 15, as amended.

1010

Mr Chairman: Stands part of the Bill.

Clerk: Clause 16, as amended.

1015

Mr Chairman: Stands part of the Bill.

Clerk: Clause 17, as amended.

Mr Chairman: Stands part of the Bill.

1020

Clerk: Clause 18, as amended.

Mr Chairman: Stands part of the Bill.

1025

Clerk: Clause 19, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 20, as amended.

1030

Mr Chairman: Stands part of the Bill.

Clerk: Clause 21, as amended.

1035

Mr Chairman: Stands part of the Bill.

Clerk: Schedules 1 to 3, as amended.

Mr Chairman: Stand part of the Bill.

1040

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Gibraltar Consultative Council Bill 2016 –
Third Reading approved: Bill passed**

1045 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Gibraltar Consultative Council Bill 2016 has been considered in Committee and agreed to with amendments and I now move that it be read a third time and passed.

Mr Speaker, I would call for a division in respect of this Bill.

1050 **Mr Speaker:** I now put the question which is that the Gibraltar Consultative Council Bill 2016 be read a third time and carried. A division will be called.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. N F Costa
Hon. J J Garcia
Hon. Ms M D Hasson Nahon
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. T N Hammond
Hon. L F Llamas
Hon. E J Reyes

ABSENT

Hon. J E Cortes
Hon. A J Isola
Hon. G H Licudi
Hon. E J Phillips

Mr Speaker: Just checking my calculations, we have four Members are absent; there are eight Members in favour; and five Members against. Carried.

The Gibraltar Consultative Council Bill 2016 has been read a third time and passed.

ADJOURNMENT

1055 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn to Tuesday, 8th November at 10 a.m.

1060 **Mr Speaker:** I am sorry to have to tell the Chief Minister that I think that I have a long-standing dental appointment – indeed I do. I have a long-standing dental appointment at 10.30 a.m. I could meet later that morning. If the Chief Minister will care to move the adjournment to, say, 11.30 in the morning, I could manage. Because it is a long-standing appointment, I am not confident that I can get an alternative slot.

1065 **Hon. Chief Minister:** Mr Speaker, in order to accommodate you we will, of course, try and do the best we can. 11.30 a.m. you think will be convenient? (**Mr Speaker:** Yes.) 11.30 a.m.

Mr Speaker: So the House will now adjourn until Tuesday, 8th November at 11.30 a.m.

The House adjourned at 12.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.33 a.m. – 2.17 p.m.

Gibraltar, Tuesday, 8th November 2016

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The Gibraltar Parliament

The Parliament met at 11.33 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

OATH OF OFFICE

Clerk: Meeting of Parliament, 8th November 2016.
Oath of Office of Minister for Justice, the Hon. Neil Costa.

- 5 **Hon. N F Costa:** I, Neil Francis Costa, do swear that in the Office of Minister with responsibility for justice I will respect the rule of law, defending dependents of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible, so help me God.

Order of the Day

PRIVATE MEMBERS' MOTIONS

Consultation on co-education

- 10 **Clerk:** Order of the Day: Private Members' motions.
The Hon. D A Feetham.

- 15 **Hon. D A Feetham:** Mr Speaker, before I move on with my motion, may I congratulate the Hon. Member Neil Costa for his appointment as Minister for Justice and on just taking the Oath. I have to say that it is with great pleasure that I see him doing so. Who would have believed in 2005, when we were both doing cases together at Hassans, that I would be swearing that same Oath and that he would also be swearing that same Oath a few years afterwards. So, on behalf of the Opposition I congratulate the hon. Member on his appointment.

Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

That this House notes that there are no overriding advantages for single-sex schools on educational grounds; acknowledges that there is a compelling case for the view that co-education provides a more realistic way of educating and training young people to take their places naturally in the wider community of men and women; acknowledges that education and ways to improve it must always remain at the top of the political agenda in this community and debate on these issues is important; and calls on the Government to generate

that debate by undertaking a consultation exercise with teachers, the unions, parents, students and other stakeholders to determine the views of the community on this issue.

20 Mr Speaker, at the outset of this debate I would like to say that I recognise that there are studies that expound the benefits of both co-education and single-sex education, even if the balance, in my view, is in favour of the former. I am also prepared to accept, for the purposes of this debate, that the interpretation of the results of studies in the private or public sectors in the United Kingdom and other countries has been hotly debated, resulting in varying policy
25 recommendations based often on the same evidence.

But I believe that there is a compelling case for co-education. It is not surprising that over the last 20 years the number of single-sex schools in the independent sector in the United Kingdom – in other words, what we term ‘public’ schools; private schools would be commonly called public schools – have actually halved in the last 20 years. The time has come for us as a society
30 to debate the issues and the time has come for us to examine whether the decisions taken with the introduction of the comprehensive system in the 1970s to have single-sex comprehensive schools continues to be the best solution for secondary education in Gibraltar.

I hope that this debate on this motion starts that process, because there is no better investment than the investment in the education of our children, and anything that can be done or can potentially be done to improve that education is important and should be at the top of our collective agendas in this House.
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My motion, Mr Speaker, does not seek to impose a view on this House, or anyone else for this matter. What it seeks to do is to generate and start what is a very important debate. But it is my view that there are excellent educational reasons for choosing co-education in a modern
40 Gibraltar. They include the capacity to offer a wide range of subjects equally to boys and girls at comprehensive that is not only beneficial purely from the perspective of offering greater choice and the same choice to students of both sexes, but also helps to break down gender stereotypes when girls and boys see each other studying the same subjects, particularly subjects which have traditionally been associated with girls or boys in the past.

I also believe that education is much more than just the study of maths or history or any other particular subject. It is also about educating and training young people to take their natural place in the wider community of men and women. Male and female students can learn from each other’s perspective and approaches, learn to collaborate, each bringing their styles and opinions to bear in working together. This in itself is an important learning opportunity, in
50 my opinion: it is about preparing young people for the realities of life, and the realities of life include men and women working together. It is not natural to segregate men and women and it is not natural, in our view, to segregate girls and boys during their education. Indeed, we do not segregate girls and boys at junior or middle school, and we do not segregate ourselves from members of the opposite sex after we leave comprehensive school. The views of men and
55 women and their different perspectives on life enrich society, and I believe that diversity would enrich secondary classrooms and better prepare students to move in the real world.

In many respects, Mr Speaker, the segregation of girls and boys at comprehensive school was a response to a very peculiar set of circumstances that existed in the 1970s that do not exist today, or at the very least need to be re-examined today, and I will make that out by referring to the Collister report of July 1974, which is a report produced during the time that Mr Speaker was
60 a member of the then AACR Government. To understand the Collister report – and I think it is important for the House to understand it – one has to start by placing it into context. The Collister report was a report that was commissioned as a consequence of recommendations and a visit by Mr Collister, an education adviser, in June 1973. This is what the report says about Mr Collister’s visit to Gibraltar and what he had to say – and this is at page 2, for any of the
65 Members who have a copy of the report:

Although Mr Collister's main purpose in visiting Gibraltar was to consider the proposed procedure for the implementation of the decision to develop a single comprehensive school on two different sites, he came to the conclusion that it was necessary to reassess the validity of the principle of co-education in the light not only of educational desirability and practicability, but also of the state of public opinion.

70 So, in other words, Mr Speaker, at the time, in 1973, the decision had been taken in principle to have two comprehensive schools in Gibraltar, but they were going to be co-educational schools, and Mr Collister came to Gibraltar in order to advise on whether that was the appropriate model going forward.

I read from the report, page three at the top:

Mr Collister went on to observe that as yet co-education did not appear to be fully acceptable to society. He formed the opinion that although the majority of the members of the Gibraltar's Teachers' Association were in favour of co-education, there was still great and natural apprehension on the part of parents whose traditional background was that of single-sex education. He therefore recommended the postponement of the proposed introduction of co-education in 1974.

75 So, presumably on the basis of his view, in 1973-74 I think was the first comprehensive intake, there was a boys' comprehensive and a girls' comprehensive, but what he recommended was that the matter be re-examined by a working group.

I am reading from the top of page 1 for anybody who wants to follow:

The terms of reference for the working party, as published in the official notice on 12th January 1974, were as follows: 'To make recommendation to Government as to whether secondary education would in future be organised on co-educational lines on a junior high/senior high school basis or continue on the present system of two single-sex separate schools. Any recommendation for change would not take effect until the session of 1976-77 at the earliest.'

The options that the Collister working group were considering are set out at page 6 of the report, at point 2, 'School Options'. It basically said:

We outline the following four options, stating that the working party considered options 1 and 4 as being the most suitable for Gibraltar.

80 Option 1 was one girls' school and one boys' school; option 2, one girls' school, one boys' school, one sixth-form co-ed; option 3, one co-ed school in the north, another in the south; option 4, one co-ed school split on two sites. Basically, those were the options being considered.

85 The first thing that the Collister group did was conduct a very extensive consultation exercise with the public, which I advocate ought to be the approach in the first instance of the Government and which I am inviting the House to agree in the form of my motion. At page 9 of the Collister report one can see the type of consultation exercise that was undertaken and also the results which I am about to set out for the benefit of this House. On page 9 at the top, 'For Public Opinion', the report says:

In our endeavour to inform public opinion about the main issues involved, we published four fact sheets and two opinion or information sheets, a case for co-education and a case for single-sex education. These were published in local newspapers and GBC Radio and Television, and copies were distributed to parents through the schools. Discussions on the subject were held on television. We believe that it may be safely stated that the matter was well and truly placed before the public. The public was then invited to make written or oral representations to the working party.

Mr Speaker, outside in the lobby, told me about the consultation exercise that his Government had undertaken – well, these are the results of the consultation exercise:

Teachers' opinion. The rate of response from teachers was 65%. There were 212 replies. Of the teachers who responded, 67.5% were in favour of a change to co-education, 32.5% in favour of single-sex education.

So the teachers were overwhelmingly supportive of co-education.

Parents' opinion. The rate of response from parents was between 40% and 45%.

90 In other words, Mr Speaker, less than 50% of parents responded to the consultation exercise, but there were still 2,560 replies – quite a lot of replies. Of those parents who responded, 37.7% were in favour of co-education, 60.8% were in favour of single-sex education, and 1.5% were undecided. So parents, although it was less than 50% that responded, were overwhelmingly in favour of single-sex education.

Pupils' opinion. The rate of response was 80% of the secondary school enrolments.

95 That is very high.

There were 1,171 replies. Of those pupils who responded, 54.3% were in favour of co-education

– the majority –

24.2% were in favour of single-sex education, and 21.5% were undecided.

Ex-students' opinion. Only 86 questionnaires were completed. Of these, 75.6% were in favour of co-education, 18.6% were in favour of single-sex education, and 5.8% were undecided.

100 So, Mr Speaker, it is safe to say that in the consultation exercise that was undertaken in 1974 the majority of those that were consulted were in favour of co-education, and those that were against ... really, the only body that was against was parents, of which 40% to 45% responded to the survey but those were the only group who were against co-education, in favour of single-sex education.

Indeed that is reflected as well in a resolution. First, there was a resolution that was passed by the Gibraltar Teachers' Association on 20th May 1974, which read as follows:

Having made an up-to-date study of educational research and practice in European countries, this Association continues to be committed to co-education as the better matrix from which the community of Gibraltar can develop.

105 My understanding – I will be corrected, if I am wrong, by my hon. Friend to my right – is a resolution that continues in fact to have effect and continues to be the position of the Gibraltar Teachers' Association to this day.

Then there was a rival resolution, which was a resolution by the Gibraltar Parents' Association on 25th April 1974, and it read as follows:

That single-sex education at secondary school level be retained.

And then there is a rider to that resolution and it says as follows:

It was generally agreed by the Association that we be prudent to allow for changes in the future when deciding on the type of buildings to be erected.

110 Mr Speaker, the recommendation of the Collister report, as we all know, was that at the time we continued with the recently introduced comprehensive system on a single-sex basis with two separate schools, and the reasons were as follows. I pick it up at page 14, under the title 'Comprehensive Education' – and it says this - and this is really one of the main reasons, if not the main reason, why the Collister report recommended that we continue with single-sex
115 education – it reads as follows:

It has been represented to us, and we accept this, that the change to a comprehensive system in Gibraltar, while desired by the majority in all sectors of opinion, was introduced too quickly and without adequate planning and preparation. This has led to a number of problems in the practical working of the system, in the words of Mr Collister a 'highly sophisticated and complex organism' which those concerned are doing their best to overcome. Apart from this aspect, however, we consider that the system, which is a relatively young one even in Britain,

should be given a chance to develop over the next few years to the point at which genuine comprehensive education is fully available in Gibraltar.

And it continued:

We therefore consider that it would be wrong to impose upon the educational structure as it is at present a further radical change which, even if there were not a substantial body of opinion against it, would be bound to present further difficulties and problems in administration, organisation, training and assimilation.

In other words, this is an education system that had just been introduced, the comprehensive system; it needed bedding down. But of course that which was the main reason in 1974 is no reason at all in 2016.

120 The second reason was this. It talked about the options and then it said:

We have, however, found considerable opposition to option 4.

I remind this House that option 4 was two comprehensive schools on co-educational principles on two different sites in Gibraltar.

Option 4 – one educational school split on two sites. The first major objection was to the creation of one school for as many as 2,000 pupils with all the problems of administration and organisation as well as the difficulties in establishing personal relationships and some feeling of belonging which would arise. Equally cogent was the argument that the physical division was likely to perpetuate a notion of a privileged class of pupils who would move on to the upper school and indeed that such division might dissuade some pupils from staying at school after reaching the age of 15.

125 In other words, it was felt to be divisive to have two schools on co-educational grounds on different sites in Gibraltar – that one could develop a reputation for being better than the other and that it would just simply lead to elitism. Again, it is not a reason, in my respectful view, that can possibly apply today.

And then it says:

And then, third, staff. We have referred above to the need for the full orientation of teachers if a true comprehensive system is to be established. While it would no doubt be possible to take at least some steps to remedy the need for training, etc. before 1977-78 we believe again that it would be unwise to attempt to do so whilst the difficult process of adaptation to the comprehensive system remains incomplete.

The fourth reason was that a majority of parents were against it in Gibraltar. That was the fourth reason that was provided.

130 The reasons are summarised at page 21 at the very top, when the working group reported as follows:

Co-education should not be introduced in Gibraltar at least until (a) present problems are overcome and a truly comprehensive system is fully established; (b) public opinion is in favour; (c) adequate specific and long-term preparation of teaching staff is possible; and (d) two separate co-educational schools are no longer regarded as potentially divisive in social or academic terms.

135 Mr Speaker, I believe that the time has come for this issue to be reopened. I believe that the time has come for a working group on the lines of the Collister working group to be set up today in order to look at this particular issue. And I believe that, above all, the time has come to have profound engagement with parents, with the union, with students and with all relevant stakeholders in order to see whether the public opinions that were expressed in 1974 and so informed the decision of the Collister group and working party at the time, are still public opinions that prevail today. I doubt it very much and I believe that public opinion in Gibraltar would be very much in favour of co-education.

140 I believe that the time has come to be progressive on this issue, the time has come to look forward on this issue and the time has come for us all to embrace a modern outlook to co-

education, and the starting point is the setting up of a working group and the starting point is engagement with the public in order to have a proper debate in relation to this issue.

Mr Speaker, I commend the motion to this House. (*Banging on desks*)

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Mr Feetham. Does any hon. Member wish to speak on the motion?

The Hon. Gilbert Licudi.

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Hon. G H Licudi: Mr Speaker, I have listened attentively to the hon. Member. Essentially what he has done is recite a 1970s report (*Laughter*) and come to the conclusion that he does not agree with the conclusion of the 1970s report! But he has here set out his case based on that report, only to say that the report reached the wrong conclusion and that a different conclusion would be reached today. And he has ended by saying, 'Time to reopen the issue, time for a working group to be set up.'

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I do not know how long ago he prepared his speech, but several weeks ago I gave notice by letter to Mr Speaker of a proposed amendment to the motion, which I will come to in a moment when I move the amendment – at the moment I am just replying to the hon. Member, but I am referring to the text of the amended motion which was provided to the hon. Member – which sets out, and I will go into further detail later, that a working group has already been set up. For the hon. Member to come with a prepared speech and say 'You should be doing what you are already doing', when he knows we are already doing it, 'because the report that I have read out almost in its entirety from the 1970s was wrong' simply is to ignore the reality of what is going on today in education in Gibraltar.

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But, Mr Speaker, I want to start my contribution to this debate by setting out the Government's position and setting it out as clearly as I can. This was certainly my own personal position when I was Minister for Education and it is the Government's position as a whole. It is quite simply and quite clearly that we have an open mind. The Government does not currently have a firm view on whether secondary education in Gibraltar should continue to be offered in single-sex schools or in a co-educational environment, so we have an open mind. And in fact I have had that open mind and I have had these discussions with professionals at the Department of Education since December 2011 when we were first elected into Government and I took over the Education portfolio. So this is not a debate that is new; this is a debate that has been going on for some time – and yes, we do have that open mind. But having said that, Mr Speaker, one thing is absolutely clear, even though we have an open mind: we must not change for the sake of change. There must be good reasons. There must be sound educational arguments and educational reasons for co-education for a change such as this, to introduce co-education, to be made.

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It is worth noting I recall a few weeks ago a contributor to the letters column in the *Gibraltar Chronicle* who wrote specifically on this subject, having heard the hon. Member saying that he was going to propose a motion on co-education, and referring in that letter to the good results that we get from both Bayside and Westside., he simply said, 'If it ain't broke, don't fix it.' What we have, Mr Speaker, is a system that by and large works well. Of course the system can be improved, and we have made improvements to the system. We are constantly looking at ways in which to improve our children's education, and we have done so. We have removed inequalities which existed during all the time that the GSD was in office.

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Because the hon. Member in his contribution says there are excellent educational reasons for going co-ed, having premised his arguments by saying that he feels there is a compelling case for co-education, and he proclaims there are excellent educational reasons – and I sat patiently hoping to hear those excellent educational reasons. In fact, I thought we were going to get a list of those excellent educational reasons. We got one matter. One point was made, and that is all that was made, in respect of the excellent educational reasons for going co-educational – just

one in his entire contribution: greater choice of subjects. I have got it written down: greater choice of subjects.

195 And then he went on to talk of social reasons, like preparing young people for life in an environment where people are going to be mixing male and female and we should do that – but those are social reasons. But when he said ‘excellent co-educational reasons’ I really wanted to hear what they were, because it is important for the debate, not just because I wanted to have the benefit of hearing them.

200 Greater choice of subjects. The hon. Member will know that during his time in office there was less choice of subjects in our comprehensive schools. The hon. Member will know that they had a system in place whereby, for GCSEs, where students did not get the grades they wanted, there was one system for Westside and a different system for Bayside. Whereby Westside students were offered the opportunity of a repeat year. Of those who wanted to improve their grades at GCSE level, being able to stay on for that extra year at GCSE level and do repeats of
205 some of the subjects they wanted to improve in, plus a couple of additional subjects which were offered to be done in that particular year ... That existed for Westside and not for Bayside, and that existed during their time.

Now, I say what on earth has that got to do ...? That has to do with choice of subjects – of course it has to do with choice of subjects. It has to do with ability to opt for certain
210 improvement and have subject choice at schools. There was a choice to be made at Westside but no choice to be made at Bayside during their time. We corrected that and, as a matter of policy, I gave an instruction that that had to be corrected and a repeat-year facility had to be introduced in Bayside. We did it and it exists – it now co-exists in both schools. That choice of subjects, that opportunity is available in both schools because we did it, not because they did it.

215 But when the hon. Member talks of excellent educational reasons and choice of subjects, I have to ask myself – particularly on that example that I have given of some inequality that existed in Westside and Bayside – what on earth has that got to do with gender? What on earth has that got to do with whether the school is single sex or a mixed school? Or is it that somebody decided at some stage we are only going to do this for Westside because they are
220 girls? It has got nothing to do with the gender argument, it has got nothing to do with the mixed school argument, it has got nothing to do with the single school argument. All it has to do is that somebody at some point decided that in Westside they were going to introduce this facility – not because they were girls, but they were going to do it in Westside and not in Bayside.

225 The same could have happened if it had been co-educational. It would have happened in one school and not in the other and we introduced it in the other so that everybody across the board in Gibraltar – regardless of sex, regardless of gender, regardless of whether you were in a single school environment or a mixed school environment – had the same choice.

230 And we did the same again this year in particular having started working on it previously with A-level subjects, something which the hon. Members have been harping on about for some time and have been asking me for some time. And asking me in the knowledge that the inequality that existed in choice of subjects between Bayside and Westside existed during their time and they did precious little to correct it. It fell to us to put in a new system.

235 It fell to us to put in a new system, which I announced and which has now been fully implemented, whereby the whole list of options at secondary level which is available in Gibraltar is offered to everyone, regardless of whether you are a boy or a girl, regardless of whether you are in Bayside or Westside. And I explained the reasons why in some cases some subjects are offered in one school and not in the other.

240 And one of the reasons I explained was demand – numbers. If we had five students wanting to do a particular subject, a class of ten, does it make sense to have that subject replicated in two schools? Particularly where in a particular subject there may be issues with subject specialisation and availability of subject specialists whereby if they are used in both schools to teach that subject, they may not be released to teach other things or to do other things at different levels.

245 We introduced a system to create that greater choice across the board. But again, that has absolutely nothing to do with whether you are a boy or a girl or which school you attend to. It so happened that certain schools had certain demand and certain subject specialists and those subjects were offered in that particular school, whether it was Bayside or Westside. The same could have happened in a co-educational environment.

250 So this is quite simply a red herring – greater choice of subjects. Or does the hon. Member think that because you have got co-education in both schools, that necessarily has to mean that a subject on which there is little demand has to be offered in both schools the same, just because it is co-education and co-education fixes everything? Well, it does not. Quite simply, if there is co-education and you have got a subject in one particular school, whoever wants to do that subject goes to that school. It is not as if they have to travel from Penzance to the Isle of Wight to do that. They have to travel barely a kilometre more to go from one school to the other.

260 So whether you go to one school in Gibraltar or not is not really the issue and we have introduced a scheme whereby if you are a boy and you choose subjects which are offered in Westside, you go to Westside and that seems to be working well. So in effect we have introduced co-education not by policy or by design for the sake of co-education but through the element of subject choice which is the one sound, or the excellent the only excellent educational reason which the hon. Member is able to come up with in terms of the reason for his compelling case on co-education.

265 So, Mr Speaker, the bottom line is no change for the sake of change. We must be satisfied that there are, and the hon. Member is right on this, we must be satisfied as to the educational reasons that exist; that the educational arguments exist to make that change necessary or desirable. That must be, and that is, the Government's starting position.

270 Having said that, Mr Speaker, of course we acknowledge that there is a debate to be had. There is a debate going on not just in Gibraltar but elsewhere in relation to co-education. And because we acknowledge that there is a debate to be had is the reason why we have initiated the debate.

So the hon. Member, when he comes and says we bring this motion in order to initiate the debate, seems to ignore what we said in our last manifesto, precisely on this issue, whereby in the foreword on the section Education it says, and I quote:

Is co-education a good or bad idea for the Comprehensive schools ... ?'

275 We asked the question: is co-education a good or a bad idea? That is the start of the debate, a manifesto provision. And it goes on to say:

This must also be reviewed dispassionately and on a non-partisan basis by experts.

280 So we have initiated the debate and we do clearly acknowledge that it needs to be looked at by experts, there is obviously a consultation process to be carried out. But of course we also have to acknowledge that this is not a new debate. This is not something that is springing out of the air as if nothing has existed before. The hon. Member has referred to a 1970s report only to dismiss the conclusion, as I said.

285 It may be said that circumstances change, views change and what may have been looked at in the 1970s *may* not be entirely relevant today. But the hon. Member in referring to the report of 1974 said that in 1973 a decision had been made in principle to have two comprehensive schools which should be co-education, as I understood the hon. Member (*Interjection*) and he said that in fact what then happened was that we continued with single-sex education at comprehensive level.

In fact comprehensive schools on a single-sex basis had been introduced before that. It started in 1972. Mr Linares and myself were part of the first intake at Bayside, the very first

290 intake. (*Interjection*) September 1972 was the very first intake for the comprehensive schools and we were the first group in Bayside in that year.

But it was not anything new. Bayside took over a school which was already a secondary school: the Lourdes School was housed in that particular building and that as I recall, Mr Speaker will recall, was a boys' school. We also had the Grammar School which was a boys' school. We
295 also had St Jago's, which was a boys' school – all this pre-comprehensive system and then we had the Loreto system for the girls.

So it was not the comprehensive system that was brought in and it was decided that that should be the start of this division and the creation of single sex education in Gibraltar, that preceded that and what happened at the time was simply a continuation at a comprehensive
300 level, in a comprehensive environment, of single sex education at secondary level which already existed in Gibraltar.

And yes, it is true that a debate was had in the 1970s and yes, it is true that a debate has continued – not just now, it has continued throughout the years. The hon. Member, I do not know if he is aware, during the time of the GSD in office, a decision was actually made by the
305 GSD to go co-ed. I do not know if he is aware of that. The Government of which he was part – not sixth form as he is suggesting, a decision to go co-ed was made by the GSD administration.

And in the 1970s, the report that the hon. Member has referred to also talks of a working group. The GSD itself set up a committee to look at this but not to look at whether co-education should be introduced, but on the basis that a decision had been taken by the previous
310 administration to actually bring in co-education and the committee was simply set up to advise on implementation measures, how it was to be done.

And that happened in 1976, Mr Speaker. That committee produced an interim report. The interim report started by saying –

315 **A Member:** In 2006. You said 1976.

Hon. G H Licudi: Sorry, 2006. Did I say 1976? Not 1976; 2006. The GSD had not even been conceived at that time!

In 2006 there was an interim report headed, 'Co-education at Secondary Level'. Paragraph 1:

Following Government's commitment to introduce co-education at secondary level, a Steering Committee was set up to recommend to Government on the way of implementing such a move.

320 That was a decision that was taken at the time by the GSD administration – admittedly before the hon. Member was a member of the Government, but by 2007 he was a member of the Government. I am not sure why he was not pushing this agenda. He would have been pushing at an open door. A decision had already been made, a Steering Committee had already been set up and made recommendations to the Government. All that was needed was the Minister for
325 Education to be tasked with implementing that procedure. That would have happened at a time that the hon. Member was in office as a Minister of the Government.

Or did he not know what the rest of the Government was doing? Perhaps they did not have cabinet discussions as we do (*Laughter*) on a regular basis and no-one knew what the other was doing. That is certainly the impression that we get.

330 So this interim report actually lists advantages in keeping six single-sex schools at secondary level; and it lists disadvantages in keeping single-sex schools at secondary level. And even then, one of the items used, which for the reasons I espoused previously, I dispute as a reason as to whether to maintain single sex or go co-ed – one of the reasons is, the current system is inflexible in respect of subject choices offered to students. That is in the 2006 report.

335 So in 2006, the GSD itself was acknowledging it had an inflexible system in terms of subject choice and they seemed to think that the answer was co-education. They did not introduce co-education and did not fix the issue of subject choice. We did, without introducing co-education.

The report ends by saying:

These interim proposals are presented for consideration by the Minister in order (a) to encourage further discussion in a different direction or (b) accept present recommendations and request detailed proposals.

340 But the premise of this report was, as I have said, following Government's commitment to introduce co-education at a secondary level.

345 So it was his Government that made this decision and decided – for what reasons I really do not know, Mr Speaker – that it would not go ahead and implement co-education even though there was an interim report which already set that out. It seems that is where that ended, at least at that time, until more modern times. It appears that a decision was taken not to proceed even though a commitment had apparently already been given, or at any rate no decision to proceed was taken but the matter did not go ahead.

So the hon. Member comes to this House today with a motion seeking to generate a debate and he sets out his own views in seeking to generate that debate, and that includes his own view that there is a compelling case.

350 Mr Speaker, one of the main problems with the hon. Member's motion – and it seems to me that it is intrinsically contradictory – is that it starts:

THIS HOUSE NOTES that there are no overriding advantages for single-sex schools on co-educational grounds.

355 So the hon. Member is asking this House to generate a debate, but to answer the question before the debate is happening: to note that there are no overriding advantages to single-sex schools, to come to that conclusion today, that is what the hon. Member is seeking this House to do and then to generate a debate. It seems like putting the cart before the horse.

Because then in the second paragraph he says:

Acknowledges that there is a compelling case for the view that co-education provides a more realistic way of educating and training young people ...

360 So he asks the House to acknowledge that there is a compelling case. So if we note that there is no advantage to single-sex education and we acknowledge that there is a compelling case for co-education, why would we not do it? That would be the end of the debate, one would have thought. This House having resolved that this is a good idea, this is good for Gibraltar, this is good for young people in terms of their education and their training, and if we resolve that, then we simply have to talk about implementation, not about generating a debate, which is what the hon. Member is then asking in the motion that we should do. So it seems to us that it is inconsistent for Parliament to be asked to take a particular view and then simply to call for a debate.

365 And so, Mr Speaker, because we do not believe that the hon. Member's motion sets out a proper, a valid or realistic position for this House to take, we are and I am proposing in particular, an amendment to the motion.

370 Mr Speaker, I would draw your attention to a letter of 13th October which I sent to Mr Speaker, asking or indicating that I would be moving an amendment to this particular motion by removing the words after 'THIS HOUSE' and replacing them with the text which appears attached to the letter.

In the text of the amended motion, if passed, would read like this:

THIS HOUSE

Acknowledges that Education and ways to improve it must always remain at the top of the political agenda in this community.

Notes that there are educational arguments both in favour and against co-education for Gibraltar's comprehensive schools.

Notes that the GSLP/Liberal manifesto for the 2015 elections posed the question whether co-education is a good idea or a bad idea for the comprehensive schools and provided a commitment to review this dispassionately and on a non-partisan basis by experts.

Acknowledges that in keeping with this commitment, the Government has already set up a working group made up of teachers, officials at the Department of Education, Union officials and parents to report to the Government by March 2017 on co-education for the comprehensive schools, with the following terms of reference:

(1) To advise HM Government of Gibraltar on the advantages and disadvantages of the current and mixed co-education models for the comprehensive schools in Gibraltar.

(2) To make recommendations on whether secondary education at the comprehensive schools in Gibraltar is best delivered using a mixed or single gender model.

(3) To make recommendations on possible implementation scenarios.

(4) To make recommendations on an appropriate consultation model to ensure that the views of the relevant stakeholders are taken into account.

And notes that the working group's report will form the basis of a consultation by the Government with all relevant stakeholders before a decision is taken on whether co-education is to be introduced in the comprehensive schools and, if so in what form.

375 So you see, Mr Speaker, we are not just generating the debate, we are acting on our commitment. We are acting on our view that there is a valid question to be posed and that there is an analysis to be made not just on a rhetorical or philosophical question of single sex versus mixed schools, but whether it is good or bad for Gibraltar.

380 Because the hon. Member in his contribution also highlighted the fact, he stated it as a fact that in the UK most comprehensive schools are mixed, co-educational. (*Interjection*) Well it is a fact that in the public sector in the UK there are quite a number of mixed co-educational schools and where you have got one school serving a particular borough and that borough necessarily has boys and girls, you have to have a school that caters for the children in that borough, rather than two different schools in the same sector or the same region. The position has traditionally been different in Gibraltar.

385 But certainly there are things that need to be looked at, firstly is it a good or is it a bad idea for Gibraltar? Does it work and how is it going to work best? So we have to have a working group with a realistic timescale and what I consider to be a rather short timescale, we have asked the working group to report by the end of March 2017 so that then any consultation process can be looked at.

390 The working group will need to advise the Government on the type of consultation that will be carried out and one of the terms of reference is also to look at implementation models – if indeed co-education is recommended. That is because there are a number of practical and infrastructural issues to be considered. We will have to look at – if and when co-education is introduced – at what level? Is it introduced at sixth-form level and that is it? Is it introduced at sixth-form level initially and then working down?

400 There are issues of catchment areas. There are issues of the fact, as I indicated, when we moved into Bayside, as a first comprehensive intake, it was already a boys' school. I do not know whether it was originally designed as a boys' school but certainly it looked like a boys' school because there were not facilities for boys and for girls. Toilet facilities, shower facilities, these are practical issues that have to be looked at. You cannot just decide overnight, 'Let's go co-ed', and click your fingers and it happens.

405 The other practical issue is that whatever model is used or recommended, if indeed co-education is recommended, is that there are examination cycles and there will be boys and girls who will have already started on that cycle, usually a two-year cycle. What you cannot do is disrupt that cycle. So do you start from the top down at sixth-form? Do you start from the bottom up at eighth form? But what you certainly cannot do is change Years 10 and 11 where they are already involved in a cycle of education geared for certain exams.

410 So there are clearly matters to be considered, a multitude of issues to be considered, practical and infrastructural issues, catchment area issues, as well as the education issues which are what have to be at the core of the decision in the first place.

Now it is true and the hon. Member has alluded to this, that there are some educators, some professionals in the field who do feel that there is a compelling case for co-education, and others feel precisely the opposite and both cite arguments and both cite advantages and disadvantages in favour of their case. The debate has really been quite polarised one way or the other.

415 The reason why the Government has this open mind is precisely because it is not an open and shut case, and that is evident from all the studies that have been carried out. I have had the very useful advantage of being provided with a thesis dated April 2016, from this precise year, by Christopher Cortes, who happens to be a nephew of our current Minister for Education.

420 Mr Cortes was a teacher at Bayside and Head of Music was given a sabbatical in order to do a Master of Science in Education in the United States. The basis of that Master of Science was a Master's project culminating in a thesis. The title of the thesis was 'The Perceived Impact of Single Gender Instruction in Catholic Schools and the Ecclesiastical province of Cincinnati'. So although the title relates to Catholic Schools, it is about the impact of single gender education.

425 And essentially what this was, was a Master's thesis on the single sex versus mixed school debate. What Mr Cortes has done is drawn a multitude of studies, both in the US and internationally, precisely on this issue. One of the reasons why this is particularly useful is that it reflects current thinking. It reflects modern studies that have been carried out internationally and which looks at ... it does not clearly look at the position in Gibraltar, but it informs the debate as to educational thinking on this current debate of single sex versus mixed schools environment.

430 One of the things Mr Cortes does in his thesis is to ask the questions: 'Do teachers perceive single sex classrooms to be effective? Do they believe that gender separation can have a positive or negative impact on students' development? What are their opinions about gender based instruction? Do they consider single sex pedagogy useful when they are instructing students?' Those are the basic questions that were asked as part of this study.

435 What he does and I am quoting from his report, is:

'provide an overview of multiple studies that have been designed to test whether single sex instruction has had an impact on student achievements, self-efficacy, behaviour or other important educational and social factors. The research contains an equal number of resources that support and reject single gender classes and schools'.

And just to give a flavour of the elements of the research that exists and which are quoted in this Master's thesis, Mr Cortes quotes a 2011 study, where they explicitly stated that research on the benefits of single gender pedagogy was inconclusive; a 2012 study where they stated that the differences found between single-sex and co-educational learning were insignificant – a fairly recent study, 2012.

440 Another 2011 study where they concluded the differences in academic achievement in single-sex schools had more to do with student selection and peer quality than gender.

445 A 2009 study, where they concluded that single-sex pedagogy was beneficial to foreign languages courses, especially for males. In 2008, where they stated that although research regarding single sex was largely inconclusive, there was conclusive evidence to say that it was beneficial for girls and minorities.

450 A 2006 study where it was stated that single sex pedagogy was highly recommended; a 2008 study where they stated that multiple studies had shown that single-sex education was extremely useful in raising the achievement levels of students.

455 If there is one thing clear about all these studies, it is that the research is essentially inconclusive. If you want to argue one particular way and find a piece of research by professional educators, by people in the field who have carried out proper analysis, you will be able to find something that supports your point of view. You will equally be able to support something that supports the other end of the spectrum and you will equally be able to support something that says everything is inconclusive.

So we have research that suggests that everything is inconclusive, to differences between single sex and co-educational models being insignificant, to single-sex education raising

achievement levels. Therefore what seems to me that this demonstrates is that there is no
460 compelling case one way or the other.

But the issue that really falls to be determined, the issue that we need to decide – yes, having
regard to all these international studies and what educators round the world have already done
and considered and are of the view – is this still a good idea for Gibraltar? Is this something that
is going to improve our present system? We have a system that delivers very good results,
465 excellent results.

We all came out in August congratulating our students, our teachers, the schools, the efforts,
the parents and the effort everybody makes in achieving the results that we achieve in Gibraltar.
We have a system that works. Should we change that? By all means we should change that if
there are good educational reasons for change.

470 So at the end of the day, Mr Speaker, we are talking of a debate which is quite simply a
perennial debate and it is charged. It is a debate that is charged with emotive arguments on
both sides. We have many head teachers and experts ultimately believing that there are more
important factors that influence the quality of education than in fact gender issues. There are
strong pros and cons for both single sex and for mixed schools. And the choice between co-
475 educational and single-sex schooling is certainly something that could have important
implications for young people in terms of their academic, their psychological and their social
development. That is something that we acknowledge.

And what we should not do is quite simply restrict the debate to simply academic
performance. That is something that we should not do. If we do that, it would appear to favour
480 girls in a single-sex environment. But that is not the end of the story because the reality is
certainly much more complex.

We have academic performance which is also linked not just to gender but the quality of the
school, the leadership in a particular school, the quality of the teaching and it is also inextricably
linked to the support that students receive at home. That is an important message that we also
485 have to drive through: children at all levels receiving good support at home.

There are in Gibraltar, and turning the argument to Gibraltar itself, a number of factors that
can be considered which are both pros, or advantages and disadvantages of single sex and co-
education. And when we look through a list of factors, it is difficult at this stage at least to come
to the conclusion that one is better than the other. It is possible to come to the conclusion that
490 neither is best, but we still have to find what the best model is for Gibraltar.

One of the factors to be considered at a Gibraltar level is that the Gibraltar College went co-
educational many years ago, and certainly there have been no detrimental effects on that. Now
we have, as I already explained, a sixth form that operates on the premise that it can work on a
mixed gender basis, because of the introduction of wider subject choice for everybody. So we
495 already have that.

And the issues as I have already alluded to, may well not be simply ‘do we do it?’ but ‘how do
we do it?’ There are infrastructural issues, practical issues, issues for example workshops which
are different in the two schools, kitchens are different in the two schools, toilet and showering
facilities which currently do not cater for both boys and girls.

500 Mr Speaker, we can go through a list of advantages and disadvantages and it does not lead us
to any particular conclusion. So what is necessary, and what we feel was the right way to
proceed, was to consider the issue for Gibraltar, to look at the system that exists in Gibraltar at
the moment; to put together a working group as we have done already, to report to the
Government by March 2017 on whether, as a matter of principle, we should proceed on a co-
505 educational basis or not and whether if we do so, or what if any changes should be made, either
at a school level, infrastructural level, Department of Education level, catchment areas level,
there is a plethora of issues to be considered.

But all that, Mr Speaker, is encapsulated in the amended motion which recognises that we
have already initiated that debate, which recognises that there are arguments both in favour
510 and against co-education, which recognises that we have already made inroads by setting up the

working group, which recognises that we have given terms of reference to that working group which are designed not to just come up with a question of if, but how. And also for the working group to advise on the consultation that is best to be carried out in Gibraltar.

515 Mr Speaker, for all those reasons, I commend the amended motion to this House. (*Banging on desks*)

Mr Speaker: Does any hon. Member wish to speak on the amendment proposed by the Hon. Mr Gilbert Licudi? I think all hon. Members have a copy of the amendment.

520 The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, this debate, although as the Hon. Minister has described it as perennial, has taken a long time as far as I am aware to actually be discussed openly in this House. And he is right, there are arguments for and against and this is precisely why we should be having this debate. I personally welcome the creation of a working group. However, I must admit I seem to have missed the Government Press Release announcing the date of the creation of this working group and who the members of this working group are.

525 I note that in his motion he said it is made up of teachers, officials of the Department of Education, union officials and parents, but which union and which parents from which schools? (*Interjection*) Only one union?

530 **Hon. G H Licudi:** Yes, the Teachers' Association.

Hon. R M Clinton: Okay, well, you could have actually said so.

535 As I was saying, Mr Speaker, this working group is obviously such an important group because it will determine the educational future of our children and we do not even know who the members of this group are. (*Interjection*) Well, I am about to. I am about to ask the Minister if he would at least publish the names of the members of this working group. (**A Member:** Why?)

540 Well, because, Mr Speaker, otherwise this, unfortunately if the public is not told when this group was set up and who its members are, we can only conclude that this group is meeting in secret and is a secret committee. (*Laughter*) Well, you may laugh. You may laugh, but we do not know the members of this group who are determining a very important educational decision. We can only conclude it is a secret group set up by the Minister.

And I hear sighs from the opposite side of this House.

545 **Hon. G H Licudi:** You hear laughs.

Hon. R M Clinton: Well fine, laughs, sighs, groans, whichever. But, Mr Speaker, the actual original working group, the Collister working group which published their report in 1974, everybody knew who the members of this working group were. People could talk to them, people could write in to them, they invited consultation.

550 Your working group is going to make recommendations on very important matters to the Government and the public do not even know who they are. So, Mr Speaker, my first premise would be, I think it would be only a courtesy to the community for the Minister to actually issue a press release to the public stating that he has set up a working group on whatever date it was – I certainly hope it predates the date of my learned colleague's motion – to look into these matters and when these terms of reference were actually issued.

560 And, Mr Speaker, I note looking at his amendment to the motion, and this is where I will take a view, not from the point of view of the educationalists, not from the point of view of the unions or the parents, or the Government or the Opposition, but the students themselves. My learned colleague in his motion at least had the courtesy to include the word 'students'. The Minister's working group does not include them. So obviously the very people that we are going to affect the most are not even part of this working group. (*Interjections*) Perhaps the Minister

565 can correct me if I am wrong, in that there are no students represented in this working group, which is a very important working group considering the future of education in Gibraltar and they are the most affected parties and they certainly have a real interest.

Mr Speaker, with your indulgence, I actually found an education handbook from the Gibraltar Teacher's Association from 1985-86, and to my surprise I found in there an address from the 1985 International Year of the Youth and there was an address by a sixth former, and I will quote and this is from 1985, so more than 30 years ago. I quote:

It is frustrating to see that we have not been given the opportunity to air our views on internal politics that will directly or indirectly affect our future. The apparently controversial topic of co-education we feel, should be resurrected and seriously discussed. The antiquated idea that dismissed co-education in favour of a segregated system are perfect examples of the older generation's views on youth in general. From an educational, social and economic point of view, there are numerous advantages to be found in the co-educational system as opposed to a segregated one. All that stands in the way of progress is a vote taken more than a decade ago by the adults at the time.

570 As we know that was 1974. And it goes on:

Come let us have a re-vote and let us ask the students to take that vote, for we will be and have been affected by such a vote. Remember it is we the youth who will take this world into the 21st century. Therefore let us be given more respect, understanding and attention, the negative ideas associated with youth be thrown out and be replaced with new sensible ones.'

Mr Speaker, to my surprise, I find I wrote that myself in 1985, in the year of the youth (*Laughter*) as a sixth former (*Banging on desks*) at the tender age of 18!

575 And so, Mr Speaker, this is not a view that I have just come to today. This is a view I held 30 years ago and it has taken 30 years – (*Interjection*) Well, thereabouts, plus or minus, at least a quarter of a century. It has taken at least a quarter of a century for it to come to this House and have a serious debate about it, and that I think should be welcomed. But I think that in terms of the student population, they should not be ignored, (**A Member:** Hear, hear.) whether it be sixth-form head boys and girls, whether by the Gibraltar Students' Association or some other representative body. They should be allowed to have their say and have their input in it. And it is not to say they may even think it is a good idea. They may prefer it stays as it is. In fact I took a straw poll of my stepchildren and they both said 'No, we actually like it as it is.' So, it is a real open question.

580 But let us not close our minds by educational reports or what was said more than 30 years ago in 1974. Let us have a genuine open debate, an open and frank discussion with all the stakeholders, not just a few select individuals who we do not know the names of as yet and I would urge the Government to include in the definition of stakeholders, certainly the students. Even the Collister report, 1974 at least had the courtesy to survey existing pupils and past pupils.

590 And so, Mr Speaker, what I would say in his motion if he is so minded, although obviously I have not given notice of an amendment, if he might want to include students in his working group, or at least perhaps consider in future to include students in his working group, purely as a matter of courtesy, especially on what is a subject which may be with us for the next 30 years, who knows? I think it is only right, fair and proper that the students in this community be allowed to make a contribution and an input to this working group which the Government has set up of its own accord.

595 Mr Speaker, a lot has been made of a report that was issued in 1974 and I think it is right and proper that the general public understand fully why it is that we have the system we have today and it is right and proper that the conclusions of this report, the reasoning as to how we have the system we have today came to be, is put in the public domain again.

600 Because this is... I will be perfectly honest, I found this report – and Members opposite will laugh – I found this report on e-bay! This is not something you can just walk into a Gibraltar book

shop and say, 'Can I have a copy of the Collister Report?' No it is well out of print – I will obviously make it available to anybody who wants a copy.

I think it is well and proper that the general public are made aware of what the strength of public feeling was at the time, the rationale at the time, how we came to be where we are today and they have to be properly informed, as does the working group and I am sure the working group will have had a copy of this report for its own use. Also, I think that the working group, when it comes to consider the consultation models, would do well to look at what the Collister group did.

They did a very extensive consultation process, they even have in their report, examples of the leaflets as they did in the time before social media, leaflets written in fact in both English and Spanish as to the whole consultation process. It is in fact quite a valuable document from, if not a historic point of view, certainly a social point of view in terms of our development as a people.

And so, Mr Speaker, what I would urge the Government is do not ignore the students themselves. We can have a big debate about the academics of it, about the educational value, but let us not forget the students. Let them have a voice as well in this debate.

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Dr John Cortes, the present Minister for Education.

Hon. Dr J E Cortes: Mr Speaker, I would like first of all to thank the hon. and learned Gilbert Licudi for contributing his wealth of knowledge which he has acquired over the past five years as the outgoing Minister for Education. *(Banging on desks)* **(Several Members:** Hear, hear.)

What a contrast, Mr Speaker, in presentation and research between what we have heard from the Leader of the Opposition quoting a report almost half a century old as the only substance which he did not agree with anyway, and the hon. Mr Clinton, a report 30 years old, with the wealth of information that we have heard and the analytical way in which my hon. Friend has presented his moving of the amendment.

Mr Speaker, I can confirm as the incoming Minister for Education that the Government position and my own, is as stated by the Hon. Mr Licudi. His team now passes on to me and we will seamlessly continue the process that he has already started. In order to reassure the hon. Member opposite, I was given a briefing over two weeks ago when I changed responsibilities and took over Education, which included the names of the people who were members of this working group. I do not recall them all now, but it is not going to be secret in any way.

And as a former Chairman of the then extremely progressive Gibraltar Union of Students, I will obviously make sure that the students view– not just school students, but also people who have recently been students in the comprehensive schools – have their views heard, absolutely.

So, Mr Speaker, I look forward to the work of the working group, to working with them, to their conclusions and to the broader consultation so that we can reach a decision based on current advice and not advice half a century old. *(Banging on desks)*

Mr Speaker: Is there any other? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, they say history has a habit of repeating itself, a maxim that is very much at the forefront of my mind at this particular moment, because over 40 years ago, my father and many others around him, including yourself, Mr Speaker, took to this Chamber to discuss the contentious issue of co-education, as the comprehensive system started to peer over a distant horizon.

Many views were sought and powerful arguments made, both in favour and against, with co-education very much on the table. With hindsight, however, I think many of us feel that the decision to separate boys and girls in school as from the age of 12 was probably a mistake.

Today many decades later we are still feeling the effects of this error to the extent that to reverse it would require significant changes to both Bayside and Westside.

655 Perhaps the long awaited new building for Bayside, and ideally for Westside as well, will provide us with the opportunity to wipe away the past and guarantee a co-educational future for our students.

I am therefore pleased that this motion has been presented, asking the Government to conduct a detailed study into the possibility, and I was also pleased to note the Government's inception of a working group with this topic in mind. Although, Mr Speaker, I am sorry to hear 660 that the Minister for Education at the time of the last election promised GCSE and A-level students, shortly after a *Viewpoint* on the subject of co-education, to meet monthly – something which to date has not materialised and something I consider a wasted opportunity where the engagement of our youngsters who are the most affected are concerned.

And as important as it is to maintain links with students, teachers and parents on views about 665 co-education, the prospect of co-education must not be allowed to detract from matters which are even more important in the day-to-day management of schools and teaching of lessons. While less crowd pleasing and headline grabbing, these urgent issues are far more pressing within our educational system. They include buildings and maintenance of course but also resources and funding, teacher accountability, teacher morale and attendance, curriculum 670 provision, issues within human resources, parental support, staff training, extended service incentives and definitely a closer relationship between the Department of Education and a more proactive Social Services structure.

These issues more accurately represent the real challenges faced by teachers and students alike, and while I welcome the ideology behind this motion, I feel that a similar focus should be 675 given to these priorities. Otherwise a cosmetic change will only lead to another mistake, one which again may take generations to reverse.

Thank you.

680 **Mr Speaker:** Any other contribution to the debate?

Chief Minister (Hon. F R Picardo): On the amendment, Mr Speaker?

Mr Speaker: On the amendment. What is now before the House is the Hon. Gilbert Licudi's motion. Okay, any other contribution? If there is not, I will call upon the mover to reply.

685 Yes, the Hon. Steven Linares.

Hon. S E Linares: Mr Speaker, as a former President of the Gibraltar Teachers' Association, I feel compelled to go into this debate, because when I was the President of the GTA during the time 1992-93, I remember bringing a motion to the floor of the GTA in order to say that co-education should be what we should have in our schools. That means, I was in favour of co-education. 690

Therefore, it was the floor that actually passed a motion and it was to do in reference to the 1975-76 report because they thought at the time – and we were talking about 1992-93 – they thought that report was a bit old and past and dated. Therefore the floor brought a motion 695 which was unanimously passed and therefore it was for the executive to negotiate with Government and pursue co-education.

What happened, Mr Speaker, was that I as the President started negotiations with the then Government about co-education and I went back to the Members, especially – then it was the boys' and girls' comprehensive, now Bayside and Westside – that the staff themselves were a bit apprehensive about how co-education was going to affect their working conditions. 700

Therefore, I went back to each school and their staff and I said, 'Look, if you are not really convinced about trying to forward co-education, there is a motion which the executive has to

follow', and I wanted to follow, but it was the staff that were reluctant in me as the President to follow co-education.

705 One of the issues was, was it educationally sound to have co-education and therefore what we did on the committee at the time, we got a couple of us within the committee to research and find out whether there were sound educational motives why we should have co-education. Mr Speaker, as it has been said here, there are no educational advantages or disadvantages about having co-education so it is not that we should change just for the sake of changing. It is important that whatever we do – and I have declared that I am still an advocate of co-education
710 – it is no good just to change our system if it is working, just because I believe in co-education. It has to have an educational and the most important educational arguments and therefore it is not conclusive.

I welcome that we are going to have yet another committee which is going to look at it. I am sure that the conclusions will be along the lines of what we have been saying, that there is no conclusive educational reasons why we should have co-education, but for me, it is an issue that I have been trying to follow for years and years. And yet having children, and having in my case two girls that have gone through the education system and gone to Westside and now a boy who is obviously going to go to Bayside, I am convinced that as a parent what I want is that they
720 have a sound education. Whether they are united as girls and boys, for me is irrelevant.

I think what we need to look at is what the professionals are saying and in the case when I was then President in 1992-93 was that it was going to affect the challenges that boys and girls together were going to have and basically that then the girls were doing much better than the boys.

725 So are we going to risk those things? Anyway, all I wanted to say was that I look forward to the working committee to look into co-education because like I say, I am an advocate of co-education but I will not have it blindly. I will not go blindly for co-education if it is going to affect our society. Thank you. (*Banging on desks*)

730 **Mr Speaker:** The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I believe that co-education is one of the components in modernising our children's secondary educational system. Additionally, we should be also taking the opportunity, whilst reforming our school buildings, to reform our educational system radically at the same time.
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If we look at the Finnish style of education, one of the leading educational countries in the world, they actually emphasise on respect of each child's individuality and the chance for each child to develop as a unique person. They also prioritise the need to grow socially and grow their interactive skills, to be aware of people's needs and to care about others. It is a very positive and relaxed approach to education when compared to the more rigid system we have here in Gibraltar. Instead of a controlled, competitive and stressful standardised method of testing, they enjoy a highly professionalised teacher-led encouragement and method of assessment.
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I feel we place too much pressure on our young children and at a very young age, due to the approach that we currently have. The system does not place a need to study at university level. University entry is a far more rigid system and the opportunities in the economy arise through vocational and academic training achieved prior to a university entry age.
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I believe that whilst we are looking at the possibility of introducing co-education in Gibraltar, we must also research whether single-sex schools are leading to gender oppression and to the creation of negative stereotypes. This is extremely important. The implications therefore, surpass the academic achievement to the impacts on the way boys and girls navigate their surroundings and establish social and sexual identities.
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Cross-party support on co-education should be agreed on sooner rather than later. Referring to a recent interview given by Mr Peter Watts at the opening of Prior Park School in Gibraltar, I took note on one particular point he made which is the main advantage of having a co-

755 educational system: the fact that all children continue to learn how to respect each other in an environment working together, and the same position will be carried on in their later life in the real world, when we all have to work together.

Co-education is simply one of the cogs in the educational system, and I would urge this House to shelve political agendas and to look towards a brighter future for our children. If we adopt, for example, a Finnish model which seems to work very well, looking at the results that they actually publish, infused with our glorious climate we have here, Mr Speaker, the sky is our limit.

Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Joe Bossano.

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Hon. J J Bossano: Mr Speaker, I am standing up to say that I support the amendment and I certainly reject the arguments that have been put on the other side for not voting in favour. No indication has been given whether they intend to vote in favour or against the amendment because I think they have stood up and spoken to the original motion, rather than to the amendment.

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I certainly think that to suggest, as I think the last speaker has done, that we run the risk of gender oppression if we go to single-sex schools, given that we have all been in single-sex schools, presumably we are all now suffering from gender oppression! *(Laughter)* Well, I can say I do not engage in gender oppression, but I can only speak for myself. I do not know what is happening on the other side. I will ask after the House, whether my colleagues have been contaminated by gender oppression through their experience of single-sex schools. I did not have the advantage, of course, of going to a comprehensive. In my time the system was that of the grammar school system and there were of course single-sex schools.

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Change of course is one thing and progress is another. Therefore the easiest way to try and discredit an opposing view is to say that you are not being progressive. Well, the present government in the United Kingdom apparently thinks that going back to grammar schools is progressive because that is the policy they have just announced: that the emphasis of the government in the United Kingdom will be to go back to grammar schools on the grounds that it is educationally better.

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I think the essence of the education system is to provide education. In the process, clearly if you can demonstrate that by having co-educational schools, the education does not suffer and society gains, then there will be an argument and that is what the motion that is being amended originally asked us to accept without any evidence.

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That is to say nothing in the report of 1974 and nothing in the quote from 1985 from the Hon. Mr Clinton, who was quoting himself – *(Laughter)* I do not know whether that means that he was so visionary that he was already progressing at the age of 18, or so stuck in the mud that he has not progressed since the age of 18! *(Laughter)* But I will not pass judgement. I will not pass judgement on the hon. Member, but they are the only two possible conclusions.

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I have to say that the idea that we can take our place naturally in the wider community of men and women only if we go through co-education, again is something that is a compelling case that the hon. Member is obviously a believer in. I do not know if all the colleagues that he has on his side share it, or if the former Member of the opposite sex that is now as an Independent occupying the seat that I long occupied in that corner, shares that view.

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But it suggests that in the absence of co-education, which we have never had, we are incapable of taking our place naturally in the wider community of men and women. This is a very sick society if this is right, *(Laughter)* a very sick society. And certainly, if that is the view of the Leader of the Opposition, then it worries me that having been in Government, he did nothing about it and allowed the sickness to be perpetuated and having belonged to a party that was there for 15 years, they allowed generation after generation of school leavers to go into the wider community of men and women to take their place unnaturally, when it was possible to make them take it naturally.

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And for all those reasons of failure to convince me and absence of logic, I have to say I support the amendment. (*Banging on desks*)

810 **Mr Speaker:** If there is no other contribution, I will call on the Hon. Gilbert Licudi to reply. Sorry, the Hon. Edwin Reyes, before.

Hon. E J Reyes: Thank you, Mr Speaker, sir.

815 I think I ought to start with, as an educator, an overriding factor that I have always tried to implement in any educational matters and that is, what is in the best interests of the people? If politicians from either side of this House put that first and foremost and leave aside all these partisan views, then inevitably we will end up getting and providing our children with the best possible options for them for the future. That, Mr Speaker, is something that I must stress and repeat if necessary.

820 There are arguments for and against co-education. It has been said already by the Members. You can use figures, twist them round whichever way you like and so on for what is best. But, figures that are always based on just simple, pure academic results does that in itself, provide the best education for our children?

825 What is it that we want to give our children? Do we want to produce a set of youngsters that get three or four As or A*s at A-levels and then throw them out, like into the deep end of a swimming pool and say, 'Now off you go to further studies' or do we want to make sure that these students are prepared in the best way possible for their adult life, which in today's lifespan they are going to have at least another 60 years to go forward?

830 So everything is not just as simple as getting As and A*s, nice as they are, proud as we all are and so on. I have always ... I think, my fellow predecessor too— I have also held the post of President of Gibraltar Teachers' Association – we always had this little joke going around during coffee breaks and so on: if the academic results in a particular year were quite good or outstanding, it is because Gibraltar has very clever children, especially parents would say, 'Look how clever my son is or my daughter is'; however if the results dropped it was, 'Oh well, the teachers are not as good as the ones we used to have.' So we can play about and find excuses and reasons for whatever.

835 But a good valid point that I think we also have to bear in mind is, what is it that we are providing for our children? Are we just simply providing for them A-level certificates with As and A*s or are we providing them with the best possible preparation for their future adult life?

840 One of the things for which I have always declared my favouritism towards co-education is that in Gibraltar's history, slowly co-education was introduced first into what is now called middle schools. Once upon a time before they were called middle schools, they were actually called junior schools and they were single sex at one stage and for various reasons – and, Mr Speaker, I cannot obviously preach or try to give you any lessons, you were very much a very, very senior educationalist in the early 1970s, before you took the bold decision to have to resign your post to be able to become a Member of this Parliament or the House of Assembly as it was at the time.

845 But for reasons that we can spend hours and hours discussing, a decision was taken not to introduce co-education. There are some other reasons that people say, and not necessarily written in a report. But up to 1974 until the introduction of the then called Education Ordinance, now the Education Act. Prior to 1974 there was a very different setup in education: there was a board which was chaired by the Bishop and which non-Roman Catholic teachers had problems in getting teaching jobs in what were state schools and past Gibraltar Teacher's Association Presidents had to end up teaching in the Hebrew School because although they were Christian, they were not Roman Catholic.

855 But that is another chapter of the history which perhaps a future nephew of the present Minister for Education might want to do his Master's thesis on, will be very interested. I have known Christopher Cortes for some time, I value the thoroughness in which he carries out

860 things, so perhaps at one stage if your nephew consents, I could also have a look at the result of what he has written out in his thesis.

But not to deviate further, Mr Speaker, yes, it is valid to say in a letter through *The Chronicle* and so on, if we have a system that works, 'if it ain't broke, why fix it?' Does it work? Let us go back to that question: does it work? What yardstick are we using to say it works? Does it work why, because we have got x number of pupils with As and A*s? Or does it work because we have all spoken in favour and I do not think it crosses anyone's mind: we want to keep apparently to a comprehensive system.

870 A comprehensive system in its full sense, which is equal with everyone, must include in my opinion that equality of males and females especially in delivery of subjects. I am glad to hear the Minister reminding this House that it was them who managed to bring back and get rid of the problem that my predecessor in the Teachers' Association and myself had always been against: this inequality of opportunities for the girls being able to stay within the familiar surroundings of their school to repeat their A-levels and so on. But politics being politics, it must be said that it was actually the GSLP who introduced that inequality and took away the opportunity for Bayside students to remain in Bayside to repeat the sixth form. So they did 'fix what was broke' and at the end of the day what happened? It was the students who got the best deal possible. And that is what I want to keep on repeating we must all bear in mind in working towards the future.

880 Look, there is a price to everything. By having the students and the boys staying back in Bayside to repeat those GCSEs and so on, the price to pay is that there seems to be lack of rooms now to be able to have a sixth form common room. But the decision had to be taken: do we have a sixth form common room or do we have classroom opportunity for the children to learn? Therefore what is in the best interest of the pupil? The best interest of the pupil is that they are able to get adequate results that would allow them to go on into higher education and so on.

885 So something has to give way to something. What is best? Therefore, Mr Speaker, I want as well to repeat that in the amended motion in the paragraph that says, 'acknowledges that in keeping with its commitment the Government has already set up a working group made up of teachers, officials from the Department of Education, union officials and parents', I must repeat there that there is no mention of the word 'students'. So I think Dr Cortes as the current Minister already indicated that he will certainly pull his weight in that respect, and make sure that students are represented. But it is not reflected in this motion. (*Interjection*)

What I am saying, Dr Cortes, you alluded that you wanted to make sure that students were represented in the working group.

895 **Hon. Dr J E Cortes:** If the hon. Member will give way just for clarification.

My comment was that I do not need to pull my weight! It is just going to happen anyway. It is not that I am going to force anybody to involve students; it is something that is a logical thing to do.

900 **Hon. E J Reyes:** Okay, I am glad to hear that. Therefore an amendment has to be made to the wording here. (*Interjection*) Just so that for the record, Mr Speaker, I like things to be put down properly. The omission of the word 'students' could give the impression tomorrow or for future generations to say, 'Look, they were not even thinking about students because the word is not included here.'

905 So, Mr Speaker, whatever happens, can I wind up by repeating to all Members, please bear in mind and always think what is in the best interest of the pupil and how can it be best delivered and how can we ensure that not only are things working well but they can work even better to make Gibraltar an even better educationally sound state.

Thank you, Mr Speaker. (*Banging on desks*)

910

A Member: Hear, hear.

Mr Speaker: The Hon. Neil Costa.

915 **Hon. N F Costa:** Mr Speaker, just very quickly on a couple of matters that have been raised. In
the first place, speaking on the amendments by the Hon. Mr Licudi on the motion, the question
before the House is simply whether or not co-education should be introduced in Gibraltar. That
is what we are debating. And as the Hon. Mr Licudi has said, the evidence and the empirical
920 studies are in effect half and half as to whether it would be of benefit and whether it would
actually be to the detriment of one of the sexes.

The Hon. Mr Reyes asks the question whether we should consider fundamentally the reasons
why we educate our children. To be honest, Mr Speaker, if we were to ask that question
philosophically then I would suggest that we teach more Plato and Socrates and we read more
David Herbert Lawrence's *Women in Love* and that we teach children how to meditate, but that
925 is not the question before the House.

The question before the House is, is co-education more beneficial – yes or no? And on the
reasons that have been put forward by my learned and hon. Friend Mr Licudi, the answer is that
has to be the subject of empirical and knowledge-based study and no one here has the answer
to that question without being able to undergo that important consultation process.

930 And I have to just finish by saying that the Hon. Mr Clinton said that the only logical
conclusion on a debate on education that he could draw from the absence of a press notification
setting up the names of the persons on this committee *has to be* that we are keeping it secret. I
can think of 20,000 reasons why the Government did not announce by way of Press Release, the
names of the committee.

935 It may have decided not to do so because persons of the committee decided that they did
not want to do so at that stage, because the Hon. Minister had not yet got to that basis. It is
almost as if to suggest by a scientist that if a spider whose legs have been broken off, the only
logical conclusion is, rather than the legs having been broken off, that the spider is deaf. It is a
totally illogical conclusion and it is certainly not the only conclusion, Mr Speaker. (*Banging on*
940 *desks*)

Mr Speaker: The Hon. Gilbert Licudi. (*Interjection and laughter*)

Hon. G H Licudi: Mr Speaker, I am particularly grateful to the hon. and learned Neil Costa for
945 that contribution. (*Laughter*) (**A Member:** Hear, hear.) There has in fact been, Mr Speaker, very
little said across the floor of this House which merits or needs a response. There has been very
little said in substance in relation to the amended motion itself, which is what we are actually
debating now. Is there anything in the amended motion that they disagree with? Is there
anything that they agree with? It seems that we are none the wiser.

950 The only issue in relation to the amended motion that has been raised has been by Mr
Clinton and I would have hoped that, if he was going to talk about the amended motion and this
being a debate with a working group, looking at it in consultation and a possibility of
recommendations being made to Government, it would have been a little bit more positive.

955 But he started talking about the composition, no press release, secret meetings, as my
learned friend has alluded to. Talk, Mr Speaker, about trying to find issues where there are
none; trying to create polemic where this absolutely none! The amended motion talks of a
working group having been set up. There is no question of secrecy. We have said that there is a
working group that will report to Government and it talks about professionals of the
Department of Education, union officials and parents.

960 As the Hon. Dr Cortes has said, I have certainly been given a list of the people in the working
group, I do not have it with me but it is no secret to say that the Chairman of the working group
is the current Senior Education Advisor, Mr Darren Grech. He will be Chairing the working group.

Included in the working group as one would expect, are the head teachers of the comprehensive schools, their schools are the ones that are most affected by this, so they will be part of the working group. Included in the working group will be the representative of the Gibraltar Teachers' Association, whose President is currently Mr Stuart Borastero, and there are also parents from parents' associations included in the working group.

The suggestion is that students have been somehow through some Machiavellian plot excluded. They certainly have not been excluded. The fact that they do not form part of the working group itself does not mean that they are excluded at all. It does not mean at all that their views are not relevant. It does not mean that their views are not important. Of course their views are relevant and their views are important.

We mentioned relevant stakeholders in the amended motion in terms of consultation and of course very relevant stakeholders will be the students themselves. But for the working group, one of the terms of reference, if there is going to be a recommendation and a consultation process, is to make recommendations as to how that is to be conducted and who is to be included – students.

Do we include everybody in the secondary sector? Do we include those in the primary sector that are going to go into the secondary sector and have their views? *(Interjection)* Those are matters that have to be considered by the working group and what we have not done is create any cut-off point to say, 'These students are to be included and these are not.' That is a matter for the working group and I know, and it will not be necessary, as Dr Cortes has mentioned, for a Minister to say, 'You have to do this and you have to consult students and you have to get the views of students.' Of course that is going to happen. That is intrinsic in this approach.

Mr Clinton also says, Government should not close its mind to this. I opened my contribution by saying Government's position is that we have an open mind. *(Laughter)* Precisely the opposite of what the hon. Member has alluded to.

Ms Marlene Hassan Nahon suggested that single sex comprehensive was probably a mistake, a view that can be taken. It is probably pushing it and pulling it a bit too far as Mr Llamas has put it, which the Hon. Mr Bossano has already dealt with in terms that it has created gender stereotypes and it is gender oppressive.

As has been said, in fact most of us – **(A Member: All.)** well, most of us here are the product of the single sex comprehensive system which the hon. Lady suggests was probably a mistake. I look around and it seems that we have not turned out that badly after all – although that is a matter of opinion, *(Laughter)* I am sure! And I certainly, having gone through single sex comprehensive education, did not feel at the time that I was missing out on anything, on educational grounds. *(Laughter)*

Was it a mistake? It happened. We are all essentially products of that system by and large we have people in Gibraltar, generations that have been educated on that particular basis and Mr Reyes, and I welcome the contribution by Mr Reyes as an educator, as a professional in the field and as former President of the Gibraltar Teachers' Association. He does say that this is not just about academic results; students need to be prepared for adult life. That is precisely what we do in our schools: prepare children for adult life and not just give them an academic education.

But the question is whether they are better prepared or less prepared or is the implication that they would be better prepared for adult life in a mixed sex environment? That is something that the working group will need to look at and the hon. Member has indicated that what needs to be looked at is what the best solution for Gibraltar is. There is nothing in what I have heard from the hon. Members opposite in terms of any evidence, any suggestion as to which is best. Therefore having heard the debate across the both sides of the House, I am more convinced than ever that the terms of the motion that the hon. Member put are mistaken, that the right motion for this Parliament to pass is the terms of the amended motion which I have moved.

Therefore I have great pleasure in, once again, commending that amended motion to the House. *(Banging on desks)*

1015 **Hon. Chief Minister:** Mr Speaker, I call for the House to divide on its vote. (*Interjection by Hon. D A Feetham*) I call for the House to divide on its vote.

Mr Speaker: We are now going to put the amendment in the terms moved by the Hon. Gilbert Licudi to the vote. And you want a division, very well.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento.

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. L F Llamas
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. T N Hammond

1020 **Mr Speaker:** There is one Member absent, 11 votes in favour of the amendment, 5 votes against. The amendment is carried.

We now have the motion before the House as amended and the convention that I have seen in this House applied over the years by Speakers has been that where a motion and the amendment overlap in the manner in which these do, you either speak on one or you speak on the other.

1025 Therefore I will allow the Members who have not spoken at all this morning, namely the Hon. Elliott Phillips, the Hon. Samantha Sacramento, the Hon. Dr Joseph Garcia, the Hon. the Chief Minister, the Hon. Mr Paul Balban and the Hon. Albert Isola, they can all speak on the motion as amended.

1030 I will not allow any of the others because I do not think that they will ... well, they are going to be repeating themselves. And then, when all that is over and done with, the Hon. the Leader of the Opposition has a right to reply and he is the final speaker on the debate.

The Hon. the Chief Minister.

1035 **Hon. Chief Minister:** Mr Speaker, I confess that on this side of the House we have been rendered perplexed by the failure of hon. Members to support the amendment put by the Hon. Mr Licudi. It is an amendment which talks of the creation of the working group and that should, in our view, have been exactly what hon. Members must have wanted to see as a conclusion of this debate: the fact that the group has been established and how it is going to be dealing with these issues.

1040 Mr Speaker, therefore one is left with the feeling that we are dealing with a motion brought not because there was an underlying purpose that hon. Members opposite would want to see the Government move to, but that there was simply a desire to get up and say something, say anything that dealt with the issue of education.

1045 Mr Speaker, I am going to speak in respect of this motion both in relation to the work that the working group is doing, but I am going to start giving the House my personal views, because I think it is important that the House has heard the views of all Members and it should hear the personal views of Members.

1050 Mr Speaker, the reason this matter is with a working group of educators and professionals, is because this is not a matter for politicians to make their minds up on. This is not a matter where the Leader of the Opposition should bring a motion to the House to promote co-education

happening in one moment and not say, as the hon. the former Minister for Education, Mr Licudi has said, this must be dealt with by the educators.

1055 My personal opinion, Mr Speaker, is that a report that is 42 years old has absolutely no relevance today. I think it is absolutely irrelevant to go back to the decision-making process in 1974 to take a political position today.

1060 Mr Speaker, my personal opinion, not to interfere with the working group is very simply, that we do not live life in single-sex silos; that we live life in co-habitation with people of opposite sexes and of same sexes with different sexual orientations. I believe, Mr Speaker, that our children build strong relationships across the sexual divide in first and secondary schools and that we rip them apart when we send them to single sex comprehensives. I believe that those relationships do not recover from the at least initial four years of separation.

1065 But, Mr Speaker, I believe that as a past pupil, I believe that as a parent and I believe that of course as a politician – but I am no-one to decide whether that is the system that produces better academic results and potentially better rounded individuals or not. Because what I definitely know is that I do not know what the right answer is. I can tell you what I think and I can tell you what I feel, but I cannot tell you as an educator what the right answer is.

1070 Mr Speaker, that is why this is not an issue for cross-party agreement, as the Hon. Mr Llamas has said, one way or the other. What we should have had is cross party agreement to support a motion to establish a working group of professionals, supporting the fact that the Minister for Education had already done that when he was responsible for Education, when Mr Licudi was there.

1075 Mr Speaker, hearing Mr Reyes speak then one is left with the impression that we agree that this is an issue for professionals, but yet he has not supported the motion amending the motion put by his leader which reached conclusions – the same conclusions that we might personally reach, but which reached conclusions politically about things that none of us, except for him and Mr Linares, are professionals at. And that I think, Mr Speaker, is the thing we have to be very, very careful to fall into the trap of not doing.

1080 But I think this motion has been an excellent opportunity, Mr Speaker, for Mr Licudi to demonstrate the work that the Government has already done on this subject and why this must not be an issue for this House. In the time that he has been Minister for Education, Gilbert Licudi has done many things, Mr Speaker, most of which are well known to the general public. I mean he has not just built schools, the physical aspect of education and a university, also the physical aspect of education, a prize that was elusive to most in fact elusive to all other former Ministers for Education and which he delivered.

1085 But the curriculum has also changed in consultation with teachers, so that we now have the teaching of local history in our schools, something that goes to producing not just more rounded members of our community; to producing more rounded Gibraltarians who also understand our context.

1090 Now, Mr Speaker, we have to see where that working group takes us in relation to co-education. But to say that the working group should include the pupils is really, Mr Speaker, to stretch the concept of consultation in the context of decision-making at a professional level, to breaking point, as the Hon. Mr Clinton has done. Of course pupils and students must be involved in the process of consulting once the working group has reported, which is what the motion talks about.

1095 But to say that they should form part of the working group is something that only Members on this side of the House could say legitimately, because we talked about the possibility of people being able to vote at the age of 16 and they pooh-poohed it. So how is it that the hon. Member can get up and say they must form part of the working group in this context but they must not make decisions as to who governs?

1100 Mr Speaker, look the working group of course will have to take cognisance of the views of pupils and students. The consultation that the Government does as a result of the working group's report will of course be something which will be consulted on with students and with

1105 pupils. But, Mr Speaker, the working group is meeting during working hours. It is doing a job. If we had proposed that the working group should include pupils, hon. Gentlemen would be saying that we were trying to get the advice on the cheap and that we were pulling them away from their work.

1110 It really, Mr Speaker, makes little sense other than, perhaps, an attempt to ingratiate oneself with a particular demographic. If that is what it is, Mr Speaker, I think it is fairly cack-handed, especially to say, 'Don't ignore the students, this is about the students.' Well, Mr Speaker, for the reasons that Mr Licudi has given, of course it is and of course it will and Mr Cortes has now confirmed that it will, as it must.

1115 But who did their decision-making body consult in 2006 when they made the decision to go co-education? Would the hon. Gentleman care to tell me who was in the secret group that made the decision in 2006 to go to co-education? (*Laughter*) Or which students or pupils were consulted in 2006? Because if it was about the students and they should not have been ignored, they appear to have been blithely put aside in 2006 (*Interjection*) and ditto, they were not on the committee.

1120 A committee of which by the way, Mr Speaker, there was no press release (*Laughter*) as I understand it, (*Interjection*) because I must say to the hon. Gentlemen, I have found out about it today! I have found out today that there was a committee established by them in secret, because there was no press release that did not consult or include any pupils.

1125 So, Mr Speaker, it is really quite something. It is really quite something to see. (*Interjection*) This is not a pendulum swinging; this is a pendulum *spinning* (*Laughter*) on the other side, Mr Speaker. This is just, Mr Speaker, another example of the politics of what sounds right to them. And we must be very careful in Gibraltar, Mr Speaker, not to move to the politics which parts of the rest of the world are moving to, of doing the things that sound right, whether they are right or not.

1130 We must not move to post-truth politics in Gibraltar. We must stick to the politics of the facts and of the work of experts like the experts in the working group established. That is not to say, Mr Speaker, that the group established in 2006 got it wrong or got it right. It is to say that by their measure, the measure that they have applied today, this must be a secret group that failed to consult or to include the pupils and the students.

1135 Because, Mr Speaker, what might sound ripe on the lips of a Leader of the Opposition looking and casting around for relevance in this community, may not be what is ripe for implementation in our schools and in the best interest of our pupils. But as usual, Mr Speaker, I thought I would give the hon. Gentleman opposite, the mover of the motion, the benefit of the doubt, because believe it or not, I always do, Mr Speaker.

1140 And so I went back to their election pamphlet of 2015. Now, Mr Speaker, I know that the hon. Gentleman obviously in preparing his motion had not read our manifesto because he would have come across the parts which the Hon. Mr Licudi read to him which demonstrated that what we were doing was already what they were prompting us to do. But I am – this week in particular for reasons that are being debated outside this House – constantly surprised by his failure to remember what was in their pamphlet at the election.

1145 You see, Mr Speaker, the hon. Gentleman has said in his motion that he calls on the Government to generate a debate by undertaking a consultation exercise with teachers. To generate a debate by undertaking a consultation exercise with teachers. (*Interjection by Hon. D A Feetham*) Oh, I am quite happy to read the whole thing – teachers, unions, parents and other stakeholders, with everybody. Consult and generate a debate with everybody.

1150 This morning, Mr Speaker, I re-read the whole of the 2015 GSD election pamphlet because it is such a quick read, Mr Speaker, (*Laughter*) there is no point in even asking the electronic gadgets one has today to search through, when you can read the whole thing, just to give them the benefit of not missing one reference. And what the hon. Gentleman has done in his motion, is entirely contradict the position that was in their manifesto last year, a year ago. This is one of the quickest political *volte-face* in history!

1160 Their manifesto, Mr Speaker, on page 16 features a photograph of Mr Hammond, who is not here today – no doubt for good reason, I make no criticism of that – with a graphic of Rooke on the next page and the word ‘Co-education’, that is it. There is a jumble of words at the bottom that no doubt some media guru advised them was a good way of presenting things, under a text from Mr Hammond and it says the word, ‘Co-education’.

On page 17, the word ‘Co-education’ appears again. And it appears in the context of a statement which was one of their flagship policies at the election: ‘we will move from the two single-sex schools to one co-educational facility, state of the art, at Rooke’.

1165 What consultation, Mr Speaker? Their policy was a *fait accompli* on one of the most important issues in the election which was the movement of the use of land to go from two schools to one in co-education. No consultation with students, with pupils, with teachers, with unions, with anyone, with parents – no-one! The policy was co-education. That was what people were asked to vote for, Mr Speaker, and to put everyone in the same school.

1170 Well, look, Mr Speaker, he may know now, given what I have said, that as a past pupil, as a parent and as a politician, my instinct is that I believe in co-education. It appears that we might agree on that subject. But to simply impose in the context of the debate of something as important as what we are talking about here, which they speak of in highfaluting terms when they come to this House in this motion, in the context of an election pamphlet, that that would be the policy, I mean it is really quite something, Mr Speaker. They were not for a consultation; 1175 they were for co-education full stop. Now, one year later, they have come round to the concept of consultation on this careful subject.

Now look, Mr Speaker, Christopher Cortes is a person with whom I have had the opportunity of working in a number of different fields. I have the deepest respect for him. I have the deepest respect for him: he is a man who is an educator, he is a musician, he is one of Gibraltar’s 1180 cultured and developed minds. He has done an in-depth study on the subject and he is an educator. The people who were on their committee, the people who will be on our committee, are the people who are experts at this. And you can find reports one way or another, Mr Speaker, and it maybe that in the end there will have to be a decision made based on that advice. But to go from that careful process of detailed analysis and consultation to simply say 1185 ‘everyone at Rooke, co-education’, that was absolute nonsense, Mr Speaker.

So I will tell the hon. Gentleman that I have been pleased again to see another complete and utter U-turn from him, where he is once again at last been made to face the right way. I do not know whether it is by logic, I do not know whether it is by people who have approached him who have put him on the right track, I do not know what it is but at least he is now talking about 1190 consultation. He is talking about consultation in all the wrong contexts because I think the Hon. the Father of the House has demonstrated that the wording of the motion which the hon. Member brought, was verging on the ridiculous, Mr Speaker.

It is really quite something when a Leader of the Opposition, who should be the guide, the guiding hand to the other more junior members of the Opposition, can allow himself to put a 1195 motion in the terms that we have had before the House. It is really quite something, about people taking their natural order in the wider community of men and women, as if that were not the case, for reasons Mr Bossano has already set out.

So, Mr Speaker, the only way to lead on something as sensitive and as important as the wholesale reform of our system of education is to do so in consultation with the right experts. 1200 That is the way to lead and that is the way to be truly progressive, Mr Speaker.

This is not an issue for politicians and an issue for speeches attempting to ingratiate oneself one way or another. It is an issue for careful consideration and for that, Mr Speaker, I commend the work that has been done in the Department of Education in this respect in the right way.

1205 So, Mr Speaker, what we have seen in the context of the debate we have had already and hon. Members’ speeches this morning, in the context of the amendment put by the Hon. Mr Licudi, is first that their position in 2015 was one of imposition of co-education without consultation; and second, that their position today, although on the terms of a motion which

1210 should not enjoy any support, was to move to consultation which is where we were in our manifesto of 2015 which is where we have demonstrated that we are already in the Department of Education and which is what we are moving to ensure our society has the benefit of in the context of making an important decision like this.

1215 So, Mr Speaker, the amended motion, which is the motion now before the House, deserves the support of the whole House if we are going to have a cross-party approach to preparing work to advise how we should progress on this matter. Because anybody who does not support this motion – and I know they have not supported the amendment, but now they have to support or not support the motion as it is before the House – will not be supporting the creation of the working group with terms of reference which are frankly not just unobjectionable but they are absolutely the right terms of reference for a decision to be made which is in the interest of our community.

1220 So, Mr Speaker, given all of that, I urge hon. Members on both sides of the House to support the motion as amended so that our community can be informed by the work of this group that has been established by the Department of Education and by the former Minister and which will be taken forward as ably by the new Minister, John Cortes. (*Banging on desks*)

I commend the motion to the House.

1225

Mr Speaker: Is there any other Member wishing to speak, before I call upon the Leader of the Opposition to exercise his right to reply?

The Hon. the Leader of the Opposition.

1230 **Hon. D A Feetham:** Mr Speaker, thank you very much.

Mr Speaker, the Opposition is not going to be supporting the amended motion, as indeed it did not support the amendments to the motion. We are not supporting the amended motion because the motion is inherently contradictory in itself, Mr Speaker, quite apart from some of the reasons that have already been put forward by my friend, Mr Clinton.

1235 Not only is the motion inherently contradictory but it also – quite surprising bearing in mind what the Hon. the Chief Minister has said about our position being contradictory – contradicts, Mr Speaker, statements that the Chief Minister himself made to public television on 15th December last year, just after the general election, which is the very reason why I drafted my motion in the way that I drafted my motion, as I will outline in a moment.

1240 But, Mr Speaker, the speeches from the hon. Gentlemen, particularly the Chief Minister but now surprisingly I have to say, Minister Licudi, are unnecessarily aggressive, Mr Speaker – unnecessarily acerbic, Mr Speaker, and arrogant, Mr Speaker, *to the core*. It oozes the question, ‘How dare you question Government policy? How dare you want to bring a motion to debate something as important as co-education?’

1245 And all, it has to be said, Mr Speaker, on a motion calling on the Government to generate debate by undertaking a consultation exercise with teachers, unions, parents, students and other stakeholders, to determine the views of the community on this issue. And, Mr Speaker, from the hon. Gentleman’s contribution, the Hon. Minister Licudi, it really does not fill me with confidence that he is approaching this issue with an open mind.

1250 Indeed, Mr Phillips to my left, who is *un llanito buena gente* just turns round and says to me, ‘But is he really approaching this with an open mind?’ (*Interjection and laughter*) Because the whole tenor, Mr Speaker, of the contribution by the hon. Gentleman was, ‘Yes we want to consult, yes we want to do this, yes we want to do that’, but really the undercurrent is that they are not in favour of it, Mr Speaker. That is the reality of it and that is what comes across from listening to the speeches of the hon. Gentlemen opposite and it is surprising, Mr Speaker. Mr Speaker, it is surprising.

The Hon. the Chief Minister says, ‘Well why have you drafted the motion as you have drafted it, starting from the premise, that yes we believe in co-education but then calling for a consultation exercise?’ And he also said, ‘Well look, in your manifesto you were in favour of co-

1260 education; now what you are saying is, let us consult on it.’ But there is a very good reason for
that, Mr Speaker: as he reminds us incessantly, we lost the election; they won the election, Mr
Speaker. **(Several Members: Hear, hear!)** *(Banging on desks)* And, Mr Speaker, on
15th December 2015, in a *City Pulse* programme on *GBC* –and in fact it was reported on *GBC* the
day afterwards – ‘CM advocates co-education, but says consultation necessary’. *(Interjection)*
1265 ‘The Chief Minister has said he personally favours the concept of co-education in schools, but
believes a process of consultation ...’

Mr Speaker, the hon. Gentlemen opposite are conducting themselves in exactly the same
way, as I have said they conducted themselves during the course of their own speeches:
arrogant, acerbic, angry. *(Laughter)* Mr Speaker, I am on my feet, I ought to be allowed to
1270 continue with my speech without hon. Gentlemen constantly heckling and all but trying to
interrupt. *(Interjection)*

Mr Speaker: May I ask hon. Members to observe the best principles of parliamentary practice
and not those which one sees on a Saturday evening on *la tertulia de La Sexta*. *(Laughter)*

1275 **Hon. D A Feetham:** Well thank you very much, Mr Speaker.

Mr Speaker, and of course, in that programme, he did not say that he was setting up a
working group *(Interjection)* what he said was that he personally believes in the concept of co-
education which is what I say in my motion, Mr Speaker, but that there ought to be a
1280 consultation exercise.

Well, Mr Speaker, that is not what this motion actually does, Mr Speaker, because the
consultation exercise – and I will come to it in a moment – comes at the very end of the process,
after there is a report from the working group. There is nothing about the working group in what
he said to *GBC* and the reason why I have drafted my motion in the way that I have drafted it, is
1285 believing that I can come to this House with a constructive motion and try and find some
common ground between the Opposition and the Government.

But it is too much to hope, Mr Speaker, because even a motion that is brought to this House
in good faith, that is designed to find some common ground between the Opposition and the
Government meets with the kind of aggression and acerbicness that we have met today in the
1290 speeches of the hon. Gentlemen and in particular, Minister Licudi and the Chief Minister. But
there is logic to this, because it follows my motion, because it follows the statements that the
Chief Minister himself made to *GBC* on 15th December last year, just days after the general
election.

Mr Licudi and indeed with a lot of humour, the Father of the House, have examined the
1295 reasons as set out or part of my motion, the grounds for supporting my motion in paragraphs 1
and 2. Mr Speaker, paragraphs 1 and 2, in particular paragraph 2 of my motion is the central
argument in favour of co-education. The hon. Gentleman describes it as a social reason. But
indeed it is also an educational reason and when you look at all the reports and all the studies
and all the arguments from the people who have advocated co-education, what they say is this:
1300 education is much more than just simply the teaching of particular subjects. It is about preparing
people to take their place in the wider world and the wider world includes both men and women
and therefore you are not preparing young people properly by segregating them. And a better
way to prepare young people for that wider world is by actually having that co-education and
young people working together.

1305 And, Mr Speaker, in the report, in the Collister Working Party Report, which sets out the case
for co-education and the case for single-sex education, which is the last time that there was a
major public consultation exercise and a major report based on the work of a group across the
board involving educationalists, involving parents and involving unions, this is what they had to
say and this is the point about my paragraph on the wider world of men and women.

1310 Education is, and I quote:

'not merely instruction at school in reading, writing, arithmetic, history, geography. Education is the whole process starting at birth by which a child becomes a mature individual and an adult member of society. Education starts and is always centred in the family, apart from academic instruction, the school's main contribution to a child is showing him/her how to live in a larger society than the family, how to meet, assess, work with and just get on with people of different types and backgrounds. Half the people our children are going to meet in his/her life outside school are of the opposite sex. Why therefore do we not accept the responsibility implied in the word "education" of helping our children to get on with members of the opposite sex?'

1315 That is the point, Mr Speaker. That is the point and of course, I would hope that nobody in this House – look, I cannot vouch for everybody, but I would hope that nobody in this House – has a dysfunction by reason of being segregated at secondary school from members of the opposite sex! But it misses the point, Mr Speaker. The Hon. the Father of the House, ingenious as he is with his arguments, entertaining as he is with his arguments, misses the point. It is about what better prepares a child to meet the challenges outside school. If the challenges outside school are challenges of people working in a mixed environment, why not replicate that and that also is part of education within the secondary education system?

1320 And, Mr Speaker, a lot has been made about my quoting the Collister report, but the reality is, and indeed it was I think the Chief Minister that said that the report was not relevant today. Well, that is precisely the point! The reasons for the report in 1974 for rejecting co-education are not relevant today. That is the whole point of my going through the report. Society moves on, society develops and the reasons for rejecting co-education in the 1970s are no longer reasons that are prevalent or apposite today. That is the point.

1325 But, Mr Speaker, I come to the wording of the motion itself and I will deal with the contributions from hon. Members as I go through it.

Mr Speaker, the Hon. Mr Costa said there are 20,000 reasons not to announce the names of those on the working group.

1330 **Hon. N F Costa:** I was being generous.

Hon. D A Feetham: 30,000, 40,000. But, Mr Speaker, again that misses the point. For a Government that likes to issue press releases, Mr Speaker, like confetti at a wedding, as I have said before in this House, for the Government to suddenly forget not to come out with a press release saying, 'We have set up this working group to report on this question of co-education', Mr Speaker, that is very strange indeed – very strange indeed!

1335 And the first time that the working group, this fantastic thing that Mr Licudi, according to the Chief Minister ... absolutely fantastic! What a wonderful Minister of Education we have had, and this is proof of it. A wonderful, wonderful Minister of Education, this is proof of it: that he has set up this working group to report on this question of co-education. And the first time we find out about it, Mr Speaker, is when I file my motion on co-education and he files – and I am very grateful that he filed it with plenty of time – an amendment to the motion. Well, Mr Speaker, one would forgive any opposition, not only this Opposition, for being rather sceptical about the Government's intentions or the Government's good work in setting up this working group that nobody knew anything about until Mr Licudi filed amendments to the motion.

1340 It is particularly surprising, Mr Speaker, given that the Hon. the Chief Minister, in his programme *The City Pulse* on 15th December 2015, did not say, Mr Speaker, that he was setting up a working group. What he said was that he himself was in favour of co-education – always the populist, our Chief Minister, I have to say; he probably thinks that is a popular line – but he does not want to step on the toes of anybody else. He then says 'but let us consult'.

1350 Well, Mr Speaker, he did not say that he shortly expected to set up a working group. And, Mr Speaker, the points made –

Hon. G H Licudi: Mr Speaker, would the hon. Gentleman give way?

1355

Hon. D A Feetham: No, I am not going to give way. (*Interjections*)

Mr Speaker: Order! Order!

1360 **Hon. D A Feetham:** The points made – Mr Speaker, I am not giving way because the courtesy
is never extended to me (*Interjections*) – yes, Mr Speaker, today that I have a right to respond,
they are going to sit down, they are going to heckle, they are going to laugh, but above all, Mr
Speaker, they are going to have to listen to me (*Laughter*) because I do not get the chance, Mr
1365 Speaker, to have the final word! But today, Mr Speaker, they are going to have to listen and I
note that the Hon. the Chief Minister has, as soon as I have said this, exited the Chamber
obviously he does not want to listen to what I have to say, or he is going to listen to it from the
Antechamber.

Well, Mr Speaker, the point made by my hon. friend Mr Clinton, about students, is a point
that is well made, Mr Speaker. This is a motion that is brought before this House, that says that a
1370 working group has been set up composed of union officials, officials from the Department of
Education, parents and it is going to report by March 2017 and it does not include the very same
people that we are all talking about, the very same people whose futures we are today
discussing.

Mr Speaker, that is an omission (*Interjection by Hon. G H Licudi*) of huge magnitude, Mr
1375 Speaker. And Mr Cortes said, but their views are going to be heard. Well look, Mr Speaker, their
views are going to be heard, that is neither here nor there, Mr Speaker! What we want is for
students to be included within any working group (*Interjection by Hon. G H Licudi*) so that their
views can properly be taken into account as and when the decisions are taken, Mr Speaker, and
not as an afterthought. (*Interjection by Hon. G H Licudi*) No, Mr Speaker, I am not giving way. No,
1380 I am not giving way. Sit down and listen. (*Interjections*) Sit down and listen, Mr Speaker.
(*Interjections*)

Mr Speaker, and then he said it is the logical thing to do. Well look, I am sorry but that is not
the logical thing to do. The logical thing to do is to include those whose futures you are
1385 discussing within the working group who are making the decisions or the recommendations
about that group's future, Mr Speaker.

Now we come to the huge contradiction between the statements made by the Chief Minister
to *City Pulse* programme on 15th December of last year and this motion and indeed the inherent
nonsense of the motion itself, Mr Speaker. Because this is a motion that basically says that by
1390 March 2017, this working group is going to advise Her Majesty's Government of Gibraltar on the
advantages and disadvantages of the current and mixed co-educational models for
comprehensive schools. So on 17th March, we will have a report. We will have a report on the
advantages and disadvantages.

And then it says, secondly, to make recommendations on whether secondary education at
comprehensive schools in Gibraltar is best delivered by co-ed or single. And then it says to make
1395 recommendations on possible implementations of a scenario.

And then lastly, Mr Speaker, and most remarkably, I have to say – and that is the reason I
could not support it, because I was reading this last night and I thought about ringing the hon.
Gentleman and saying to the hon. Gentleman, 'Look, can we at least try and amend this?' But of
course, it is not a question of amending it because the mechanics are already in motion, they
1400 have already done this. Then (4), to make recommendations on the appropriate consultation
model to ensure that the views of the relevant stakeholders are taken into account.

The views of the relevant stakeholders, Mr Speaker, are taken into account *after* there is a
recommendation by the working group on what is the model, Mr Speaker. That is placing the
cart before the horse, Mr Speaker. (*Interjection*) Because the consultation exercise ought to take
1405 place *before* the working group reports to the Government, Mr Speaker. (*Interjections*) That is
the reality and this is ill conceived, Mr Speaker.

1410 And it also contradicts what the Chief Minister himself said on 15th December, which is that there would be a consultation exercise. That is what I would have thought and that is what we would have supported, Mr Speaker, *(Interjection by Hon. G H Licudi)* No, Mr Speaker, *(Interjection by Hon. G H Licudi)* No, Mr Speaker.

1415 **Mr Speaker:** May I draw the attention of the Hon. Minister Licudi to Rule 45, interruptions. Please read it carefully because three times you have attempted to invoke the rule to elucidate some matter raised. You have not succeeded. I think that that is an indication that the Hon. the Leader of the Opposition, who has the floor, does not wish to give the floor to you and therefore you should allow him to get on with his speech.

Hon. D A Feetham: Mr Speaker –

1420 **Hon. G H Licudi:** Mr Speaker has referred to the Rules.

Mr Speaker: Yes, I am asking you to read the Rules.

1425 **Hon. G H Licudi:** Mr Speaker -

Mr Speaker: Here you are, here is a copy of the rules.

Hon. G H Licudi: No, no, I am grateful for that and I am well aware of the Rules.

1430 **Mr Speaker:** Well then let the Leader of the Opposition get on with his speech. *(Interjection)*

Hon. G H Licudi: I have simply asked on a Point of Order in relation to the Rules –

1435 **Mr Speaker:** Please sit down. Please sit down.
Now, the Leader of the Opposition.

Hon. D A Feetham: Well, Mr Speaker –

1440 **Hon. Chief Minister:** Mr Speaker, if the Hon. Minister wants to make a Point of Order - *(Interjection by Hon. D A Feetham)*

Mr Speaker: No, no, he has not –

1445 **Hon. Chief Minister:** Mr Speaker, with the greatest respect -

Mr Speaker: He has not been making a Point of Order.

1450 **Hon. Chief Minister:** I accept that, Mr Speaker, I accept that. But the Hon. Minister was about to say, 'I would like to make a Point of Order then' and you have just told him to sit down. And, Mr Speaker, with the very greatest of respect, it is important that we have debates like this and it is important as you rightly point out that we have them in keeping with the Rules. If somebody is not giving way, well look it is a matter for them whether they give way or not.

1455 But if there is a point that the Hon. Minister wants to make, which is a Point of Order and you would then rule whether it is a Point of Order or not, he must be entitled to put it to you and then you would decide whether it is or not.

Mr Speaker: Right, but he has only come up with the notion of the Point of Order, when on three occasions he has asked for the Hon. the Leader of the Opposition to give way, which he has not. He has not given way.

1460 Right now after I have drawn his attention to the Rules on interruptions, he comes up with a Point of Order. I am prepared to listen to him if it is on a Point of Order, okay? But what I think is a pity, is that we have had, since 11.30 we have been debating a motion positively, constructively and that it degenerates right at the end. I think that is a matter for regret and I have to tell the hon. Members that it is a matter of regret.

1465 Now, the Hon. Mr Licudi, on a Point of Order. (*Interjection*)

Hon. G H Licudi: Mr Speaker, it is certainly not our intention to degenerate the debate. In fact it has been as you have indicated, a positive and constructive debate with views shared on both sides.

1470 The point is quite simply that I am obviously aware of the Rules in relation to interruptions. It seemed to me that getting up to ask the hon. Member to give way, to correct a misapprehension which the hon. Member clearly has on the points that he is making in respect of our amended motion, and in particular and of particular relevance, is the fact that it is the reason, the very reason why he says the Opposition or the GSD is voting against and he has a fundamental misapprehension as to all that. That is the only reason that I asked to give way.

1475

Mr Speaker: But the Rule says that another Member in due course, 'provided that the Member speaking is willing to give way and resumes his seat'. The Hon. the Leader of the Opposition has not done so on three occasions –

1480 **Hon. G H Licudi:** And I sat down.

Mr Speaker: So if you are going to continue to interrupt on the basis of asking him to give way, we are not going to get anywhere.

1485 **Hon. D A Feetham:** Mr Speaker, thank you very much.

I have to say that I get flogged, politically speaking, mercilessly from Members opposite, mercilessly. And I sit down and I take it on the chin and I listen. I do not interrupt, I do not heckle and I just listen. On the odd occasion that I have asked for the hon. Gentlemen to give way because there has been a misrepresentation about my position, people have not given way to me.

1490 Now, I believe – (*Interjection*) Well no, Mr Speaker, therefore I have taken the view that on this occasion I am not giving way, Mr Speaker.

1495 The hon. Gentleman, I have read the motion as set out, that he has drafted. He has set out firstly that there is going to advice to the Government; secondly to make recommendations on what model, whether it should be co-education or single sex; and to make recommendations on implementation. And then it says to make recommendations on appropriate consultation models to ensure that views of relevant stakeholders are taken into account, Mr Speaker.

1500 And certainly on our side, we believe that the working group ought to be composed as widely as possible, that we know who the people in that working group are, as indeed we knew who the people within the Collister working group were, which included the headmistress of the girls' comprehensive, the headmaster of the boys' comprehensive, the Director of Education – Mr Pitaluga was Director of Education then, later on he became Chief Secretary, the unions were there, there was a statistician and there were people across the board.

1505 We think that this working group is composed too narrowly and that the first thing that the working group has to do, before it reports in March of next year, is to conduct a consultation exercise in order to then inform it about what the views are of the community on co-education. Because surely the views of the community on the question of co-education is going to be

1510 *important*; it is never *paramount*. I accept that if you have a preponderance of educators that
tell the Government of the day that co-education is the way forward and we then have the
wherewithal in terms of obviously the bricks and mortar of schooling etc. that will allow us to
1515 deliver on co-education, then that I believe is an overriding reason in favour of co-education that
should trump the views of certain sectors in society, which is not what happened in 1974,
because the views in fact of parents in 1974 were given a greater weight than indeed the views
of other sectors of the community. But indeed, there were other very specific reasons in 1973-
1974 why co-education was rejected then.

1520 But, Mr Speaker, consultation has to be at the heart of this particular process, it has to come
before there is a report by the working, absolutely the Hon. the Minister says to me 'No, no, it
has not', and that is precisely the difference. It has to come *before* the working group reports
and, Mr Speaker, we cannot support the amended motion for all those reasons.

I thank Members of the House for listening to what I have to say, even though they did their
best to interrupt me at every single opportunity. (*Interjection*)

1525 **Hon. Chief Minister:** Mr Speaker, I call for the House to divide on the vote on the motion.

Mr Speaker: I now put the question in the terms of the motion proposed originally by the
Hon. the Leader of the Opposition and we will take a division.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento.

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. L F Llamas
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. T N Hammond

1530 **Mr Speaker:** There is one Member absent, there are 11 votes in favour of the motion as
amended and there are 5 against. The motion as amended is carried by majority. (*Banging on
desks*)

Hon. Chief Minister: Mr Speaker, I move that the House do now recess until 5 p.m. this
afternoon.

1535

Mr Speaker: The House will recess until 5 p.m. this afternoon.

The House recessed at 2.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.00 p.m. – 7.45 p.m.

Gibraltar, Tuesday, 8th November 2016

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The Gibraltar Parliament

The Parliament met at 5.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRIVATE MEMBERS' MOTIONS

High-quality apprenticeships – Introduction to meet needs of existing and emerging businesses – Amended motion carried

Clerk: We continue with Private Members' motions. The Hon. E J Phillips.

5 **Hon. E J Phillips:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House notes that we must tackle the serious skills deficit and the real need for the introduction of high-quality apprenticeships to meet the needs of existing and emerging business; acknowledges the statement by Unite the Union on 27th October 2015 for the introduction of advanced apprenticeships to counteract the skills cliff edge and the growth in substandard apprenticeship provision in Gibraltar; acknowledges the statement by the Chamber of Commerce during the 2015 General Election campaign calling on the Government to give assistance to private sector business which provides apprenticeship or other forms of vocational training; acknowledges the statement presented to all hon. Members of the House on 22nd September 2016 by concerned members of our community calling for the introduction of high-quality apprenticeships for young people; and calls on the Government to introduce high-quality apprenticeships in traditional crafts and trades as well as the creation of a modern apprenticeship programme for the training of skills in technology and allied services.

Mr Speaker, I have brought this motion to the House because I feel, together with my colleagues on this side of the House, passionate about the creation of better opportunities for our young people.

10 We, as a community, need to move fast in terms of the provision of quality training of skills, otherwise we risk being left behind in the skills race if we do not act now. It is, in my view, about quality and quantity.

Brexit presents the biggest challenge to our community in recent times, and the best investment in times of uncertainty is the investment we make in our own human capital. We must look to Brexit-proofing our community and we must make sure that our people are well trained and well skilled to face the challenges that may well come.

15 We believe that one of the crucial ways to create sustainable and long-term growth in our economy is to build a well trained workforce. Not everyone is destined to complete a university degree – and this was talked about at length by my hon. Friend Mr Llamas, who talked about pressurising young people to complete university degrees – and we must, as a community, strive

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to focus the development of our training programme and the development of skills through an apprenticeship programme which delivers on the demand for traditional skills and new modern skills, so that those who do not wish to pursue higher education, for whatever reason, can make a contribution to our community and have a fulfilling and successful career. Higher education is important, and in the context of the debate that we had today in relation to co-education, most of us, if not all of us in this room, are beneficiaries of an excellent educational support and access to higher education. But it would, in our view, be a grave dereliction of our duty if we continued to neglect those who would benefit from the development of skills-based work. In our view, apprenticeship and skills should be at the top of the agenda, running in parallel with education. We must create a gold standard in the training of skills.

I have long been vocal about the training of skills, before my time in this House and now, and the subject of skills, and we have advocated for the development of apprenticeships. I, together with my hon. Friends on this side of the House, have worked very hard to deliver our message on the development of the modern-day apprenticeship and we have received widespread support from the community at large.

Mr Speaker, I know the Minister with responsibility for training does not share our vision. In fact, in this House Minister Bossano has positively rejected our proposals and suggestions. It is regrettable that we cannot have a meeting of minds on this most important subject with the hon. Gentleman. I respect the hon. Gentleman's view, but I cannot agree with it and agree with the direction that Minister Bossano is taking training and the skills within our community. I respectfully invite him to put aside for one moment his prejudices about the creation of a modern apprenticeship and pause and reflect on what we are saying.

I know that amongst the Government there are like-minded thinkers on the question of apprenticeships and skills, and the presence of Minister Costa at the Gibraltar Start-up Community brings a new sense of optimism on this side of the House that skills development is finally going to be taken seriously and given the attention it so rightly deserves. I like to believe that there is much that we have in common on the development of a training strategy that meets the needs of young people and provides them with vital opportunities. With that in mind, and where we can, I would welcome depoliticising this issue on both sides of the House, recognising, as Unite the Union and the Chamber of Commerce have done, the serious skills cliff edge facing our community. We also need to recognise the efforts of those outside this House for raising the issue by campaigning outside this House on 22nd September 2016.

Let us not ignore the clear and unequivocal calls by the majority of people in our community on this issue, the calls by young people, parents, educators, union representatives and business leaders. Unite the Union this week repeated their request for an alternative training system and described the existing minimal training mechanism as inadequate. We must not as a Parliament, underestimate the strength of feeling on this issue, and I would invite the Government to join us and the rest of the community and actively explore ways in which we can together develop an apprenticeship programme which meets the wider needs of our community. That, in essence, is the purpose of this motion and it is hoped that the Government takes the motion in the spirit that it is intended.

When looking at apprenticeships and speaking to many people I have been reminded of the dockyard apprenticeship. People have spoken of the loss of key skills and the demise of dockyard apprenticeships and look to it with great affection. The world has changed, but there is much that we can learn from how these apprenticeships worked in the past, and I am sure the Hon. Minister will no doubt in his intervention provide us with a detailed analysis of the workability or otherwise of a dockyard type of apprenticeship in 2016 and its applicability to other trades and the modern apprenticeship.

We live in challenging times and it is our view that we must coldly assess where we are with skills and where we need to be. This is not about conducting a skills survey and plugging the skills gap. It is much, much more: it is about a 20-year plan for creating opportunity for all and supporting sustainable growth.

I have spoken to many technology companies who want to recruit our people; and, despite the clear interest from young people, they often lack basic skills which could have been supported at school and ultimately by the Government. Our new industries must be supported with a skilled and adaptable workforce – and we have been found wanting.

Mr Speaker, the emphasis is wrong, in my view. It must start with the early years and move right through our educational system, in which apprenticeship is not characterised as an alternative stream for under-achievers but a clear pathway to a successful career for those who do not want to pursue higher education. Each and every one of our young people represents a golden opportunity for our community and we cannot afford to let any of them down.

If we are, as a community, going to encourage new business to establish a presence in Gibraltar, then our people should be those we look to recruit. We are only as good as our people and our best investment is in our human capital. Therefore, I would call on the Government to strive for the introduction of a high-quality apprenticeship in traditional skills and modern programmes in technology and allied services. Our people should be the first choice because they are the best, and to do that we need to shoulder the responsibility in partnership with business to do that.

Mr Speaker, I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Elliott Phillips.

The Hon. Neil Costa.

Hon. N F Costa: Mr Speaker, the Hon. the Leader of the Opposition this afternoon ... I am sure I heard him say that he thought that our contributions today were acerbic and abrasive. But, Mr Speaker, this Chamber has always enjoyed robust argument and counterargument, and I do not think there is anything wrong with the Government Ministers standing in this House to strongly put our points of view across, especially when the motions presented by the hon. Members opposite implicitly set out a premise which we just cannot accept.

By setting out a motion that somehow suggests that this Government has not done anything on training requires a robust response, and for all of the reasons that I shall set out we will prove this afternoon that in fact this Government has done more for training and more for employment in five years than the GSD dreamt of doing and never did in 16 years. (**A Member:** Hear, hear.)

Mr Speaker, if there is anyone inside or outside of this House who does not need a friend and colleague to speak to an Opposition motion which he is primarily addressing, it is of course a redoubtable giant of Gibraltar politics, which is my hon. friend Mr Joe Bossano. (**A Member:** Hear, hear.) And if I stand, Mr Speaker, it is only because I know now, from bone marrow experience, that he has a genetic inability to set out for the record everything that he has done – and I have no such qualms in setting out every single achievement that the Hon. Minister Bossano has set for training, for employment, for the present, for the future and for the prosperity of our small nation, (**A Member:** Hear, hear.) and of course I do so without ever having mentioned to Minister Bossano that I intended to speak in such terms.

Mr Speaker, the Opposition's motion as currently drafted, implicit in what is being said, is nothing more than, I dare say, a sad, uninspiring, science-fictional piece of regrettably predictable partisan political theatre, and it has to be said that it is science fictional –

Chief Minister (Hon. F R Picardo): The second one today.

Hon. N F Costa: Yes, indeed, Mr Speaker. Science fictional because on these benches we are unsure how this Government or indeed any other Government can train our compatriots for a business that is emerging – short of course subscribing to *Harry Potter's Book of Wizardry*, asking

125 for a fully functioning crystal ball, or indeed graduating from a yet-to-emerge Masters in political
voodoo.

Mr Speaker, we deal in facts, and when the hon. Gentleman opposite talks to me about vision
I must throw my hands to my head and remember the Theatre Royal hole – a vision of the GSD;
a £24 million airport which ended up being an £85 million air terminal – another vision of the
130 GSD; having a hospital in an office block financed by PFI that cost the taxpayer so much more
than had they built a purpose-built hospital. (*Banging on desks*) That is the vision of the GSD, Mr
Speaker. So when they talk about vision, let's all throw our hands to our heads and think of what
they are truly, which are nightmares. (*Laughter*)

Mr Speaker, having prefaced the introduction to my remarks in the way that I have, I have to
obviously thank the Hon. the Leader of the Opposition for his very kind words this morning when
135 he thanked me for being appointed (*Interjection by Hon. D A Feetham*) the Minister for Justice,
which of course I very much appreciate.

So, in order to be able to ground this debate in reality and to be able to ground this debate
on the facts as they exist, we must set out what I think are the Government's many
achievements, in employment and in training, in the proper context; and in so doing, let the
140 public decide indeed, on an objective assessment on the facts and the figures, who in this
Chamber, which team in this Chamber, has done more for persons unemployed and persons
requiring training in our nation.

Mr Speaker, it will not have escaped the notice of hon. Gentlemen opposite and the hon.
Lady, that it will not have escaped the notice of opposite hon. Members that it is the Statistics
145 Office – not Minister Costa, not Minister Sacramento, not indeed the Minister for Economic
Development – who sets out in an employment survey, black upon white, the fact of employee
growth, growth in employee jobs in our economy, recording 1,722 jobs in one year. This is the
highest number of employee jobs ever recorded in an employment survey and is a testament to
the success of what I never tire of saying is our tiger-like economy. Indeed, it is not me saying it,
150 the economists have said so in previous publications, that Gibraltar boasts of a tiger-like
economy and a regulatory, fiscal, budgetary and legal environment that Government has
carefully nourished since taking office. And indeed it would not be a coincidence to anyone who
objectively analyses the situation that the highest number ever of Gibraltarians in employment
was last year at 11,010.

155 We do believe, Mr Speaker, as the Hon. Mr Phillips has said, that we are as good as our
people, and as I will demonstrate it has been this Government that has rolled up its sleeves and
has worked tirelessly with those who are unemployed and are seeking training to be able to
achieve their objectives and indeed enter the labour market.

In addressing the subject of the motion, it was the private sector that saw a growth of 1,629
160 in October last year. Of course, Mr Speaker, these facts which I have just mentioned and the rate
of employment I have to say put in doubt, and I would say even put to shame, the record of the
GSD when they were in Government.

Mr Speaker: I have to remind the Hon. Minister that in replying to this motion I am prepared
165 to allow certain references to be made to the high levels of employment, to the fact that there is
very low unemployment and so on, but these matters are only loosely relevant to the motion.
The motion is not about employment; the motion is more about skills and apprenticeships. As I
say, I am prepared to allow him to make some references in passing. I did not stop him with
what he had to say about the airport or about the Theatre Royal by way of introduction, I have
170 let him get away with that, but these are not matters which are germane to the motion. So by all
means make some passing reference, but you cannot develop those points to any great extent,
because they are not relevant to the motion.

Hon. N F Costa: Mr Speaker, I am grateful to the Chair for his remarks. The reason for setting
175 out the labour market, as I explained in my preface, is for the very simple reason that if there is a

180 motion before this House that suggests that there is a skills cliff edge and that there is a serious deficit in training, there have to be people to be trained. Therefore, if I am putting to this House that there is the highest number ever of Gibraltarians employed in all the different areas of our economy which are set out in the employment survey, it is, I think, respectfully, germane to the extent that if we are to analyse objectively and empirically and investigate which sectors indeed should there be a need for training, that we set out first of all the labour framework, which of course is our labour market.

185 Mr Speaker, talking about training, I continue to address the motion. The hon. Gentlemen opposite should know that when the manifesto was prepared last year and presented to the public, we set out there the Government's achievements in respect of training, and indeed we set out the facts and the figures of what had been achieved so far. One salient fact is that out of a total of 276 trainees who are employed by the five Government training companies, 168 of those were employed in the private sector, which is the point that I was making before Mr Speaker's contribution.

190 Mr Speaker, following on with employment, there has been no mention by the hon. Gentleman opposite that for there to be a proper identification of the skills that are required, and for which the Government should put in place any training programmes, we did launch, the Minister for Education and I, this year an Employment Development Service, which was started by the former Minister for Employment, the Hon. Mr Bossano, who went literally to schools to advise school children of the skills that will be required by our economy. It is therefore not a coincidence that, following the hon. Gentleman's identification of such skills, we shall now have over, around 60 students who are training for accounting and finance to be able to do the jobs in auditing and accounting – an industry, where there has always been a shortage of skills but now where there are over 60 students who are obtaining the skills to be able to enter the job market.

200 And of course, Mr Speaker, it also has to be said, in terms of the comment the Hon. Mr Phillips made that we are as good as our people, over the three months that started roundabout in June this year, the House will recall that we were able to employ 172 previously unemployed persons who had come to this Government for help. Therefore, it is, in our view, somewhat rich for us to be lectured about helping people in finding employment or in training when this is the Government that has assisted as much as is humanly possible, and is proven by the facts that I have set out a few moments ago as to all of the people who were previously unemployed and who now boast of being in full-time employment. In that respect it should not go unmentioned that in the four years that this Government has been in office there have been 730 full-time jobs for Gibraltarians. That is, in our view, I think, a very fair summary of the achievements of this Government since taking office.

210 Mr Speaker, in terms of the training that has been conducted until now I already referred the hon. Gentleman to pages 32 and 33 of our manifesto, and in those pages we have just some of the most salient points that I am sure the Hon. Minister Bossano will take to further elucidate during the course of this debate. But it has to be remembered that when we prepared this manifesto in 2015 the number of Gibraltarians in the construction sector had risen, and it has to be recalled that previously we had heard, when we were on the opposite side of this House, that Gibraltarians did not want to be in the construction sector and that is why they were not in the construction sector – and, as the Hon. Minister Bossano will now prove when he addresses this House, there was a vertiginous increase in the numbers of Gibraltarians who took to working in the construction centre.

220 Further, since the introduction by Minister Bossano of City and Guilds, a total of 209 at the time of writing the manifesto, had successfully completed the craft apprenticeship and were awarded or were awaiting their certificates. That is, Mr Speaker, at the time of last year, 209 trainees in less than four years, compared with 124 in 15 years. Does the hon. Gentleman therefore not realise how hollow his protestations sound when in five years we were able to achieve so much more than they did in 16?

In care, a burgeoning field as well, the Hon. Minister Bossano was able to start providing care training, and I am sure the whole House will agree that care provision is of course a burgeoning field in terms of employment.

230 Mr Speaker, in total sum there was, in the three and a half years from February 2012 to August 2015, a total of 1,242 previously unemployed persons who had obtained employment after training, so it is clearly the case that there has been plenty substantial meaningful skill training in Gibraltar in the time that we have been in office.

235 The hon. Gentleman opposite also says that we should pay heed to being able to provide training to other businesses and makes note of the Chamber of Commerce's remarks. Mr Speaker, in that respect surely the hon. Gentleman opposite knows that the Hon. the Chief Minister announced training costs as an expense against profits of a business or company at the rate of £150. That means that a company that invests £1,000 in training its employees with a view to them obtaining skills or qualifications now is able to obtain £1,500 as a deduction against
240 its profits for the accounting period on its tax computation. That is a clear incentive, which goes to address one of the points that the hon. Gentleman made in respect of not providing sufficient incentives for training and noting the Chamber's comments.

The hon. Gentleman opposite also has to note that whilst noting the training that has been done by the Hon. Minister Bossano, it is also a fact that the Department of Education also provides for persons who want to be trained in certain skills, such as electrician, to be able to pursue that route as well. So it is not just one route that is available to persons who require or wish to raise the level of ambition and to be able to train, but there is in fact another route available to them.

245 Mr Speaker, in all, to say that it is not realistic and it is not fair to say and it is not right that there should be a motion before this House suggesting that there has been no training, or very little training, or substandard training, when a quick read of the manifesto and the statistics that are contained in here shows that in fact there has been training and the results that have been achieved there.

255 So Mr Speaker for all of these reasons I will robustly ask my colleagues to of course vote against the motion presented by the Hon. Mr Phillips, because if ever there has been a team of people down to a man and to a woman who have cared about finding employment for the unemployed, who have cared in making sure that people are trained and have the right skills to be able to enter the labour market, it is this Government. (*Banging on desks*)

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

Mr Speaker: Any other Member making a contribution?

Any other Member of the Opposition making a contribution? The Hon. Edwin Reyes.

265 **Hon. E J Reyes:** Thank you, Mr Speaker.

I wanted to make a contribution but I was waiting for the Hon. Joe Bossano. He had indicated at the last Question Time that he was going to provide certain figures as requested in Questions 682 to 685 inclusive. If I make a contribution now, Mr Speaker, I have used my slot, shall we call it. I then would not be able to reply or make use of any of the figures that the Father of the
270 House was going to provide. I do not know how we can solve this so that (*Interjection*) I do have at least some information to be able to make ...

Hon. J J Bossano: Mr Speaker, I want to listen to what everybody has to say before I answer them all. I can only speak once.

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Mr Speaker: There is sometimes a problem during debate in trying to determine the order in which Members are going to speak, but you cannot force –

Hon. D A Feetham: Mr Speaker, because I have such high regard for the Father of the House
280 and I have a soft spot in my heart for him, I will go first and then he can hear what I have to say
in relation to this. I hope he will reciprocate by providing the answers to the questions, as he
promised in the last session of Parliament.

I am just going to talk about a very narrow aspect of this debate that has been brought into
sharp focus by the contribution of Minister Costa. Minister Costa made a point, and he said,
285 ‘Well, how can we train people in the industries of the future? We do not know what the
industries of the future are.’ And to hammer home his political point he said it is political
voodoo, a crystal ball from Harry Potter. And then to hammer the point even further, he
mentioned the hole in the ground and the airport, which hon. Gentlemen opposite manage to
weave into every single political point in every single political debate that they make.

I think that is at the heart of an important division between the Opposition and the
290 Government in relation to this point. Because our position for a number of years, certainly since
I have been Leader of the Opposition, has been that what we ought to be doing is conducting a
survey – engage with industries, look at what employers want in terms of training and how
employers see the economy moving in the future; how does the Government itself see the
295 economy and the sectors moving in the future; what are the sectors that we want to be
attracting to Gibraltar – and then train people in those sectors. That is our philosophy. It is not
about voodoo. It is about preparation, it is about looking forwards to what we think Gibraltar is
going to look like: what are the industries of the future, what are the industries that we ought to
be, as a nation, training our young people so that they can take up those opportunities?

The difference between the Government and the Opposition, highlighted by the sarcastic
300 comments of the hon. Gentleman, is that they take a different view – and I understand it, in fact.
I am not sure that the hon. Gentleman understands it, but I understand it because I understand
where the Hon. Minister Bossano comes from. The philosophy of the Government, in statements
made by Minister Bossano, is ‘Well, actually, let’s do something different: let’s analyse in the
305 labour market’ – and that is the first survey that was made by the Government, chaired and
headed by Minister Bossano – ‘let’s analyse what are the jobs at the moment in the economy.
We look at the jobs that are there in the economy at the moment, we look at the nationalities of
people within those particular jobs and then what we do is we try and fill those jobs with
Gibraltarians by training people to do those jobs.’ That is the philosophy of the Government and
310 I understand it. What that has, in my view ... and I understand it, and to a certain extent it is
logical and there is a worthwhile point to it, but what it does, in our respectful view, is it focuses
the skills of people on a very narrow platform, and that is what are the jobs today, what are
people doing today and let’s get our own employees to replace the foreign workers in jobs. That
is why, in terms of the training and construction centres and the other training centre in
315 Gibraltar, what the Government is basically doing is focusing on the wet trades, for instance. The
Government says, ‘Right, the jobs in construction are in wet trades’ – cement, bricklaying, those
kinds of things – but it is narrow, Mr Speaker. I understand that there is a benefit to that, but it is
narrow because we should be training people in a much wider skill set than just simply the wet
trades. We should be looking at electricians, we should be looking at carpenters, the traditional
320 skills which are being forgotten – they are being taken up by ... we are having to import that skill
set from outside because we are not training our people in those skills. Therefore, training is
much more than just analysing the figures, much more than just analysing the nationalities; it is
also about proper planning, it is also about a much wider skill set and looking to the future.

That, without looking at any Harry Potter crystal ball or without any voodoo economics or
325 voodoo of any kind, is really what we believe that we ought to be doing. That is my own
contribution and that is what certainly I have urged the hon. Member and hon. Members
opposite to be doing – is to be looking at that wider skill set. We are losing those skills and we
are also losing a golden opportunity, particularly now that we have got to have an eye not only
on the present but also on the future, because of Brexit, and looking at what are the skills that

330 an economy that now needs to move on, that needs to de-diversify into different sectors ... what are the skills that are going to be necessary for the future.

That is the approach in a nutshell. I hope I have fairly summarised what the differences are between us, but that is the approach certainly that we would advocate from this side of the House, and therefore I associate myself with everything that the hon. Gentleman, my hon. and
335 learned Friend, Mr Phillips has said, and I too commend the motion to the House.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, thank you.

340 I have some difficulty understanding what we are hearing from the other side of the House in a number of different ways.

The first is that I remember when, in the Election in 2011, the Future Job Strategy was announced, and everything that the Hon. the Leader of the Opposition has been talking about just now has been talking about looking at the future to ensure that in the future we have
345 people in a position to take jobs locally to support the local economy. I remember also at the time – I was not in this House – hearing the hon. Member talk about the failed job strategy. And so if you rewind the clock five years to 2011 when the Future Job Strategy – failed job strategy from that side ... and you then fast forward five years, I think if there was going to be the remotest teeny bit of fairness, the Members opposite would have to concede that the Future
350 Job Strategy has been a huge success. How do you measure that success? Well, Mr Speaker, the only way is by looking at the numbers of employment. At the last Election, in 2015, the hon. the mover of the motion would go on television and even in their pamphlet talk about ‘dead-end jobs’, that in fact what we were doing was training people in dead-end jobs. We never found out what those dead-end jobs were, and we still have not heard that today of course, and that
355 seems to have slipped through the net – we have not heard it much since the 2015 Election.

But in real terms, when you look at the motion that has been proposed by the hon. Member and you read ‘serious skills deficit’, and he talks of ‘high-quality apprenticeships’, I would like to understand what a high-quality apprenticeship is – because he has not told us. We do not know what ‘advanced training’ is, we do not know what ‘high-skills apprenticeship’ is. Is it high skills if
360 the tools they use are made in Switzerland as opposed to China? What is it? Because he said absolutely nothing, and in their pamphlet in 2015 absolutely nothing about what this great training scheme that they are going to provide for the future of Gibraltarians is. I struggle to understand. He says that the motion should be taken in the spirit it is intended, and the first line – I do not know what spirit it is that he intends it – ‘notes that we must tackle the serious skills
365 deficit’. (*Laughter*) Are you serious? Are you seriously telling this side of the House that you expect us to take the motion in good faith – good faith which the Hon. the Leader of the Opposition said that was what the motion this morning was about – when you are telling us that there is a serious skills deficit, that we need ‘high-quality apprenticeships’, that we have a ‘skills cliff edge’, ‘substandard apprenticeships’? (*Laughter*)

370 Mr Speaker, (*Interjection*) I am the newly named Minister for Commerce, so I represent the bulk, I would say, of the working community. I meet with the Finance Centre Council, which represents the entirety of the financial services sector, the Gibraltar Gaming and Betting Association, the entire gaming... I know you did not mention them in your pamphlet, but I think when you talk about skills you may want to have the GBJ in the back of your minds. I talk to the Chamber and I talk to the GFSB. As the Hon. Minister Mr Costa just said, the one item that he
375 refers to in his motion has actually already been done; it is just that you have not even realised. The bit in the motion where you talk about providing private sector business with support and assistance has been done since the last Election.

380 So when you talk about all of these things, and when I talk to all these different groups and associations that really between them represent the entirety of the business community, *not*

once, not once have they said to me, 'We really have a skills shortage, we really have a skills cliff edge, we really need high-quality apprenticeships,' which God knows what that means.

385 I was hoping that today with this motion the hon. Member would get up and spell out once and for all what it is that the GSD and the Opposition mean when they talk about high skilled apprenticeships, what they mean by their skills school and the other bits and sound bites that they mention, because it all, from this side of the House, seems very much the same. It sounds good but it is actually meaningless. There is no substance to what they are telling us.

390 So I do not understand how you could ever have a motion before this Parliament talking about skills, talking about labour, talking about employment, without in the very first line congratulating the Hon. Minister Joe Bossano for absolutely everything he has done to achieve the highest levels of employment ever with the lowest levels of unemployment ever. I am not surprised they do not want to listen, because it cannot make very pleasant hearing.

395 Mr Speaker, in all seriousness, a motion that seeks to denigrate the training and the skills that this side of the House has provided is frankly astounding. The Leader of the Opposition talks about the division between us, and I think he analysed the two parts as two philosophies with a degree of accuracy, but for me it is more about another word which they so much like to use on that side of the House – it is about a vision. We do not believe in visions, we believe in reality and we believe in getting people trained and into jobs as quickly as we possibly can for their long-term future and for the benefit of our community in securing that. Anything else, anything
400 other than that, is simply playing politics with people's lives and I do not believe that anybody in this Parliament should stand before the community today and mess around with talking about these things which are absolutely meaningless. They sound good, they promise a lot, but as usual they deliver nothing.

405 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, the motion before the House this afternoon is no less important than the one this morning. We have a duty in Parliament, obviously, to provide
410 meaningful jobs for all.

I have just heard the Minister for Trade – I believe that is his new Ministry – congratulate the Government for the highest levels of employment. There are lies, damned lies and statistics, and I am sure Mr Bossano will lead us through them later.

415 The highest level of jobs ever in this economy was the growth of 1,722 jobs from 2014 to 2015. It is interesting when you analyse that growth number, which is 7.1%, because of those 1,722 jobs generated in this economy in that year, for which the Government claims credit, 1,248 of those workers are described under nationality in the official statistics report as Spanish. So their fantastic growth of 7.1% in one year – of those jobs, 72.5% went to our friends across the way. I am sure the Gibraltarians listening would be interested to know, of those 1,722 jobs
420 that this Government has generated, how many went to Gibraltarians. Well, according to this, 19 went to Gibraltarians, which is more or less about 1.1% of the growth. So Members here, we can talk about statistics, and statistics and more statistics, but the fact of the matter is that the jobs growth has not gone to Gibraltarians, and this is something that has to be made clear. It is not just the statistics that matter, but to whom these jobs go to.

425 I remember many years ago, when I was doing an economic analysis of the economy, I went to the Stats Office and I asked for the unemployment statistics, and I was told, 'Well, we don't actually produce those.' There has been a lot of talk about reduction in unemployment, but unfortunately in this report, which is quite rightly called an Employment Report, it says nothing about unemployment, nor do we have any accredited statistics in here talking about
430 unemployment levels. It may be something that this Government or future governments may consider introducing.

Of course, an employment survey which goes to employers is obviously by definition only existing jobs. There is nothing in here that talks about unemployment, the length of unemployment, the nationality, the period and other things like that which would be useful in any normal economy. We hear quite a lot about the unemployment rate in the UK going up and down and in America the same way, non-farm payrolls in the US, but in Gibraltar we do not have anything to say – *(Interjection)* Well, we don't. If anybody does have it or if it is published, please let me know. I would love to have it. So when we talk about statistics we have to be very careful, because either side of the House can spin them any way we want – Mr Bossano knows that and I know that – but the reality for the man on the ground is have they got a job, have they got a future, is it a meaningful job. For those reasons, I identify very much with my learned colleague's motion.

The Minister for Trade talks about affectively meaningless comments about skills gaps and what are we really talking about. Well, perhaps you should go, instead of to the Chamber of Commerce you should go and visit Unite the Union as well, because Unite the Union, I quote, and this is only yesterday, says it is 'concerned about the skills gaps that exist regarding manual trades in Gibraltar'. Their words, not mine. *(Interjection)* Unite says it cannot allow Gibraltar to see itself short of trades people and believes leg work to resolving the matter has to start now. The union recognises the current minimal training mechanism but claims this training programme is inadequate to furnish Gibraltar with the quality tradespeople it deserves. Mr Speaker, those are not words coming from the Opposition, they are not words coming from the Chamber; these are words coming from Unite the Union, whose responsibility it is to look after its membership and ensure that they have good and meaningful jobs in the future.

And so, Mr Speaker, for the reasons I have outlined, Unite the Union have got their concerns, the statistics do not necessarily seem to indicate what the Government would wish us to believe, and for those reasons I identify myself with the motion by my learned colleague and obviously I will be voting in favour of this motion.

Mr Speaker: The Hon. Joe Bossano.

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Hon. J J Bossano: I am not sure which of the three motions I should be speaking to, Mr Speaker. There is the motion by Mr Phillips, the motion by Mr Clinton and the motion by Mr Feetham, because they spoke about three different concepts.

Let me say the one I have little difficulty in agreeing with is the one from the Leader of the Opposition, but of course what he said has nothing to do with the motion that has been brought to the House, because what he has told us is that the difference between us – that is between the party in opposition and the party in Government – is that they understand that we are looking at the present requirements but they believe we should be looking at the future. I understand what he is saying, but I will explain to him why, in fact, there is a flaw in the analysis that he has put to us. The hon. Member is right, and I am grateful to him, not because he has been nice to me because he loves me, but because he is being accurate, which is something I think he should commend to his colleagues – **(Hon. Chief Minister:** And to himself.) and to himself when he talks to other Members, but he has been accurate with me. *(Laughter)*

It is true that we carried out the skills audit. In fact, I would remind the Leader of the Opposition that his present colleagues did not know that we had done it. I was asked when it was going to be done, in an earlier meeting of the House since the last Election, and I had to remind them that it had in fact been done in 2012. It was a very comprehensive thing. It was based on records that are not 100% accurate. Because for the benefit of Mr Clinton, let me say that we consider the figures on the level of employment that are provided by the returns from employers to be more accurate than the figures that exist in the records of the Ministry for Employment, for the simple reason that quite often people employ people and their employees are recorded because the contract of employment is recorded. But very frequently the termination is not recorded; or, if recorded, is recorded a long time after it has happened. So

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485 there is a discrepancy and there have always been of the order of 2,000 or 3,000 between the
people who are supposed to be working in Gibraltar according to the records of the ETB and the
people who are employed in Gibraltar according to the records of the employment survey. So
the Government – this Government and the previous Government – have used the more
conservative figure as the more accurate one, and that conservative figure shows the increase
490 that there has been in the private sector, not in pseudo jobs as the hon. the mover of the motion
has described it in the past: pseudo private sector jobs. These are real private sector jobs. So we
have moved in a situation where our training has been geared to make sure that we took a
greater number of people into jobs who were residents that previously were taken by frontier
workers.

The economy has grown, so although we increased the percentage of Gibraltarians in
495 employment in 2011, if he looks at the 2012 employment survey he will find that in that year the
total number of workers came down because the construction slowed down, and in the
construction sector that was shrinking the number of Gibraltarians went up. But of course
subsequently, with the developments that have been taking place in recent years, the
construction sector expanded and that expansion brought in workers from outside. We have
500 always accepted that when you have got a lot of building going on, the size of the construction
sector – at least it has always been described by me in those terms and nobody has ever
challenged it ... There is a size of construction industry in Gibraltar of around 2,000 people that is
there all the time, and there is a size of construction sector that is between 3,000 and 3,500
which is there when there is a lot of building. What we need to do, in terms of having a resident
505 construction workforce, is to look at ensuring that we have as many of the jobs in the 2,000
category as possible. That is what we set out to do. It is not true that we concentrated on the
wet trades to the exclusion of anything else; what we did was we put more emphasis on the wet
trades, and therefore the intakes in the Construction Training Centre have been eight for
plumbing, eight for carpentry, eight for painting and 24 for the wet trades. I explained from the
510 beginning ... and if there was logic and genuine intentions in the motions that are brought by the
Members opposite, then you would expect that the explanation that we give would have some
effect, but if somebody says something in a motion which is the same thing that they said in the
elections and they ignore everything that was said before the election, everything that was said
during the election and everything that was said since the election and carry on saying the same
515 thing ... Well, look, as my colleague has rightly pointed out, how can we note that there is a
serious skills deficit that we must tackle? If we know that there is a serious skills deficit we must
tackle, which the mover of the motion says exists ... The Hon. Mr Clinton says it exists because
the union said so yesterday, and the Leader of the Opposition says he does not know if it exists
because we need to do a survey of the businesses to find out if it exists and that is what we need
520 to be doing. Well, it cannot exist because it is looking to future skills in future industries. I do not
dispute that that is a policy which is not necessarily different or in conflict with ours. I think the
policy described by the Leader of the Opposition, with which I have no quarrel, is compatible
with ours but it cannot be the exercise that we need to do to train the people that are
unemployed now, because if we provide training now to the unemployed people in expectation
525 that there will be a future demand for those skills. And if the demand does not arrive, they will
not be in a dead end job, they will be in zero job – they will be unemployed. They will be more
skilled but still without work. That is why investing public money in providing skills starts from
the premise that it has to be demand led. That is the difference: that we train in the knowledge
that there is a skills deficit. For me, a deficit is a gap between supply and demand. I do not know
530 what the hon. Member means, but that is what it means to me, and I can only assess that the
gap exists by using two sources of information, which is what I have used.

One source of information is: is there a gap that is currently being filled by outsiders which I
know can be filled by our people, not because we need to sack the outsiders but because there
is a huge turnover? The transient workers in Gibraltar have a churn of 4,000 a year. We lose
535 4,000 people and 4,000 new ones come in. If we have got 300 people out of work and 4,000

people leave, all we need to do to help the unemployed is to see which of the 4,000 jobs that have become vacant because people have left – not because the economy is shrinking but because the labour market is expanding ... So we can look to the jobs that are coming new and the jobs that are becoming vacant and channel the training into those areas, and that will lead to employment, which is the purpose of training.

540 If we, in addition, think that there might be a skills deficit in the future in skills that do not now exist then I have no problem with that, as put by the Leader of the Opposition, because that is not in conflict with what we are doing in the present circumstances but is looking to the future – and I believe we need to look to the future but the indications of what might come in cannot
545 come simply from asking the present employers. It has to be linked to inward investment. This is why the training precisely is in the Ministry for Economic Development and has been, from the beginning, linked to inward investment – because the original concept from the start was that if an investor comes tomorrow and says, ‘I want to bring a new industry to Gibraltar but the skills that I need do not exist’, we will not wait for the cliff to hang over. What we will do is say to the new employer, ‘You have to tell me what skills you need and I will give you all the necessary
550 support – if you need work permits, I will give you the work permits – but there will be one condition: there have to be x number of locals shadowing the people you bring in, for which we will pay, we will provide them free, and then when the local guy is trained he takes over from the outsider.’ That is looking for future skills for future industries, linking it to things that are
555 coming in. Until now, we have not had that kind of new skills set being demanded from us, because until now the expansion that we have had has not been from totally new industries but expanding organically from people who work here already or from people who came to add to those who were here. We have had gaming companies or other entities coming in entering a market that was already there, we have had insurance companies coming in entering a market
560 that was already there.

If we are really serious, if this is not just playing politics – which I believe it is, but if it is not – then the debate has to be serious, it has to be professional, it has to be technical and it has to be based on facts. And there are no facts. We start from a position where what we are being asked to do is the antithesis of the democratic process, because if the hon. Member says this was the
565 difference we had in the election campaign ... Well, look, this is the manifesto we had in the election campaign and we were voted to implement this. We produced a detailed account of craft apprenticeships and vocational training. We explained what we had done and we asked people for a mandate to carry on doing it. (**Hon. Chief Minister:** Seven out of 10.)

The position of politicians is that they are expected to implement their manifesto when they
570 get into Government. When the GSD was first elected to this House in 1996, the first thing they did in the first few months was to bring a censure motion against me – it has taken the present Opposition a little bit longer than it took the last time – and I said to them, ‘If you censure me, the logical thing is that if you were to win we would have to resign and call a new election, something that I would enjoy – since I have beaten you 73 to 20, I do not mind repeating the
575 exercise.’ Obviously, the pleasure would not be as great this time because this time we only beat them 63 to 37, but with a bit of pushing – (**Hon. Chief Minister:** Sixty-eight to thirty-two.) Ah, 68 to 32 – I was being too generous! (*Laughter*) It must be all the nice things that he said to me at the beginning. (*Laughter*) (**Hon. Chief Minister:** Seven out of 10.)

So what is it then that we should do if we were to not fulfil our manifesto: look to theirs?
580 What is it that they had in theirs that we should be looking to? Can I remind the Leader of the Opposition that he invited the electorate to welcome the 2015 manifesto, and having explained all the things that we were doing wrong – which is perfectly legitimate if he wants them to vote for him and not for us – he then said at the end, having first welcomed them to the manifesto, ‘This isn’t the manifesto, but we are still finalising it, but here are some of our priorities.’ Well,
585 they have not finished (*Laughter*) finalising their manifesto. They are still saying the same things that they did when they were beginning to prioritise it. In politics people are criticised for not fulfilling their manifesto. They did not even get round to printing it or producing it! It is a failure

of a magnitude that is geometric, not arithmetic (*Laughter*) – and they criticise us for what we do. They were saying the same thing then: ‘We will abolish the Future Job Strategy and the false promises, our apprentices will be given the opportunity of learning real skills for real jobs.’ Why do they want to know what people are learning? Why is it that in the 15 years from the time that Pepito Baldachino left the Training Centre – which was the year that it produced most trainees, by the way; it went down after that with every year of the GSD – in those 15 years, the Construction Training Centre was producing the same skills in the same trades? What was it about those 15 years that stopped in 2011 and then it became unreal jobs and unreal training?

The hon. Member has asked me am I going to give him the information that he asked for in Question Time. Well, yes, I will give him the figures showing who is being currently and really trained for unreal jobs, the low quality useless training that is now being done by the people in the Training Centre who were doing wonderful training between 1996 and 2011 and decided, for reasons not known to me, to stop giving people quality, real training and produce rubbish training, which somehow we conned the City and Guilds Institute of the United Kingdom into accepting as real and they gave certificates and signed them.

We have got, at the moment, four doing plumbing at level 2, one doing tiling at level 2, one doing bricklaying at level 2, two doing plastering at level 2, six doing carpentry at level 2 – I hope that makes him happy, Mr Speaker, because when he spoke he was concerned that I was only doing wet trades and not doing carpentry: six doing carpentry – and two doing painting. They all started in the Training Centre in October 2015.

In the case of engineering apprenticeships, the numbers and start dates are as follows: fabrication and welding, two at level 3 – I do not know if level three is a sufficiently high level or the hon. Member wants us to do welding at level 4, which I understand is the equivalent of an honours degree in welding; two doing mechanical engineering at level 2, who started in 2016; four doing mechanical engineering at level 3, who started in 2014; four doing mechanical engineering at level 3, who started in 2016. So in mechanical engineering we have got a total of 10. Is mechanical engineering a sufficiently attractive skill to satisfy the hon. Member, or is that a dead-end-job rubbish skill as well? Or is it that he does not know that this is happening?

In electrical engineering we have got three at level 3 and eight at level 3. The three are the ones who started in 2014 and the eight are the ones who started in 2016: 11 doing level 3. Level 3 is something that is not required for a craft rate of pay, as previous Ministers of Employment in the GSD administration have told the House for 15 years. Or is it that, before, a level 2 was a craft skill obtained by an apprentice which enabled him to get the craft rate of pay which is accepted by the employers in the industry and accepted by the union, and now the fact that we have got so many people doing level 3 is that we are failing and we are doing minimal training?

The number of intakes per financial year in both centres have been 11, 12, 1 – I am not counting the ones that happened before November 2011; 12, 13, 3; 13, 14, 11; 14, 15, 21; and 15, 16, 12.

The potential trainees for enrolment at level 1 have been identified, contacted already and interviewed, and the new intake is expected to take place in the month of November – this month. They have already been selected, they have already been interviewed, and there is an intake altogether, covering the four construction trades that I have mentioned, of something of the order of 34 or 36, I think. I think more were contacted, but the ones who have actually turned up I think is around 34 to 36 and during this week they are being given the induction and the protective clothing and that kind of thing for the start of the course. They will be doing the generic health and safety thing, which everybody does initially, and then they will be doing an NVQ level 1 and then specialising in their trade in level 2, which is the way the system works under City and Guilds.

Mr Speaker, this is the latest information in the context of a motion that the hon. Member is asking me to accept, which says that we must tackle a serious skills deficit and that there is a real need for the introduction of high-quality apprenticeships to meet the needs of existing businesses and emerging ones. Well, I do not know what the needs of the emerging ones are

640 going to be because they have not yet emerged. *(Laughter)* I am concentrating on the existing ones, which I know are there, and I am doing it with the same quality training that was done for 15 years.

I think it is an absolute disgrace to pretend to be seriously wanting to find common ground, on the basis that we accept that we have done more of what they were doing, when they were
645 doing ... it was less in quantity but better in quality. What we are doing now is more in quantity but less in quality. It is now rubbish, but it is the same qualification – the NVQ. It was the hon. Member opposite who, in fact, corrected me a long time ago – three years ago – when I talked about the NVQ being one thing and the City and Guilds being another. He put me right and he said, ‘No, you are wrong, they are all NVQs; it is the awarding body that is different.’

650 When the hon. mover asked me will I consider doing things other than City and Guilds, the answer was no – not because I do not want to agree with him; I explained to him we were already doing it. I said to him, ‘We are already doing the Construction Board certification, the City and Guilds certification and EAL certification, so if you ask me, “Would you consider doing more than City and Guilds?” the answer is no, I do not consider doing it, because it has been
655 going on all the time. The fact that you do not know that it is happening does not mean that I am being unco-operative or not wanting to respond to you; it is that you just do not know what you are talking about – and I cannot help that.’ *(Laughter)*

Mr Speaker, in trying to interpret what the hon. Member thinks is reality one can only go by what has been said previously by the mover, and one has to assume that the mover of the
660 motion is in fact continuing the same story that he told in the election campaign. I would remind the hon. Member of the radio interview he did on this subject, and in that radio interview when he was asked about the gold-plated apprenticeship he said he was very excited about it and it was about finding an academic route for young people who do not have the requisite skills to pursue vocational training in terms of craftsmanship. The core principle behind this, he says, is
665 creating opportunities for young people so that we can create sustainable jobs in plumbing, craftsmen and electricians. Well, look, these are the rubbish jobs that we are training them for now. I have just told him the number of people who are doing level 2 and level 3 in plumbing, craftsmen and electricians. It is happening. If it was not happening, then he would be entitled to say he wants me to do something that I am not doing.

670 He also said we have to look at new technologies, gaming and e-commerce. Well, look, I have said publicly ad infinitum that I welcome being approached by employers who are interested in taking on apprentices and we will provide all the support that they need. Nobody has come forward.

My Department wrote to him immediately after the elections – and you wrote back. What
675 you wrote back was to say, Mr Speaker, that he could not tell us the names of the people who were crying out desperately for the apprentices. I said, ‘Okay, well don’t tell me their names. Go back and tell them that this offer is an open-doors policy. I want to welcome them and I want to give them all these apprentices they are crying out for.’ Well, clearly they prefer to carry on crying but they will not come forward. *(Laughter)* Clearly they are so committed to the GSD that
680 they are willing to spend an eternity waiting for the miracle to happen when they come into Government so that they can stop crying and get their apprentices. I do not believe it. I think he is making it up. *(Banging on desks and interjections)* I do not think there are people out there, because if I was an employer – and I hope that there are employers listening to me – then I have to tell them you do not need to wait for Mr Phillips to be in Government to come forward. Come
685 and see me and I will give you all the support and all that you need, because if you wait for Mr Phillips all your businesses will be out of date and we will then have to be looking for the new businesses that the Leader of the Opposition says we should be looking at, because that is how long it will take.

690 Is it that apprenticeships for nursing careers, which he does not mention, is something not worthwhile? Does he not know that we have got now degree courses for staff nurses and that we have reintroduced enrolled nurses? *(Interjection)* No, not the degree courses. They did not

exist, because they have happened in the middle of our time. We started doing something else, diploma courses, and now they are degree courses. But we have reintroduced enrolled nurses, which they abolished, and the system we put in place means that we have been training people
 695 who were unqualified. We trained them first by employing them through the Training Company and they did on-the-job training to become nursing assistants, and then, following that, they have gone into an 18-month training which gives them up to NVQ level 3 and they become enrolled nurses. After that, they still have, as a result of the NVQ level 3, an opportunity to go
 700 into the grade of staff nurse and get a degree, even though they were the people who did not have the opportunity of going to university. These are the people who did not have the A-levels and who could not go to university, and now we have found a route that gets them up to NVQ level 3 and opens up an opportunity for them – after they have trained as an enrolled nurse, after they have been working – to enhance their skills further and get something that was out of reach before.

705 Is that not something worth supporting and is that not an opportunity for those people who fall behind, ensuring they get an opportunity to get quality skills? Or do we have to carry on increasing the number of frontier workers in our Care Agency and in our hospital, which, if we had a hard Brexit and a problem at the frontier will lead to the collapse of our medical services and our social and care services because of the level of dependence created in the last 15 years
 710 which was not there in 1996? And they are going to lecture us!

I suppose he does not know it. I suppose he does not know what happened in those years, but if he wants to be honest then he should make it his job to see whether what we can be criticised for compares favourably or not with the track record of the party he has chosen to join. I know it is quite possible that when the party he has chosen to join was in office he was
 715 criticising it as PDP and the leader was criticising it as the Labour Party, (*Interjection*) but they have got to understand that they were right when they were criticising it and now they are wrong when they are defending it. (*Interjection*) They were right when they were criticising it. (*Laughter*) He was wrong to have left the GSLP and form his own party – that we all agree. (*Laughter*) But for as long as he was still a Labour opposition wanting to get rid of the GSD more
 720 than I did, according to him – (*Interjection by Hon. D A Feetham*) As long as that was the case, then I think he was on the right track. I think when the love affair started then I am afraid it was all lost. (*Interjections by Hon. D A Feetham and Hon. Chief Minister*)

Mr Speaker, the jobs that have been created in our economy and the growth in our economy are important statistics, not because it is the inevitable consequence of the training, because the
 725 training is only a part of it, but because the hon. Member says without quality training we will not be able to develop the economy and produce economic growth. Well, look, we are growing at 7.5% - we are actually growing a bit faster than China now. What is it we need to do in quality training to break the speed of sound at the speed he wants us to grow? In the four years from 2007 to 2011 the private sector grew by 1,339 jobs, which was considered a magnificent
 730 achievement by the GSD in government. In opposition, the GSD rubbish a four-year growth of 3,110 jobs in the private sector. (*Laughter*) So we grow by two and a half times as much, which was a miracle – so ours is 2.5 miracles, which is rubbish. (*Laughter*)

How can he expect me to take him seriously and accept the hand of friendship? I am likely to get it bitten off! (*Laughter*)

735 Inferior qualifications: if the hon. Member is able to identify the skills that he says exist ... because I accept the version of the Leader of the Opposition that there will be skills that will be needed in future, and we do not know what they are now but it is clear that the technology-driven global economy, if capitalism continues to survive, which is a big *if* but assuming that it still does, (*Interjection and laughter*) then Gibraltar's own economy will have to adapt to that.
 740 But let us look at what is the nature of the economy we have got today and let us be realistic in what we can deliver, and if we are not doing enough of it the Opposition is perfectly entitled to criticise us for it. And if they think that they can put forward proposals – specific, identifiable proposals that we have not thought of – I will welcome that and I am happy to give them the

745 credit for doing it. So what? What is wrong in accepting that they might have thought of something that we have not thought of? But it has got to make sense and it has to be done with the private sector.

I gave the example. When I answered the hon. Lady's question in the previous session I explained to her what we had done with the bus drivers as an example – the coach drivers. The industry was concerned that there were a greater number of cruise liner calls planned and that the cruise liners had only agreed to come here on the basis that we could guarantee that there would be coaches and coach drivers. The industry was interested in having resident coach drivers, because it is no good having the cruise liners having the coaches and the drivers on the other side because on that particular day the guy got out the wrong side of the bed and was stopping everybody, so they preferred to have local people. In order to do that, we funded the training of people who had normal driving licenses and were unemployed and who were willing to take on this job. And then we went one further: in order to make it possible for what is a seasonal trade and therefore not very attractive – that is to say it was not attractive because there was no guarantee of a job all the year round ... But by the definition of the hon. Member what we have done is retrained unemployed people and put them into dead-end jobs, because if you are a coach driver, even though the dead-end job pays £10 an hour, which is quite a good rate for the private sector, it is not a job where you get promoted from bus driver to anything else – you are a coach driver, you do the Rock tour and you explain the tourist side to the tourists. That is an industry that we want, that is an industry that they support and that we support, and we invested public money in making sure that those jobs which were not previously attractive to Gibraltarians were made attractive, and we used the EU funding – which I am trying to use up before it disappears, as Members will understand – to provide funding that will enable people to be given two-year contracts. Therefore, people who were previously not even interested in being given a job on the basis that they were called when the liner arrived and then laid off when the liner left – for reasons that are very understandable because they would say to me, 'Well, look, Joe, if I take this job I may make a few hundred pounds in a couple of days but I may miss the opportunity of a regular job by coming off the unemployment list' ... So now we are giving them, by agreement with all the industry, all the employers in the industry ... and although they gave me the credit for it I have publicly said no, the credit goes to them because I responded to what was their initiative. That is something that I think is important that the private sector should be aware of: that we have got an open mind and an open job policy and we will respond. But they have to come to us and convince us. They have got to produce a business plan that shows that we are not throwing away public money, that we are investing public money in something which in effect will regenerate itself because the activity that is now happening as a result of having trained 58 otherwise unemployed people to do the coach driving means that now that money stays in the Gibraltar economy. Before, it would have been vulnerable to Frontier problems. It could have cost us people taking us off a list of reliable cruise ports, and therefore it is an investment that we made. That is the kind of things that makes us ... We do not say, 'Who wants to be a coach driver?' We will wait until there is a secure, gold-plated, lifelong job and meanwhile we will keep the guy unemployed.

785 This is what the motion is talking about. The motion and the things that the hon. Member said when he was interviewed ... When he was interviewed in that radio interview he kept on about the nature of the work. I quoted the bit about the craftsmen. He said that the Government should get the private sector to take on apprentices and that the employers would get top-up grants to reach the minimum wage. Doesn't he know that what he was proposing in his manifesto and in his election campaign is less than what we are already doing? We are asking the employers not to pay anything. We pay the minimum wage, 100%. Doesn't he understand that quite apart from the fact that the people who are training now are getting over £1,000 a month and that in the GSD they were getting between £150 and £280, doesn't he understand the fact that in Germany an apprentice gets €632 euros and in Gibraltar he gets €1,200 euros a month must mean that we are making it much more attractive for unemployed people to go

down the route. We are actually rewarding those who wish to learn at a level that nobody has ever done before in Gibraltar and nobody is doing anywhere else in Europe? Nobody has ever done it before us and nobody is doing it now, currently, anywhere else. That shows the level to which we are committed to attracting people, to persuading people that they should take on learning, because in many cases the minimum wage is what is being paid in the private sector for 60% of the jobs and we are saying to people you do not have to choose between working as a labourer for £6.28 or being an apprentice for £3, because you will get your £6.28 by being an apprentice, and then when you have learned, you are getting paid the same as a labourer while you are learning, and then when you have learned you will be able to get £7.50 or £8 in the industry. That is the difference that there is. That is what a craftsman gets, that is what a carpenter or a painter or a bricky gets in the private sector, about £8 an hour.

This is not a wonderful job that you have got to go forward to, so when the hon. Member said in that interview that instead of going to the UK to do a degree, what they would do would be to persuade people that an apprenticeship is as good as going to university, he was asked by the interviewer, 'Do you really think people will take it up?' and he said, 'No, I do not.' Even he did not have confidence in his alternative, and the reality is why should people take up the job if it is a question simply of wanting ... You have got the choice of going to university. The prospect of coming back and getting more than the minimum wage is guaranteed if you come back with a degree. The fact that you then become a craftsman in the trades that he mentioned will not get you anywhere near those rates of pay. That is the reality. Even if you do the level 3, which allows you to be a chargehand, if we trained everybody to level three there would not be enough chargehand jobs for all of them.

So it is not that we are doing less training or less quality training because that is our policy and theirs is different; it is that we are doing what the market requires. There is no deficit in terms of the market, other than the deficit between the demands of the market and the resident workforce, and that deficit is both numerical and in skills. It is numerical because we have got 26,000 jobs in our economy and a population of 31,000. At the rate we are going there will be more workers than the population. Obviously, the skills requirement of the economy requires numbers that we do not have and requires skills that we do not have, but the bulk are in areas where the level of skills required is not that high but those jobs are not attractive. If people have to choose between working in catering, which has got unsocial hours for which no payment is made and weekends for which no payment is made because that is the way the industry ... If the industry has to pay a different kind of pay structure for resident workers than what they have to pay for imported workers, they will not employ the resident workers.

When we had the situation under the GSD where people did not want to join the construction industry, which was the original explanation for the low intake into the construction industry, the position changed in 2010, as I have explained to members previously. In 2010 the Government took the view that there was a reluctance on the part of the private sector to employ local people and a reluctance on the part of the construction company to employ local people and to accept them when they came out of the Training Centre, and the way they addressed that reluctance was by saying, 'Well, if you work for the Government then you will be required to be on the approved contractor list, you will be required to give priority to the people we send you from the unemployment list,' something I supported when I was in opposition and something that we have continued doing in Government. And, in fact, recently, in conjunction with my colleague the former Minister for Employment, we have extended that beyond the areas where it was before, which was construction, security and cleaning, and we are now extending it to everybody who has got a Government contract and is supplying a service, so that we can then have more opportunities. But that does not mean that we have got enough workers to replace all the important labour force. We would need to have a population of 60,000 to be able to do that. We may get there one day, but we are a long way off.

So the position is that we are trying to get a situation where not only do we want to have unemployment well below 300 but we want the employees that we get employed to get an

850 opportunity to move up the scale in terms of the available jobs in the private sector – but they
must be jobs that exist, and therefore we monitor what we found in employment and the next
thing we do is we monitor the vacancies. If I say to the hon. Member the average number of
vacancies is 200 a week. Fifty a week come with the person to fill the job already identified and
selected by the employer. Of the 150 that remain, something like 125 are on the minimum
wage, £6.28, which is already paid to the apprentice, and most of them are in areas which are in
855 the catering or construction industry. The big area that we have not been able to get into has
been the gaming industry. It is not for want of trying but we have not been able to identify the
kind of skills that they need where we can provide people who are capable of acquiring those
skills, because the reality of it is that the biggest problem we face in Gibraltar ... and I think the
failure to home in on that shows that the gap between us is bigger than the hon. Member
thinks. The big problem that we have in Gibraltar is not that there are those who want or do not
860 want to go to university; it is that there are people who come out who, if nothing is done for
them, finish up in what has been used in the United Kingdom and in other places in Europe as
NEETs, which is that they are not in employment or training or receiving education. That
category, which are the people who come out without paper qualifications and are in a situation
where we have to concentrate in that area.

865 This is why when we started looking at the training programme that we are doing, what we
have done is not to lower the quality, because the quality is the quality of the body that gives
the qualifications, but to look at the problems that our people have. And there is a serious
problem that we have got where when they go from level 1 to level 2 they have to be doing it at
work. This is not something they do in the Training Centre; they are away from the Training
870 Centre. The people from the Training Centre visit them on the sites and they have to build up a
portfolio. The guy may have no problem in building a cavity wall – and I use the example of the
cavity wall because one of the things that has kept bricklayers in training for four or five years
was the fact that part of the requirement was that the trainer, the lecturer, the person doing the
assessment, had to go on a building site and see a cavity wall being built. It was not accepted
875 that the cavity wall should be built in the Training Centre. Somebody somewhere in Gibraltar has
to have a cavity wall. So the guy had completed everything in his portfolio, he had done
everything he needed to do, but he could not get the papers as a level 2 craftsman until we
found a cavity wall for him. But having found a cavity wall, he then has to put in the portfolio the
description of what he has done. This requires a level of command of the English language even I
880 or Members opposite might not have in actually writing out everything. I can tell the hon.
Member that that is a real and a serious problem, and we are producing people who have got a
problem in passing the element of the portfolio, the academic part of it, when they are actually
totally, totally competent in doing the physical work. I think that is discriminatory against our
own people, because if somebody has got some problem in describing in English what he has
885 actually done, the Portuguese construction workers, the Rumanian construction workers, the
Polish construction workers, the Spanish construction workers, all of whom are building in
Gibraltar, none of them will get the NVQ, none of them, if they have to do the portfolio to get it.
But of course nobody gives them a portfolio when they go to the building site, somebody gives
them a brick, the cement and the mortar and says go and build a brick wall.

890 So we have to look at having a situation where testing the skills is something that is
important, because we want our people not to be disadvantaged. We want them to do those
jobs if they are prepared to do them. We want to encourage them to do it. We want to make it
financially attractive to do it by paying them the minimum wage, and then we want to resolve
the problems that they have. And all the time we are looking at how we can get round this
895 problem. We have agreed with the union that we need to be looking at local qualifications in a
way of meeting this or doing something that enables the people who are otherwise held back by
... Some kids who come out of school at 15 come to the Training Centre and say, 'I don't want to
be here as if I am back in school. I did not want to stay in school and this is not what I want. I
want to get my hands dirty. This is what I want to do – I want real work.'

900 Everything that is taking place outside Gibraltar, the hon. Member has argued that he has
been ... In the election he said he had done a lot to look to the UK and that he was going to
follow what the UK was doing. Well, I am not sure that he has looked at what the UK is doing,
because what the UK is doing is closer to what we are doing than to what he is saying. No? Well,
Mr Speaker, I can tell him that in England – because there is not even a system in the whole of
905 the UK; England, Wales, Scotland and Northern Ireland have each got their own system – and in
England, the new apprenticeship schemes provide that there is no mandatory requirement for
qualifications. Apprenticeships are no longer defined by qualifications, as there are no
mandatory requirements. They have moved to a position where there is an end assessment
when they assess the skills, and this is the new scheme that has come in in 2015-16 and is due to
910 be completed by 2020. Scotland is carrying on with the previous scheme that they have with
their own qualifications, and Wales and Northern Ireland have not yet decided whether they are
going to follow England or follow Scotland.

So he says he has done all this research – well, look, I have done the research and the people
who are employed in the Ministry in the training area have done their research and they try and
915 keep abreast of what other people are doing. We adapt it to what Gibraltar's needs are, because
we find, for example, that if you have got a situation where the qualification is that they want to
do an NVQ in plumbing, you cannot find an NVQ in plumbing because in the UK the NVQ is
plumbing and central heating. So what do you do? Do you train people for central heating that
they are never going to use? If they fail the central heating, they do not get the plumbing. We
920 have got to be in a situation where we are able to meet the demands of the private sector of
Gibraltar to ensure that our unemployment is not the result of our people having a deficit of the
skills that are required. The skills that are required are not the ones invented by the Member
opposite. The skills that are required are the ones reflected in the vacancies opened by the
employer. The employer comes to the ETB and says, 'I want somebody with this skill,' and either
925 we are able to provide it or we are not.

So I am afraid that the hon. Member does not know what he is talking about. He did not
know it when he was talking about it in the election campaign and he has not learnt anything
since, and even when he comes to this House and puts questions and I give him the answers, he
then goes on his webpage and puts the opposite. When I told him, in answer to a number of
930 questions that he put to me earlier this year, that I could not agree with the analysis that he said
that we had to provide quality skills because he did not tell me what the quality skills were and
he did not tell me where they came from, what did he do? He went on to say that we were not
prepared to co-operate, that we are not prepared to create modern-day apprenticeships and
the alternative training for technical skills. Well, look, what he is saying is not true. It is not true
935 on the website, it is not true in the Parliament and it is not true in the election campaign. So how
can he say that he is coming here hoping that we can work together in accepting all his fictional
problems, which he claims we do not want to solve? Where are all these people who are crying
out for apprenticeships? Why is it that, having told us that they exist and having been asked by
me to contact them, not one single person has materialised, not one? Where are they? We have
940 met with the Chamber of Commerce, we have met with the GFSB, we have told them to come
forward – nobody comes. So how can the hon. Member keep on saying the same thing that he
was saying then, when it is not possible to believe him?

I am telling him that the crying need for apprenticeships from the private sector is a fiction of
his imagination and therefore we will not support it, and I am telling the Opposition that, as far
945 as I am concerned, the version of what the motion was about produced by the Leader of the
Opposition is something that is acceptable to me and is acceptable to me that in future there
will be jobs which require skills that do not exist now because the jobs do not exist now, and
that we need to be in a position, when that time comes, to be ready for it. But we do not know
what they are going to be and we do not know now, even with less certainty than we might have
950 known before the Referendum, because we really do not know what is the direction in which
our economy will have to develop until we know what is going to come out of the negotiations

that have got to take place over the next three years. Certainly, if there was tomorrow somebody new coming to Gibraltar, I can tell him that there is one particular entity that has come to see me – one – with a proposal which may or may not materialise because, as I have pointed out before, there have been many false dawns with many, many people, but this particular entity wants to come to do a business in Gibraltar which I think is very attractive. It has to do with the maritime industry. They are willing to take on apprentices, they are willing to take them to Scotland to do training in diving, which is what the work will involve, and we have already got an agreement with them that if they proceed with that we will be funding the training and we have already identified 28 people who have expressed an interest if it materialises.

I do not like announcing things. I do not announce them before I do them and I do not announce them after I have done them. I am just telling him to make him understand that if he is genuine about what he is saying, it is not that we are not constantly on the lookout for opportunities that bring new industries and help to diversify our economy and help, preferably, to bring industries, income and employment which is not frontier sensitive. So, if we can get people here who are going to be using Gibraltar as a base for a completely new industry that we do not have at the moment and are willing to – they will have to bring some people in initially, but are willing – to give us the opportunity of providing local people to be trained, we are happy to do that.

For all those reasons, Mr Speaker, I cannot accept that this motion is an attempt to create a cross-party understanding on the basis that we are equally committed to providing skills and providing employment for our people, but in fact a censure of my performance as the person who has been responsible for training since December 2011. It cannot be interpreted in any other way. The hon. Member is entitled to go to an election and censure me and the electorate is the judge of whether they accept that he would do a better job than me or they put me back to do the better job. Therefore, as far as I am concerned, this is what I said to people in the election campaign and this is what I have to deliver, because this is what I asked them to vote for. I did not ask them to vote for his promised manifesto which never materialised, on which they were working at the time. Just to put a picture of Rooke and say this is where the new centre is going to be and this is what everybody is going to be doing [*Inaudible*] When he was interviewed and he was asked what it consisted of, he said, 'Well, no, we do not know yet what it is,' and when it is a year later in his web page he still does not know what it is. Those are his very words. He says, 'We will have to talk to the unions, we will have to talk to the business community and then we will have to find out exactly what it is.' Well, fine, talk to the unions, talk to the business community, and when you have found out what it is come and tell me and you can take the credit for it, but at the moment all that you tell me is that there is a skills shortage and we are on the cliff. Well, look, we cannot have been on the edge of the cliff last October and we are still on the edge of the cliff now and there is no chance of us going over the cliff. What does it mean to be over the cliff? What does it mean? The collapse of the economy? Is he seriously telling me that the economy that we have got to emulate is the one in the United Kingdom that grows by 1.8% because they are doing things that are making them grow at 1.8% and we are doing all the wrong things and we are growing at 7.5%?

In those circumstances I am afraid I am not going to be able to vote in support of the motion. Therefore, Mr Speaker, I will move an amendment to the motion, which, as you would expect, will delete all the words after the words 'This House'. (*Laughter*)

I therefore beg to move, Mr Speaker, an amendment to the motion by deleting all the words after the words 'This House' and replacing them with the following:

notes that the skills deficit which existed in 2011 was identified by the Government's skills audit in 2012, which audit has been instrumental in determining the provision of craft apprentice and vocational training and resulted in a huge reduction in the levels of unemployment between 2011 and 2015; welcomes that the Government, in the 2015 General

Election, renewed its commitment to continue with its programme of craft apprentice and vocational training to deliver the strategy of training for employment which is in line with the criteria used in employer-based training in England and in the European Union; congratulates the Government for its commitment to provide craft apprentice and vocational training and reduce unemployment; and calls on private sector employers to co-operate with the Government by providing craft apprentice and vocational training job offers in order to further expand the scope of the training programme and increase the opportunities for residents seeking employment.

1000 That, Mr Speaker, is the purpose of the exercise. The purpose of the exercise is getting
people into jobs. Therefore, it is obvious that the hon. Members opposite know and understand
this, because they change the speech. The speech changes from the level of unemployment to
the level of dead-end jobs. That is to say if you are an unemployed labourer and we train you to
be a craftsman, you are in a dead-end job. Well, look, you are in as dead-end a job as a
1005 craftsman as you were as a labourer, except that it is a job that earns more money. But if the
hon. Member thinks that he should encourage the people of Gibraltar, the people who come out
of school, that it is possible for him in Government to do something that nobody ever has done
in Gibraltar, which is to guarantee that nobody will have a dead-end job, well, we are all going to
be managers managing other people who will do all the work. What does he mean by a dead-
end job? Does the hon. Member not understand that the issue is not whether the job is dead
1010 end or not dead end, but whether you have got a job or you have not got one? And under them
they did not have a job!

Therefore we are committed to a policy that is training for employment, not training for
unemployment. Again, Mr Speaker, it is something that has to be understood in the context of
the limitations that Gibraltar has. In the United Kingdom, and indeed in the European Union, the
1015 philosophy is that you train people. This is why in the European Union the freedom of
movement of workers is such an important issue, because as far as the European Union is
concerned there is a single labour market and you can be trained to be an electrician in La Linea
and if there is no work you finish up in Barcelona, and you can be trained to be an electrician in
the north of England and if there is no work you come to London. But in Gibraltar, if there is no
1020 work there is no work – period. We are training for a labour market of 26,000 jobs and all that
we can do is monitor those jobs and try and train our people for the jobs that look most
effective in terms of the income that they generate. But the bulk of the jobs that are out there
are jobs on the minimum wage and those are the jobs that our people prefer not to do, and the
skills that we provide for them ... And we provide retraining opportunities even for people who
1025 are in employment so that they can be upskilled. We give people the opportunity of bringing to
the Training Centre a portfolio of the work that they do and then they can be assessed, and
based on the prior learning that they have had on what they have learned at work they can be
regraded. We do that as well, so it is not just limited to the unemployed. We give the
opportunity to those even in employment because by increasing the skills set within the
1030 community we are increasing the potential for income generation, and income generation is
what increases the GDP. But of course it can only happen if there is an employer willing to pay
for those skills. If the employer does not exist, the skills are meaningless in terms of economic
activity and in terms of the opportunity we are giving to those who are affected.

Therefore, Mr Speaker, I think that, without a doubt, what the hon. Member claims he wants
1035 to see happening in Gibraltar can only happen if, instead of trying to use this as a political
weapon with which to criticise the present administration Lips, he actually does what he claims
to be wanting to do, which is to say, 'I am aware of an area of the economy or a group of
employers that are desperate for trainees, desperate for apprentices, but they have not gone to
see you, they do not want to see you, but they have provided me with the information and I will
1040 provide you with it.' Unless and until he produces somebody who comes forward and
demonstrates that that need is there and is there today, then I am afraid he is not going to

convince me that there is something that I am not doing which can be done, because until there is an employer willing to commit himself to employing the trainee we are not going to be training people for something that does not exist.

1045 I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: The position now is that all hon. Members may speak on the amendment.
The Hon. Edwin Reyes.

1050 **Hon. E J Reyes:** Thank you, Mr Speaker.

May I, for the sake of clarity, come back to a couple of things because other Members present may not be as updated as the Father of the House and I are on this issue.

We are talking about NVQ levels 1, 2 and 3 and so on. Can I make it clear to those Members in the Chamber and those listening behind the Speaker's Chair that in the traditional construction trades everyone starts off training with level 1 and you achieve a recognised qualified craftsman by attaining level 2. However, in the engineering trades – that is those that the Father of the House actually listed as being the mechanical trades, the welders, the fabricators and the electrical trades – there, the level 1 is much, much shorter than level 1 is in the constructions trades, level 2 makes you a quasi-craftsman, but the official recognised craftsman level is the attainment of level 3. There is a bit of confusion for those not acquainted with this sort of education terminology. Of course, the Father is correct in saying that in the construction trades level 3 is what is normally accepted as a chargehand or foreman type of qualification. I do not think we are miles apart, but certainly where the craftsman has the ability I would encourage them to complete level 3 in the same way that as educators we always encourage people who have attained a certain professional qualification to carry on and attain more; otherwise, the Government and the Opposition would not be supporting those who, for example, go on and do a Master's degree. It does not make you a better or worse lawyer if you have simply a Bachelor's in law or a Master's in law, but certainly the higher the qualification the better the academic background the individual has.

1070 Mr Speaker, I want to clarify as well that the accreditation of what the Minister referred to as enrolled nurses via the NVQ route is something that I think – in case he was not sure – has always been supported by this side of the House. In fact, I can vouch for it because I was the holder of the budget between 2000 and 2003. When I was accountable for training funds for the Department of Education, we were actually contributing funds towards helping the GHA. They already had some individuals undergoing NVQs and funding was required, because one of the problems with NVQs is that not only do you need an instructor who delivers that, but you then need to have an assessor and an internal verifier – all these terminologies that will just bore Members, but like the Minister and I know, at the end of the day it is just a money-drawing machine. But certainly, although we are supportive of that NVQ route for those who are not academically minded to follow the degree course ... we are supportive, but I hope the Minister recognises that they were in existence during my party's time in government as well.

1075 The part that perhaps the Minister may not have been briefed on 100% by those involved in the Employment Ministry and so on is that yes, it is true that the apprentice, in order to obtain an NVQ level 2 or level 3 – but let's keep to level 2 – in the craftsman trade had to produce a portfolio. The bulk of the portfolio is actually photographic evidence with very, very small captions. It is the instructor and the verifier who have a longer piece of writing to do, and especially those who do not have the academic ability to be able to read and write properly may even ... the same as I am sure Steven Linares can vouch for me, you can even use a scribe to sit down and do a GCSE exam if you have certain difficulties. For example, a person whose vision is poor can actually do an exam like in an oral basis. So I would urge the Minister, because I know his heart is in the right place ... We can have scribes. (*Interjection*) Yes, especially I am thinking of teachers who have community care hours to do – they can certainly act as scribes in the Training Centre.

1095 The Minister is right: I did try a few years ago to introduce a certain level of basic numeracy
and literacy skills among these apprentices. Certainly numeracy skills come to mind – for
example, those who are carpenters, who measure, and they say this is 12 cms, 30 cms and
12 cms, but they need to have at least the basic skill to be able to add that that equals 54 cms.
But there is nothing wrong in having a scribe in that, and as long as they are able to speak, if at
least become a little bit articulate, then the handwriting does not have to be good, because
1100 typed out papers are acceptable and it is totally acceptable to be done within any length of time.
It is not like a GCSE exam where you are given one and a half hours. You can actually have
someone doing the typing for you if the correct notification is given to the examination board.
So these are areas, Mr Speaker, that I know the Minister will take to heart and proceed on.

I do not know who guided the Minister, but an NVQ level 4 is not equivalent or anywhere
1105 near an honours degree, Mr Speaker. There is a particular chart – I know I had it in my office in
the Department of Education and Training. It is more akin to an HND type of equivalent. And
again, if someone can obtain the level 4, they certainly receive my wholehearted support. Why?
Because one of the areas that perhaps we can identify as emerging skills – and the Minister
already used the words, ‘How can I identify, how can I know what are going to be the emerging
1110 needs of the community?’ ... Well, look, Mr Speaker, one of the exercises, if I may humbly
recommend to him, is let’s look at our current work force – let’s say the Housing Works Agency.
Those who are 50 years of age have five years after in they are going to start to count pounds,
shilling and pence, as we used to call it, and say, ‘Is it worth my while leaving at age 55, or not?’
and they might leave vacancies which we want to be filled up not only by qualified people but by
1115 qualified and experienced people. I think here the Minister and I both sing off the same hymn
sheet. One thing is to have a piece of paper saying you have this level of qualification; another
thing is what you learn in the street. The University of Gibraltar is fantastic, but the university of
the workplace is at times equally as good, if not even better. It shows you all the little tricks of
the trade and so on. I believe – well, I can virtually vouch for it – that at the moment within the
1120 Housing Works Agency we have great craftsmen who have over the years achieved positions of
clerks of work, estimators and so on, and that is something that the Training Centre itself ... no
matter how good the instructors there are, they can never teach that. That will be taught in the
actual workplace.

So, in the same manner that the Minister is trying to say that he would like the private sector
1125 to be supportive of apprentices and so on, I think we should lead a bit by example and maybe
both sides of this House can actually ask the Government-owned companies to be leaders as
well in taking on apprentices and so on. I believe the Housing Works Agency have had
apprentices learning with them, but I am talking now beyond the level 2 and the level 3. The
estimators, the clerks of works and so on should also be equally encouraged to do that,
1130 Mr Speaker.

I am surprised, because I know the Hon. the Father of the House is always in love with
producing tables, statistics and so on, and I have never ever been able to get quite in one sitting
all the correct information that I want to have. I do not know why. Maybe those who have held
the portfolio of Minister for Education have always been able to provide, deducting from
1135 questions, how many trainees do we have, when did they start, when did they finish, what
accreditation did they achieve – some sort of simple type of chart that has columns at the top.
For example, if I base myself on Question 684, it has columns at the top 2012, 2013, 2014, 2015
and 2016 and then a list of trades: carpenters, how many started level 1, how many started
whatever level, how many actually completed and on what date did they complete that level.
1140 Although I am grateful that the Minister said at present in 2016 there are six individuals working
towards level 2 in carpentry, I am none the wiser what has happened in the previous four years,
how many started, how many completed, how many gave up after level 1 and so on.

I may have missed it, but I do not think I have got anyone down at all in the engineering
trades other than in level 3, and I do not have anyone in the construction trades other than in
1145 level 2, other than the Minister making a reference that he was about to take on a 2016 intake

1150 where what they do is they do that initial basic health and safety ... I think it is to do with the multi-trades so that they are able to get a flavour and then they move on to that. If that is going to lead towards quality training, then at a personal level I can be supportive of him. But let's make sure that people who take on these trades take it on because they want to be fruitful in what they do and they take pride behind the job, and that they are not misled under the conception that they once got, where I have had more than one person telling me that in 2011 they were sold an idea by today's Father of the House that if they attended the Training Centre and completed this course they would actually end up in a Government job. That perception seems to still be alive. I know it could be many moons ago – over five years ago – but, like I say, 1155 mud sticks, so that is perhaps something that the hon. Member has to look forward to and spell out clearly. *(Interjection)* Yes, I will give way.

Hon. J J Bossano: Let me assure him that everybody who comes in is told that that is not the case before they start. So, once they have started they cannot be ... They might be under a 1160 misapprehension before they arrive, but once they arrive I go to talk to them and I make it absolutely clear that we are training for jobs in the private sector.

In terms of whether somebody wants to be a plumber, in fact we give them their first choice of ... We ask them first which they would like. If we are only able to take in eight people for plumbing and there are nine, then they are given the choice of either doing something else or 1165 waiting for the next intake. But we assume that if they express an interest in being in one area they are more likely to do better at it than if they are forced into something else. It is also the case ... I do not know if it was happening in their time, but some people studying one subject then change their mind, and at an early enough stage, because it is multi-trade, they are able to switch.

1170 **Hon. E J Reyes:** Yes, it is something that has happened from time immemorial, even when Her Majesty's Dockyard was in existence you did an entry exam and according to the ratings those were the first ones that went and you chose a trade. If you were candidate 11 and you wanted to be an electrician and there were only 10 vacancies available and they had all gone, then tough. 1175

But again, Mr Speaker, looking at the figures, and unless the numbers of instructors have changed drastically from the information provided a couple of years ago, I know that the instructor plumber retired and they were training another one, and I believe the Minister told me that in September this year he was supposed more or less to complete the course. But we 1180 will leave that question until January.

In the others, in carpentry there is more than one instructor and there are only six apprentices there. In painting there are two instructors and only two apprentices, so that is a ratio of 1:1, which every school teacher would love and give half their salary for. But anyway, that is beyond the Minister's control as well; it is up to an individual what he wants to do. 1185

My contribution to that was let's open our minds as well and not just think of today's need but the emerging need, if I can go back to that, as well, because if one looks at what Government's programme has been of late ... and what they are saying is going to continue happening is more co-ownership housing projects and so on after the period of which ... Let's take Beach View Terraces at the moment: after that period when there is still a certain warranty 1190 and defects have to be made right, the management company is going to have to assume the general repairs, maintenance and so on. I would really love it for the management company to be able to have local resident workers that they can call upon who would produce good quality work to carry out the repairs in a good, competitive, economic price. I live in a co-ownership estate, and most of the work that has been engaged by the management company does not 1195 happen to be local resident labourers and that is something that I think we should all work together to avoid in the future.

1200 The future is there, the jobs are there, certainly emerging quite soon, and if the other housing projects take place then there is going to be a great demand. So, in the same way that we invest heavily in GCSEs and A-levels to produce the doctors we are going to need for the future, let's do likewise in these grades because they are as honourable a working trade as whether one is a lawyer or a humble teacher like us, Mr Speaker.

1205 **Hon. S E Linares:** Mr Speaker, I just wanted to add that I completely agree with what the hon. Gentleman says. I do not want to get into the whole debate, but it is important to understand that what I have tried to do, for example, in GCS where we have a core of young people who are now maintenance workers and they have actually qualified for that, there is a handyman's qualification where they do a little bit of everything – electricity, plumbing, masonry – and they become what we call a *manita*, a person who is able to do maintenance, and that is a qualification which has an NVQ and there are levels 1, 2 and 3. Those young people who are now
1210 in employment and doing that, so these are very meaningful jobs and this is what we have been trying to do, and we are doing it. Therefore, anybody who is employed now or who wants to do those courses will have the prospect of getting other jobs. So I completely agree, but my emphasis is that it has been happening since 2012 onwards. There are employees, for example, in Kings Bastion now who also get employed as handymen, or women – because there are a few
1215 as well – and then, as employers we send them to train so that they do have a qualification at the end of the day. So it is not only that they are employed to do things; they have the opportunity to become qualified, because ultimately some other private sector management company in the estate that the hon. Member has mentioned wants a person to be able to do a little bit of everything, and with that qualification they might want to get employment there because they get more wages than what they have been getting.
1220

So it is happening and those are very meaningful jobs. That is why I cannot understand either the motion, because there are many, many areas in which I know that the hon. Member, the Father of the House ... I send all the jobs that I need for GSLA, for Kings Bastion, for GCS to him and he sends me young people who want to work and then we do the training with them. So it is
1225 happening. I completely agree with him that this is what we have been doing and this is exactly what these qualifications will do for them, and they are very meaningful.

Mr Speaker: Any other contributor to the debate?

1230 **Hon. D A Feetham:** Mr Speaker, very briefly on the amended motion. The Hon. the Father of the House is not one to blow his own trumpet at the best of times, but I have to say that on this particular occasion on the amended motion he has exceeded himself. He realises that it is not possible for us to support what is this blatant ... Well, I was going to call it brilliant; I am not sure that it is brilliant, because it is just a blatant piece of propaganda starting with 'notes the skills deficit which existed in 2011 and congratulates the Government' for what they have done since
1235 2011.

In my contribution I want to make a number of observations. I have listened to the hon. Gentleman and some of what he has said – in fact, a lot of what he has said – I can relate to, and indeed some of the arguments that he has deployed today were arguments that we were
1240 deploying from the Government benches.

One of the points indeed, that I made during the debate – and the hon. Gentleman is wrong when he said the debate, when I was in the Labour Party and my learned Friend was in the PDP ... It was a debate that occurred in 2011 and it was a debate where I was representing the GSD, my learned Friend, Mr Phillips, was representing the PDP and it was Mr Licudi who was
1245 representing the other side, and that was in 2011. One of the points that I made there was that in 16 years of government the GSD had created 8,500 new jobs – total, private and public sector – and there had never been 8,500 unemployed in Gibraltar, so it was physically impossible to fill that amount of jobs just simply with locals, and it is a point in fact that he has made during the

1250 course of his own contribution today to take the sting out of the criticism – or the observation, because it was not a criticism – of my hon. Friend Mr Clinton when he said that if you looked at the employment survey there had been a very low number of Gibraltarians who had taken up jobs within a particular sector.

1255 I think there are three separate strands. I am trying to characterise it as fairly as possible. I am going to just characterise as well our criticism and, I think, the wider community's criticism of the hon. Gentleman's strategy. I think there are three separate strands to this.

1260 The first, rightly, is a strategy of the hon. Gentleman – which I have described and he has agreed with my description – which starts from the skills survey that was done in 2012: let's see what are the jobs, what are the nationalities and let's try and get Gibraltarians into those jobs. That is a valid strategy and I accept that it is a valid strategy, but it is not a valid strategy to just simply look at in isolation. In other words, it needs other things to the strategy, and the weakness, I think, in the hon. Gentleman's strategy has been in taking it too far. That is my own personal view of the strategy, because if you look at the Job Strategy, for example, from its manifesto conception, where it said a training scheme of up to two years, it went from two years to one year, to three months and sometimes less than three months. The criticism that can be reasonably and, I think, credibly labelled in terms of training – not in terms of putting people into jobs; in terms of training – is what can somebody learn in three months. I think that where one can criticise the Government is in an over-focus on the statistics – in other words, getting those Gibraltarians into those jobs occupied by Spaniards, or whatever, which I believe is a valid objective, but to the exclusion of the real training, which is the point that is being made by my learned and hon. Friend, Mr Phillips.

1270 And I come to the second, because you need a second strand, and if you then look, in terms of the second strand, at the training, the intakes – to illustrate my point – into I think it was the Construction and Training Centre and the other Training Centre over the last five years, the new intakes have been one in the year ending 2012, three in the year ending 2013, 11 in the year ending 2014, 26 in the General Election year ending 2015, and 12 in 2016 in the year so far. I think those are low numbers and I think the Government needs to invest more time and more money – and I know it costs money – into boosting those numbers, not only in the wet trades. Again, I accept that it is valid to look at the wet trades, because that is an area that is being undertaken on our construction sites throughout Gibraltar, but also in your plumbing, in your electricians, in your carpenters, and we need to boost the numbers. I think that if one looks at the criticism that is being made by Unite, the criticism that is being made by the Chamber of Commerce, I think it is a reflection of the low numbers – and I am just quoting from the intakes – and therefore what I would urge the Government to do is to examine that and to see whether the numbers can be boosted in terms of intakes into those craftsmen, if I can call it that, craftsmen jobs. Because worthy as the matching Gibraltarians with jobs is, what we have got to also do is ... that those Gibraltarians, or some of them, have the skills that are necessary that will equip them not only for today but also for the future.

1280 The third strand, Mr Speaker, is the strand that I spoke of during the course of my own intervention earlier. I am not going to repeat it, but I think that the hon. Gentleman underestimates the importance of it in a Brexit situation. The hon. Gentleman I know attempts to have an eye on these things and attempts to have an eye on the future, so I was rather surprised at the way that he dismissed it at the end of his intervention. In a Brexit situation we have to ... and I realise that there are difficulties in knowing precisely where the United Kingdom is going, first of all, in relation to Brexit – that is the first question – and then, secondly, whether we are going to be able to go in the same direction as the United Kingdom. That is also an open question as well. I realise there are difficulties, but any prudent, reasonable Government and a Government that is looking towards the future has to be able to look at all the various alternatives and all the various permutations and say, 'Well, look, what is our economy going to look like in three or four years' time, and is it possible for us to do something now in order to make sure that our people are prepared and are trained for that eventuality?'

1300

That is the approach certainly I would urge on the hon. Gentleman. Those are the three strands – there may be more, and no doubt there are more strands: Gibraltarians filling those jobs; your trades training, the training that people go for one, two or three years, depending on the level that they undertake in terms of NVQ; and also looking towards the future.

1305 That is my intervention on the amended motion.

Mr Speaker: Is there any other intervention on the amendment? If not, I will ask the hon. Mr Bossano to reply. The Hon. Mr Bossano.

1310 **Hon. J J Bossano:** I welcome the contribution that has been made pointing out the areas on the technical side of how the NVQ problems that I have identified can be addressed. I am grateful for that and I will certainly take that on board.

Dealing with the last contribution, where the Hon. the Leader of the Opposition is saying that his concern is that we may need to do more, the 26 intakes that he quoted – I do not know whether he thinks that an intake is an individual trainee. As far as I am concerned, an intake is ... For example, if we have taken in 24 trainees to do the wet trades, that is one intake made up of 24. So the intake is the number that start the course in a particular year. *(Interjection)* Yes. *(Interjection)* No. I think he mentioned that there were 26 intakes, no? The figures that he was quoting which he thought could be – *(Interjection)* Yes. The figures that I quoted of the intakes – the breakdown that I gave him is not 26 individuals. If I have said there are 26 intakes it means that in that financial year we had, for example, eight plumbers coming in and that is one intake, eight painters coming in and that is another intake. The intake is the class, not the number of individuals. Obviously, the hon. Member has had the number of individuals previously given to him in previous answers to questions. *(Interjection)* I think the question was intake and I gave him intakes; that is my understanding. *(Interjection)* I will give way, yes.

Hon. D A Feetham: No, the question was how many people are currently undertaking level 1 NVQ. That related to people. That is why, when the hon. Gentleman came back and talked about intake, what I am assuming is that when there is one intake it is one person and three intakes is ... which struck me as very low numbers in terms of the people who are being taken on to do the NVQ level 1 in any given year.

Hon. J J Bossano: The figures that I gave for the number of intakes per financial year does not show 26 in any of them. It was one in 2011-12. That is to say there was one intake between December 2011 and March 2012. That was not one person; that was one intake, one class. In 2012-13 there were three intakes. In 2013-14 there were 11 intakes. At the moment, we have got four intakes that are starting now. The four intakes this year is an intake for plumbers, an intake for carpenters, an intake for painters and an intake for the wet trades. The total number of the four, in terms of individuals, is 34 individuals. I mentioned that the numbers ... In answer to the question who is starting with level 1 this year, in level 1 this year, in this month there will be something like 34 individuals spread over four intakes, which is an intake of plumbers, an intake of carpenters and an intake of painters, which will be less than the intake of wet trades, which continues to be a larger class than the others.

So I am sorry if I misled the hon. Member, but the figure is not that there have been 26 individuals, because in fact he knows, from the questions in previous meetings of the House, that we have talked about something like 190 persons or 170 people having done the level 1 and level 2 since December 2011. There could be an intake of one, but it is unlikely to be the case. We aim for an intake of eight and, as I have explained, if we have, for example, more than eight people wanting to be plumbers in the ones that have been interviewed ... I do not know, I have not been given the distribution because they are still in the process of finding out what they would like to do, but if there were nine plumbers then if there was a spare capacity in painting or carpentry they would pick the ones that they think have got the best chance of succeeding

and then to the ninth person they would say, 'You have two choices: either you wait maybe for our next intake,' which could be in six months' time, 'or you can choose to not do plumbing and do something else.' At this stage it is quite an easy thing to do, actually, because the bulk of the level 1 creates a basis of skills that then they can specialise in, in level 2. And sometimes when they start doing the level 1 the people who said they wanted to do plumbing change their mind and decide they want to do painting or something else. That is what I explained when I was explaining it previously in my original contribution in support of the amendment.

I appreciate the point that the hon. Member has made, that having congratulated the Government – I have not congratulated myself, I have congratulated the Government – in the amendment and having said that there was a skills shortage then ... Well, look, I think it cannot be denied. The skills shortage that existed at the time was reflected in the skills audit. If we have got a situation where there are 100 people working in the wet trades in the construction sector and seven are Gibraltarians and 93 are imported workers – if that is not a skills deficit I do not know what you call it. I have to say to him the percentage is now better than it was then. It is nowhere near 100, because I think of the different construction trades this one is the least attractive and it is a cleaner job to be doing plumbing, painting or carpentry than to be mixing mortar and building brick walls and doing tiling and that kind of thing. But remember that the emphasis is, as I explained already and as we explain to the trainees ... We say to them, 'Look, the reality of it is that Aerial Farm has finished and 300 jobs have disappeared.' If we are talking about giving people a sustainable job – it may be a dead-end job, but it is a job that will be there – the job that will be there will be the job that was mentioned by his colleague. It will not be in the building of Aerial Farm; it will be in the maintenance of Aerial Farm. What we are trying to do is to ensure that the bulk of the permanent construction workers should be local, so that there will be people there who will be able to look to continuity of work all the year round that will not be seasonal work, particularly because something that has happened in the construction industry which created problems for us from the date that the Frontier opened has been that, by the very nature of specialisation in the construction industry, nowadays one company gets a contract to deliver a site –

Hon. D A Feetham: Mr Speaker, I want to listen to the hon. Gentleman's contribution but there are people on the other side talking and I just cannot focus on what he is saying. I would just ask the hon. Gentlemen to give some courtesy to the Hon. the Father of the House who has the floor. (*Interjection by Hon. Chief Minister*)

Hon. J J Bossano: I will try and speak a little bit louder.

The point that I am making is that in the nature of modern training ... We had a situation, Mr Speaker, on the Aerial Farm housing estate where the main contractor subcontracted the doors. We do not have carpenters making doors anymore. A company comes in and fits a thousand doors in the estate. Training somebody to fit doors is not a quality apprenticeship; nor is it something that we would want to do in Gibraltar, because when that estate is finished the people who come in and fit doors will have gone off somewhere else to fit doors. The industry in the United Kingdom, for example, provided training for bricklayers, but the only thing they did was lay bricks. The bricklayer would work not by the hour but by the number of bricks he would lay. A really good bricklayer would lay thousands of bricks and would have two labourers just bringing him bricks to lay and earn £1,000 a week. But of course for anybody to have a secure job laying bricks there must be an ability to move from building site to building site throughout a nation state laying bricks, which is done. There are people who are professional bricklayers, who can build brick walls blindfold. What do we have to do here? What we have to do here is produce people who will go to maintain the housing estates that we are building and those we want to be local, and there will be the people who will have to be craftsman made, skilled labourers, there will be the people who will be the skilled workers who are doing the maintenance, and there will be the people who have supervisory and managerial jobs. That

1405 structure is the structure that we are trying to build now, and we are trying to build it in
 anticipation of where the expansion of home ownership will create permanent jobs all the year
 round. That means, in effect, that the construction industry will have, as I have mentioned, in
 ball park figures, 1,500 people who come in, build housing estates and disappear, and we have
 2,000 people, which is likely to be a growing field the more housing estates that we have. What
 1410 we are doing there is something that is planned, that is logical, that is based on figures.

What the hon. Member suggested was not something that we were doing in terms of
 concentrating too much on this, because having concentrated on this we can see what is
 achievable. For example, if the *Sunborn* says they want somebody to help in the kitchen and we
 are sending somebody who has never helped in a kitchen, we are not going to pay the *Sunborn*
 1415 for three years to have somebody in the kitchen when the job can be learnt in three months.
 This is not an apprenticeship. So there are apprenticeships which lead to a qualification and
 there is on-the-job training which does not lead to a qualification but leads to the person who
 says, 'I will not take the man or lady you sent me, because they have never been in a kitchen
 before.' In order to remove the excuse for rejecting the local worker on the basis that he has no
 1420 prior experience and no prior knowledge, we say, 'Okay, we accept that while the guy is learning
 the job he is not productive, not producing enough for you and may actually be a negative
 element in the workforce because you may have to have somebody else who is productive being
 interrupted to explain to the new person how the job is done, but what you cannot have is a
 three-year apprenticeship for somebody who is a kitchen hand.' A kitchen hand may be a dead-
 1425 end job. It is a dead-end job that some people who are unemployed will find attractive.
 Members will acknowledge we have had them questioning why was the take-up in the *Sunborn*
 not higher, given that they have received support from the Government. We have tried to make
 it higher, and the same thing applies to local companies that are willing to take people on.

So it is not that I am unwilling to listen to constructive criticism, and if it makes sense I take it
 1430 on board and I am grateful for it because I do not pretend to have all the answers, Mr Speaker. I
 understand that it would be asking too much of the Members opposite to congratulate us in the
 way that the motion was, but it may be as unrealistic to expect them to vote for the amendment
 as it was on their part to expect me to vote for their original motion.

1435 **Mr Speaker:** We will now put the amendment moved by the Hon. Mr Bossano to the vote.

All in favour? (**Several Members:** Aye.) Those against (**Several Members:** No.) Carried.

Now, on the motion as amended all Members who have not spoken on the original motion
 may now speak, if they so wish. If no one wishes to do so, I will then ask the Hon. Elliott Phillips
 to exercise his right to reply. That is the position.

1440 The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I am grateful for this debate because I think that it is actually
 much more fundamental than some of the discussions and some of the comments that have
 been made by hon. Members opposite.

1445 In fact, I think, starting with Minister Costa when he referred to the unemployment figures, I
 think he understands by a slight reprimand from the Speaker that this is not a debate about
 unemployment, it is not a debate about full employment, it is not about the GSD's time in office;
 what it is about is real jobs and real opportunities for young people.

I think what the motion does is try to set out the serious concerns that have been highlighted
 1450 by not just the Members in this House and opposite the Government, but the unions, the
 Chamber of Commerce and people who campaigned outside this House. What Members
 opposite are trying to do is, to use Mr Isola's words, denigrate the union's views, who even this
 week have commented in relation to a serious skills deficit. The Members opposite can choose
 to ignore the unions, the Members opposite can choose to ignore the Chamber of Commerce,
 1455 but at the end of the day they will choose to ignore the people outside this House who handed
 them all leaflets complaining about the lack of apprenticeships. They can choose to do that and

they will continue to do that, but what I would say is that the intention of this motion was to show the Government that there are serious concerns about the skills deficit in our community.

1460 Minister Bossano talks to this House about me not knowing what I am talking about. I am not too sure whether he walks round Waterport Place or he walks around Europort, whether he talks to young entrepreneurs who have employees in their business, who are looking at developing Apps, looking at gaming and looking at individual programming and coding. I speak to these businesses and I speak to young men who work in these industries, and their offices are filled with Spaniards. That is the reality that he wants to talk about, that is the reality I am going to talk to him about, because when I walk into those offices and I am invited to see them, they say they have been to see him, they have been to see Minister Costa (*Interjection*) but there has been no reply, (**Hon A J Isola:** Nonsense!) they are not interested...finished!... they are not interested in the modern technologies, they are not interested in growing a workforce to feed that industry. That is a shame. I think we should all be trying to promote gaming, app development, coding – (**Hon A J Isola:** Gaming! Are you serious?) (*Laughter*) It is called gaming. It is not the traditional gaming that you are responsible for; it is another form of gaming – apps, computer games and allied services to the industry that Mr Isola, in financial services ... I think that is what we should be looking at, surely: developing our young people, giving them the opportunity to work in these industries and giving them the tools to do that.

1475 We are looking at apprenticeships, not three-month apprenticeships where we can learn a trade and then be thrown into a job where they have not got the adequate skills and the adequate training to do it. We are not talking about three months; we are talking about a three-year-long process by which these people, in partnership with business, can create apprenticeships.

1480 I commend the hon. Gentleman in relation to the maritime apprenticeships that he speaks of. I know he does not want to commit to them now because he is obviously in discussions with them, but I commend him for that. That is exactly what we should be doing: sending our young people off to get that training and to come back and work those jobs. But I walk around Gibraltar, we all walk around Gibraltar – walk up Waterport Place in the morning and see the hundreds of people flooding the buildings, who are not from our home. Surely we should be creating an opportunity for those young people in our community who do not go to university – they do not have the opportunity to go to university – who want to do these jobs. Why can't we do that? I think that is really the nub of the Private Member's motion in respect of apprenticeship. It is with the greatest of goodwill that I say to all Members opposite that I think we should create better opportunities for young people moving forward.

1490 I take the point that he makes in relation to plumbing, electrical engineers, mechanical engineers – of course all of that is required, that is needed; but in a serious threat, which Brexit clearly is to our community, I think we should have a bit more foresight into the future as to what skills will be needed in the future. That is what I am talking about.

1495 We talk about ... (*Interjection*).

Hon. D A Feetham: Try and just ignore them.

Hon. E J Phillips: Yes, I will do.

1500 He talks about demand led, and I think we have to do more than that, not just be reactive to the market. What we need to do is look at what opportunities there are in the future, surely. I would invite him to walk into those businesses and see them for himself, and I think he will really acknowledge the fact that we are not doing as much as we should be in relation to that.

1505 The hon. Member opposite seems to be fixated with NVQs. It goes beyond NVQs and City and Guilds. An apprenticeship is a long-term experience for these individuals who want to work in industries; it is beyond qualifications. That is what I am arguing for and that is what I am advocating for, and that is what people outside this House, when they are campaigning, are arguing for as well. That is what the unions are looking at. That is what the Chamber of

1510 Commerce is looking at. What you are doing is ignoring the views of the Chamber, ignoring the views of the union, ignoring the views of the people who have commented to me and have written in the *Chronicle*, and ignoring the views of the people in relation to this issue.

I am just extremely disappointed that they are rejecting, effectively, the Private Member's motion, which is intended to stir debate on apprenticeships and long-term sustainable jobs for our community moving forward, and replacing it with a self-congratulatory statement on what they have done so far and ignoring the genuine concerns of people in Gibraltar about apprenticeships and training.

That is all I have to say. (*Banging on desks*)

1520 **Mr Speaker:** I will now put the motion, as amended by Mr Bossano's amendment, to the vote.

Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

1525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn *sine die*, but not without thanking the Hon. the Father of the House for his lesson in how to deal with training and debating this afternoon.

1530 **Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*, and not having received any notification of any Member wishing to raise anything on the adjournment I will put the question, which is that this House do now adjourn *sine die*.

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

The House will now adjourn *sine die*.

The House adjourned at 7.45 p.m.



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Gibraltar, Friday, 18th November 2016

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The Gibraltar Parliament

The Parliament met at 10.09 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 18th November 2016.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 21st, 26th, 27th, 28th October and
5 8th November 2016.

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements. (vi) Papers to be laid – the Hon. the Minister for Culture, the Media, Youth and Sport.

10

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I have the honour to lay on the table the Report of the Principal Auditor on the Accounts of the Gibraltar Culture and Heritage Agency for the financial year ending 31st March 2012.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING AND EQUALITY

Q771/2016 Glacis Estate – Letterboxes

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 771 and the questioner is the Hon. E J Reyes.

15

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate by when the pending repairs or replacement of letterboxes at Glacis Estate will be undertaken?

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

20

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the letterboxes that have been procured have a lead-in period of nine weeks. Once received, the installation is estimated to take four weeks to complete.

25

Hon. E J Reyes: Thank you, Mr Speaker.
The Minister said there is a lead-in period of nine weeks. Are we talking that she is expecting the stocks nine weeks from now, or...? Just for my own clarification.

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

Q772/2016 Decanting of tenants from homes

30

Clerk: Question 772. The Hon. E J Reyes.

35

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 601/2016, indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

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

40

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, no tenants have required any decanting from their homes since the answer to the last question.

45

Hon. E J Reyes: Thank you, Mr Speaker. I do not know if you would allow me, as a sort of a possible lead-up... In the past, the Minister has given me the information of those who have required to return and so on. In most cases, by the time she has given me the answer the majority of them have returned home, but would have she happen, by chance, to be aware of any tenants still outstanding – for example like those of the last couple of months who, for some sort of delay in the repair works, have not been able yet to return to their home? Is she aware?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware, but I recall from the question last month that there were only a couple who had not returned in any event. As per my question last month, of those I do not know who has now returned and who has not.

Q773/2016
Eviction of squatters –
Legal costs incurred

Clerk: Question 773. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 602/2016, providing a breakdown showing the number of homes involved and to whom payments were made?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there has been none.

Q774/2016
Update re pending repairs

Clerk: Question 774 the Hon. E J Reyes.

Hon. E J Reyes: Further to the exchanges of information during Question 603/2016, can the Minister for Housing please now provide a revised answer with updated details in respect of all pending repairs, i.e. still not fully completed jobs to rental homes, indicating the dates when these reports were first made by tenants and stating how many will be repaired by: (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, to date there are 241 pending repairs to rental homes. The dates on which these were reported are as follows. There were 20 in May, 28 in June – these are remaining figures, Mr Speaker, since the last answer – 20 in July, 25 in August, 19 in September, 57 in October, 72 in November.

Thirty-eight of these will be repaired by the Housing Works Agency and 203 will be repaired by subcontractors. Three are on a self-repair basis.

Hon. E J Reyes: Mr Speaker, can I then ask the Minister: from the information she has given me, it follows that there are no jobs pending to be completed which were reported prior to 20th May this year – is that correct?

Hon. Miss S J Sacramento: Yes, Mr Speaker, that is the information that has been provided to me by the Department. When we were here last month the hon. Gentleman told me that he had spoken to someone and that he thought the works were outstanding for a period longer than that, and I did invite the hon. Gentleman, if he did have details, to let me know. I have not had

any of these details, but because of this, in any event I have asked the Department to undertake a sweep just to make sure that nothing has fallen through the cracks. Sometimes there may be human error or something, so they sweep in case there is anything pending that may have been forgotten or maybe hanging on a computer or something is underway in any event. But certainly this is the information that has been provided to date.

Hon. E J Reyes: Yes, Mr Speaker, I did say to the Minister that I could collate some information and pass it on to her. However, the notice for questions came so soon that we have not had the opportunity to do that. I know the Minister ... I pose the question because it will give her the chance to go back and discuss, obviously, with the staff from the Housing Works Agency and update the information.

I do have at least 10 and a couple more that need further clarification, but I do have information that shows that some repair works are pending now for a period of around two years. In one particular case, someone was even claiming it was reported four years ago, and so on.

Would the Minister think it is best if perhaps we agreed on a mutual date and we met, rather than end up in longwinded correspondence and might clarify better? I am interested in solving the problem for the tenants more than anything, and I am sure the Minister would like to join me in that exercise. So, if she agrees to that and confirms it via you, we can then, when we have a suitable break, look at our diaries and find a convenient date as soon as possible.

Hon. Miss S J Sacramento: Mr Speaker, I think I made it very clear last month that if there is information which may have fallen through the cracks that I was of course very happy to receive it. Of course, what I said last month stands. If the hon. Gentleman has ... And I see that he has some letters there. If he were to give them to me later on when we have a break, I would certainly send them up to Housing immediately for them to be investigated. And my offer stands, of course, Mr Speaker. I am asked to confirm it here before you, but I have this invitation open in any event.

As I said last month and as I have always said before, Mr Speaker, it is about helping people. If there is something that the system may have missed, then of course, as the person with the responsibility, I would like to know about it. So, if the hon. Gentleman has this information, I would be very grateful to receive it.

Thank you.

Q775/2016

Expenditure incurred

Clerk: Question 775. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 604/2016 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

Clerk: Answer the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, one contract has been awarded. This has been to Ace Plumbing for £10,380 for one property.

The works carried out by this company was general refurbishment works, which included plastering walls and ceilings, painting, replacing floor tiles, doors, plumbing, electrical work.

Q776/2016
Housing stock –
Properties vacated by senior citizens

Clerk: Question 776. The Hon. E J Reyes.

135

Hon. E J Reyes: Can the Minister for Housing provide details of how many rental homes have been allocated and/or assigned by Government, inclusive of room composition of said homes, from the stock returned or earmarked to be returned by the new tenants who have moved or will be moving into the newly built senior citizens' rental homes?

140

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the elderly citizens' flats have not yet been handed over to them, which means that these occupants' flats have not been vacated and, as such, their flats cannot be returned to the housing stock for allocation to new tenants yet.

145

Hon. E J Reyes: I can understand from that, Mr Speaker, yes, it is probably an ongoing exercise.

150

To avoid me posing the question next month if it is still not going to be ready, would the hon. Lady please give me an indication by when this exercise will be complete and I can then – with your permission, Mr Speaker – time the question to be repeated at that stage?

Hon. Miss S J Sacramento: In terms of Parliament Questions, Mr Speaker, I think that it would be safe to say, for an accurate answer, not before the January session.

155

Q777/2016
New affordable homes purchased from Government –
Complaints re defects

Clerk: Question 777. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many complaints have been received from the purchasers of new affordable homes from Government in relation to defects in those homes or the estate in which those homes are located, listing the defects complained of?

160

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, any defects arising from the sale of the new affordable homes are tackled as part of the snagging process when the sales are completed. These are not considered complaints, as such. Most defects or snags have now been rectified and only a few remain to be rectified, mainly in the case of the more recent completions.

165

Hon. D A Feetham: Mr Speaker, does she have a list of defects? That is the question.

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Hon. Miss S J Sacramento: Well, Mr Speaker, my answer to the question was that they are not defects, they are snags. In relation to concerns or snags, there have been some concerns that have been raised.

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There have been things like security issues raised because of the barriers of Beach View Terraces. These have been replaced.

There have been concerns and snags in relation to the communal water pumps, and this is something that we have referred to those who installed the water pumps for maintenance.

180

We have had reports in relation to the lifts. These have been looked at. We have had advice in relation to the lifts that this was on account of the speed and the power setting to which they were set during the time that people were moving in, given the volume of traffic that we would have had on the lifts and because unfortunately some people were inappropriately using the lifts, but that is something that is not really relevant now because the bulk of the people have moved in.

Mr Speaker, those are generally the concerns that have been brought to our attention.

185

I met with the committee of Beach View Terraces two weeks ago with the Chief Minister, where we looked at the concerns that they had raised, so anything that may be pending is of course going to be tackled with the team, and I will be meeting with the caretaker committee of the Mons Calpe Estate very shortly.

190

Hon. D A Feetham: So, Mr Speaker, apart from the 'snags', as she calls it, that she has listed, there are no other issues that have been notified to the Minister by GRP in relation to this estate?

Hon. Miss S J Sacramento: Not beyond the general snagging, Mr Speaker.

195

I have outlined some of the issues in relation to Beach View that we have had so far ... had complaints from Mons Calpe Mews, which was some noisy communal mechanical extractors, and these are currently being addressed by the contractor.

200

What we have, Mr Speaker, at the moment is the general teething problems that one would very reasonably expect from an estate that has just been completed and given the size of the estate, but as soon as these are reported through GRP we are looking at the appropriate remedial action, most of which is to refer it to the contractor.

Hon. D A Feetham: Mr Speaker, is it the case that a lift in one of these blocks fell two floors down from where it was positioned?

205

Hon. Miss S J Sacramento: Mr Speaker, there was a post on Facebook insofar as the lift, and of course I asked for this to be investigated. There is CCTV both inside the lifts and in the estates, and having checked this what happened was that a trigger in the lift was set, which means that the lift, when the trigger is set, will take the lift and any passengers to the ground floor. It is not as if the lift fell. It is part of the general mechanics of the lift and it is standard safety procedure. That is what happened, and having checked the CCTV we are satisfied that what happened was what should happen in the general course of things. Of course, Mr Speaker, we have checked this and verified it with the Fire Brigade and there have been all sorts of checks.

210

Because of course the hon. Gentleman saw it on Facebook, which is where it was, it was brought to my attention and I immediately checked it. In fact, because people had raised issues about the lift, I rode in the lifts myself quite a number of times, Mr Speaker, just to check that they were fine and I am satisfied that they were.

215

220 **Hon. D A Feetham:** The hon. Lady said that she was currently discussing with the management committee or a committee of tenants certain issues that have arisen. What are those issues that she is now discussing with those tenants?

225 **Hon. Miss S J Sacramento:** Well, Mr Speaker, they are in fact the issues that I just read out. These are issues which are generally latent defects from the construction, which the caretaker committee wanted to discuss with the Government and give our assurance that we would deal with these appropriately with the contractor.

230 Of course, Mr Speaker, if Government has dealt with the defects that unfortunately the tenants at Nelson's View, Bayview and Cumberland inherited – and that is something that we inherited as a Government because those defects were not dealt with by the administration at the time and it is something that we committed to remedy – then of course we are going to remedy any latent defects which may arise from these construction projects, and we have of course given those assurances.

235 **Hon. D A Feetham:** Mr Speaker, the reason why I asked that particular question was because the hon. Lady divided her answer into two stages. She said there are defects – or 'snags', as she called them – that have already been dealt with, and there are defects that have been left over that are now being discussed with the management or the committee that she mentioned, and it is in relation to those ones that I am asking.

240 Can she give more details in relation to which ones? Because of course, she has in her answer mentioned a number of issues. She then said they had been dealt with, and she then mentioned later on that there have been these conversations, an ongoing dialogue with this committee of tenants in order to deal with outstanding issues. I just want to know what are the outstanding issues, because the hon. Lady saying, 'Well, I have already referred to it.' Yes, you have referred to it, but there are two types: ones that the Government have already dealt with; and I am interested in the ones that are still outstanding.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman – the whole House – will be very happy to hear that we are dealing with really very, very, very, very minor issues.

250 The hon. Lady and I attended the magnificent development at Beach View Terraces, which is now the happy home of so many hundreds of Gibraltarian couples and homeowners, and we found that there is in fact very little of any concern. What we are dealing with are, for example: a fascia that may have not been screwed down properly – it was something that was added after snagging, it needs a little bit of tightening; some of the external doors, because of people having – as we all know Gibraltarians do – done so much work when they have moved in, some doors to the rubbish area have been damaged. Those are the sorts of things that we are looking at. In one particular corridor there was a lot of wind because it is a windy area and water may flow in, when it rains, with the wind, so we are looking at whether it is possible to create some short walls by the doors so that water does not flow into homes – very minor issues that are being dealt with, that the Government is very happy to deal with; the sorts of things that any developer would be delighted to be dealing with after a new project has been completed. Having been involved in my professional career with private developments, very, very minor issues to deal with, compared even to some of the top residential estates developed in Gibraltar for much more expensive accommodation.

260 So, working with the caretaker committee, I think that we have made huge progress already in the work that GRP has done in dealing with the snagging issues, huge progress already in dealing with the minor defects that are left, and the Minister and I were delighted to attend to be able to see for ourselves what the remaining minor issues were. I am happy to tell the House that I committed myself there, having received such a warm and enthusiastic welcome on my arrival at the estate from the happy purchasers, to return before Christmas to see whether these minor issues that remained outstanding had been dealt with. So the House will no doubt be very

happy to see that the investment made by these Gibraltarians in their new homes is one that is not subject to any major problems whatsoever and the Government is committed to dealing with the minor issues that remain.

275 **Hon. D A Feetham:** So can I take it from the answer the hon. Gentleman has given that these issues will be dealt with by the end of the year – or does he envisage any further timescale for dealing with these issues?

280 **Hon. Chief Minister:** Well, Mr Speaker, there are some issues that will not be dealt with by the end of the year. For example, one of them is the movement of a vehicle barrier where the tenants want to talk to GRP about the possibility of placing it somewhere else to provide a different sort of security. We have tried two types of barriers: one of them does not have a scissor system underneath, and one does. They appear to prefer the scissor system and one of the barriers that goes out onto Eastern Beach Road may be moved because it may be a better traffic management issue for the estate. We are happy to look at that. That, for example, will not be dealt with by the end of the year; it will require a design and it will require procurement if the tenants decide that they want to go down that route. Other issues will very likely be dealt with long before the end of the year if they are minor and the materials necessary are available; otherwise, they will be dealt with very, very quickly after the New Year.

290 Again, as I say to the hon. Gentleman, I will continue to visit the estate and to ensure that everything has been dealt with and to continue to receive the enthusiastic and warm welcome that I receive when I visit these estates – and not just the ones developed by my administration; also the ones developed by former administrations, where I have sorted out the problems and I have received just as enthusiastic a welcome.

295 **Hon. E J Reyes:** Mr Speaker, I am glad to hear that the Chief Minister and the Minister for Housing have attended on site and are going to return.

Can I ask the Chief Minister ... Maybe he was aware, or if not, on his next visit can he please look out on the actual landings on each floor – so it may have missed the snagging list that the individual tenant or the individual purchaser fills in. It is a communal area along the corridors. If one looks up to the roof, the sort of covering that has been made to the concrete is made of a material that, in my unprofessional opinion, I saw starting to become rusty. It coincides with what the Chief Minister was trying to say that the committee had explained to him – that there is some water that comes in from the side that is going to be tackled, but once a piece of material gathers rust one knows from experience that it just continues, and if we can nip it in the bud ... Perhaps the Chief Minister can commit himself to be in the look out and look up and just ensure that those ... They seem to be a corrugated type of sheets ... so we can tackle that and avoid future problems for purchasers.

310 **Hon. Chief Minister:** I am grateful for the hon. Gentleman's unprofessional opinion.

Mr Speaker, it is an issue that was pointed out to us at the time that we were there. We were with the contractor, with JBS, who demonstrated that it is not rust; it is actually dirt and it comes off, and the mechanism for dealing with it was explained to the members of the committee. If in some areas it has progressed to rust – and I have no reason to believe that it has – it will of course be dealt with, but it would be covered by the warranty of the material used, and a lot of what we are talking about is going back to the warranty for those who provided the material and they will be the ones replacing any of those sheets or doors that may have suffered rust, if they are in fact suffering rust. But there were very few incidences of that. In a huge estate, as that is, I saw two or three doors which were suffering rust because of the weathering in the area lower down on the beach, which is closer to the saltwater spray, and which had been damaged – therefore the paint had been damaged – as a result of people doing their own DIY etc. The

saltwater was then able to get in and create an element of rust, but it is in within warranty and it will be dealt with on a warranty basis.

325 So those are the issues, Mr Speaker. Given the sorts of issues this House has in the past heard referred to in respect of serious defects in other estates, I think the whole House will be very happy indeed that we are dealing with very, very minor issues here and, very will want to congratulate ... I will not say the Government, because the House never wants to congratulate the Government unanimously; it tends to only want to do so on a division of 10-7, or at least 10-6, but will want to congratulate the contractor for the excellent work that they have done in this
330 estate and will want to wish well to all the purchasers who are enjoying the benefit of these affordable homes, a place in which they will build their families and homes which they will enjoy, I hope, for many years.

Q778/2016

**Government estate lifts –
Timescale for completion**

Clerk: Question 778. The Hon. Ms M D Hassan Nahon.

335 **Hon. Ms M D Hassan Nahon:** Is there a timescale for completion of installation of lifts in Government estates?

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

340 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, Mr Speaker, this goes hand in hand with the refurbishment programme. The programme is currently being revised and will factor the infrastructure works required for the lift installation.

Clerk: Question 779.

345 **Hon. D A Feetham:** Mr Speaker, this is a question that was asked at the beginning of ... well, certainly I think it was March or April – not March or April, because we had the Referendum, but it was either before March or after the Referendum – and the answer that came back at the time was that there were various phases in relation to the development, certainly in the Moorish Castle, Laguna and also Glacis Estates.
350

The first phase for completion was September. Now that has not still been completed, and can the Government now give a different completion date, bearing in mind that obviously the answers that were given prior to the summer have proved to be inaccurate, or at the very least the Government has obviously not been able to keep to that?
355

Hon. Miss S J Sacramento: Mr Speaker, the completion of the estates was to be phased, and I have provided dates in Parliament in the past. However, completion of the phases is ... What we do is we look at the completion of the estate in percentage terms, and in each phase the majority of the refurbishment is complete, and while there are – (*Interjection*) Mr Speaker, in any event the dates that I have provided in the past need to be revised. I do not know what the revised dates for some of them are. Not all need to be revised, just some of them, and I do not know what those dates are until I am advised. I am waiting for the outcome of the revision.
360

Hon. R M Clinton: Mr Speaker, could the Minister advise whether the Government is looking at whether there has been any breach of contract in the supply of these lifts or the installation of these lifts?
365

Hon. Miss S J Sacramento: Mr Speaker, no, because it is not relevant.

370 **Hon. R M Clinton:** Well, Mr Speaker, there is a delay and there is obviously a delay in the installation of the lifts. How can breach of contract not be relevant?

Chief Minister (Hon. F R Picardo): Mr Speaker, for a simple reason: because it is not about the supply of the lifts.

375 **Hon. R M Clinton:** I am grateful for the Chief Minister's intervention. Perhaps just for my information and perhaps for the general public, who is responsible for the installation of the lifts?

380 **Hon. Chief Minister:** Mr Speaker, I do not think that is a question that arises from this original question, but to go back to where we were in respect of the question that the Hon. the Leader of the Opposition referred to, if he goes back and looks at the *Hansard* he will understand then, after reading of the *Hansard*, why it was that the delay arose, and it relates to the installation of the three-phase supply, which is a matter for the Gibraltar Electricity Authority.

Q779/2016

Fire in Government rented accommodation – Care plans re tenants

385 **Clerk:** Question 779. The Hon. Ms M D Hassan Nahon:

Hon. Ms M D Hassan Nahon: What policy is in place with regard to taking care of individuals and families when there is a fire in a Government rented accommodation?

390 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, when individuals and families are required to be decanted from their homes, alternative accommodation in the form of a hotel or a self-catering apartment is obtained. If hotel accommodation is provided, then the family is given £10 per person per day food allowance, which they can claim by providing the relevant receipts.

400 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was wondering whether it would be more cost efficient for the taxpayer to have a stock of designated flats or a couple of flats saved up for emergencies, because I can imagine that housing the victims in hotels must be quite an expense, and this was a question I wanted to ask or suggest.

405 **Hon. Miss S J Sacramento:** Mr Speaker, the answer to whether it makes more financial sense is no, firstly and foremost because of the demand on housing stock and because we of course cannot predict when we have a need for decanting. Urgent decanting is not something that we experience often and it is not something that we can predict, because when we require urgent decanting it will be, unfortunately, on account of something that happens drastically, whether it is a fire, whether it is a flooding, and it is just an emergency situation. Usually, those situations are remedied quite quickly in order to accommodate the family. They can be accommodated in two ways, depending on the damage. It is whether we can repair the damage quickly enough for them to return to the original tenancy, or it maybe that we can accommodate them elsewhere,

410 but we are always looking at the most cost-effective way of providing it. The period during which

they stay in accommodation is relatively short, so this is the most cost-effective way of providing it in terms of the bigger picture, because it would not be practical or practicable really to have empty flats just lying empty, lying dormant just waiting for cases such as these, and it may be that these cases do not happen.

Clerk: Question 780 – sorry.

Hon. D A Feetham: Thank you very much.

Mr Speaker, can the Minister outline what is Government policy in this area? If there is a fire, for example, or if there is a flood but the fault lies with the tenant, does the Government still decant even in those circumstances?

And then, with the next question – I will ask it now, rather than stand up, with your leave Mr Speaker, if I can ask another supplementary – is: does the policy apply, for example, to a situation where somebody is a co-owner in one of the co-ownership estates? It strikes me that you could have a situation where somebody who is a co-owner in a co-ownership estate may, through tragic circumstances, have a fire in their flat and they are not decanted, and somebody in a Government estate who may be at fault for the fire, for example, is decanted. I am just trying to explore with the hon. Lady what the policy is in relation to Government estates and also compare to co-ownership estates.

Hon. Miss S J Sacramento: Mr Speaker, I will take the last question first in relation to someone in a co-ownership estate, because, when someone is an owner in a co-ownership estate of course the Government is holding the co-ownership part on trust. Those people are private tenants of their properties, so that is not something that the Government would step in... The Government has no duty to step in and decant in those cases.

Now, the Government's policy in relation... The Government has a duty to decant in Government rental estates. Decanting is one thing, and then the expenditure as a result of the decanting is a different thing. It may be that in some cases people need to subsequently reimburse any expenses as a result of the decanting, but that is subject to evidence and police investigations etc.

Q780/2016

Health and Safety Advisory Council – Number of meetings

Clerk: Question 780. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many times has the Health and Safety Advisory Council met since its inception this year?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the Health and Safety Advisory Council has not met since its inception this year.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do understand that the Health and Safety Advisory Council has been in inception since May, and if it has not met since, how seriously is the Government taking this Council if in the last seven months it has not met?

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, perhaps I may assist the hon. Lady, as I was the Minister for Health and Safety before the new allocation of responsibilities.

460 The hon. lady may recall that the Government introduced an entirely new policy document that had been worked out particularly with Unite the union, which had been driving the agenda in respect of health and safety in the workplace. There had been consultation, of course, with other stakeholders, and there was the original Health and Safety Advisory meeting where the different stakeholders to that Advisory Council met and who are all able to set out their own particular concerns in respect of health and safety.

465 From memory, the Advisory Council agreed that they would nominate certain additional people whom they thought may be important to add to the work and deliberations of that committee. And, again from memory, if I recall correctly I also asked, as chair of that meeting, for the participants to set out in writing and to distribute by e-mail the different objectives, in addition to the ones that had been identified by the Government.

470 In addition to the Advisory Council meeting, I did meet then separately with some of the stakeholders that were the Advisory Council for them to provide me with some additional names. The hon. Lady has a draft additional policy that deals with how management can best address health and safety issues in the workplace, so I think that the next stage would be for the hon. Lady to be able to be briefed as to the different names that the stakeholders have proposed to be included in the Advisory Council to see what participation there has been from the existing members as to what objectives should be met by the Advisory Council, and then at that point be able to progress to the second meeting.

I hope that was of assistance to the hon. Lady.

480 **Hon. Ms M D Hassan Nahon:** Thank you for the information. So, based on the information that I have been given, can the Government, or the two hon. Members, envisage when and how long, more or less, they expect to have another meeting?

485 **Hon. Miss S J Sacramento:** Mr Speaker, having taken over this responsibility just recently, now of course I am at a stage where, having had the benefit of the information, I really intend to call a meeting of this Council very shortly to make sure that it is something that continues to be live.

**Q781 and 783/2016
Bruce's Farm –
Admissions since January 2012; number of relapses**

Clerk: Question 781. The Hon. Ms M D Hassan Nahon.

490 **Ms M D Hassan Nahon:** Can the Government provide statistics of how many people have been admitted to Bruce's Farm since January 2012?

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

495 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 783.

Clerk: Question 783. The Hon. Ms M D Hassan Nahon.

500 **Hon. Ms M D Hassan Nahon:** Is the Government aware of how many people who have undertaken the rehabilitation programme since January 2012 at Bruce's Farm have relapsed into their addiction?

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

505 **Hon. Miss S J Sacramento:** Mr Speaker, 206 people have been admitted to Bruce's Farm since January 2012. Of these, 73 have relapsed.

Q782/2016
Bruce's Farm –
Drugs detoxification programme first stop

Clerk: We now move back to Question 782. The Hon. Ms M D Hassan Nahon.

510 **Hon. Ms M D Hassan Nahon:** How many addicts have started their drugs detoxification programme at Bruce's Farm as opposed to the first stop at Ocean Views?

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

515 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, three people.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I ask the reason why, despite the policy – which, as I remember, we discussed in fact last month – of the first stop needing to be Ocean Views, why these three cases would have started instead at Bruce's Farm?

520 **Hon. Miss S J Sacramento:** Because, Mr Speaker, what we were discussing last time was having Bruce's Farm as a substitute to Ocean View. They are not mutually exclusive, but what we cannot have, Mr Speaker, is someone going through clinical withdrawal up in Bruce's Farm, where we do not have the clinical staff to ensure that we do so in a safe environment. If three
525 people have undertaken detox at Bruce's Farm it is because they have been deemed to be able to detoxify in Bruce's Farm safely.

When we look at addiction, there is a wide range of addiction and there is also a wide range of level of substance abuse. Some substance abuse is complicated. Some substance abuse can be polysubstance abuse, because some people can take tranquilisers mixed with alcohol; other
530 people can be addicted to cocaine, to cannabis. Some detoxification requires a long period of supervision. Some may require a two-week detoxification process at Ocean View and some may require just a day or two detoxification, where literally, because of the nature of the addiction and the substance that is being used, what they require is maybe a day or two to sleep it off under supervision. It all depends on the nature of the drug or the substance that is being taken.

535 **Hon. Ms M D Hassan Nahon:** Thank you for that information.

Who is the team or the body exactly that takes this decision as to where the patient goes? I understand that the bulk do start in Ocean Views, but who takes the decisions for those who do not?

540 **Hon. Miss S J Sacramento:** The bulk does not necessarily have to start at Ocean View – I need to correct the hon. Lady. Again, depending on the substance and depending on the level, there will always be a medical professional involved, but it will depend on the circumstances and it will also depend on whether the person is known to Bruce's Farm or not. People relapse but a

545 relapse is not necessarily a really bad thing, because some people relapse and are readmitted. A
relapse is not a failure; a relapse is a normal... sometimes, unfortunately. Addiction is not an
exact science, and nor is rehabilitation – it will depend on the person, it will depend on the
550 circumstances, and sometimes people need to go to rehabilitation facilities three or four times
before it is successful. But some people may, for example, be free from addiction for a while,
may relapse, and because they are already known to Bruce’s Farm and their personality will be
known and their drug of choice is known, in some circumstances it may be deemed to be safe to
admit them following an assessment by the Bruce’s Farm team in conjunction with the GP. In
555 other circumstances we may require the GHA psychologist to assess the person, but there will
always be medical professionals involved. But it depends on the person, because it is, of course,
a person-centred system.

Hon. Ms M D Hassan Nahon: Thank you.

The only confusion I have here is that the Minister corrected me when I said that the bulk, as
per previous discussions, start at Ocean Views, and the hon. Lady says that that is not necessarily
560 the case. I do not understand how it is not when we talk about... I have been told that, since
2012, 206 have ended up in Bruce’s Farm. If we are talking about two or three people that the
Lady has mentioned starting at Bruce’s Farm, is it not the case that the bulk do start at Ocean
Views?

565 **Hon. Miss S J Sacramento:** Only, Mr Speaker, if they require detoxification, because not
everybody who requires rehabilitation therapy will require detoxification. Some people, actually,
who enter Bruce’s Farm... Yes, a lot of people do go to Ocean View – they need to go to Ocean
View because of the detoxification – but it will depend on the person, and the statistics vary
570 from year to year. But some people call to be admitted to Bruce’s Farm because they may be
people who have been undergoing the programme for a while and they feel that they are going
to relapse and therefore ask for admission, so they have not actually been using. And not all
drugs require detoxification. It all depends on the nature of the drug, it depends on the nature
of the person, it depends on the level and the extent of the problem.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q732/2016

Gibraltar Sports and Leisure Authority – Vacant posts

575 **Clerk:** We now move to Questions to the Hon. the Minister for Culture, Media, Youth and
Sport. We start with Question 732. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, following on from the answer provided to Question 617/2016,
can the Minister for Sports inform this House if the three vacancies within the Gibraltar Sports
and Leisure Authority have now been filled?
580

Clerk: Answer the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the
vacancy for Assistant Sports Development and Training Officer has been filled with a successful
candidate starting employment with the GSLA on the 1st December 2016.

The closing dates for the other two internal vacancies, namely the Centre Manager, grade 5, and Assistant Administration Manager, grade 4, have now elapsed. Candidates will be interviewed in the very near future.

585 **Hon. E J Reyes:** I am a bit lost, Mr Speaker. Perhaps the Minister can clarify where my error is. Last month I was told that there were three vacancies and that interviews were taking place as we spoke. I am now informed that two appointments have been made with the successful applicants taking posts on 1st December, and there seem to be another two internal... Two and two is four, so perhaps the Minister can explain where I have mistakenly understood his figures.

590 **Hon. S E Linares:** Yes, Mr Speaker, it is one and two. The vacancy that has been filled is the Assistant Sports Development and Training Officer. That one has been filled and will start on 1st December – that is one. And then there are another two – that adds up to the three that you asked last month – and the closing dates are in two internal vacancies, namely the Centre Manager and the Assistant Administration Manager, grade 4. These have now, like I said, 595 elapsed. That means that the time for applying and all that has elapsed and now they are in the interview process, which is going to happen within the next week or two, I assume.

Hon. E J Reyes: Mr Speaker, for the two pending vacancies the application deadline date has elapsed and therefore that is now work in progress on the internal vacancies. Then did I 600 understand the Minister correctly saying that two other posts have been filled in as of 1st December? I still end up concluding one. I have heard two were taking posts on 1st December – am I wrong, then?

Hon. S E Linares: Mr Speaker, for ease for the hon. Member, I said the vacancy for the 605 Assistant Sports Development and Training Officer... It is *one* post – (*Interjection*) Maybe the confusion has been because you are thinking it is one Sports Development Officer and then one Training Officer. It is *one* post.

610 **Hon. E J Reyes:** Thank you, Mr Speaker. That led me to conclude that there were two. I now seem to have up to date information and I look forward in due course to finding out when the two internal vacancies have been filled.

Q733/2016
Sports-related grants –
Update re payments made

Clerk: Question 733. The Hon. E J Reyes.

615 **Hon. E J Reyes:** Can the Minister for Sports provide updated details of all payments made during this current financial year in respect of any sports-related grants since the answer provided to Question 618/2016?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite an updated schedule in respect of all payments made during this current financial year in respect of sports-related grants.

I take this opportunity to remind the hon. Member that updated information is posted on the GSLA website, www.gsla.gi. These changes are effected on a monthly basis or as and when

required. If I just give a little explanation as to what 'as or when required' means, sometimes the hon. Member might see in the post that, for example, it is updated in September and it is now November and the update date is September – the hon. Member might think that it has not been updated for two months. It means that there has not been any change and therefore they do not put a date of when it is revised or looked at.

Answer to Question 733/2016

Grants Awarded for Sports Development Projects.

Athletics	4,427.71
Badminton	2,148.67
Chess	14,737.00
Hockey	2,986.50
Netball	514.48
Rhythmic Gymnastics	5,664.00
Rowing	832.53
Shooting	24,730.62
Triathlon	290.00
Backgammon	3807.10
Gibraltar Chess professional	14738.16

Grants Awarded for International Competitions.

Island Games	81,896.48
Straits Games	10,147.55

Grants awarded to Sporting Societies.

Athletics	7,718.84
Basketball	60,790.20
Darts	6,904.64
Hockey	2,0254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	2,028.59

Hosting of Special Sports and Leisure Events.

Classic Vehicle Association	1,200.00
Cleaning after Boxing event	57.60
Cleaning after Bike Rally	645.00
Cleaning after Beer festival	240.00
EHF Challenge 3 Cup	5,124.50
FIBA Senior Women's Cup	7,210.00
Backgammon Tournament	37,500.00
Gib Kennel Club	10,175.70
Gib Snooker Tournament	77,515.00
PDF Darts Trophy	34,081.60
Gibsport Sports Day	2,400.00
GMF Geotextile Flooring	4,870.00
Harley Davidson rally	4,500.00
Inauguration of Sports Complex	1,750.00
Jnr Chess Tournament	35,000.00
King's Bowl Rock Masters Tournament	16,000.00
Netball Europe U17 Champs	8,163.08
Sports Days Sound System	6,100.00
Squash Open 2015 & 2016	10,000.00
Thundercat racing event	27,950.00
UEFA Champ League	2,990.20
UEFA Futsal Comp	8,340.34
Yacht Regatta	6,528.00

620

Hon. E J Reyes: Yes, Mr Speaker, that clarification does help, because I posed a question to say it has not been updated for sometime and I thought the staff had not had an opportunity to physically update it. I now understand that concept and that will guide me for future questioning.

Q734/2016
Cultural grants –
Update re awards made

625 **Clerk:** Question 734. The Hon. E J Reyes.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, all further cultural grants... Sorry!

630 **A Member:** Answering the question before it is asked! *(Laughter)*

Hon. E J Reyes: Mr Speaker, we are such good friends that he knows before I speak what it is I am going to say and ask! *(Laughter)* I am sure the Speaker will appreciate that friendship that we have, that we can actually mind-read each other!

635 Mr Speaker, Question 734, if I am correct: can the Minister for Culture provide updated details of any cultural grants awarded since the answer to Question 619/2016

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

640 **Hon. S E Linares:** And here goes the answer: no further cultural grants have been awarded since my answer to Question 619/2016.

I take this opportunity to remind the hon. Member that updated information is posted on the statistics section of the HMGOG website, www.gibraltar.gov.gi on a regular basis.

645 Again, Mr Speaker, I emphasise because it was... and this is the actual example of... You asked this last month. There has been no update, no further payments – therefore the update is shown

there – probably October or September – and therefore it is not that it has not been updated; it means that there have not been any payments and therefore there is no need to upgrade the website.

650 It could be that one way of doing it is saying ‘revised date’. I could probably tell the IT department to just say ‘revised date’, and that means that the hon. Member would know that when he goes to, for example, now, November, it has been revised and therefore that is the latest that you would get.

655 **Hon. E J Reyes:** Yes, Mr Speaker, that is what I was thinking of, because it could so happen that for two months there have been no grants passed through Treasury and so on and therefore it cannot be updated, but I would be none the wiser whether it is because no activity has happened. But I think the Minister is starting to head in the right direction. We could ask the IT department to say ‘updated as at’, and then... We are not interested in the actual date when the payment was made, just the concept of how much has been given to a particular type of
660 activity, so even if there is no movement, if we just put ‘updated at’, then I know that there is no need... or I could pose a question arising from the information there, but it would save some time in having to entertain my tedious requests for information.

665 **Hon. S E Linares:** Yes, Mr Speaker, I can assure you and the hon. Member that it would avoid me having to answer the questions as well, and can I also guarantee the hon. Member that I keep tabs on this so that I do not get the questions every month.

Q735/2016
Play parks –
Maintenance programme

670 **Clerk:** Question 735. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is there a planned maintenance programme for our play parks in Gibraltar?

675 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the GSLA conducts daily checks and undertakes spot repairs on a daily basis on all parks and playgrounds under their remit.
680

Hon. Ms M D Hassan Nahon: Mr Speaker, on issues of hygiene and health and safety... This was what made me ask this question. I frequent the parks quite often as I have young children and I find that the standard of hygiene and the rubbish left about and issues of health and safety in terms of the odd metal bar sticking out every now and then in different places can be quite a
685 danger for children. So I ask the Minister to please either enlighten us as to whether he is satisfied with the level of supervision that there is through the GSLA, as he has mentioned, or if he would be willing so step it up a notch, because I can assure him that the things I have witnessed are not good enough for our young children.

690 **Hon. S E Linares:** Mr Speaker, I encourage the hon. Lady that, whenever she sees anything in a park that she is not happy with or feel that it is unsafe, there is a hotline which you can ring and I can assure the hon. Lady that within, at the maximum, 24 hours there will be a team there to tackle, either to make safe provisionally or to completely fix, whatever is damaged. And the hygiene is the same: if the hon. Lady, who says she frequents the parks, is not happy with any of

695 the services, there is a hotline because there is a team which is there specifically to look after
the parks. I can guarantee the hon. Lady that when anybody rings the hotline it is tackled
immediately because we do take seriously the health and safety of the parks.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do not doubt that the Minister and any other
700 Gibraltarian would take seriously such a crucial part of our leisure life, but if there is a hotline I
did not know about it and I frequent the parks. Can I ask the Minister to consider, as a matter of
priority, putting signs in different parks with the hotline so that parents can call up when they do
see something. I do think that that would be a constructive approach.

Hon. S E Linares: Yes, Mr Speaker, there are in all the parks... I will have a look at it. Maybe
705 they are not as visible as they should be, but I can honestly say that instructions were given...
and I have gone to certain parks... maybe not in a visual place, but they are there and I can
guarantee... I was the instigator of having a hotline there so that they have a mobile... You ring
up and they attend to it as soon as is physically possible.

710 I will take on what the hon. Lady says and I will have a look again, because maybe it has
either been missed or is not visible enough.

Q736/2016

**Queens Cinema and Hotel –
Update re plans for future use**

715 **Clerk:** Question 736. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are there plans for the theatre complex and other bodies which
were planned to be housed in Queens Cinema and Queens Hotel buildings going ahead?

720 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer
remains the same as set out by the Chief Minister in answer to supplementary questions, to
Question 611/2016 last month.

725 **Hon. Ms M D Hassan Nahon:** Mr Speaker, at the expense of not having done my homework, I
have to say that the main reason for my question was actually the concern that I live very close
by and I can see it all the time. I have noticed that there have been break-ins, there has been
vandalism and it is something that concerns me very much.

730 Of course, the manifesto commitment of completing the project goes without saying, but I
was actually coming more from a point of safety. I am not as savvy to find this answer as quickly,
but if the answer to that is yes and that there is something in the pipeline, can we, in the
interim, ensure that there is some kind of fencing or security to stop any further break-ins or
vandalism?

735 **Hon. S E Linares:** Mr Speaker, I am sure the hon. Lady is talking about the cinema –(**Hon. Ms
M D Hassan Nahon:** Yes.) as opposed to the hotel, because with the hotel there are people living
there and it is pretty safe anyway.

740 I have had a few calls to me about the safety of that. We do have GCS, who constantly go
there and make sure that windows are closed or that, if a window is broken, there is a board put
up. So, as far as is possible, if they call we react.

So, again, I ask the hon. Lady, or whoever is worried about that place, to call GCS and they
will again react and do something about the safety. I understand – I have had a few phone calls

745 myself saying the window of the Queens Cinema is wide open and they have seen people going in, or youngsters going in. I can assure the hon. Lady that, again, if we get notice of what is happening we will react to as soon as is possible. (*Interjections by Hon. Ms M D Hassan Nahon and Hon. Chief Minister*)

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q786-787/2016

**Disability tax allowance –
Number of claimants; beneficial value**

750 **Clerk:** We now move to questions to the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. We commence with Question 786 and I believe it is the Hon. Mr Trevor Hammond who is asking on behalf of the Hon. L F Llamas.

755 **Hon. T N Hammond:** Mr Speaker, can the Government provide details of how many taxpayers are currently claiming the disability tax allowance?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 787/2016.

760 **Clerk:** Question 787.

765 **Hon. T N Hammond:** Can the Government provide details of the effective beneficial value taxpayers claiming the disability tax allowance have actually benefited from in each tax year since 2011-12?

Clerk: Answer the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

770 **Hon. G H Licudi:** Mr Speaker, under the Income Tax (Allowance, Deductions and Exemptions) Rules 1992 there is no Disability Tax Allowance. Rule 7A of the Income Tax (Allowance, Deductions and Exemptions) Rules 1992 provides an allowance for parents of disabled individuals.

In this respect there are currently 69 taxpayers claiming this allowance.

775 The total beneficial value in respect of this allowance for each tax year since 2011-12 is as follows: 2011-12, £27,771; 2012-13, £23,358; 2013-14, £44,650; 2014-15, £34,460; 2015-16, £11,350; 2016-17, nil.

Mr Speaker: Next question.

780 **Clerk:** Question 788. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. D A Feetham: Going back to the previous question, Mr Speaker, just looking at those figures – thirty-seven thousand-odd for 2012, £23,000 for 2013, £44,000 for 2014, £34,000 for 2015, and then there is a sharp decline by two thirds to £11,000 at the end of the financial year

785 ending 2016 – can the Minister afford an explanation in relation to why there is that sharp decline for that year, please?

Hon. G H Licudi: Mr Speaker, the reason is quite simply that the assessments are still pending. For 2016-17 the assessments are not made. Even though the claim is made by taxpayers, the actual tax assessment for the individuals is not made until after the end of the year and after the employers provide what is called a P8 form in respect of all the employees. Subsequently, the assessments are made and that is why the beneficial value this year is nil – because those assessments have not been made, even though there are currently 69 taxpayers claiming that allowance. (**A Member:** £11k.) Well £11k is last year, so there are a number of assessments which are still pending. That is why you see nil this year, £11,000 and then there is a jump, because the further back we go the more assessments will have been made for that particular tax year. For this year no tax assessments have been made because the year has not ended.

800 **Mr Speaker:** Next question.

Q788/2016
Gibraltar Tourist Board –
Workers not directly employed by GTB

Clerk: Question 788. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

805 **Hon. T N Hammond:** Mr Speaker, can the Government disclose how many workers not directly employed by the Gibraltar Tourist Board are providing services to the Gibraltar Tourist Board during each financial year since the 30th March 2012, 2013, 2014, 2015, 2016 and during this current financial year?

810 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the information requested is as follows: 2012-13, 1; 2013-14, 11; 2014-15, 11; 2015-16, 7; 2016-17, 6.

Mr Speaker: Next question.

Q789/2016
Gibraltar Tourist Board –
Subcontracted workers

Clerk: Question 789. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

820 **Hon. T N Hammond:** Can the Government disclose how many subcontracted workers are providing services to the Gibraltar Tourist Board during each financial year since 30th March 2012, 2013, 2014, 2015 and 2016 to date, providing details of roles and duties assigned to each subcontracted worker, the entity of the employer the worker is employed by and the reason for requiring their services?

825

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
830 Mr Speaker, since July 2012 the Gibraltar Tourist Board has subcontracted one worker. The individual concerned is employed as a marketing consultant specialising in airline route development. The individual is self-employed. The person was employed to help develop air services to Gibraltar, the results of which are apparent, and to support the GTB's marketing team.

Q790/2016
Tourist information and survey officers –
Numbers employed

835 **Clerk:** Question 790. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government provide statistics of how many tourist information and survey officers have been employed during each summer season, usually done by students, for 2012, 2013, 2014, 2015 and 2016?

840

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
845 Mr Speaker, I believe the hon. Gentleman is referring to Visitor Information Patrol Officers employed in the past by the Gibraltar Tourist Board to give information to visitors during the summer months. If that is what he is referring to, I can confirm that 12 were employed in 2012, 2013 and 2014; 11 were employed in 2015; and none in 2016.

850 **Mr Speaker:** Next question.

Clerk: Question 791 –

Hon. T N Hammond: Mr Speaker, if I may just ask why it was decided not to employ any in
855 2016.

Hon. G H Licudi: Mr Speaker, this is something that was done by the students under the student scheme for the summer, which is in fact something that the Government does on a yearly basis. This year we have had less students than in previous years and the Gibraltar Tourist Board felt that this was a service which was not necessary and therefore we could dispense with this.
860

Hon. D A Feetham: Mr Speaker, in the past, when we say that students have performed this task, is it that students have directly applied to perform this task, or is it that the Government has allocated from a pool of students a number of students in order to undertake this task?
865

Hon. G H Licudi: Mr Speaker, I do not have the full or accurate answer to this. My understanding of the student scheme is that students apply to join the Government and then the Government decides where those students are allocated, whether it is the Income Tax Office, my office ... I have had one or two this particular year. It is not as if those students
870

applied specifically to come to my office this particular year, but they generally apply for the scheme during the summer and the Government allocates them to the different Departments.

875 **Hon. D A Feetham:** That is my understanding too, and therefore it must follow that it is the Government that has taken the decision not to allocate any students to this particular task. Therefore there must be a reason. Could I ask the Minister for the reason?

880 **Hon. G H Licudi:** Yes, Mr Speaker, and I gave it in my original answer. The Gibraltar Tourist Board felt that this was a service, which was not necessary.

Q791/2016
Cruise ships –
Number of disembarkations and total number of passengers

Clerk: Question 791. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

885 **Hon. T N Hammond:** Can the Government provide a schedule of how many cruise ship passengers disembarked from each cruise ship arrival, together with the number of passengers on board each cruise ship, since January 2012?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

890 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Gentleman is contained in the schedule now being handed to him.

Whilst the schedule is being taken over, can I just qualify or explain some of the information that the hon. Member will be getting.

895 The schedule contains for each month since January 2012 the cruise ships that have arrived in Gibraltar. It then contains three columns: number of passengers on board, number of crew on board and passengers of crew ashore. Although the question relates to the number of cruise ship passengers disembarked, this is not actually information that is provided by the cruise liners themselves. We have a total number of *people* who have disembarked, but amongst those
900 people who have disembarked we will have, clearly, some crew members. So we have an initial breakdown of the number of passengers and the number of crew on board, but in respect of the numbers disembarking they are mixed together and a split is not given. Therefore, I cannot give the hon. Member the number of passengers who have disembarked. I can give the total number
905 of people who have disembarked, but clearly, given that passengers will always be substantially more, in most cases, than members of the crew, the large percentage of the number of passengers and crew on board will in fact be passengers – but I cannot give him to the last person the exact number, because that information is simply not available.

Jan-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1718	818	2125
MSC Splendida	3813	1295	4660
Princess Danae	292	244	375
Black Watch	716	329	865
MSC Splendida	3286	1299	4211

Feb-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
MSC Splendida	3326	1300	4205
MSC Splendida	3595	1294	4275
MSC Splendida	3454	1282	4096

Mar-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Victoria	1606	746	1475
Grand Holiday	257	565	595

Apr-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	1994	872	2445
Kristina Katarina	319	95	295
Sebourn Spirit	172	171	200
Sebourn Odyssey	436	336	585
Boudicca	825	350	750
Ventura	3412	1232	3950
Azura	3352	1220	3850
Silver Cloud	195	214	250
Corinthian II	86	71	80
Queen Victoria	1957	971	2150
Oceana	2037	881	2345
Albatros	509	349	450
Oriana	1758	804	2175
Queen Victoria	1910	967	2595
Thomson Destiny	1367	518	1528
Empress	1021	641	1401
Azura	3200	1236	3923
Oceana	1987	884	2572
Black Watch	725	341	883

May-12			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Thomson Dream	1267	614	1625
Saga Pearl II	403	265	505
Grand Holiday	549	546	884
Serenade of the Seas	2025	852	2175
Thomson Spirit	1157	483	1125
Clipper Odyssey	33	71	45
Adonia	672	380	750
Rotterdam	1351	605	1350
Brilliance of the Seas	2021	889	2250
Clipper Odyssey	40	69	88
Discovery	489	283	599
Crown Princess	2548	1193	3305
Azura	3213	1204	3975
Island Escape	1507	547	1755
Grand Princess	2586	1090	2955
Eurodam	2096	877	2255
Thomson Dream	1487	616	1275
Kristina Katarina	273	94	200
Balmoral	1259	514	1445
Independence of the Seas	3797	1349	4493
Celebrity Eclipse	2752	1211	3525
MSC Divina	3380	1351	4201
Arcadia	1948	880	2475
Black Watch	740	314	910
Boudicca	808	348	985
Queen Elizabeth	2028	973	2635
MSC Magnifica	2419	962	2975
Oceana	2070	873	2380
Athena	482	247	550
Grand Princess	2551	1088	2975
Crystal Serenity	1009	638	1230
Ventura	3260	1203	3975

Jun-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	3981	1368	4500
Saga Ruby	562	378	795
Riviera	1241	774	1500
Azura	3204	1194	3695
Independence of the Seas	4053	1360	4927
Grand Princess	2622	1090	3309
Ventura	3315	1210	4071
Island Escape	1561	554	1874
Ocean Countess	747	339	650
Thomson Dream	1539	617	1250
Oceana	2122	864	1950
Jul-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4176	1366	4565
Independence of the Seas	4298	1344	4690
Oceana	2158	871	2655
Crystal Serenity	814	604	1295
Ryndam	1353	578	1450
Crystal Serenity	570	605	850
Independence of the Seas	4357	1334	5125
Queen Victoria	2018	970	2505

Aug-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Grandeur of the Seas	2267	821	2504
Island Escape	1647	554	1891
Arcadia	2922	856	3226
Azura	3440	1218	3500
Grand Princess	2884	1129	3210
Thomson Dream	1629	612	1950
Ventura	3386	1226	3750
Independence of the Seas	4264	1336	5005
Balmoral	1362	507	1619
Ventura	3381	1226	4150
Grandeur of the Seas	2294	828	2700
Kristina Katarina	323	91	365
Oceana	2162	879	2450
Grand Princess	2882	1100	3250
Queen Elizabeth	2110	983	2750
Azamara Journey	530	414	600
Independence of the Seas	3956	1348	4725
Grandeur of the Seas	2218	812	2595
Ocean Princess	664	371	875
Queen Elizabeth	2064	987	2690

Sep-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Adonia	687	383	780
Azura	3185	1191	3905
Independence of the Seas	3806	1353	4481
Celebrity Eclipse	2870	1183	3595
Star Flyer	139	80	187
Island Escape	1513	547	1735
Prinsendam	796	458	1070
MSC Poesia	2296	962	2715
Riviera	1228	763	1690
Braemar	880	377	950
Grand Princess	2549	1089	2950
Rotterdam	1371	596	1250
Thomson Dream	1492	614	1375
Star Flyer	125	80	150
Discovery	500	284	550
Ventura	3099	1191	3250
MSC Magnifica	2434	970	2950
Deutschland	417	247	495
Marina	1205	769	1660
Oceana	2032	859	2505
Independence of the Seas	3771	1350	4610
Celebrity Eclipse	2861	1197	3599
SS Voyager	679	446	805
Empress	1534	653	1895
Star Flyer	124	76	160
Ventura	3341	1205	4105
Saga Sapphire	550	452	855

Oct-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Thomson Dream	1492	605	1600
Boudicca	852	353	750
Grand Princess	2576	1083	2900
Thomson Spirit	1224	485	1375
Ocean Countess	732	331	850
Star Flyer	90	77	100
Albatros	766	342	820
Aurora	1822	824	2175
Independence of the Seas	3733	1355	4620
Star Flyer	118	81	105
Rotterdam	1392	594	1711
Saga Ruby	604	379	500
Ventura	3171	1200	3275
Balmoral	1265	505	1155
Adonia	668	383	700
Star Flyer	100	82	120
Black Watch	706	348	850
Grand Princess	2612	1077	2755
Marco Polo	765	343	850
Hanseatic	140	122	185
Ryndam	1213	559	1490
Kristina Katarina	336	94	310
Corinthian II	96	70	130
Oceana	2091	863	2675
Kristina Katarina	293	92	250
Saga Sapphire	592	450	750
Boudicca	812	353	925

Nov-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Arcadia	2007	851	2250
Black Watch	747	342	650
Island Sky	98	76	80
Azamara Quest	554	431	650
Saga Ruby	568	390	675
Braemar	815	381	780
MSC Fantasia	2519	1271	3175
Maasdam	1154	558	1275
Azamara Quest	546	431	750
Oceana	2036	874	2155
Arcadia	1937	840	2405
Marina	1203	765	1670
Azamara Quest	571	403	775

Dec-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Favolosa	1812	955	2150
Azamara Quest	561	379	701
Queen Elizabeth	1984	1001	2591
Pacific Princess	637	362	709
Azura	3065	1188	3881
Black Watch	700	335	802

SCHEDULE TO QUESTION 791/2016

Jan-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	1960	1004	2565
Arcadia	1926	852	2401
Saga Ruby	534	383	755

Feb-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Magica	2870	979	3425

Mar-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
MSC Lirica	907	674	1250
The World	143	257	250
Oriana	1775	792	2115
Black Watch	659	346	720
Oceana	2027	863	2581
Prinsendam	527	459	804
Azamara Quest	533	407	875
Quest for Adventure	320	262	405

Apr-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Fram	237	79	241
Azura	3383	1178	4051
Boudicca	722	355	893
Tere Moana	85	60	100
Oceana	1934	848	2125
Braemar	754	381	875
Azamara Quest	508	398	675
Seabourn Legend	153	174	200
Azamara Quest	601	400	850
Thomson Majesty	1391	596	1701
Horizon	1541	609	1887
Balmoral	806	526	1190
Seabourn Sojourn	442	341	605
Oriana	1844	772	2310
Ryndam	984	566	1288
Celebrity Equinox	2684	1212	3420
Hamburg	328	168	250

May-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azura	3072	1154	3000
Saga Sapphire	546	432	765
Quest for Adventure	379	266	475
Thomson Spirit	1192	486	1350
Mariner of the Seas	2825	1195	3500
Ruby Princess	2626	1167	3340
Saga Sapphire	663	429	805
Adventure of the Seas	3171	1151	3815
Ventura	3128	1149	3570
Horizon	1360	596	1545
Costa Voyager	526	357	650
Kristina Katarina	292	93	250
Saga Ruby	473	372	750
Braemar	864	370	985
Hanseatic	166	116	235
Oceana	2035	834	2470
Celebrity Eclipse	2831	1190	3500
Crown Princess	3026	1163	3690
Thomson Dream	1573	607	1902
Ocean Princess	624	375	891
Disney Magic	2012	1049	2500

Jun-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azamara Quest	496	442	750
Crystal Serenity	713	625	950
Oriana	1827	785	2101
Arcadia	1996	837	2350
Island Escape	1552	544	1575
Azura	3080	1153	3275
Independence of the Seas	4063	1373	4965
Royal Princess	2726	1369	3275
Crystal Symphony	912	574	1125
Thomson Dream	1543	607	1875
Azura	3140	1158	3250
Ventura	3177	1154	3500
Crown Princess	3074	1150	3760

Jul-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4076	1372	4922
Oceana	2079	845	2125
Island Escape	1629	539	1950
Independence of the Seas	4177	1351	4505
Ventura	3470	1170	4020
Queen Victoria	1975	975	2665
Oriana	1832	797	2395
Thomson Dream	1622	609	1950
Azura	3276	1158	3150
Adventure of the Seas	3677	1156	4125
Independence of the Seas	4225	1373	5101

Aug-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	2186	848	2500
Azura	3358	1181	3850
Crown Princess	3380	1154	3750
Aurora	1953	819	2175
Ventura	3426	1181	4205
Independence of the Seas	4322	1339	5095
Adventure of the Seas	3732	1183	4450
Quest for Adventure	254	259	359
Ryndam	1356	567	1671
Arcadia	2034	884	2408
Balmoral	1304	509	1450
Crystal Symphony	672	572	1050
Queen Victoria	2040	972	2175
Boudicca	843	358	950
Ventura	3396	1191	3990
Kristina Katarina	311	92	250
Azura	3323	1182	3000
Independence of the Seas	4137	1361	4675
Azamara Quest	518	416	850

Sep-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	2034	1014	2250
Island Escape	1534	544	1750
Voyager	403	215	350
Oriana	1831	790	1682
Oceana	2001	855	2350
Ocean Princess	675	370	763
Crown Princess	3076	1114	3400
Star Flyer	144	73	160
Star Flyer	149	73	156
Thomson Dream	1488	614	1500
Adventure of the Seas	3198	1169	3500
Arcadia	1976	847	1850
Celebrity Eclipse	2857	1226	2900
Boudicca	726	356	700
Star Flyer	44	73	60
Rotterdam	1372	590	1500
Discovery	606	315	500
MSC Poesia	2301	960	2500
Independence of the Seas	3914	1346	3700
Riviera	1236	769	1580
Ventura	3100	1175	3150
MSC Magnifica	2474	980	2755
Empress	1571	664	1689
Star Flyer	114	78	154
Queen Victoria	1912	977	1750
Braemar	836	322	750

Oct-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Riviera	1226	771	1500
Celebrity Eclipse	2815	1218	3100
MSC Magnifica	2624	972	2500
Star Flyer	81	81	100
Island Escape	1539	539	1450
Oriana	1804	785	1850
Aurora	1866	824	2000
Rotterdam	1331	595	1250
Oceana	1989	860	1850
Thompson Spirit	1190	489	1000
Star Flyer	107	83	70
Crown Princess	3073	1128	2900
Saga Sapphire	563	420	675
Saga Ruby	507	361	650
Club Med II	225	183	250
Oceana	1997	864	2250
Star Flyer	84	77	90
Ventura	3106	1188	1996
Sea Dream 1	91	98	120
Albatros	595	344	750
Oriana	1699	787	1900
Seabourn Quest	454	340	500
Oceana	2051	860	2200
Tere Moana	82	59	100
Boudicca	706	376	700
Kristina Katarina	327	91	300

Nov-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Victoria	1921	993	2200
Arcadia	1957	847	2000
Horizon	1286	619	1000
Oriana	1648	797	1900
Oceana	1921	852	2200
Albatros	633	344	700
Azamara Quest	598	404	765
Black Watch	633	330	740
Quest For Adventure	296	258	365
Crystal Serenity	499	632	604
Silver Spirit	457	376	575
Saga Ruby	613	364	655
Horizon	794	616	1050
Aurora	1492	812	1267
Marina	1155	751	1500
Oriana	1608	778	1850
Massdam	1163	569	800
Queen Victoria	1522	983	1900
Oceana	1520	845	1950

Dec-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Aurora	1657	800	2122
Queen Victoria	1487	975	1980
Hamburg	262	161	300
Queen Elizabeth	1832	984	2150
Pacific Princess	641	353	600
Saga Pearl II	295	256	300
Boudicca	606	369	720
Albatros	691	334	750
Rotterdam	1133	597	1250
Oceana	1290	849	1750
Black Watch	720	332	650
Saga Pearl II	329	250	400
Adonia	642	375	650
Saga Ruby	559	365	600
Oriana	1741	769	1900

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Jan-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	1997	993	238
MSC Fantasia	3641	1308	1670
Balmoral	1000	517	800
Rotterdam	1313	591	1400
Oriana	1664	776	1900

Feb-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1694	781	1950

Mar-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE*</u>
Costa Classica	1233	560	1250
Thomson Majesty	1441	566	1350
Oceana	1965	857	2150
Silver Wind	254	223	95

Apr-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Thomson Majesty	1436	579	284
MSC Fantasia	3162	1244	809
Costa Mediterranea	1966	850	2150
Azamara Quest	604	399	400
Saga Pearl II	372	268	420
Prinsendam	426	478	625
Oceana	2049	872	2200
Island Escape	1624	538	1825
Tere Moana	77	61	80
Thomson Majesty	1550	582	1600
Nieuw Amsterdam	2033	860	2150
Zenith	1611	609	1750
Island Escape	1490	543	1626
Crystal Serenity	866	632	820
Ryndam	1184	563	1020
Ocean Dream	971	357	620
Celebrity Equinox	2674	1260	2750
Saga Pearl II	391	261	365
Funchal	81	172	125
Arcadia	2022	860	1975
Saga Sapphire	622	424	725
Voyager	461	226	375
Thomson Celebration	1184	536	1125
Azura	3086	1183	3000
Celebrity Silhouette	2786	1224	3215
Thomson Dream	1347	607	1320

May-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Artania	1048	518	850
Star Flyer	153	79	120
Eurodam	2052	860	1950
Black Watch	647	358	560
Rotterdam	1341	594	1400
Zenith	1585	615	1475
Aurora	1825	821	1900
Prinsendam	761	473	800
Horizon	1287	657	1375
Azura	3019	1181	2800
Adventure of the Seas	3004	1179	3112
Zenith	1380	610	1512
Celebrity Eclipse	2831	1211	2765
Emerald Princess	3122	1140	3107
Black Watch	743	342	650
Thomson Dream	1611	615	1598
Azamara Journey	664	404	750

Jun-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Horizon	794	612	1497
Oceana	1948	870	1342
Island Escape	1518	550	1238
Independence of the Seas	3881	1369	4551
Boudicca	617	360	525
MSC Splendida	3578	1264	2900
Arcadia	2043	856	2275
Queen Elizabeth	1993	1002	2100
Independence of the Seas	3992	1367	4318
Thomson Dream	1491	616	1384
Zenith	1391	581	1400
Emerald Princess	3075	1159	2241
Azura	3088	1170	3000
Aurora	1808	811	2025

Jul-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4064	1377	3871
Dawn Princess	1798	841	1850
Independence of the Seas	4185	1380	3849
Island Escape	1576	545	1193
Oceana	2017	863	2116
Arcadia	2068	848	2091
Thomson Dream	1606	615	1750
Emerald Princess	3353	1161	2400
Adventure of the Seas	3671	1164	2900
Crystal Serenity	978	628	1050
Boudicca	608	351	671
Independence of the Seas	4122	1379	3985

Aug-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Saga Pearl II	421	262	421
Celebrity Eclipse	3148	1213	2800
Queen Victoria	1990	1002	1750
Azura	3414	1190	2151
Aurora	1931	830	1750
Insignia	680	229	874
Independence	4120	1374	4000
Oceana	2169	871	2750
Adventure of the Seas	3281	1189	3812
Thomson Dream	1617	615	575
Insignia	635	401	750
Zenith	1800	615	1975
Tere Moana	70	62	58
Adventure of the Seas	3777	1166	2800
Tere Moana	92	41	80
Oceana	2176	873	2500
Azura	3087	1168	2350
Island Escape	1583	550	1850
Crystal Serenity	997	631	1455
Ocean Dream	1922	1027	2450

Sep-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ocean Princess	697	389	512
Azura	3281	1189	3211
Azamara Journey	727	412	797
Ryndam	1253	560	1201
Sea Cloud II	92	63	127
Arcadia	2076	863	2255
Celebrity Eclipse	2918	1210	3189
SeaDream I	102	93	120
Emerald Princess	3053	1132	3082
Arcadia	2023	849	2063
Adventure of the Seas	3232	1164	2750
Braemar	843	381	650
Azura	3049	1164	2700
Prinsendam	815	467	750
Emerald Princess	3104	1131	2600
Marina	1198	769	950
Louis Aura	450	271	385
MSC Poesia	2487	951	2150
Rotterdam	1356	603	950
Bremen	128	99	75
Oceana	1974	844	2112
Independence of the Seas	3839	1354	3887
Horizon	1351	622	1250
Empress	1611	648	1510
Marina	1154	770	1020
Saga Sapphire	640	430	591
Thomson Dream	1480	623	1326

Oct-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Tere Moana	82	60	79
Saga Pearl II	355	268	220
Rotterdam	1281	602	950
Thomson Spirit	1201	483	1394
Oriana	1833	782	1875
Tere Moana	72	60	68
Oceana	1934	852	1850
Island Escape	1524	542	1398
Seven Seas Mariner	686	449	175
Azura	3144	1166	2637
Emerald Princess	3073	1138	2961
Saga Sapphire	652	428	525
Tere Moana	85	60	90
Boudicca	703	363	457
Adventure of the Seas	3203	1167	2650
Azura	3081	1181	2570
Oriana	1766	797	1300
Thomson Dream	1526	618	746
Tere Moana	83	63	82
Queen Victoria	1905	983	1912
Noordam	1877	805	1182
Horizon	1606	613	1550
Tere Moana	85	64	83
Oceana	2093	873	2123
Arcadia	2001	848	1975
Oriana	1837	804	1911

Nov-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Victoria	1902	991	1742
Saga Pearl II	419	265	436
Thomson Dream	1480	617	1366
Wind Star	130	98	135
Thomson Majesty	1386	594	1338
Thomson Dream	1441	621	1188
Aurora	1789	855	1634
Azamara Journey	638	396	540
Thomson Celebration	1215	547	864
Black Watch	367	206	380
Seabourn Seajourn	406	334	498
MSC Armonia	1505	733	1389
Thomson Dream	1462	635	1129
Azamara Journey	631	395	400
MSC Fantasia	3321	1263	2750
Azamara Journey	588	390	210
Costa Fortuna	2527	962	1333
Azamara Journey	1150	568	993

Dec-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1852	963	1951
Queen Victoria	1751	934	1785
Oceana	1634	857	1444
Albatross	671	359	581
Boudicca	709	361	758
Ocean Princess	710	329	619
Queen Elizabeth	1941	963	2125
Queen Victoria	1932	969	2075
Arcadia	1992	873	305
Marco Polo	764	343	575
Balmoral	1266	505	875

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Jan-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Saga Sapphire	608	423	431
Saga Pearl II	373	264	158

Feb-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	1963	855	1900
Oriana	1796	795	1350
Oriana	1803	790	1475

Mar-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Britannia	3497	1384	4822
Oceana	1829	848	1600
Boudicca	754	368	379

Apr-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Corinthian	92	57	90
Prinsendam	283	464	218
Costa Mediterranea	1035	843	650
Rotterdam	1044	598	1004
MSC Sinfonia	2331	715	1950
Ventura	3343	1189	2200
National Geographic Explorer	142	98	150
Corinthian	87	59	90
Island Escape	1524	537	1064
Riviera	1115	770	871
Azamara Journey	549	404	343
Britannia	3517	1365	3113
Ventura	3079	1178	2699
Black Watch	631	367	623
Nieuw Amsterdam	1994	874	1961
Celebrity Constellation	2094	945	1758
Tere Moana	85	62	72
Thomson Majesty	1372	604	1816
MSC Splendida	3319	1246	2210
Vision of the Seas	1921	798	1500
Horizon	1168	608	1081
Azores	499	271	463
Hamburg	241	166	216
Costa Magica	2172	947	2180
MSC Sinfonia	1914	723	1588
Silver Spirit	485	371	305
Thomson Celebration	1194	537	454
Horizon	1312	622	1298
Tere Moana	76	62	76
Eurodam	2089	855	1997
Thomson Dream	1408	656	1250
Club Med II	240	176	250

May-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Aurora	1786	831	1307
Saga Sapphire	594	439	623
Emerald Princess	2973	1169	2064
Silver Explorer	46	118	161
Corinthian	93	62	86
Tere Moana	83	62	93
Viking Star	759	473	326
Saga Pearl II	421	270	258
Anthem of the Seas	3867	1651	4268
Arcadia	2002	838	1515
Prinsendam	777	472	1021
Ryndam	1146	571	1326
Star Flyer	135	78	78
Explorer of the Seas	3105	1207	2795
Thomson Dream	1417	641	1150
Ventura	3024	1153	2492
Seabourn Quest	449	338	292
Azura	2927	1196	2467
Crystal Serenity	1031	629	768
Caribbean Princess	3148	1163	2929
Seven Seas Voyager	703	451	451
Queen Victoria	1945	966	1866
Aurora	1812	816	1843

Jun-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ventura	3073	1158	2700
Azamara Quest	658	392	290
Island Escape	1519	547	1048
Star Legend	194	146	188
Explorer of The Seas	3265	1215	2800
Caribbean Princess	3211	1157	2965
Queen Elizabeth	2028	1005	1600
Arcadia	2045	846	1806
Aegean Odyssey	271	168	310
Queen Elizabeth	2029	1000	1500
Saga Sapphire	562	425	618
Oriana	1811	806	1560
Thomson Dream	1480	638	1131
Anthem of the Seas	4496	1569	3685
Britannia	3617	1360	3383
Aurora	1829	837	1814

Jul-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Explorer Of The Seas	3274	1168	2800
Ventura	3752	1208	2758
Saga Sapphire	614	431	653
Anthem of the Seas	4117	1582	2101
Star Breeze	208	150	150
Crystal Serenity	1067	628	1125
Arcadia	2033	854	1775
Star Breeze	211	149	145
Explorer Of The Seas	3860	1203	2732
Anthem of the Seas	4749	1571	3826
Azura	3307	1194	2056
Caribbean Princess	3446	1172	2800
Explorer Of The Seas	3951	1199	2900
Island Escape	1649	549	1500
Queen Elizabeth	2133	988	2100
Aurora	1923	842	1900

Aug-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1870	808	1258
Anthem of the Seas	4779	1579	3050
Azura	3400	1199	3260
Ventura	3401	1174	3028
Disney Magic	2576	1017	2175
Seven Seas Mariner	711	444	813
Thomson Dream	1608	647	1371
Anthem of the Seas	4791	1571	3225
Tere Moana	83	65	39
Viking Star	669	469	506
Explorer of the Seas	3888	1189	3499
Crystal Serenity	1001	625	730
Tere Moana	77	62	82
Oriana	1845	799	1644
Caribbean Princess	3503	1170	3126
Britannia	3956	1374	4923
Aurora	1945	834	1826
Horizon	1447	599	1352

Sep-15			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Celebrity Eclipse	2814	1239	2729
Sea Cloud II	89	63	89
Oriana	1831	807	1578
Island Escape	1528	551	1192
Anthem of the Seas	4259	1601	3724
Explorer of the Seas	3294	1200	3078
Azamara Quest	655	402	417
Costa Favolosa	3222	1020	2861
Celebrity Silhouette	2823	1260	2784
Ventura	3128	1168	2306
Queen Elizabeth	2037	1001	1669
Azores	498	261	181
Aurora	1843	819	1822
Horizon	1224	610	1150
Star Legend	202	144	227
Tere Moana	78	62	74
Azura	3044	1155	2606
Ryndam	1158	562	904
MSC Splendida	3393	1254	3320
Tere Moana	74	62	54
Briannia	3547	1348	4238
Costa Neo Romantica	1002	218	963
Empress	1613	650	1457
Prinsendam	790	462	649
MSC Orchestra	2581	956	2008
Thomson Dream	1496	631	1416
Queen Elizabeth	1993	993	1736

Oct-15			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
MSC Sinfonia	2049	732	1973
Rotterdam	1318	606	1068
Arcadia	1991	871	2022
Celebrity Equinox	2787	1221	2485
Braemar	809	389	629
Explorer of the Seas	3188	1205	2266
Ventura	3076	1150	3000
Island Escape	1501	540	1117
Queen Elizabeth	2032	983	2024
Oriana	1792	800	1588
Ocean Dream	770	390	695
Horizon	1214	610	1069
SeaDream II	110	92	85
Seabourn Odyssey	443	347	219
Britannia	3538	1368	4344
Azura	3119	1175	3512
Tere Moana	81	61	77
Ventura	3093	1164	2752
Nieuw Amsterdam	2035	863	2623
Aurora	1808	821	1849
Empress	635	442	338
Saga Pearl II	404	271	174
Tere Moana	82	61	80
Magellan	1134	561	1117
Star Pride	185	145	176
Seven Seas Mariner	669	452	450
Balmoral	1221	525	1125
Marina	1171	771	1230
Aurora	1820	805	1765
Queen Victoria	1967	988	1328

Nov-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Star Legend	161	134	120
Vision Of The Seas	1938	787	1500
Oceana	1993	836	1909
Queen Elizabeth	2014	979	1912
Saga Sapphire	621	430	413
Thomson Dream	1498	635	1515
Tere Moana	87	61	85
Thomson Celebration	1218	548	1532
Thomson Majesty	1414	594	1278
Oriana	1788	790	1530
Boudicca	600	400	495
MSC Opera	2136	739	1934
Crystal Serenity	988	630	946
Horizon	802	613	750
Azamara Journey	660	402	452
FTI Berlin	358	177	200
Oceana	1961	825	1705
Sovereign	332	791	346
Star Breeze	132	139	99
Ventura	3015	1174	3126
MSC Opera	2148	755	1962
Rotterdam	1362	592	1098
Tere Moana	38	68	67
Azamara Journey	593	411	452

Dec-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Maasdam	1077	561	826
Crystal Serenity	419	460	385
Ocean Princess	622	373	537
Queen Victoria	1824	977	1758
Oceana	1903	826	981
Artania	1024	496	723
Oriana	1789	814	1723
Aurora	1802	818	1590
Magellan	1206	560	1175
MSC Fantasia	4008	1274	3105

SCHEDULE TO QUESTION 791/2016

Jan-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Rotterdam	1054	597	1043

Feb-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Berlin	379	177	221

Mar-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ventura	2971	1176	2682
Magellan	1173	574	950
Costa Pacifica	2631	1050	2497
Sovereign	1141	801	1250
Costa Magica	1876	967	2125
Silver Cloud	225	156	195
L'Austral	200	145	150
Oceana	2063	885	2020

Apr-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa neo Romantica	1470	613	1100
Oriana	1770	818	1493
Britannia	3751	1389	3216
Horizon	1278	622	1022
Mein Schiff 4	2576	1015	2952
Zenith	117	615	168
Silver Wind	164	230	174
Corinthian	87	68	90
Seabourn Quest	452	345	250
Celebrity Constellation	2022	960	1471
Star Clipper	59	78	50
Britannia	3597	1550	3456
Costa Favolosa	2586	1018	2423
Azamara Journey	560	405	472
Corinthian	83	63	85
Variety Voyager	58	30	65
Costa Magica	2767	960	2164
Saga Pearl II	418	275	253
Ventura	3030	1165	2583
Viking Star	905	470	663
Le Lyrial	206	142	229
Star Legend	205	155	234
Eurodam	2012	854	2145
Azura	2974	1158	3351
Prinsendam	636	467	652
Riviera	1002	782	1286
Corinthian	86	64	90
Costa neo Romantica	1429	609	1525
Tere Moana	80	62	90
Thomson Celebration	1154	531	1148
Royal Clipper	194	110	150
Seabourn Quest	435	343	425
Star Flyer	110	77	95
Black Watch	467	359	327
Corinthian	84	63	110
Thomson Majesty	1465	584	1150

May-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Rotterdam	1377	599	531
Mein Schiff 3	2480	1023	2150
Koningsdam	2292	1053	1975
Royal Princess	3486	1334	4151
Ocean Endeavour	76	109	68
Ocean Majesty	388	238	352
Brilliance of the Seas	1979	905	2159
Ovation of the Seas	4017	1689	5136
Royal Princess	3598	1324	1720
Aurora	1809	815	1274
SeaDream I	110	94	95
Jewel of the Seas	1943	892	1285
Star Breeze	200	154	175
Koningsdam	2238	1063	1788
Thomson Spirit	1219	497	1152
Ventura	3037	1163	2590
Horizon	1136	626	1062
Independence of the Seas	3804	1429	3364
Arcadia	1980	877	1615
Costa Magica	2640	956	2208
Crystal Symphony	823	569	1023
Emerald Princess	3039	1157	2873
Black Watch	664	360	622
Oriana	1751	814	1700
Oosterdam	1837	782	1745
Seven Seas Voyager	657	453	250
Thomson Spirit	1232	498	929
Queen Elizabeth	2002	992	1800
Thomson Spirit	1300	497	1152
Royal Princess	3699	1330	2963

Jun-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azamara Quest	642	403	370
Ventura	3062	1170	2982
Star Legend	179	155	174
Independence of the Seas	3891	1405	2756
Boudicca	767	371	748
Ventura	3075	1168	2886
Thomson Spirit	1219	191	461
Thomson Majesty	1451	584	1405
Costa Magica	2930	967	2504
Europa 2	476	360	382
Queen Victoria	1908	966	1606
Aurora	1819	813	1574
Independence of the Seas	3838	1425	3370
Royal Princess	3798	1331	2749
Queen Victoria	1984	980	2060
Thomson Spirit	1249	491	978
Royal Princess	3963	1325	3091

Jul-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Thomson Spirit	1240	491	690
Britannia	3832	1379	3284
Riviera	1259	765	805
Celebrity Constellation	2283	980	1346
Ventura	3325	1181	3097
Independence of the Seas	4201	1408	3534
Navigator of the Seas	3793	1212	2975
Star Breeze	202	146	199
Oosterdam	2135	797	1686
Thomson Spirit	1265	493	1052
Arcadia	2025	859	1712
Tui Discovery	1976	773	1499
Royal Princess	3962	1313	2573
Queen Elizabeth	2029	986	2050
Independence of the Seas	4331	1401	2373
Costa Magica	3370	961	2909
Star Breeze	198	153	220
Sirena	682	392	464
Thomson Spirit	1303	490	1075
Azura	3335	1203	2235
Navigator of the Seas	3885	1194	3758
Saga Pearl 2	418	275	215

Aug-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence Of The Seas	4336	1384	2860
Emerald Princess	3537	1168	3082
Oriana	1796	805	1565
Thomson Majesty	1644	579	500
Ventura	3395	1184	974
Navigator of the Seas	3914	1191	3201
Royal Princess	4093	1339	1300
Thomson Spirit	1326	494	1125
Tui Discovery	1977	768	1713
Royal Princess	4025	1336	3023
Independence Of The Seas	4335	1373	4020
Crystal Symphony	861	572	732
Thomson Spirit	1292	489	1290
Star Legend	154	185	154
Minerva	237	180	281
Ventura	3389	1186	2715
Aurora	1943	830	963
Independence Of The Seas	4001	1395	3797
Emerald Princess	3507	1163	2979

Sep-16			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Azura	2974	1171	2828
Seven Seas Explorer	736	544	460
Ventura	3111	1155	2963
Costa Magica	3084	955	2655
Thomson Spirit	1217	486	1027
Royal Princess	3617	1356	2854
Celebrity Cruises	2836	1222	2071
Sea Cloud II	89	63	73
Oosterdam	1984	794	1796
Navigator of the Seas	3356	1221	2589
Thomson Majesty	1442	571	1305
Celebrity Silhouette	2812	1215	2521
Costaneoromantica	1791	756	1310
Tui Discovery	1485	625	1217
Queen Elizabeth	2031	999	1900
Braemar	836	387	798
Emerald Princess	3007	1184	2619
Horizon	1367	603	1309
Prinsendam	830	456	785
Pacific Princess	654	380	598
Thomson Spirit	1222	491	1138
Insignia	533	397	396
MSC Musica	2204	932	2000
Navigator of the Seas	3330	1217	2879
Independence of the Seas	3820	1396	3577
Celebrity Equinox	2764	1211	2778
MSC Opera	2105	738	1763
Thomson Spirit	1221	493	1028
Koningsdam	2587	998	1664
Mein Schiff 1	1950	813	1720
Azura	3010	1177	2579

Oct-16			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Marina	1191	771	1123
Sirena	638	405	786
Aurora	1824	809	1979
Costa Magica	2826	981	3501
Mein Schiff 1	2113	817	2000
Thomson Spirit	1230	497	969
MSC Splendida	3392	1248	3065
Hebridean Sky	104	76	100
Ventura	3012	1168	2790
Britannia	3663	1355	3125
Boudicca	710	378	650
Mein Schiff 4	2705	1014	2096
Celebrity Silhouette	2861	1229	2125
Star Flyer	157	75	125
Balmoral	1218	521	1090
Clio	79	60	98
Hamburg	304	169	216
Koningsdam	2611	991	1855
Oriana	1738	810	1447
Magellan	1230	589	1320
Brilliance of the Seas	2027	894	812
Seven Seas Navigator	474	359	475
Marco Polo	735	358	580
Thomson Spirit	1264	489	1092
Carnival Vista	3814	1443	4200
Mein Schiff 4	2715	1020	1877
Oceana	1973	866	1794
Eurodam	2136	852	1500
Oosterdam	1957	788	1332
Tui Discovery	2010	753	1350
Mein Schiff 4	2368	1017	1993
Le Lyrial	189	130	106
Clio	82	59	112
Serenissima	90	58	102
Thomson Spirit	1254	485	965
Tui Discovery	1789	737	1306

Nov-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Serenissima	90	58	104
Queen Elizabeth	90	58	105
Mein Schiff 5	1999	911	2005
Arcadia	2475	1025	2118
Star Breeze	2015	870	1800
	171	144	205

Q792-793/2016

***Sunborn* Hotel –**

Current total workforce; number of Gibraltarians employed

Clerk: Question 792. The Hon. D A Feetham

910 **Hon. D A Feetham:** Mr Speaker, what is the current total workforce at the *Sunborn* Hotel?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

915 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 793/2016.

Clerk: Question 793. The Hon D A Feetham.

920 **Hon. D A Feetham:** Mr Speaker, how many Gibraltarians are currently employed at the *Sunborn* Hotel?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

925 **Hon. G H Licudi:** Mr Speaker, as stated in answer to Questions 280-283/2016, the information the hon. Member requests is confidential by virtue of the Employment Regulations 1994.

930 **Hon. D A Feetham:** But Mr Speaker, in relation to the second question, which is the number of Gibraltarians that are currently employed at the *Sunborn* Hotel, why would that be confidential, when in fact the Government itself in the past has commented on the number of people it was sending to the *Sunborn* Hotel in order to be employed? The Government talks about the number of people that are sent to the *Sunborn* Hotel to be employed, ergo – what the
935 Government is saying is, 'We are making an effort to send the *Sunborn* Hotel Gibraltarians to be employed by them' – is it not reasonable for me to ask how many Gibraltarians are currently employed by the *Sunborn* Hotel?

940 **Hon. G H Licudi:** Mr Speaker, the issue is not whether it is reasonable for the hon. Member to ask or not; the issue is that regulation 3 of the Employment Regulations 1994 relates to

confidentiality and actually prevents the Government from giving this information. That is the advice that had been given to the Government previously in answer to Questions 280-283/2016. I have taken advice again and the Government simply is bound by confidentiality.

945 **Hon. D A Feetham:** Mr Speaker, the reason why I raise this particular question is because certainly in my surgeries on a very regular basis I get people who come to see me – Gibraltarians – to tell me that they have applied for jobs at the *Sunborn* Hotel and they feel that they are being discriminated against, and that there is a preference by this particular employer to employ non Gibraltarians.

950 What is the Government doing to keep tabs on the situation in relation to how many Gibraltarians are being employed by an entity that obviously is in receipt of a substantial amount of money by way of a loan from Credit Finance – £30 million to £40 million pounds – and therefore it ought to be giving something back in employing Gibraltarians?

955 **Hon. G H Licudi:** Mr Speaker, the hon. Member seems to believe that because the information has not been provided to him it is not something that we have or that we monitor. Of course we have the numbers. Of course the Government has the numbers, but the Government is prevented through confidentiality provisions in the law. So the law prevents the Government from providing that information. So we do have Gibraltarians employed in the
960 *Sunborn*.

The hon. Member knows the very extensive efforts that were made, particularly by my predecessor in Employment, in tackling the issue of Gibraltar unemployed and the very successful policy that this Government has pursued – not just the policy but the practice of the hon. Member, my hon. and learned colleague in the past where we have record numbers of low
965 Gibraltarians unemployed. That must count for something. That must count for the fact that the hon. Member did an excellent job in his time as Minister for Employment, that he deployed his resources appropriately, that we deployed a lot of effort in getting Gibraltarians into employment – and those efforts have paid off, and therefore there is no question ... Certainly it
970 would be a serious matter if the Government became aware that Gibraltarians were being discriminated against, there is no question of that either happening or being tolerated by the Government in any way. The Government would certainly take it as a very serious issue. So we are satisfied that that is not the case and we are also satisfied that the steps that the Government has taken in respect of getting Gibraltarians into employment are working and have worked, and that is why we have record low numbers.

975 **Hon. D A Feetham:** So does it follow from that answer that the Government is satisfied with the number of Gibraltarians employed at the *Sunborn* Hotel?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member has in relation to the
980 *Sunborn* Hotel – whether he really wants it to fail, whether he wants everybody to be without employment. I am not sure what his agenda is, but whether more Gibraltarians can be employed at the *Sunborn* Hotel or any other employer is something that the Government will always be striving for. Will we ever be satisfied? We will be satisfied when we have zero unemployment of Gibraltarians. Can we ever get to that? Well, that might be something of a difficult task, but
985 what we will certainly do is continue our efforts, not just with respect to the *Sunborn* but with respect to every employer, our efforts to get Gibraltarians into employment. Those efforts have paid off in the past and will continue in the future.

Hon. D A Feetham: With respect to the hon. Gentleman, the answer is certainly a master
990 class at avoiding the question and evading the question. But the question was is the Government satisfied with the number of Gibraltarians employed at the *Sunborn* Hotel, not the number of Gibraltarians employed generally. It is not about the efforts that the Government has made

generally; it is in relation to the *Sunborn* Hotel. Is the Government satisfied at the number of Gibraltarians employed by that entity?

995

Hon. G H Licudi: Mr Speaker, does the hon. Member think that Parliament is the right place for the Government to be answerable in respect of individual employers and what they do? No, certainly not. The Government is answerable for Government policy and Government actions and Government information that it can and does make publicly available. That is what the Government is answerable for and that is what the rules provide.

1000

The hon. Member cannot ask me about the actions of a particular employer. We would be here all day if we go through employer by employer, as we could if the hon. Member was able to ask these sort of questions, because then we would be talking about the number of Gibraltarians employed by every single employer in Gibraltar, whether the Government was satisfied or not. That is not the purpose of Question Time. That is not what the rules, in my view, allow for. What I have given is Government policy, Government views and the efforts that the Government has been making in this field. I can tell him – because the hon. Member asked whether the Government is satisfied – the Government is entirely satisfied with the efforts it is making and the efforts that it has made in getting Gibraltarians into employment.

1005

1010

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman not recognise that there is a distinction between the average employer and this particular employer? This is a particular employer that is in receipt of a loan of between £30 million and £40 million pounds of savers' and taxpayers' money by way of Credit Finance, and therefore in those circumstances it is completely and utterly appropriate for me to come to this House and ask the Government whether it is satisfied with the level of employment of Gibraltarians by the *Sunborn* Hotel. Is that not the case?

1015

Hon. G H Licudi: Mr Speaker, again I have to wonder what the hon. Member has in respect of the *Sunborn* Hotel, because he chooses this particular employer – he seems to have an obsession with the *Sunborn* and almost an unhealthy obsession with someone who is providing a very good service to Gibraltar – and actually failing, because that seems to be the agenda in the hon. Member's mind.

1020

The Government will not get into issues of individual employers and the actions of individual employers and whether those actions are right or not. If the Government has issues to raise with individual employers the Government will do so, but Parliament is not the right place for the Government in any way ...

1025

The hon. Member seems to be almost trying to make the Government accountable simply on the basis that someone has received a loan from a public entity. That does not make the Government accountable for all the actions of that particular individual or employer, and that is not something that we are willing to get into.

1030

Q737/2016

Beaches and bathing facilities – Maintenance costs

Clerk: Question 737. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government disclose the cost of maintenance in each beach or bathing facility for the financial years ending 31st March for each of the financial years since 2012 and the current financial year to date?

1035

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1040

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

Answer to Question 737/2016

Total cost of maintenance and capital investments in all beaches

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
£248,434	£1,224,946	£531,870	£224,683	£186,612

Total cost of maintenance and capital investments in the bathing pavilion is

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
£0	£0	£20,820	£9,942	£9,569

Mr Speaker: It is not a very long schedule, so if the hon. Member wishes to ask any supplementary now, he can do so.

The Hon. Trevor Hammond.

1045

Hon. T N Hammond: Mr Speaker, if I may ask the Minister the reason for the significant spike in the year 2013-14, where the costs seem to have risen to £1.2 million.

1050

Hon. Dr J E Cortes: Mr Speaker, I do not have direct information – Members must recall that I have assumed responsibility for this only in recent weeks – but from memory I suspect that it is because of the marked improvements that this Government made to beaches, in what was essentially our second summer after the experience of our first summer, where we carried out considerable improvements to all beaches, including by way of accessibility and other improvements.

1055

I would have to confirm exactly what the costs were and what the money was spent on, but I suspect it was the year when our beaches were taken up to another level by the then Minister for Tourism, the Hon. Neil Costa.

Hon. T N Hammond: Mr Speaker, I am grateful to the Minister for his answer.

1060

In re-reading the question, I believe the question is a bit more specific in that we asked the cost of maintenance in *each* beach or bathing facility and we have a total cost in all beaches. I was wondering if the Minister would be able to provide a breakdown in due course.

1065

Hon. Dr J E Cortes: Mr Speaker, the information is divided into beaches collectively and the bathing pavilion. I have not been provided with a breakdown. Whether that is because ... I seem to recall I was told that for some items they are bought collectively for all the beaches and it is not easy to break them down into particular beaches. However, I will once again ask and confirm whether that is true and I would be happy to ... There is no reason why we do not want to divide it into beaches; it is just the way, I suspect, that the information is recorded. If you buy certain items which are used across the beaches, perhaps there is not a breakdown in the book as to how many go to one beach or the other, but I will enquire and confirm that, Mr Speaker.

1070

Q738/2016

**Floating attractions on beaches –
Cost; confirmation of condition**

Clerk: Question 738. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1075 **Hon. T N Hammond:** Mr Speaker, can the Government disclose the cost of the floating attractions once enjoyed on our beaches and confirm they have all been subjected to vandalism and are beyond economical repair?

1080 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1085 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the cost was answered in Question 590/2016. Of the six attractions purchased, one is usable. The decision to discontinue their use was made due to the high cost of maintaining these, principally because they suffered from vandalism. The five that are unusable are beyond economic repair.

Q739/2016

**Jellyfish nets –
Cost of provision**

Clerk: Question 739. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1090 **Hon. T N Hammond:** Can the Government disclose the cost of providing jellyfish nets as at the end of each financial year since they were first installed to date?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1095 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

Answer to Question 739/2016

The total cost of providing jellyfish nets is as follows

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Nil	£93,230	£48,345	£30,154	£31,850 to date

1100 **Hon. T N Hammond:** Just for my own understanding of the answer, is it fair to say that the higher cost for the year 2013-14 was due to the purchase of the nets and then, presumably, in the years subsequent to that, the costs have been more to do with maintenance of the nets?

1105 **Hon. Dr J E Cortes:** Yes, Mr Speaker, essentially they had to be purchased and we needed to get an expert over to advise on the deployment and so on and so forth, whereas in subsequent years it has been replacing particular bits, repairing particular bits and more of a maintenance than the upfront purchase of the equipment.

Q740-741/2016
Gibraltar Tourist Board –
Arrears owed by tourist sites

Clerk: Question 740. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government explain what measures are being taken to recover the arrears due to the Gibraltar Tourist Board in respect of tourist sites?

1110

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1115 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 741.

Clerk: Question 741.

1120 **Hon. T N Hammond:** Can the Government disclose details of how many companies, businesses or individuals owe arrears to the Gibraltar Tourist Board in respect of tourist sites, together with the amount they each owe and amount owed by each debtor per financial year?

1125 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Hon. Dr J E Cortes: Mr Speaker, yes the GTB constantly monitors the amount of arrears owed by these companies and pursues payments, which are effected regularly, to recover the moneys owing.

1130 All operators buying tickets for the tourist sites enjoy a 90-day credit period.
The specific information requested is in the schedule which I have just handed over.

Answer to Question 741/2016

2009/2010 Nil arrears

2010/2011 Nil arrears

2011/2012 Debtor A - £58,835.00
Reported in Return of Arrears of Revenue on 31 Dec 2011

2012/2013 Nil arrears

2013/2014 Nil arrears

2014/2015 Debtor A - £2752.65
Reported in Arrears of Revenue on Sep 2014, Dec 2014, Mar 2015

2015/2016 Debtor B - £119,607.90
Reported on Arrears of Revenue on 30 Sep 2015

2015/2016 Debtor A - £2752.65
Reported in Arrears of Revenue on 30 Sep 2015

2016/2017 Debtor A - £2752.65
Reported in Arrears of Revenue on 30 Sep 2016

2016/2017 Debtor B - £120,940.10

Reported on arrears of Revenue 30 Sep 2016. However this now stands at £93,370.10 as further payments have been made since.

1135 Let me just say, Mr Speaker, there is a footnote in the schedule, which means that there has been a further payment, which makes one of the sums outstanding stand at £93,370.10. I am informed that as of yesterday there had been a further payment of £30,000 made against that, so that will now read £63,000 and so on, and not £93,000 and so on.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

1140 I note in the Principal Auditor's Reports for 2015, paragraph 2.12.30, page 29, he refers to the tourist site receipts arrears at 31st March 2016 increasing by £119,194 to £303,110, and then he goes onto say:

The sums of £93,437 and £2,753 owed by two companies were over the credit periods established by the Gibraltar Tourist Board. Before the sums due during the financial period 2015-16 the latter arrears debt was owed since 31st May 2014.

I wondered if the Minister could clarify why there would be a 65% increase in the arrears in one year and how it is that tourist operators are allowed to exceed their credit periods.

1145 **Hon. Dr J E Cortes:** Mr Speaker, the answer provided has, I think, answered the question. The detail to which the hon. Member has gone in his supplementary would, I think, require notice. I would be very happy to look into the details and to tally one thing with the other, but I cannot answer that without notice, Mr Speaker.

1150 **Mr Speaker:** The hon. Member cannot expect that a question of this nature, where specific information is being requested in respect of financial ... and the information is provided, that he can then make a reference to the Principal Auditor's Report and expect an answer on the spot. That is quite impossible. Separate notice should be given of that question.

1155 **Hon. R M Clinton:** Mr Speaker, I appreciate your clarification. I guess what I was trying to do was get back to Question 740, where it says 'What measures are being taken to recover arrears?' and part of the measures to recover arrears is surely to monitor credit limits and excesses.

1160 **Hon. Dr J E Cortes:** Yes, Mr Speaker, and I am sure ... Again, I have only taken responsibility for this part of the former Tourism Ministry over the last few weeks, but I am certain that that has been done, and the fact that since the answer was prepared there have been two payments of approximately £30,000 each means that this is being recovered.

Q742/2016
Principal Auditor's Report –
Clarification re paragraphs 3.7.13 and 14

Clerk: Question 742. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1165 **Hon. T N Hammond:** Mr Speaker, in connection to 3.7.13 and 3.7.14 of the Principal Auditor's Report 2014-15, can the Government disclose the itemised details of the capital works the Principal Auditor is referring to, together with the three quotes received for each work and disclose the final successful contractor and successful quote?

1170 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1175 Mr Speaker, the information is commercially sensitive and cannot be made public, but I would be happy to provide it to the hon. Member on a confidential basis.

Q743-747/2016
Mount Misery glass lookout; Royal Anglian Way –
Updates

Clerk: Question 743. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government update this House as to when the expected opening date for Mount Misery glass lookout is?
1180

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1185 Mr Speaker, I will answer this question together with Questions 744 to 747.

Clerk: Question 744.

Hon. T N Hammond: Can the Government disclose the expected final cost of the Mount Misery glass lookout?
1190

Clerk: Question 745.

Hon. T N Hammond: Has the refurbishment programme for Royal Anglian Way been completed? If not, when will they be completed, what works are pending and what is the expected additional cost?
1195

Clerk: Question 746.

Hon. T N Hammond: Does the Government intend to provide any safety measures at the Royal Anglian Way steps leading to the Windsor Bridge when walking south to north?
1200

Clerk: Question 747.

Hon. T N Hammond: Can the Government disclose the cost of the Royal Anglian Way refurbishment to date?
1205

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.
1210

Hon. Dr J E Cortes: Mr Speaker, in answer to Question 743, we expect to open it before next spring.

To Question 744, £1,186,772.

The original planned programme, in respect of Question 745, for Anglian Way has been completed, although further improvements are being considered.
1215

In answer to Question 746, no, sir.

In answer to Question 747, £684,102.

1220 **Hon. R M Clinton:** Mr Speaker, if I may, in relation to Question 746, having walked down that path myself it is quite steep and I would imagine at least perhaps the Government is considering putting in some kind of handrail next to those steps.

Also, as a supplementary, what is the provision for exiting for disabled people? There seems to be no way to exit going north to south.

1225 **Hon. Dr J E Cortes:** Mr Speaker, the Upper Rock is a natural area and is an area which ... If we were to look at every single path and every single lookout, at every single cliff that Gibraltar has, not just on the Upper Rock but elsewhere, would we put handrails and fences throughout all the extent of all these areas?

1230 It is a difficult decision and I think that the successive Government have decided that it is a natural space ... People know they are going into a natural space where they are going to access steep paths and steps that have been hewn out of the rocks and cliffs and there are going to be edges off the cliffs and will take the necessary precautions.

If we were to start fencing off everything that could potentially be dangerous, we would end up with, firstly, an extremely expensive exercise, but also an Upper Rock which looks like anything but a natural area. So these are, I think, considerations.

1235 In regard to accessibility from the south, once again it would be well-nigh impossible, because of the lie of the land and the contours, to provide accessibility to the bridge from the south. There is a relatively smooth path to and from the north, and therefore I think that is the access that would have to be used in those circumstances.

1240 **Hon. R M Clinton:** Mr Speaker, if I may, I thank the Minister for his answer.

1245 Would the Minister accept that this is not a general area around the Upper Rock, as we are all familiar with; this is a very new specifically designed, I presume, tourist attraction where you do want people to walk around that area in probably a higher footfall than you would have done normally. It is obvious to anybody who has been up there that the Government has made improvements in terms of safety in the area, in terms of putting up railings and safety features, and would it not be a logical extension of that work to finish that work by putting in safety features at the southern end of that path?

1250 **Hon. Dr J E Cortes:** Mr Speaker, as the hon. Member has rightly said, there has been a massive improvement in Anglian Way and in the safety elements. The handrails have been replaced and there is safe access from the road, particularly to the north, to the bridge and back again. So, anybody with a difficulty in tackling some of the accesses – and there are at least two others – would, to my mind, choose the safe access and not the one that they did not feel they could negotiate. I think we want a similar footfall for the whole of the Upper Rock and not necessarily more for this area. I am satisfied that you can get to and from the bridge safely from one particular direction and I think ... Next time I go there I will look at it with those eyes, but I think that providing fencing and so on to a lot of the other areas there would beg the question why not at the top of the Rock? Why not at Princess Caroline's? Why not Mediterranean Steps – which is relatively safe but not everybody can negotiate Mediterranean Steps and this is a fact.

1260 I will have a look at it again. I do not think we are failing. It is now much safer. It is safe even for people with accessibility concerns, to get them from one direction, but it is at least something that as we continue to improve the Upper Rock, as we have been doing as never before, we will obviously bear in mind.

Q748-753 and 769/2016

Gibraltar Nature Reserve –

**Draft management plan, implementation of measures, cost of implementation;
management board meetings; management team resources; Europa Foreshore dog fouling;
Upper Rock tourist facilities**

Clerk: Question 748. The Hon. T N Hammond.

1265

Hon. T N Hammond: Mr Speaker, when will the consultation period be over and the final version of the draft Gibraltar Nature Reserve Management Plan be published?

1270

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 749 to 753, and Question 769, which I believe is the hon. Lady's.

1275

Clerk: Question 749.

Hon. T N Hammond: How often does the Minister expect that the Nature Reserve Management Board, as described in the draft Nature Reserve Management Plan, will meet?

1280

Clerk: Question 750.

Hon. T N Hammond: What does Government have in mind when it says in its draft Gibraltar Nature Reserve Management Plan that it will be increasing resources for the Gibraltar Nature Reserve Management team?

1285

Clerk: Question 751.

Hon. T N Hammond: Would the Minister consider adding dog fouling to the list of issues affecting the Europa Foreshore Nature Reserve in the draft Gibraltar Nature Reserve Management Plan?

1290

Clerk: Question 752.

Hon. T N Hammond: Does the Minister know how long it will take to implement all measures recommended in the draft Gibraltar Nature Reserve Management Plan?

1295

Clerk: Question 753.

Hon. T N Hammond: Does the Minister know what will be the total cost of implementing all measures recommended in the draft Gibraltar Nature Reserve Management Plan?

1300

Clerk: Question 769. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government looking to expand tourist facilities in the Upper Rock during this electoral term?

1305

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1310 **Hon. Dr J E Cortes:** Mr Speaker, the consultation period for the Gibraltar Nature Reserve Management Plan will finalise in December.

The final version is expected to be published during the first quarter of 2017. Until such time, the details referred to in these questions cannot finally be determined.

1315 The tourist product has already been expanded by the opening of the new Windsor suspension bridge.

We expect to further expand the tourist facilities in the Upper Rock by the opening of the Mount Misery glass lookout.

1320 **Hon. T N Hammond:** Mr Speaker, while I understand it is still a draft Plan and in consultation, is the Minister expecting the plan to be changed so radically that he can provide no information regarding Questions 749, 750, 751, 752 and 753, one of which is actually to ask him to consider adding to the plan the question of dog fouling as an issue at the Europa Foreshore?

1325 **Hon. Dr J E Cortes:** Mr Speaker, true consultation must be open to all kind of change, including radical change. A lot of comments have come in and the Department is discussing how it is going to adapt the plan, depending on the comments.

1330 I think we must also bear in mind that because the Government has now rearranged the responsibility for the Upper Rock sites and that passes under my Ministry, as does the Ministry for Heritage, it now adds a number of additional dimensions which perhaps we would now tackle in a different way within one Department. The whole question of resources, for example, and how we can combine those resources to be more effective and more efficient comes into play, and therefore there may be some considerable changes. I do not think I can hold myself to what is a consultation document where additional comments might still come in. Similarly for the question on Europa Point Foreshore, that might still be an issue at the time of the final plan, it

1335 might not, so we will see whether that it is incorporated or not at the correct time.
So I think it would be premature to commit to any of those answers, because otherwise it would make a mockery of the word 'consultation'.

1340 **Hon. T N Hammond:** Mr Speaker, regarding the Foreshore, I am asking the Minister whether he would consider or not. Is the Minister saying that he would not consider, or is he acknowledging that he is considering the possibility of including that in the final plan?

1345 **Hon. Dr J E Cortes:** Mr Speaker, I think I have said that any representations will be considered. I think that was clear. Whether we include a line in the section of the management plan on the Foreshore that there is dog fouling there ... It may or may not go in. Hopefully, by that time we will have solved that problem and it will not be made into a consideration, but dog fouling is a potential everywhere. I think we are making a little bit too much ... but if it will solve the problem and save us time, clearly by just having this conversation I am considering it.

1350 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my question was relating to basics like bathroom facilities and cafeteria, because I have had many, many tourists complaining that there are only these facilities in one part. So, considering that the Minister is assuring us about this consultation, I would hope and expect that these requests that I am putting through will be basic things that will probably be incorporated.

1355 **Hon. Dr J E Cortes:** Mr Speaker, I am happy to respond to that. I did think that perhaps the hon. Lady was referring to major new sites, hence my answer.

1360 There are a few things that are going to be happening, like new lighting outside the Great Siege Tunnels, information panels inside St Michael's Cave and a new PA system within the Cave. Clearly, now that this has passed onto my responsibility I will be looking at all the sites and perhaps refreshing them, and certainly suggestions such as I have heard today I would be very,

very happy to consider and build into the plan so that we can have an improved product in the Upper Rock – and if the Lady wants to contact me with any further ideas I would be very happy to have the team look at those.

1365

Hon. R M Clinton: Mr Speaker, following on from the hon. Lady's question, I wonder if the Minister would be amenable to answering perhaps a general question about how tourist sites are expanded in the Upper Rock in terms of the decision making process. I appreciate he is new to the Ministry, but is there such a thing as an advisory board or working group in terms of the expansion of tourist facilities in the Upper Rock? I am just curious as to what the decision process is, who decides where to site a bridge, why Mount Misery versus the Signal Station, how are these decisions arrived at.

1370

Hon. Dr J E Cortes: Mr Speaker, part of the Gibraltar Nature Reserve Management Plan does include the setting up of a board which would consider these things. At quite what level is still to be determined, as I said before, because it is a consultation document.

1375

Until very recently the different Departments – the Tourist Board and the Department for the Environment particularly – would have separate input as to what happens in the Upper Rock. Now that is all going to come under the expanded Department of the Environment, which will include the tourists sites and Heritage, and therefore it will be the team that administers that Department that would come up with the recommendations and make recommendations, I suppose ultimately to me, which then, if they have wider implications, I would refer to Cabinet. But in the first instance it would be the team working within those Departments that would come up with these ideas and discussions.

1380

1385

Hon. R M Clinton: Mr Speaker, with your indulgence ... You may disallow this question, but does each project have to present a proposal with financial implications and the revenue implications for particular projects – whether it will be self-financing or anything like that? Or is it just, 'Here is a great idea – what do you think?'

1390

Hon. Dr J E Cortes: Mr Speaker, if you will allow that question then you will allow me to answer.

I am all for great ideas, but clearly every project has to have design, costing – (*Interjection*) Absolutely. As an example, for the bridge there was a proposal with sketches, then we looked into it and there was a further design with costings. So, yes, there is a process, Mr Speaker. It is not something that suddenly dawns on one and one gives an instruction. This is done in a responsible manner.

1395

Hon. T N Hammond: Mr Speaker, I am pleased to hear that these projects are indeed costed. Where it comes to the recommendations that will ultimately be made in the Nature Reserve Management Plan, the finally published one, will all of those recommendations have been costed?

1400

Hon. Dr J E Cortes: Some recommendations will not really have a tangible cost: what is the cost of a board meeting once, for argument's sake, every three months? Others will have long-term costs. Others will be strategies – for example, removal of invasive species – which would take a number of years. But certainly all the ones which can be costed, particularly which would have short-term costs, would be costed.

1405

Hon. T N Hammond: Even strategies can also be costed. Presumably man-hours to remove invasive species need to be accounted for and that has a cost. So the question is: will it all be costed, everything that can have a cost attributed to it; or will they just be aspirations and whether the money can be found for those aspirations at a future date?

1410

1415 **Hon. Dr J E Cortes:** There is nothing wrong with uncosted aspirations, because if we did not have uncosted aspirations then the world would not progress – let me just make that point. There will be aspirations. Those that have to be turned into operational matters, particularly in the short term, will be costed, but I am not going to now say that unless something is costed it will not go in a plan as a strategy and as a name. I am not going to say that – absolutely not.

1420 **Hon. T N Hammond:** Mr Speaker, in similar vein, those recommendations that are contained in the finally published plan, will they have timelines associated with them and will it be clear that those recommendations have all been accepted by Government?

1425 **Hon. Dr J E Cortes:** Mr Speaker, if it is a Government document then one has to assume that they are accepted by Government.

1430 I forget the first part of his question. (**A Member:** Timeline.) There will be some that will have timelines and others that will not. For example, I go back to the removal of non-native species: I would like to see that, but that could take many, many years, if not decades, depending on all sorts of things. That will still be there, but there will not be a timeline and maybe not a final costing; that will be an aspiration.

Q754/2016
North Front Cemetery –
Expressions of interest re maintenance

Clerk: Question 754. The Hon. T N Hammond.

1435 **Hon. T N Hammond:** After issuing an invitation to tender for the maintenance of the North Front Cemetery, how many expressions of interest were received and why did Government choose not to pursue this option?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1440 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, seven companies initially expressed an interest for the tender and four offers were subsequently received. None was considered to provide what Government required.

1445 **Hon. R M Clinton:** Mr Speaker, I presume that the tenders were quite clear as to the offers. Can the Minister explain why none of the tenders were considered to be appropriate? Was it on the basis of the cost, or was it on the basis of service?

1450 **Hon. Dr J E Cortes:** Mr Speaker, this is obviously commercial in-confidence information, but if I may just say that it was not considered to be value for money and therefore they were not proceeded with.

Hon. R M Clinton: Mr Speaker, can I ask the Minister whether he is aware whether the unsuccessful tenders have been notified?

1455 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware whether they have or not; that is done by Procurement and does not have direct ministerial direction. I can only assume that they have been, from the fact that the Member opposite is asking the question. It may be that he has

information that they have not and that would be taken up with Procurement, but that is something for that office to deal with.

1460

Hon. R M Clinton: Mr Speaker, I am not sure if you will allow this as a question or not, but can the Minister explain why it was felt necessary to issue this tender?

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Hon. Dr J E Cortes: Mr Speaker, I have no problem with that whatsoever – without pre-empting the motion which is related to this – in order to improve the condition of the site.

Q755/2016
Thinking Green Digest 2015 –
Publication date

Clerk: Question 755. The Hon. T N Hammond.

1470

Hon. T N Hammond: Mr Speaker, when will Government publish the Thinking Green Digest for 2015?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1475

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I expect the Thinking Green Digest to be published my mid-December, in approximately a month's time.

Q756/2016
Lift to Parliament –
Heritage licence

Clerk: Question 756. The Hon. R M Clinton.

1480

Hon. R M Clinton: Mr Speaker, can the Government advise if it has reached a decision as to the granting of the Heritage licence for the construction of a lift to Parliament?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1485

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government issued a Heritage licence on 18th October 2016 for the construction of the lift to Parliament. However, this has not been acted upon, as Government is further considering options.

1490

Hon. R M Clinton: Mr Speaker, would the Minister be able to elaborate on what he means by 'considering further options'?

1495

Hon. Dr J E Cortes: No, Mr Speaker, we are considering options. I have nothing to add. I think the Chief Minister alluded to this at the last meeting of Parliament. Instead of saying I am not

answering or referring to that, I have given him that answer in good faith. We are considering options and that is why we have not acted upon the licence, even though we could have done.

Q757/2016
Fishing nets –
Use in British Gibraltar territorial waters

Clerk: Question 757. The Hon. D A Feetham.

1500 **Hon. D A Feetham:** Mr Speaker, does the Government take the view that the Nature Protection Act bans the use of all types of fishing nets in British Gibraltar territorial waters?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1505

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government takes the view that the law is clear.

1510 **Hon. D A Feetham:** Can I just refer the hon. Gentleman to section 10, which is the operative section – it is a section that he himself amended a couple of years ago. The section now reads that there is a ban:

‘any gill net other than a trammel net’

Is it the position that trammel nets are nets that are allowable in British Gibraltar territorial waters – and what kind of nets are we talking about?

1515 Let me just explain. I have had a number of representations from people in relation to this. My understanding has always been that all types of nets have been banned in British Gibraltar territorial waters, but this was drawn to my attention and it actually does seem to me that there is a point there, in that the use of the words ‘any gill net other than a trammel net’ does appear to mean that trammel nets are basically allowed.

1520 **Hon. Dr J E Cortes:** Mr Speaker, the Nature Protection Act bans the use of drifts, seine, and trammel and gill nets. Trammel is a type of gill net. I do not have a copy of the law in front of me, but the exclusion ... If the hon. Member, being a lawyer by profession and experience, reads what it says, it does not say that trammel nets are excluded from the ban; it just refers as to the possibility ... As I say, I do not have it in front of me. It just refers to those in one section, as opposed to in a different section, but it does not say that these nets are not banned. All drifts, 1525 seine, trammel and gill nets ... Hand nets and butterfly nets are not banned, but all others are.

1530 **Hon. D A Feetham:** Mr Speaker, would the hon. Gentleman at some stage meet me behind the Speaker’s Chair so that I can take him through the section? My understanding was exactly the same as the hon. Gentleman’s understanding, that all these nets are banned in British Gibraltar territorial waters, but then when my attention was drawn again to section 10 I read the words ... Section 10 starts:

Subject to the provisions of this Part, if any person ... uses ... any drift net, any gill net other than a trammel net ...

he commits an offence. In the logic of what these individuals are telling me, that actually it means that a trammel net is excluded, it did seem to me to have some potency, if I can put it

1535 that way, and I would just like to be able to show the hon. Gentleman the section. Or perhaps he has an explanation now.

Hon. Dr J E Cortes: No, Mr Speaker, I would want to see it in front of me. I am certain that that is not what that ... It is certainly not what it is supposed to say, but I would be very happy to have the discussion behind the Speaker's Chair to clarify the situation.

Q758-760/2016

**Macaques –
Spaying**

Clerk: Question 758. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, are all macaques selected for spaying being selected by a primatologist?

1545 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 759 and 760.

Clerk: Question 759. The Hon. D A Feetham.

1555 **Hon. D A Feetham:** Mr Speaker, how many macaques have been spayed in the last four years?

Clerk: Question 760.

1560 **Hon. D A Feetham:** Mr Speaker, have all macaques selected for spaying had offspring in the past?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1565 **Hon. Dr J E Cortes:** Mr Speaker, it appears that the Leader of the Opposition is saddened by the fact that I am no longer Minister for Health after he took over responsibility. He is now assuming an environmental role so he can still ask me questions directly. I am honoured!

1570 Mr Speaker, no macaques have been spayed. (*Interjection*) (*Inaudible*). Spaying will interfere with the behaviour of the animals and the social stability of the groups and therefore has never been considered as a method for managing Gibraltar's macaque population.

Hon. D A Feetham: I can assure the hon. Gentleman that it is not my intention to stalk him, if that is the allegation that he has made; I am just discharging my duties as a humble Leader of the Opposition!

1575 Mr Speaker, if they have not been spayed ... Perhaps I have used the wrong terminology – sterilised ... If he could just simply substitute the word 'sterilised' for the word 'spayed' in the three questions and provide me with an answer, I would appreciate it.

1580 **Hon. Dr J E Cortes:** Mr Speaker, there is such a fundamental difference between the two that I should probably ask for notice, but I am not going to do that to him.

1585 Mr Speaker, there is a fundamental difference, which is relevant, because spaying is, to use a medical term, is ovariectomy – it is the removal of the ovaries; whereas what is being done is a ligation of the fallopian tubes. The clear difference is that the implication of removing ovaries on the whole hormonal balance of the animal and therefore on their social status and their social interaction is such that it is much more complex, with much greater implications, than if you cut the fallopian tubes. That is the difference.

1590 In respect to this, Mr Speaker, on the question of a primatologist, a primatologist is a person who studies primates, from whichever discipline, whether it is a veterinarian, a zoologist, an animal behaviourist, an ape keeper, or even a Minister! Therefore, the selection for sterilisation and not for spaying is carried out by the team that work day to day with the macaques and therefore, by definition, they are primatologists.

1595 I think the third question was ... Yes, all the macaques had had young, except for three from the pack that frequents the incinerator, because this is a pack that is beginning to grow and although it is not causing any problems yet we are trying to pre-empt it, so we are trying to reduce the population there perhaps quicker than we need to in other areas.

Q761-763/2016

**Learning Support and Special Education Needs facilities –
Statistics re use**

Clerk: Question 761. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1600 **Hon. T N Hammond:** Mr Speaker, can the Government provide statistics per school year and school of students attending the Learning Support facilities since September 2012?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1605 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 762 and 763.

Clerk: Question 762.

1610 **Hon. T N Hammond:** Can the Government provide statistics of how many students have been attending the Learning Support facilities per school year since 2012 at each individual school where the facility is provided?

Clerk: Question 763.

1615 **Hon. T N Hammond:** Can the Government provide statistics, of how many students have been attending the Special Education Needs facilities per school year at each individual school where this facility is provided?

1620 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Hon. Dr J E Cortes: Mr Speaker, the information requested by the hon. Member is set out in the schedule which I now hand to him.

Notre Dame

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Reception	5	0	6	7	7
Yr1	3	11	3	7	9
Yr 2	6	8	12	4	8
Yr 3	6	4	8	11	10

Bishop Fitzgerald

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr 4	5	8	6	6	9
Yr 5	8	4	8	7	6
Yr 6	4	2	4	8	7
Yr 7	2	3	2	5	8

Bayside

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr8	6	4	2	3	6
Yr9	5	7	4	1	1
Yr 10	4	5	6	4	1
Yr 11	3	4	5	4	4
Yr 12	0	0	1	1	2
Yr 13	0	0	0	1	1
Yr 14	0	0	0	0	1

Westside

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr8	1	1	2	0	1
Yr9	3	5	1	2	2
Yr 10	4	2	4	1	1
Yr 11	0	4	2	3	1
Yr 12	2	0	4	1	3
Yr 13	0	0	0	0	0

1625 **Hon. D A Feetham:** Mr Speaker, at the risk of being accused of me stalking the hon. Gentleman, can I return to the question on the macaques? When I changed my question to the use of the word 'sterilisation' he never gave me an answer to the question of how many animals have been sterilised in the last four years.

1630 **Hon. Dr J E Cortes:** I do apologise, it was unintentional: 29, Mr Speaker.

Hon. D A Feetham: And are these spread evenly over the last four years, or is there a particular concentration? Does he have the breakdown?

1635 **Hon. Dr J E Cortes:** Mr Speaker, these are all this year. There have been 29 this year, most of which ... I think there may have been an additional two which have been given a contraceptive implant, but these are all this year, spread throughout all the groups.

1640 **Hon. D A Feetham:** But my question relates to the last four years: does he have the figures for the previous four years, or have there been none?

Hon. Dr J E Cortes: There have been ... Again, the question for sterilisation, which is the surgical interaction, which we started this year, so that there has been the use of contraceptive implants in previous years. I do not have that information, because I have collected specifically for the new procedure and that only started this year, so there is nothing in previous years.

1645 Mr Speaker, I am happy to share, if he does remind me, the information on the contraceptive implants over the last few years.

1650 **Hon. D A Feetham:** And just finally ... I recall the hon. Gentleman answering some questions in the past about this, and one of the points that he made, which perked my interest – because he knows that I share an interest in some of these issues on the Upper Rock etc. – is that no primates, no monkeys that had not had offspring were selected for sterilisation. I thought the word was ‘spayed’ but we know it is ‘sterilisation’, because it could affect that individual’s progress within the group.

1655 I am not an expert, but the answer that he has given me in relation to the question of how many have been sterilised that have not had young has been three, and three in a particular group and that is in relation to the Incinerator. The justification was that this is a big group slightly out of control – we have got to keep it under control, we are making an exception. But surely selecting just simply young females that are sterilised, that have not had babies, may not necessarily deal with the question of controlling the numbers. Well, it does control the numbers, 1660 but why couldn’t you have selected females that have already had young, because there must be females there that have had young, that come from the middle of the social structure, rather than females that have had no young and therefore is objectionable on the grounds that the hon. Gentleman has outlined in this House in the past?

1665 **Hon. Dr J E Cortes:** These decisions are not easy. I need confirmation as to whether in that group there have also been females with young that have been sterilised. I do not have that information here; I do not have the full breakdown.

1670 There are a couple of things here. One is that this group is not yet giving problems because it is staying within that area; but for a number of reasons, if the group splits and starts to move into other areas – and there are built-up areas in the Europa Point area – it would start giving us the kind of problems we want to pre-empt, and therefore action has got to be taken pretty quickly.

1675 There is also another problem. They are a very wild group, not in the sense of aggression but in the sense of shyness, and therefore the older females are actually very hard to catch and it is much easier to catch the younger ones, and then one has to take a decision. If we do not sterilise them now when we catch them and they are young, they may become impossible to catch when they grow older and then they will start having babies, and then we will have to be in a position either that they are creating mischief in the surrounding built-up areas ... would we have to go – God forbid, if I may say – into consideration of putting animals down, and it is much 1680 more humane, if you look at it in that context, to actually sterilise now and to assume that the fact that they are not going to have young means that they are not going to go very high in the hierarchy but it is the lesser of the evils. That is a decision that is taken based on the knowledge of the animal.

1685 **Hon. D A Feetham:** My understanding of this particular group is ... Well, not the individuals that are there, but there has been a group of monkeys in that area going back decades, if not even longer. My understanding is that all the way up to where the football pitch is now being planned to be built is one of the areas where there has been continuous habitation by monkeys going back the longest. Is he satisfied that taking into account that the sterilisation of three 1690 individuals that have not had any young, for all the reasons that he has explained to this House in the past, is not going to upset the social structure of a group that goes back so many years?

1695 **Hon. Dr J E Cortes:** Three among that number will cause particular problems in certain circumstances to those individuals, but because it is only a small section of the group I do not think it is going to affect the group as a whole, other than to reduce the long-term number of young produced, which is something that we have to aim for because we do not want this group

to do what groups in the past have done in the Laguna area and so on. Therefore, this is certainly a better option in our mind than large-scale culling of a group.

1700 Obviously – and we are still exploring exportation and we are successful, people are interested in small numbers – if we had another situation like we had in Scotland a couple of years ago where they want a whole group, this is the group to try and catch. It is going to be difficult, but this is the kind of group that we would take as a whole group and remove the problem from the area. In the meantime, I think that sterilising a few of the young females is probably a wise move and would not have huge implications as has been mentioned.

1705

Mr Speaker: Are there any supplementaries arising from the schedule to Question 763? No, then Question 764.

Q764/2016
St Martin's School –
Statistics re attendance

Clerk: Question 764. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1710

Hon. T N Hammond: Can the Government provide statistics of how many students have been attending St Martin's School, including Early Bird's Nursery, per school year since 2012, broken down by ages as at the end of each school year?

1715

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is set out in the schedule, which I now hand over.

SCHEDULE TO QUESTION 764 OF 2016

St. Martin's School Pupil Statistics

Age (years)	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 – 2017
5	6	4	4	6	6
6	6	7	5	4	4
7	3	3	4	6	2
8	4	3	5	3	6
9	1	3	3	4	4
10	4	3	3	3	4
11	2	3	1	3	4
12	1	2	4	1	2
13	1	1	2	4	1
14	2	2	1	3	4
15	1	1	2	1	2
16	1	1	1	2	1

Early Birds Nursery Pupil Statistics

Age (years)	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 – 2017
3	8	8	6	4	5
4	8	7	9	12	12

1720

Mr Speaker: Perhaps we can deal with Question 765 and come back to 764, if necessary.

Q765/2016

**Special Education Needs students leaving education –
Policy for assistance**

Clerk: Question 765. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1725 **Hon. T N Hammond:** Can the Government explain what is the policy and procedure to assist students leaving the education system who have been attending the Special Education Needs facilities full time?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1730

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the senior leadership teams in both schools work with the students and parents to either secure a place at the college to continue their education or to find work through the Employment and Training Board. The procedure normally starts at the beginning of year 10 in preparation for them leaving at the end of year 11, but can be later as some of the students do stay on into year 12 and year 13. The schools engage with the parents and the students through a series of meetings.

1735

Mr Speaker: Any supplementary? No.

Q766-767/2016

**Working Committee on Co-Education –
Members of Committee; Bayside School**

1740 **Clerk:** Question 766. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please reveal the identities of those individuals who are members of the Working Committee on Co-Education, together with the date when they joined the Committee?

1745

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with Question 767.

1750

Clerk: Question 767. The Hon. Ms M D Hassan Nahon.

1755 **Hon. Ms M D Hassan Nahon:** Having regard to the Minister for Education's announcement regarding the appointment of a working group on co-education, can the new Bayside School that has been promised be completed within this electoral term?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1760

Hon. Dr J E Cortes: Mr Speaker, the GLSP/Liberals manifesto from the 2015 elections posed the question whether co-education was a good or a bad idea for the comprehensive schools. It went on to say that this must be reviewed dispassionately and on a non-partisan basis by experts. The idea of putting together a group of experts to review co-education was therefore raised in the manifesto itself.

1765

Co-education for the Comprehensive schools was discussed between the Minister for Education at the time, the Hon. Gilbert Licudi, and senior officials at the Department of Education on several occasions both before and after the 2015 elections. In late August 2016, the then Minister for Education, my hon. Friend, was sent the interim report of 2006, which he referred to during the recent debate in Parliament on the motion on co-education. The Minister gave instructions in early September 2016 for the working group to be set up.

1770

The composition of the group is as follows: Darren Grech, Acting Director of Education; Dympna Holmes, Senior Executive Officer of the Department of Education; Stuart Borastero, President of the Gibraltar Teacher's Association; Michelle Barabich, Headteacher of Westside School; Michael Tavares, Headteacher of Bayside School; Kenneth Saez, Headteacher of St Bernard's Middle school; Stephen Reyes, parent; and Angelique Linares, parent.

1775

The Government is confident that it will be able to deliver on its commitments in respect of the new Bayside School.

1780

Hon. Ms M D Hassan Nahon: Thank you for that information, but my question was mainly aimed at the logistics of how exactly can the Government commit to an expensive project of a school for boys, a manifesto commitment that will be completed supposedly within the next three years, while a debate on co-education is going on, in terms of the logistics of the school and the element of the school that will be bespoke, I imagine, for boys, whilst they have not decided yet whether co-education will be taken over.

1785

Hon. Dr J E Cortes: Mr Speaker, I am confident that this can happen. I think it is interesting to note that the manifesto of the GSD at the time, which the hon. Member was a member of the last election, had planned to build a new huge co-educational school, where there had been no consultation.

1790

I have no worries at all on this. Clearly the co-education committee is going to be providing its recommendations very soon in the next few months and the planning for the new school, which has already started, will run parallel to this, and if there is a change in the policy on co-education it will be factored in at such a time. I think that the project can very easily absorb whatever the policy is determined in the end.

1795

Hon. Ms M D Hassan Nahon: Thank you.

Mr Speaker, can I just remind the hon. Gentleman that it was not inconsistent for the GSD to, in its manifesto, suggest a co-education school, for example. What I am arguing is that how are we sure that we can build a new Bayside while the co-education argument is going on? But the GSD, in its manifesto, was very clear that this new school was going to be mixed, so the logistics would have taken that into account. I take into account what the hon. Gentleman says and I would just like to ask him when does he believe that this consultation process will be completed – when will we know more about what decision has been taken with regard to whether we are going to see a new high school of co-education, or not, being built within this electoral term?

1800

1805

Hon. Dr J E Cortes: Mr Speaker, as I recall, in the debate here just a couple of weeks ago I think my hon. Friend mentioned that the working group would report back in March and then there would be a wider consultation, so we will need to take a decision within this academic

1810 year and that will be plenty of time to make any adaptations to any designs should significant adaptations be required.

Hon. Ms M D Hassan Nahon: So the Minister is saying that he is confident that in a two-year window we will have a brand-new high school built as per the recommendations of this committee?
1815

Hon. Dr J E Cortes: Mr Speaker, starting now it is a three-year window. (*Interjection*) Yes, but the planning process is part of the process and very often is the one that is more painstaking than the actual construction, so I am confident that we will be able to deliver in the next three years.
1820

Hon. D A Feetham: Mr Speaker, with the exception of Mr Reyes and Ms Linares, both of whom I understand are accountants, everybody else is in the educational field. How were these individuals chosen on the parents side and why was there not an advert or an attempt to cast the net wider in terms of participation by parents – for example, the Parents Association or indeed the Gibraltar Women’s Association, things of that sort?
1825

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon G H Licudi): Mr Speaker, it seems that we are damned if we do and we are damned if we don’t. So we set up a working group, we set the whole process in place, we start working on the issue of whether there should be co-education or not, and then the hon. Member starts complaining about the methodology of how we have come about doing the working group.
1830

This was not a ministerial decision. The manifesto itself made it clear that this had to be reviewed dispassionately by experts. It was put in the hands of experts at the Department of Education, they made a recommendation and I accepted all the names in their list of recommendations. So it was not as if I went round deciding who is going to be part of this and who should be a parent. They were recommendations made by the experts who are knowledgeable in this field. They felt that these two parents were the right persons to approach and to recommend to the Minister that they should be included in the working group. I had no reason to doubt that judgement, that view that was taken by the professionals, and therefore I approved the list that was given to me. It was as simple as that.
1835
1840

Hon. Dr J E Cortes: If I may add, Mr Speaker – and I am grateful to my hon. friend for assisting in the reply – I totally agree, and, having seen the professional manner in which the Department for Education conducts its affairs, they will have been very thorough in making a good choice of working group.
1845

Let me just say that this does not mean that nobody else is going to be consulted. This is a group that will be able to discuss and can consult, and I already myself have meetings planned with the Women’s Association and with representatives of the students to discuss this and other matters, so it does not mean that nobody else will have a say. There will be broad consultation and there will be broad involvement, so I do not think anybody need fear that that is not going to happen.
1850

Hon. D A Feetham: Mr Speaker, I have neither used the word ‘fear’ nor attempt to instil any fear. Still less, Mr Speaker, does the hon. Gentleman, Minister Licudi, have to get on his high horse about a question that just simply seeks to enquire about Government policy.
1855

It just strikes me that if the Government has set up a working group that it says is composed of experts and the only two non-experts are Mr Reyes and Ms Linares and there has been no attempt to advertise more widely in order to seek participation in what is a recommending body –and indeed a very important body as far as this particular issue is concerned – I am asking why hasn’t the Government cast the net wider.
1860

1865 Can I ask this: does the Government intend to? Because it is not limited to these people, does
the Government intend to? Can I suggest to the Government that it does cast the net wider and
perhaps include some of the parental organisations within this group, so that the
recommendations that are made by the working group are the best possible recommendations
in the circumstances. It is certainly my view that the wider the representation of that working
group by reference to interested stakeholders – and parents clearly are; these are just two
individuals who have no experience, as far as I am aware, of anything education related ... that
1870 the wider you cast the net by reference to representational groups, the better the
recommendations are going to be. That is the only point that I am making.

Hon. Dr J E Cortes: Mr Speaker, first of all, let me say that the two parents in question may
have their own views as to whether the fact that they are parents with children in school may
not make them have experience in education-related matters.

1875 I do not know whether the Hon. Leader of the Opposition would have liked the Department
of Education to have held interviews for the post of member of the working group – I think we
are going over the top. I think we have a soundly formed working group which will reach out to
all the parties who are interested.

1880 I here and now invite anybody who wants to make a representation on the subject to write in
and to submit their views, and if needs be they will be called for discussion. I do not think there
is any need to amend the composition of the working group now, but what we will ensure is that
everybody who wants to have a say, has a say.

Hon. D A Feetham: And will the Government include any student organisations within this
1885 particular working group?

Hon. Dr J E Cortes: Mr Speaker, I said earlier that I already have, in my diary, a meeting with
representative of the students.

1890 **Hon. D A Feetham:** No, Mr Speaker, that is a different answer to the question that I have
asked. The Hon. Minister may have, within his diary, a meeting with students or with student
organisations. The question is: is he going to include within the working group, which at the end
of the day is the body that makes the recommendations to the Government, any students or
student organisations?

1895 **Hon. Dr J E Cortes:** Mr Speaker, this matter was debated at length in a full debate just two
weeks ago or less – last week. Therefore, I would refer the hon. Member to *Hansard*. Most of
these points have already been discussed and if there is anything, after the hon. Member has
read *Hansard*, that he is not clear about, then I would be very happy to answer his letters or to
1900 have further questions in Parliament, but I think we are just going over and over ground that we
have already covered. In fact, I made a specific point at the time by reminding the House that I
was myself Chairman of the then Gibraltar Union of Students and clearly I will ensure that
students are involved in the discussion process.

1905 **Hon. R M Clinton:** Mr Speaker, if I may, turning back to the original question about the
members of the working group, can the Minister advise, given that there is quite a short
deadline to report, being March 2017, can the Minister advise the date of the letter of
appointment of the members of the committee? I presume the members were notified in
writing of their appointment to this working group.

1910 **Hon. G H Licudi:** Mr Speaker, I do not know whether there was a letter of appointment. What
I know is that I gave an instruction and the hon. Member, my colleague Dr Cortes, has given the
timeline of what has happened and how it happened. I gave an instruction. I was given a

1915 recommendation as to a list and I approved that list, and those people may have been called, may have been told – I just do not have the information as to how they were informed or whether there is a letter of appointment.

1920 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information. What I do know is that on virtually day two or three of my having taken over the new responsibilities I was told about this group and its composition.

1925 If I may just comment, Mr Speaker – and this really must not become a debate when we have just had one – the Government was accused during the debate of secrecy and lack of transparency by not even wanting to present the names of the group, which I did not have at the time. Today we have done it and now faults are being picked into the composition. I really do not know where we are going to.

1930 **Hon. R M Clinton:** Mr Speaker, if I may come back to the former Minister of Education, he said that the list was approved by him and then he presumes that the members were contacted. Can he advise the House when he approved that list?

Hon. G H Licudi: I just do not know. I know that the instructions were given in early September to set up the working group and at some point a list was given to me and I approved it. I certainly do not remember the date.

Q768/2016
Comprehensive schools –
Security

1935 **Clerk:** Question 768. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Minister for Education aware that at present any member of the public can walk into any of the two comprehensive schools unchallenged?

1940 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1945 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this is indeed a deficiency which needs to be and is being addressed. This said, it is a longstanding problem that existed even before this Government was elected.

1950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful that the Minister says that he will be dealing with it. We are living in a very dangerous world, and I come from a perspective, once again, of security. I do have an interest, of course: I have two children, one in Westside and one in Bayside, and I find it amazing how I can go in and out whenever I please, yet the other two children that I have in middle schools, that is not the case. I find that generally middle schools are very well secured, but these high schools, the secondary schools are not – and not only from a point of security, but I understand that there have been moments when parents have actually gone into the schools and been rather abusive to teachers for whatever reason, so I would like to ask will this be dealt with as a matter of priority and urgency, please.

1955 **Hon. Dr J E Cortes:** Yes, Mr Speaker, already discussions have... even before I took over as Minister for Education I know that discussions have been held as to the way to do it. One does not want the school either to appear to shut its doors to the communities, but certainly people

1960 moving in through the school is not something that we want and different options are being considered, including access to a reception area where parents can legitimately go and not feel that they cannot go if they have any concerns, but that between there and the rest of the school where the children are, and so on, there should be some other facility. So this is being looked at and I do take the matter very seriously, so let me reassure the hon. Lady that this is being looked at.

1965

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now recess until 3 p.m. this afternoon.

Mr Speaker: The House will now recess until three this afternoon.

The House recessed at 12.55 p.m. and resumed its sitting at 3.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 3.55 p.m.

Gibraltar, Friday, 18th November 2016

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The House adjourned at 3.55 p.m. 20

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Procedural

Mr Speaker: For the sake of the Hansard, we will record and welcome that Mr Craig McDonald is Acting Clerk this afternoon.

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q716/2016

People with disabilities – Care received outside Gibraltar

Acting Clerk: Answers to Questions continued, and we continue with Question 716.
5 The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government disclose how many people with disabilities receive care outside Gibraltar, detailing where the care is given and what type of care is received?

10 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are currently six adults with learning disabilities receiving care outside Gibraltar. These include three in Wales, one in Devon, an additional person in Cornwall and one additional person in Estepona, Spain. All of these individuals are receiving full-time residential care.

Q717/2016

Respite care in disabilities – Number of available beds

Acting Clerk: Question 717. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

15 **Hon. T N Hammond:** Can the Government provide statistics of how many beds are available for respite care in disabilities as at 30th March for the years 2012, 2013, 2014, 2015 and 2016, and 9th November 2016?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the number of available beds for respite care is three, and one for emergencies.

Q718/2016
Residential facilities –
Number of residents

Acting Clerk: Question 718. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

The Hon L F Llamas: Can the Government provide statistics as to how many service users are currently residing at the Dr Giraldi Home and other associated residential facilities?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a total of 19 service users are currently residing at Dr Giraldi Home and satellite units under its remit. The breakdown is as follows: flat 1, five service users. flat 2, four service users; flat 3, two service users; flat 4, one service user; flat 5, one service user. flat 6, two service users.

Mr Speaker, in respect of satellite units in the community: four service users.

Q719/2016
St Bernadette's School –
Number of attendees

Acting Clerk: Question 719. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, can the Government provide statistics of how many service users have been attending St Bernadette's per school year since 2012, broken down by ages as at the end of each calendar year?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I hand over to the hon. Gentleman a schedule with the requested information.

Whilst the gentleman usher takes the schedule to the hon. Gentleman, perhaps, for the benefit of the hon. Members opposite, and as my hon. colleague and learned Friend Samantha Sacramento has reminded me, St Bernadette's does not operate as a school year, it operates all year round except for public holidays.

Answer to Question No 719 of 2016

	2012	2013	2014	2015	2016
Aged 16 - 21	5	5	7	8	8
Aged 21 - 30	9	9	9	9	9
Aged 30 - 45	6	7	6	7	7
Aged 45 - 65	5	5	5	4	4
Above 65	0	0	0	1	1

Q720/2016

**Team Leader of the Disability Team –
Update re recruitment**

Acting Clerk: Question 720. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

50 **Hon. T N Hammond:** Further to Question 155/2016, can the Government provide an update on the recruitment of the post of Team Leader of the Disability Team?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

55 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, an internal advert was issued on 23rd October with no applicants applying for the position of team leader for the Disability Services.

There was an external advert placed in the Gibraltar *Chronicle* in November 2015. Two applications were received and both were unsuccessful.

60 The position is still vacant with a suitably qualified person seconded into this position.

Q721/2016

**Employees acting in post –
Confirmation of posts involved**

Acting Clerk: Question 721. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

65 **Hon. T N Hammond:** As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees who are acting for a post which is not the post they were specifically employed to do, and since when?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

70 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 721 of 2016.

Admin and Social Worker Posts

Post	Acting Post	Date of Acting	Temporary promoted	Secondment Date
Head of Service Children	CEO		14/12/2015	
Deputy Nursing Coordinator (ERS)	Head of Service Disabilities			01/07/2012
Senior Social Worker	Head of Service Children's		29/12/2015	
Senior Social Worker	Head of Service Adults	01/06/2016		
Social Worker	Senior Social Worker (for Nicole Viagas)	01/03/2016		
Social Worker	Senior Social Worker (Vacant position)	15/02/2016		
Social Worker	Senior Social Worker (for Jennifer Poole)	01/06/2016		

Continued answer to Question 721 of 2016

Disabilities

Post	Acting post	Date of Acting
Unit Manager	Covering maternity leave	07/03/2016
Manager St Bernadette's	Vacant Post	07/09/2016
Deputy manager St Bernadette's	Vacant post	07/09/2016

Children's Services

Post		Acting Post	Post Holder	Date of Acting
Care Worker	Tamara Gomez	Senior Care Worker	Vacant	01/10/2011
Care Worker	Alex Britto	Senior Care Worker	Vacant	29/08/2011
Care Worker	Clare Lockwood	Senior Care Worker	Vacant	02/09/2013
Care Worker	Pedro Verdaquer	Senior Care Worker	Vacant	04/05/2013
Care Worker	Tanya Dalmedo	Senior Care Worker	Vacant	29/09/2014

Mr Speaker: We can come back to Question 721, because the schedule is longish, and deal with any supplementaries that may arise from that.

**Q722/2016
Care Agency –
Details of posts**

75 **Acting Clerk:** Question 722. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees employed specifically by the Care Agency to carry out these posts?

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Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

85 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, Government can confirm that the following posts, as described in pages 196 and 197 of the Government Estimates 2016-17, are being carried out by employees employed directly by the Care Agency. The information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 722 of 2016

Page 196

Administrative Grades

Clinical Standards Compliance Director (1)
Higher Executive Officer (2)
Executive Officer – (5)
Administrative Officer – (13)
Personal Secretary – (1)
Administrative Assistant – (5)

Other Grades

Head of Service (1)
Senior Social Worker (2)
Counselling Psychologist (1)
Social Workers (20)
Assistant Social Workers (2)
Trainee Social Workers (4)
Community Elderly Needs Coordinator (1)
Day Centre Coordinator (1)
Drugs Counsellor (1)
Drug Keyworker – (1)

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Disability Services – Dr Giraldi Home

Manager (1)
Registered Nurse (4)
Admin Assistant (1)
Unit Manager (4)
Social Care Worker (62)
Domestic Worker (3)

Disability Services – St Bernadette's

Occupational Therapist (1)
Enrolled Nurse (1)
Classroom Aide (14)
Driver (1)

Children's Residential

Unit manager (1)
Social Care Worker (40)
Administrative Officer (1)
Administrative Officer (PTH) (1)

Rehabilitation Centre

Administrator (1)
Counsellor (3)
Care Workers (8)
Admin Officer (1)

Q723/2016

**Dr Giraldi Home, Children's Home and Rehabilitation Services –
Subcontracted workers**

Acting Clerk: Question 723. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

90 **Hon. T N Hammond:** As at 9th November 2016, can the Government disclose how many subcontracted workers were working at each of the following establishments, together with the identity of the employer the subcontracted worker is employed by: Dr Giraldi Home, Children's Home and Rehabilitation Services?

95 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as at 9th November the following are the subcontracted workers working at the following establishments: Dr Giraldi – Grand Home Care 15, ADA 30; Children's Home – Grand Home Care 8, ADA 33; Rehabilitation Services – Grand Home Care 2.

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Q724/2016

**Social Services and Care Agency–
Subcontracted workers**

Acting Clerk: Question 724. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

105 **Hon. T N Hammond:** Can the Government provide a detailed schedule of the commencement date for each subcontracted worker working within Social Services and the Care Agency as at 30th June 2016, together with the role being carried out by each subcontracted worker, the care provider they are employed by, the reason for requiring their services and the area in which they were working?

110 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

115 Again, for the benefit of the hon. Gentlemen opposite and for the benefit of Mr Llamas in particular, he should be aware that I believe it was in 2009 that Social Services and another entity merged to form the Care Agency, so it would not be technically appropriate to call it 'within Social Services and the Care Agency' because the Social Services are subsumed within the Care Agency – just for his benefit.

Answer to Question No 724 of 2016

Role being carried out	Care Provider	Reason for Requiring Service	Area Working
Care Worker	ADA (6) GHC (7)	5 Vacant Posts 5 Maternity Covers 1 Suspended 2 Acting	Dr Giraldi
Registered General Nurse	ADA (1) GHC(1)	2 Vacant Posts	Dr Giraldi
Care Workers	ADA (11) GHC (2)	13 New Admissions and Respite Services	Dr Giraldi
Care Workers	ADA (10) GHC (6)	16 New Admissions	Satellite Residential Flats, Disabilities
Care Workers	ADA (4)	1 Maternity Cover 2 Suspended 1 Study Leave	St Bernadette's
Care Workers	ADA (4) GHC (1)	5 New Admissions	St Bernadette's
Care Worker	ADA (33) GHC (8)	1 Vacant Post 8 Acting Seniors 2 Interdicted 1 Maternity Cover 8 Covering sick leave 4 Parenting Assessments 17 Extra Support	Children's Residential Services Tangier View + Satellite flats
Care Worker	GHC (2)	2 Vacant post (1 Covers up for Cook/care worker when on sick or Annual leave)	Bruce's Farm Rehabilitation
Administrative Staff	S&K (10)	1 Admin Officer 6 Admin Assistants 1 Extra Admin Staff (Tangier View) 2 Vacant Post at Elderly Residential Services	Throughout the Care Agency
Counsellors	S&K (2)	2 Vacant posts	16 Governor's Parade
Day Care Assistants	S&K (2 part-timers)	1 Vacant post	Waterport Day Centre
Domestics	S & K 8 JFM 7	4 Vacant posts 9 new posts to cover JM Home 1 Maternity Cover	All throughout Mount Alvernia, John Mackintosh Home
Hybrid Labourer	S&K 1	Vacant post	Mount Alvernia / John Mac Home

Hon. D A Feetham: Mr Speaker, may I return to Question 721?

120 Question 721 is the question about the individuals who are acting for a post which is not the post they were specifically employed to do. The Hon. the Minister provided a schedule, and the schedule basically provides that the Head of Children's Service, a CEO, the Deputy Nursing Co-ordinator, the Senior Social Worker, Head of Service ... are individuals acting as CEO, Head of Service Disability, Head of Service Children, Head of Service Adults, Senior Social Worker, Senior Social Worker and Senior Social Worker ... And then, over the page, in Children's Services there are care workers who appear to be acting in senior care worker posts, some going back to 2011.

125 It just appears to me that there is an awful lot of acting in senior positions in this particular Department. Does the hon. Gentleman feel comfortable with such a level of senior acting in this particular Department?

130 **Hon. N F Costa:** Mr Speaker, I am afraid that I do not follow the hon. Gentleman, and I will tell him why. The supplementary information that I have in respect of Question ... Is it 722? (**A Member:** No, 721.) Yes, now I have it.

Hon. D A Feetham: If you look at 721, the schedule, you will see the post, Head of Children's Services, acting post CEO, then Head of Service Disability, Head of Service Children, Head of Service Adult, Senior Social Worker, Senior Social Worker, Senior Social Worker ... All those are acting, and then over the page you will also see that there are five senior care workers acting, some of them going back to 1st October 2011. Indeed, when we were in government the most recent senior care worker started acting on 29th September 2014. That is over two years ago. I was asking the Minister whether he feels comfortable with this level of acting at such a senior level in this particular Department.

Hon. N F Costa: Mr Speaker, I think, for the purposes of *Hansard*, the first thing to say is that, if we refer to the schedule that I provided to the hon. Gentleman, in respect of the Head of Services of adults and the Senior Social Worker, the date of acting is from June 2016, March 2016, February 2016, and again June 2016 and indeed September 2016. So I do not want the public to have the impression that these senior posts have had people in acting positions since the only date mentioned by the hon. Gentleman opposite, which was 2011. The reality is that these senior positions have persons acting in them since this year.

In respect of the senior care workers, which the hon. Gentleman specifically referred to in the course of his supplementary, which is date of acting of 2011, the hon. Member may recall, as my hon. and learned Friend Miss Sacramento has reminded me, these particular positions are currently the subject of discussions with the unions, the ones relating to 2011.

So, to answer his supplementary, in respect of those senior positions acting, as I have said, they are since this year, and so, having met with the top management team of the Care Agency and discussed, as he can imagine, a series of issues since being allocated responsibility for the Care Agency, they have not raised with me any particular or material issues of concern in this respect.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has referred to four of those senior posts, which are 2016, where this particular post holder started acting, and I will come back to that in a moment. But in relation to the CEO temporarily promoted in 2015, the Head of Children's Services temporarily promoted in 2015, and the Head of Disability secondment date 1st July 2012, it just does appear to me that when you look at this on the whole there are an awful lot of people who seem to be acting.

Is the hon. Gentleman suggesting that there is no concern being expressed to him in relation to such high levels of acting across the board in these areas? It does seem to me an awful lot of people are acting in posts. That is one question.

The other one is: in relation to the ones in 2016 that he quoted, is that the first time that somebody has acted in this particular post? Because of course, somebody could have been acting earlier in these particular posts – does he have that information?

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I am happy to provide further information.

Of course, this needs to be set into context in relation to the vacancies and the acting, because we are talking about an organisation that employs in excess of 300 members of staff, so for a handful of them to be acting, then ... In terms of concern, as the hon. Gentleman has mentioned, if he had a meeting with senior management yesterday and this was not on the agenda then it is not a concern of the management ... then certainly it is clear that it is not a concern.

But the reason why people are acting is because it is the knock-on effect of the person acting in the post of CEO. The person who is acting CEO used to be the Head of Children's Services, so the person who is now acting up for that person used to be the senior social worker in Children's Services and that is the knock-on effect. So, in effect, there is a chain of three people acting up because of the acting-up of one post.

185 Then there is another post of team leader of the Disability Services, which is as a result of the recent retirement of the incumbent and it is by agreement that the current incumbent will be acting in that post for a defined period of time. So that is a planned acting; it is not like it is a disorganised acting in a Department such as this, because this is probably one of the most important Departments that we have. So this is very organised, Mr Speaker.

190 In relation to the other post, that of the vacant Head of Service for the Disability Service, the hon. Gentleman has just explained that while on paper this is a post that has been vacant since 2012, it is a post that has been advertised both internally and externally, and internally there were no suitable applicants. Indeed, when it was external there were no applicants who met this criteria. Of course, when one is leading a service as important as that of the Dr Giraldi Home and
195 St Bernadette's we have to make sure that we have the highest calibre of person discharging that role. It is not a vacant post as such because the incumbent is seconded, so it is not someone who is acting into that post. So, Mr Speaker, there is a perfectly logical and reasonable explanation for these posts, which really are quite short-term posts.

In relation to the care workers, as I have explained very recently in this Parliament, that is in
200 relation to a restructure of the residential services, which, as time progresses and as the service progresses, the needs of the service and the needs of the children who we serve change and develop and we want to make sure that the posts and the job descriptions of those posts are commensurate to the needs of the service as they are today. That is something that we are in negotiations with the union. It is not as if it is something that has been left there; it is something
205 that we are actively working on with management and with the union on behalf of the staff.

Mr Speaker, the question was made to the hon. Gentleman as to whether he is satisfied with the number of acting. The hon. Gentleman has said no, and I agree with the hon. Gentleman because all of these acting posts are, of course, planned and they are controlled and in no way are these services at risk.

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Hon. D A Feetham: Mr Speaker, well then, turning to the question of senior care workers, these are acting posts. There are five: there is one from 1st October 2011 – in other words, that person has been acting in that post from 1st October 2011; another one where he or she has been acting from 29th August 2011; the next one is 2nd September 2013; 4th May 2013; and
215 29th September 2014. I hear what the hon. Lady has to say about 'controlled', but why are people acting as senior care workers for so long, when she will agree with me that these are critical areas? I would have thought that the Government would have done everything that it can in order to have settled people in those posts.

Hon. Miss S J Sacramento: Well, yes, Mr Speaker, because that is precisely what has happened. The people who are in those posts are actually settled, because they are the same people who are acting. They are acting, therefore they are being remunerated accordingly to the responsibilities that they have. And precisely because those posts are important and the people are important – because the people who work in this service are, of course, very important to
225 us, because it is about the continuity that they provide – it is exactly precisely the reason why this service, which is a residential service for children, is being restructured. But, Mr Speaker, this is being done in consultation with the unions, so it is something that is progressing. This is not something that the staff are complaining about. We are working together with the unions to find the optimum outcome for the staff and for the children for whom we both serve together.

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Hon. D A Feetham: I am afraid that I do not agree with the hon. Lady about the staff being happy with the situation, because we have received complaints about long-term acting in relation to the care workers.

How can the hon. Lady say that everything is fine, the staff are very happy, there is no
235 problem here, when you have got people acting going back to 2011? What is the reason for that? It cannot be that you are reviewing the situation. When did you begin reviewing the

situation? What is this – a review that has taken six years, five years, going back to October 2011? What are the reasons for the delay in making sure that you have permanent people in these particular posts?

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Hon. Miss S J Sacramento: Mr Speaker, we are just going round in circles here – and I will say the same: this is a ... Perhaps what happens is that the hon. Gentleman does not exactly understand the service that one provides at the residential home, but this service is certainly one that is very fluid and that progresses, and it has particularly changed a lot in the last year to 18 months. So we are working to make sure that we have the right structure in place. I will say once again that we are working with the union that represents these members of staff. We are working together. We will find, I am sure, that the hon. Gentleman and the union will work together to finalise the work that we have been doing for quite a period of time now.

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Hon. D A Feetham: Mr Speaker, I have read comments publicly from the union about ongoing discussions with the Care Agency. My understanding is that it is about also the level of acting in certain posts amongst the care workers. Is the hon. Lady saying that the union is happy with the current situation in relation to acting? Is that what she is saying when she says that she has received no complaints in relation to this?

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Hon. N F Costa: Mr Speaker, no, that is not what the hon. Lady has said. What the hon. Lady has said is in fact that we are meeting ... although there have been meetings and meaningful discussions and progression with the unions in respect of these acting positions.

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But if I may, Mr Speaker, I think the hon. Gentleman needs to accept that in the schedule that I have provided him there are only two positions that go back to 2011 and the other ones are of 2016 – they are this year. *(Interjection)* Yes.

Hon. D A Feetham: 2013?

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Hon. N F Costa: I have said there are two that go back to 2011, which are the ones that the hon. Gentleman has once again raised when he raised it in the course of his supplementary.

Hon. D A Feetham: Senior care workers, which is the 2011, 2013 and 2014 – there are five.

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Hon. N F Costa: Yes, okay, but when the hon. Gentleman stood to raise a supplementary he spoke about the 2011 ones, and once again I want to say ... I do not want the public to leave with the impression that there have been acting positions in that schedule since 2011. There are only two of those people who have been acting since 2011. The senior positions, which was his first supplementary to as to whether I was concerned that there were persons in acting positions at a senior level and I explained to him that there have only been since this year and that at my meeting with top management these issues have not been raised with me at my meeting. It may well be that they do raise it with me in slower time in due course when human resources issues are discussed. But I think the point was well made by the hon. Lady when she said that if these issues were, in their mind, urgent and needed to be addressed because in allowing people to act we would place the persons who use these critical services in any risk, then of course at the very first meeting you would have expected them to have raised them with me – and they have not.

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In respect of the point that he makes about the question of continuity of care, there is no such problem about continuity of care. In fact, it is a double-edged sword insofar as the fact that people have been acting since 2011 means that there has been that continuity of care since that time. So the question, with respect, is not that. The question is *why* are people acting since that time, rather than is there an issue as to continuity of care, because there cannot be because it is the same people.

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290 But let me tell the hon. Gentleman that having only been recently allocated with this responsibility it is certainly the case that I will, in due course, have discussions with the top management and with the union, and of course I will naturally seek their views as to these acting positions.

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

295 The point about continuity of care was raised in relation to the very senior post that I started asking questions about, and we do not know but I am prepared to accept that in fact there had been no acting prior to 2016 because the hon. Lady has said that this is a question of everybody acting upwards, and I accept that.

300 The questions that I am asking now, and indeed I have been asking in the last two or three supplementaries, have been on those five senior care workers who have been acting since ... two of them in 2011, two of them in 2013 and one of them in 2014. Those are the ones that we are currently on, and in relation to those ... And I know that there have been concerns that have been expressed by the unions in relation to those, because I have seen them and I have also met with people within the Care Agency who are concerned in relation to these posts and other posts in other areas. When does the hon. Gentleman expect that the negotiations with the union will be completed in relation to these five senior care worker posts that have been filled in an acting capacity going back to 2011, two of them, two of them in 2013 and one of them in 2014?

310 **Hon. N F Costa:** Mr Speaker, just yesterday I had a meeting with one of the unions – the union that represents these particular workers – and again it was a meeting where we discussed in broad strokes what the issues were. I have to tell him that in those broad strokes these posts in particular were not raised, but I am meeting with them for a much fuller, longer meeting, and indeed in that agenda, when they do send it to me, these posts may well appear – and if they do, I will get the chance to be able to meaningfully exchange views then. The hon. and learned Lady has just advised me that those discussions in any case are quite advanced, so I am hoping to be able to resolve that finally, and of course if I am able to do so in very short order it will be because of the work that the hon. Lady did, and not myself.

Q725/2016

Elderly Care Services – Subcontracted workers

320 **Acting Clerk:** Question 725. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

325 **Hon. T N Hammond:** Can the Government state the commencement date for each subcontracted worker working within the Elderly Care Services as at 9th November 2016, together with the role being carried out by each subcontracted worker, the care provider the subcontractor is employed by, the reason for requiring their services and the area in which they are working?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

330 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule that I now hand over to the hon. Gentleman.

Answer to Question No 725 of 2016

	GHC	ADA	S&K	JMF Cleaning
Qualified Nurses	20	0	0	0
Nursing Assistants	57	3	0	0
Full time Admin	0	0	2	0
Part time Admin	0	0	1	0
Full time Caterer/Domestic	0	0	10	0
Supply Domestic	0	0	0	14

	Qualified Nurse	Nursing Assistant	Full Time Admin	Part Time Admin	Full Time Caterer/Domestic	Supply Domestic
ERS	8	28	1	1	2	4
ERS SBH	0	0	0	0	0	0
JMW	12	32	0	0	3	8
Hybrid	0	0	1	0	5	2

Q726/2016
Elderly Care –
Policy re outdoor recreational time

Acting Clerk: Question 726. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, within the Elderly Care infrastructure, does Government have a policy to provide outdoor recreational time to residents on a daily basis, weather permitting?
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Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there is an internal policy which regulates the attendance of residents to outings.
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Additionally, residents have the possibility to make use of the outdoor facilities available. Relatives, but also staff, provide escort to the residents during these outings.

By way of reference, an approximate number of 150 outings were organised in 2015, including outings to the fair, concerts and beach, amongst others.
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Mr Speaker: Are there any supplementaries arising from Question 725?

Hon. E J Reyes: Yes, Mr Speaker. Looking at the schedule, the opening line for Question 725 says 'Can the Government state the commencement date for each subcontracted worker' and the schedule provides the list of who the subcontractors providing the services are and their role – qualified nurse or whatever – but I cannot quite find here the actual commencement date for each subcontracted worker.
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Hon. N F Costa: No, Mr Speaker, the hon. Gentleman is correct, the commencement date is not included for the very same reason – and I hope that we do not revisit the argument – that commencement dates would be included in the terms of engagement filed with the
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360 Employment and Training Board, and as the Hon. and learned Mr Licudi once again explained this morning in this House, such information is confidential by virtue of the Employment Regulations 1994. But I commend the hon. Gentleman for his astute observation of the absence of that fact.

365 **Hon. D A Feetham:** Mr Speaker, I have to say I admire the hon. Gentleman the flight of foot in answering that particular question – how he has avoided the need to answer the question. But has he himself obtained legal advice that suggests that confidentiality would be breached simply because we are asking not the identity of the subcontracted worker but in relation to the
370 statistics of subcontracted workers, which he has provided, and where they are actually working and in what area, be it nursing or whatever, when they commenced working within the Care Agency etc. on a subcontracted basis, because surely ... I have not looked at the section, I have to say, but my gut instinct is that giving me the date of when these subcontracted workers commenced their placement within the Care Agency is not revealing and not breaching any kind of confidentiality, because the confidentiality must relate to either the employee or the employer.

375 **Hon. N F Costa:** Mr Speaker, when I replied to a question put I believe it was by the Hon. Mr Phillips, I believe it was in relation to GJBS, and I had to reply to the hon. Gentleman not because I sought to be unhelpful but because I was advised that regulation 3 of the Employment Regulations 1994 explicitly states that such information is confidential. I am aware of the Standing Orders of the House, Mr Speaker, that say that we cannot have across the floor of the House a discussion about legalities and whether one agrees with one particular legal opinion or
380 another. However, let me tell the hon. Gentleman that if he refers to regulation 3(1), and indeed (2), he will have the relevant clauses for him to consider.

But, Mr Speaker, it has to be said that we are providing to the hon. Gentleman all the information that he requests – the posts that are being subcontracted etc. – except for the commencement date, so other than that I have been as transparent as I possibly can without
385 breaching the law. But if the hon. Gentleman is concerned to know, I imagine, the posts that are being subcontracted and all that information, indeed the only thing he will not know is since when a particular person has started in a particular post.

390 **Hon. D A Feetham:** It is not a particular person because nobody has asked for the identity of the person. The issue here for us is that if you have a subcontracted worker who has been placed in a public service position – whether it is in Government or in a Government-owned company or in the Care Agency – and that person has been filling a particular public service post for, say, seven, eight, nine, ten years, it would be a matter ... I am not suggesting that is the position, but just for illustrative purposes it would obviously be a matter of concern that you
395 have a subcontracted individual in those posts for such a length of time. That is why we have asked the question how long have these individuals been placed in those posts on a subcontracted basis. He must understand the relevance and indeed the public interest in the information.

400 **Hon. N F Costa:** Mr Speaker, if I still were the Minister for Employment I would be tempted to just remove those regulations just so that the hon. Gentleman did not make so much mischief every time he stood to ask me supplementaries in this House.

I can assure the public who may be listening in, who may then read *Hansard* or indeed listen to the audio recording later on the website – as I tend to do to see how we have performed in
405 this House and whether we have been able to remain civil and provide as much information as is humanly possible – that there is no position that I am able to glean from the document provided to me by way of supplementary information ... that there is any person who has been subcontracted for anything more than 2014. So I can tell him without breaching the

410 confidentiality section of the Employment Regulations and end up getting me into hot water for
doing exactly what the law does not allow me to do, to say, as a general point that there has
been no sub-contraction – and I am double checking for him – since from before 2014.

Q727-729/2016

Dementia Care Centre –

Expressions of interest; awarding of contract; opening date

Acting Clerk: Question 727. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

415 **Hon. T N Hammond:** Can the Government disclose to whom expressions of interest for the
Dementia Care Centre were sent and when?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

420 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Questions 728 and 729.

Acting Clerk: Question 728. The Hon. R M Clinton.

425 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the contract has now been
awarded in respect of the Dementia Day Care Centre; and if so, to whom?

Acting Clerk: Question 729. The Hon. R M Clinton.

430 **Hon. R M Clinton:** Mr Speaker, can the Government please provide an update in respect of
the opening date of the residential Dementia and Day Care Centre?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

435 **Hon. N F Costa:** Mr Speaker, in respect of the dementia day facility, the GHA approached all
known companies registered locally that can provide care services on 7th September of this
year.

The GHA has interviewed shortlisted candidates and is in the process of awarding the tender.
The Dementia Day Centre opened the memory clinic component in October of this year.

440 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in respect of the residential centre I
believe that contract was already awarded to Grand Home Care – does he have an opening
date? I believe the previous Minister said some time in the autumn.

445 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I recall that I had a question ... because this is a monthly question that the hon.
Member brings and I believe that my monthly reply last time, when I had just assumed new
responsibilities, was in fact several months. I do not recall exactly, but it will be in *Hansard*, and
unless my hon. Friend tells me otherwise there has been no change. The last time that we
discussed this I think I said it is several months' time, but *Hansard* will show.

450 **Hon. R M Clinton:** Mr Speaker, if my memory serves me well – but it may not – I think it was
something like five weeks' time, but I am happy to be corrected in due course.

Can the Minister confirm that Grand Home Care is still the provider for the residential dementia facility?

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Hon. N F Costa: Mr Speaker, I do not have the information that the hon. Gentleman has asked me for, and instead of trying to recall what my officials told me during the course of this week I would rather go back and ask them and then give him the answer ... I was going to say tomorrow, but it will be Monday now. But if he would excuse me on this occasion, given the recent reallocation of responsibilities, I will definitely write to him on Monday.

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Hon. D A Feetham: Mr Speaker, may I go back to Question 725 a moment? In relation to Question 725, which was when I was asking some supplementaries, can I ask the Hon. the Minister if he could explain the actual table. There are two tables and I would just ask him to explain the difference between the two, which I do not quite understand. The first one obviously tells you that qualified nurses ... there are 20 from Grand Home Care, zero from ADA, zero from S&K, zero from JMF. Nursing assistants – there are 57 from Grand Home Care and three from ADA, zero and zero. And it continues. That I do understand, but what is the interplay between the second table, the ERS SBH ... I presume SBH is St Bernard's Hospital, John Mackintosh Ward is JMW and then Hybrid, but what is the interplay between the second table and the first table?

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Mr Speaker, if I may help the hon. Gentleman, the financial guru here to the left has just done one of his calculations and it appears that they may tally in number. So the first table – I would ask him to confirm this – is the profession and the second table is where they are located, and there is a correlation if one does an addition of the numbers. Is that correct?

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Hon. N F Costa: Yes, Mr Speaker, the Hon. Mr Clinton is correct.

Hon. D A Feetham: And ERS is where?

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Hon. N F Costa: Elderly Residential Services.

Hon. E J Reyes: And ERS SBH is St Bernard's Hospital?

Hon. N F Costa: Yes, sir.

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Hon. E J Reyes: And by 'Hybrid', Mr Speaker? That is the only one where I am lost. The other one is John Mackintosh Ward, but then 'Hybrid'?

Mr Speaker: They are the ones that throw out the papers every evening at 8.30 when they answer the emergency.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, hybrids are people who are not clinical and are not administrative – it is like the industrials. The hybrids referred to at TRS will be the messenger/labourer ... It is a hybrid of responsibilities but it is an industrial post. (*Interjections*) They will have more than one role.

495

Acting Clerk: Question 730. The Hon. D A Feetham.

Hon. N F Costa: Mr Speaker, sorry, if I may go back to the Hon. Mr Clinton, to whom I will write on Monday, but having had the opportunity to reread the question that the Gentleman asked me and how I answered, the question that he asked me at 728 is 'can the Government advise if the contract has now been awarded in respect of the Dementia Day Centre', and I said during answer that the shortlisted candidates had been interviewed and that the GHA is in the process of awarding the tender.

500

505 In respect of the opening of the residential Dementia and Day Care Centre, the question was whether Grand Home Care was still the preferred bidder ... Was that ...? I just want to get it right for when I reply to him.

510 **Hon. R M Clinton:** Mr Speaker, yes, just to clarify, Question 729 was in respect of the opening date for each of – i.e. (1) the residential day care and (2) the residential dementia centre – and then my supplementary was: is the chosen contractor still Grand Home Care for the dementia residential unit?

Hon. N F Costa: That is clear now, Mr Speaker, thank you.

Q730/2016
UK nationals working but not living in Gibraltar–
Access to healthcare

515 **Acting Clerk:** Question 730. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the policy in respect of UK nationals working but not living in Gibraltar for access to healthcare in Gibraltar?

520 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, British nationals need to produce their British passport for care under the United Kingdom reciprocal agreement.

525 **Hon. D A Feetham:** Mr Speaker, has there been any change in policy recently in this particular area? The reason why I am asking is because I have received two complaints from people who live across the way – UK nationals who are working in Gibraltar – in relation to difficulties that they have experienced accessing health services here in Gibraltar, it appears in relation to the renewal of the card that is produced that they need to renew for these purposes.
530 I just wonder whether there has been a change of policy, or is it just that there are two people who maybe have been unlucky or they have had just simply particular situations in relation to their own cases.

535 **Hon. N F Costa:** No, Mr Speaker, there has been no change of policy and I am very sorry to hear that two British nationals have had difficulty in registering. If he were to write to me with the names of those individuals I will make sure that they are attended to straight away.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, may I ask just by way of clarification? a UK national who is working in Gibraltar would not come under the UK reciprocal agreement. I think that the Leader of the Opposition needs to be aware of the difference. That person would be entitled to healthcare in Gibraltar under the good practice medical scheme. The UK reciprocal agreement, correctly, as my hon. Friend has said, will apply to visitors to Gibraltar who are not entitled by way of their employment and contribution in Gibraltar to care in Gibraltar.

545

Hon. D A Feetham: I will just read the hon. Gentleman the message subsequent to the meeting that I had with a particular individual. This is what she said to me:

I live in Spain and our, my and my husband's, health cards expire on the 14th of this month, so I contacted the registration office in the ICC to remind me what proof of employment forms etc. are required to enable me to do this. It seems I have everything required except that this year the GHA are making it more difficult for frontier workers to access healthcare in Gibraltar without first being registered for health care in Spain.

550 She appears to be indicating that there has been some material change in policy. Having read that to the Hon. Ministers, I wonder whether they can shed some light as to what she is talking about and why would somebody say to her that she first has to be registered in Spain for healthcare before she can be registered in Gibraltar.

555 **Hon. N F Costa:** Mr Speaker, I find it interesting that having told the hon. Gentleman that he could write to me with the name of the person and the complaint and I would make sure it is addressed on Monday he still felt the need, for effect, to read the message to me across the floor of the House.

560 I can assure the hon. Gentleman that it has to be a misunderstanding because there has been no change in policy, and I would once again repeat my offer – notwithstanding his theatrics in reading me the message across the floor of the House – that I will personally make sure that the registration happens on Monday. I hope that is to his full satisfaction.

Hon. D A Feetham: Thank you very much, Mr Speaker.

565 I can assure the hon. Gentleman there were no theatrics intended. It was that after I had asked the hon. Gentleman the question that I remembered that this lady had also sent me a message on Facebook, so I went back to Facebook in order to make sure that I could explain the position further.

Let me say that I have no hesitation in saying that every time I have sent somebody to the hon. Gentleman with a particular problem the hon. Gentleman has always seen that person very promptly and has resolved most of the problems that certainly I have sent him over the years.

Q731/2016
Attempted murder –
Reform to sentencing laws

570 **Acting Clerk:** Question 731. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to reform sentencing laws for attempted murder?

575 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government has noted a recent judgment handed down by the Court of Appeal, as a result of which two sentences relating to offences of attempted murder have been subsequently reduced.

580 The Government is taking advice as to whether the law on sentencing in such cases requires amendment further to these judgments, and, if so, the form of such amendment.

Mr Speaker: Any other supplementary?

585

ADJOURNMENT

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 24th November at 11 a.m.

Mr Speaker: The House will now adjourn to next Thursday, 24th November at 11 in the morning.

595 **Hon. D A Feetham:** Mr Speaker, may I just say that I have a very, very longstanding commitment in the diary in the United Kingdom. It is both personal and also of a professional nature. Obviously, I have planned my diary around the third Wednesday, Thursday and Friday of the month and I will not be here on Thursday of next week. It may necessitate me adjourning my questions to next time round, but I will notify Mr Speaker about my intentions.

600 **Mr Speaker:** The Hon. the Leader of the Opposition is indicating he would like those questions not to be Written Answer but to be deferred to the following meeting of Parliament?

605 **Hon. D A Feetham:** I will give Mr Speaker an answer in relation to it by Monday.

Mr Speaker: Very well.

610 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman could just tell us who is going to be the Acting Leader of the Opposition it might help (*Laughter*) in case there is any need to liaise between now and then.

615 **Hon. D A Feetham:** Mr Speaker, on the Chief Minister's form of wanting to control everything I suppose he will want to do my job as well as his and ask my Questions and answer them himself – but that, I am afraid, is beyond even him.

Hon. Chief Minister: I did his job for the shortest period anybody has ever done it in history before being able to do this job, so I am quite happy for him to choose whoever he wishes to on his side – but he might choose someone one day.

620 **Mr Speaker:** The House will then adjourn to next Thursday at 11 in the morning.

The House adjourned at 3.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.00 a.m. – 1.28 p.m.

Gibraltar, Thursday, 24th November 2016

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The Gibraltar Parliament

The Parliament met at 11.00 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Procedural – Recess of House to enable Members to attend funeral

Mr Speaker: The House is going to recess from now until quarter to twelve to enable a number of Members to attend a funeral.

The House recessed at 11.05 a.m. and resumed its sitting at 11.45 a.m.

Questions for Oral Answer

DEPUTY CHIEF MINISTER

Q823/2016

Brexit –

Intention re litigation in English courts

5 **Acting Clerk:** We continue with questions.
We start with Question 823. The Hon. T N Hammond.

10 **Hon. T N Hammond:** Mr Speaker, does the Government intend to follow the example of Scotland and intervene in proceedings currently being litigated in the English courts on whether the UK government can lawfully use prerogative powers to give a notification under Article 50 of the Treaty on European Union of the UK's intention to leave the EU?

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

15 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the position at present is that the Government does not intend to intervene in the proceedings.

Hon. T N Hammond: Mr Speaker, is the Government aware that a Gibraltarian is noted as an interested party in the current litigation?

20 **Hon. Dr J J Garcia:** Yes, Mr Speaker, the Government is aware of that.

Hon. T N Hammond: Mr Speaker, may I just ask is the Government intending to provide that individual any kind of assistance in that litigation certainly in terms of his travel to and from the United Kingdom, or any other kind of assistance?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does not assist litigants in private proceedings.

The hon. Gentleman might recall that in the case of Denise Matthews, who went to the European Court of Human Rights, she obtained legal aid – legal assistance, as I think it is termed even by the European Court of Human Rights – in respect of that matter. In this case, all of the litigants are funded by what is known as crowd funding, which is a collection of funding from individuals who might support a particular cause. Neither has the Government been approached by this person, asking us to provide any funding whatsoever.

The Government is not intervening itself and is not supporting a Gibraltar who is intervening. The Government is dealing with the issues that arise in Brexit politically in our exchanges with the British government. We do not consider that it is appropriate for one Government to litigate against another. In some instances the Government has intervened as interested parties in litigation, for example in the case of the GBGA versus the United Kingdom government. The Gibraltar Government has intervened but is not taking sides in that case. We believe that, as politicians, we should be involved in political exchanges with the British Government. We would only take legal proceedings *in extremis*.

Hon. T N Hammond: Mr Speaker, from that answer would I be right to infer that the Government disagrees with the positions taken by the Scottish and Welsh governments in participating in the litigation?

Hon. Chief Minister: Mr Speaker, the Government does not give opinions on the opinions of others. The hon. Gentleman has asked us whether we agree with the opinion of the Scottish government. The Government of Gibraltar – through the Office of the Deputy Chief Minister, who is the Minister with responsibility for Brexit, and through the Office of the Chief Minister – is engaged in negotiating the best possible deal for Gibraltar in the context of the decision of the people of the United Kingdom to exit the European Union. We will continue to do that and I think that the hon. Gentleman might wish to say with the success that we are meeting, but in the case of the matter which is before the courts of the United Kingdom the hon. Gentleman needs to reflect that that case relates to the right of parliamentarians in the United Kingdom to make a decision versus the right of the Prime Minister to make a decision. In other words, it is a question of whether the executive of the United Kingdom engages a particular action or whether it is an action that can only be engaged by the Parliament of the United Kingdom. Therefore, parts of the United Kingdom may wish to intervene in the courts of the United Kingdom in respect of that matter. The legal definition of the United Kingdom does not include Gibraltar and Gibraltar does not have representation in the Parliament of the United Kingdom. Therefore, the Government of Gibraltar does not consider, before even determining whether we would want to take that action, that Gibraltar should be represented by their Government in those proceedings.

Hon. E J Phillips: Mr Speaker, just one further supplementary in relation to that question: has the Government been approached by any devolved government to participate in these proceedings, or been invited at least?

Hon. Chief Minister: Mr Speaker, the Government has many discussions ongoing with the governments of the devolved administrations of the United Kingdom and the government of the United Kingdom, and we are not going to be giving any indication of what those discussions relate to other than in the press statements that might be agreed between the governments of

75 the devolved administrations and the Gibraltar Government that we should be indicating what it
is that we are discussing. I do not think it is in the interests of Gibraltar at all that we should do
that.

80 What we will continue to do is continue the excellent work which is being undertaken by the
Deputy Chief Minister and by other officials of the Government – in particular the Attorney
General, who has built a career around issues relating to European law – and all of the
Departments of Government that are engaged to ensure that in partnership with the United
Kingdom, not in litigation against the government of the United Kingdom, we secure the best
possible deal for Gibraltar out of the decision of the people of the United Kingdom to exit the
European Union.

85 We will continue the excellent work that we have been doing with Minister Walker of the
Department for Exiting the European Union and with Minister Duncan of the Foreign Office and
the technical and administrative teams that they have composed to do the work that needs to
be done to navigate this very difficult moment in the history of the United Kingdom, in the
history of Europe and in the history of Gibraltar, through partnership and in an attempt to
90 ensure that we get the best possible deal for Gibraltar in respect of all of the areas that are now
up for discussion. We do not believe that that is an avenue best pursued through litigation.

INFRASTRUCTURE AND PLANNING

Q784/2016

Parking management company – Financial incentives

Acting Clerk: We move to Question 784. The Hon. T N Hammond.

95 **Hon. T N Hammond:** Mr Speaker, does the private company contracted to manage parking
offences on behalf of the Government receive any kind of financial incentive for the number of
fixed penalty notices it issues or clamps it places?

Acting Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

100 **Minister for Infrastructure and Planning (Hon. P J Balban):** No, Mr Speaker.

Q785/2016

Parking offences – Number of fixed penalty notices issued

Acting Clerk: Question 785. The Hon. T N Hammond.

105 **Hon. T N Hammond:** Mr Speaker, how many fixed penalty notices have been issued to
vehicles for parking offences, by month, since January 2012?

Acting Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information
requested by the hon. Gentleman is detailed in the schedule I will now hand over.

Schedule for Q785 of 2016

Parking fines (Fixed Penalty Notices) issued during the period 01/01/12 to 31/10/16

	2012	2013	2014	2015	2016
JANUARY	1099	702	897	963	705
FEBRUARY	1113	1031	1275	957	1535
MARCH	771	763	889	616	730
APRIL	962	798	1095	641	794
MAY	814	937	1230	210	983
JUNE	725	549	1141	599	538
JULY	1147	718	1719	1812	1161
AUGUST	1018	1090	1179	1578	1553
SEPTEMBER	1284	654	1360	1018	2652
OCTOBER	809	790	970	1087	2817
NOVEMBER	631	1194	843	1155	
DECEMBER	673	1230	816	518	

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q794-799/2016

**Project Search and Supported Employment Company Ltd –
Terms and conditions of employment**

110 **Acting Clerk:** We move to Question 794. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose in what inroads have been made towards Project Search or any other framework of Supported Internship?

115 **Acting Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): I will answer this question, Mr Speaker, with Questions 795 to 799.

120 **Acting Clerk:** Question 795. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose which departments, companies, agencies or authorities are the employees of Supported Employment Company Ltd providing services to?

Acting Clerk: Question 796. The Hon. L F Llamas.

130 **Hon. L F Llamas:** Mr Speaker, can the Government explain what leave and sick leave entitlements are extended to the employees of Supported Employment Company Ltd?

Acting Clerk: Question 797. The Hon. L F Llamas.

135 **Hon. L F Llamas:** Mr Speaker, can the Government explain what pension plans have been offered to the employees of Supported Employment Company Ltd?

Acting Clerk: Question 798. The Hon. L F Llamas.

140 **Hon. L F Llamas:** Mr Speaker, can the Government disclose what hourly rate is paid to the employees of Supported Employment Company Ltd; if employees are on different rates, then provide a schedule detailing the number of employees on each rate?

Acting Clerk: Question 799. The Hon. L F Llamas.

145 **Hon. L F Llamas:** Mr Speaker, can the Government disclose how many employees are employed by Supported Employment Company Ltd, together with a schedule detailing when each employee was employed?

150 **Acting Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I would remind the hon. Member opposite, who might not be aware of it, how badly the 15 years that his party was in government compares with what is being provided now. I would like to remind him of what was provided up to December 2011.

155 The individuals now employed by Supported Employment Company were individuals in the so-called Vocational Training Scheme. Some of them had been there for many years. They were paid an allowance of some £400 a month, which translated into an hourly rate of £2.50, roughly half of the national minimum wage. They had no employment rights and therefore no entitlement to sick or annual leave, nor did they have social insurance cover for old age pension or industrial injury.

160 As the House was informed in 2012 and on several occasions since then, those involved were transferred on 1st February to the Employment Training Company and together with other individuals then being paid the same amount as vocational trainees. A few months later, the Supported Employment Company was especially created for the benefit of those it was felt would not be able to enter into mainstream employment. A number of individuals were therefore transferred to this company and others have joined since. They were given indefinite contracts of employment. At the end of September the numbers employed by the company was 68 and the start dates of their employments were as follows: 1998, two; 1999, three; 2000, one; 165 2001, two; 2002, one; 2004, two; 2005, one; 2006, two; 2007, one; 2008, six; 2009, five; 2010, six; 2011, four – these are the ones that were then transferred – 2012, twelve; 2013, eleven; 2014, two; 2015, seven.

170 As can be seen from the figures, 36 of the 68 were already in the discredited Vocational Training Scheme prior to December 2011.

175 These employees are placed in the Care Agency, the Employment Service, the IT Department, the Environmental Agency, St Martins, the Air Terminal, the Tourist Office, the Education Department, the Electricity Authority, the Post Office, the Port Department, the MOT Centre and several private sector businesses.

180 Mr Speaker, as the Parliament has been informed and is public knowledge, employees of the training companies have been paid the national minimum wage since February 2012. This applies equally to employees of the Supported Employment Company on exactly the same terms as the other employees and as is the case with a very substantial part of the private sector.

185 The terms and conditions of employment of all the EDEC companies, including Supported Employment, are also those that apply generally in the private sector, namely the statutory terms. Like every other employee with an employment contract, those in Supported Employment will be eligible eventually, on retirement, to a social insurance old age pension and will also be able to access payments from the charity Community Care Ltd.

There are no plans to introduce any measures for which there is no manifesto commitment.

190 **Hon. L F Llamas:** Mr Speaker, before going into the detailed analysis of all the answers being
provided, I do not seem to have received an answer on the Government commitment on Project
Search or Supported Internship in terms of how far the Government has progressed in that area,
given that there is actually already a provision in the Estimates Book from this year to
commence on that – there was a £10,000 budget there for it. Is the Government able to disclose
195 how far in the project it has actually achieved so far?

Hon. J J Bossano: Mr Speaker, the Project Search concept in the United Kingdom operates on
the basis that those involved are given six months unpaid placement with an employer who
hopefully will employ them. I think that is inferior to what we already have in Gibraltar, and
200 there is no manifesto commitment to replace what we have got with what they do in the UK in
Supported Internships, which is the only information that I have related to the comparison
between what we are doing and what Project Search in the UK constitutes.

Hon. L F Llamas: So does that actually mean that the Government will not be going ahead
205 with Project Search as indicated in the Budget this year?

Hon. J J Bossano: Anything that is done in that area will not be in replacement of what we are
doing in the Ministry for Economic Development in providing employment; it would be in terms
of additional provision which may be done with private entities. But it will not involve the kind of
210 support that we give now to people who are not able to obtain employment in the market.

I think I have mentioned before in a previous question that the hon. Member put to me – or
Miss Nahon put to me – that in the cases of persons with difficulties for a variety of reasons,
which includes persons with disabilities that make employment more difficult, our first option is
to find them employment in the public sector, and in order to do that we provide more financial
215 support than we would provide to a trainee who comes out of school but has got no problem
really in finding a placement. It is only when we exhaust those possibilities that we then put
them in the system that we have created in the new training company for supported
employment provision, half of whom are in the private sector. But the hon. Member will see
from the figures that the bulk of the intake happened in 2012 and 2013 and that in fact the
220 figures compare favourably with the average numbers that were entering in previous years.

So, to what extent is there still a gap that needs to be filled by undertaking something else in
the Project Search? Frankly, I am not very clear that such a need exists – other than perhaps to
supplement or complement what we are already doing.

225 **Hon. L F Llamas:** Well, the main gap, which is what I am being told by various people,
employees and professionals, is the actual follow-up of the employees on what they are doing,
the support that they should be getting in terms of where will they be in five years' time, can
they progress any further, is it the right job for them. That, at the moment, does not seem to be
happening, and it would be something that would be happening if the proper framework, such
230 as Project Search or a supported internship department were actually in place. So that is the
main area that I feel is being overlooked by the Government and I would be grateful if the hon.
Member would disclose if maybe this area could be improved.

Hon. J J Bossano: I can tell you what we do have is a number of volunteers from the persons
235 who are over 60 and working as community officers, who are allocated the 68 that we have, and
who therefore, under the community care system the work that they take on is in fact to keep in
touch with the persons we have got in employment.

There have been a number of people who have been able to move from supported
employment into mainstream employment in the four years that the system has been in place,
240 but I do not think there would be more than maybe four or five people who have moved on. So
to my knowledge there is no desire from the people who are there, no indication and no

feedback to me that they want to move on from where they are. In fact, sometimes we have a problem in that somebody in the private sector who might have been accommodating in being willing to provide a placement – which does not cost them any money but nevertheless means that they have got a certain responsibility, and they have to have the capability to do it and we monitor that they are doing it ... but sometimes they tell us that for some reason or another to do with the way the business is performing they are no longer able to provide us with that service. Once a person has been in an area like that for a number of years they tend to resist moving elsewhere. So, if there are people who want to move on and if they think that we are not doing enough to help them move on, then I would be very happy to know who they are and deal with it specifically, but from the staff who deal with monitoring this and ensuring that the 68 employees are being properly treated and are happy where they are, I have not had that feedback.

Hon. L F Llamas: A couple of weeks ago I had the pleasure of meeting a lady from the UK who works for BASE, the British Association for Supported Employment in the UK, as did the Hon. Minister Costa. It was very interesting, because obviously the main argument and the model that they use in the UK that actually works very well is that these employees are usually employed in the private sector and they are actually not employed directly by Government. This does provide a lot of incentives and it actually improves businesses and they actually start to receive business revenue out of employing people with disabilities or learning disabilities, because they are seen as good employers and it has benefits for them in the same way.

But one of the things obviously that maybe the Hon. Minister would like to take on board is also what Supported Internships do in the terms of the follow-up. The Hon. Minister has said that the follow-up and the keeping in touch is done by the employees of the Community Care, and I would beg the Government to actually think about other ways of keeping in touch and following up with people who are actually professionally qualified in assessing these situations and monitoring them. Would the Government be able to at least look into this area whilst the Supported Employment Company is still in place?

Hon. J J Bossano: Mr Speaker, the hon. Member seems to have forgotten what they were doing for 15 years. For 15 years they had a system which was incredibly inferior to what is happening now, and therefore it is all very well to come and say that we should be doing more than we are doing.

The people who are qualified to assess them in terms of their medical problems are not the people from Community Care. The people from Community Care are just going to make sure that they get a regular visit, that the person is not having problems at work and that the employer is actually maintaining the person in the kind of work they were promised to do originally. This is predominantly something that is perhaps necessary in the private sector. Clearly, since half of them are in the public sector, we know exactly where they are because all we need to do is call up the head of department. Some of these individuals have been there for many, many years –remember that the oldest one is from 1998 – and they have been doing the same task for many years in some of these areas, particularly in the public sector. The feedback I get from those who have been dealing with them for many years and have known them for many years is that if one of the individuals for one reason or another is not happy there, then we get told that and we find them an alternative placement. But the reality of it is that our experience in the four years that the scheme has been in operation is that they resist movement. Even when the Department in the Government or the private sector employer may feel that they are not really able to accommodate the person, the person still wants to be there because that is what they have been doing for a very long time. Usually, the people who have some of these learning disabilities have problems adjusting to change. The familiarity is a big, important part of their being happier where they are.

295 The internship in the United Kingdom, as I pointed out to the hon. Member, is something
that, from the point of view of wearing my hat as being responsible for improving the efficient
use of public money, might be a better solution, because the Government does not spend any
money in the UK – it gives somebody an internship for six months unpaid. I do not think there
are going to be many volunteers to move from getting the national minimum wage in Gibraltar,
which is not what people get outside Gibraltar. We have got 9,000 people in Gibraltar in the
private sector working for the national minimum wage and 68 of them with indefinite contracts
300 for life working on that, with the conditions that the 9,000 have.

If there are any individuals who feel, or their family feels could do better and if there is
anything the Government can do so that they move out of supported employment and they
move into the normal employment market, that is fine. I can tell you that some of the people we
have got in the Government ... sometimes their family lobbies so that they should be paid as civil
servants and not paid as being in the private sector, but they are not occupying a post in the Civil
Service which would exist if they were not there. The 50% of the 68 who are in the public sector
are supernumerary to what the Department is, and therefore it is not that they are occupying an
305 existing post and are getting paid the minimum wage.

I have not had any representations made to me, and if they have been made to somebody in
my Department it has not reached me. If the hon. Member has got any information that he is
willing to pass to me that will enable me to investigate what he is suggesting, then I am willing to
do it if it is for the benefit of those affected, which is the only thing that really matters.
310

Hon. L F Llamas: I can certainly say that obviously my attempt at trying to be constructive,
providing the Government with constructive criticism of what is failing, is because ... I accept
that obviously that there are instances where employees would not want to move and they have
become accustomed to a certain job and they may actually like the repetitiveness of it and that
is what they thrive on. But many of these cases may be unable to express that they are unhappy,
and if they receive a phone call or somebody goes into the office and does not have the
320 professional background to be able to know whether that person is generally unhappy because
that person is unable to express themselves ... That is why I was raising that question.

Moving on to my next supplementary, I wanted to also ask whether there are cases which are
evaluated of these employees who perhaps are doing very similar or equal jobs to people who
are actually employed directly by Government, or the company or agency, but are actually losing
325 out because they are being paid the minimum wage and are receiving minimum benefits such as
annual leave and sick leave – whether this could be assessed perhaps individually on a case-by-
case basis in terms of if Government is actually reaping a benefit because they might be working
at the same rate as an AA, for example, but not having to employ an AA.

Hon. J J Bossano: Well, I think I have already answered that question, Mr Speaker. If there is
somebody in a place where there are two AAs and this is a third person, that third person is
there because it is assumed that there is not work for three and that there is work for two; and
if, in fact, there was work for three then the person from Supported Employment would not
automatically get the job because that would then be getting into the Civil Service through a
335 different entry point.

Given the numbers of people who want to be in the Government, we would suddenly find a
huge increase in people wanting to be in Supported Employment in the first instance as a means
to an end. So the answer is that if a particular Department needs more staff, that is assessed,
and if they need more staff and it has to be recruited, it should be recruited in the normal
340 procedure. Nobody in the Supported Employment Company is denied the opportunity of
applying for any job that comes out, but I have told the hon. Member that in the four years I
think we have actually had something like four persons who were with us actually applying for
other jobs and leaving this company and getting the other jobs. Everybody has got the
opportunity to do that and they get whatever help and assistance they need to be able to do it,

345 but what we cannot do is say that because we have got somebody who has been in the Post
Office, for example, since 1998 – I do not know whether the ones from 1998 are there, but to
give the hon. Member an example we cannot say, ‘Well, okay, because they have been working
in the parcel post since 1998 we are now going to create a new job in the parcel post and give it
350 to one of them and pay them Civil Service rates.’ That is not the way to deal with the situation. If
the job exists and they apply in competition with other people, they would not be disadvantaged
by having been there before – they would have an advantage by being there before, but the job
has to exist.

Hon. L F Llamas: I am not actually referring to creating further posts or for these people to be
355 able to –

Mr Speaker: May I point out that these exchanges are now acquiring more the nature of a
debate to and fro, rather than to urge the Government to take action and seek information.
What you cannot be doing is expressing different points of view, because then it becomes a
360 debate.

Hon. L F Llamas: Okay, so will the Government look into perhaps increasing annual leave and
sick leave entitlements beyond the minimum statutory requirements, so that it regularises
positions of employees employed under Supported Employment to its peers who are employed
365 directly by Government? There seems to be a parity issue there, and obviously the employees of
Supported Employment, who should actually be receiving at least the same benefits as their
peers, could be regularised and therefore they would be in a much better position.

Hon. J J Bossano: No, Mr Speaker. For 15 years they were getting no employment rights
370 whatsoever. They now have the employment rights that are enjoyed by something like 15,000
people in the private sector. I have told the hon. Member that half of the Supported
Employment individuals are placed in the private sector, so is the hon. Member saying if you are
in the public sector you get one set of conditions and if you are in the private sector you get
375 another one? The reality of it is that if I followed the advice that he is giving me, it would mean
that half of them would be getting Government conditions and the other half would be getting
private sector conditions. How long does he think it would take for the half in the private sector
to say ‘I want to be put in the public sector’? He is going contrary to what he started off with
when he was recommending the movement into supporting them in the private sector. That is
380 how we started and now he is suggesting the very opposite. He must understand that he is
asking me to introduce a system where the employment company would discriminate in the
conditions of employment as between the placement providers. If I were to do it in the private
sector, then the situation would be that the people who are in normal employment conditions in
that particular establishment would then be saying, ‘Why should the person who has been
placed here be getting more than me?’

385 The reality is that the system we have got is a vast improvement on what was there before
and is better than they have outside Gibraltar. In the United Kingdom, as the hon. Member
recognises, the Government does not pay anybody anything. They give them unpaid internships
for six months and then the private sector employs them. The private sector does not employ
them in the United Kingdom on Civil Service terms and conditions; it employs them on private
390 sector terms and conditions. We are making sure that the Supported Employment Company is
giving the same conditions as private sector companies do and the same conditions as are given
to the trainees in construction training, in engineering training and in the other fields of training.

The only reason we took them from what were the training companies ... We put everybody
from the VTS into the training companies and then I had representations from those or from the
395 families of those affected that maybe we should give the people we had put in the companies
greater security than annual contracts, because after all the people in the training companies

400 were having annual contracts because it was a stepping stone to another job, but the people here were likely to be there for all their lives. Therefore, on the basis of that – and something that was at the time supported by the Leader of the Opposition and welcomed by him when I did it, which was three or four months after the first move – we gave them indefinite contracts. So you have got a situation where they have got a job for life and they are guaranteed in that job for life that they will never be worse off than if they were working in the private sector, where two thirds of the population is working, and on the conditions of the private sector. They have the same choice and opportunity of moving into the public sector as anybody else in Gibraltar has, but what I do not think we can really commit ourselves to doing is to give somebody, 405 because they have got a disability, more than they would get if they did not have the disability.

Hon. L F Llamas: My last supplementary, Mr Speaker.

410 The reason for the shift was obviously because I was under the impression, given that there was a mention in the Budget, that there would be a quicker move towards Project Search starting, and that was why I shifted my argument. I just wanted to know exactly what the position was. It was not that I shifted my personal opinion.

415 Just a statistical supplementary: how many employees are actually in the public sector and how many employees are providing services in the private sector? I do not think I have been given that figure.

Hon. J J Bossano: I think it is about 50-50.

Mr Speaker: Before we move to Question –

420 **Hon. E J Reyes:** May I, Mr Speaker? Just one thing. Can I please ask the hon. Member to clarify. Right at the very beginning of his answer he was giving us a recollection of how some conditions have improved. Did I hear correctly the Minister say that when they were registered as trainees of the VTS scheme, there were no social insurance provisions? Did the Minister say that? 425

Hon. J J Bossano: That is indeed the case, and in fact I think we had to make a provision to do a backdated payment for the Social Security because they were getting an allowance – they were not treated as employees, they did not have a contract of employment, they were not covered by the Employment Act, they were not protected against unfair dismissal. Not just these, none of the VTS, because they were all treated as not being in employment – to the extent, in fact, that I represented somebody, when I was in opposition, who challenged that in the tribunal and the tribunal ruled that it was not a contract of employment for somebody who had been seven years in the college library. 430

435 **Hon. E J Reyes:** Mr Speaker, perhaps I need to talk further later on with the Minister, because I understand what he is saying about not being an employment contract but I can guarantee to him that social insurance contributions were being made by the employee as well as if it were an employer – the training unit as such, because it was an ESF funded project, were actually paying the equivalent of what an employer was paying, precisely so that these individuals, although technically still a trainee, were already starting to acquire rights for future old age pension. 440

445 He may not have been given the full correct information, but certainly looking back – because I do not want those individuals concerned to lose out in the future, because for x number of years there was an employer equivalent an employee contribution towards that fund, which will be for the trainees' or now employees' benefit in the long term when it comes to old age pension.

But it need be, Mr Speaker. We will not waste our time here. We can exchange views later, because I think we are both mutually interested in helping the individual.

450 **Hon. J J Bossano:** Mr Speaker, I think what happened was that they were at one time, and then they stopped being later on because there was a change from them being treated as employees. In the earlier part of the 15 years they were treated as employees, and then an agreement was done, in which I think Mr Montiel was involved on the union side, and then they were taken out, and then they had to be put back retrospectively.

455 **Mr Speaker:** Before we deal with Question 800, the Hon. Trevor Hammond has indicated he would like to ask some supplementaries arising from Question 785, the schedule that was provided.

460 **Hon. T N Hammond:** Thank you, Mr Speaker, yes, if I may refer back to the question, some of the figures are quite noteworthy, the figures that we have been provided.

For instance, and to give some background to the question, the number of fixed penalty notices issued in September 2014 was 1,360; for September 2015, 1,018; and for September 2016, 2,652. Likewise for October, for 2014, 970; 2015, 1,087; and 2016, 2,817. This constitutes almost a 200% increase month on month in the issuing of notices.

465 Can I ask the Hon. the Minister if he could advise whether any instructions or guidelines have been given to the company issuing these notices and whether there has been any change in policy on Government's part?

470 **Hon. P J Balban:** Mr Speaker, as we discussed in detail last time, there has been no change in policy whatsoever. The instruction given to the company in question is to follow the law itself, and the law states that where cars are indiscriminately parked a fine is applied to such vehicles.

475 **Hon. T N Hammond:** Mr Speaker, is the law being applied universally in all areas of Gibraltar? Has the company been instructed to target any areas in particular, or indeed to target less other areas?

480 **Hon. P J Balban:** Mr Speaker, the company will actually police in the areas they feel necessary. They are instructed to police all areas of Gibraltar. They themselves will perhaps note that there is an acute problem in certain areas over other areas, so it is up to them as to where they police.

Obviously, they know that there are areas in question... I will give an example: Water Gardens is one of those areas in question whereby the amount of indiscriminate parking and causing obstruction to the flow of traffic is rampant, so they will probably police that area more than they would police, say, a parking lot. So they use their better judgement in that respect.

485 **Hon. T N Hammond:** Mr Speaker, does the company employ an expert to determine which areas are particular hot spots? For instance, I would not consider Grand Parade to be a particular hot spot in terms of obstruction to vehicles, and yet I have witnessed myself a veritable army of clampers and wardens handing out tickets there. On what basis does the company determine which are the particularly critical areas that need to be targeted and which areas are less important?

490 **Hon. P J Balban:** Mr Speaker, they use their own judgement. If there is a street-cleaning campaign, for example, there are days in Grand Parade where, yes, they will be there in force, and if vehicles have not been removed by their respective owners you would expect an army of officers there in that given moment in time.

495 If you allow cars to park just indiscriminately, I am sure the hon. Member would not be asking questions as to why we allow them to be clamped. I do not see what the hon. Member is getting at. It is either ... Are we doing too well, or are we not doing well enough? I just do not know what
500 the point is.

Hon. T N Hammond: Mr Speaker, what I am getting at is that there does appear to have been a change, in the methodology at least if not the policy, insofar as the fact that the number of notices has gone up dramatically and the unsuspecting public is certainly feeling the influence of that change. Even though it is not a Government policy in itself to effect that change, it is clearly
505 a policy or is clearly an effect that has come about from the introduction of this company.

Is the company liaising at all with the Royal Gibraltar Police, who I would have thought would be the subject matter experts in this particular area, to determine which areas should be targeted and which should not?

Hon. P J Balban: Mr Speaker, is the hon. Member actually saying that perhaps we are placing too many FPNs and we should perhaps take a more lenient approach, turn a blind eye and allow people to park indiscriminately?

If we look at the figures and we analyse the figures that I passed on to the hon. Gentleman, if I take the largest figure, which is 2,817 for the month of October this year, and we divide that by
515 30 days on average, there are about 94 FPNs placed per day. If you divide that by the amount of officers out there, around 10 officers, we are talking about them placing nine or 10 FPNs each per day. I can drive out of my house and see, within a question of minutes, 10 cars badly parked.

Perhaps what the hon. Gentleman is referring to is perhaps before – maybe the amount of FPNs being placed was not acceptable. I did not want to go into figures pre 2011 because we
520 have said that we really should not be looking back, but I am happy to do so, if the hon. Gentleman would like, as a comparison. I will look at, for example, May 2015 – 210 – and divide that by 30 days, and it was about seven FPNs per day. So each officer is placing 0.7 FPNs a day. Would the hon. Gentleman be happy with that? Is that more acceptable in that respect? I just do not see ... The law states that cars that are indiscriminately ... Remember what is happening: cars
525 are parking on footpaths, and they may be aggrieved because they have been fined but those mothers who are walking their prams and have to go onto the road ... I do not know what the issue is.

Hon. E J Reyes: Mr Speaker, I will try to explain. *(Interjection by Hon. Chief Minister)* The Chief
530 Minister is completely correct and has my support on that one.

Mr Speaker, what my hon. colleague was trying to say ... We are not querying the numbers being too high or too low. What was being asked by this last supplementary was ... The hon. Minister explained, yes, there may not have been a change of policy, other than this is the law being implemented and so on. The hon. Member actually asked specifically is there a specific co-
535 ordination, and we think if there is then there has certainly been some improvement in that co-ordination with the Royal Gibraltar Police, who are the ones I think one would be considered to be the experts on the issue. That is –

Mr Speaker: That question was asked by Mr Hammond and you are now asking it again.
540

Hon. E J Reyes: No, we have not got the answer, Mr Speaker.

Mr Speaker: Right, well, we will give the Minister an opportunity to answer. Is there any co-
545 ordination between the Police and the company?

Hon. P J Balban: Mr Speaker, of course the company liaises with the Police; they work together. The Police will seek assistance from the company and vice versa, so they work together as part of the overall package of parking enforcement. But is the actual PMOs, as we call them, who place the FPNs and also, in liaison with the Police, will support events and
550 functions like Memorial Day with the removal of vehicles. So they work hand in hand; they work symbiotically.

Q800-811 and 813-820/2016
Finance

Mr Speaker: Question 800. The Hon. Roy Clinton.

555 **Hon. R M Clinton:** Mr Speaker, can the Government provide a summary of the amount of
proceeds paid into the Improvement and Development Fund by Government-owned or
controlled companies, including the Gibraltar Development Corporation, in respect of related
party property transactions, namely purchases of property from the Government, for each of
the following financial years: 31st March 2012, 31st March 2013, 31st March 2014, 31st March
2015 and 31st March 2016?

560

Acting Clerk: Answer, the Hon. the Minister for Economic Development and
Telecommunications.

565 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
Mr Speaker, I will answer this together with Questions 801 to 811 and 813 to 820.

Acting Clerk: Question 801. The Hon. R M Clinton.

570 **Mr Speaker:** Effectively, other than Question 812, the hon. Member should pretty well stand
up and ask all the questions on the Agenda Paper.

575 **Hon. R M Clinton:** Mr Speaker, I will of course do that with what is becoming my usual
protest at having to lump so many questions together. I am sure, Mr Speaker, you will indulge
me, when I come to ask supplementaries, to be given more time to consider the answers from
the Hon. Minister.

580 Can the Government provide a summary of the amount of stamp duty paid into the
Consolidated Fund by Government-owned and controlled companies in respect of related
property transactions, namely purchases of property from Government or purchases of property
from other Government-owned and controlled companies, including the Gibraltar Development
Corporation, for each of the following financial years: 31st March 2012, 31st March 2013,
31st March 2014, 31st March 2015 and 31st March 2016?

Acting Clerk: Question 802. The Hon. R M Clinton.

585 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all companies owned or
controlled by it or the Gibraltar Development Corporation whose current liabilities exceed its
current assets?

Acting Clerk: Question 803. The Hon. R M Clinton.

590

Hon. R M Clinton: Mr Speaker, can the Government provide an organogram showing all
companies owned or controlled by the Gibraltar Development Corporation?

Acting Clerk: Question 804. The Hon. R M Clinton.

595

Hon. R M Clinton: Mr Speaker, can the Government please advise what are the expansion
plans for the Gibraltar Savings Bank, given the cost incurred mentioned in the Principal Auditor's
Report for 31st March 2015, paragraph 2.7.15, namely a new banking platform and the purchase
of four automatic teller machines and legal costs?

600 **Acting Clerk:** Question 805. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise why the Gibraltar Savings Bank has acquired a shareholding in Visa with a value of £168,791.44 as at 31st July 2016?

605 **Acting Clerk:** Question 806. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maturity dates of deposits placed by the Savings Bank with the Gibraltar International Bank as at 31st July 2016?

610 **Acting Clerk:** Question 807. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maturity dates of the £400 million of preference shares held in Credit Finance Company Ltd by the Gibraltar Savings Bank?

615 **Acting Clerk:** Question 808. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of all property sold to GSBA Ltd, a company owned by the Gibraltar Savings Bank, by the Government or Government-controlled companies, identifying the property concerned, the consideration paid and date of sale?

Acting Clerk: Question 809. The Hon. R M Clinton.

625 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has had confirmation from the Attorney General that the General Sinking Fund (Revenue) Notice 2012 (LN 2012/190) does not conflict with the 2006 Constitution, specifically clause 67?

Acting Clerk: Question 810. The Hon. R M Clinton.

630 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has had confirmation from the Attorney General that the General Sinking Fund (Establishment) Notice 2012 (LN 2012/189) allows for the payment of interest in addition to capital?

635 **Acting Clerk:** Question 811. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the financial terms for the Capital Bonds redeemed in the financial year 31st March 2014, specifically the £100 million, 1st November 2013, and the £100 million, 1st May 2014, and also those issued but not redeemed, being the £100 million, 1st September 2014, and especially whether interest was payable, were they issued at a discount, or redemption at a premium was envisaged?

Acting Clerk: Question 813. The Hon. R M Clinton.

645 **Hon. R M Clinton:** Mr Speaker, can the Government advise why GAR Ltd, a Government-owned company, purchased the Mount from the Government for £8.2 million and where did GAR Ltd obtain the money?

Acting Clerk: Question 814. The Hon. R M Clinton.

650

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of Gibraltar General Construction Company Ltd?

Acting Clerk: Question 815. The Hon. R M Clinton.

655

Hon. R M Clinton: Mr Speaker, can the Government explain why total liquid reserves fell by £160 million, from £294 million as at 31st March 2014 to £134 million as at 31st March 2015?

Acting Clerk: Question 816. The Hon. R M Clinton.

660

Hon. R M Clinton: Mr Speaker, can the Government please advise how total Liquid Reserves are invested/held, giving details of all bank/savings bank accounts and cash held for the following date, being 1st October 2016?

Acting Clerk: Question 817. The Hon. R M Clinton.

665

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, namely 1st October 2016?

670

Acting Clerk: Question 818. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, namely 1st October 2016?

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Acting Clerk: Question 819. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the contractual terms of the call deposit by Credit Finance Company Ltd with Gibraltar Investment (Holdings) Ltd, specifically interest payable and notice for withdrawing of said deposit?

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Acting Clerk: Question 820. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

685

Hon. R M Clinton: Mr Speaker, has the *Sunborn* Hotel paid any capital off a loan provided to it by Credit Finance Company Ltd?

Acting Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

690

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I&D receipts from property sales to Government companies have been £90 million in 2012-13, £37.1 million in 2013-14; £26.4 million in 2015-16.

695

Consolidated Fund stamp duty receipts have been £7,140,000 in 2014-15.

It is impossible to say at any given moment in time whether there is or there is not at that specific moment a Government company or GDC company whose current liabilities exceed its current assets or vice versa, or where both current assets and current liabilities are identical.

The Gibraltar Development Corporation owns the following companies: GDC (Directors) Ltd, Gibraltar Capital Assets Ltd, Credit Finance Company Ltd (Ordinary Shares), Economic Development and Employment Company Ltd. The latter has the following subsidiaries: Gibraltar National Exploration of Minerals Gas and Oil Company Ltd; RMB Investments Company Ltd; Zero

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Carbon Footprint Company Ltd; Skills Enhancement Training Company Ltd; Supported
705 Employment Company Ltd; Graduate Research and Development Company Ltd; Employment
Training Company Ltd; Gibraltar General Construction Company Ltd; Construction Training
Company Ltd; and Gibraltar National Mint, which owns, in turn, the Gibraltar International Mint.

As has been previously explained in Parliament, the costs referred to by the Principal Auditor
related to the planned expansion of the Gibraltar Savings Bank prior to the creation of the
710 Gibraltar International Bank. Any future expansion plans have not yet been finally decided.

All the investments or deposits shown in the statement of investments of the Savings Bank
Fund that I provide the hon. Member with are made because the Savings Bank has decided to
make them. I will not be providing any further details beyond what is already included in that
statement.

Credit Finance Ltd redeemable preference shares do not have a fixed maturity date.

715 The position as regards the investment of GSBA is as stated previously in answer to this
question.

The Government is satisfied that the General Sinking Fund allows for the payment of interest
and is not in conflict with the Constitution.

720 There were no Capital Bonds redeemed in the financial year ending 31st March 2014 and no
bonds issued on 1st September 2014.

GAR Ltd purchased the Mount property as an investment and paid for it from resources
available to it.

I suppose, Mr Speaker, that the purpose of Gibraltar General Construction Company Ltd was
to conduct general construction.

725 Total liquid reserves came down by £160 million in the financial year 2014-15 because the
Government invested this amount in Gibraltar for the benefit of its people.

The position as regards total liquid reserves composition, when, where and how these are
invested on a particular date chosen by the Member opposite, continues to be as previously
stated.

730 The position of the public debt on 1st October 2016 is as it was estimated on 1st September
2016, except that the cash reserve is now estimated at £59 million and the net debt at
£387 million for that month.

Credit Finance Company Ltd call deposit is at 6.5% interest and repayable when required.

735 The position as regards loans provided by Credit Finance Company Ltd continues to be as
previously stated.

Hon. R M Clinton: Mr Speaker, I will obviously have to beg your indulgence as I trawl through
the answers. It is quite a substantial list of questions and answers for me to absorb all in one go,
740 but I will hopefully, one by one, address each of the questions, but it may take me a bit longer
than if I had been able to get the answers individually.

If I can take the hon. Member to Question 811, I was specifically interested in the terms of
these capital bonds. He tells me that none were issued or redeemed in that financial year, but I
actually have the Principal Auditor's Report that ... unless I have made a mistake, but I doubt it.
745 Yes, Mr Speaker, I think the hon. Member has got the better of me. It should have been 2015 in
the Capital Bonds, but I wonder if he might be able to indulge me and explain what the terms
are of these Capital Bonds.

Hon. J J Bossano: From memory, I think the terms were that what would have been the
interest, had they been paying interest, was accrued and added to the capital value of the bond
750 on redemption when they were redeemed. So if it was 6% a year, for example, then it was
repaid at 106%.

755 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Member for that explanation. Would he be able to explain why this particular structure was decided upon as opposed to a traditional bond or a coupon?

760 **Hon. J J Bossano:** No, Mr Speaker, because I am not going to answer any of his questions when he asks me why I do something. The Government governs. I have been there and I have been here, and I can tell him there are things that you do there and there are things that you do here, and they are not the same things. We take policy decisions and we are required to explain what we are doing, but we are not required to explain why we are doing it. We are doing it because we think it is the right thing to do or because we believe it is an advantage to do it. But that is something that the hon. Member has to understand: no Opposition has had the benefit of being able to require somebody to give him an explanation of why. Why do I open my office at seven o'clock in the morning and close it at eight o'clock at night? I suppose because I am a workaholic. The issue is that whenever he asks why we do things, it is because we have taken the decision to do it.

770 **Hon. R M Clinton:** Mr Speaker, I will ask just one final supplementary on Question 811, and that is if the hon. Member could just confirm to me – and I think we probably have the same understanding – that, given the way this note was structured, the yield or the return on this note is not deemed traditional interest.

775 **Hon. J J Bossano:** I fail to see what the question is. Whether it is deemed or not deemed, how does that arise from a question in which he asked me why something was redeemed on a date? And in fact he got that date wrong. That was the original question. He then puts a supplementary and I give him what I believe is correct, but I told him it was from memory. I have not gone back to check that as it was not in the original question.

780 I suppose that if you have got a capital bond then increasing the value of the capital is not deemed to be interest, but I do not see why it is relevant to anything else in the question.

Hon. R M Clinton: Mr Speaker, if I could direct the hon. Member to Question 803, I have requested an organogram: is the Minister willing to provide that to the House?

785 **Hon. J J Bossano:** Mr Speaker, the hon. Member requested an organogram in an answer to be given orally; I do not know how to give organograms orally.

Mr Speaker: Whatever it is, the Chair needs to be elucidated. For the benefit of the Chair, what are these queer objects? (*Laughter*)

790 **Hon. J J Bossano:** Well, Mr Speaker, it is quite simple. It is not something I indulge in – organograms are not my favourite area – but it is something that the hon. Member can do for himself. He seems to want Government Ministers to be doing his work. I have given him what company is the owner of other companies, so what the organogram does is ... He has the name of the company and then a little line which shows all the companies that are below that. I have given that verbally in the oral answer that he requested. What I cannot do is verbally draw a structure in the air, as if it were dealing with virtual reality, so that he would see a picture which can only be given in a written answer.

800 **Hon. R M Clinton:** Mr Speaker, I am, as always, grateful for the hon. Member's answer; and yes, I accept I can actually draw it from the information he has given me.

Mr Speaker, if I can move on to Question 804, in respect of the costs incurred by the Savings Bank, would I be correct in saying that the teller machines and other equipment have now been written off?

805 **Hon. J J Bossano:** No, Mr Speaker, nothing has been written off because I have told him we have not yet taken a decision on what we will be doing.

We have actually taken some steps on something that was intended to be done when we were planning the original development of the Savings Bank and were not anticipating that Barclays Bank would suddenly decide to go and we would need to do something very quickly to be able to replace that as a credit institution. The hon. Member knows the industry better than I do and I do not need to point out to him the kind of chaos we would have had if 17,000 people had been made 'bankless' the next day, particularly the many small businesses that are dependent. So we stopped what we were doing with the Savings Bank and decided that we needed a licensed credit institution to take over the staff, the accounts and the customers.

815 But some things have already been started and therefore ... For example, one of the things we have done is migrated the savings accounts so that we have got them now electronically, which we were doing for the expansion but which we decided to do anyway. We have not given up the possibility that we may be able to use plastic cards and ATMs for people to take money out of their accounts, but we would not be issuing things like credit cards or payment cards – but we might go down the route of actually making it easier to withdraw money from the bank by retaining the ATMs.

The answer is that the expenditure we did has not been written off but some of it has been recovered through some money that we were able to get in respect of some of the investments that we made. Other things have been expenditure that have been reflected in certain improvements in the Savings Bank in terms of our record keeping, which were ... The bulk of the money is in debentures and bonds and so forth in terms of the amount of cash, but in fact there are more customers in the Savings Bank ordinary account. Even though that is only something like £83 million we have got something like 15,000 customers. That has now been computerised and migrated, and that may mean that we are able to produce a more efficient service in that area, so some of the investments which we might not have made had we not been planning to do something else, we have actually put to good use. And there may be some further good use to which things that we have invested in but we are not using at the moment will be used in the future. I think that is taken care of by my final sentence, where I have told the hon. Member that any future expansion plans have not yet been finally decided, so it is still an ongoing process.

835 **Hon. R M Clinton:** Mr Speaker, may I first of all congratulate the Minister for what appears to have been a seamless migration. It is rare that you manage to get a migration without your customers finding out ... or there being any glitches, whereas it would appear that it has been a successful migration and I congratulate the Minister for updating what obviously was an outdated system.

If I may, finally, on this particular question, just ask: does the Savings Bank still retain the four automatic teller machines, or has it perhaps sold them to somebody else?

845 **Hon. J J Bossano:** No, I believe we have still got them.

Hon. R M Clinton: Mr Speaker, if I can now move on to Question 805 in respect of the shareholding in Visa. If I recall correctly, I did ask some time ago about the debit card system in this House earlier this year and was advised it had been abandoned, and the cost was about £1,000, I think, at that time. Would the Minister be able to advise me if I am correct in saying this is a shareholding which is similar to the Gibraltar International Bank, in which it has to acquire some kind of participatory interest in Visa in order to participate in the Visa network?

Hon. J J Bossano: Yes, I believe that is the original reason for it. Yes.

855 **Hon. R M Clinton:** Mr Speaker, finally, given the Minister's previous comments as to not having completely settled the future plans for the Savings Bank, would I be correct in saying that

for the foreseeable future, at least until those plans are finalised, that shareholding will be retained, or is required to be retained?

860 **Hon. J J Bossano:** Well, no, I think, given the fact that we made the investment, we are retaining it because it is a good investment to have. If we had not been planning what we were planning, we might not have done it. It is like what we have done with the investment in the ATMs. If we had not been planning to do what we were, we might not have bought the ATMs. Having bought them, we need to put them to use. The position is that there was a requirement
865 at the time, so it was not a decision that we took to invest in this as opposed to the kind of investments that we do, but it is a good investment and that is why we are keeping it.

Hon. R M Clinton: Mr Speaker, I am not sure if I actually picked up the answer to Question 806, in terms of maturity dates and deposits placed with the International Bank by the Savings Bank. Was I correct in understanding that the Minister said they will make whatever
870 investments they wish? Again, I did not catch any maturity dates – or is the Minister not willing to give me that information?

Hon. J J Bossano: Mr Speaker, what I have told the hon. Member is that I give him a detailed breakdown every month, because he wants to see it, of all the investments that the Savings Bank Fund has, and I am not prepared to give him more information on that list than the information that is already on the list.
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Hon. R M Clinton: Mr Speaker, I move on to Question 807 in respect of the £400 million preference shares held in Credit Finance Company. I believe the Minister said that they have no maturity date. Can the Minister perhaps advise me are they callable on notice by the Savings Bank?
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Hon. J J Bossano: I am sure that if we wanted to we would be able to do it, Mr Speaker.
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Hon. R M Clinton: Mr Speaker, if I may now move to Question 808 in respect of GSBA Ltd. I do recall the answer the Minister gave in respect of this previously, in that earlier in the year I asked him what GSBA Ltd did and he said that they held real assets. I then did a search at Land Property Services in respect of the Treasury building which he had managed had been
890 purchased, but I found that that only accounts for about £5 million, of the £11 million that GSBA Ltd has invested in it. I then asked what has it done with the remaining £6 million, and the Minister indicated that he did not have to give a blow-by-blow account to me.

Mr Speaker, I was wondering if the Minister would be willing to acknowledge that GSBA Ltd is now the proud owner of the North District Post Office and the former South District Post Office?
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Hon. J J Bossano: Mr Speaker, the hon. Member first asked me what GSBA was buying and I told him that I would not give him a breakdown of the investments beyond what the Savings Bank investment list is. He then wants me to tell him whether somebody is selling something to GSBA, which is asking the same question but from the seller's point of view instead of from the buyer's point of view. Well, the answer is I am not willing to either confirm or deny the question that he has asked me.
900

Hon. R M Clinton: Mr Speaker, if I produce documents from Land Property Services showing that GSBA Ltd did in fact purchase the 22 Scud Hill property and the Glacis Post Office a couple
905 of years ago and those are now actually being advertised in the *Chronicle* today for sale, would the Minister be able to say whether these documents are correct or not?

Hon. J J Bossano: Mr Speaker, what I am able to say to him is that his question is out of order because he is not supposed to be asking me questions on information that is already in the public domain. That is what I am able to tell him. So he is wasting my time, his time and the time of the Parliament.

Hon. R M Clinton: Mr Speaker, I now move on to Question 809 in respect of the Sinking Fund. I would be grateful if the Minister would elaborate on ... I presume he has legal advice from the Attorney General in writing as to why there is no conflict with the Constitution.

Mr Speaker: No. (**Hon. R M Clinton:** No?) No. (**Hon. R M Clinton:** No?) I advise the Government have stated in the answer that they are satisfied that the Gibraltar Sinking Fund allows for payment of interest ... is not in conflict with the Constitution. The Government are under no obligation to make public, to release, what legal advice they have received from the Attorney General. That is purely a matter for the Government and that is a ruling that I am making. It is a matter that came up in the Parliament of New Zealand some years ago and I have got a record of what transpired, and the Speaker's ruling was that legal advice given to the Government is for the Government and not for Parliament. I abide by that ruling and I implement it here.

Hon. R M Clinton: Mr Speaker, I am grateful for your guidance, although Question 809 did not refer to the interest; it was referring to conflicting with the Constitution. Mr Speaker, perhaps you could enhance your ruling as to whether I can ask whether any legal advice has been given.

Hon. J J Bossano: I do not know, Mr Speaker, if amongst his many abilities the hon. Member opposite also happens to be a constitutional lawyer. I am not, but I find it inconceivable that any Member of Parliament should think that it is possible for the law draftsman to be drafting legal notices which are in breach of the Constitution –

Chief Minister (Hon. F R Picardo): In the Attorney General's office.

Hon. J J Bossano: – in the Attorney General's office, and that he should have omitted if there was the remotest possibility that there was any credibility in the assumption that the hon. Member is making. So, clearly, I can only assume that he is reading the Constitution as a layman and not as a lawyer, and therefore that explains why he is asking silly questions like this.

Hon. R M Clinton: Mr Speaker, of course I am a layman; I certainly am not a lawyer. Can I infer from the hon. Member's answer that in fact if it is drafted by the Attorney General's office that there is an assumption that it is in compliance and there is not any specific advice?

Hon. J J Bossano: Mr Speaker, the hon. Member must understand that just because he thinks that civil servants are not doing their work properly or that civil servants cannot count, or that civil servants do not know how to draft legislation, we do not go rushing off to the Attorney General in case he happens to be right.

This is not something that is done in the Cabinet by the politicians; this is being done by the people who are employed to do the job. They know their job, they have been doing it for many years, they do it well and everybody praises them for how they do it as professionals, so I do not see why I should have to spend any of my time questioning their professional ability to do the work for which they are employed. The people he thinks might be getting it wrong have been longer involved in preparing legislation and in dealing with the Constitution than he has, and I

960 have been longer in politics than he has and if I were to make a judgement I have no doubt that it is not in conflict, but I would not say it is a legal opinion.

Hon. R M Clinton: Mr Speaker, if I can now move on to – and I will pass by Question 810 – Question 813, the purchase of the Mount from the Government at £8.2 million, the proceeds of which, as the hon. Member will know, was credited to the General Sinking Fund, and he advised that GAR Ltd obtained the money from general resources. Can the Minister please advise why it is considered to be an investment and what kind of return GAR expects to get on this investment from ...? I presume they are now leasing it from the Government, or the Government is leasing it from GAR.

970 **Hon. J J Bossano:** Mr Speaker, I do not know why he keeps on asking me why when I have told him why I will not reply to his why! *(Laughter)*

Hon. R M Clinton: Mr Speaker, I am grateful for the hon. Member's response *(Laughter)* as to why he will not say why. Oh, why, I ask myself.

975 Moving on to Question 814, where he, tongue in cheek, says 'I assume the purpose of General Construction is for general construction', can he advise what types of contracts this company is involved in and who decides the contracts that are channelled through this company?

980 **Hon. J J Bossano:** Mr Speaker, the original question was the purpose for which Gibraltar General Construction was set up, and I said I supposed it was set up to conduct general construction, because it was not set up by me – it was set up by the previous Government and we inherited it as an operational company with employees.

985 As I have in fact already explained in Parliament previously, perhaps before he arrived, the employees finished their contracts and then the company was retained without employees and it acts in order to distribute the maintenance work that is being done from 31 Town Range for the refurbishment of housing estates. That is the work it does.

990 **Hon. R M Clinton:** Mr Speaker, can I move on to Question 815. If I recall correctly, the Minister said reserves fell by £160 million 'because we are making investments for the community'. Could he elaborate what he means by 'investments'?

995 **Hon. J J Bossano:** Mr Speaker, the hon. Member does not seem to understand that when the previous Government increased the level of liquid reserves through companies and through the Government, they made it clear at the time that this was in order to have the money available to them. I think at the time there was concern that there might be difficulty in obtaining money in future and that it was a good juncture. I did not ask them why, but there was a judgement that was made then and therefore they deliberately raised funds in anticipation of spending them, and that is something that Governments do. That is to say that if we have got a high level of liquidity in the Government at any one time, it is normally because we have not yet spent money on things that we are committed to spend on in our manifesto. If we come in with a manifesto in 2011 which inherits projects that were in the pipeline and we have got projects in the pipeline from our own commitments of what we want to do in addition to what is already happening, then the logical thing is that as these projects are done, which are capital projects, there are big sums that move out of the liquid reserves and that is why liquid reserves go down and that is why they go down every time they go down. When there is little capital works, normally the reserves get stronger because there is a flow of money that comes in all the time. If the hon. Member looks, for example, at what we do every year and what was done before every year, that part of the surplus is moved to the I&D Fund, then he will realise that if the I&D Fund is lower in terms of its spending, then there would be more money remaining in the Consolidated

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1015 Fund and cash reserves would be higher. That is the way the balance goes. Why did it go down? Because if the money was invested in things which we may think are for the benefit of the people and he may think they are not the right things to do because he happens to be on that side of the House, well that is fine and we may differ, but the mechanism is the mechanism that has always existed.

Hon. R M Clinton: So, Mr Speaker, if I understand the Minister correctly, what he is saying is that I presume the bulk of the money would have gone on capital projects.

1020 **Hon. J J Bossano:** Yes, that is exactly what I am telling him.

1025 **Hon. R M Clinton:** Mr Speaker, moving to Question 819 in respect of the call deposits by Credit Finance with Gibraltar Investment Holdings, I would be grateful if the Minister would consider whether, given the fall in liquid reserves as per my earlier question which we have just dealt with, to £134 million at 31st March 2015, and given that Credit Finance placed a deposit with Gibraltar Investment Holdings of over £300 million, and given his answer that the money was repayable when required, how would Gibraltar Investment Holdings be able to repay that money if total liquid reserves at 31st March were only £134 million?

1030 **Hon. J J Bossano:** Well, Mr Speaker, I am saying that it is repayable when it is required, and it was not required on the date that he has given so the question is hypothetical.

Mr Speaker: Are there any other supplementaries?

1035 **Hon. R M Clinton:** Mr Speaker, if I may carry on the same line of questioning, in a non-hypothetical question is the Minister comfortable that Gibraltar Investment Holdings would be able to repay in full the over £300 million placed with it by Credit Finance, when required?

1040 **Hon. J J Bossano:** Yes, Mr Speaker, I am confident.

Mr Speaker: Any other supplementary arising from the number of questions asked? Does any other Member have any supplementary questions?

1045 **Hon. T N Hammond:** Mr Speaker, if I may just ask, I do not think we received a response to Question 820. I am fairly certain that Question 820 was asked.

Mr Speaker, I apologise but no one on the benches on this side appears to have heard the answer. Would the Minister indulge me and just provide the answer once more.?

1050 **Hon. J J Bossano:** The position as regards loans provided by Credit Finance Company Ltd continues to be as previously stated.

**Q812 and 828/2016
GCP Investments Ltd –
Barclays Bank loan; City Hall mortgage**

Mr Speaker: Question 812.

Acting Clerk: Question 812. The Hon. R M Clinton.

1055 **Hon. R M Clinton:** Mr Speaker, how much is owed to Barclays Bank in total by GCP Investments Ltd at 31st March 2016 and what is the maturity date of the loan?

Acting Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Question 828.

Acting Clerk: Question 828. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise why the City Hall was mortgaged by GCP Investments Ltd to Barclays Bank on 29th November 2013 and how much was borrowed?

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Acting Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Hon. J J Bossano: Mr Speaker, the Barclays Bank loan matures on 21st December 2025 and as at 31st March 2016 the balance was £17.1 million.

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On 29th November 2013 nothing was borrowed from Barclays Bank using the City Hall as security.

Hon. R M Clinton: Mr Speaker, I am grateful for the answer.

May I ask: if nothing was borrowed, then why was the City Hall mortgaged to Barclays Bank?

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Hon. J J Bossano: Given the look of confusion on the hon. Member's face, I am going to make a concession and answer his 'why' on this occasion, but I do not want it to be taken as a precedent. The answer why is because the Gibtelecom offices across the road wanted to buy the Haven in order to expand – (**Hon. Chief Minister:** The Treasury building.) which was where the Treasury building was, yes, and Gibtel was on the top – and the Treasury building had already been included by the previous Government in a loan that they raised from Barclays Bank for £20 million, and they mortgaged a lot of Government buildings to get this money in order to invest in a private sector development.

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Chief Minister (Hon. F R Picardo): They mortgaged the Treasury with Barclays Bank.

Hon. J J Bossano: Yes, and in order to facilitate the acquisition by GibTel of that building, Barclays Bank agreed to switch the portfolio and take the City Hall building as opposed to the building that was opposite. All that we were doing was tidying up the process that had been started by his party before us. That is why I am giving him the answer to why. (*Laughter and banging on desk*)

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Q821-822/2016
Training in trades –
NVQ levels 1, 2 and 3

Acting Clerk: Question 821. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

1100 **Hon. R M Clinton:** Mr Speaker, how many individuals have actually been taken in for training at NVQ level 1 at the two training centres in each of the last four years?

Acting Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1105 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** I will answer this question with Question 822.

Acting Clerk: Question 822. The Hon. M D Hassan Nahon.

1110 **Hon. Ms M D Hassan Nahon:** Could Government give a breakdown of the number of young people who have successfully completed levels 1, 2 and 3 of the various trades as presented in the Employment and Training motion of the October session of Parliament?

1115 **Acting Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, the number of individuals starting level 1 training in the last four years have been: 2012-13, 4; 2013-14, 83; 2014-15, 143; 2015-16, 67.

1120 The number of persons who have successfully completed levels 1, 2 and 3 of the various trades discussed in the motion last month are as follows: level 1, 275 trainees; level 2, 282 trainees; level 3, 104 trainees.

1125 **Hon. E J Reyes:** May I, Mr Speaker? The Hon. Minister, in reply to Question 821, has given a figure which I take it is a collective figure for the two training centres. Would he happen to have a breakdown of the construction centre as opposed to the engineering training centre, which combined would give me the totals that he has provided?

1130 **Hon. J J Bossano:** Mr Speaker, I think, if I am right, that the level 1 is not done in Gibdock, so the figures for level 1 are all Construction and Training Centre and there are none in Gibdock. They go in at level 2. That is my understanding.

1135 **Hon. E J Reyes:** Mr Speaker, I am not trying to catch out the Minister, or whatever. From my recollection, what the Gibdock training does is it gives the underpinning knowledge of level 1 but does not bother sitting for an exam, but rather pushes them straight through to level 2, because, as we spoke about last month, the qualified craftsman in engineering trades is considered to be level 3, so there is no need to hold that level 1 certificate.

1140 I am grateful. The answer does satisfy me, because then there has not been any change and they do not actually sit down for examinations in level 1. So, unless the Minister has heard of any change, then I am quite happy with that and take these as being all under the Construction Training Centre.

1145 **Hon. J J Bossano:** Yes, I think the answer that I have given him is on that basis: they are all construction training workers because they are not given a separate level 1 certificate.

Mr Speaker: If there are no other supplementaries, the House will recess to this afternoon ... at?

1150 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, with the information ringing in our ears that the party opposite mortgaged the Treasury, *(Laughter)* I propose that we recess now until 3.30 this afternoon.

Mr Speaker: The House will now recess until 3.30 this afternoon.

The House recessed at 1.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.45 p.m. – 9.06 p.m.

Gibraltar, Thursday, 24th November 2016

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The Gibraltar Parliament

The Parliament met at 3.45 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

Procedural –

Q822/2016 supplementary question to be taken later in sitting

10 **Mr Speaker:** I understand that, due to the rather rapid exodus before lunch, the hon. Lady was not able to ask a supplementary that she would have liked to ask, given that Question 822 was hers. The Hon. Marlene Hassan.

15 **Chief Minister (Hon. F R Picardo):** I understand that the supplementary is to Minister Bossano who is not here, so what I agreed with the Clerk would be sensible, if the hon. Lady agrees, is that when he is here she takes her question or perhaps at the end of my questions when I explain –

Mr Speaker: She could ask the question – pass it on to the Hon. Mr Bossano and then the answer can come back. He does not have to attend.

20 **Hon. Chief Minister:** No, but as it is in the nature of a supplementary rather than – (**Mr Speaker:** It is a supplementary.) Because the hon. Lady may wish to ask something else arising from that, I have no difficulty with giving way, when Mr Bossano comes in, after whichever question I am on and allowing her to put a question, if she wishes.

25 **Mr Speaker:** This is a supplementary arising from Question 822. The Hon. M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Sorry, did we not just agree that I would be coming back to that when the hon. Member comes back to the House? Thank you.

CHIEF MINISTER

Q824/2016

Mobile telephones –

Posts held where bills paid by the taxpayer; cost

Acting Clerk: We continue with the questions and we continue with Question 824. The Hon. L F Llamas.

30 **Hon. L F Llamas:** Mr Speaker, can the Government provide a full list of detailed posts which have mobile telephone bills paid directly or indirectly by the taxpayer, together with the bill accrued as at the end of each financial year ending 31st March for each of the financial years 2012, 2013, 2014, 2015, 2016 and the current financial year?

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

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is too voluminous to provide within the timeframe available, and neither does the Government consider it appropriate or reasonable to provide every single officer's phone bill.

Q825-826/2016

Bluewater and Coaling Island projects, Rooke development, Bob Peliza Mews and Hassan Centenary Terraces – Update on contracts

Acting Clerk: Question 825. The Hon. R M Clinton.

40 **Hon. R M Clinton:** Mr Speaker, can the Government advise the current status in respect of contract negotiations for the Bluewater project, the Coaling Island project and the Rooke development?

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

45 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this questions together with Question 826.

Acting Clerk: Question 826. The Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, has the Government signed contracts for the construction of Bob Peliza Mews and Hassan Centenary Terraces?

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

55 **Hon. Chief Minister:** Mr Speaker, the answer remains as set out in answers to Questions 691 and 693/2016.

60 **Hon. R M Clinton:** Mr Speaker, Question 691/2016 basically says the position remains as set out in Question 435/2016, and in answer to Question 435/2016, in which I asked about the Bluewater project, the Coaling Island project, reclamation projects and the Rooke development, the answer was:

Negotiations on these projects are currently ongoing and are at an advanced stage.

Mr Speaker, in today's *New People*, my favourite publication, it says:

Although finalisation of the agreement to develop the Bluewater project is taking longer than expected, the Government is confident it will be signed soon.

65 I would be grateful if the Chief Minister could indicate whether he is indeed confident that the Bluewater project will be signed soon, and could he perhaps put a timeframe on what he

thinks 'soon' might be, given that when I first asked about this project, earlier in January, he was reaching a climax.

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

Hon. R M Clinton: Well, Mr Speaker, obviously we are no further.

75 If I can move on to Question 826, he again refers back to the answer he gave to Question 693, which in turn referred back to Questions 534 and 535/2016 – and basically that was in respect of Bob Peliza Mews and Hassan Centenary Terraces – and he answered then:

These projects are still progressing as planned and the Government expects construction to commence soon.

Mr Speaker, I would ask the Chief Minister to advise the House, and especially the people who sent in expressions of interest, what he means by 'commencing soon'. Is that going to be before Christmas?

80 **Hon. Chief Minister:** Mr Speaker, the answers I am referring to, in case the hon. Gentleman has not looked at them, are answers I gave him in the last House. There is a rule that you do not ask the same question within six months. Mr Speaker has generously allowed these questions to be put, despite that. The hon. Gentleman is going to get the same answer if he asks me again next month, if he feels he has to, because in the interim he might see an announcement from
85 the Government in the media when we are ready to make an announcement in respect of these matters. So I would say to the hon. Gentleman that he is going to hear with the rest of Gibraltar when we are ready to make an announcement in respect of both the East Side reclamation proceeding and the Sir Joshua Hassan and Bob Peliza Mews projects commencing. He need not ask me every month the same question. It is outside the bounds of the rules and he is going to
90 get the same answer.

Hon. R M Clinton: Mr Speaker, I would obviously bow to any ruling that you gave, but I always thought that –

95 **Mr Speaker:** It is not a ruling that I gave.

Hon. R M Clinton: No, Mr Speaker, I have not finished.

Mr Speaker: It is not a ruling that I gave.

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Hon. R M Clinton: No, I know. I have not finished.

Mr Speaker: It is a Standing Order of the House that you do not ask the same question within a period of six months.

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Hon. R M Clinton: I accept that, Mr Speaker. But I also understand that you can ask for updates on positions, and that is not the same question but obviously I will abide by any ruling.

110 **Mr Speaker:** Sometimes what happens, because we are all human, is that a spate of questions arrive and it is a matter of grave urgency. Initially, the Clerk will have a look at the questions, and if he has any doubt about any of them he refers them to me. Obviously, sometimes they get through the net. The Clerk may be under pressure or I can be under pressure and we may not realise that pretty well the same question has been asked before.

115 In fairness, I tend to be liberal where the information that is being requested changes over a period of time. If the question that is being asked is of a statistical nature, then I tend to allow it and the Clerk has instruction to allow it because the answer is going to be different, but where it is the same subject matter then that question should not be asked within a period of six months.

120 **Hon. R M Clinton:** Well, Mr Speaker, I will obviously abide by your ruling, but I must say that the people of Gibraltar are asking me constantly when these projects are going to start and they expect me to ask these questions.

125 **Mr Speaker:** Yes, but the people of Gibraltar do not make the rules you see; the rules are made by Parliament and the people of Gibraltar are not Members of Parliament. Only 17 from amongst the people of Gibraltar are Members of Parliament.

130 **Hon. Chief Minister:** Mr Speaker, it is in fact exactly a year ago today that the people of Gibraltar were given the option of either pursuing the course for the future of our nation that hon. Members proposed in a short pamphlet or that which we proposed, and by a margin of seven out of 10 they determined, on the last Thursday of November 2015, that we should proceed with our projects for the East Side and our projects for Sir Joshua Hassan Terraces and Bob Peliza Mews in the lifetime of this Parliament, and that is what we will do, Mr Speaker. And when we do, we will make an announcement as we are ready to explain what progress has been made in respect of each. That is going to continue to be the position however much we may be asked, because the people of Gibraltar stop me in the street too and they tell me what a fantastic job we are doing. They encourage me to continue not to be deterred by the repeated questioning that they think puts us off our job. They are supportive of the work we are doing on the East Side, on housing, on health and on every other matter.

140 **A Member:** Hear, hear. (*Banging on desks*)

Mr Speaker: If I may, I am going to take the opportunity to explain to the House what views I have always had as a Member of this House, and which I continue to have as Speaker.

145 Firstly, five working days is insufficient. I have always taken that view. Whether I was on the Government side or sitting in opposition, I have always considered that five working days' notice is insufficient where questions are concerned – more time is required. I have always advocated that it should be seven working days. That is a view that I formed in the 1970s. Forty years on, the position remains the same, so you take it or leave it.

150 **Hon. Chief Minister:** Mr Speaker, if I might be of assistance, hon. Members now have the advantage that they know there is going to be a meeting every month unless we agree that there is not going to be, as we have had at the early part of this year. They know they can put questions every month and they can deposit the questions with the House as soon as they know what they want to ask.

155 The notice that is issued by the Government of convening the meeting tells them when the deadline for questions is, but they can start sending questions at any time. Those questions can be sent from the Parliament to the Government and work can start in preparing answers at any time – and I would encourage them, if they wish to do so, to deposit questions whenever they wish.

160 The House very helpfully allows the Government, of course, to have the questions as they come in. So, if a questioner sends his questions in a minute after the notice, we receive them a minute after the notice and then we have six and a half working days. If it is received on the limit, then we have exactly five days to work on the question. But the Member could now think that there is a question that they might wish to put: they could simply write it up, leave it with
165 the Clerk and it could be put to us, and then we have 20 days to prepare an answer.

Mr Speaker: Let me elaborate on that if I may, because I think it is important. Why are five working days insufficient? First of all, the questions go to a civil servant, who is expected to draft an answer for the Minister. The Minister has to see that draft answer. The Minister may be away from Gibraltar at the particular moment. Nowadays, it is possible to contact people, but all the same ... Then, the Chief Minister, at least in my time and probably the practice continues, should have an opportunity – if he so wishes, and he ought to because they are of a political nature – to look at the draft answer in case he considers that an amendment is required.

All that within five days I think is unfair on all concerned. And, may I add – and this is why I insist that I have a word now – it is most unfair on my staff. I know my staff here are working until very very late in the evenings because of the short period of time allowed for questions, and it is not fair.

Hon. Members have an opportunity, if they so want, to change the rules, and it is about time somebody took the initiative and changed the rules and allowed more than five days. That is a straightforward – (*Interjection*) No, he should not just indicate that it is for the Government. It is for the Opposition as well, because the Opposition may not be interested in allowing more than five days, so they have to come forward and say, ‘We consider that five days is not enough: Chief Minister, we invite the Government, with our agreement, to change the rules and to allow more than five days.’

In any case, and this is why the attitude that I adopted when I was Leader of the Opposition for four years ... the rules remained five days but we always in practice gave seven days’ notice. We used to send in the questions beforehand, regardless of the rules, and I commend that attitude as well. You do not have to be bound by the rules. Send the questions in earlier and you are likely to get better answers.

Hon. R M Clinton: Mr Speaker, I honestly do not know what the issue is with five days versus seven days. I was about to stand up and respond to the Chief Minister when you intervened. If there is a logistical issue, I am sure nobody on this side of the House has any problem with resolving it via the Select Committee when that is convened. The Clerk of the House can perhaps advise me when the last adjournment of the last session was, but I believe it was only within seven days’ notice that we had of this session. So, really, in practical terms, we could not have got our questions in any faster than we did on this occasion.

But beside that, Mr Speaker, the reason I am standing up is in response to the Chief Minister. I am grateful to the Chief Minister for his answer, because it is now patently different to the answers that were given differently. I can now go to the people of Gibraltar and say the Chief Minister has confirmed it is within the lifetime of this Parliament.

Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has asked a question, and neither do I think he has read the previous answers that he was given. Neither do I think he has listened to much of what we have said in the lifetime of this Parliament so far. These are manifesto commitments we are committed to delivering in the lifetime of this Parliament. He did not need me to get up to tell him that. This demonstrates, Mr Speaker, that perhaps he is asking every month because he forgets the answers he has been given before. I commend to him that he should read the *Hansard* of the questions that he has asked in months before, before he puts pen to paper next time, however much notice he intends to give us of his questions.

Q827/2016
Tax legislation –
Process and timing for enactment of budget measures

Acting Clerk: Question 827. The Hon. R M Clinton.

215 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the process and timing for the enactment of budget measures into Gibraltar tax legislation?

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

220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.
225

Hon. R M Clinton: Mr Speaker, I am grateful for that answer.

I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?
230

Hon. Chief Minister: I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

Q829/2016
Gibraltar Capital Assets Ltd –
Funding of capital projects

Acting Clerk: We move to Question 829. The Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, can the Government please advise to what capital projects does it envisage using part or all of the £300 million loan raised by Gibraltar Capital Assets Ltd and why are these capital projects not being directed via the Improvement and Development Fund, which would be subject to the scrutiny of Parliament?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will announce what projects it intends to fund via the company structure, a funding methodology introduced by the former GSD administration, as and when it is ready to do so.
245

Hon. R M Clinton: Mr Speaker, does the Chief Minister consider the Improvement and Development Fund redundant?

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

Hon. R M Clinton: Mr Speaker, then why is it that capital projects are not being directed through the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, this morning we had a masterclass on why we in the Government do not have to answer why; but on this occasion, as on the occasion that the Hon. Joe Bossano explained to the hon. Member how it was that it was the GSD that had mortgaged the Treasury and that therefore the mortgaging of the City Hall was just in replacement of the GSD's mortgage of the Treasury, I will explain to him that it was the GSD that introduced the concept of funding capital projects through the company structure. And as to why, Mr Speaker, I will direct him to the greatest Gibraltarian of all time, who will perhaps be able to indicate to him why it was that he came up with that structure.

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm that, in the past, the funding of these companies would come via the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that that is not the case, because he asked a question this morning to which he got an answer which reminded him that the capitalisation of the company structure has included the raising of a mortgage in the sum of £20 million for investment by the former administration.

Hon. R M Clinton: Mr Speaker, given the quantum of the size of money that the Government has raised, £300 million, does the Chief Minister honestly believe that it is not pertinent for capital projects to be presented to this House for approval?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not just seem to want to ask the same written question every six months, he wants to ask the same supplementary every month with a different spin in order to have the same debate. That question has been asked and answered on a number of occasions.

The £300 million investment in Gibraltar demonstrates huge confidence in Gibraltar, even in the light of the Brexit vote. I will put it this way to him, Mr Speaker. He likes to say it is not an investment, it is a loan. He likes to say that this is a liability, not an asset. Well, Mr Speaker, he is somebody who has practised as a banker. Doesn't he realise that if a banker lends you £300 million he has great confidence in you and your ability to repay it?

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm to this House that it is, in fact, not a single bank that has lent this money to Gibraltar Capital Assets Management, but it is in fact a securitised loan and that various tranches of loans have been bought by various investors, and therefore we are not really talking about the same thing?

Hon. Chief Minister: Mr Speaker, would the hon. Gentleman care to pause for thought and realise that people who lend money apply exactly the same sort of criteria whether they are pension funds or whether they are banks. They look at exactly the same sort of issues as to the ability to repay etc. Therefore, wouldn't he agree with me that this is a huge demonstration of confidence in Gibraltar and of our stewardship of the public finances of Gibraltar? If he does not, Mr Speaker, he does not seem to understand lending and he does not seem to realise why it is that the people of Gibraltar returned us, exactly a year ago today, to office with such a huge majority compared to the paltry number of votes that they gave them.

Hon. R M Clinton: Mr Speaker, it remains to be seen whether in three years' time he will be returned at all, if even with the same majority, (**Several Members:** Ooh!) given that he has mortgaged £300 million worth of housing estates.

Now, Mr Speaker, I put it to him: what bank lends you money on the basis that it is just your own good name, which has happened in the past, and now requires security? Whereas in the past people were happy to lend to the Gibraltar Government with no security, now he has had to hock the Government's housing estates in order to raise this loan.

305 **Hon. Chief Minister:** Mr Speaker, we will indeed learn in three years' time whether we are
returned to office or not. And do you know what, Mr Speaker? We will not take one vote for
granted. I said on the night of the election, the night that we were returned to office by seven
out of 10 votes, that we would not take anybody for granted, that we would ensure that we had
three watchwords for the lifetime of this Parliament: humility, humility, humility. That is exactly
310 how we are ensuring that we retain the confidence of the people of Gibraltar.

But another way that we retain the confidence of the people of Gibraltar is to demonstrate
that the hon. Members opposite just do not know what they are talking about. And you know,
Mr Speaker, in some instances they might be forgiven because some of them – indeed, nay,
most of them, save the Acting Leader of the Opposition, Mr Reyes – have absolutely no political
315 experience whatsoever. They have not been in this House, and therefore I might refer to things
that they know not about, but in his case he has spent the whole of today and most of the
months leading up to today hearing me remind him of the £20 million loan taken by the GSD
Government secured on Government properties. So for him to get up now and say that, before,
they lent on the good name of the Government alone without properties having to be
320 mortgaged and now you have to hock things to have a borrowing is either absolutely careless in
terms of remembering what he was told a moment ago or an attempt, which I will not impute to
him, to mislead the House and those listening.

Hon. R M Clinton: And so, Mr Speaker, I presume, although I do not know if the Chief
325 Minister is willing to confirm this or not, that they actually we repaid that £20 million.

Hon. Chief Minister: Mr Speaker, that is not a supplementary that arises from this question.
The hon. Gentleman just wants to have a rolling debate. If he wants the answer to that, he
should put a question.

Q830/2016

Chief Secretary's salary – Fixed percentages that determine certain salaries

330 **Acting Clerk:** Question 830. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise what are the fixed
percentages of the Chief Secretary's salary that would determine the salaries of each of the
Chief Minister, Financial Secretary, Leader of the Opposition, Speaker, Ministers, Members of
335 Parliament and the Attorney General, and who determines that percentage?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, in line with the resolution of this House dated
340 8th December 1998, the salaries of the Chief Minister, Leader of the Opposition, Ministers and
Members of Parliament, including the Speaker, are increased annually by the same percentage
as the increases from time to time in the established salaries of the offices of the Attorney
General and Financial Secretary.

The salaries of the Financial Secretary and the Attorney General are increased annually by the
345 same percentage that is awarded to civil servants in the annual pay reviews. The last increase
was 2.7% in line with the August 2016 pay review.

Since the representations made by the Principal Auditor, the salary of the Principal Auditor
and the Chief Secretary were made identical and the relativity with the salary of the other
officers no longer exists.

350 **Hon. R M Clinton:** Mr Speaker, I am grateful for the answer to that question.
May I remind the Chief Minister that I have a letter in on the increase in salary for the
Financial Secretary and I would be grateful of an answer in due course.

Hon. Chief Minister: I think it is in respect of the Chief Secretary, but yes, he will have an
355 answer to that as soon as I am able to.

Q831/2016
Financial Secretary –
Expiry of contract and recruitment of replacement

Acting Clerk: Question 831. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when the Financial Secretary's
contract expires and what steps are being taken to recruit and train his replacement?
360

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

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I am afraid that whilst he is a Member of
this House he cannot apply, but the Financial Secretary was appointed in September 2014 on the
365 basis of an initial term of three years.

With regard to the steps being taken to recruit and train for a replacement, the Government
will, in the first instance, be inviting applications for suitable candidates for the post of Assistant
Financial Secretary.

The post will, however, remain one directly appointed by the Chief Minister and there are not
370 to be any expectations that anybody would be entitled to be appointed as Financial Secretary
because they had been Assistant Financial Secretary.

Hon. R M Clinton: Mr Speaker, I am grateful for that response.
If I could just clarify: the advertising will be external to the Civil Service, or both?
375

Hon. Chief Minister: Mr Speaker, I think that the intention is that it should initially be internal
to the Civil Service.

Q832-838/2016
Public Service –
Vacancies; recruitment; allowances to union convenors; acting posts; retirements during
temporary promotion; subcontracted workers; recruitment consultants

Acting Clerk: Question 832. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

380 **Hon. R M Clinton:** Mr Speaker, further to Question 267/2016 can the Government provide an
updated list, together with additional detailed information such as grade, post and Department
for each vacant post?

Acting Clerk: Answer, the Hon. the Chief Minister.
385

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer the question together with Questions 833 to 838.

Acting Clerk: Question 833. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

390

Hon. R M Clinton: Mr Speaker, further to Question 268/2016, can the Government provide an update as to the external recruitment of administrative assistants in the public sector?

Acting Clerk: Question 834. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

395

Hon. R M Clinton: Mr Speaker, further to the answer to Question 445/2016, can the Government now disclose the allowances given to union convenors, detailing the name of the convenor, the value of the allowance and the union they represent?

Acting Clerk: Question 835. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

400

Hon. R M Clinton: Mr Speaker, how many permanent and pensionable public servants are currently acting in posts across the public service, setting out details of the post, Department and the date they started acting?

405

Acting Clerk: Question 836. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government state since January 2012 which employees in the public sector have retired whilst being temporarily promoted, providing details of the officer's grade and the post/grade which they have retired from?

410

Acting Clerk: Question 837. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government provide a schedule as at 31st October 2016 of how many subcontracted workers from recruitment consultants were providing services within the public sector, together with individual additional information such as date of commencement, grade/post being undertaken and reason why they had been subcontracted?

415

Acting Clerk: Question 838. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

420

Hon. R M Clinton: Mr Speaker, how many individuals under contract with recruitment consultants are currently covering posts which are vacant across the public service or are undertaking jobs which would normally be undertaken by public servants had those posts not been vacant?

425

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now hand over a list of vacant posts within the civil service in respect of the answer to Question 832.

430

ANSWER TO QUESTION 832

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
TREASURY	1	Accountant General	24/10/2016
	1	Computer Consultant	01/11/2017
	3	Administrative Officer	04/01/2016
			03/05/2016
			14/06/2016
	7	Administrative Assistant	05/10/2015
			18/11/2015
		18/11/2015	
		18/11/2015	
		18/11/2015	
		04/01/2016	
		09/05/2016	
NO.6	1	Senior Administrator	07/11/2016
	1	Personal Secretary	31/08/2016
	2	Administrative Officer	30/04/2014
			30/04/2014
	2	Administrative Assistant	19/11/2014
		19/11/2014	
OFFICE OF THE DEPUTY CHIEF MINISTER	1	Administrative Assistant	26/10/2015
HM CUSTOMS	1	Senior Customs Officer	29/02/2016
	1	Executive Officer	05/09/2016
INCOME TAX	1	Commissioner of Income Tax	07/11/2016
	1	Senior Executive Officer	17/01/2016
	4	Administrative Officer	21/10/2015
			21/10/2015
			31/05/2016
		22/08/2016	
	1	Administrative Assistant	18/11/2015
PARLIAMENT	1	Usher (Administrative Officer)	29/06/2012
HUMAN RESOURCES	2	Senior Executive Officer	05/01/2015
			24/06/2016
	1	Legal Assistant	01/11/2015
	1	Personal Secretary	30/09/2015
	2	Administrative Officer	23/03/2016
			11/10/2016
	1	Administrative Assistant	18/11/2015
	1	Industrial	11/02/2011

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
FINANCIAL SECRETARY'S OFFICE	1	Senior Officer	01/04/2012
	1	Administrative Officer	01/04/2012
PROCUREMENT OFFICE	1	Administrative Officer (Part-time)	30/11/2015
TOWN PLANNING AND BUILDING CONTROL	1	Professional and Technology Officer	11/09/2015
ENVIRONMENT DEPARTMENT OF THE ENVIRONMENT CLEANSING SECTION	1	Professional and Technology Officer	18/02/2015
	1	Environmental Monitor	17/07/2016
	1	Administrative Assistant	04/01/2015
	4	Assistant Environmental Protection Officer (AO)	01/04/2015
EQUALITY & SOCIAL SERVICES	1	Higher Executive Officer	17/12/2015
	1	Equalities Officer	08/08/2016
HOUSING - ADMINISTRATION	1	Principal Housing Officer (Senior Officer)	02/07/2012
	1	Personal Secretary	30/09/2016
	1	Executive Officer (Ex GDC Ring-Fenced)	30/06/2016
	1	Administrative Assistant	20/10/2015
TECHNICAL SERVICES MINISTERIAL OFFICE TRAFFIC MANAGEMENT ENGINEERING AND DESIGN	1	Executive Officer	26/03/2015
	1	Administrative Officer	21/07/2016
	1	Senior Professional and Technology Officer	02/02/2015
	1	Professional and Technology Officer	01/10/2015
	1	Senior Professional and Technology Officer	01/11/2007
	1	Higher Professional and Technology Officer	15/09/2015
	1	Industrial	01/03/2009
DRIVER AND VEHICLE LICENSING	2	Vehicle Tester	04/04/2016
	1	Administrative Officer	28/06/2016
			25/02/2014
ECONOMIC DEVELOPMENT TRAINING	1	Senior Executive Officer	01/04/2015
	2	Instructional Officer Assessor	27/10/2013
INVEST GIBRALTAR UNIT	2	Administrative Officer	01/04/2016
	2	Administrative Assistant	01/04/2015
			27/05/2015

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>STATISTICS</u>	1	Statistics Officer Level 1	21/01/2015
<u>EMPLOYMENT</u>	2	Health and Safety Officer IV	04/01/2015 28/06/2016
<u>SOCIAL SECURITY</u>	1 3 2	Director of Social Security Administrative Officer Administrative Assistant	04/01/2016 07/12/2013 03/05/2016 23/05/2016 18/11/2015 11/04/2016
<u>EDUCATION</u>	1 3 1 1 3	Executive Officer Deputy Headteacher - Hebrew School Deputy Headteacher - St Joseph First Deputy Headteacher - Bayside Senior Technician School Secretary Industrial	24/11/2015 24/11/2015 02/09/2016 02/09/2016 01/09/2013 13/09/2016 05/02/2016 04/12/2015 23/05/2016
<u>POLICING</u>	10 1 1 1 1	Police Constable School Crossing Patrol Officer (Ex GDC Ring-fenced) Administrative Officer Administrative Assistant Industrial	18/04/2016 05/05/2016 11/05/2016 03/08/2016 19/08/2016 28/08/2016 02/09/2016 04/09/2016 30/09/2016 21/10/2016 15/11/2016 02/08/2016 04/01/2016 26/01/2016
<u>HM PRISON</u>	1	Principal Officer	26/12/2015
<u>GIBRALTAR LAW COURTS</u> <u>GIBRALTAR COURTS SERVICE</u>	1 3 1	Personal Secretary Administrative Officer Interpreter Clerk (Administrative Officer)	07/11/2016 04/01/2016 04/04/2016 03/05/2016 14/11/2014

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>JUSTICE</u>	1 1 1 1	Law Drafter Executive Officer Personal Secretary Support Grade Band 1 (Telephonist)	18/11/2015 12/11/2015 26/02/2014 01/08/2016
<u>GIBRALTAR FIRE & RESCUE SERVICE</u>	1 1	Head Mechanic Industrial	02/08/2016 16/02/2016
<u>CULTURE AND HERITAGE</u>	1 1	Senior Executive Officer Events Co-ordinator (HPTO)	03/08/2010 05/01/2015
<u>YOUTH</u>	1	Administrative Officer	12/01/2016
<u>GIBRALTAR AUDIT OFFICE</u>	1 1	Audit Manager Audit Administrative Executive	16/06/2015 12/09/2016
<u>GOVERNMENT LAW OFFICES</u>	1	Administrative Assistant	04/01/2016
<u>CIVIL STATUS</u>	1	Senior Officer	01/04/2016
<u>ROYAL GIBRALTAR POST OFFICE</u>	1 1	Post Office Manager Level 4 Administrative Officer	09/05/2016 01/05/2016
<u>FINANCE CENTRE</u>	2	Executive Officer	01/04/2016 01/08/2016
<u>GAMBLING</u>	1 1	Executive Officer Administrative Assistant	14/10/2016 14/10/2016

Mr Speaker, the recruitment of the administrative assistant posts is linked to the Public Efficiency Review, which will shortly be carried out across the Civil Service. This will determine the needs of the Service and where the posts are required.

435 A list of the value of the different allowances for union convenors and the union they represent are in the table I am handing to the hon. Gentleman.

Convenors	Union	Allowances per Annum
A	Gibraltar Police Federation	£66,784
B	Gibraltar Police Federation	£66,784
C	Unite the Union	£12,000 + £13,862.75
D	Unite the Union	£12,000
E	Unite the Union	£9,000
F	Unite the Union	£12,000 + £10,958
G	Unite the Union	£12,000 + £9,324.96
H	Unite the Union	£5,851
I	GGCA - Facility Time 100%	£79,857 currently
J	GGCA - Facility Time	£17,785 currently
K	GGCA - Facility Time	£19,615 currently
L	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £19,964 to £39,929
M	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £6,943 to £13,887

440 The number of civil servants who are acting fluctuates on a daily basis depending on the needs of the service. There may be, on an ad hoc daily basis, weekly, monthly, etc., different actings. Therefore, any information provided at the time when the answer is prepared would be subject to change on a daily basis. In addition, it should be noted that the information requested is not readily available and we would need to engage with all Government Departments in order to provide an accurate reply. Taking this into consideration, I should be grateful if the Hon. Member would be more specific on the information requested.

445 A list of officers who have retired from the Civil Service since January 2012 whilst being temporarily promoted is in the table I now hand the hon. Gentleman.

ANSWER TO QUESTION 836

Grade	Grade temporary promoted to
Assistant Chief Secretary	Chief Secretary
Executive Officer	Higher Executive Officer
Professional Technology Officer	Higher Professional Technology Officer - Senior Manager within Agency
Senior Executive Officer	Assistant Human Resources Manager
Assistant Human Resources Manager	Human Resources Manager
Senior Executive Officer	Commissioner of Income Tax

Government Agencies, Authorities and Owned Companies

Grade	Grade Temporary Promoted to
Clerk of Works (Grade 7)	Maintenance Operations Officer - Grade 8

Mr Speaker, finally, I now hand over a schedule with the information requested in respect of the Civil Service, in respect of Questions 837 and 838.

ANSWER TO QUESTION 837 AND 838

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Gibraltar Law Offices	11/10/2016	Admin	Vacant Post
Audit	10/08/2015	Audit Assistant	Vacant Post
Civil Status and Registration Office	16/12/2014	Admin	Maternity
	20/06/2016	Admin	Maternity
	20/06/2016	Admin	Maternity
Department of Education	08/09/2014	Technician IT Woodwork	Vacant Post
	02/09/2016	Vehicle/ Child Escort	Covering the increase of children with SEN for Taxi service
Department of Social Security	04/10/2016	Admin	Maternity
	24/10/2016	Admin	Vacant Post
Employment Town Range	26/08/2014	Messenger	Vacant Post
Housing Department	17/09/2015	Admin	Vacant as a result of substitution
	15/09/2015	Admin	Vacant Post
	12/08/2015	Admin	Vacant Post
Human Resources Department	15/09/2015	Admin	Maternity
IT Department	02/02/2015	Admin	Employed to undertake an exercise under e-Government Project
Ministry for Tourism, Equality	20/07/2015	IT-Admin	Vacant Post
Ministry of Employment	15/08/2016	Admin	Vacant Post
	12/08/2014	Clerk	Vacant Post
	12/05/2015	Data Input	Over Complement - due to understaffing
	20/08/2014	Messenger	Over Complement - due to understaffing
	11/02/2015	Data Input Officer	Over Complement - due to understaffing
Ministry of Culture	02/02/2015	Admin	Vacant Post
Post Office	27/08/2015	Admin	Vacant Post
	19/10/2016	Admin	Employed to undertake an exercise of migration of Savings bank
Statistics Department	25/10/2016	Admin	Vacant Post
	12/11/2015	Admin	Maternity

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Income Tax Office	19/08/2015	Admin	Vacant Post
	01/09/2014	Admin	Vacant Post
	16/09/2015	Receptionist	Maternity
	26/01/2015	Admin	Maternity
Treasury	25/07/2016	Admin	Maternity
	25/05/2016	Admin	Vacant Post
	31/05/2016	Admin	Vacant Post
	28/09/2016	Admin	Vacant Post
	19/03/2015	Admin	Vacant Post
	22/09/2015	Admin	Vacant Post
	06/10/2014	Admin	Vacant Post
	07/04/2015	Admin	Vacant Post
	24/03/2015	Admin	Vacant Post
	12/03/2015	Admin	Vacant Post

450 **Mr Speaker:** I would suggest that we now move on to Question 839 and hon. Members of the official Opposition can consider the schedules and tables that have been circulated to them and ask any supplementaries which they may wish to ask later on.

Q839-841/2016
Devil's Tower Road hostel –
Total capacity; delay in completion; cost of refurbishment

Mr Speaker: Question 839.

455 **Acting Clerk:** Question 839. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What will the total capacity of the new hostel in Devil's Tower Road be?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 840 and 841.

465 **Acting Clerk:** Question 840. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the reason for the delay in the completion of the new hostel in Devil's Tower Road?

470 **Acting Clerk:** Question 841. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the cost to refurbish the new hostel in Devil's Tower Road?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the new hostel has a capacity of 158 beds. There is no delay in completing the new hostel on Devil's Tower Road as this became operational on 26th September 2016. I note that the hon. Lady has asked us questions in future terms, but it is already open and we are answering in present terms for that reason.

480 The works to the new hostel on Devil's Tower Road have cost a total of £2,242,048.65. This includes the cost of adding two new floors and the existing building.

Hon. Ms M D Hassan Nahon: Can I just ask the Chief Minister: was a feasibility study done on the new hostel; and, if so, would it be possible to see it?

485 **Hon. Chief Minister:** Mr Speaker, the question of a feasibility study I do not think arises. I do not know what the hon. Lady is trying to ask me. A feasibility study is something that you would do in a different sort of situation. What is she trying to get at? I will see if I can help her in some way to have the information that she wants.

490 **Hon. Ms M D Hassan Nahon:** Thank you for offering to help me out here. I understand there has been some concern by future tenants, or present tenants, whether the capacity of the hostel would have been enough to cater for all the tenants or prospective tenants, so I was just trying

495 to get to the bottom of whether the project and the capacity aspect has been well planned out
and thought through to cater for all the tenants who are due to slowly trickle in. I understand
there are still some who have not. Perhaps you can correct me if I am wrong: have all the
tenants been housed already or are there some in the Queen's complex who have to get there?
If so, once everybody who is due to be housed, will there be capacity for everybody?

500 **Hon. Chief Minister:** Mr Speaker, I can assure the hon. Lady that there is absolutely no
question of the project not having been well thought out; it was well thought out. She will see,
in fact, that already the other hostel has been knocked down. We are already seeing another
expression of confidence in Gibraltar going up, which is a new hotel going up in Devil's Tower
Road in the place where the other hostel was.

505 There is one issue which is slightly sensitive in respect of hostels and on which I am quite
happy to give her some information behind the Speaker's Chair, because then she will
understand that the numbers we are dealing with are not the numbers we are dealing with. But I
would rather not say more, and share the information with the hon. Lady – not on pain of
imprisonment or anything like that, but just confidentially!

510 **Hon. E J Reyes:** May I, Mr Speaker? I am grateful to the Chief Minister, who has expressed his
willingness to meet with the Lady behind the Chair. If that does take place, would he mind
informing me so that I can also be present at this listening brief?

515 **Hon. Chief Minister:** But with him, Mr Speaker, on pain of imprisonment! Not at all,
Mr Speaker, it would be an absolute pleasure to share the information with both of them.

Hon. R M Clinton: Mr Speaker, if I may?

520 **Minister for Commerce (Hon A J Isola):** What, you as well? *(Laughter)* Will he go behind the
Chair?

Mr Speaker: Is there enough room? *(Laughter and interjections)*

525 **Hon. R M Clinton:** No, Mr Speaker, I do not wish to go behind the Chair – I have enough being
in front it!

Mr Speaker, referring to the Chief Minister's answer in respect of the cost of refurbishment in
answer to Question 841, and he says, I believe, £2.2 million for the two new floors plus the
existing building, can he confirm he means refurbishment of the existing building? Obviously, in
530 the press release of January 2014 the building was bought for £3.25 million.

Hon. Chief Minister: Yes, it is the addition of two floors to the existing building that cost the
£2.2 million.

535 **Hon. E J Reyes:** Mr Speaker, with your leave, shall we come back to the Questions that were
answered before?

Mr Speaker: Yes. Any supplementaries arising from the schedules and other information?

540 **Hon. E J Reyes:** Yes. If I can take the Chief Minister back first to the schedule in answer to
Question 834, there is a list of convenors identified as A, B, C, and so on.

Hon. Chief Minister: Sorry, which one is it?

545 **Hon. E J Reyes:** Question 834.

Mr Speaker: The allowances to recruit.

Hon. E J Reyes: Yes. I note that in C, F and G, where the allowance is per annum, there is a figure plus another figure. Perhaps there is a very simple way of explaining that, but rather than having one total we have got two subtotals. Can I be enlightened?
550

Hon. Chief Minister: I think it is allowances, Mr Speaker. I think it is facility time and allowances which are allowed, and therefore that is why it is given separately. Instead of being given as one figure, I think what is set out ... and this is from memory, this is not from the preparation of the answer, but that is why I was not surprised when I saw it. I thought it was that part is salary and part is allowances related to salary.
555

Hon. E J Reyes: Okay, so in that case, if that is correct – and I tend to think like the Chief Minister – one is the basic salary and the other one is the allowance that the individual was receiving, for example a shift disturbance allowance. But if it has been inconvenient and they are no longer undergoing shift work, is that allowance still applicable?
560

Hon. Chief Minister: Mr Speaker, I am not an expert in trade unionism and I can assure the hon. Gentleman that I have not changed anything that was the practice before. But I am quite happy, if he does not know what the answer was in his time ... although I can assure him it has not changed, I can find out, but it is not something I know the answer to.
565

Hon. E J Reyes: Okay, thank you, Mr Speaker.
And then, on I the 'GGCA – Facility Time 100%', obviously the word 'currently' means because that is the person who is currently undertaking that and it changes. But J and K do not have any percentage on them, whereas L and M already go back to two percentages, hence why the note 'current value ranging from ...' So, on J and K that information has not been provided, therefore neither the Chief Minister nor I are any the wiser whether it is 100% or whether it is not. What I find strange is if you bothered to put 100% for I, then in the absence of that notice for J and K could it be anything different?
570
575

Hon. Chief Minister: Mr Speaker, I can tell the hon. Gentleman that I have been given exactly the same information in the table, but I have been given a note and I can tell him that from the note I can see it is 50%. In respect of J and K it is actually 50%.
580

Hon. E J Reyes: Thank you, Mr Speaker.
In the schedule for Question 832 we have got the list in respect of the vacant posts. I know that the Chief Minister before, in his reply in respect of the AA posts, said that that was due to the efficiency review and so on, but I note here that there are some posts, such as Senior Officer, Senior Customs Officer, even the Commissioner of Income Tax. Would those advertisements of the post, are those expected to come through imminently or are those also going to be subject to the efficiency review and therefore there will be a longer delay?
585

Hon. Chief Minister: Mr Speaker, no. In terms of, for example, the Commissioner of Income Tax, the last indication I had from the Chief Secretary was that that one is literally with Human Resources, the Income Tax Department and him in terms of advertising. In Customs, for example, I think the Senior Customs Officer is something which the Department is dealing with. So most of the senior ones are either already about to be advertised or are in the context of discussion between the Chief Secretary and whoever in that Department is looking at the job descriptions and whatever tweaking has to be done there, and I assume in discussion with unions where that may be relevant. It is not with the Government; it is not stopped by the Government.
590
595

600 **Hon. T N Hammond:** Mr Speaker, just in respect of Question 836, and because I am entirely unfamiliar with Civil Service procedure, can the Chief Minister clarify: when a civil servant retires acting in a higher grade, do they acquire the pension rights of that higher grade or do they revert to their actual grade?

605 **Hon. Chief Minister:** Mr Speaker, without being held to the answer I am going to give for absolute accuracy, because I would need notice of the question – if the hon. Gentleman is going to hold me to the accuracy of this, I put it to him he should put me a question – I believe if the person has been acting for a particular period then he carries his acting into his pension, but not otherwise.

610 **Mr Speaker:** Any others? No. That concludes Question Time.

615 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Lady had a supplementary that she wished to ask, although the Hon. Minister has not returned to Parliament in time to take it. Can I invite her to put that supplementary by way of a letter, or a phone call even – I know she has a convivial relationship with the Hon. Minister and can phone him. And if she wishes to do it any other way, I will give way to her now if she wants to say anything.

Hon. Ms M D Hassan Nahon: Thank you for that, Chief Minister. Yes, the Hon. Father of the House and I go back a long way – and long may it last, I hope. (**A Member:** Hear, hear.)

620 I am sure that this supplementary is one that perhaps the Minister for Education or your good self could probably answer, so I will just fire it off now. The question was in relation to Question 822, about the breakdown of the number of young people who had successfully completed the levels in various trades. My supplementary was: is there any liaison with the schools so that potential trainees could be identified at a younger age in schools, rather than perhaps forcing those more suited to this route to have to go through the academic route?

625 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I would need to take advice as to what the actual fact is now, but one of the things that certainly I am looking at with the Department of Education is to be able to identify young people who are not academically minded but who have other skills, to be able to identify them at an early stage in order for them to be directed in other directions, be it vocational training or whatever.

So, again, without having all the information with me, this is certainly the intention and I will certainly research it and I would be very happy to assist the hon. Lady when I have that information. But that is certainly the intention.

630 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions – (*Interjections*)

635 **Hon. L F Llamas:** Apologies. Just one supplementary in relation to Question 832. Just going through the schedule, there appears to be obviously the public sector, and then towards the end there is a company, Gibraltar Car Parks Ltd – this is the question to do with vacancies. It is just a little bit odd that obviously we see that there are Government companies which have been included in the list, but on the other hand we do not see any authorities or agencies having been included. Is there a particular reason why? Is it that we have got a bit more information than we should have, or maybe they have left out the other agencies and authorities?

640 **Hon. Chief Minister:** Mr Speaker, the only places where there are vacancies because the only places where there are complements are in the departments of the Civil Service, and therefore the agencies and the authorities would not be here. The hon. Gentleman has rightly spotted that

645 Gibraltar Car Parks Ltd is in there but that does not have a complement, so they can safely disregard that. I am going to thank him for pointing that out and I shall reprimand whoever it was who allowed this to remain on the list, because there is not a complement. They may be asking for those posts, but they are not posts which are in complement and therefore cannot be deemed to be vacant.

Thank you.

650

Hon. E J Reyes: And likewise, Mr Speaker, when the Chief Minister is chasing this one up, my understanding was that the employees of Gibraltar Tourist Board, although public servants, tended to be GDC employees rather than civil servants – one Upper Rock site officer – so again it may be something that in an original draft ... I think this table had been prepared using Excel, and this cut and paste has not quite worked accurately for the Tourist Board.

655

Hon. Chief Minister: Mr Speaker, I am grateful. I know that this answer goes through various iterations in order to make sure that we reach the right area which is the right area in complement. So I would invite the Hon. Members to make hay whilst the sun shines and relish the information that they have been provided, because they can expect it will not be there next month.

660

Questions for Written Answer

Chief Minister (Hon. F R Picardo): And so, Mr Speaker, I have the honour to table the answers to written questions numbers W60/2016 through to W65/2016.

RECESS

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour that the House should now recess until 5.15 p.m.

665

Mr Speaker: The House will now recess until 5.15 p.m.

The House recessed at 4.35 p.m. and resumed its sitting at 5.15 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Fire and Rescue Service (Amendment) Bill 2016 – First Reading approved

Acting Clerk: The Order of the Day. Bills – First and Second Reading.
A Bill for an Act to amend the Fire and Rescue Service Act.

670 The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Fire and Rescue Service Act be read a first time.

675

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

680 **Acting Clerk:** The Fire and Rescue Service (Amendment) Act 2016.

Fire and Rescue Service (Amendment) Bill 2016 – Second Reading approved

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to move that the Bill for the Fire and Rescue Service (Amendment) Act 2016 be read a second time.

685 This Bill amends the definition of ‘fire hazard’ in section 3 of the Fire and Rescue Service Act. Currently included in the definition of a building that is a fire hazard is any building which exceeds two storeys in height and in which the floor of any upper storey is more than 4.5 metres above ground level. Effectively, the height indicator of 4.5 metres is the height at which it was considered acceptable for someone to jump out of the window or out of an opening in case of a fire when the floor of a flat or a single-family dwelling is above ground level.

690 The Gibraltar Fire and Rescue Service, in consultation with fire safety officers and an expert in the field of fire safety of buildings, considers that 4.5 metres is too high for someone to jump out of a window without risk to injury and has recommended 3.5 metres as the required height. This puts the Act in line with the new fire safety part of the Building Regulations which we have already published quite recently. This change will, in fact, only affect newly built flats and dwellings and will not affect any of the existing buildings.

695 Mr Speaker, I have given notice by letter to you, dated 17th November, of an amendment to clause 2 which I will be moving during the Committee Stage, which clarifies and in fact makes it clear that this will only apply to new buildings and not existing buildings.

700 I commend the Bill to the House.

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

I now put the question, which is that a Bill for an Act to amend the Fire and Rescue Service Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

705

Acting Clerk: The Fire and Rescue Service (Amendment) Act 2016.

**Fire and Rescue Service (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

710

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

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
First Reading approved**

Acting Clerk: A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8; and for connected purposes.

715

The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a first time.

725

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Second Reading approved**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to move that the Bill for the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 be read a second time.

740 As hon. Members are no doubt aware, the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes conducts periodic peer reviews of Gibraltar to assess compliance with the International Standard on Transparency and Exchange of Information.

745 Following a phase 1 review of the legal and regulatory framework in 2001, the OECD conducted an exhaustive phase 2 review of the implementation of the standard in practice in 2014, as a result of which it rated Gibraltar overall as largely compliant. This rating puts Gibraltar on a par with jurisdictions such as the United Kingdom, Germany and the United States.

The Government is committed to implementing the recommendations made by the OECD in the phase 2 peer review report. This Bill implements those recommendations in the report by amending the Partnership Act and the Trustees Act to impose criminal sanctions on trustees and partners where they fail to maintain proper books and records of accounts.

750 To further strengthen Gibraltar's compliance with the OECD standards and the information exchange regime, the Bill amends the International Co-operation (Tax Information) Act 2009 to impose criminal penalties for breach of confidentiality under the Act and widen the Authority's powers when notifying requests subject to civil tax matters. Under the existing regime for civil tax information requests, the Authority must request subjects of issued notices without regard to delays or risks caused to an investigation. This Bill allows the Authority to determine whether a notification to a request subject would undermine or unduly delay an investigation and take action to postpone the notification until the identified risks subside.

Mr Speaker, I commend the Bill to the House.

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

I now put the question, which is that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

770 **Acting Clerk:** The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

Mr Speaker: The Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016.

In Committee of the whole Parliament

**Fire and Rescue Service (Amendment) Bill 2016 –
Clauses considered and approved**

785 **Acting Clerk:** A Bill for an Act to amend the Fire and Rescue Service Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

790 **Acting Clerk:** Clause 2 as amended.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Chairman, the amendment is to clause 2.

795 **Mr Chairman:** It is clause 3(2).

Hon. G H Licudi: No, the amendment is to clause 2, Mr Chairman.

800 **Mr Chairman:** That is not in the notes that you have given.

Hon. G H Licudi: Yes, the letter says:

The amendment is to add, after 'Gazette' in clause 2, the following ...

and there is a form of words at the end of clause 2.

805 **Mr Chairman:** You have two amendments in that case, I think. You have given notice of two amendments.

Originally, on 21st June, you gave notice of an amendment in clause 3 to substitute 'in the definition of "fire hazard"', and now the more recent one, which is for clause 2 and is dated 17th November.

810 **Hon. G H Licudi:** Yes, Mr Chairman, the one I am dealing with now is clause 2, so we are dealing with clause 2 before we deal with the amendment to clause 3.

815 **Mr Chairman:** Clause 2. Hon. Members have received the terms of the amendment. Does anybody wish to speak on the amendment? I then propose that the amendment be carried. Those in favour? (**Members:** Aye.) Those against? Carried. So clause 2, as amended, stands part of the Bill.

Now, clause 3: what happens?

Hon. G H Licudi: There should be a further letter. So substitute 'in the definition fire hazard' –

820 **Mr Chairman:** Again, there is a very small amendment to clause 3(2). All agreed? We take it that clause 3(2) is amended in the terms of the notice given by the Hon. Minister, and therefore –

Hon. E J Reyes: One very small thing –

825

Mr Chairman: Yes, indeed.

Hon. E J Reyes: Would that be as the Bill stands here? As printed on the Green Paper, it says:

In section 2(b), for every instance that "4.5" appears,

830 and in the amendment it is 'for (b) substitute ...' Does that refer to that line, or does it refer to another line? Are we talking the amendment ... Are we removing that '3.5' and putting in that place in the definition of fire hazard? Is that what we are doing, amending this Bill with that?

Mr Chairman: It is not 100% clear.

835 **Hon. G H Licudi:** Mr Chairman, essentially what we are doing is where '4.5' appears in section 2(b) we are amending it by substituting '3.5' for '4.5'.

Mr Chairman: The Bill as originally drafted ... there is an amendment to 2(b) where for every instance '4.5' appears, substitute '3.5'. Apart from that, the Hon. Member gave notice on 840 21st June in clause 3(2) again for (b) substitute 'in the definition of "fire hazard"'. Is it clear what that is referring to?

Hon. G H Licudi: I am trying to get hold of the Bill itself – sorry, the Act.

845 **Hon. E J Reyes:** If I may, Mr Speaker – otherwise you would read 'In section 2, in the definition of "fire hazard"'. That is what is printed here. This is why it does not make sense to me. It may to lawyers, but to us mortal school teachers ... we still cannot let go of the red pen, Mr Speaker.

850 **Mr Chairman:** If you look at the inverted commas, the amendment seems to be the words 'in the definition of "fire hazard"'.

Hon. G H Licudi: Yes, Mr Chairman, because 2(b) relates exclusively to 'fire hazard', so either ... It works both ways, because 2(b) relates to 'fire hazard', so either, for clarification purposes, 855 we just include 'fire hazard' or we just leave it as 'in section 2(b)' because section 2(b) is all about fire hazard. It is about nothing else.

Mr Chairman, I would suggest that we leave –

Mr Chairman: Leave this one for the next meeting?

860

Hon. G H Licudi: No, we leave the Bill as it is – clause 3. We leave it as it is in the original without the amendment.

Mr Chairman: Without the amendment. Okay.

865

Hon. G H Licudi: The amendment is just for clarification but is not, strictly speaking, necessary, because the amendment that is going to be made to section 2(b) is going to be in the definition of 'fire hazard' where '3.5' will be substituted for '4.5'.

870 **Mr Chairman:** Right. So clause 3 stands part of the Bill, as it is in the Bill.

Hon. G H Licudi: As it is.

Mr Chairman: Very well.

875

Acting Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Clauses considered and approved**

880 **Acting Clerk:** A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts –

Mr Chairman: You do not have to read the whole of the long title. The Bill is at Committee Stage. It is being referred to as the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016. Okay. So that is the title.

885 Clause 1 stands part of the Bill.
Call Clause 2.

Acting Clerk: Clauses 1 to 5, Mr Chairman.

890 **Mr Chairman:** *[Inaudible]*

Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.
Clause 1.

895

Mr Chairman: Stands part of the Bill.

900 **Hon. R M Clinton:** May I make an observation on clause 2? Mr Chairman, I would ask the Government whether any thought has been given – I appreciate the importance of this amendment – into any transitional provisions, because obviously from one day to the next there will be criminal sanctioning.

905 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** There is no need for transitional provisions. We are, in fact, implementing a recommendation by the report of the peer review of the OECD. We believe that it is right and proper. The obligation itself to maintain proper books and accounts already exists in the Acts. What the OECD review picked up on was that there was no sanction for a failure, so the primary obligation, the substantive obligation, exists; therefore, there is no need for a transitional provision, because the substantive requirement is already in legislation.

910

Hon. R M Clinton: Thank you very much.

Mr Chairman: Clause 2 stands part of the Bill.

Acting Clerk: Clause 3.

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Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 4.

920

Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 5.

Mr Chairman: Stands part of the Bill.

925

Acting Clerk: The long title.

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

**Fire and Rescue Service (Amendment) Bill 2016 –
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Third Readings approved: Bills passed**

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

935 **Mr Speaker:** I now put the question, which is that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS' MOTIONS

**Mental Health Service –
Care in the community for discharged service users –
Debate commenced**

Acting Clerk: Private Members' Motions. The Hon. R M Clinton.

940 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Is concerned at an apparent lack of care in the community of discharged service users of Ocean Views and other Gibraltar Health Authority Mental Health Services; notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority; considers that more should be done to help the most vulnerable in the community,

including the provision of sheltered accommodation; and calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals to provide and publish recommendations to ensure care in the community for service users is adequately provided.

Mr Speaker, I have brought this motion to the House as a consequence of feedback I was given by service users and families of service users in undertaking research for the recent *Viewpoint* programme on mental health in which a former Minister for Health, Dr John Cortes, and representatives from the Mental Welfare Society and Clubhouse Gibraltar were on the discussion panel.

This motion could perhaps be seen as a type of petition to this House, although not in the formal sense as envisaged by Standing Orders, as it has its origins in the views of ordinary citizens, and in that sense I stand here as a rather inadequate mouthpiece; inadequate in that I freely admit that this is not an area in which I have any personal experience or professional experience, and I accept any criticism from the Government benches in that respect. But then again, no one in this House is a professional in this field, which places upon us a greater responsibility to understand and research the issues raised in this motion.

This motion is not – and Members opposite may not believe me – meant to level criticism at any Government Department or person, but merely seeks to ensure that service users and families of service users receive the level of support that they need and is indeed their right. Nor have I been prescriptive as to the nature of the review the motion suggests – but more on that later.

Both sides of this House have acknowledged that Mental Health Services have been the Cinderella of the Health Authority. The previous GSD Government and this Government have both been playing catch-up in both the provision of new physical infrastructure in the form of Ocean Views, which finally opened in February 2015, and the recent Mental Health Act 2016. The Community Mental Health Team based at Coaling Island has no doubt played a major role in these improvements, including relevant professionals in the Gibraltar Health Authority, but a new clinical facility and legislation, while laudable, are not sufficient in themselves to provide the complete care that service users and families of service users need.

There appears to be a gap in the provision of aftercare for service users and their families. One family member of a service user told me that this was pretty much left to the family to cope as best as they could and, in their words, they ‘found that everything is a struggle and depressing’. In their view, and shocking as it may sound, a cancer or heart patient would receive more support, community sympathy and care than a Mental Health Service user. They see no continuation of care between the GHA and Social Services.

If I may, I would like to quote the views of one such family member of a service user, who happens to be a professional in the field and who describes the relative as follows:

He is stuck in a revolving-door syndrome where he just goes in and out of Ocean Views without a safety net in the community to evaluate his needs. There are no adequate reviews, no care plans, no pathways to recovering, to leading a life in the community and further afield. There is no future. His life has been brutally punctuated to a full stop.

As a Member of this Parliament, I cannot let such an indictment to our mental health care system go unexamined.

The same family member does, however, offer practical solutions as follows:

Surely social care reform with regard to mental health needs to include provision of community services for the person suffering from mental turmoil and also support for their families. Hence we need a holistic 365 all-day service which provides risk assessments, needs assessments, shelters, budgets for care plans, carers, therapists, social workers, mental health workers, all outside Ocean Views and in the community after a section has been lifted. I am asking for a robust recovery pathway for the service user to remain outside Ocean Views and to offer support to families of service users to maintain the carer and service user relationship.

Again I will confess to being no expert in this field. I have sought to identify those resources the GHA may have outside the Ocean Views facility from publicly available information.

980 From the annual Estimates of Expenditure for 2016-17 I note the GHA employs one consultant clinical psychologist, two clinical psychologists and two senior mental welfare officers. There must, of course, be other staff, but I cannot see Mental Health Services as a separately identifiable section in the same way as, for example, Elderly Care Residential Services are.

985 I had hoped to turn to the GHA's annual report for more information and statistics, but I found the last report on the GHA website is for 2012-13, before Ocean Views was completed, and the only useful statistical information was the bed occupancy levels in Mental Health, which peaked at just over 45 in 2013.

990 I was surprised to learn from the Clerks of the House that the last GHA annual report and accounts tabled in this House was for the year ended 31st March 2009 – tabled, in fact, on 29th April 2010. I trust the Minister will take note of this and table the latest GHA report and audited accounts as soon as possible, in accordance with section 15(5) of the Medical (Gibraltar Health Authority) Act.

995 And so I am unable to form an independent view as to the resources made available in the provision of mental health services in Gibraltar, let alone in respect of the activities of the GHA in this area for recent years, nor for the Community Mental Health Team. This information will, of course, be available to the Government and I would welcome an analysis of staffing and resources by unit, if they are so minded to publish it.

1000 I did, however, find that the minutes of the meeting of the GHA board for 21st September 2016 did include a report from the Unit General Manager, Mental Health Services, for the period January to June 2016. This is what was said in its introduction, and I quote:

Although patients' mental health is our primary aim, central to this wellbeing is an understanding of patients' physical health and the link physical and mental health have on one another. With this in mind, the MDT made a conscious decision to concentrate and focus on our patients' wellbeing and physical needs in conjunction with their mental health with the aim of recovery at the beginning of 2016. This has meant developing further links with other care services, being the Primary Care Centre and St Bernard's Hospital, in order to facilitate further the philosophy of patient recovery.

1005 This is no doubt a sensible approach, and the report provided some statistics, namely that over the four months from January to April 2016 the Community Mental Health Team had an average of 204 monthly patient clinic contacts and 103 monthly community visits. But despite this volume of work, the report then goes on to say the following, and again I quote:

As previously described in earlier reports, despite many community activities, both in terms of consultant contacts, nursing visits to patients' homes and the psychological/counselling intervention provided, some patients will continue to need admission to Ocean Views for periods of time. The mental health teams have continued to provide an ever-improving service to those who need it when they need it and how they need it. In order to continue in the development of the service and in response to patient need, we have during this period focused not only on the mental wellbeing but also on the physical needs of patients.

It appears to me, as a layman, that the focus of the GHA Mental Health Service is in clinical outcomes and not necessarily supporting service users in the community, which is perhaps, probably, the role of Social Services. And I really do find it of concern that the Mental Health Service itself considers it inevitable that, and I quote:

...some patients will continue to need admission to Ocean views for periods of time.

1010 If service users are discharged from Ocean Views with an appropriate care plan, then surely regular readmission to Ocean Views should not be seen an unavoidable outcome for some of these users. It would be interesting to see statistics on readmission rates to Ocean Views.

1015 I have also had occasion to discuss the mental health system with a service user. Their observations were as follows: firstly, GPs were perhaps too quick to prescribe anti-depressants rather than refer the patient to counselling; and secondly, they saw mental health support in the community as being disjointed and not user friendly, the service user needing to be in a critical condition before action was taken – the onus was on the service user to make and keep appointments with the Community Mental Health Team at Coaling Island with no follow up. That is the experience of a service user as reported to me.

1020 I have in my research for this debate drawn heavily on the Mind website in the UK, for which I am grateful and I freely acknowledge. On their site there are numerous documents and information surrounding the treatment and care in respect of mental health. One item in particular caught my attention in respect of the UK Mental Health Act that appears to have been omitted from our own recent Act. That is section 117, 'Aftercare'. Mind, the charity, describes it as follows, and I quote:

The aim of section 117 aftercare is to help people settle back into the community and to prevent them from going back to hospital for treatment of their mental health problems. Under this section, health and social services have a joint duty to arrange aftercare for certain people when they leave hospital.

Mind goes on to say:

There is no right to any specific services – it is up to health and social services to assess your needs and decide what they think your section 117 aftercare should include – but these could be, for example, somewhere to live, social care support, home help, or using a day centre.

1030 I can find no such equivalent provision in our new Mental Health Act and I hope the Minister can point to other legal mechanisms where the service user is provided with such aftercare support in the community; otherwise, we do risk a revolving-door syndrome at Ocean Views for lack of community aftercare support.

1035 To highlight the seriousness of this debate, I want to draw this House's attention to a recent local press report. In fact, it was reported in the *Chronicle* yesterday, on 23rd November, that a man who had a history of mental health issues was involved in a disturbing standoff with Police while wielding knives and threatening behaviour in a domestic setting. The court found that the defendant was suffering from a mental health condition that meant he was unfit to stand trial. The judge made a hospital order stating that he should be conveyed to Ocean Views within 28 days, if not immediately, as a patient. I can only imagine the distress to the man's family. If he had mental health issues, had he had adequate support in the community, or was it that it took a crisis for action to be taken?

1040 I know that Clubhouse Gibraltar and the Mental Welfare Society do their very best to lobby Government on these issues and look after their members. I am calling for a review of community care or aftercare in the community because I believe there may be a real gap in care.

1045 Mr Speaker, this House is *very, very* quick to create commissions and select committees on matters that affect itself, be it constitutional or political reform. I have yet to hear of a commission or select committee on health or educational issues, or indeed on any matter that affects the wider community at large. We seem to be self-absorbed in this House.

1050 If the Government is so minded to support my motion, I leave it to them to decide as to the best way to conduct such a review, be it external or internal, via a commission or select committee. The method is not important so much as an undertaking to conduct a review with a view to taking evidence and the making of recommendations to Government and/or Parliament as to whether the service is indeed adequate or needs improvement and further resources.

And so, Mr Speaker, I have nothing further to add, other than to thank sincerely those service users and families of service users who have had the courage to come forward and share their experiences with me.

1055 Mr Speaker, I commend my motion to the House. Thank you. (*Banging on desks*)

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

The Hon. Neil Costa.

1060

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it will not surprise anyone in the House, or indeed anyone listening to the debate, when I say that the Government will vote against the motion and that I will move an amending motion at the conclusion of my contribution. But I have to say that I am grateful to the hon. Gentleman for having brought the motion to the House in the terms that he has drafted it, given that it will become immediately apparent to the House, and indeed to the astute people of Gibraltar, the incredibly meaningful – and, if I may say, in only five years – unparalleled strides that we have taken on care and, in particular, mental health care. (*Banging on desks*)

The language of the hon. Gentleman's motion does bear consideration. He starts by saying that the House is concerned at the 'apparent' lack of care in the community of discharged service users and that the House notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority. Mr Clinton speaks of an 'apparent' lack of care. That therefore must mean that he is uncertain over whether or not there is a lack of care; and Mr Clinton, when he rises to speak in this House, talks of 'possible gaps', but in the motion he does not talk about the possibility of improvements, the possibility of better co-ordination; he speaks of lack – and lack, in the ordinary definition of the English language, means the absence of care. I have to tell the hon. Gentleman that there is no lack of care, although of course this Government is always in a process of continuous review to improve the quality of the services that it provides.

Let me continue by setting out the various and many improvements of which the hon. Gentleman is clearly not aware. The Community Mental Health Team delivers a five-day 8 a.m. to 5 p.m. comprehensive and accessible community-focused service which works in partnership with persons and their carers to meet their needs and which also respects their rights. The team, as you would expect, Mr Speaker, is multi-disciplinary, consisting of consultant psychiatrists, community psychiatric nurses, occupational therapists, mental welfare officers, counsellors and psychologists. The team provides both in-reach and outreach services, assessments and treatments, using a holistic approach which takes into consideration the person's physical, psychological and social needs. So I must tell the hon. Gentleman opposite that when he spoke before about the absence of assessments and treatments he would in fact be fundamentally mistaken.

Prior to leaving Ocean Views, discharge support packages are, in fact, put in place for service users and will, of course, vary with each person, based on their individual needs and his or her available support network. This may range – because, of course, a one-size-fits-all will not be appropriate – from daily contacts, daily visitations, to weekly or fortnightly meetings with their care co-ordinator and may also include a number of departments and agencies working in partnership. The aim of the service is to enable the service user to live as independently as possible, if possible, so that over time, as the service user improves, the input required is assessed and gradually reduced, if appropriate.

The care co-ordinators – and the hon. Gentleman will realise that they are called 'care co-ordinators' and the secret is therefore in the name – are registered mental health nurses or very experienced enrolled nurses who oversee the complete package of care provided to the service user. Our very competent and dedicated nurses are responsible for ensuring that all elements of the person's care are in place, are properly co-ordinated and that reviews at all stages are carried out. Care co-ordinators also ensure that there is adequate communication and information sharing between all the relevant professionals and agencies involved and in partnership with the service users and their carers.

In order to facilitate the delivery of the service, an extensive refurbishment and extension programme was carried out at the Community Mental Health department. This has included

1090 increased clinical capacity, office space, new safer storage facilities for service users and a general beautification of all areas giving the environment a very homely and therapeutic feel.

Unfortunately, and I now turn to the hon. Gentleman's point that he made that sometimes the service is not seen to take care of certain persons. Unfortunately, despite community support and interventions and all of the ones that I have listed just a few moments ago, both in terms of consultant contacts, nursing visits to service users' homes and the psychological intervention provided, some service users opt not to engage with the service, and in these situations staff members will attempt to make contact with them by phone, try to visit their homes or even by physically going to areas that they know the person frequently visits.

1100 Regrettably, Mr Speaker – and the hon. Gentleman opposite must really, I am sure, now wish that he had not said this – regrettably, at present, given that the Mental Health laws under the Mental Health Act 1968, to which the GSD made no amendment whatsoever in their 16 years, none at all, (**A Member:** Shame!) there are grave and severe limitations to care in the community from a legal perspective. What I mean by that is that the services can only intervene with service users who do not wish to liaise with the service when they are in crisis and in need of admission. In other words, presently, under the statute under which the GSD operated for almost their 16 years in Government, a person who requires care but who refuses care cannot be assisted. They cannot be assisted by law unless they are assessed to be a danger to themselves and to others. And they seek to admonish us, Mr Speaker, about laws and regulations when they presided over an archaic piece of legal architecture that prevented and hamstrung the very professionals they now seem to care for! (*Banging on desks*)

1105 Mr Speaker, this must have been the Act, surely, because words show what they cared about when they were in Government. This must have been the Act that they were 'apparently', to use the hon. Member's word, 'apparently' happy ... The new Act, which as I said, will come into operation in the next quarter, also uses the appropriate term 'mental disorder' and replaces the terminology, with which obviously they were comfortable with operating for 16 years as, 'subnormal'. They used to operate under a law that called people with mental health issues as 'subnormal', and they are standing there, moralistically trying to lecture us about the importance of mental health care, but kept calling people who needed the care as 'subnormal' and they were happy with it? (**A Member:** Shame!) Please, Mr Speaker!

1120 Critical, therefore, to the overall improved service being offered to service users has been the need to review and update the Mental Health Act. I am advised that the Bill did present certain challenges because of Gibraltar's uniqueness, but as the House is aware, the Bill was passed in Parliament and will come into effect in the first quarter of next year. And it is well worth making the point, in our view, that the Bill was the product of over two years' work by a multi-disciplinary team composed of nurses, consultants, psychiatrists, mental welfare officers and other professionals, and all of these professionals, which, according to the hon. Gentleman, when one takes his speech in the global ... he seems to suggest do not really exist or do not really talk to each other, or are completely unaware about Mental Health Service users. Mr Speaker, you could not be making these things up!

1130 The Mental Health Act Group continue to meet on a regular basis and are at the final stages of producing the code of practice to accompany the new Act. Once this code has been completed and approved we will see tremendously important improvements, including the reclassification of conditions and the introduction of the community treatment order, which will assist in supporting risk-of-relapse service users in the community.

1135 Let me explain that to the hon. Member opposite. I have explained that in cases where a past service user or somebody who is assessed by the service to perhaps present and experience mental health issues, unless the service decides that the person presents a risk to himself they are not allowed by law to take any steps. However, under the new Act, if the service considers that the person does experience mental health problems, then even if that person does not present an immediate danger to himself or to other persons, the law will allow the health professionals to intervene. So the legal architecture that my hon. Friend, Dr John Cortes, brought

in is *precisely designed, precisely designed* to cater for the issues that the hon. Gentleman complains of today, but during the course of which in 16 years the GSD decided were not important enough to do anything about. (*Banging on desks*)

1145 And so, Mr Speaker, once the new Act comes into effect, service users who are considered to be at risk of relapse or who the service considers are in need of care will be able to be placed on a community treatment order as part of their discharge package. This will assist the teams in ensuring engagement and hopefully reduce the need for emergency crisis admissions, whilst in turn helping to support families through very difficult periods.

1150 Further, the Mental Health Services work very closely with a multitude of departments and agencies, support groups and NGOs in an endeavour to offer the best possible tailor-made care to service users, and depending on the service users' needs these may include drug and alcohol detox programmes in conjunction with Bruce's Farm, weekly consultation clinics, visits to the prison, twice-weekly memory clinics in partnership with the Care Agency, in-patient mother and
1155 baby assessments in conjunction with the Care Agency teams working closely with the Department of Education to ensure the welfare and support of child or adolescents with mental health issues and their families. There is also close collaboration with the Royal Gibraltar Police in a number of areas, from conducting assessments when required to attending multi-agency public protection arrangement meetings, and regular meetings with the Youth Advisory Council,
1160 Adult Disability Board, the Housing Department and even further, when required, the visiting consultant child psychiatrist has visited sites in the Care Agency and worked together with social work professionals so as to advise on care plans and services provided.

So you see, Mr Speaker, that there is great integration already – without, of course, being complacent, and always more can be done – but that there is of course already great multi-disciplinary integration between the Care Agency, the Mental Health Services and the GHA already operating.

1165 Further, non-Government agencies – in other words, civil society – are a hugely important part of our case and they too work closely with the Mental Health Services, including, as I am sure the hon. Gentleman knows, the Clubhouse project, Childline, Narcotics Anonymous and the
1170 Mental Welfare Society.

Further still, the House will be pleased to know that the Government is in active discussions with a service provider to provide an adult helpline which will specifically assist people who may be experiencing mental health issues.

1175 Therefore, for the hon. Member to even suggest that *perhaps, perhaps* we on these benches lack the heart and the dedication to take care of persons experiencing mental health issues is, in our view, unfair and, we think, entirely a partisan political attack with no substance.

Indeed, unless I misunderstood the hon. Gentleman, I seem to recall that he mentioned two particular cases. He discussed two particular cases and he brought to this House two quotes, and, as a result, on those two quotes he built a case, and I would say he built a house of cards
1180 whereby he tries to denigrate the entirety of the work conducted by the Police, by the Department of Education, by the Care Agency, by the GHA, by the youth workers, by all of these professionals working together, on the basis of two quotes, or rather two cases which he brings.

Mr Speaker, everyone can see through the fallacy of wishing to try to attack an entire system on the basis of two individual cases. It really does beg the question that if the GSD now pretend to be so very concerned about mental health care issues, why doesn't the hon. Gentleman write
1185 to me? Why does he not tell me immediately, with concern, who those persons are, who the families of those persons are? 'How can we help them? They are in need. This is urgent. We must help them.' But no, Mr Speaker, of course not, because it is a party political ploy; because they would rather put it down in a speech so as to say it across the floor of this House; because
1190 to try to help people behind closed things does not get them political points.

Of course, it does remind one about Samuel Beckett and the *Comedy of the Absurd* and that wonderful masterpiece *Waiting for Godot*, where one character says to the other:

'We always find something, eh Didi, to give us the impression that we exist?'

That is what they seek, (*Laughter*) the impression that they exist, because politically they are resoundly defeated! (*Interjection and banging on desks*) (**A Member: Que Bueno! Que Bueno!**)

1195 Therefore, Mr Speaker, to proceed with the hon. Gentleman's non-motion, (**Hon. Chief Minister: Brilliant**) he says, as if having discovered an entire new world, that this House considers that more should be done to help the most vulnerable – as he did, of course, by writing to me immediately and telling me, 'Neil, we need your help' – in the community, including the provision of sheltered accommodation.

1200 Mr Speaker, we go from the absurd to the sublimely ridiculous. It is surely a statement of the self-evident, not to say the bleeding obvious, that more can always be done in the provision of care. Of course! Of course more can be done, and more is being done. More has been done by this Government in five years than they did in 16! Don't they know that? Aren't they embarrassed to bring this motion? (*Banging on desks*) To exhort the very Government, to exhort
1205 my hon. Friends, Dr John Cortes and Samantha Sacramento, who have been the most engaged, the most caring, the most active, the most willing to significantly invest in mental health and care and to base mental health policies and laws on professional advice, rather than what the chief at the top used to choose at any particular time, is a rather peculiar path for the hon. Gentleman to tread, unless it is his intention to try to strike a difference between the old GSD and them. (**Several Members: Ah!**) They want to highlight their deplorable neglect of health
1210 services, the deplorable neglect of mental health issues, and therefore they think, 'As a political device, let us start to mark the difference between their neglect and what we would do if we were elected into office,' which is not very likely, because seven out of ten people in Gibraltar saw through all of their fallacies and saw through all of their political devices and resoundly elected us (**Hon. Chief Minister: Exactly a year ago.**) exactly a year ago. (*Banging on desks*) (**Hon. Miss S J Sacramento: And that is why.**)

Mr Speaker, has the hon. Gentleman not been alive to the many improvements in mental health care over the past five years? Is he blind? Is he blind to the great legal, regulatory, infrastructural, capital and human resources advances in the past five years? Is he unaware that
1220 in Dr John Cortes the Health Services and, in particular, Mental Health Services has advanced in leaps and bounds? Is he not aware of any of that? How can he bring a motion to the House that says lack of care in the community, lack of co-ordination? It is not the case! It is patently false!

And indeed, it does give me the opportunity, though, to tell him what we have done more so.

The whole of Gibraltar knows ... and I really could not believe it when I heard the hon. Gentleman say that there were no care plans. How does he think we have operated in the past
1225 five years – without care plans? Do you think that we divine one day in the office who needs help? How does he think that we work? There are care co-ordinators, there are mental health nurses, there are mental health welfare officers. They exist: does he not know that?

We inherited from them an incomplete plan for the mental health facility – and it does say something, doesn't it, Mr Speaker, that they should not have done anything on the mental
1230 health facility for 16 years, and when they come close to their last mandate in the last election they decide then that something has to be done?

Of course, it was our first priority to conduct an extensive review – always in partnership with professionals, service users and relatives – to create a facility that was fit for purpose.

1235 The King George V Hospital was adapted in 1971 to be a provisional mental health hospital with a suitable facility being built, and for the following 45 years, other than the addition of bars to all the windows, minimal work was done to the building, which of course resulted in a dilapidated and indeed dangerous environment. The unit was split into two wards. Acute and long-stay patients would sleep in Nightingale-style open dormitories, with no privacy as there
1240 were no partitions or curtains between the beds. There was a total of four side rooms in the facilities and only a bed in them. Due to the lack of investment and repairs over time, the furniture began to break, resulting in patients' wardrobes, bedside tables and many armchairs

1245 having to be removed for safety reasons. For over a decade patients would have to keep their belongings in refuse bags or plastic bags, storage boxes purchased by their relatives – and he says that we do not care about persons with mental health care problems! This was the Government that allowed the former mental health facility to deteriorate to an extent that it was dangerous, that they could not have the heart to replace furniture that was falling apart and that the service users had to have their belongings in plastic bags – and he stands here today and tells us that we do not care! You just could not make this up! We certainly would have spent
1250 money immediately on being able to make sure that people at least had the dignity of having their clothes in a drawer rather than in a plastic bag, but they did not care. They did not care! Why would they care? They did not.

Indeed, Mr Speaker, if it was just that patients had to keep clothes and their personal possessions in bags, as terrible as that was, if that had been the only thing one could almost –
1255 obviously not, but one could almost – forgive them. But the worst thing about this was that, as a result of the layout of the ward, which as I explained was a Nightingale-style open dormitory, all patients, irrespective of their condition, presentation or stage of recovery, would be nursed in the same area. This inevitably placed the more settled and frail patients at risk. Mr Speaker, the House and, I think, the public will want to pause and reflect on what that would have meant for
1260 service users and for the staff – that an admission, independent of his or her state, would have had to have been dealt with, with other service users in the same room. What kind of care was that, Mr Speaker? What kind of co-ordination was there, Mr Speaker? What kind of care package was there, Mr Speaker? What kind of assessment was there, Mr Speaker? None! None.

If this were not so serious, we could laugh about his motion; but it is serious, and they should
1265 be ashamed for having brought it.

Queue forward to the New Dawn of 9th December 2011, when we immediately realised that we absolutely needed to radically change our approach to mental health issues. As someone who had visited the KGV, and recently visited the new excellent facility of Ocean Views on a bright new day since 2015, I cannot stress enough the exceedingly high quality of the finish of
1270 the new building and the staggering difference in the quality of the mental health care provision.

As you would expect from this Government, the Ocean Views project was undertaken in full partnership with all the clinical teams, carers, service users, non-Government organisations and other professionals. During this period, numerous consultation meetings took place and ... if I may, Mr Speaker, congratulate Dr John Cortes that the building does capture what was needed
1275 for the new facility, which is how to provide the best and optimum care in such an environment. Through the design phase and the construction period, 275 people had the opportunity to visit the site to see for themselves the extent of the works and were able to comment or make suggestions during the process. Do you imagine for one second that the GSD would have invited one, let alone 275 people to give them advice on what to do, to make suggestions on what to do, when everything was done by somebody at No. 6? (*Interjection*)
1280

Mr Speaker, they just open themselves up to be reminded that under this Government we do genuinely engage, we do genuinely consult, we actually care about the stakeholders – we know their names, we know their surnames, we know what their concerns are – and we insist from our professionals that they do co-ordinate, that they do speak to each other, that they do share
1285 information and that *always*, always front and centre is the main concern of making sure that a person who is experiencing mental health concerns is properly taken care of.

Following the opening of Ocean Views in February 2015, the service has seen a number of major improvements as it settled into a more conducive environment with patients, carers and staff participating in the continued positive changes to the way services are delivered. The
1290 design of all wards and departments has dramatically improved the manner in which care is provided. Amongst the many improvements we are experiencing the most tangible is the change of setting, providing a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues with privacy and in relaxed and comfortable surroundings.

1295 Mr Speaker, let me take the opportunity, as this seems to be in vogue today, of quoting some of the staff members. First quote:

The new environment is so much better than the previous KGV and this has made a huge difference for service users. Their surroundings are much more comfortable and pleasant, which gives them more dignity. The facilities are much improved: the garden, the reception area for visitors and the rehab flats. Overall, the patients have benefited immensely from the new facility.

Second quote:

Intact building, not falling apart like the KGV, safer environment, more homely, less institutionalised, much more service-user centred.

Third quote:

More appropriate service-user mix – in other words, all dementia of a similar level together.

Fourth quote:

Greater complexity of physical care'

– which apparently was missing –

and registered mental nurses learning new skills from duly qualified staff.

1300 The last paragraph of his motion says that the House calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals and publish recommendations to ensure care in the community is adequately provided for. Mr Speaker, I have spent, since I have been on my feet, in fact speaking as to how
1305 the Government is engaged continuously in reviews with professionals. And despite, despite all the great improvements to the Mental Health Services, Government, as I have already said, is never complacent, is far from complacent, and is determined to continue to develop and improve the services available in Gibraltar. And with this saying a review of the community health services as a whole by external professionals has already been factored into the Mental Health Service's three-year strategy and is reflected again in the estimates bid for 2017. Once
1310 recommendations have been received, work would commence in addressing any and all improvements suggested. And of course, as with the Ocean Views project, the crucial piece of work would be done in full partnership with all stakeholders.

Government has never denied the need for supported accommodation. But, the hon. Gentleman will surely appreciate the uniqueness of Gibraltar, but he should know that we are
1315 exploring available approaches to develop a tailor-made model suitable for Gibraltar's needs. These are being reviewed and addressed and it is envisaged, Mr Speaker... I do not want to pre-empt the recommendations that the report may make, but it is, I suppose, possible that they may request that the hours of the facility is open further.

In an endeavour to pre-empt some of the recommendations that this report may make, work
1320 was undertaken at Ocean Views to incorporate a rehabilitation accommodation component within the facility in order to better support service users' reintegration to the community and independent living.

The Government is constantly on the lookout, constantly on the lookout to improve and further develop the provision of services available to the population as a whole. It must be kept
1325 in mind that, despite all of the advances both in the environment and the services available, the Government will continue to invest in the infrastructure, human resources and capital needs of the Mental Health Service.

1330 And so, Mr Speaker, it is with great pleasure, that I suggest the following amending motion. In order to follow a venerable convention in this House, I will suggest that the motion is amended by removing everything after the words 'This House' and say as follows:

Notes the strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes and congratulates the creation and delivery of an entirely fit-for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the many improvements in mental healthcare arising from the new facility, which provides a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues in privacy and in relaxed and comfortable surroundings; laments and condemns the GSD administration for 16 years of neglect and chronic lack of investment in the provision of mental healthcare in general and, in particular, the shocking and deplorable state of the King George V Hospital, which was wholly unsuitable and dangerous for mental health patients; records that the GSD in 16 years of Government spent a total of £73,356 on external aesthetics, with only £5,000 on furniture and with no financial provision for mental healthcare; notes and welcomes the radically new approach by the GSLP Liberals in ensuring a focused, multi-disciplinary professional support, factoring advice from all relevant medical professionals in respect of in-reach and outreach services, assessments and treatment, placing firmly as the most important overriding consideration an individual's mental, physical and social needs; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the GSLP Liberal Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand in glove with professionals and civil society to design and deliver optimum support for persons with mental health issues and further commence the amalgamation of the provision of health and care under one newly created Ministry.

Thank you Mr Speaker.

Several Members: Hear, hear. *(Banging on desks)*

1335 **Mr Speaker:** I now propose the amendment in the terms moved by the Hon. Neil Costa. Does any hon. Member wish to speak on the amendment?

1340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will be proposing my own amendment, so if you could just guide me on what stage – *(Interjection by Mr Speaker.)* I intend to propose my own amendment, so I would appreciate your guidance on what stage we are at, at the moment.

1345 **Mr Speaker:** I will tell you what the procedure is. The procedure is that you have to speak on this amendment now before the House – **(Hon Chief Minister:** If she wants to.) if you want to, and in the course of your ... Strictly speaking, you ought to comment about the amendment before the House. It is now Mr Neil Costa's amendment which is before the House. This is now the motion for consideration. You may not wish to say anything about it, if you do not want to, and you can move your own amendment. If you do move your own amendment, then I will invite hon. Members to speak on your amendment and then put it to the vote and we will see then how things transpire. That is by way of guidance. You are able to stand now and speak.

1350 **Chief Minister (Hon. F R Picardo):** Can I get up just to assist but not to speak on the motion?

1355 Mr Speaker, in order to assist Members opposite, because I know only one of them has been here when we have done a lot of these before, this amendment is obviously going to pass because it enjoys the support of this side of the House, so I would suggest that it may be that if the hon. Lady wants to add anything to what it is that the House is going to say, she wait for the

House to pass this amendment, and then with this being the motion, if necessary, she can make amendments to it here, because I assume she has got amendments at the moment to what is the original motion. So I think it is probably better for her to allow this part of the debate to happen and then, once this motion is on the Order Paper and is the one being debated, she can then come in and try and include here anything which may still be relevant to the amendments she might have wanted to make to the original motion.

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Mr Speaker: I imagine the hon. Lady, not having seen this amendment ... the purpose of her amendment, I imagine, is not to amend the Hon. Neil Costa's amendment –

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A Member: Not at the moment.

Mr Speaker: – and therefore, the only way that she could do it would be by again deleting every word after the word 'House' in the Hon. Neil Costa's amendment and moving her amendment. I imagine that is not what she wants to do. I would imagine that her amendment relates to Mr Clinton's motion. Am I correct in saying that? In that case, I think you ought to proceed as the Hon. the Chief Minister, the Leader of the House, is advising you. You will have an opportunity. The stage will be reached when you may have an opportunity to do precisely that. The other thing for you to consider is whether your amendment to Mr Clinton's motion is a small, relatively cosmetic amendment, amending some part of it, or whether it is a wholesale amendment deleting every word after 'House' and proposing your own amendment. That is another aspect you have to take into account.

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Does anybody want to speak on the Hon. Neil Costa's amendment? *(Interjection by Hon. R M Clinton)* You can do so now, straight away, yes. You are able to speak on this amendment. *(Interjection by Hon. R M Clinton)* Eventually, you will have your right to reply, but that will be on the amended motion. You have not got a right to reply on Mr Neil Costa's amendment. You can speak on it now, on this amendment, and any other Member can speak on it, but no right to reply on this amendment. Eventually, if this amendment is carried through and it becomes the amended motion before the House, you will have the last word.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may – I am sorry, I am new to this; I feel like I am in a bit of a Monty Python situation here. Have I missed the chance to speak on Mr Clinton's initial motion by Mr Costa raising the amendment?

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Mr Speaker: Well, Mr Clinton's original motion is not now before the House. What is before the House is Mr Costa's amendment. When ... if Mr Costa's amendment is carried through and that becomes the amended motion, you are able to speak on that. Well, we say here in Parliament that it is Mr Costa's original motion, but strictly speaking, in essence, it is not, because it has been entirely amended.

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Hon. Chief Minister: Mr Speaker, I think for the hon. Lady's purposes, when she gets up to speak on the motion as amended she will be able to speak about the motion that was originally put and the motion as it is now amended and tell us what she thinks about Mr Clinton's original motion and what she thinks about the way it has been amended by Mr Costa. She will be able to speak on the whole thing; she is not limited to being able to speak only on the motion then amended. You can give us your views on all aspects of the debate – that is absolutely acceptable.

1400

Mr Speaker: But having said that, I have not seen your amendment and therefore I am not able to advise you. It will be, therefore, for you to consider whether you think that your amendment can amend Mr Neil Costa's amendment, because that is what will be before the House. Okay?

1405

Mr Clinton.

1410 **Hon. T N Hammond:** I was just going to ask, Mr Speaker, surely if the hon. Lady – (A Member: Stand up.) Sorry. Surely, if the hon. Lady files an amendment which suggests that everything after this House should be amended on the current amendment that we are reviewing, that then becomes the motion. Am I correct?

1415 **Mr Speaker:** I can see there is a practical difficulty. There is a motion on the Order Paper, which any Member is considering, on the Opposition side ... In her case, being an independent Member, she had in mind to amend it, and therefore had Mr Costa not intervened when he did, had she intervened beforehand, she would have spoken on it and proposed her amendment. That is no longer possible, because Mr Costa has spoken and the amendment that we have is the one of which he has now given notice. It is a practical difficulty and how hon. Members proceed, and in particular the hon. Lady ... She has to take into account – and hon. Members of the official
1420 Opposition – what has happened. She has told us that her intention was to move the amendment. She does not have to speak now. If she wants to, she can. She can react now to Mr Costa's amendment, if she wants to speak on that, and then later on she can express whatever views she had on the original motion. Now how she gets in her amendment, seeing that I have not seen the nature of it, that is another matter. I find it difficult to guide unless I
1425 have seen it.

Hon. T N Hammond: Mr Speaker, doesn't therein lie the fundamental problem we have with amendments that entirely change the original motion? We could end up, on the one hand, talking about a motion on mental health, and because a Member decides to file an amendment
1430 which changes the original motion, we could end up talking about pigs flying, with nothing whatsoever to do with the original subject. So, if the hon. Lady were to now file her motion, saying 'Everything after "This House" is amended', she could even, if she chose, revert back to the original motion, presumably, or file her motion in its entirety, and Government would then have to obviously vote her motion down, but we would not take a vote presumably –

1435 **Mr Speaker:** That is what she had in mind. If what she had in mind was to say ... If the intention of her amendment was to delete everything after the words 'This House', she can do so now, but if her amendment was of a more minor nature – adding a paragraph here or amending some of the words in Mr Clinton's motion – that is another kettle of fish altogether.
1440 This is the difficulty.

I would suggest, if I may, that it may be helpful if I were to see the hon. Lady's amendment and advise her.

1445 **Hon. Chief Minister:** The hon. Lady is indicating that she wants to wait and see what the House does and then consider any amendments to this part of the motion, because this is the motion that is going to proceed.

Mr Speaker, the reality is that the Opposition have put a motion, the Government have put a countermotion and this countermotion will be the motion that the House is debating in a few minutes, because – *[Inaudible]*
1450

Mr Speaker: The reality is that a Member of the Government, the Minister responsible, has done what we usually expect a responsible Government to do: he has immediately replied to the motion and has moved an amendment. That is not unexpected. *(Interjection)* No, I would say that is par for the course. But obviously the hon. Lady does not have the experience of many
1455 years in Parliament. Parliament has not had many motions over the period of time, in any case, to see how the wind blows. *(Interjections)*

What is now before the House is the Hon. Minister's amendment.

1460 **Hon. T N Hammond:** Mr Speaker, I am just going to say a few words on the amendment because it is a pity, I find, that when we move these motions ... and the Hon. the Minister accused us of only doing so for party political reasons – I certainly assure him that that was not the intention. The intention is to raise the particular issue on the political agenda. The Minister will have known through his years in Opposition that people do come to the Opposition and ask these questions. In some areas we will write to Ministers, and I have indeed written to the Hon.
1465 Minister himself and he has been very helpful; and there are other occasions where we, often in conjunction with the individuals, decide that it is appropriate to bring these issues to Parliament for a debate such as this.

I do find it unfortunate that the Hon. the Minister chooses to amend the motion in such terms that are clearly going to be unacceptable to the Opposition so we can never, ever find
1470 consensus. (*Interjection*) So then discussion and perhaps a middle ground can be found where the whole House can find consensus, possibly. That may not be possible on all issues, but just occasionally it would be nice to think that we could indeed find consensus. But clearly that will not be possible on the amended motion, which is very politically pointed indeed, and therefore I have to say those on this side of the House cannot possibly support the amended motion as it
1475 stands.

Hon. Chief Minister: Mr Speaker, this is becoming for the Government also the endemic issue with the Opposition. Hon. Members have been told repeatedly in this House that if they want to move a motion because they say they generally care about a subject, then they should be in
1480 touch with the Government to move a motion in a way that is agreeable to both sides of the House.

The Hon. Mr Hammond's words sound, I must say to him, entirely hollow, coming from a Member of the side of the House that has moved a motion that starts with: 'The House ... is concerned at an apparent lack of care in the community'. (**A Member:** Exactly.) Now, Mr
1485 Speaker, if we want to do things in a collegiate way, if we want to express the concerns of the whole House and if there is an issue coming to hon. Members ... This is the age of e-mail, the age of WhatsApp, the age of Messenger, the age of Twitter messages, the age of easy communications, and yet hon. Members opposite appear to find it impossible to pick up the phone and call their opposite number and say, 'Listen, why don't we move a motion that deals
1490 with issues relating to mental health in a way that both sides can feel that they can support it?'

The hon. Gentleman has just told us that when he writes to the hon. Member he finds that he is able to work with him. Well, in that same vein I have said before, until I have been proverbially blue in the face, that if they want to put motions which are not just doing politics, which is what we believe they are doing with these motions ... I believe they must have had an
1495 edict from his lordship Mr Feetham, who is not here today: 'Two motions every Parliament on any subject, the first two past the post are the ones that are allowed.' It is not difficult to work out that that is what they are doing. They are doing it politically, they are doing it in a way that is designed to raise their profile and in a way that is designed to embarrass the Government. That is politics. We have all done politics, we are all in the game of politics, but this is not an area for
1500 politics. This is an area for genuine concern together, (**A Member:** Yes.) and therefore if you start with 'is concerned at an apparent lack of care in the community', what you are going to get back is the bible according to the New Dawn. (**Hon. N F Costa:** Absolutely.)

Mr Speaker, I come now to the things I want to say about the outstanding remarks we have heard this afternoon from Neil Costa and the way he has been able to deal with the few points
1505 that have been raised by Mr Clinton in a way that is not just erudite but also passionate and has explained to the House exactly what fantastic work was done by his predecessor, John Cortes – and Samantha Sacramento, because this is an area of interplay between Social Services and Health.

But I must say, Mr Speaker, that I want to start with a personal reflection, because it is
1510 something that has marked me for the rest of my life. On 1st January 2012, as Gibraltar's shiny,

bright new Chief Minister, with his then shiny, bright new Minister for Health – and the Environment, one must never forget – we went to visit KGV, and we have done so every year since then, continuing a tradition from the days that the GSLP was in Government. It was not a tradition that had been pursued in the 16 years that the GSD – the letters that they represent –
1515 had been in Government.

A Member: This is right; they had not.

Hon. Chief Minister: There had been no visits by a Chief Minister on New Year's Day to KGV, in the time that they had been in Government, by the man who they say is the greatest
1520 Gibraltarian of all time.

That day, Mr Speaker, I walked into KGV for the first time and swore to myself that it would never stay like that again, that the Government that I led would not put people into the KGV that they put people into. I have no compunction in saying that John Cortes wept, that Fabian
1525 Picardo wept, and – I say this with respect – Jesus wept. Because the conditions in which hon. Members opposite – and there are two of them who are still in this House, Mr Reyes and Mr Feetham – kept those who were suffering from mental illness was so disgraceful that even a GSD Minister for Health described the KGV that they administered as the Cinderella of the Health Service. It is a word that came out of the mouth of a GSD Minister for Health, but they did
1530 nothing about it – not one penny of investment, other than painting the outside of the building. That is to say 'the Cinderella of the service, but I wash its face so that I am less criticised and inside I spend nothing' – £5,000, Mr Speaker. It is to their eternal shame and political discredit, (**Hon. N F Costa:** Absolutely!) that what Neil Costa has said is a massive truth. Patients had to keep their belongings in waste-disposal bags, in black bin liners. (**A Member:** Shame!) Do you
1535 know what it is like to be told by a patient, '*Mira, Fabian, ahí meto yo mis cosas*' – 'Look, Fabian, that is where I have to store my things'? These are people who are not well. They lived, literally, in open wards. Mr Speaker, to be implored, entreated, by the nurses there to please help them was like visiting one of those awful places in the old Eastern Europe where we see children in an orphanage in a *Panorama* programme and we say 'How can that happen?' That was here. That
1540 was Gibraltar. That was the care that the GSD afforded those who had mental health issues in Gibraltar.

To bring this motion in these terms is not just to ignore that but to ignore the absolutely magnificent and truly vocational work that is done by the professionals in that service, not just at the old KGV, not just at the magnificent new Ocean Views, but in particular at the Community
1545 Mental Health Clinic. (**A Member:** That's right.) This motion is not just an attempt to chivvy political points, it is not just an attempt to kick the Government because that is what they think they have to do; this motion discredits the fantastic, the fabulous, the second-to-none vocational work done by the people who are those who do the follow-up care, those who do the care in the community, and their motion starts by saying that there is an apparent lack of care in the community of discharged service users of Ocean Views. (*Interjection*) Don't they know that there are many thousands of people, even in a community the size of ours, who benefit from the service of the Community Mental Health Group? Don't they know that the people in that clinic are some of the unsung heroes of our Health Service, indeed of our nation? And aren't they
1550 ashamed that they did nothing for them in the time they were in office, other than hem them in to where they were and take away some of the services that they could provide to the public? And does this motion not heap further shame on the initials 'GSD', because they have proposed that there is an apparent lack of care in the community and Mr Clinton has come here not having picked up the phone to try and work with his opposite number ... although I lose the notion of who is doing Health. I thought that Health was being taken by the Hon. the Leader of the Opposition, but this motion on Health is being taken by the Hon. Mr Clinton. To not have
1560 picked up the phone, to not have worked collegiately on the subject, to have put a motion which is so partisan as that motion, to have spent £10 million on a hole in the ground where the

1565 Theatre Royal was before moving KGV but to have spent only £75,000 on KGV, to have spent
 1570 £84 million on the new airport before spending a penny on the new mental health hospital ... Mr
 Speaker, they say that I have to prioritise things and not do No. 6 Convent Place, because I spent
 £5 million-odd there, and yet they spend £84 million on a new airport and did not spend a penny
 on mental health. Well, look, to come now with a motion and expect not to be reminded of all of
 that is really quite something.

1570 This is not politics; this is the one-way politics of 'We'd like to come to the Parliament just to
 point out things that we think are wrong today in order to gain a few points, but can you please
 not remind us of what we did wrong.' This is nonsense. And to get up Jeremy Corbyn-style and
 say, 'Evelyn from Croydon has written to me to say that they have got a problem with a member
 of their family' ... This is a very sensitive area. That member of the family is an individual who
 1575 deserves respect, who may or may not agree with those members of the family who are talking
 to him. They are entitled to be treated as individuals and their care plans are for those
 individuals and not necessarily to be shared. Although in Gibraltar we have extended family set-
 ups – the 35-year-old, the 40-year-old, the 50-year-old is not *el niño*, other than in the lexicon of
 a loving mother or father (**A Member:** That's right.) – and the first thing you need to do in order
 to understand how to do mental health is to treat patients with respect and to treat them as
 1580 individuals, and not to always consider that they have to be in somebody else's *loco parentis*.

Therefore, Mr Speaker, to have to hear in this House that we are releasing patients without a
 safety net in the community, without care plans and without reviews is just not true. Now,
 assuming that the hon. Gentleman has not set out to mislead the House – and I give him the
 benefit of the doubt that he did not intend to do that – and if the Hon. Mr Costa, as Minister for
 1585 Health, has now demonstrated that what he said is not correct, I would expect that he will take
 it back and he will realise, just as we have had the issue before with others, that they cannot
 simply come to this House and say 'I have been told ...'; they can ask 'I have been told ... Is this
 true?' and we will tell them no, it is not true. But he has come here to do something different.
 He has come here to assert that that which he has been told is the truth, and we have
 1590 demonstrated that it is not. And anybody who knows what Ocean Views is like – and I dare say
 that if he knows anything about Mental Health Services it is current, and therefore he might
 know something about Ocean Views but he knows nothing about KGV – will know that Ocean
 Views is designed to produce for everybody a new narrative for life, not to represent a full stop
 in their life, to introduce them back into community living. There is an apartment inside Ocean
 1595 Views in order to be able to show people what it is like to get back into normal life.

I have not heard him say either today or in the lead-up to today, or his Leader in the lead-up
 to today, that the right thing to do was therefore to create, because of the interaction between
 Social Services and Care in the Community and Health, a Ministry of Health and Care, but I will
 take it that they actually support the fact – although the hon. the Leader of the Opposition
 1600 reshuffled his cabinet before I had reshuffled mine, so he does not have shadows exactly for the
 positions as they are today. I will take it that he recognises and congratulates me for having
 created the Ministry of Health and Care.

Mr Speaker, all of the things that the hon. Gentleman is telling us to do of course – the flats
 for people to be able to be reintegrated etc. – some of which we might agree with, as the Hon.
 1605 Mr Costa has indicated, all of them, cost money, all of them. And given the penny-pinching
 attitude that he has demonstrated to everything that is done by this Government, I will be
 surprised if he does not, when we do it, come back and say, 'Why is it costing so much? It should
 not be costing so much.' Look, things cost money and the provision of care costs money, and we
 are happy to spend money on the provision of care, in particular on the provision of care of
 1610 those most vulnerable in our community.

And so I rise not just in support of the amendment which the Hon. Mr Costa has put, but in
 defence of the excellent record not just of the Government that I lead but in particular of John
 Cortes as the Minister for Health, which has the lead in respect of these matters, and of
 Samantha Sacramento as Minister for Social Services, and in defence of the reputations, sullied

1615 by the hon. Member, of every single one of the professionals of the Gibraltar Health Authority working at KGV, working at Ocean Views, and in particular those most sullied by his motion – those who are in the Community Mental Health Clinic who are responsible for the care in the community, which is not lacking, not even apparently so. (*Banging on desks*) (**Several Members:** Hear, hear.)

1620 Therefore, Mr Speaker, in answer to the things he has said in answer to the things that Mr Hammond has said, it is abundantly clear that this is just a game of motions, that all we are seeing is the presentation of motions in order to have their voices heard. If I may be less eloquent than Mr Costa, one is reminded of the concept of such and ‘I think, therefore I am’ has become in their mouths ‘I speak, therefore I must be’ politically, because there is no apparent reason why they would have done motions in this way and not picked up the phone and tried to seek consensus.

1625 I must say that when it comes to the public, when it comes to the way that the Hon. Mr Clinton has presented in the course of his address the way that the public has come to him, I must tell him that the public of Gibraltar is the most discerning and the most understanding and the most able to see through an attempt to score a cheap political point. And that is why, to me and to Mr Costa and Miss Sacramento – and, I am sure, soon to Neil Costa – the comments and the affection and the understanding of people, in particular in this area of mental health, from parents, from the users themselves and from the families are those of deep recognition of the achievements of this Government and understanding also that we do not pretend that things are perfect. We do not pretend that things will not need further improvement in the future, but that things are one million per cent better absolutely everybody is agreed on that and they would have to be as blind as hon. Members politically are to suggest the opposite.

1630 Can we do more? Always, Mr Speaker – that is why there is a review and that is why we are acting in anticipation of a review. Is the GSD the legitimate advocate of those who say that we must do more? No! No! No! Are we leading on doing more? Yes! Yes! Yes! And that is why, Mr Speaker, I commend the motion as amended to the House. (*Banging on desks*)

Mr Speaker: Does anybody else wish to speak on the amendment?

The Hon. Mr Clinton.

1645

Hon. R M Clinton: Mr Speaker, it is sad to see, yet again, the essence of one of my motions being completely erased.

A Member: It is the *language*!

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Hon. R M Clinton: Mr Speaker, I believe I am on my feet, (*Interjection*) and therefore I think I should be allowed to speak.

Mr Speaker: You will.

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Hon. R M Clinton: Thank you – completely erased, Mr Speaker, yet again.

1660 Unbelievable as it may be to the Members opposite, especially the Chief Minister, this is not a cheap political point-scoring exercise. Of course, what he fails to understand is the bible according to the New Dawn that he is so proud of may not necessarily deliver everything that he claims is in it. He talks about much weeping, much theatrics – and he accuses us of theatrics. (*Interjection by Hon. Chief Minister*) Yes, well you said it.

1665 Mr Speaker, what I find surprising in the amended motion – and I will speak to the motion – is that they have fallen into the trap, of their own making, of congratulating themselves on the mental health facility, being Ocean Views, which in fact was a project started by the GSD and they have to acknowledge that. (*Interjections*) Mr Speaker, they have to acknowledge that, and if they do not acknowledge that I can easily produce –

1670 **Mr Speaker:** Let me make one thing clear: all the speakers who have spoken so far in this debate have done so without interruption. I expect Mr Clinton not to be interrupted, because there are a number of other Ministers who can participate in the debate and answer him, and of course Mr Costa has the final word on the amendment and he will be able to take him up on any other point.

Hon R M Clinton: Thank you, Mr Speaker.

1675 Their own manifesto acknowledges that the Ocean Views facility was started by the GSD – and yes, they did complete it; that is undeniable – but my original motion is not talking about the Ocean Views facility, it is not talking about the facilities provided within that facility. My motion was specifically looking at the care outside that facility.

1680 The Hon. Mr Costa has been very quick to produce his own quotes about how wonderful this facility is, but again this is not what my motion was about. Indeed, he has produced quotes from members of staff. I would like him to produce quotes from service users and families of service users on aftercare, not on the facility but aftercare.

1685 Mr Speaker, I will obviously not address the full motion at this stage, but I would say, quite simply, that the contributions of the Chief Minister, who seems to find the opinions of service users and families of service users so ‘amusing’ – dare I use one of his words... I can only see it as disrespectful. This is just not what my motion was about. My motion was about aftercare, not about the Ocean Views facility. Indeed, we could probably have a complete debate and motion about Ocean Views and recent events up there, which is not something I wanted to debate in this House, as it is in fact subject to an investigation.

1690 So, Mr Speaker, I personally cannot support this motion. It has changed the language of my original motion into something that is completely partisan and is completely against the original thrust of my motion, and so, for those reasons, I cannot support this amendment. (*Banging on desks*)

1695 **Mr Speaker:** Any other speaker on the amendment?
The Hon. Mr Isola.

1700 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I did not have any intention of contributing today to this motion, and indeed I do not think there is any real need for me to do so because I think my colleagues, Minister Costa and the Chief Minister, have already dealt with a lot of the issues; and of course, I echo, in every sense, every word that they have said. But I think the real point that is missing here today is that in order to provide care, you have to care, and the real truth of the 16 years of Government of the other side is they actually did not care. (**Several Members:** Hear, hear.) I have never seen a more demonstrable number than the 1705 £75,000 spent on the KGV facility in 16 years, which was decrepit for very much of that time in terms of the condition. When you think about the word ‘care’, it is part of the DNA of the GSLP and it always has been, and it is indeed today part of the DNA of the GSLP/Liberal Government.

1710 In 1992, part of the main thrust and substance of what the GSD was telling the people in the election campaign was caring for the community. It is a very simple set of words, which embedded absolutely everything that the GSLP did between 1988 and 1996. Indeed, in every single sphere of the public service, whether it was health, whether it was social services, whether it was education, housing – in all of those areas, the one thing that the GSLP is able to say proudly is that care is part of the DNA. And what we have seen in the last five years of this Government, in the hands of my colleague John Cortes, in the hands of my colleague Samantha Sacramento and in the hands of my colleague Mr Neil Costa, is that each and every one of them 1715 cares.

So, when Mr Hammond gets up and says it was not the intention that this should be political, it echoes what Mr Phillips said last week. He said he wanted his motion then, on skills and

1720 training, to be taken in the spirit they were intended. Well, we did, because they were intended
to be brutally political. How can you seriously come to this Parliament and say ‘this is intended
to be by consensus, partisan; we have the best interests of the community at heart’, and use
words like ‘the state of our skills and training is at a cliff edge’? It is just not credible, it is just not
real and it is just not serious. As politicians I think we have a duty to be genuine in what we say
when we come to this Parliament and not fall into the trap – and I know Mr Clinton mentioned
1725 the word trap, and I would throw it back – of simply playing politics on each and every occasion,
with every single matter that comes before this Parliament.

Mr Speaker, I sincerely believe... and I recall, at my by-election in 2013, being shown round
the facility and understanding then, for the first time – because, in honesty, I had not before –
that this project that the hon. Member Mr Clinton says that they started, is certainly not the
1730 project that was finished, (**A Member:** Hear, hear.) because if we had finished what they
intended when they started that project, I think they would not come to this House with this
motion today – indeed, they would be embarrassed and humiliated by what they had started to
do. It simply was not fit for purpose.

Indeed, Mr Clinton also said that we only are interested in setting up committees of working
1735 groups on political issues or constitutional issues, nothing on health or education. Well, you just
heard – obviously, you were not aware – that there is indeed a group doing a review into health
issues, and he should be aware that just two or three weeks ago we had a debate in this
Parliament about co-education, where you were told about 15 times that in fact there was a
working group already set up, already in operation and already studying the issues linking to co-
1740 education.

So, Mr Speaker, I think a little more preparation and a little more listening would go an awful
long way to making the time of this Parliament very much more effective, and I regret that more
time and more care is not spent in doing those things.

To conclude, it gives me enormous pleasure and pride to be working with a team that cares
1745 and that has continued to care from the day this party started – almost 40 years ago, coming
soon – and will continue for the many years to come.

Thank you, Mr Speaker. (*Banging on desks*)

Several Members: Hear, hear.

1750

Mr Speaker: Is there any other contribution before I ask the Hon. Neil Costa to reply?
The Hon. John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon Dr J E Cortes):

1755 Mr Speaker, I would like first of all to thank my hon. Friends, the Chief Minister, the Hon. Neil
Costa and Albert Isola, for their kind words of support.

It is impossible to comprehend how a Member of the Gibraltar Social Democrats can have the
audacity to bring this motion to this House – impossible to comprehend, given what we have
heard already today about the state of mental health care in Gibraltar in 2011.

1760 My learned friend and fellow thespian, the Hon. Neil Costa, quoted Samuel Beckett’s *Waiting
for Godot*. Many years ago, I took part in *Endgame* and it must be the endgame of the GSD that
they have the audacity and they have the ability almost to expose themselves to the tirade that
they are getting from this side of the House, because they deserve every word that they have
heard. (*Banging on desks*) (**A Member:** And more.)

1765 Mr Speaker, I could not believe when the Hon. Mr Clinton got up in his last intervention and
said the words ‘it makes me sad’, referring to the way we conduct some business in this House.
The Hon. Mr Clinton does not know the meaning of the word ‘sad’. Sad is what we saw on
1st January 2012. Sad is this young lady sitting in a room probably not much larger than your
own desk, Mr Speaker, with a loved one in a bed, with the walls falling to bits and the
1770 possessions in a black bin liner – and suddenly he passed away not long afterwards. *That* is sad,

1775 Mr Speaker, and that is what the Chief Minister saw, that is what I saw and that is what the
hardworking staff in KGV put up with day in, day out. That is what the residents in KGV put up
with and that is what the family had to bear. Please, Mr Speaker, let not the word 'sad' be used
in this motion, other than to give thought to what we saw that day. And I do not know whether I
heard wrong, but there seemed to be almost a criticism of the fact that the Hon. Chief Minister
admitted – as if there was anything wrong with that – that we were weeping. The Chief Minister
was sitting on the bed weeping and I was watching him, weeping too. Mr Speaker, there is
nothing to be ashamed of.

1780 If I may now go to recall other events, I was General Manager of the Health Authority up to
1991 under the previous GSLP administration. I invested a lot of money in bringing the KGV,
which was 20 years younger even than in 2011, to bringing it up to standard. When I went back
into 2011 to KGV, I could not believe how it had deteriorated in those 20 years. We have heard
there was no investment whatsoever – £73,000 or £75,000 in 16 years! At the first Cabinet
meeting after 1st January, we approved £70,000 which was spent in three months, not in 16
1785 years, to bring it at least to an acceptable standard. (*Banging on desks*)

Mr Speaker, many things have been said. I am not going to go over all the ground that has
already been covered, but certainly a lot more importance is given now to mental health – they
have their own unit manager, the registered mental nurses are in fact in the Estimates Book
although they appear as staff nurses because they are that grade, and other things that have not
1790 been mentioned. We inherited two psychiatrists; now we have three full-timers and one part-
time psychiatrist, so we have increased the complement there. And let me, please, mention
once again the hard work, the committed work, of the team of Community Mental Health. They
are extraordinary professionals who are so dedicated to their work. I do not have to repeat that,
I don't think.

1795 Mr Speaker, I am going to round up now, but I cannot fail to mention the new Mental Health
Act, which had not been brought to this House by the previous administration. That Act, as the
Hon. Mr Costa mentioned earlier, included the community treatment orders. That was the work
of a full team of mental health professionals. The draft was published as a command paper and
discussed with the NGOs in Mental Health, so we have those teams that are alluded to in the
1800 original motion. That Bill was published prior to the last election, but lack of parliamentary time
meant it could not be taken then.

But I have to mention one thing, just to expose what the thinking of the GSD – at least that
GSD – which they sometimes tend to try and fold as part of their own and sometimes try to push
to one side. We expected that Bill to be taken in Parliament some months before the General
1805 Election. As I say, the election was called and we had to postpone it; and it was passed recently.
The greatest Gibraltarian of all time, the Hon. Sir Peter Caruana, spoke to me behind the
Speaker's Chair – we were having a tea or coffee, as one does – and actually said to me, 'John, I
must tell you that I never wanted to bring that Bill to the House, because of the question of
community treatment orders, because I do not really think that people with that sort of problem
1810 should be housed in the community; they are better off staying in a residential unit.' I just could
not believe what I was hearing. I would not even have mentioned it ever, except in my memoirs
perhaps, (*Laughter*) but I have been forced to reveal that today.

I think that I need say no more. I totally support the motion as amended. (*Banging on desks*)

1815 **A Member:** Hear, hear.

A Member: Resign! Resign!

Mr Speaker: Any other contribution?

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Hon. Chief Minister: They should resign.

Mr Speaker: The Hon. Samantha Sacramento.

1825 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I feel compelled to contribute, (**A Member:** Of course.) given what I have heard from the opposite side of the House this afternoon, because I have to say I am appalled at what I have heard.

The Hon. Mr Clinton said that it was sad. Well, I have to say it is disgusting to have heard what we have heard. What is disgusting, Mr Speaker, is what we found and Mr Clinton is trying to, I think, deviate the attention by saying that his motion is not about the facilities, because we are saying we are reminding people of the appalling facilities that existed, and it is right that we do. And how *dare* Mr Clinton say that we have had to hear theatrics from the Chief Minister! Anybody who experienced the old KGV would have reacted the same – anybody with a heart and with a soul, and anybody who cared. (**A Member:** Hear, hear.) Because I went to the KGV 1830 some seven years ago in my professional capacity and I could not sleep that night after having been in the building and having witnessed and having experienced what I did, because I honestly never thought that those things, those places, existed in Gibraltar. Thankfully, under the leadership of Dr John Cortes, that place no longer exists.

If the Hon. Mr Clinton wants to talk about and wants to criticise the help in the community, 1840 everything that Mr Clinton was referring to really is the situation as it existed before 2011. Honestly, I do not know where Mr Clinton has been in the last five years, but has he not seen the development in health and in care? Has he not heard? (*Interjection*) He says that he has heard from the families of two individuals. Well, clearly, he was never in touch with people before 2011, because more than two families certainly came to us with complaints and with concerns – 1845 and we did not even need the families to come, it was obvious for everyone to see. Is he really trying to really rewrite history, Mr Speaker?

I know that Mr Clinton has only been in this House for a year, but that does not mean that the GSD, which is the GSD that he forms part of, started to exist a year ago. It is the GSD that is responsible for the failures in the whole for the 16 years that they were in Government! It was 1850 them who did not give this important sector of the community the priority and the importance that they deserve. How dare Mr Clinton come and criticise the Government and the people who are working to deliver to vulnerable people! It is the vulnerable people we are here to serve, and it is the vulnerable people whom we are now able to serve – vulnerable people who find themselves in institutions such as Ocean Views and vulnerable people who now receive help in 1855 the community which was never available to them. They are inextricably linked. You cannot talk about community help without talking about the facility, because we have to talk about the person. It is us who introduced person-centred planning – the person can be in a facility, can now be at home with support and may well return to the facility. We have to talk about everything when we talk about mental health. It just shows how little Mr Clinton knows. I am 1860 sure that Mr Clinton is a good man and he is doing this for the right purposes, but he just has not bothered to do his research properly and look at the information and look at the reality.

Let's talk about help in the community. Let's talk about how, since 2011, the Health Service and Social Services now work together. They used to work in complete silos before, and it was not easy, when we started in 2011, to get them to work together, because such was the culture 1865 that had been ingrained in them that they had to defend their patch and their silos and their very limited budget. They were not used to working together, it was more like a scramble, but we have sorted it out. Everything that we do now, in respect of vulnerable people in particular, is at a multi-agency level. And it does not just concern the Health Authority and Social Services – we now involve other agencies such as the Police, such as Housing. We are training other people 1870 in these disciplines so that they are aware of how different people with different needs need to be treated. That is the true inter-agency working that we have introduced.

So let's talk about continuation of care beyond the facilities in the community, shall we? One of the things that we did some three years ago, if I recall, was we increased the complement of Social Services by a growth post for a social worker in the adult team to work specifically with

1875 the hospital. Why? So that there was continuity of care beyond the hospital. What did we do in
 respect of assisting in the community? While, of course, the Health Authority has its structure,
 because it has a department that is called Community Nursing, so where it is appropriate to
 have community nurses you have the community nurses and you have the Community Mental
 Health Team.... It is in the name, Mr Speaker. But beyond that what did we do? Another
 1880 example: we increased the budget for domiciliary care from just over £½ million, which is what
 the budget was when the GSD were in office ... And I know Mr Clinton does not like spending
 money, but we spend money where we need to, and we increased the budget from just over
 £½ million to £2½ million pounds on domiciliary care. Domiciliary care is the title that we use
 when we offer help in the community for a variety of reasons, but some of the people who
 1885 receive domiciliary care are, of course, people with mental health issues, because they are
 vulnerable people in the community and that is what the budget is for. So Mr Clinton on the one
 hand says one thing ... Maybe if the GSD were in office and they did not want to spend the
 money they would not have had the same budget, but I tell you, Mr Speaker, that with £600,000
 per annum on domiciliary care you cannot really help a lot of people and it certainly does not
 1890 reach vulnerable people with mental health issues – but it now does.

Actually, an anecdote on domiciliary care, which is one of the very pivotal manners of
 support that we have introduced: when we came into office and I asked for an assessment of
 the domiciliary care that was being offered, there was not even a database. Perhaps Mr Clinton
 does not know how the GSD managed domiciliary care? Well, I will tell him: the database was a
 1895 plastic bag from Morrisons with papers stuffed in the bag and placed on the floor under
 somebody's desk. (**A Member:** Disgraceful). That is the disgraceful state of affairs, of how
 vulnerable people in Gibraltar's community were treated. And it was just an administration
 exercise. There was a budget of £600,000, and, as a social worker has described it to me, it was
 just filling dead men's shoes. Somebody died, they left a couple of hours, and the next person
 1900 was allocated the hours – regardless of the priority or the need, with no planning, no aftercare
 policy or strategy whatsoever. Nothing!

How does it happen now? We have professionals assessing people. We have social workers
 who assess people, assess their needs, assess their priorities, preparing care plans. I honestly do
 not know where Mr Clinton gets the notion that there are no care plans and no aftercare. The
 1905 GHA, on the whole, refers people to Social Services. Social Services assesses the situation,
 prepares a care plan and arranges for the delivery of the care. That is how it works. That is how
 it works now. What we were hearing from Mr Clinton really is an analysis of how it worked
 before. That is what is so worrying. So, when Mr Clinton said he was sad, I think now he is going
 to be even more sad when he is hearing the truth and not what he thinks is the truth or what he
 1910 wants to pretend to be the truth, or the history that he is trying to rewrite. Does he think
 everybody else is stupid? Does he think that people do not remember? Mr Speaker, this is a *very*
serious situation. People's mental health and people's welfare is very serious.

Let's carry on reminding Mr Clinton of the reality of how things have changed and how
 people are now supported in the community. For example, we work alongside Clubhouse. Who
 1915 does Mr Clinton think is the principal source of funds for Clubhouse? Well, it is the Government.
 Of course it is the Government! It is *this* Government, because their Government did not help
 them. (*Interjection*) I will tell you that one time in the summer of 2012 I dropped in to visit
 friends at Clubhouse for a cup of tea. Back then, they were in the premises that had been
 1920 allocated to them by the GSD at the Toc 'H' Mr Speaker, which I can only describe as a dungeon
 – an archaic, historic, dilapidating building which, as you entered, had a cavernous room to the
 right which was full of damp, full of mould and stinking. Then, Mr Speaker, I walked through the
 corridor to another room. It was in the middle of summer – it was boiling hot, and while I had
 my cup of tea with my friends from Clubhouse, within half an hour one of the members fainted
 from the heat. That is the help and the support that the GSD gave Clubhouse in the community.
 1925 And how many members did they have back in 2012? No more than a handful, Mr Speaker.
 Since then, in the last three years, Clubhouse has alternative premises which are a hundred

1930 times better than the Toc 'H' and Government is working with them to find them suitable alternative premises. But they receive an annual grant – previously from my Department and now will receive from Minister Costa – and in the last three years they have received ... The first grant that I gave them, which I think was in 2013, £25,000; and then in the last two years, £35,000 in each financial year. In addition to that, there have also been two additional payments of a further £35,000 and, in addition, there are seconded members of staff. How do they think Clubhouse operates? It would not operate were it not for the support of the Government. But which administration? This one, because it assists people in the community. It is all part of the plan, Mr Speaker. There is now a plan, which is the difference. There was no plan before. Before, you go to KGV, you put your clothes in a bin bag...

1935 That, Mr Speaker, is what made me go into politics: when I saw the state of Social Services, when I saw how vulnerable people were suffering in our community, so neglected by the GSD; and, as Minister Isola said, people who did not care. How disgusting!

1940 Really, Mr Speaker, at this stage I do not think there is more that I could add, given what my wonderful colleagues have already contributed to this debate, other than of course I will support the amendments to the motion, because this is what it is, and not the motion that is proposed by Mr Clinton. I cannot really put it eloquently because I do not know what planet Mr Clinton is living on when he says the things that he is saying. He does not live in reality, he cannot, because 1945 it is not a true reflection of Gibraltar now. He is talking about the Gibraltar of over five years ago: the Gibraltar where vulnerable people were neglected by the Government. That is not the case today, Mr Speaker.

Thank you. (*Banging on desks*)

1950 **Mr Speaker:** I call on the mover to reply, the Hon. Neil Costa.

Hon. Neil Costa: Mr Speaker, if I may first address the comments made by the Hon. Mr Hammond. The Hon Mr Hammond during the course of his brief intervention, at least conceded that every time he has called me and asked for assistance I have been able to assist 1955 him, and I have always attempted to assist any hon. Member opposite who does contact me, because of course they do so on behalf of people who go to them for whatever issue it is that they are facing.

This is why I have said, Mr Speaker, that it is not credible for the Hon. Mr Clinton to stand in this House and pretend that he brings the motion as a result of concern, because as I said, if he were truly concerned about the people whom he quotes, he would have picked up the phone, he would have sent me an e-mail and he knows, from speaking to his colleagues, that I would have moved immediately to be able to resolve any issues, if indeed any of those issues were issues that had to be addressed. But of course – and I have made the point before in this House – how do the hon. Members opposite expect us to be able to have a meaningful discussion with 1960 them when they just give us a quote – without, of course, giving us the names across the floor of the House, because it would be highly inappropriate to do so. But if he had written to me, if he had asked me to assist, if he had given me the details, if he had actually been concerned, we may have been able to have either drafted the motion differently, or – which I hope was a reason why he mentioned them at all – actually help them, if there was a need to do so. But he did not do that. It is all theatrics, it is all politics, it is all partisan. He does not know what he is talking about. The language bears consideration. He says there is a lack of care. Had he said that there was room for improvement, that processes may have to be reviewed in this particular aspect, that perhaps we should employ an *additional* mental welfare officer, then that is something we could have worked with – we could have worked on the language. But he talks of 1970 a lack of care as if to suggest that there is no care provided in the community. We have spoken about the post-facility care – has Mr Clinton not been listening? I have read to him three or four pages written to me. Does he think that I invented these things?

1980 I read to him what the professional staff wrote for me in respect of the post-facility
community care that is provided. I gave him names, professionals, multi-disciplinary teams,
locations, care plans, assessments, reviews, processes – and he stands up and he says again that
we have not dealt with his motion. But I have just told him! Has he not been listening? That is
why I say, Mr Speaker, that it is all a farce for them. It is sad indeed that something as serious,
something that merits meaningful, discreet discussion, meaningful consultation behind the
Speaker’s Chair, in private, should be instead ventilated by this very general motion that makes
1985 generic comments with no substance.

And then, Mr Speaker, what would be funny, except of course that it is not, is that he
pretends to be mortally wounded that we should remind him about the state of the KGV, that
we should tell him how we have drastically improved the post-facility services in the community.
I do not know why he is so upset. He has set himself up to be reminded of everything they failed
1990 to do and everything that we are doing. Does he not realise that that is what he is setting himself
up to do? Of course, Mr Clinton is an intelligent man: he has to know that he is setting himself
up for that. That is why I therefore come to the conclusion that there has to be some hidden
political mechanism of wishing to mark a difference between the time of Sir Peter Caruana and
their time now, as if to pretend that there is some magical, ethereal disconnect between the
1995 GSD that they represent and the GSD that was in government for 16 years. It is just not credible.
It is just not honest. It is theatrics. It is partisan.

And then I heard him complain – I could not believe this – that I should have sought and
quoted the views of the staff. Do their views not matter? Are they not important? Why must he
take issue with a fact that I quoted ... And I only made four quotes. I had an e-mail this long this
2000 morning with all of the quotes, and because of prudence I decided only to mention four. If the
hon. Gentleman really wants me to obtain quotes from service users, the Hon. the Chief
Minister has already received one during the course of this intervention; but, unlike him, I will
not talk about service users because it is confidential, because it is private, because it relates to
their families and individuals, because we care about protecting their identities.

2005 **Hon. Chief Minister:** You can share with him that it is not complimentary, what they have
said.

Hon. Neil Costa: Mr Speaker, my hon. and learned Friend Samantha Sacramento has made
2010 the point that some of the associations and civic societies that we deal with, in particular
Clubhouse, do receive material support from this Government because they do *excellent* work in
the community and they really care. And the way that a Government – as the hon. Gentleman
made the point before – which does not enjoy professional expertise in mental healthcare ... the
only way to be able to show our support is by providing financial, material support, which is why
2015 we fund Clubhouse to the degree that we do, which is why we have invested so much in capital
and infrastructure, which is why the Hon. Dr John Cortes spearheaded and led and gently
pushed the Mental Health Act team to work diligently to bring in an architecture that would, for
the very first time, enable community treatment in statute, in black and white. We brought that!
They did not! They had 16 years in which to do it, and to somehow absolve them of that neglect
2020 he gets up and says, ‘But we started Ocean Views.’ Oh, well done, after 16 years, for starting a
project which was, I can assure him, if anything, at its most nascent stages and which the
professionals have told me personally the little that they did they entirely disagreed with. Of
course, Dr John Cortes took the advice of the professionals and that is why we have an excellent
facility today for mental health issues.

2025 So I leave the hon. Gentleman with a thought: that although he clearly did not listen to my
contribution, because his reply to my amended motion proved exactly that, he will at least rest
easy knowing that tomorrow he will have his two-inch columns in the *Chronicle*. (*Banging on
desks*)

2030 **Mr Speaker:** I now put the amendment to the motion in the terms moved by the Hon. Neil Costa. Is a division required? No. Those in favour? (**Severall Members:** Aye.) Those against? (**Severall Members:** Nay.) The motion is carried by a majority.

The position now is that the amendment becomes the motion, and there are Members who have not spoken who are able to speak if they so wish. If not, I will call upon Mr Clinton to reply.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to start off by commending my Opposition colleagues for lending their weight towards drawing attention to the issue of mental health services in Gibraltar. It was barely a month ago that I stood here, seemingly on my own, asking questions of the Government on precisely this important matter. I am therefore encouraged to see them follow my lead in pursuing this further. (**Severall Members:** Hear, hear.) (*Banging on desks and interjections*) (**A Member:** It is not the first time.) (**Hon Chief Minister:** She is leading.) (**Hon Miss Sacramento:** Again!)

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Today, for me, Mr Speaker, is not the time to point the finger at where our local mental health services might be failing our community. Instead, and after much extensive research with mental health professionals and users, it is a chance for me to offer reflections and helpful suggestions on how we can upgrade the process. I think this is a perfect opportunity to propose clear solutions and strategies and suggest how improvements can be made. It is not for me to pick holes but to find ways to fill them. It is the difference between being critical and being constructive.

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I would like to engage with Government to ask them to consider the views of these professionals, all in the interest of formulating strategies to develop local services further, all in the benefit of our community. It is in this light, Mr Speaker, that I decided to propose an amendment that avoids vague targets but that instead presents purposeful and pragmatic suggestions that would lead to an already effective and efficient Mental Health Service taking even further steps in the right direction. These steps try to meet the precise demands of a challenging issue, posing clear objectives and measurable targets. I hope that the unveiling of my ideas will receive the support of my parliamentary colleagues and that of the community at large. My amendment is as follows:

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This House acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians while also enhancing accountability; recognises that Government currently employs a structured and multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom in order to achieve maximum efficiency of care; notices the existence of the Educational Psychologist department, but asks Government to consider placing a mental health specialist within the department and to explore the possibility of establishing a bespoke school-based mental health support programme as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency.

I shall expand on my amendment now and the reasons for the points I have raised.

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Mr Speaker, the statistics make staggering reading. Over 850,000 school children in the UK – that is three in every classroom – suffer from mental health problems. Suicide is the biggest killer among men aged between 18 and 45. Dementia is now the biggest cause of death in Great Britain, accounting for one in every eight deaths. The implication is simple but no less terrifying: mental health is the silent wolf that stalks modern society. It is the taboo of the new millennium, the unspoken reality that we try to deny to ourselves, because to do otherwise would mean

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accepting an unbearable and frightening truth. But pretend we must not. It is not an issue that will go away on its own, but one to be understood, to be acknowledged and to be confronted. We ignore it not just at our peril, but also at that of future generations of our community.

2070 It would not be fair to accuse the Government of ignoring the issue. Indeed, I must rightfully recognise their commitment to tackling this complex question. The Government is right to be proud of the Mental Health Act, the completion of Ocean Views and other commitments that we will hopefully see come to fruition soon, like the much-awaited Alzheimer's and Dementia Centre. But just because some initiatives may promise many improvements, it does not mean there is not much more to be done, and in matters of mental health it is imperative that we get
2075 on with newly identified priorities as soon as we possibly can.

Mr Speaker, I have spent the last few months engaging in a productive discourse with professionals from the mental health field. They have shared with me their thoughts and observations about the current service. They have enlightened me on the strengths of the structures presently in place, while drawing attention to their weaknesses. These conversations
2080 have formed the basis for my amendment, which shares these reflections with those here present. As a Member of the Opposition it is my duty to critique, but I should not do so for its own sake. Anyone can highlight a problem, but it is far more constructive to the democratic process to suggest solutions – solutions which take on board the views of those who are in the trenches and who are most affected by these problems. If these suggestions go some way
2085 towards bettering the life of just one person, then we should consider this process more than worthwhile.

Some of these proposals deal with prevention rather than cure, to curb problems at the root before they become an increased strain on the individual, on families, on the Health Service and on public finances. They call for Government to consider appointing a mental health specialist as
2090 part of the Educational Psychologist department with the specific brief of providing support to the students with mental health issues. The current staff does an admirable job dealing with barriers to learning, but this is a very wide-ranging focus that does not fully address the greater prevalence in mental health issues among young people.

Our youngsters are growing up in a complex world, where factors such as family breakdown, materialism, increased social networking, body image, bullying, cyber-bullying, early sexualisation, the media, violence and exam pressure, as well as many others, are all combining to impact on young people in many different ways. A lack of specialist support in early years could exacerbate the problem in future years, while a targeted approach would not only help deal with prevention but also make individuals affected more likely to access them in future,
2100 should it be necessary.

Early diagnosis and support is key and we should provide our children with the right professionals to help them through the world they live in and the many challenges it can throw in their paths. And while I recommend the appointment of a mental health specialist within the Educational Psychologist department, there is also the angle of referring to counselling services
2105 available in schools, to once again prevent future problems by providing mental health support to children at a young age. Such an in-house service will enable educationalists and counsellors to liaise and adopt appropriate strategies for students, thereby delivering a supportive environment that will impact on all aspects of learning and formation.

While counselling services are offered to local students by the GHA and other external agencies, these can be restricted in terms of accessibility, continuity in care and the finger on the pulse of what is happening inside schools. Counsellors can deal with issues on a more urgent and proactive basis, especially given that difficult situations can regularly require instantaneous involvement by mental health professionals, rather than by teachers. The best service currently offered focuses more on behavioural issues and deals with underlying mental health issues only
2115 where these affect student behaviour. Deeper and wider problems do not tend to be tackled by BEST, but could be by a counselling service that focuses on the needs of affected students.

2120 A preliminary contact has already been made with one of the directors of a leading mental health charitable organisation in the UK that offers similar services in schools across the UK. Interest has been expressed in exploring the possibility of establishing such a presence in
2125 Gibraltar schools, with the organisation able to provide training and resources. At the very least, a study visit could be arranged in order to ascertain how an organisation of this type could benefit local schools, enabling affected students to access a counselling service that could help increase awareness.

Earlier on, Mr Speaker, I quoted some statistics to place mental health issues in context.
2125 These figures apply to the United Kingdom. Unfortunately, I was unable to provide statistics with a local relevance, essentially because they are simply not accessible. I can say for a fact that at the moment the statistics office does not provide data relating to mental health issues. These relate to, for example, hospital admissions and re-admissions on mental health grounds, rates of suicides and attempted suicides, amount of individuals receiving long-term treatment, national
2130 diagnosis statistics, etc. As a result, it is difficult to obtain a detailed picture of how mental health issues are affecting Gibraltarians. This picture is important in gauging the impact of mental health services, as well as providing valuable data for budgeting and resourcing. Statistical trends can be more closely monitored, leading to further investigation where necessary. Additionally, access to more information will greatly aid mental health professionals
2135 and organisations in how they consult the Government on these issues. By extending this further to include appraisals, results of complaints procedures and user valuations, the service can benefit from quality assurance and, where necessary, be held accountable for underperformance.

My amendment therefore proposes that the Government considers more precise and
2140 comprehensive recording, publication of and access to statistics related to mental health issues, enabling all relevant stakeholders to take maximum advantage of the benefits of this data, while providing these parties with a comprehensive snapshot of the context and progress of mental health services from a local perspective.

Furthermore, at this moment it is felt by some members of the mental health profession that
2145 current structures offer inadequate long-term care programmes for patients. The present situation is seen somewhat as inconsistent, unstructured and often on an *ad hoc* basis, dependent on the individual care worker. As a result, this leads to a revolving door where problems perpetuate themselves. Long-term continuity of care can be limited and patients can encounter problems with returning to reality after treatment. These problems often cause the
2150 initial mental health issues to resurface. Therefore, a structured and co-ordinated multi-agency approach, similar to the care programme approach offered by the UK's NHS, should be made available in its entirety here in Gibraltar. And, while I do acknowledge that currently parts of the UK CPA model are being adopted here, we should aim, as I said, to adopt the plan here wholly. By fully taking on this CPA, specific services can be assessed, planned, co-ordinated and
2155 reviewed, with the programme serving as a one-stop shop for stakeholders. Bringing the service offered by all associated agencies under one umbrella will minimise confusion and enhance communication, providing a more supportive environment for patients. This will help to prevent reoccurrences, with individuals less dependent on health care services while reintegrating more successfully.

2160 Lastly, Mr Speaker, I ask and urge Government to establish a direct 24/7 crisis line system for the patient who may need it when in crisis, and which would lead the patient, or his or her family, to the dedicated care programme as a matter of urgency. At the moment, the mental health patient in crisis does not have a dedicated help line which would direct them accordingly. If that were introduced, then it could direct the patient swiftly to the relevant next point of
2165 assistance and care.

I feel, Mr Speaker, that the proposals I have presented are constructive and viable as a starting point towards a better package for mental healthcare. They benefit from prolonged dialogue with mental healthcare professionals, service users and families, all of whom have a

legitimate interest in improving the services which they either provide or on which they rely.
2170 This discourse has led to the exchange of ideas to examples of successful practice being shared
with me and to me gaining a thorough understanding of the needs of these stakeholders.

The proposals are not intended to undermine current practices but indeed complement them
and enhance them, so I hope that my amendment can find some middle ground with Mr Costa's
2175 own amendment and that we will be able to work as a team here in Parliament on such a vital
and sensitive subject, which we all want to get right in our community.

I therefore urge both the Government and the GSD Opposition to vote in favour of them for
the benefit and betterment of our community –

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2180 **Chief Minister (Hon. F R Picardo):** Before the hon. Lady finishes, would she just give way, just
for a moment?

Hon. Ms M D Hassan Nahon: Yes.

2185 **Hon. Chief Minister:** Mr Speaker, I know that she was coming to the end of what she was
going to say and I would not interrupt her in the context of a motion if it was not for a reason,
but the hon. Lady's proposed amendment has got our attention and there is a lot in it that we
think we may be able to support. So, what I would do is I would suggest that, if possible, the
House recess for 10 minutes before the hon. Lady sits down so that we can discuss with her,
2190 before she has finished her speech, what the terms of the amendment might be, because she
might find that she is pushing at an open door with the Government and that some of what she
is proposing – in fact, a lot of what she is proposing – may be accepted by the Government in the
context of our own motion being amended with some of the less palatable aspects, that she
might find she was not able to support, removed, and some of that included.

2195 So, Mr Speaker, if the hon. Lady just indicates to me that she is agreeable to that, I would
move that the House recess for 10 minutes to consider the terms of the amendment.

Mr Speaker: I think the hon. Lady should finish her contribution so that the amendment is
formally before the House.

2200

Hon. Chief Minister: Mr Speaker, on a procedural point –

Mr Speaker: And then, if there is a consensus, somebody else can move the consensus. She
cannot do it.

2205

Hon. Chief Minister: She cannot do it. That is why I was proposing –

Mr Speaker: If there is a consensus, once she finishes, an attempt can be made to have a
consensus of motion and some other Member can propose it.

2210

Hon. Chief Minister: Mr Speaker, that is another way of doing it and I have no difficulty with
that, but we are going to get into amendment-to-amendment territory (**Mr Speaker:** Yes.) and I
wanted to avoid that. But it is absolutely also possible to do it in that way.

2215 If the hon. Lady wants to finish, we recess for 10 minutes and we may be able to come back
with an amendment to her amendment that she can support and we can support, and perhaps
even others might be able to support. But she has got our attention: it is entirely up to her
whether we do it one way or the other.

2220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was pretty much finished. I was just trying to say ... and I appreciate why the Chief Minister has asked to be given way, but I was just hoping that the Government and Opposition would go with my points and vote in favour of my amendment, because I believe that effectively it is a win-win strategy and points for the whole of the community and not just this Parliament.

2225 **Hon. Chief Minister:** Well, Mr Speaker, she has finished her speech. I propose that the House should now recess –

2230 **Mr Speaker:** Before you do, what the hon. Lady is proposing now would be an amendment to the motion as it has been amended – in which case, after her, anybody else can speak on this amendment.

2235 Apart from endeavouring, trying to come to a consensus motion in a short period of time, I should point out to hon. Members that there is another avenue of approach. The other avenue of approach is to defer any further consideration of the motion to another meeting. There are precedents for that. There have been precedents when it may not be easy to arrive at a consensus in 10 minutes, but if there is an *animus negotiandi* something can happen over a longer period of time. As I say, there have been precedents where a motion was left for another meeting of the House and then taken up where it left off; it is deferred to another meeting.

2240 May I also comment that, given the reaction of the Chief Minister that there is a possibility of a consensus, it would have been far better if the hon. Lady had spoken and moved her amendment before Mr Costa took part in the debate. I am saying that for guidance if on another occasion something similar develops, because if the reaction of the Government is that there is quite a lot in the hon. Lady's amendment that they could have agreed to, perhaps if she had tabled the amendment beforehand it might have been easier either to have accepted it or to have added a few paragraphs. I think that would have been a better procedure than where we are now. But definitely, no problem, the House will recess.

2250 **Hon. Chief Minister:** I think, Mr Speaker, that it is possible that we may be able to reach an agreement in respect of the parts that we accept quite quickly and I think that if we start that process we may be back by 8.15 and we will be able to proceed today.

Mr Speaker: Very well, we will do that. The House will now recess to 8.15.

The House recessed at 8.00 p.m. and resumed its sitting at 8.15 p.m.

**Mental Health Service –
Care in the community for discharged service users –
Debate concluded; amended motion carried**

Mr Speaker: Following the recess, I understand that the Chief Minister wishes to propose a further amendment on the basis of a consensus.

2255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, we have been able to reach a consensus with the hon. Lady in respect of the things that she said that we felt we could agree.

There is one aspect of what she said in relation to the Educational Psychologist aspect which my hon. Colleague Mr Cortes, the Minister for Education, will speak on.

2260 We will therefore propose to the House what, if I may say so, is a composite motion between the motion as it was after the amendment by Mr Costa and parts of the motion that the hon. Lady put, which I said had got our attention, and which I think produces a rounded motion that

2265 deals both with the issue that we passionately believe must be reflected, which is the work that has been done since we were elected in December 2011 in respect of which we have already, I think, in a fairly cathartic way, spoken, and also reflects the issues the hon. Lady has put, and takes out some of the more partisan aspects of what we had proposed in our original motion in deference to the way that the hon. Lady has proposed that the House should consider these issues. But at the same time it does recognise the work that has been done and is being done by the Government, which the hon. Lady said in her speech she was prepared to accept and therefore it made sense to us could be reflected.

2270 I think hon. Members now have the proposed amendment to the amendment, which includes much of what was in the hon. Lady's amendment. I do not propose to say more than that, but I would say that it would be a fine thing indeed if this motion could be accepted by the whole House. Hon. Members opposite, of the GSD Opposition, have not indicated whether they are able to support it or not. I would urge them to support it, although it does reflect the excellent work that has been done since December 2011. In politics what you cannot do is go against reality, and this is an important issue on which the whole community will, I think, commend us if we are able to come out with a unanimous consensus; otherwise, at least there will be an element of consensus across the floor.

2280 I therefore move the amendment to the amendment in the terms which have been circulated to hon. Members, which, given the hour, I do not propose to read out.

Mr Speaker: What it would seek to do, effectively, is to delete everything after the words 'This House' and replace it by the consensus which has been arrived at.

2285 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, may I just add very briefly an explanation as to how we have agreed on one particular paragraph, which is the penultimate paragraph of the hon. Lady's original amendment, which recognises the fact that there are some steps already being taken in improving child and adolescent mental health – for example, the training of a third educational psychologist and other steps taken. The hon. Lady has kindly agreed to reflect that in that paragraph and hence the consensus is that that paragraph is slightly amended from her original one.

2295 **Mr Speaker:** Any hon. Member from the Opposition wish to participate now on the amendment to the amendment?

2300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, Minister Isola said something before which made me think – and it is true, of course, and it is a beautiful play on words that in order to provide care you have to care. So, if the GSD Opposition side of this House cares – and I know that they do, because everybody cares and everybody has their own different reality ... perhaps their own different appreciation of what each party has done in the past and what they have meant to do or their intentions. We all have good intentions, but at the end of the day this motion aims to look forward and to take notable strides in mental healthcare. It is only positive and constructive and that is why I urge both sides of the House – obviously, the Government side will be supporting it – but I urge both sides of the House, in the interests of real care, to please go with this motion because it can only be constructive for the community and there would be no reason to really oppose it if you really care.

2310 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, while of course everybody in this House no doubt identifies with the sentiment expressed by the hon. Lady, as much as we would like to support this consensus motion between the independent Member and the Government ... and I did attempt

2315 to arrive at a consensus position with the Government, although there did not seem to be much
appetite to consider it, in that certainly elements of this motion are blatantly partisan. Now, if
those partisan elements were removed, we might be in a better position to, as the hon. Lady
says, provide something that shows that we all care, on paper. But this paper reflects a political
reality in which, unfortunately, the Government are stating their political position at the expense
of ours. For those reasons, we cannot really support the motion in the terms worded.

2320

Mr Speaker: Any other contributor to the amendment? The Hon. Neil Costa. (*Interjections*)
Sorry, I caught the eye of the Hon. Neil Costa beforehand.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, once again – and I hope
2325 it is the last time – I rise to disagree with the hon. Gentleman, Mr Clinton.

I do not know how he can say that the creation and delivery of Ocean Views, which is entirely
fit for purpose, is partisan or political. It is, as far as we are concerned, a question of fact.

It also notes that the motion will commend the Government for amalgamating healthcare
and social care. The hon. Gentleman will of course reflect that, as he protested a few minutes
2330 ago, his main points he said were about co-ordination for community care, and of course it
makes sense therefore, given the synergies between the provision of healthcare and social care,
that there should be one Ministry amalgamating those responsibilities.

So, given the contribution made by the hon. Gentleman, I do not agree that this is a partisan
or political motion, other than the fact that it is made in the House of Parliament, which is
2335 ultimately partly political, to the extent that all contributions will be drawn from political sides.
Therefore, Mr Speaker, I am very grateful to the hon. Lady for, I have to say, a breath of fresh air
in being able to bring a motion that talks about improving where we can and about wanting to
be constructive with the Government and working where we can. She knows that I always
extend to her my hand of friendship and of support in whichever way she feels she can be of
2340 most effect to the people who go to see her.

For all of those reasons, Mr Speaker, I commend the composite motion to the House.

Mr Speaker: The Hon. Trevor Hammond.

2345 **Hon. T N Hammond:** Thank you, Mr Speaker.

I stand here a little disappointed, because I think an opportunity has been missed by this
House to indeed find a consensus position. I think Mr Speaker's suggestion before the recess,
that perhaps the motion was deferred, would have allowed time to find a position which both
sides of this House could indeed have agreed upon. Because of course, were the Members of the
2350 GSD sat on this side of the House to vote in favour of the motion, we are indeed voting in favour
of the entirety of the motion, and I regret to say we are not able to do that because of certain
provisions within the motion. I do believe that perhaps we have missed an opportunity and with
a little more time available to us ... bearing in mind it is already late at night and we are not here
to rush or bustle things through – we want to make sure that the words of motions are correct
2355 and reflect the opinions and views of those in the House, and certainly a motion that is passed
unanimously must reflect the views and opinions of everyone in this House. Unfortunately, we
have not quite reached that position with this motion. Perhaps, given more time, we could have
reached that position with this motion, but as the motion stands at this moment it is just simply
not possible for the Members on this side of the House, excepting the hon. independent
2360 Member, to support the motion as it stands.

Mr Speaker: If there are no other interventions, then I will call on the Chief Minister, the
mover, to reply.

2365 **Hon. Chief Minister:** Mr Speaker, yes, I agree with the Hon. Mr Clinton: this is a missed opportunity; it is a missed opportunity for the GSD Opposition. It is a missed opportunity because they came here with a motion and they had obviously come here without realising, I imagine – otherwise, they would have been absolutely volent – that they were going to get the reality of the past five years of work and the reality of the former 16 years put back at them.

2370 They need to do more research before they bring motions. They should not just bring motions for the purposes of hearing their voices. They need to contact us before they put motions, so that if they want the opportunity of the Parliament working together they have our opinions, because at the end of the day when they put a motion what they want is our vote. They want us to vote for their motions; otherwise, they are putting motions which they are going to lose, and those missed opportunities have been, as they have been in respect of their other motions, entirely of their own doing.

2375 This is not a cheerleading motion on the Government anymore, as it is proposed, because the hon. Lady would be uncomfortable cheerleading the Government; but she, rightly, I think, is comfortable recognising some aspects of what the Government has done and she calls upon ...
2380 and the Government will support some of what she calls upon us to do, which is to further what is, in their view, the partisan aspect of this motion – I think they say it is the first two lines – which is actually the reality of what has happened on the ground. That is why our mobile devices are ringing with the messages of support from the people who have been through KGV and Ocean Views now, and the Social Services before and during the time that we have been in Government. That is why, Mr Speaker, I commend the composite motion as it is to the House.

Mr Speaker: I will now put the consensus amendment to the vote. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The motion is approved with the Government and the hon. Lady voting in favour and the official Opposition against.

2390 We are now at the situation where we have the original motion as amended before the House. If there is no other speaker, I will call on the Hon. Mr Clinton to exercise his right to reply.

Hon. R M Clinton: Mr Speaker, after a long debate I can say I am actually glad that we have had this debate and we have discussed the very serious issues surrounding mental healthcare in this House. And whereas as much as I would have loved to support a composite motion, we on the official Opposition could not support the motion as worded for reasons I have already stated. However, having said that, I am glad that we have on the public record now the views of the Government and the stated policies of the Government as to what they believe is being provided to this community, to service users and to the families of service users.

2400 I brought my original motion in good faith, as much as the hon. Members opposite may think it was just in search of soundbites or columns in the *Chronicle*, or anything else, but as I freely admitted, when I stood up, in my opening address, this is not my comfort zone and this is not an area in which I have cumulative knowledge. So when I brought this motion it was because I had genuine people who have said to me, 'Look, these are the issues.' I stood as their voice. If they could not get satisfaction from the normal channels, I will obviously try and reach across the floor and speak to the Hon. Mr Costa to see if they can get some help. But that should not be the way things happen in Gibraltar. There should be a system in which people can go through that system and get the help they need without recourse to those of us in this House who have the power to do things or move things along. There should be no need for Members on this side to consult or to tell people on that side, 'Look, can you see so and so, because they need your help?' The system should work on its own two feet without any political interference from anyone in this House, including the Minister for Health.

2410 Mr Speaker, the former Minister for Health made a great play of the introduction of the Mental Health Act, and I believe he said that he missed getting this in before the election because he ran out of parliamentary time. Well, I just find it a bit surprising, seeing as this was so far up his agenda and so important to this community, that in fact this was only gazetted on

27th April 2016. In fact, I have gone back to the parliamentary agenda for the very first meeting of this House, on 18th January 2016, and the only Bill standing in his name is a Bill to amend the Animal and Birds Act. This Mental Health Bill was so important to the Minister for Health at the time that for him amending the Animal and Birds Act was more important than the Mental Health Act. *(Interjection)* I am sorry, but that is the reality. If he said to this House that this Bill was ready for passing, and the very first thing he did not do was put this on the agenda ... *(Interjections)* That is a fact: gazetted on 27th April 2016.

2425 I still have not heard anything from any of the Members opposite in respect of the section 117 aftercare which exists in the UK, and I trust no doubt they will enlighten us and the community in due course.

The Members opposite seem to think that I live in a time warp, in that the people I speak to are reliving events of five years ago. No, these are people who are living events here and now and today, not five years ago. The system needs to improve.

2430 I find it surprising that having made this Mental Health Act such an important piece of legislation – and which we freely supported when it came to the House; it is an important piece of legislation ... But again, the new Minister is saying hopefully it will come in in the first quarter of 2017 –

2435 **Hon N F Costa:** I did not say that, Mr Speaker. I said it *will* come into effect in the first quarter, not *hopefully*, which is an entirely *[Inaudible]*.

Hon. R M Clinton: Well, either way it was still three months away from implementation –

2440 **Hon N F Costa:** Better than 16 years.

Hon. R M Clinton: Well, look, you could have brought it in on the very first day of the Parliament.

2445 **Mr Speaker:** Please, do not talk across the floor of the House unless you are prepared to give way.

Hon. R M Clinton: And so, Mr Speaker, in terms of priorities they seem to have slightly missed the boat on this one. Mr Speaker, there was one comment which, and again, if we were given more time to achieve a consensus motion, maybe we could have come up with something that we could have all agreed on. There was one comment which I heard in this place for the first time, and that is that there will be a review undertaken – which in fact was the basis of my original motion. So I would encourage the Government to make public the process for this review: how this review is going to be undertaken and by whom; when is the report due; and, of course, no doubt this report will be made public. Because at the end of the day, as the hon. Lady has quite rightly pointed out, we seem to be sadly lacking in information and statistics. It is very hard on this side of the House without access to the information that the hon. Members on that side have, to determine whether in fact we are meeting the needs of our community.

2460 And so, Mr Speaker, it is really unfortunate that we could not arrive at a consensus, but at the end of the day we have aired the topic and we have given it justice, I believe, tonight; and so, Mr Speaker, I have nothing further to say. Thank you.

Mr Speaker Before we take the vote, I am going to read out the motion which I am putting to the vote, because otherwise it will not appear in the *Hansard*.

This House:

Notes the notable strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes the creation and delivery of an entirely fit-

for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians, while also enhancing accountability; recognises that Government currently employs a structured multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom, in order to achieve maximum efficiency of care; notes the existence of the Educational Psychologist Team; welcomes the fact that a third educational psychologist is being trained and asks the Government to continue to consider additional ways of dealing with child and adolescent mental health issues and to explore the possibility of establishing a bespoke school-based mental health support programme, as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand-in-glove with professionals and civil society to design and deliver optimum support for persons with mental health issues; and further commence the amalgamation of the provision of health and care under one newly created Ministry.

2465 **Mr Speaker:** I put this motion to the vote. Those in favour? (**Members:** Aye.) Those against? (**Members:** Nay.) The motion is supported by the Government and by the hon. independent Lady, and the official Opposition are voting against.

**North Front Cemetery –
Maintenance –
Amended motion carried**

Hon. T N Hammond: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Laments the present poor condition of the North Front Cemetery and believes that the place in which our loved ones are laid to rest, as a sign of the respect in which we continue to hold those loved ones, must be better cared for and maintained.

2470 Mr Speaker, I assure the Hon. the Chief Minister we do not have a quota of motions which we have to get in every parliamentary session, and indeed the reason we, as an Opposition, are tabling these motions is very much on the advice of Mr Speaker himself, who has demonstrated his aversion to Question Time turning into a debate, and therefore these motions allow us an opportunity to genuinely debate issues that have been raised with us, issues of public concern,
2475 and a wide range of different issues indeed.

No one can dispute the truth that the cemetery at North Front is a place unique in our community; a place where, as a community, we give expression to emotions of grief and sadness nowhere else felt; a place where we lay to rest our loved ones, and in doing so are subjected to that singular sensation of sorrow that can be felt only on these most desperate of occasions; a
2480 place where we return time and again to express a continued love and respect we have for those

loved ones – mothers and fathers, wives and husbands, sons and daughters, family and friends – people who, in their absence, continue to have a special place in our hearts and who deserve to have a special place in which we can show our love and respect.

2485 Herein lies the crux of this motion and the reason for lament, because at present the only thing especially unique about the cemetery is its state of decrepitude and dilapidation.

I would be both surprised and disappointed should anyone in this House argue the contrary to anything I have said thus far, because the weight of public opinion would be very much against them. I receive complaints almost daily about the condition of the cemetery. Indeed, there have been petitions against the condition of the cemetery. Many of the complainants ask me if I can do anything about it. I see concerns expressed on social media, I see petitions being raised asking for improvements, and yet I see no significant steps being taken to affect that improvement.

2490 As leaders of this community, we all share to a lesser or greater degree the shame of having allowed this situation to arise, and I am proud to move this motion as a positive action in at least getting this House's acknowledgement that this is an issue, that many people feel let down and that improvements must be made.

I was recently in Trafalgar Cemetery for the Trafalgar Memorial Service, a very moving service when placed in its historical context. It was an appropriately gloomy day, so the cemetery was not at its verdant best, but still one had the sense that with its well-manicured pathways, tended shrubs and shade trees it was a place well looked after, kept in a condition appropriate to its status and hopefully out of respect for those who lie there, rather than simply because it lies on the tourist trail.

2500 Compare and contrast with the cemetery at North Front, with its sun-bleached and broken pathways, damaged drains and leaky taps, unkempt and uncared for vegetation. While Trafalgar Cemetery has an air of quietude and solace, North Front conjures a sense of desolate abandon. We cannot allow this to remain.

So what can be done to change this? Well, firstly, of course, we must acknowledge and accept that North Front Cemetery is not as we would wish it to be. We cannot live in denial of the palpable facts there to see by anyone taking the time to do so. Having acknowledged and accepted the disservice to our community that the present lamentable condition of the cemetery represents, I do not believe that lavish sums need to be expended to bring about improvement. Indeed, this should be avoided. However, more effective use of the available resources needs to be considered and we need a plan – not one that will take four years to formulate, but one that can be swiftly actioned to set about changing the ambiance of North Front Cemetery into one of appropriate dignity.

2510 Mr Speaker, I hope to receive unanimous support in this House for this motion without amendment. It will show our community that its politicians are listening and do hear their concerns, and significantly both care about those concerns and will act upon them.

2515 Thank you, Mr Speaker.

2520 **Mr Speaker:** I now propose the motion in the terms moved by the hon. mover. Does anyone wish to...? The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
2525 Thank you, Mr Speaker.

I am afraid to disappoint the Hon. Mr Hammond in one respect, as I am going to be proposing an amendment; but not in another, as I am not happy with the state of the cemetery. I have never said that I am happy with the state of the cemetery and it is certainly not as I would wish it to be. It is, however, very much a work in progress. At least there is work in progress, which there had not been before we came into Government, because the complaints about the cemetery and the state of the cemetery go back for decades, right through the time of the previous administration.

Mr Speaker, many things contribute to the state of the cemetery, not just workforce issues, not just vegetation management issues, but also legislation and structures which were in place. 2535 For many years, North Front Cemetery was abandoned. In fact, the Superintendent of Cemeteries who was appointed at the time of the GSD was almost sent there as an outcast into a backwater and given very little, if any, support by that administration, despite the fact that he is dedicated – and certainly the aspects in relation to burials, to being available virtually seven days a week and almost 24 hours a day is something that is not cause for complaint and there 2540 are very few cemeteries anywhere in the world as accommodating to respond to the distress of families who are bereaved in ensuring a speedy burial is effected. So there are lots of things that come into play in this.

If I may, Mr Speaker, just refer to the complexity of North Front Cemetery, the cemetery complex consists of a perimeter wall, the footpaths leading to the various plots, the public toilet, 2545 freshwater points in a number of locations, and so on. I am pleased to report on that in recent years we have, in fact, invested more in the cemetery in a certain number of respects. The materials, tools and equipment budget of the cemetery was around £10,000 and it is now nearly £20,000 every year. The perimeter walls are regularly painted – as we saw, they were particularly painted after a regrettable instance of vandalism that we had a couple of years ago. 2550 The footpaths are maintained and whenever there is need to remove some of the footpaths to access the vaults at the edge of the plots, these are immediately reinstated. The toilets are also well maintained and clean at all times. We have also introduced the marking of the plots, so they are all designated and therefore much easier to find – and the map at the entrance, which is also very helpful to the users. We have also increased the number of cemetery keepers to two, as 2555 opposed to one that was in place in 2011 when we came into Government. All the water points are now working – we do not go to taps anymore and find that there is not any water, and if there is it is very quickly repaired – and the drainage is currently being upgraded.

The problem perhaps is twofold: the clearing of growth around the vaults – you cannot compare the maintenance of the windswept, sandy North Front Cemetery to Trafalgar 2560 Cemetery, which is in a sheltered area and is much more similar to what you would need to do in the Alameda Gardens, and therefore much easier to maintain than North Front Cemetery because of the climatic conditions and the poor nature of the soil.

The question of maintaining of vegetation is the one that causes the greatest of concern. The vegetation maintenance was carried out – and this was instigated by the previous administration 2565 – by a small group of workers from the then community projects. These workers have now largely left the organisation and, as was mentioned here not a week ago in Parliament, the Government put out a tender in order to see whether it could carry out the maintenance of the cemetery in a different way. Unfortunately, none of those tenders were considered to provide value for money and the Government then started to look at other alternatives. So it is not that 2570 nothing has been done at the time. The alternative has included extending the duties of people who look after the burials to cover vegetation management, and for a period of time it seemed to have been working relatively well. In the last year or two, because of increased pressure on burials and other changes in the organisation, this has not quite worked so well, so we have tried to get other bodies of workers to deal with it. At the moment, the situation is that we are 2575 actively considering a management programme which will either be using existing resources working elsewhere for the Government, or the possibility of issuing a new tender, which will be structured in such a way that will allow seasonal work, rather than a *[Inaudible]* and that might actually bring down the costs and increase the value for money element. Let me explain, Mr Speaker. The critical time for the growth of vegetation is now, just after the first rains, and 2580 therefore there will be more work, for example, in the autumn than if it is being properly maintained in the summer, because there will not be that much growth to work with. Therefore, we are working on the possibility of either redeploying current resources to there with that management programme, or issuing a tender with that management programme, because I do

2585 repeat that has to be tackled. I am not happy with the state of the cemetery – let me insist on that.

There is another issue, Mr Speaker, which is one that people may not realise, and that is the question of dilapidated vaults. The Government is not responsible for those vaults, but it is the leaseholder who is responsible and this is stated under the Cemetery Act, and Government may only intervene and demolish these vaults when they exceed 100 years. In such cases, the remains within the vaults are placed in a common grave and recorded as such. So the Government, similar to the fact that it could not act in certain areas of mental health because it was restricted by the law, cannot deal with certain vaults until they are of a certain age, and therefore it is something that the Government cannot act upon.

2595 The Cemeteries Act, Mr Speaker – or Ordinance, as it was when it was passed – is not dating from 1968, like the Mental Health Act that we were discussing before; it actually dates from 1889 and is 127 years old. I am glad to be able to say that we are finishing a process of consultation in which we are going to shortly be publishing a command paper with a revised Cemeteries Bill, which will deal with a lot of these issues. One of the issues will be the question of when Government can intervene to deal with a vault not being properly maintained, which it now cannot do.

2600 Among the changes that the Act will bring is that it will not be limited to the cemetery at North Front, but will be able to apply to other cemeteries in Gibraltar which are under the control of the Government, and a Cemetery Authority will be created, which will be responsible for the general management and supervision of the cemetery and the registration and control of burials.

2605 The board of visitors, when I came into office, had not met for several decades. I was told, incidentally, by one of the appointees of the former board that when he enquired as to how often they would have to meet when he was approached by a former Government, he was told ‘Don’t worry, you are not expected to meet, but I have to have names in the *Gazette*.’ So, Mr Speaker, it had not met for decades. I reconstructed that board of visitors. Sadly, the Chairman who was appointed, David Hoare, did become ill shortly after that and was ill for a considerable period of time, which rather upset the work, and sadly, as we all know, David passed away quite recently. It has now got a new Chairman, and with the new Acts it will no longer be known as the board of visitors; it will be known as the Cemeteries Board, which will have the ability to be involved in directing and advising on all aspects of the work of the cemetery.

2615 Mr Speaker, the definition of burial rights and who may construct a grave or vault is also going to be dealt with, and offences will not be taken as lightly as they are. You can imagine that in 1889 fines were not as high as you would want them to be. Any person who creates a disturbance or nuisance, for example, at this point in time would be afforded a £5 fine; this is going to be increased to a level 3 fine.

2620 So, as you see, Mr Speaker, there is a lot of work going on in the background in and around the cemetery. Because of all the different things we have tried, particularly from the point of view of management, we are not there yet; I absolutely accept that. Work has to be done and it is my intention that before this term of office is out the work will have been completed.

2625 Therefore, Mr Speaker, I am proposing that we amend the motion as follows, and I hand this over to the usher.

Replace after ‘This House’:

Recalls that North Front Cemetery is the place where our loved ones are laid to rest; considers that there has always been room for improvement to the condition of North Front Cemetery and that this has been the case under successive Governments; notes the importance of continuing maintenance and to the state of the cemetery, recognising the efforts presently being made in that direction; and supports the Government’s plans to review relevant legislation and to provide a management programme for the maintenance of the cemetery.

2630 Mr Speaker, this, I am hoping, will allow us to work towards a cemetery that our community requires, demands, and in fact deserves, so I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: I now propose the amendment in the terms moved by the Hon. Dr John Cortes.

2635 **Hon. R M Clinton:** Mr Speaker, I entirely identify myself with the comments made by the Hon. Minister: I think that we all know that North Front could be a much better place.

I will let my hon. colleague Mr Hammond give his view as to the official Opposition's position on the amended motion, but there was one comment that the Hon. Minister made in respect of the legislation of the Cemeteries Act, and certainly it does date back to 1889 – with consequential amendments, of course. He said that he may have been told – and I am not sure
2640 this is right, but that the burial vaults the Government had no ability to do anything about and that they had to be more than 100 years old before they could be touched. I cannot find anything in the legislation that says that. In fact, under section 6(1) of the Cemetery Act it actually says – and this is something the Minister may want to consider in preparing the Bill for the new Cemetery Act. It says, under 'Powers of Superintendent for maintaining good order and
2645 appearance of the cemetery':

- 6.(1) The Superintendent may for the purpose of maintaining the good order and appearance of the cemetery exercise the following powers:–
- (a) to remove stones, bricks and other material of monuments and memorials of the dead, which have fallen from their places;
 - (b) to remove rails which surround or form part of monuments and memorials of the dead, which are in a ruinous condition;
 - (c) to arrange the materials of monuments and memorials of the dead, which have become ruinous or dilapidated so as to render them less unsightly in appearance.

And so, Mr Speaker, I would ask the hon. Member to perhaps go back to his source and double check the point about something having to be 100 years old before they could be put right. Again, as a layman reading that, it would appear that the Superintendent of Cemeteries already has that power and no doubt that will be reflected in the new Act.

2650 Though there is room for improvement in the cemetery and we all recognise that, certainly we will give good consideration to his proposed amendment.

Thank you Mr Speaker.

2655 **Mr Speaker:** The Hon. Trevor Hammond.

Hon. T N Hammond: Well, Mr Speaker, I am very glad that I did not take the Hon. the Chief Minister up on his suggestion to defer this motion, because the amendment that the Hon. Dr Cortes has proposed would appear to me to be perfectly acceptable, and therefore I think we are in a position where actually we can achieve consensus in this House.

2660 We all appear to agree that the cemetery is very much a work in progress. I would ask perhaps that that work is accelerated as far as possible. I appreciate the resource issues, but it is a place that the people of our community do, on sad occasions, congregate to and it is a place where, clearly, when people are there and they look around themselves they feel, at the very least, disappointment at its condition.

2665 But in terms of the constituent parts of the proposed amendment, there is absolutely nothing objectionable to those on this side of the House and I very much feel that we can support the amended motion.

2670 **Mr Speaker:** Any other contributor?
I call on Dr John Cortes to reply.

Hon. Dr J E Cortes: Mr Speaker, first of all, I am grateful for the comments of the Hon. Mr Clinton. This is the advice I have been given by the appropriate civil servants. It may be that that is covered by the rules rather than the Acts – I would have to go back to that – but certainly there will be provision in the new Act, which, as I say, will be published as a command paper with ample time for comments.

There have been issues, curiously enough, and the Hon. Mr Clinton will appreciate that – certainly before my time – in which the Heritage Trust was concerned at what the Superintendent of Cemeteries may or may not do with certain monuments, and that will be covered as well.

I must say that when I reconstituted the board of visitors I included a representative of the Heritage Trust and of the National History Society as well as other denominations, including non-Christian denominations, as members of the board.

I am particularly pleased to hear the response from the Hon. Mr Hammond, and in view of the fact that we are expecting consensus without amendments to amendments to amendments, I have nothing further to add and commend that this amendment now be put to the vote.

Mr Speaker: I will now put the Hon. Dr John Cortes' amendment to the vote. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

That now becomes the motion as amended and therefore I will ask is there any other person who wishes to speak on the motion as amended; otherwise, I will call upon the Hon. Trevor Hammond to exercise his right to reply.

The Hon. Trevor Hammond.

Hon. T N Hammond: Mr Speaker, like the Hon. the Minister, I will not take up much of this House's time now.

I think we very much are singing from the same song sheet here. The Minister has expressed that he is not happy with the present condition. He has said it is a work in progress. I think we have all acknowledged that responsibility is shared throughout, through previous administrations – just the North Front Cemetery has not been a focus of attention.

I thank my hon. Friend Mr Clinton for his contribution with respect to the Act, and if indeed if that is what the Act says perhaps we can speed things up. If it is indeed secondary legislation that is preventing improvements being made in terms of the tombs themselves, then perhaps secondary legislation can of course be amended directly by the Minister. But of course when the Government eventually bring a new Act to this House I certainly hope that we will be able to also support that Act.

So, on that note and on that note of consensus I end my intervention. Thank you Mr Speaker.

Mr Speaker: Before I put the motion to the House, may I comment that I am glad to see that hon. Members have been guided by the principle *de mortuis nihil nisi bonum*.

I will put the motion to the house. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, exactly one year after the last election we are in this House dealing with issues, some by consensus, some not, but I think we can all agree that it is appropriate to deal with a motion on the cemetery on the graveyard shift.

At almost nine o'clock this evening, Mr Speaker, I move that the House should now adjourn *sine die*.

Mr Speaker: The House will now adjourn *sine die*.

The House adjourned at 9.06 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.33 a.m. – 1.07 p.m.

Gibraltar, Tuesday, 20th December 2016

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<i>The House adjourned at 1.07 p.m.</i>	51

The Gibraltar Parliament

The Parliament met at 10.33 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 24th November, 2016.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Minister for the Environment, Energy, Climate Change and Education.

10

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I have the honour to lay on the table the accounts of the Gibraltar Heritage Trust for the Financial Year ended 31st March 2016.

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

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q842/2016

Gibraltar Sports and Leisure Authority – Two vacancies

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 842, the Hon. E J Reyes.

20

Hon. E J Reyes: Mr Speaker, sir, following on from the answer provided to Question 732/2016, can the Minister for Sports inform this House if the two vacancies within the Gibraltar Sports and Leisure Authority have now been filled?

25

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the Centre Manager (Grade 5) interviews were held on Monday, 19th December – yesterday. The successful candidate should be notified shortly.

30

The interviews for the post of Assistant Administration Manager will be held in January 2017.

Q843/2016

Sports related grants – Update on payments made

Clerk: Question 843, the Hon. E J Reyes.

35

Hon. E J Reyes: Can the Minister for Sports provide updated details of all payments made during this current Financial Year, in respect of any sports related grants since the answer provided to Question 733/2016?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

40

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite an updated schedule in relation to all payments made during this current financial year in respect of any sports related grants.

45

Again, Mr Speaker, I take this opportunity to remind the hon. Member that updated information is posted on the GSLA website, www.gsla.gi. These changes are effected on a monthly basis or as and when required, as I explained to the hon. Member last time.

Answer to Question 843/2016

Grants Awarded for Sports Development Projects.

Athletics	4,427.71
Badminton	2,597.42
Chess	29,475.16
Hockey	2,986.50
Netball	514.48
Rhythmic Gymnastics	5,664.00
Rowing	832.53
Shooting	27,730.62
Triathlon	290.00
Kenjitsu Association	712.80

Grants awarded for International Competitions.

Island Games	83,019.31
Straits Games	10,147.55

Grants awarded to Sporting Societies.

Athletics	7,718.84
Basketball	60,790.20
Darts	6,904.64
Hockey	20,254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	3,704.14

Hosting of Special Sports and Leisure Events.

Classic Vehicle Association	1,200.00
Cleaning after Boxing event	57.60
Cleaning after Bike Rally	45.00
Cleaning after Beer festival	240.00
EHF Challenge 3 Cup	5,124.50
FIBA Senior Women's Cup	210.00
Backgammon Tournament	42,201.37
Gib Kennel Club	10,176.15

Answer to Question 843/2016

Gib Snooker Tournament	77,515.00
PDF Darts Trophy	119,990.65
Gibsport Sports Day	3,000.00
GMF Geotextile Flooring	4,870.00
Harley Davidson rally	4,500.00
Inauguration of Sports Complex	1,750.00
Jnr Chess Tournament	5,000.00
Kings Bowl Rock Master Tournament	16,000.00
Netball Europe U17 Champs	8,163.08
Sports Days Sound System	6,100.00
Thundercat racing event	27,950.00
UEFA Champ League	2,990.20
UEFA Futsal Comp	8,340.34
Yacht Regatta	6,528.00

Mr Speaker: Let us move on to the next question and I will allow the hon. Member to raise any supplementaries arising from the schedule if he so wishes.

Q844/2016
Cultural grants –
Details

Clerk: Question 844, the Hon. E J Reyes.

50

Hon. E J Reyes: Can the Minister for Culture provide updated details of any cultural grants awarded since the answer to Question 734/2016?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

55

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, since my answer to Question 734/2016, two further cultural grants have been awarded, these being: Gibraltar Heritage Trust – Publication of book by Manolo Galliano, £4,370; Child Line Gibraltar – Publication of book, £3,245.

Q845/2016
Gibraltar Sports Authority's premises –
Cancellations due to being unfit for use

60

Clerk: Question 845, the Hon. E J Reyes.

65

Hon. E J Reyes: Can the Minister for Sports provide details in respect of all cancellations at any of the Gibraltar Sports Authority's premises which were due to facilities being unfit for use, inclusive of reasons why the cancellations were necessary and dates involved?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

70

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, due to damage suffered as a result of the current storms and in particular, that caused by high winds, it was necessary to cancel the use of the Victoria Sports Hall on the following dates due to water ingress: Monday, 21st November, from 4 p.m. onwards; Saturday, 26th November, from 3 p.m. onwards – earlier sessions unaffected; Sunday, 27th November, all day; Thursday, 1st December, from 4 pm onwards; Sunday, 4th December, all day.

75

Given that the rain in that period was considered the worst for some time and that in the neighbouring areas life almost came to a standstill, these disruptions must be set in context. Nonetheless, works are being undertaken to repair the problems giving rise to these cancellations.

80

Hon. E J Reyes: I am grateful for that, Mr Speaker. The Minister ended up by saying that works ... are they to be undertaken or have already been undertaken? I did not quite catch that.

85

Hon. S E Linares: Mr Speaker, they are already ongoing actually. They have already started looking at everywhere that the water ingress came from and the contractor that fixed certain other ... Remember, we are talking about the old Victoria Sports Hall, because I can inform the

hon. Member that not a single drop came into the Tercentenary Hall because already refurbishment had been done previously and the contractor had actually fulfilled their mandate not to allow water to come in. But unfortunately some came in through the old sports hall.

90 **Hon. E J Reyes:** Yes, I am grateful and concur with the Minister that with the Tercentenary Sports Hall, we seem to have at long last seem to have solved the minor issue, the ventilation shafts in the newer Tercentenary hall sometimes because of the direction of the wind it did allow a bit of water ingress in that one.

95 In respect of the Victoria Sports Hall does the Minister expect this to be a huge expense that will require additional supplementary funding in favour of the Sports Authority or does he hopefully expect that it will be covered in the ongoing maintenance provisions that they have?

100 **Hon. S E Linares:** No, Mr Speaker, it will be on the ongoing maintenance and it will be covered with their own costs. Because of the type of rain we had, there was a lot of water ingress but it might just be one particular place and that can be covered with the normal maintenance.

Q846/2016
Garrison Gymnasium –
Intended use

Clerk: Question 846, the Hon. E J Reyes.

105 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports inform this House what is the intended use for the Garrison Gymnasium?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

110 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the intended use for the Garrison Gymnasium is for the whole of the sporting community and allocations to be made via the Gibraltar Sports and Leisure Authority, once this facility is refurbished to meet health and safety standards and it has adequate changing and showering amenities.

115 **Hon. E J Reyes:** Yes, I asked that question, Mr Speaker, because in the last session the Minister kindly gave me the schedule of locations and I had picked up that there were no allocations made for the Garrison Gymnasium.

120 Does the Minister have any possible date when these facilities will be put back for public use so that bookings may be made in the same manner as all the other facilities?

125 **Hon. S E Linares:** No, Mr Speaker, I do not have any specific dates but the hon. Member must understand that we are trying to do that as quickly as possible because the Garrison Gym, as he well knows, was in a very, very sorry state of affairs and therefore we did have some monies, as the hon. Member knows, in the estimate. So we are working at that, we are talking about the gymnasium, so yes.

130 **Hon. E J Reyes:** Can the Minister inform us, I know that it requires a fair amount of work and so on. Is one of the problems in respect of repairs that asbestos has been found within the facilities?

Hon. S E Linares: Mr Speaker, not that I know of. As far as I understand it, there is no asbestos, but again if there is asbestos we will deal with it.

135 **Hon. E J Reyes:** I would be grateful if the Minister can take a personal interest because the word round the sporting community, and they are not always 100% accurate, is that it has been out of action for some time because of the implications to health and safety that comes about in carrying out repairs to the asbestos.

140 So although I know the Minister will not be able to have an answer now, I would be grateful if he were able to pursue this so that in future, we may exchange views and put this much needed facility back into community use as soon as possible.

Hon. S E Linares: Okay.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q847/2016

Principal Auditor's Report 2014-15–

Details of capital works

145 **Clerk:** Question 847, the Hon. L F Llamas.

150 **Hon. L F Llamas:** Mr Speaker, in connection to 3.7.13 and 3.7.14 of the Principal Auditor's Report 2014-15, can the Government disclose the details of the capital works the Principal Auditor is referring to, the name of the successful contractor, the full cost of the project and confirm whether the successful contractor was the cheapest.

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

155 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

Answer to Question 847/2016

Site	Capital Works	Contractor	Cost	Cheapest quote?
Lathbury Barracks	Emergency sewer works	Site Trading	£ 4,100.00	no - 2nd
Lathbury Barracks	New sewer system	Site Trading	£ 29,825.00	yes
Jews Gate	Repairs to gutter	Site Trading	£ 3,200.00	yes
Jews Gate	Ticket Office refurbishment	Site Trading	£ 29,295.00	yes
St.Michael's Cave	Painting Exterior areas (after Hours)	Site Trading	£ 2,618.55	Part of existing maintenance contract
O'Hara's Battery	Restoration of site	Fotografiks	£ 135,000.00	no -3rd
Great Siege Tunnels	Mannequins exhibits	Fotografiks	£ 134,900.00	Only quote received
Great Siege Tunnels	Cornwallis Chamber	Site Trading	£ 152,900.00	yes
Great Siege Tunnels	Ticket Office refurbishment	Site Trading	£ 36,716.00	yes
Great Siege Tunnels	Viewing platform and Holy Land Tunnel refurb	Site Trading	£ 27,813.00	yes
Great Siege Tunnels	St. George's Hall	Site Trading	£ 147,700.00	2nd
Great Siege Tunnels	Extra works to Cornwallis Chamber	Site Trading	£ 10,981.24	Extra works to above
City Under Siege	Site refurbishment - Mannequins and exhibits	Site Trading	£ 105,300.00	yes
City Under Siege	Exterior beautification	Site Trading	£ 9,650.00	Extra works to above
WWII Tunnels	Removal of asbestos	Sky Bridge	£ 14,680.00	yes
WWII Tunnels	Electrical installation	Site Trading	£ 58,350.00	yes
WWII Tunnels	lighting and fire alarm	Site Trading	£ 7,600.50	Extra works to above
WWII Tunnels	Removal of asbestos	Sky Bridge	£ 15,245.00	yes
WWII Tunnels	Toilet refurbishment	Home Emergency	£ 1,149.00	yes
WWII Tunnels	Mannequins exhibits	Site Trading	£ 215,320.00	no - 2nd

Contd Answer to Question 847 of 2016.

100 Ton Gun	Maintenance office and toilets	Site Trading	£ 50,000.00	no - 2nd
100 Ton Gun	Steps to exhibition	Site Trading	£ 2,900.00	Extra works to above
100 Ton Gun	Railings and repairs to steps leading to toilet	Site Trading	£ 18,486.00	yes
Upper Rock Sites	Maintenance contract	Site Trading	£ 81,806.40	yes
Upper Rock Sites	CCTV Cameras	Securitek	£ 48,314.24	yes
Upper Rock	Refurbishment of Upper Rock areas	Site Trading	£ 95,745.00	yes
Cruise Terminal	X-Ray machine	Commercial Technologias	£ 60,968.00	Only quote received
Camp Bay	Staircases x3	Selina Ltd	£ 20,050.00	Only quote received (urgent)
Beaches	Walkways and shower platforms	Portman	£ 58,320.00	Only quote received (urgent)
Beaches	Concrete weights, crane hire and wooden cabin	Portman	£ 29,525.00	Only quote received
Beaches	Installations of waterparks	Steel Mac	£ 10,500.00	yes
Beaches	Medusa netting and anchoring sets	Portman	£ 21,158.00	Only quote received - same supplier
Beaches	Medusa netting installation	Portman	£ 14,805.00	Only quote received - same supplier
Beaches	Walkways	Portman	£ 13,500.00	yes
Beaches	Repairs to facilities	MC Construction	£ 15,250.00	yes
Beaches	Pre-season works to facilities	Site Trading	£ 15,480.00	Only quote received

Mr Speaker: We will move on to the next question.

Q848/2016

MidTown Car Park and Royal Anglian Way Suspension Bridge – Signage

160 **Clerk:** Question 848, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide an update as to when the signs for the MidTown Car Park and the Suspension Bridge at Royal Anglian Way will be put in place?

165 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the signs are planned to be placed after the festive season.

170

175 **Hon. L F Llamas:** Mr Speaker, can I ask the hon. Gentleman what is the delay? We asked this question two months ago and the answer given was that especially the MidTown parking one was imminent and it was already ordered. I think people listening, especially the sign manufacturers will understand will be asking what can take six months of planning to put a sign up?

Hon. Dr J E Cortes: Mr Speaker, I can answer in relation to the Upper Rock. They are two very different areas, I have answered both in order not to split a rather simple question into two.

180 In relation to the Upper Rock, my latest information is that the signs have been ordered and there are quite a whole lot of signs to revamp the whole of the Upper Rock and that is part of that consignment.

I am not aware of the specific details of the MidTown signs; maybe my colleague may be able to provide that information.

185 **Mr Speaker:** Clearly we have a situation here where a question is addressed at two different... and dealing with two different matters. I think it has escaped the notice of myself and the Clerk. This should have been two separate questions. MidTown Car Park has got nothing to do with the Upper Rock. The responsibility of one Minister is for MidTown Car Park and another Minister for the Upper Rock. So it should have been two shorter questions. Keep it in mind for the future.

Hon. L F Llamas: It was just, Mr Speaker, because last time it was answered in one –

195 **Mr Speaker:** Well, we slipped up. (*Interjection by Hon. L F Llamas*) Let us all keep that in mind for the future, okay.

Q849-853/2016

Upper Rock Nature Reserve; Windsor Suspension Bridge; Devil's Bellows; Mount Misery – Daily visitor statistics; security guards

Clerk: Question 849, the Hon. L F Llamas.

200 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with the daily statistics showing how many visitors have entered each attraction on the Upper Rock Nature Reserve during the last five years?

205 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 850 to 853.

210 **Clerk:** Question 850, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of daily statistics with how many visitors have visited the Windsor Suspension Bridge since its inauguration?

215 **Clerk:** Question 851, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, is the Government content with the working conditions under which the security guards at the Windsor Bridge and Devil's Bellows have been working since they have been placed?

220 **Clerk:** Question 852, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has been the cost of having security guards at Windsor Suspension Bridge and Devils Bellow's since placed at each location?

225 **Clerk:** Question 853, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has delayed the opening of Mount Misery from October 2016 to before Spring 2017?

230 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, the data in relation to Question 849 is not available as requested. The information
235 available is as presented in the answer to Written Question 67. In other words, we do not have a breakdown as has been requested, but an overall figure which the hon. Member will be able to see in the Written Answer and then he may want to ask again in the future.

In relation to Question 850, the statistics are not kept.

240 In Questions 851 and 852, the security officers at these sites form part of larger contracts, move between sites and therefore the specific cost of security at Windsor Bridge cannot be determined.

The officer at Devil's Bellows is part of another contract for the Upper Rock which is held within my recently acquired portfolio for the Upper Rock tourist sites and therefore again the specific cost is difficult to identify.

245 Both guards have access to facilities at Jews' Gate.

The main cause of the delay has been severe weather.

Hon. L F Llamas: Mr Speaker, given that obviously Gibraltar is a popular tourist destination and having seen especially the security guard down at Devil's Bellows with a beach umbrella and
250 a Portakabin, working in very warm conditions, does the Minister intend to continue this practice or is it a possibility that perhaps a more permanent building or facility will be provided in the near future?

Hon. Dr J E Cortes: Mr Speaker, it clearly is as we have been having a bit of a conversation
255 here, we have to be careful how much money we spend in presenting facilities which could go over the top.

260 However, I am aware of what the hon. Member has said, but whatever steps we take, and there are various things here. Clearly the employing firm has a responsibility to look after the conditions in which their workers work and I am not aware of any requests made to Government in respect of that.

265 Secondly I think we need, in taking over the Upper Rock sites I am reviewing the whole question of access to the Upper Rock and obviously this will all be considered. But clearly there is no, as I said earlier, it may be that the hon. Member is encouraging us to spend large amounts of money on very plush facilities and if that is the case and we do provide them, which I suspect we will not provide very plush facilities, then clearly we will not be criticised.

But I know what the hon. Member is referring to and in analysing what we do with access to the Upper Rock this is part of the different areas that we are looking at.

270 **Hon. R M Clinton:** Mr Speaker, perhaps the hon. Member could just expand a bit on his answer and advise whether there is any intention to move the ticket office or establish a ticket office at Devil's Bellows?

275 **Hon. Dr J E Cortes:** Mr Speaker, I am not able to reply to that. I took over responsibility for the sites just weeks ago really, six weeks ago or something like that and I am looking at the whole Upper Rock product. This is something that we need to look at but I am not in a position at this stage to give any details, no decision has been taken.

280 **Hon. R M Clinton:** Thank you, Mr Speaker. I thank the hon. Member for that. Can he advise, or is he aware, whether any architects have been instructed at all in respect of the Devil's Bellows sites regarding proposals?

Hon. Dr J E Cortes: I am aware that no architects have been instructed.

285 **Hon. L F Llamas:** Mr Speaker, just coming back to Questions 849 and 850, I understand that the statistics as requested are not kept. Would the Government perhaps look into keeping these types of statistics in order to have an insight of what sites are performing better, what sites are not being attended to and the performance of the general Upper Rock?

290 **Hon. Dr J E Cortes:** Mr Speaker, I am one to like having statistics as information but not for the sake of having it and if keeping statistics for every particular part of the Upper Rock means, for example, having a person stationed there for 24 hours or at least during daylight hours with additional pay and so on, I think that that money can best be used for other things or not used.

295 So we have to be careful that we do not obtain statistics for every little corner of the Upper Rock or anywhere else just for the sake of having them. So this is part of the exercise of what we would need the statistics for. How important it is to know how many people are crossing the bridge, I am not sure. It is a bridge I'll cross when I come to it.

300 **Hon. L F Llamas:** Mr Speaker, I am not implying that specific people are actually placed; I am more referring to for example, St Michael's Cave, the Suspension Bridge where there are already people placed, the Great Siege Tunnels, in attractions where there are already employees working on those sites. Perhaps they could just keep an estimated record or at least maybe in order to just know how many people are coming, I think it is a useful statistic that will provide an insight on how the attractions are actually performing.

305 **Hon. Dr J E Cortes:** Mr Speaker, in trying to make a question out of that, I will agree that they would be useful statistics. Whether they are necessary statistics and whether they would warrant additional expenditure in order to achieve them is a decision that will have to be taken when all the information is available.

Q854/2016
Gibraltar Tourist Board –
Update on arrears

310 **Clerk:** Question 854, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Questions 740/2016 and 741/2016, can the Government provide an update on the arrears position in relation to the Gibraltar Tourist Board?

315 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, further to the answer to Question 741/2016, the arrears are: Debtor A, £2,752.65; Debtor B, £106,672.70.

320 **Hon. L F Llamas:** Mr Speaker, can I ask: are there any interest penalties or any additional anti-debtor strategies being put in place in order to curtail this behaviour and to try and avoid this sort of trend that we are seeing?

325 Obviously the figures are quite substantial and these are users going up to the Upper Rock who are benefiting from taking tourists up, so there is no reason why they should have this delay in paying their entry fees.

Hon. Dr J E Cortes: Mr Speaker, I am not aware, I would have to ask the Member, it is a new Department that I have taken over, I can find out the information.

330 I think to put it in context, in relation to Debtor A, the sum is identical to what it was when I answered about a month ago.

In relation to Debtor B, we must remember that two payments of about £30,000 had come in in fairly rapid succession which had reduced it to £93,000 more or less, and obviously that has now increased by £13,000. So it may be that some other payment has not come in or has not been processed yet, but we are aware what is owed and there may be a bit of a time lag.

335 So I think it is worth waiting for another month to see where we are and I will enquire as to what system the Department has to discourage debts. But I do not have that information available.

Q855/2016

Public toilets at Cathedral Square – Closure

340 **Clerk:** Question 855, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain why the public toilets at Cathedral Square have been closed for the past few months?

345 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the toilets have been closed because of a fault in the plumbing which has resulted in them being out of order.

Hon. L F Llamas: Mr Speaker, are the repairs being undertaken and does the Minister know when these toilets will be reopened once again?

355 **Hon. Dr J E Cortes:** Mr Speaker, my information is that the matter is being looked into. Remember, it is a very old toilet and in all likelihood with old metal pipes and so on, it may be more complex than it appears from my answer.

Also the cost of having the plumbing redone is being looked at. So it is being looked at but no decision has been taken. There are other facilities nearby – there is a pay toilet in

360 Commonwealth Park and there is the Leisure Centre – but as I say, we are looking into the extent of the problem and to see what costs will be involved in repairing this.

Q856/2016
Temporary power turbines –
Total cost since 2012

Clerk: Question 856, the Hon. T N Hammond.

365 **Hon. T N Hammond:** Mr Speaker, can the Minister say what the total cost of the temporary power turbines has been since January 2012?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

370 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the total rental cost of the power turbine since January 2012 has been £12,849,567.42.

Q857/2016
Gibraltar's energy needs–
Percentage from renewable energy sources

375 **Clerk:** Question 857, the Hon. T N Hammond.

Hon. T N Hammond: What percentage of Gibraltar's energy needs is currently being met from renewable sources?

380 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

385 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the percentage in the grid is approximately 0.05%. This, however, does not include solar thermal installations which can be considered as 'non-usage' for which figures are not available.

390 **Hon. T N Hammond:** Mr Speaker, bearing in mind the figure of 0.05% does the Minister still believe it is possible that we will achieve the 20% target that is established in their manifesto and of course by EU requirements by 2019-20?

Hon. Dr J E Cortes: Mr Speaker, absolutely sir.

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

Q858/2016

**Gibraltar's energy needs –
Expected change by 2019**

Clerk: Question 858, the Hon. T N Hammond.

400 **Hon. T N Hammond:** Mr Speaker, does Government expect there to be any change in the energy demand between now and 2019 and if so, what is the anticipated change?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government expects electricity demand for Gibraltar to increase by about 1.5% between now and 2019.

Q859/2016

**Bayside Comprehensive students decanted to Victoria Stadium –
Reasons**

410 **Clerk:** Question 859, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain the reasons for decanting students from Bayside Comprehensive to Victoria Stadium for the purposes of holding lessons which fall outside physical education?

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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

420 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this was necessary in order to accommodate the increasing number of students on a wide choice of optional subjects.

425 **Hon. E J Phillips:** Just one further supplementary: how many students have actually been decanted into Victoria Stadium?

Hon. Dr J E Cortes: Mr Speaker, I do not have that figure. It was not asked so therefore it has not been provided in my reply. I am sure that if the hon. Member writes to me I can get the information from the Department, but I do not have that figure here.

430 **Hon. E J Phillips:** One further question: what measures are going to be put in place in order to avoid that decanting into obviously clearly an unsuitable site for the education of children?

Hon. Dr J E Cortes: Mr Speaker, there is a manifesto commitment regarding Bayside School and new schools and we will take this into the planning.

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Hon. E J Phillips: Just to confirm that Victoria Stadium will still be used and continue to be used until the new schools are built?

440 **Hon. Dr J E Cortes:** Mr Speaker, I have to assume so. Again, I have not got the information, I do not know whether the school has looked at alternative venues but clearly if we have to accommodate students we will find accommodation for them in order for the lessons to proceed.

The alternative is to not have those options available and I think that educationally we will agree that it is better to walk across the road and have the class than to stay put and not have it.

Q860/2016
Bullying in school –
Minimisation measures

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Clerk: Question 860, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government set out what measures are in place to minimise the incidence of bullying in schools?

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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes)
455 Mr Speaker, firstly let me start by saying that a single incident of bullying in or out of school is an incident too many, I am sure we all agree.

As such, we take a very serious view of bullying, which is tackled in two ways: first, through the delivery of a comprehensive Personal, Social and Health Education programme in all the schools where bullying and the consequences of bullying are openly discussed. Every attempt is made to make sure that bullying is reported and, furthermore, that victims feel safe in the knowledge that they can speak to someone in confidence and that something will be done.

460 The programme also strives to educate and teach children to celebrate their differences, to be respectful and tolerant of each other and to never be afraid to speak out when they see injustice.

465 Secondly, despite all of this it is of course regrettable that sometimes bullying still happens. All schools take a zero tolerance view at this stage and will deal with reported incidents swiftly and diligently in accordance with their discipline protocols.

470 I would, however, like to remark if I may on the positives. Only a few weeks ago I witnessed with my colleague, the Hon. Samantha Sacramento, 1,000 boys locking hands in solidarity with the victims of domestic violence, particularly women and girls. This is the education I am referring to and I am immensely proud of the work being done in schools by teachers.

COMMERCE

Q861/2016
Financial Services Ombudsman Act 2016–
Bringing into effect

Clerk: Question 861, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise when it intends to bring into effect the Financial Services Ombudsman Act 2016?

Clerk: Answer, the Hon. the Minister for Commerce.

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Minister for Commerce (Hon. A J Isola): Mr Speaker, we intend to bring the Financial Services Ombudsman Act into effect on 1st April 2017.

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Hon. R M Clinton: I thank the Hon. Minister for the answer. Has there been any start to the process to recruit or identify the Ombudsman?

Hon. A J Isola: Yes, Mr Speaker, there has.

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Hon. R M Clinton: Mr Speaker, may I ask the Hon. Minister how that process has commenced? I do not recall seeing any adverts in any local papers.

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Hon. A J Isola: No, there have not been any adverts, Mr Speaker, because we are not looking at recruiting a specific team. We would hope that the hon. Members opposite would welcome a setting up of an Ombudsman's office using current resources from other Departments and other agencies which would serve the purpose it would require under the Act.

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Hon. R M Clinton: So, Mr Speaker, if I understand the Minister correctly, he is looking to staff and resource internally within existing resources, presumably within the GDC or the Civil Service and not to recruit externally?

Hon. A J Isola: Well, Mr Speaker, we are looking at using existing resources by agreement, whether internal or external, to carry out the functions that we require. We would hope that you would welcome this and not seek the recruitment of further people into the public sector.

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Hon. R M Clinton: Mr Speaker, maybe I misunderstood the Minister. He said existing resources whether internal or external. Perhaps he could clarify what he meant by external.

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Hon. A J Isola: Well, Mr Speaker, it is questionable whether certain agencies within the Government are internal or external.

Hon. R M Clinton: Perhaps the Minister could then perhaps... just a final supplementary on this one. If I understand him correctly, then, by external he means potentially other Government agencies, but not for example third party private entities such as law firms or accountancy firms?

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Hon. A J Isola: Yes, exactly.

Q862/2016

New Statutory Regime for Financial Services and Professional Services – Update on introduction

Clerk: Question 862, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please provide an update on the introduction of the New Statutory Regime for the Financial Services and Professional Services

Market announced in its press release 43/2015 dated 27th January 2015 and the legal costs incurred to date?

Clerk: Answer, the Hon. the Minister for Commerce.

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Minister for Commerce (Hon. A J Isola): Mr Speaker, the Legislative Reform Programme (LRP) encompasses the development of policy and the drafting of legislation for: new consolidated primary and secondary legislation relating to financial and professional services; transposition of financial and professional services directives; the implementation of elements of EU regulations through statutory amendments; and other Government initiatives to amend financial services law such as the implementation of a new regime for pensions.

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To date the LRP has delivered on financial service legislation, including European Directives and Regulations. In terms of the new primary and secondary legislation, significant progress has been made in the drafting of the legislation and we expect to be able to consult on the new consolidated legislation in the second half of 2017.

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We assume the reference to 'legal costs' is to the costs of the drafters. Details of those costs incurred to date can be found on the Government's website and I am advised and pleased to report that we are on target to complete this work on budget.

Q863/2016
Double taxation agreements –
Negotiations

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Clerk: Question 863, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise with which jurisdiction it is currently concluding a double taxation agreement and has the UK agreed to enter into one with Gibraltar?

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Clerk: Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, Gibraltar Finance officials have been negotiating Gibraltar's first double taxation agreement since the beginning of this year. The negotiations have turned out to be more protracted than anticipated due to the very technical nature of these agreements and the final draft is now with a private sector working group which has assisted Government with these matters. Government expects to conclude this process and arrange a signing early next year. I will happily disclose the name of the jurisdiction to the Member outside the Chamber.

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The draft DTA takes into account the OECD's BEPS Programme and Action Points that have become the standard for international tax reporting and which are designed to prevent the erosion of national tax bases and impede the shifting of profits to lower tax jurisdictions. Gibraltar is in the process of transposing the EU equivalent of BEPS.

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I am pleased that we are now close to delivering an important manifesto commitment with respect to DTAs in partnership with the private sector. We now hope to build on this by developing a network of double taxation agreements going forwards, on terms similar to the draft referred to above, in full compliance with the OECD BEPS action points.

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We are in discussions with Her Majesty's Government and our desire to enter into a DTA with the United Kingdom.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for that answer. In respect of the jurisdiction, although he may... he obviously will not identify these jurisdictions, would he be able to say whether it is a European jurisdiction?

570 **Hon. A J Isola:** Mr Speaker, I am happy to inform the hon. Member of the name of the jurisdiction behind the Speaker's Chair if that will help.
The answer is no.

575 **Hon. R M Clinton:** Mr Speaker, talking about – if I can ask the Hon. Minister about the double tax agreements, the negotiation as he will know from this one double tax agreement that has been negotiated with the help of a private sector working group, is quite a protracted affair, and the development of a huge double taxation network will be an ambitious one, have any thoughts been given to piggy-backing on the UK Government's double tax treaty network?

580 **Hon. A J Isola:** Mr Speaker, the issue of DTAs is one that we have discussed in Parliament before. We did have two DTAs ready to go with two different jurisdictions to the one I have referred to earlier, but of course the introduction by the OECD of the BEPS action plan and action points, has almost derailed that entire process and I believe that there is now going to be an entirely new regime of DTAs signed across the world which have to comply now with the
585 OECD BEPS action points.

So this is the first one and I fully believe that the future of DTAs will very much be in line with this format. This will now become the standard procedure and the jurisdiction with whom we have entered into or about to enter into the first DTA had a representative on the OECD Committee on BEPS and therefore their input has been extremely helpful in understanding the full implication of the BEPS programme.
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We have discussed with the UK and will continue to talk to them about our own DTA with them and what other possibilities may arise as a result of that.

Q864-866/2016
Bitcoin/Cryptocurrency –
Working group, challenges and regulation

595 **Clerk:** Question 864, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether a Bitcoin/Cryptocurrency working group has been established and if so, who sits on the group?

600 **Clerk:** Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, I will answer this question together with Questions 865 and 866.

605 **Clerk:** Question 865, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government set out what challenges it sees in relation to the regulation of Bitcoin/Cryptocurrency in Gibraltar?

610 **Clerk:** Question 866, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what steps it is taking to regulate Bitcoin or other forms of Cryptocurrency in Gibraltar?

Clerk: Answer, the Hon. the Minister for Commerce.

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Minister for Commerce (Hon. A J Isola): Mr Speaker, a Cryptocurrency working group was formed in July 2014 by the private sector with our support. The working group included Paul Astengo, David Parody, Joey Garcia, Albert Yome and Nicholas Gomez, as well as representatives from local and international firms. The private sector group approached Government in summer

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2014 and offered to set up a group at no cost to Government, to consider and report on these issues. The working group produced its first report in December 2014 which was circulated by Gibraltar Finance on 24th December 2014 for consultation by the Finance Centre Council to its member firms and direct to contributing firms and individuals who were not part of the Finance

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Centre Council. After considering the multiple responses to the consultation, a second report was published in January 2016 which was circulated by e-mail on 22nd February 2016 for consultation by the Finance Centre Council to its member firms and directly to contributing firms and individuals not part of the Finance Centre Council. This second report contained the views of the working group

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on a proposed regulatory framework, for firms engaged with virtual currencies. In answer to Question 865, HM Government of Gibraltar is not seeking, nor has it ever sought, to regulate Bitcoin or any other Cryptocurrency in Gibraltar.

And in answer to Question 866, Government is not taking any steps to regulate Bitcoin or Cryptocurrency.

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By way of assistance I would add that HM Government of Gibraltar is seeking to establish a regulatory framework via the Gibraltar Financial Services Commission, for firms not otherwise subject to regulation that use Distributed Ledger Technology for the transmission and storage of value. Virtual currencies are recognised as one application of DLT. This is work in progress and we will inform our thoughts and decisions in this area and an announcement of our progress will

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Hon. E J Phillips: Just one further question. I thank you for that comprehensive answer. Can the Minister just explain what DLT is and how it differs in the context of digital currency? I am not too clear on what DLT is. I am grateful.

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Hon. A J Isola: Well, Mr Speaker, quite simply, Distributed Ledger Technology is technology. So for example blockchain is one type of DLT. A virtual currency – and a Bitcoin – is regarded as a sort of Cryptocurrency. So when the hon. Member asks if we are going to be regulating Bitcoin or virtual currency, the answer is no, because we are not going to regulate the currency like we do not regulate fiat currencies or even commodities like gold and silver. But we are going to regulate what is not already regulated: those that touch or engage with it. So that is the difference really between DLT and the currencies themselves.

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Q867/2016
Business with Hong Kong firms –
Economic benefit to Gibraltar

Clerk: Question 867, the Hon E J Phillips.

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Hon. E J Phillips: Further to Question 199/2016, can the Government confirm what real business is being done between Gibraltar and Hong Kong firms in which Gibraltar derives direct or indirect economic benefit?

660 **Clerk:** Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, the use of the Hong Kong Office has enabled a significant number of Gibraltar companies and organisations as well as Government with its trade missions in financial services, shipping, education and trade, to have access to real and significant business opportunities in Hong Kong.

665 Furthermore, the Hong Kong Office is now also assisting trade missions to mainland China having facilitated and attended visits with Ministers Bossano and Isola in recent months, with further visits planned in early 2017.

670 There is no question that serious business has been conducted between Asia and Gibraltar since the launch of the Gibraltar Government office in Hong Kong and engagements with huge state owned enterprises continue both in China and Gibraltar. The investments currently under discussion are substantial and are ongoing.

675 Mr Speaker, I would like to take this opportunity to thank Mr Jason Cruz, our man in China, for having significantly raised the profile of Gibraltar in Asia and worked tirelessly and professionally to deliver real business and opportunity to all of our firms in the private sector, as well of course as Government.

Hon. E J Phillips: I am grateful for the answer and obviously we will get to Mr Cruz later on in Question Time. But in relation to the question that I put to him about the real business opportunities, I will just remind the hon. Member of what he said in relation to the answer to Question 199. He said:

I think I answered that in my original question where I said that the reports I get from the private sector is that real business is being done and indeed a public announcement will be made in the coming quarter of other work that is coming to a fruitful conclusion.

Can the Minister explain a bit more about that and what type of public announcement he expects, given that it was some time ago that he made that statement.

685 **Hon. A J Isola:** Yes, Mr Speaker. The statement that I was referring to at that time were ongoing negotiations for a very high profile Hong Kong firm which had 800 staff in Hong Kong and 3,000 worldwide, that was in the process of finalising its position to open its office in Gibraltar.

690 The little matter of the announcement of the Brexit vote in early 2016 put that on hold and unfortunately did not proceed following the voting on 23rd June this year.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q868/2016

**Queen Elizabeth class carriers –
Works necessary for berthing**

Clerk: Question 868, the Hon. D A Feetham.

695 **Hon. D A Feetham:** Mr Speaker, does the Government know whether operating one of the new Queen Elizabeth class carriers from Gibraltar will necessitate any works to any of the Moles or the Port?

700 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, it is anticipated that the new Queen Elizabeth class carriers will berth at the South Mole within MOD property when they call at Gibraltar. It is understood that MOD staff are looking into any work required on the infrastructure here in Gibraltar to support these ships and they will be better placed to provide any details.

705 There is no expectation that the carriers will berth elsewhere in the Gibraltar Port.

Hon. D A Feetham: Mr Speaker, will he also join me in stating in this House how welcome it will be for one of these Queen Elizabeth carriers to be operating from Gibraltar, and does he expect or has he had any information from the MOD as to what extra economic activity that may bring to Gibraltar, which again would be very welcome indeed as a consequence of having this carrier operating from Gibraltar?

710 **Hon. G H Licudi:** Mr Speaker, we are certainly very happy to state that we welcome the arrival of this new class of aircraft carriers to Gibraltar. They will be very, very welcome indeed. Matters to do with the works are clearly for the MOD. We anticipate that it will be possible for those carriers to be berthed in Gibraltar and certainly with a large crew like is expected with this class of carriers, it is anticipated that when they call it will generate economic activity for Gibraltar.

720 It is impossible I think to quantify what that economic activity will be but it will be most welcome – not just from the point of view of the economics of what Gibraltar will derive from such visits, but from the point of view of the continuing link with the United Kingdom, the continuing close link with the MOD and the use of the Gibraltar facilities which will always be available for the MOD to maximise its use and to make use of Gibraltar to the best way possible, in partnership obviously between Gibraltar and the United Kingdom as we have always done.

725 **Hon. D A Feetham:** Mr Speaker, thank you very much for the answer.

Mr Speaker, the Government will obviously not have a final answer in relation to this because he has already indicated to me that the MOD are undertaking their own surveys, but of course if the surveys indicate that substantial work will be necessary to the South Mole, that is also going to be a very welcome generation of economic activity here in Gibraltar.

730 But the question I want to ask is, is it something that the Government has discussed with the MOD that having this class of carrier operating from Gibraltar may also lead to the need for a reconsideration perhaps of the MOD's stance in relation to the staff and workers that it may need here in Gibraltar and the proposed voluntary redundancies going forward? Is that something that has been discussed between the Government and the MOD?

Chief Minister (Hon. F R Picardo): Mr Speaker, yes at the very highest level between the Chief Minister and the Minister for the Armed Forces.

740 Because the position of the Government of Gibraltar as the Minister has said, is that bringing the Queen Elizabeth class to Gibraltar and indeed the Queen Elizabeth itself to Gibraltar, is not just a demonstration of the continuing relationship between Gibraltar and the United Kingdom in all matters, but in particular in relation to sovereignty, but is a sign that Gibraltar is the home of the Royal Navy in the Mediterranean Sea and that in that home there must be a forward mounting base that is able to support Her Majesty's Armed Forces as required at any particular

750 time – in particular given these dangerous times in which we live, which former Prime Minister David Cameron was right to say, demonstrated just how dangerous it was to live on the shores of the Mediterranean. And, Mr Speaker, those who work in the Ministry of Defence today are fully assured of the support of the Gibraltar Government and know that they will have all our support to demonstrate just how important their work is and will be in the future in particular, with the Queen Elizabeth class calling here.

755 And I have made that point directly to the Minister of the Armed Forces, Mike Penning, who if I may say so has demonstrated in the time that he has been Minister for the Armed Forces, that he is an excellent supportive friend of Gibraltar in every post he has held and in particular, in this post in which he himself has said is the post that he wished most to have of all the ministerial offices available. So, Mr Speaker, the House can rest assured that the Government has made those points and many more in support of our employees in the Ministry of Defence.

760 **Hon. D A Feetham:** Mr Speaker, I welcome that statement, on behalf of the Opposition.

Hon. Chief Minister: Thank you. It was a statement on behalf of the Government, not on behalf of the Opposition.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q847/2016

Principal Auditor's Report 2014-15– Supplementary question

765 **Mr Speaker:** Is there a supplementary arising from Question 847?
The Hon. Lawrence Llamas.

770 **Hon. L F Llamas:** Mr Speaker, just one supplementary arising from Question 847/2016. On the second page of the schedule handed over by the Minister for the Upper Rock, there is one item, Refurbishment of Upper Rock Areas – a total sum of £95,000. Is the Minister able to provide a breakdown, because obviously the reference of Upper Rock areas is quite broad, is it possible to provide a breakdown of what the works have actually been on this occasion?

775 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** I am sure it is. I do not have the information. I have given the headings. If I were to have broken down every single one of them, obviously that would have been quite an onerous task, but once again I would be happy to do that by exchange of correspondence. I am sure that if the information is available, there will not be any problem in providing it.

HOUSING AND EQUALITY

Q884/2016

Government rental homes – Urgent decanting of tenants

780 **Clerk:** We now move to Question 884, the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 772/2016, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, none.

Q885/2016

**Government rental homes –
Eviction of squatters**

790 **Clerk:** Question 885, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 773/2016, providing a breakdown showing the number of homes involved and to whom payments were made?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, none.

Q886/2016

**Government rental homes –
Repair works pending**

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Clerk: Question 886, the Hon. E J Reyes.

Hon. E J Reyes: Further to Questions 603/2016 and 774/2016, can the Minister for Housing please now provide a revised answer with updated details in respect of all pending repairs. That is still not fully completed jobs to rental homes, indicating the dates when these reports were first made by tenants and stating how many will be repaired by (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, huge progress has been made since the days that Members opposite were in Government and there were thousands of outstanding/pending repairs to rental homes.

815

To date, there are 288 pending repairs to rental homes and these are as follows: 14 in May 2016; 23 in June; 15 in July; 18 in August; 10 in September; 47 in October; 141 in November and 20 in December.

(a) 32 of these will be repaired by the Housing Works Agency; (b) 256 of these will be repaired by sub-contractors; and (c) two on a self-repair basis.

820 **Hon. E J Reyes:** Mr Speaker, I wrote to the hon. Lady saying that some tenants had reported to me that they had pending works prior to May and she was going to look into those. I think from today's answer she again quotes pending works going as from May. Has she been able to find out the veracity of those claims to have works outstanding prior to May?

825 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I am grateful to the hon. Gentleman opposite for giving me a list of tenants who had approached him. There were a number of names there, Mr Speaker.

On the whole, all of those have now been progressed; some have been completed; some of them, as happens ... one of them had reported and then someone else in the household had cancelled the report which is why it was not reflected in my answer because it was not pending.
830 In other cases there was no report at all, so sometimes people do not report according to the channels.

But again as I said I am grateful to the hon. Gentleman of course we are dealing with huge volumes of works, it is a system which may from time to time give rise to human error and there are only a couple of the works that the hon. Gentleman forwarded to me that had not been
835 actioned but they have now. So I am grateful for that.

Q887/2016

**Government rental homes –
Expenditure on refurbishing empty homes**

Clerk: Question 887, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 775/2016 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

845 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, one contract has been awarded and that was to A J Windows for £11,355 in relation to one property. The work
850 carried out by this company was general refurbishment including plastering walls and ceilings, painting, replacing floor tiles and doors, plumbing and electrical works.

Q888/2016

**Government rental homes –
Outstanding arrears**

Clerk: Question 888, the Hon. E J Reyes.

855 **Hon. E J Reyes:** Can the Minister for Housing provide details of outstanding arrears in respect of Government rental homes, providing a breakdown by month since February 2016?

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

860 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the information on arrears is as follows since the answer to Question 383/2016 it is as follows: on the 30th June, the balance was £5,433,274.03; 31st July, £5,391,027.42; 31st August, £5,363,754.45; 30th September, £5,320,899.92; 31st October, £5,306,588.97; 31st November, £5,248,007.90.

So, Mr Speaker, just under £5.25 million.

865 **Hon. E J Reyes:** Mr Speaker, would the hon. Lady kindly repeat the figure for August? Five million three hundred and something, I missed that part. (*Interjection*) The schedule is coming, then I am grateful for that. Thank you, Mr Speaker.

870

Q889/2016
Bruce's Farm admissions –
Number who have relapsed in last 12 months

Clerk: Question 889, the Hon. E J Phillips.

875 **Hon. E J Phillips:** Can the Government confirm how many of those people admitted to Bruce's Farm in the last 12 months have relapsed?

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

880 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, of those who have undertaken rehabilitation in the last 12 months, Bruce's Farm is aware that there are currently nine who have relapsed.

Hon. E J Phillips: Mr Speaker, out of the total, what is the total of those who have been admitted or have undergone a period of rehabilitation?

885

Hon. Miss S J Sacramento: Mr Speaker, the number of admissions so far are 49.

Hon. E J Phillips: Within that 12-month period, that is correct, thank you.

INFRASTRUCTURE AND PLANNING

Q890/2016
Zebra crossing from Midtown parking to Reclamation Road –
Accessibility for wheelchairs and pushchairs

890 **Clerk:** Question 890, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government intend to make the only zebra crossing from the Midtown parking to the pavement opposite on Reclamation Road, wheelchair and pushchair friendly?

895

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

900 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Highways Section of the Technical Services Department assessed the said crossing in August 2016 following the completion of the Midtown Coach and Car Park and recommended that this zebra

crossing be made accessible. It is Government's policy to provide adequate accessibility for all facilities, particularly those that are Government projects. Thereafter, the design work was prepared to ensure that the existing zebra crossing would meet the requirements of wheelchair users. The works order was placed and I am pleased to confirm to the hon. Gentleman that preliminary works to the pavement commenced last week.

Therefore, Mr Speaker, I expect for the works to be completed before Christmas.

Hon. L F Llamas: Mr Speaker, from that answer I understand that the Government actually looked into the situation post building the parking area and obviously I think, from what Government has been campaigning in the last couple of weeks, to do with accessibility and the Disability Bill, it would have been far more well-thought if Government would have actually included the accessibility to this parking before actually completing the project. It is things that obviously should arise as part of common sense.

If the Government brings over a specialist from the UK to talk about accessibility, but yet in implementing new projects which are so recent as this fail to understand that these things need to be factored in through the planning process, I would like to ask the Minister if it would be an additional cost and why it was not actually factored in at the time of the actual planning for the Midtown parking?

Hon. P J Balban: Mr Speaker, I would have to ask my Department the specific question. I think, if I am not mistaken, that they were considering different options for a zebra crossing within the road itself. Because it was not easy because of the way, I think, that cars and motorbikes parked in the area to find the best crossing point.

So I would need to ask my staff exactly why but I think the reason was that they built a zebra crossing the best they could at that time, until they had fully assessed the area. That is my understanding.

Hon. L F Llamas: So does that mean that the zebra crossing is moving its location or is it still going to be in the same location?

Hon. P J Balban: No, Mr Speaker, the decision was taken that that was probably the best location and that is why the works have been carried out. It would be useless to actually put a zebra crossing there if the intention was thereafter to move it to another location.

Hon. L F Llamas: The only other question which I asked was: is this an additional cost to the Taxpayer or is it encompassed within the actual project?

Hon. P J Balban: Mr Speaker, I will have to find out and revert to the Gentleman.

Q891/2016
Speed cameras –
Date to become operational

Clerk: Question 891, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, since the law has now been amended to allow for their use, when does the Government believe that the speed cameras will become operational?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

950 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, it is expected that this project will go live shortly. A further visit from the contractors is necessary before the project goes live and final arrangements are in place for the company to complete the commissioning and training in late January.

Mr Speaker, without wishing to commit to a date for obvious reasons, I envisage the speed cameras should be in operation sometime during the first quarter of 2017.

Q892/2016
Midtown Car Park –
Number of spaces and number sold

955 **Clerk:** Question 892, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, what is the total number of parking spaces in the Midtown Car Park and of that total, how many have been sold to individuals or companies?

960 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the total number of parking spaces is 1,011; and the total number of completed sales to individuals or companies is 456.

Q893/2016
Midtown Car Park –
Serviceability rate for machines

965 **Clerk:** Question 893, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister provide figures for the serviceability rate for machines in the Midtown Car Park since it became available for use by the public?

970 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

975 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, since Midtown Coach and Car Park was opened to the public, Gibraltar Car Parks Ltd have encountered several issues as follows: coins jamming within the mechanism of Pay Station No. 2 – the coin readers were replaced under warrantee and at no cost. Pay Station No. 2 also encountered a software issue as a result of a faulty motherboard – the motherboard was also replaced under warrantee and at no cost.

980 Pay Station No. 2 was out of order on three occasions as it was out of change. These situations were promptly addressed by the contracted security company for the car park and replenished as necessary.

Initially the coin readers to both Pay Stations No. 1 and No. 2 encountered issues where some series of £1 coins would be rejected. This is a common issue that manifests in coin readers installed within pay stations, ATMs, pay phones and other platforms.

985 **Hon. T N Hammond:** Mr Speaker, I thank the Minister for that answer, and it is a comprehensive answer. However it does not quite give me the information I was after, which is

really how often the machines have been out of service as a ratio to the time they have been open. And I raise the question because the concern has been raised directly or the frustration has been raised directly with me by members of the public who have encountered problems.

990 So the frequency from their anecdotes, if you like, would appear to be relatively high rate of unserviceability and I wonder if the Minister could just clarify.

Hon. P J Balban: Mr Speaker, it would be impossible to give the hon. Gentleman an exact idea of the frequency because there are certain issues that happen unfortunately quite frequently, which are the issues we are experiencing with certain £1 coins. That I think is one of the biggest matters that come to my attention and on occasions the coins slip through.

995 So again, if you change the coin it works and this happens throughout. You often see, on machines you may see scratch marks on the side and that is because sometimes people think that by adding some friction to the coin, it will accept it. Sometimes the coin is accepted.

1000 So I say, it is unfortunately something that happens quite frequently which is beyond our control in that respect, but we are looking at the actual issues as to why it happens to see where this can be corrected.

1005 It is also important to note that Gibraltar, although not totally unique in this respect, because other areas have this issue, but because we accept coins, UK Pounds sterling and we accept Euros, the hoop that is in the machine, the actual mechanism within, has to know and accept different weights and measures for particular coins. That is also something which is also a lot more complicated for machines technically than just a machine which deals in one currency. So that is another factor that we encounter.

1010 **Hon. R M Clinton:** Once again, I thank the Minister for what was a comprehensive answer, one final question because he referred to certain £1 coins. Has it been identified which particular coins? Can people be advised to use a particular kind of coin in these machines, whether it be a local coin or a UK coin as a preference?

1015 **Hon. P J Balban:** Mr Speaker, we are actually having difficulty to find out which coins. It seems that there are some of the local Gibraltar coins but not all of them. We have checked their weights and they were identical and the variance by law is miniscule, so miniscule that the weighing component of the machine would not be able to pick it up.

1020 So they are so specific it could be to do with a particular design which is perhaps on some of our coins and not on others. It is something that is not only experienced in our car park machines but is experienced in other machines unrelated to Government throughout Gibraltar.

Q892/2016
Midtown Car Park spaces –
Supplementary questions

Mr Speaker: Let us go back to – sorry.

1025 **Hon. D A Feetham:** Yes, may I go back to 892 which is on the Midtown Car Park.

This is a question asked by my hon. Friend about how many parking spaces had been sold to individuals or companies in the Midtown Car Park and out of 1,011 car parks 456 had been sold to individuals or companies.

1030 Does the hon. Minister have the information as to how many have been rented out to individuals or companies, as opposed to just simply just sold?

Hon. P J Balban: Yes, Mr Speaker, we are currently letting out 131 spaces.

1035 **Hon. D A Feetham:** And does the Minister also have the information as to how many, if it is on top of that 131 and the 456 that have been sold, have actually been retained or required by the Government itself or Government owned companies or entities?

Hon. P J Balban: Not that we are aware of, Mr Speaker.

1040 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, thank you.

1045 Still on Question 892, the quick calculation I am doing is 1,011 parking spaces, 456 were sold, 131 on hire gives us a figure of 424. Is that the figure available now for daily use by the public or are there some parking spaces assigned for coaches. For example as you drive in you know that the ground and first floor are for coaches. Does that form part of those 424 or not?

1050 **Hon. P J Balban:** No, Mr Speaker, when we spoke about car parking spaces, we referred exclusively to car parking spaces and not coach parking spaces. The ground floor as you are aware are for the big 50 plus seaters and the first floor are for the mini coaches that operate the rock tours within Gibraltar.

When we were speaking the question from your side was targeting the actual car parking spaces and that is the reply that was given.

Q893/2016
Midtown Car Park machines –
Supplementary questions

1055 **Mr Speaker:** Arising from?

Hon. R M Clinton: Question 893.

1060 **Hon. R M Clinton:** Mr Speaker, I followed with interest the exchange with my colleague, the Hon. Mr Hammond and the Minister in relation to the problems with the coins going into machines. And purely perhaps as an aside, I would like the Minister to confirm whether he is aware that in March next year there will be a new 12-sided pound coin. This is obviously going to cause havoc throughout Gibraltar, and whether there are some plans in preparation for that.

1065 **Hon. P J Balban:** Mr Speaker, yes we are well aware on this side that there is a new £1 coin coming out and obviously we will prepare in advance for that eventuality. I believe the normal £1 pound coins, the round ones when they arrive at the bank or are taken to the bank, they will be held back and I would presume that probably the only logical way of progressing will be at one stage at one point in time, is to stop accepting the round £1 coins and only accepting the new 12-sided ones. Otherwise, we would end up with many currencies to accept and that will just throw machines off for sure.

1070 **Hon. R M Clinton:** And, Mr Speaker, and I really do risk incurring your wrath. The logical extension to the argument is obviously the Government itself locally will look to introduce the 12-sided local £1 coin. Obviously the Minister may not be able to answer that question.

1075 **Hon. P J Balban:** Mr Speaker, that is correct, the National Mint is looking at that so that our coins will be exactly the same as those in the UK.

Q894/2016

**Parking area opposite Mid Harbours –
Opening for public use over Christmas period**

Clerk: Question 894, the Hon. T N Hammond.

1080

Hon. T N Hammond: Mr Speaker, while the area lies fallow, has Government considered opening the parking area opposite Mid Harbours for public use during the Christmas period and beyond, if the area is not to be immediately developed?

1085

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, at present there is no intention for the area to be made available as parking.

1090

The area was ear-marked for a concert on 3rd December that was subsequently cancelled due to the heavy rains and it is intended that this be rescheduled in due course.

This area will also be used to help support the construction of the Three Kings Cavalcade floats during the next few weeks.

1095

Hon. R M Clinton: Thank you, Mr Speaker. The Minister may or may not be able to answer this question, but is it envisaged that the ground will be broken at that site any time soon?

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer remains as set out in the answers to an almost identical question at the last meeting in relation to that site.

1100

Hon. T N Hammond: Mr Speaker, and to some extent the Minister may have answered this question already, but once the postponed concert has taken place and after the Cavalcade on 5th January, would the Government then consider perhaps allowing the parking area for use by the public?

1105

Hon. Chief Minister: Mr Speaker, it is unlikely that that area will remain vacant for very long.

Q895/2016

**Parking fees –
Increase**

Clerk: Question 895, the Hon. T N Hammond.

1110

Hon. T N Hammond: Mr Speaker, has there been a rise in the parking fees paid to Gibraltar Car Parks Ltd or any other Government-owned company or agency for the renting of parking spaces and if so, by how much of the fees risen for each of the areas for which Gibraltar Car Parks Ltd or any other Government-owned company or agency is responsible?

1115

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, to date the answer is no. However, subscribers have recently been given written notice that fees shall be increased as from 1st February 2017.

1120 **Hon. T N Hammond:** Mr Speaker, can the Minister indicate how much of an increase fees are anticipated to rise as from 1st February 2017 as a percentage of the fees currently paid?

Hon. P J Balban: Mr Speaker, this is in line with the cost of living increases. So we have taken –

1125

Mr Speaker: Then it is practically nothing. *(Laughter)*

Hon. P J Balban: So as I said, it is to do with the cost of living increase.

1130 **Hon. T N Hammond:** Mr Speaker, the cost of living generally has been increasing by less than 1% or at around 1%. So can I infer from that, that the rise will be approximately 1%?

Hon. P J Balban: Mr Speaker, the rise will take into consideration when the prices were set originally. So the new rates of parking will take into account the cost of living from that point in time over the years, so it is accumulative.

1135

Hon. T N Hammond: In which case, Mr Speaker, can the Minister clarify for me, from which point of time I can refer back to?

1140 **Hon. P J Balban:** Mr Speaker, when they were originally set. I do not think I have the exact date they were set, but these were set ... in fact I do, 2009. So it is since 2009 that they were last set by the previous administration.

There has been no increase since then so the increases are in line with what would be expected due to the cost of living increases since that date.

1145

Hon. T N Hammond: Mr Speaker, my understanding is that the costs will therefore be somewhere between 20% and 30% of what is currently paid. Is that correct? *(Interjection)*

Hon. P J Balban: Mr Speaker, round about roughly around 10%.

1150

Q896/2016

South District parking provision – Plans for additional facilities

Clerk: Question 896, the Hon. T N Hammond.

1155

Hon. T N Hammond: Mr Speaker, what additional parking facilities does Government intend to provide in the South District and when does it intend to provide them?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1160

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, there are currently a number of plans to provide additional parking spaces in the South District. The Government is reviewing expressions of interest received in June of this year from developers, investors, or organisations for the development of a plot of land at Rosia Lane. It is expected that this would lead to the creation of additional parking in the area.

1165

Hon. T N Hammond: Mr Speaker, does the Minister know perhaps approximately how many additional parking spaces that may provide at Rosia Lane?

1170 **Hon. P J Balban:** Mr Speaker, we are currently looking at all the expressions of interest to
come to a final decision so we are not in a position to know – (*Interjection*) and there are
different combinations, different options available. Some will provide more parking spaces,
some will provide less parking spaces but the expressions of interest were actually set out in that
way. What the Government wanted was to be able to have parking spaces that would contribute
to what is available in the area.

1175

Q897/2016
Residents' parking scheme –
Roll-out programme

Clerk: Question 897, the Hon. T N Hammond.

1180 **Hon. T N Hammond:** Mr Speaker, will the Minister describe the next phase of the roll-out
programme for the residents' parking scheme and which area the roll-out programme will
affect?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1185

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the Government is
currently working on a residential parking scheme for the area of Alameda Estate and Grand
Parade. The scheme will see the introduction of a combination of exclusive residents' parking
areas, free parking and pay-and-display areas. The intention of the scheme is to improve the
chances of parking for residents of the area, whilst at the same time recognising the needs of
visitors and other users of the area.

1190

Hon. T N Hammond: Mr Speaker, a Utopian vision of parking, I must say. But can the Minister
apply any more detail as to how that is going to be achieved? Because yes, that would be an
ideal solution clearly in helping visitors, allowing residents to find parking, all the things that
everybody wants.

1195

But can the Minister provide any detail as to how that will be achieved and indeed when it
will be achieved and where. Because I understand the plan is not to implement it over the
entirety of Gibraltar in one go but to take measured steps. So could the Minister describe those
steps please?

1200

Hon. P J Balban: Mr Speaker, I think that this is as close to Utopia as we can get. If we
compare this scheme to the one that we saw back in 2011 which we actually had to put a stop to
because of the complaints that we received and the comments regarding the lack of visitors
parking, we thought that was very relevant.

1205

The old scheme did not provide parking space for people who wanted to come and visit and
we have gone through this on a number of occasions – family members wanting to come and
visit, commercial vehicles that wanted to deliver etc. So in terms of Utopia, we will not strike
Utopia with parking. It will be a very difficult balance to actually get right, that we are clear
about.

1210

But at this moment in time we are not in a position to be able to give you further details. This
is something that is extremely complicated, we have been at it very thoroughly, a lot of work has
been done with the plan and we will make an announcement very shortly when we are ready to
do so.

Q898/2016
Road resurfacing programme –
Outline for next six months

1215

Clerk: Question 898, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, will the Minister outline the road resurfacing programme for the next six months?

1220

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, a tender for the current phase of the Government's resurfacing programme was authorised in late September 2016. The tender is currently being reviewed and an award is expected shortly with a view of works commencing in the New Year.

1225

This phase of works will see the complete resurfacing of the northern end of Cumberland Road as well as of the Sundial Roundabout. During the current year to date, resurfacing works have been carried out along Queensway and Reclamation Road by the Mid-Town Car Park and along Europort Avenue from Charles Bruzon House to its junction with Queensway.

1230

Hon. T N Hammond: Mr Speaker, will the Minister recognise that certainly with the recent rains in particular, a lot of the road surfaces have been very badly damaged by that rain and will remedial action be taken? I refer in particular to the area between the runway at the Frontier now which is very much falling to pieces quite frankly, there are large potholes there and indeed up to the Sundial Roundabout which I understand is to be programmed.

1235

There are many other areas that need to be looked at. Is there any way that an acceleration of a programme can be implemented or some remedial action taken with some urgency to fix some of these areas? Because really, if you are on two wheels for any reason, whether that be on a moped or a bicycle, currently many of the road surfaces are virtually impassable.

1240

Hon. P J Balban: Mr Speaker, rains in Gibraltar of that type, although not uncommon do often catch us by surprise and the devastating effects that these rains have on our roads is clearly evident. It is impossible for us to be able to rush out and fix everything in one given moment in time but remedial works have been carried out already to date of those areas which were exceptionally bad and we will continue to do so.

1245

That is not part of our highways resurfacing programme, that is something that can happen in December, it can happen in February, and that is taken more in terms of emergency works and we fix and repair these dangerous or uneven potholes as and when they surface.

1250

As I say it is an ongoing process where we attack the worse potholes first and move on from there as we have been doing.

Q899/2016
Chief Minister's G1 Tesla –
Servicing and repairs

Clerk: Question 899, the Hon. R M Clinton.

1255

Hon. R M Clinton: Mr Speaker, can the Government advise who currently has the contract to service the Chief Minister's G1 Tesla and are the repairs and servicing undertaken in Gibraltar and at what cost?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1260 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, all repairs and services are performed in Gibraltar by Bassadone Motors in conjunction with Tesla Motors. The cost of repairs will vary, depending on the works required from time to time.

Clerk: Question 900, the Hon. R M Clinton.

1265 **Hon. R M Clinton:** Mr Speaker, may I return to Question 899 just briefly, a supplementary? *(Interjection by Mr Speaker)* Thank you, Mr Speaker.

Coming back to 899 in respect of the Tesla, is there any other service provider in Gibraltar who would be able to service the Tesla?

1270 **Hon. P J Balban:** Mr Speaker, the hon. Member must realise that such an advanced car has a system whereby most of the issues surrounding the Tesla are diagnosed remotely and fixed from wherever Tesla fixes the car and I think the closest place is Bordeaux in France, if I am not mistaken. So most of the issues can be looked at and investigated on line.

1275 In fact Tesla knows exactly where that vehicle is, what is happening, if that Tesla suffers an accident or if it has any issues whatsoever with components, electrical components or whatever. The moment that car rolls into the garage, the mechanics know exactly what the issues are with it.

1280 **Hon. R M Clinton:** So, Mr Speaker, would I be correct in interpreting what the Hon. Minister has said is that Bassadone Motors would be the only service provider in Gibraltar able to service the Tesla?

1285 **Hon. P J Balban:** Mr Speaker, Bassadone Motors are the suppliers and the agents of the vehicle so it is logical to assume that it would go back to them for any works required.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q900/2016

Retail Price Index –

Reason for October increase

Clerk: Question 900, the Hon. R M Clinton.

1290 **Hon. R M Clinton:** Mr Speaker, can the Government explain why the Retail Price Index at 1st October 2016 has risen to 1.5% whereas it was 0.1% at 1st January, 0.4% at 1st April and 0.5% at 1st July 2016?

1295 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1300 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker. It is because in the third quarter of last year, there was a 0.5% drop in the index, whereas in the same quarter of this year, there has been a 0.5% increase. The annual rate is therefore from a lower base. The 1% difference in the quarterly rate in 2016 compared to 2015 explains why the 12-month rate goes up from 0.5% in July to 1.5% in October.

1305 **Hon. R M Clinton:** I am grateful to the Hon. Minister for his answer. He is obviously aware of the various components of the Retail Price Index. Is there any particular component in there, because obviously it is very difficult for me to work out what the impact is of any particular increase if I do not have the weightings of the various components in the Retail Price Index?

1310 Is there anything in there, alcoholic drink, tobacco, clothing, footwear, durable household goods, food, housing, other goods, services, transport and vehicles, which in his view, or in the view of the Statistics Office, has actually contributed to this increase in the Retail Price Index?

1315 **Hon. J J Bossano:** Well, I think there have been two factors. One has been the value of the pound and the other one has been the price of the oil which fell dramatically earlier and has now recovered to something like \$50 a barrel. So transport costs is one area that has actually gone up, the prices in transport and vehicles went up by 1.8% between July and October and that compared with a decrease of 2.5% in the preceding year. So a significant part of the minus 0.5% and the plus 0.5% has been that change. If you think in that particular component, that is 1.8% up this year and it was 2.5% down last year. I think the biggest element in the total has come from that area.

1320 But currency effects – taking into account, for example, given that our main imports come first from UK and then the second biggest supplier to Gibraltar is Spain and other Eurozone countries, the exchange rate makes a big difference independent of the level of prices that are going up at source.

1325 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for that. Does he have any feel for whether inflation is going to creep up any further or is there any kind of indication that there might be increases in costs coming ahead. It may be difficult with these obviously retrospective statistics whether he has any feel for the current statistics?

1330 **Hon. J J Bossano:** I do not have any formal input from my statistics office on this but my own view is that inflation is likely to be higher in 2017 than it has been in 2016. That is what I would expect.

Q901-908/2016

Gibraltar Savings Bank –

GAR Ltd property purchase; Public Accounts and Public Debt

1335 **Clerk:** Question 901, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, has the Government used or intends to use GAR Ltd as a vehicle to raise external borrowings secured on its property?

1340 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): I will answer this question, Mr Speaker, with Questions 902 to 908.

1345 **Clerk:** Question 902, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a list of all properties purchased by GAR Ltd from the Government or Government-owned companies and the consideration paid for each?

1350 **Clerk:** Question 903, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise when it intends to *Gazette* the audited accounts for the Gibraltar Savings Bank for the year ended 31st March 2016?

1355 **Clerk:** Question 904, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when the audited accounts of the Gibraltar Savings Bank for the year ended 31st March 2015 were gazetted?

1360 **Clerk:** Question 905, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for 1st November 2016?

1365 **Clerk:** Question 906, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement Development Fund, Government Owned Companies, Deposits, Contingencies and other Funds, for 1st November 2016?

Clerk: Question 907, the Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt as at 1st November 2016?

Clerk: Question 908, the Hon. R M Clinton.

1380 **Hon. R M Clinton:** Mr Speaker, can the Government advise what dividend has been paid to the Government and the Gibraltar Savings Bank by GibTelecom in respect of the respective holdings of A and B shares for its Financial Year ended 31st December 2015?

1385 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, as regards the total liquid reserves composition, where, when and how these are invested on a particular date chosen by the Hon. Member opposite, the position continues to be as previously stated.

The position of the Public Debt on 1st November 2016 is as it was estimated on 1st October 2016 except that the cash reserves are now estimated at £77 million and the net debt at £369 million.

1395 The audited accounts of the Gibraltar Savings Bank will be published in the Gazette after the annual audited accounts of the Government have been published.

The Government does not provide details of the commercial activities of Government companies.

1400 As regards the dividends, in 2015 £4 million was paid to the Gibraltar Savings Bank and £2.1 million was paid to the Government.

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for his answers and again, Mr Speaker, I beg your indulgence while I go through his answers.

1405 In respect of the Gibraltar Savings Bank, do I understand the Hon. Minister correctly that the audited accounts for 31st March 2015 are not going to be gazetted but yet the Principal Auditor's Report has already been published with the accounts for that year? I know the Principal Auditor has actually completed his audit for the 2015 and 2016 accounts as he says in his report, so am I correct in saying that the 2015 accounts of the Savings Bank have not been gazetted?

1410 **Hon. J J Bossano:** They have not been gazetted, no. They will likely be gazetted in early 2017. But of course they are public and available because the audited accounts were tabled recently in the House.

1415 **Hon. R M Clinton:** Does the Hon. Minister not find it somewhat inconsistent that the Principal Auditor's report will come out before the audited accounts are available in that, I know the Act itself says 'as soon as practical after the Principal Auditor has finished his work', but does he not have a time period in mind, given the public interest in the Savings Bank, of say three or six months to actually gazette them, as has been the practice in the past?

1420 **Hon. J J Bossano:** No, Mr Speaker, I do not think it is inconsistent because the fact that it is public ... I do not think people go round avidly waiting for the Gazette to find out what is in it. Maybe he and I do but I doubt that there are many other Gibraltarians doing it.

1425 The answer is there is no limit laid down in the law. There is a limit to the time after the Auditor has audited that I get it and the policy I have adopted is that when the whole of the accounts are made public, it is after that date that I think it should go into the Gazette.

But there is no limit. In the past, I can tell the hon. Member that these things have never been overlooked, and years have gone by before they were gazetted because there is no time limit.

1430 **Hon. R M Clinton:** Mr Speaker, I would invite the hon. Member to consider whether to introduce an amendment into the Savings Bank Act to set a time limit, not just for this Government but for any future Government so as to make it perhaps more applicable to the modern age we live in?

1435 **Hon. J J Bossano:** I would think, Mr Speaker, that in the modern age we live in, things would not be put in the Gazette at all actually. *(Laughter)* And certainly, if it was necessary to do it earlier, they had an opportunity to put it in there for 15 years and even if I put it there, there would be no guarantee that if they come back they would keep it there, since they chose not to have it in the 15 years they were there before.

So the answer is no.

1445 **Hon. R M Clinton:** Finally, Mr Speaker, *(Laughter)* on the subject of the Savings Bank, by all means certainly posting them online would be good, but does the Minister have any intention of producing any glossy type financial statements as was produced at the time of the General Election for the Savings Bank?

1450 **Hon. J J Bossano:** Well, I do not necessarily agree that it was glossy compared to what other company accounts are like. I try to make mine as modest as possible and as economic as possible. But it is the intention to send a copy to all the depositors, yes. It is just that we have not got around to doing it but it is going to happen.

1455 **Hon. R M Clinton:** Mr Speaker, just coming back to GAR Ltd, having looked at the properties that have been transferred into it, am I correct in saying that the Minister will not give any further information in respect of any property holdings it has and is he saying that he will neither confirm nor deny whether GAR Ltd may or may not be used to raise external finance?

1460 **Hon. J J Bossano:** That seems to me a reasonable deduction from the answer that I have given him.

1465 **Hon. R M Clinton:** Mr Speaker, moving to Question 908 in respect of GibTelecom, can the Minister advise, as he indicated that the A and the B shares seem to have received a different level of dividend, have the memorandum and articles of association of the company been changed, to his knowledge, so that they have different rights or is this just a dividend declaration that decided that a certain class of the shares should receive a higher dividend? My understanding was that they ranked equally.

1470 **Hon. J J Bossano:** Well, the reason why the figures that I have given the hon. Member are the way they are is because the calendar year, which is what he has asked for, does not coincide with the financial year and therefore the dividend that is paid to the Government is ... I have given him the answer to the question that he asked in the way that he asked it.

1475 Since he wanted the information based in the year to December, in the year to December that is the dividend that was received respectively by each side. But he needs to understand that the way that GibTel pays its dividend is that it actually pays the dividends in arrears and not in the year when the profits arise.

So there is no other particular significance.

Q909-911/2016

Government construction projects – Numbers and categories of workers

Clerk: Question 909, the Hon. D A Feetham.

1480 **Hon. D A Feetham:** Mr Speaker, can the Government please state how many (a) Gibraltarians; (b) resident non-Gibraltarians and (c) foreign non-residents are working in Government construction projects, either on behalf of a Government contractor or their sub-contractors?

1485 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 910 and 911.

1490

Clerk: Question 910, the Hon. D A Feetham.

1495 **Hon. D A Feetham:** Can the Government please state how many (a) Gibraltarians; (b) resident non-Gibraltarians and (c) foreign non-residents are working in the Laguna, Glacis and Moorish Castle Estate Government projects, either on behalf of a Government contractor or their sub-contractors?

Clerk: Question 911, the Hon. D A Feetham.

1500 **Hon. D A Feetham:** Can the Government please provide a list of Government contractors and their sub-contractors working on Glacis, Moorish Castle and Laguna Government projects?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1505 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government does not keep a record of where construction companies have their employees classified by nationality, residence or indeed at all. Except that when a specialist Spanish sub-contractor undertakes works, they normally bring their work force who also are Frontier Workers.

1510 As is publicly known, the main contractor of the three estates is GJBS who currently have 19 Gibraltarians, four residents and one frontier worker on site.

The sub-contractors on site are Endash Ltd; General Lifts; Workforce Ltd; Jamena Ltd, In-line Framing Construction Ltd; and Fill-a-skip Ltd.

1515 **Hon. D A Feetham:** Mr Speaker, in the light of the answer that the hon. Gentleman has provided, how does he keep tabs on the number of Gibraltarians that are actually working on these three Government flagship projects, given that it is obviously desirable that as many Gibraltarians as possible are working on Government projects?

1520 **Hon. J J Bossano:** Mr Speaker, the tabs are kept through the approved contractor list. With the approved contractor list, what we try to do is maximise the number of Gibraltarians and other Gibraltarian residents, which is what the policy is and what the policy was when it was announced in 2010 by their administration.

1525 And it is not on which side they happen to be. We do not keep tabs because construction companies move workers from one site to another unless they are specialists. If somebody is coming to do a specialist work on a site, then they come in, they bring their workers, they do the work and they disappear.

1530 If we are talking about general construction work, then the reality of it is that if any of these sub-contractors that are private companies have got a mix between local and frontier workers or between Gibraltarians and non-Gibraltarians, on any one day, this is the most recent figure taking a spot photograph of who was on the site that day. The next day there could be more people or less than the day before that because it is not that people are fixed on the site all the time, they move them between sites, obviously within their trade.

1535 **Hon. D A Feetham:** No, I understand that, and of course one of the indicators would be the number of Gibraltarians that are employed by the approved contractors on the approved contractors list which we introduced and they continued.

1540 But is he satisfied, looking at the proportion of – because he must have these figures – Gibraltarians employed by those approved contractors, to foreign workers and in this case probably frontier workers, that the proportion of Gibraltarians has increased or that the proportion of Gibraltarians is satisfactory, certainly in the time that he has been in charge of this particular area.

1545 **Hon. J J Bossano:** Well I think it is information that the hon. Member already has from the employment survey reports and the employment survey reports show that since October 2011 in the subsequent years, independent of the fluctuations in the size of the construction industry, the Gibraltarian component has been moving only in one direction.

So for example the percentage is deceiving because of course when the construction sector has shrunk, it has shrunk by losing frontier workers. The percentage of Gibraltarians have

1550 sometimes increased dramatically because there have been less Frontier Workers, not necessarily because there has been more Gibraltarians.

But the trend is that in the cycle of the construction industry, for example I expect that this year's October figures for the construction sector will be less than last year's, because the area [Inaudible] knows are the areas that have been completed. But I suspect that that reduction will be predominantly in frontier workers and that therefore the proportion of Gibraltarians in the construction industry is certainly higher now than it was in 2011 and will continue in my view, to be higher when the October 2016 figures show than they were previously.

1560 So the answer is the trend goes in that direction but as I have explained to the Member opposite, the main emphasis both of the training that we do and of the companies that take on the trainees, is in maintenance rather than in new-build and for a very simple reason: new-build has a start and a finish and if people were engaging new-build in a place like Spain or in the UK people specialise and if they are brick layers they only lay bricks. When the bricks are laid on one side they just go to another and do brickwork.

1565 We are training our people to do maintenance because the more buildings there are the more there will be a maintenance industry in construction which will be growing because the pool of buildings to be maintained gets bigger all the time. We believe that is where predominantly the resident workforce will have to be and that is what we are training them for, to be there.

1570 **Hon. D A Feetham:** In relation to the approved contractors on the approved contractors list, is there a proportion of locals that are required to be employed by those companies in those lists? How is that basically determined? How does the Government look upon that and deal with that?

1575 **Hon. J J Bossano:** We are carrying on with the scheme that they initiated, so there was never any proportion introduced in that scheme in the first place and we have not introduced a proportion. Nor do we think that rationally it is possible to determine a proportion because it depends on the nature of the work that the company is doing.

1580 What we have is a situation wherein Government contractors on the approved contractor list would normally not be allowed to take on unskilled workers if there are unskilled workers unemployed and registered as seeking employment and willing to work in the construction industry. They would normally be required to take on people who have already done their Level 1 and are doing their Level 2 but there we are constrained by the content of the course that the trainees are required to follow. So the people who are now doing Level 2 for example in the wet trades or somebody is doing Level 2 in carpentry, has got to actually do the kind of work on the site that is laid down by City and Guilds.

1585 So the influence we can exercise on our side is determined by the suitability of the employer that can provide the kind of work that the apprentice needs to demonstrate he has done so that the assessor goes on site and sees the work that has been done and that is a portfolio of his work and that is how he then gets his Level 2 in construction.

1590 But in overall terms, if it unskilled or semiskilled then there is no minimum percentage or maximum percentage. As far as we are concerned if we have got the people that is what they are required to take on. And people are co-operating but frankly, I think it is not a straightforward exercise because if people are willing to take them on and the effect of that is that the apprentice is going to have problems in completing his Level 2, the apprentice is not very keen to go there and we are not very keen to put him there.

1600 We have got a particular problem where certain companies in Gibraltar employ almost entirely one nationality and there is a language problem. Therefore an apprentice that does not speak a third language other than English and Spanish, I do not want to pinpoint the company, has a problem of communication so they are not very keen to be there, even though the

company is happy to accept them, the trainees are not keen to be in a context where they have got a problem of communication like that.

So far we have not found an answer to that problem.

1605 **Hon. D A Feetham:** How does he explain, and this is not intended as a criticism of Government policy, everybody really tries their best in relation to this. I know they were very critical of us, we would say we tried at the time and I accept that the hon. Gentleman tries himself in relation to this and indeed feels passionately, as I do about this issue.

1610 But how does he explain, for example, that I get people that come to my surgeries and tell me, 'Look, I am prepared to work anywhere and I am prepared to work in construction sites', and I had a kid say to me, 'I open the windows every morning at Moorish Castle and I see foreign workers working on the site – all I want is to have a job and to be able to help my mum over Christmas'?

1615 How does he explain that somebody like that and there are a number of people who are willing to work in the construction industry, cannot actually get into the construction industry, not necessarily as trainees, completely unskilled, in circumstances where they are willing to do it and in circumstances where there are many frontier workers working in Gibraltar in those sites?

1620 **Hon. J J Bossano:** Well, the simple answer is that it should not be happening. It is as simple as that. We require an approved contractor that opens a vacancy for a labourer to take a labourer that is unemployed that is resident or a Gibraltarian or another nationality, but certainly we do not allow contractors to work on Government contracts – not just in the construction. For example, if there is a security company and the security company wants to employ non-Gibraltarian labour which they frequently do, then we require them to put in the contract that that worker will not be used on a Government site if we have got available workers and they have not taken them on.

1630 So the answer is that the hon. Member has actually approached me directly in some cases and I have immediately acted on it and made sure that the person concerned was given the opportunity to be taken on by different construction companies and in some cases, what we do is, we actually provide a financial incentive. If there are people that have got personal problems which are considered to limit their opportunity for getting work, sometimes because in a place like Gibraltar, as we all know, everybody knows everybody and somebody then carries his whole history with him in Gibraltar whereas somebody can come across the frontier and be a serial killer and nobody would be any the wiser here. So what we do is, we actually say, 'Well look, let us say that you are going to give him training to become a semi-skilled worker and we will then provide you with funding for two or three months in order to make it financially more attractive but you take the local one'.

1635 But certainly, I am quite open to any ideas that I have not thought of and put them to the test if it will increase the take-up, because as far as I am concerned, the commitment is 100%.

1640 **Hon. D A Feetham:** Can the hon. Gentleman ... ? The young boy that I spoke to him about, he has not received a call and I would appreciate it. It would be a wonderful Christmas present for him and his family if he did receive a call.

1645 **Hon. J J Bossano:** Certainly I will first find out why it has not happened, because I was under the impression it had happened already.

Q912/2016

**Calpe House building in Norfolk Square –
Discovery of asbestos**

Clerk: Question 912, the Hon. Ms M D Hassan Nahon.

1650 **Hon. Ms M D Hassan Nahon:** Does the Government have any intention of launching an investigation into the circumstances surrounding the discovery of asbestos in the new Calpe House building in Norfolk Square, after the purchase had already taken place?

1655 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): No, Mr Speaker.

1660 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask this question because it appears that there are some very serious discrepancies between Mr Albert Poggio's words on this matter. On the one hand we have a non-intrusive survey which took place, because we were told by Mr Poggio that the survey was restricted due to regulations and yet on the other hand, when we look at the Health and Safety Executive Guidelines, they say quite the opposite.

1665 The HSE highly recommends that, when buying a Grade II listed building, that intrusive and thorough checks take place with regard to asbestos management and I quote, 'a very much higher standard of care must be applied.'

1670 So there are questions, Mr Speaker, which concern an entire community which spends most of its time during the year raising money for Calpe House, who have raised a lot of money for our very sick patients who end up in Calpe House and all of a sudden we find that it seems that a purchase was made at any cost without the proper checks. Questions such as 'who was restricting the survey?', because apparently it would have been the duty holder who had the duty to ensure that an intrusive survey took place.

1675 I think these discrepancies are of huge public interest and I think the Government should reconsider sending someone from Gibraltar like a project manager from No. 6 to find out exactly why a purchase which affects the entire community was made without the thorough checks.

1680 **Hon. J J Bossano:** Well, I am of course very close to Calpe House as the hon. Member may know, because the initial idea was launched way back in 1988-89. We are all giving £100 a month of our money to Calpe House, so we have got a personal interest in making sure that that money is being well spent for what it is intended.

1685 But of course this is a private charity that is independent of the Government and it is not the Government that has to do an investigation because that would imply that we do not trust the trustees, we do not trust the people who are doing it and that they require to be investigated. In fact, when the matter was brought up with the trust, the trust did carry out its own investigation. The level of asbestos is the kind of level of asbestos that you would expect in any building anywhere in London and it has been identified and it has been put right and it has cost I am told, £125,000 which means that in the cost of the building of £9 million, there could not have been much asbestos there because it was £125,000.

1690 Nevertheless, the people that are engaged professionally by the trust are looking into the matter to see if there was any negligence amongst the professionals that they engaged to do this work and the £125,000 can be recovered if there is a legal case for recovering it. But the charity has carried out a thorough investigation itself and it is satisfied that there is nobody that can be held responsible for not having found the asbestos at an earlier stage in the construction.

1695 Sometimes you have to decide whether you are going to spend a lot more money doing a
much more thorough thing and you then take advice and the advice that you get is look, it will
cost you £x to do a survey of this level and twice £x ... and if the risk of finding asbestos is
considered to be below a certain level then a judgement is made to do a less thorough
assessment because it would have cost us considerably more than the £125,000 it has cost to
1700 put it right, if we had done a Rolls Royce assessment from day one on the building.

And when I say 'we', I mean the Calpe House people and that is the explanation that they
have given me because I have obviously contacted them in order to be able to provide any
further information which I am only able to provide because they have been good enough to
give it to me. But they are an independent charity, I can say that I continue to support them, I
1705 continue to urge people to support them and I continue to put £100 out of my own pocket every
month. I believe it is still worth supporting the charity, notwithstanding that they have had to
spend £125,000 out of the £9.5 million put in, by the asbestos thing.

Hon. Ms M D Hassan Nahon: Mr Speaker, it is absolutely worth supporting and this is exactly
1710 why I have such a concern about the discrepancies raised by the very person who was engaged
in making this purchase and this is why things do not add up.

The other thing that does not add up is that in the architect's website, it says that the client is
the Government of Gibraltar and the Calpe Charitable Trust and in the amendment of the lease,
it says that this purchase is supported by HMGOG and the Calpe House Charitable Trust.

1715 So there is no way that the Government can shirk off responsibilities of a purchase which was
made full of discrepancies and doubts, and it is precisely because it is such a worthy cause that I
am bringing it up. And when we talk about risk, I think that there should be zero risk. The irony –

Mr Speaker: The hon. Lady must realise that although this is a matter of great public interest,
1720 we cannot have a debate at Question Time.

I have allowed her to make lengthy explanations and preamble because it is a matter of
interest, but I think she must direct a question to Government. Having regard to the fact that she
has mentioned that in the something or other the Government is mentioned, she is quite
entitled to pursue that and ask the Government, 'does the Government therefore not consider
1725 that they have some kind of public duty?' But what we cannot have is exchanges which are by
way of a debate. We can have questions and we can have answers.

Hon. Ms M D Hassan Nahon: Mr Speaker, sorry about that and thank you for your
intervention.

1730 Basically the question is: considering the fact that we are sending our most vulnerable, most
of which we are sending cancer patients to a property which was ridden with asbestos, the irony
of it I think merits an investigation so that these type of discrepancies and purchases which
could affect our very vulnerable do not happen again.

1735 **Hon. J J Bossano:** Well, certainly it will not happen again because we are not going to have a
third Calpe House being bought, certainly not for a very long time. And in any case, the hon.
Member seems to be rather ignorant of how this works. We are not actually sending patients
into a building site at the moment; we are sending them into the existing Calpe House which has
no asbestos that we know of, although we never did an asbestos survey in 1988 when we
1740 bought it. People were not as sensitive in 1988 as they are now and if it has asbestos then it has
had asbestos since 1988 and our patients do not seem to have been affected.

Because you can have asbestos in a building and as long as you do not touch it, you are okay.
It is only when you start removing asbestos that people require to have special protection
because the asbestos that goes into the air is the asbestos that goes into your lungs. So it is in
1745 the process of demolishing things that sometimes you find that there is asbestos where you did
not expect it to be.

1750 When you do an initial survey of a building, then you look at where there is probability that there may be asbestos and you do a survey of the building and you look in all the places where you would expect asbestos to be and that will cost you £x. You can say, 'Well look, I want to do a survey that makes it impossible for there to be asbestos without my knowing beforehand' and then instead of spending £x you spend 20 x £x.

1755 The way that most people that do buildings operate is that they do a survey that is reasonable to do and then if they come across the unexpected, they spend money putting it right. The money that has been spent to putting this right has been £125,000 and it has taken something like three weeks to put right. So it is not that the place was riddled by asbestos as the hon. Member opposite seems to think from what she has read about it, because in fact if that were the case, then the cost would have been considerably higher and the time taken to put it right considerably longer.

1760 So what I am telling her is that the Government will not launch an investigation, because an investigation has been carried out by the trustees and the trustees are satisfied with the result, they have produced the necessary evidence, they are now looking only to see if the cost that has been incurred can be attributed to insufficient professional activity from the people that were engaged to do the surveys initially, or the people who were engaged to the contraction and if the responsibility can be, if the finger can be pointed at who made the mistake at an earlier stage and did not identify it, if it was possible to identify, then they will take the necessary legal advice as to whether somebody can be pursued for the recovery of the £125,000.

1770 As far as the Government is concerned, the Government is satisfied that the trust has done everything that it needed to do to make sure that the little amount of asbestos that was found has been removed and that there is no risk at all that there will be a finished Calpe House receiving patients, full of asbestos, which will result in the patients getting sicker by going into Calpe House than they were before they left Gibraltar.

1775 It is complete nonsense to suggest that is a potential risk resulting from the fact that in the basement of a building you found asbestos when you were doing the building. That has no connection with where the patients will be when the building is finished in the future. When the building is finished in the future, there will be no trace of asbestos anywhere in the building.

1780 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is it of no concern to the Minister that the agent buying this property on our behalf said that he was restricted by surveys when the Health and Safety Executive specifically recommends that intrusive surveys have to be made on Grade II listed buildings in terms of how we do our things and how we carry out our business?

1785 **Hon. J J Bossano:** Well I do not pretend to be as knowledgeable about construction or asbestos as the hon. Lady appears to be. I am relying entirely on what the people engaged to do this work report and on the results of the investigation. And the results of the investigation are that they have concluded that the level of asbestos that was found was identified, it was put right, it was removed and that it has cost £125,000.

1790 The argument of the hon. Lady is 'why was it not found earlier?' Well, partly because it would have cost more to do a more thorough search than what it has cost to put it right. But it has nothing to do with what is going to happen or not happen to patients that are sent to Calpe House in future when the place is finished and ready to be occupied.

1795 So whatever it is, if there was anybody in danger, the only people in danger were the construction workers in the building which is when the asbestos was found in the course of construction. This is not a unique situation; it happens in many old buildings that where you least expect it, you find asbestos. It happens everywhere in Gibraltar when you go to a building that is over 100 years old.

But the fact is that the people who are responsible for health and safety require protection to be provided and action to be taken when it is discovered. Because when it is discovered is when you have got to say you cannot just barge in and start. It happens, we have had situations very

1800 recently where in one particular site people were taking on frontier workers who had been
taking off asbestos sheeting and dumping them on a lorry as if it did not make any difference,
putting their own health at risk and the risk of health of everybody in the vicinity because this
stuff goes into the air.

1805 But this building is being done in the United Kingdom, under the United Kingdom controls on
the laws that apply to building sites and nobody has suggested that they were breaking UK law
and no Health and Safety Inspector in the UK has come in and reported anybody for breaking the
law.

1810 The reality of it is that it would have been preferable if there had not been this asbestos
found because the £125,000 would not have been spent, but I think it is being blown out of
proportion by the way this thing was actually put into the public domain. And it does, you are
not doing anything for the benefit of the charity by suggesting that we are going to be sending
patients in the future into a building that is ridden with asbestos but which will have been
finished with the asbestos still in it and would have been allowed by the authorities in London to
have continued to be operating and housing people with asbestos.

1815 Even if we wanted to do it, which would be a very stupid thing to do, we would not be
allowed to do it by them. So you know the entire concept of people being at risk is entirely
hypothetical and in fact completely false and wrong.

1820 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with respect I feel like the hon. Gentleman is not
answering my question. Instead he is diverting on a message that I am suggesting that people
are going to be housed in a building full of asbestos and suffer another type of illness.

1825 What I was saying was the irony of the fact that we are supposed to be caring for our sick,
while we buy a building without doing the proper checks and balances, and my question is again,
which the hon. Gentleman has not answered, is he satisfied about the way that we carry out our
business in a way which is contravening to the recommended guidelines on a matter of such
public importance?

1830 **Hon. J J Bossano:** I do not accept that that is what she is asking. That is what she has just
asked now, because she has talked about sending the patients there in a place where there is
asbestos.

And I do not accept that the Government has got a responsibility to supervise the building,
because we have full confidence in the trustees and in the charitable trust and in the fantastic
work they have been doing over the years for patients from Gibraltar.

1835 As far as I am concerned, what she wants me to do is to put in doubt the professionalism or
the integrity of the people concerned and I will not do that because I do not agree with her. And
I will not carry out an investigation because it has already been investigated. I trust the people
that have investigated it and I believe the results they have come out with and there is no
asbestos there any more. So what is it that she wants us to do? I think she is just stirring it up for
the sake of getting attention.

1840 **Mr Speaker:** Any other supplementaries?

1845 **Hon. D A Feetham:** Mr Speaker, just on this particular issue, and indeed may I say before I ask
the question, I think that at some stage, or it may well be that it is still there, that some estates
like Varyl Begg for example had asbestos and as long as one did not attempt to remove it or
work with it, people lived there and nobody was decanted.

1850 But the question is this: is it that the survey that was originally done in relation to the new
building did not pick up the fact that there was asbestos in the building and therefore
presumably that could potentially lead to a professional negligence action against the people
who did the survey, or was it that they never undertook the type of survey that would have
picked it up?

There is a difference between the two. And of course in relation to the former, I take the point that the hon. Gentleman has made that if it is going to cost you £125,000 to instruct lawyers in London to take proceedings in relation to that, it is going to cost you much more and that has got to be weighed up. But I am not clear which one it is, the former or the latter.

1855

Hon. J J Bossano: Well, I think if it was missed out then probably there is somebody who did not do the job as thoroughly as he should have done, and therefore if it is not pursued it is because the cost of pursuing it would be more than what we would eventually get if we won. When I say 'we', I mean the charity. So I think that is the way they are looking at it. But they are considering that possibility but that depends on the professional and technical advice that they get, whether the survey that was done should have picked it up.

1860

What I can tell him is that from my own knowledge of how these surveys are done, having been in the construction myself, amongst the many things I have done, the reality of it is that when you employ somebody to do that kind of survey you decide how high and how thorough you want it to be and there is a price to be paid.

1865

Therefore you get advice that 'Look, we can look in every nook and cranny and spend six months and that will cost you a million quid; or, we can look at where it is 90% likely that if there is it would be in such and such a place and that will cost you considerably less.' What they did was what was standard for that type of building with that age in that location. No more than the standard which is what was recommended at the time and that is what was done. It was not that somebody recommended something and it was overruled or anything like that, because then there would have been a record of that having happened. To my knowledge, there is no such record.

1870

So, it is regrettable that it was there, it can happen with any building unless you decide to spend more on the investigating if there is asbestos than you spend on the building itself, which is not recommendable and it has been identified and it has been put right. Therefore the investigation has been carried out by the trust as far as I am concerned it has been investigated successfully and with a successful result, the removal of the asbestos at a relatively low cost compared to the size of the contract for the building.

1875

There is nothing left to investigate and we are not going to re-investigate what has already been investigated once.

1880

Q913/2016

Calpe House building in Norfolk Square – Government role in purchase

Clerk: Question 913, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government clarify the nature of its role in the acquisition of the new Calpe House premises in Norfolk Square?

1885

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, the Government's role in the acquisition of the new Calpe House premises in Norfolk Square has been to give the charity whatever support and assistance they require, including financial support, to which I referred in my Budget speech in 2015.

1890

1895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again I draw attention to the architect's website where it clearly states that the client is HM Government of Gibraltar and the Calpe House Trust and to the amendment to a deed which again says HM Government of Gibraltar.

Therefore I ask whether the Minister might want to review that answer, given that on print it says differently.

1900

Hon. J J Bossano: Well, Mr Speaker, the Government approved the purchase, we agreed a soft loan, the Financial Secretary was involved in the advising of the purchase negotiations, the Chief Technical Officer of the Government of Gibraltar was fully briefed on the refurbishment and the GHA, the Occupational Therapy and the Sponsored Patients' Departments were fully engaged on what the project was intended to achieve. That is the whole of the involvement we have had.

1905

Ultimately, we are involved in something that is an independent charity.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister, the nature of this soft loan, was it via the Improvement and Development Fund and maybe I can find it if I look for it? And secondly, is this loan secured on the property?

1910

Hon. J J Bossano: Yes, there was an initial loan which was without security and that has been replaced by a loan by a bank in the United Kingdom secured on the property. And what we have provided in the I&D Fund which I asked the Members opposite to support in the Budget of 2015 was a provision and I said parallel to that that we do when we provide soft loans for the housing estates, for home owner estates, where what we do is we provide the difference between the commercial rate of servicing the loan, and the soft loan element being that we in effect contribute to the cost.

1915

1920

Hon. R M Clinton: Mr Speaker, I am not sure if I understood the hon. Gentleman correctly. The commercial bank that stood in and is now providing the loan secured on the premises, that loan is to whom, to the Calpe Trust or to the Government?

1925

Hon. J J Bossano: It is not to the Government, obviously. *(Interjection by Hon. R M Clinton)* No, no, I mean if it was to the Government, they would not need to be securing on anything. The Government is so strong that people give us money without security. *(Laughter)*

Hon. R M Clinton: Mr Speaker, I am grateful to the hon. Gentleman. But I was trying to understand I guess, is there still a soft loan in place between the Government of Gibraltar and the Calpe House Trust?

1930

Hon. J J Bossano: Mr Speaker, originally, the loan was in anticipation of the finance that will be provided by a bank in London, because they needed money initially to pay costs but they had not yet acquired the property.

1935

Remember that we have got a situation where the existing property, the existing Calpe House is quite a valuable property which will become available to be sold once the new one is ready to be occupied. So that in itself is expected to come back and provide a great deal of the repayment cost of the existing building.

1940

So we in a way provided, if you like, a bridging loan until they close the deal which they have got at quite a reasonable rate. I think they are only paying something like 2.5% for the loan for the building because, for a loan on a building like that which is a valuable property in a valuable part of London, there is no problem with getting money from institutions in London.

Therefore the only help that we now give is any help in the servicing of the loan, in meeting the interest costs of the loan because in effect it depends ... The money that is being raised is the money for the capital investment, not the money to pay the interest.

1945

1950 Initially the support that we gave them was greater because in fact they needed the money without having the asset to secure the loan. Now they have got the loan secured, it is at a good rate and is fixed for a number of years. The rate of interest is fixed so they are protected against interest rates going up in the future if they do.

So we are happy that the arrangements are reasonable and that the level of support they need for us is not going to be escalating.

1955 **Hon. R M Clinton:** I am grateful to the Hon. Minister for that answer. I guess I would say that it will come as a great comfort to him and the people of Gibraltar that a commercial bank would be willing to lend on the property, which indicates the confidence that a lender will have in the quality of the property.

1960 **Hon. J J Bossano:** It is quite a well-known big bank in London that is putting the money up, yes.

Mr Speaker: Any other supplementaries?
Next question.

ADJOURNMENT

1965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn –

1970 **Mr Speaker:** May we do ... ? I have one final question here with me: it is for the Hon. the Deputy Chief Minister to answer, and that might mean that he does not need to be here first thing this afternoon.

Hon. Chief Minister: We are not going to come back this afternoon, Mr Speaker.

Mr Speaker: We are not?

1975 **Hon. Chief Minister:** No. So I move that the House do now –

Mr Speaker: Can we then please do this final question?

1980 **Hon. Chief Minister:** No, Mr Speaker, the Deputy Chief Minister and I will be here together at the next –

Mr Speaker: You are the Leader of the House –

1985 **Hon. Chief Minister:** Thank you. For no reason other than, Mr Speaker, that I know that everybody else has commitments now with the Royal Gibraltar Police, who have an organisation ...

Mr Speaker: Adjourning till when?

1990 **Hon. Chief Minister:** Tomorrow at 2.00 p.m.

Mr Speaker: The House will now adjourn until tomorrow at 2.00 p.m.

The House adjourned at 1.07 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.15 p.m. – 4.58 p.m.

Gibraltar, Wednesday, 21st December 2016

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The Gibraltar Parliament

The Parliament met at 2.15 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q869/2016

Care Agency –

Number of social care workers

Mr Speaker: Perhaps one should explain to hon. Members that a lockout has prevented Parliament from meeting at 2 p.m.

5 **Clerk:** We continue with answers to Questions. We start at Question 869 and the questioner is the Hon. L F Llamas.

10 **Hon. L F Llamas:** Mr Speaker, as at 9th November 2016, can the Government disclose how many social care workers employed by the Care Agency were physically working as social care workers at each of the following establishments: Dr Giraldi Home, Children's Home and Rehabilitation Services?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

15 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I am uncertain as to what the hon. Gentleman means by this question of whether social care workers are physically working as social care workers. Is the hon. Gentleman asking whether social care workers work remotely by digital means?

20 **Hon. L F Llamas:** Mr Speaker, what I am asking is of the social care workers who are employed by the Care Agency, how many were physically in attendance at those establishments on that particular day.

25 **Hon. N F Costa:** Mr Speaker, that is not what I understood from the hon. Gentleman at all. If he wanted a headcount for a particular day, that is not what I had read the question to ask me. If what he wants is to know how many care workers were actually at Dr Giraldi, the Children's Home and Rehabilitation Services, I will get that information for him.

Mr Speaker: I think it is obvious, but could I suggest in the first place that Hon. Ministers, or whoever in their Departments first sees questions, if they are not certain about the meaning of

30 the question and they are not able to contact the hon. Member of the Opposition who has asked
that question, that they inform my staff here in Parliament and we will endeavour, by any
means, to ascertain what is behind the question immediately. If there is a need to rephrase it,
we will exercise our good offices in that respect. I think it is obvious, but perhaps it is something
35 that is worth keeping in mind. Okay?

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman not have the actual complement of
social workers in each of these three institutions –

A Member: That is not the question.

A Member: It is the headcount.

Hon. D A Feetham: It is the headcount, yes.

45 **Hon. N F Costa:** Mr Speaker, no, the hon. Gentleman is asking me how many people were
physically working there on that day. I will get him the headcount. He is not asking me for the
complement, and if he is it is in the Budget book. *(Interjection)*

Mr Speaker, if what they want is a physical headcount as at 9th November, I will ask my staff
to actually go to the records and determine how many people were physically working. If they
50 want to know what the complement is, they can look at the book of estimates.

Indeed, Mr Speaker, at the last Question Time, notwithstanding that the answer to the
question of the hon. Gentleman is in the book of estimates, I gave the answer to the Hon.
Mr Trevor Hammond. They asked me a question which I should have answered by saying 'Look
to the public document.' I do not do that. I actually prepare the documentation and I give it to
55 them. They asked me the same question but as at a particular date, and they want the
information again.

Mr Speaker, we have to be serious about the business we conduct in Parliament.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Every month they ask the
60 same questions.

Hon. D A Feetham: Mr Speaker, I am sorry but this particular question has never been asked
before, and if I have been –

65 **Hon. N F Costa:** Yes, it has.

Hon. D A Feetham: This particular question has been asked before?

Hon. N F Costa: Yes, it has.

70 **Hon. Miss S J Sacramento:** Every month.

Mr Speaker: It was asked by the Hon. Trevor Hammond on behalf of the Hon. Lawrence
Llamas.

75 **Hon. N F Costa:** Only last month.

Mr Speaker: Only last month.

80 **Hon. D A Feetham:** But not on this particular date. Mr Speaker, I have used the term
'complement' and if I have used the term complement wrongly I apologise, but the actual

question is clear on the face of the question. I was just asking whether the hon. Gentleman had the actual figures. If he does not have it, he will have to ask it next time round, but I have to say to the hon. Gentleman, with respect, nobody has intended to start this meeting on a bad footing. He should not take it so personally that I have made a comment using the term 'complement' the way that he has taken it.

Mr Speaker: May I enter a comment? I am sure the Hon. Neil Costa feels a bit hot under the collar, having delayed the sitting of Parliament and having to come here in a rush.

There are a number of questions here which I perceive could be – I want to phrase the thing very diplomatically, as diplomatically as possible – which could give rise to some exchanges, let us say, so let's see whether we can start off on a good basis.

The main point is this: if there is any doubt on the part of a Minister, or whoever is drafting an answer on the Minister's behalf, when that person sees the original question ... If there is any doubt, inform the staff here in Parliament. We will try to clear up the doubt immediately and then the question can be rephrased by the Clerk or even by myself, sometimes. I was here last time, dealing with the questions. The question can be rephrased in order to make it absolutely clear as to what it is that the hon. questioner is after.

So let's see if we can keep the temperature down for the rest of this meeting.

Q870/2016

People with disabilities – Numbers attending establishments in Spain

Clerk: Question 870. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of how many people with disabilities attend establishments in Spain on a daily basis and for what purpose?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I am afraid that the way that the answer is drafted may raise the temperatures slightly more.

I am afraid I am also unable to answer this question, as we are not in a position to inform this House who, whether, when or for what purpose persons with disabilities attend establishments in Spain. The Care Agency does not have access to data or records in respect of the type of information the hon. Gentleman requests.

Hon. L F Llamas: Mr Speaker, I am not asking for specific details of who actually attends services. Perhaps if I rephrase in a supplementary, the Minister will be able to answer.

Are there any service users, who would normally attend establishments here in Gibraltar, who do go to Spain on a daily or weekly basis to another centre across the border?

Hon. N F Costa: Mr Speaker, I am afraid that I would not know if service users of Gibraltar use other establishments in Spain. I do not know the answer to that.

Hon. L F Llamas: Therefore, Mr Speaker, is the Minister then saying that there are no service users who are being funded access to go to other centres across the border?

Hon. N F Costa: Mr Speaker, no, I am not saying that.

130 **Hon. D A Feetham:** Mr Speaker, therein lies the point. I quite understand that the hon. Gentleman may come to this House and may say 'I don't know who is using services in Spain if the Government doesn't fund it, because it is an entirely private initiative by private individuals'; but if the Government is funding, then of course the Government must know.

Does he not have any information as to how many service users are actually being funded in order to use institutions in Spain? That is something that the Government ought to be capable of answering.

135 **Hon. N F Costa:** Mr Speaker, I have again, in the last session of this House, answered the question of how many adults with learning disabilities receive care outside of Spain, and within the information that I have provided to the Hon. Mr Hammond in the absence of the Hon. Mr Llamas, I noticed that there was one adult with disabilities who received care in Spain, and that is in Estepona in Spain.

Q871/2016
Respite care –
Availability of beds

140 **Clerk:** Question 871. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Question 717/2016, can the Government confirm the three available beds for respite care have always been available during the past five years; if not, on how many occasions and for how long have they not been available?

145 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in the first instance I refer the hon. Gentleman to Answer 717, to which he himself refers. In my answer, I noted that there are four available beds for respite, comprising of three beds and one bed for emergencies.

Further, Mr Speaker, please note that the following dates highlight periods where less than three beds were available for respite care: during January of this year to March of this year there were two beds available for respite; and during the end of November 2016 to date, two respite beds are available for respite.

155 If I may just add, Mr Speaker, anticipating the supplementary question of the hon. Gentleman, the hon. Lady, Samantha Sacramento, has very kindly been able to provide to the Disability Services a satellite flat in the community so that, I am told by way of supplementary information, that by 23rd December, in two days' time, there should once again be the four beds available for respite.

Q872/2016
St Bernard's Hospital escalators –
Number of reported accidents

160 **Clerk:** Question 872. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many accidents have been reported in respect of the use of the escalators to St Bernard's Hospital since their installation?

165 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, one incident has been reported.

170 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Can I ask him if the escalators have been permanently shut down for safety reasons? Certainly I tried to use them the other day and they were not operational.

175 **Hon. N F Costa:** Mr Speaker, in the first instance I would suggest to the hon. Gentleman that he walks up, because it is good exercise. In the second place I would tell the hon. Gentleman that the escalators are not permanently off, no.

180 **Hon. R M Clinton:** Mr Speaker, the Minister has come to this House in a mood of jest this afternoon. I tried to use the escalators because I was going for an X-ray for my foot and therefore I entered as a patient; but since he tells me I should walk up since it is good exercise, maybe he will tell that to the rest of the people of Gibraltar.

185 Mr Speaker, I noticed that the Senior Citizens' Association have an issue with the escalators and are trying to meet with the Minister in order to discuss an alternative of a lift. I would ask the Minister: is he seriously considering replacing the escalators with a lift and therefore removing the escalators, or is he proposing to install a lift somewhere else; and would he therefore agree that the escalators were perhaps a bad idea in the first place?

190 **Hon. N F Costa:** Mr Speaker, in the first place I had not realised that the hon. Gentleman had to use the escalators because he had suffered an injury in his foot, in which case of course the lift would have been more suitable in the circumstances.

The hon. Gentleman is right: I believe it is the Seniors Association who have asked for a meeting. In fact, I bumped into Mr Ruiz today. We are meeting – if I recall correctly, but please do not quote me – in the second or the third week of January.

195 In the event that the GHA were to accept the proposal of a lift, it would be additional to, and therefore no, we do not think that it was a bad idea to include the escalators. Whereas certainly having an accident is regrettable, I do not think that the fact of one accident diminishes the benefit and the amenity that the escalator has meant to the many patients who use it.

200 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Can he indicate what the problem is with the escalator? Will it be back in operation soon, or is it operational today?

Hon. N F Costa: Mr Speaker, the escalator should have been operational yesterday, and they were not today. They assure me that it will be operational by before the end of the week.

Q873/2016

Dementia Day Care Centre – Awarding of contract

205 **Clerk:** Question 873. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government now advise to whom the contract has been awarded in respect of the Dementia Day Care Centre?

210 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a preferred bidder has been identified and notified. The GHA is in discussions and I expect to make an announcement shortly.

215

Hon. R M Clinton: Mr Speaker, if I may ask the Hon. Minister: when he says 'shortly', could he be more precise?

220 **Hon. N F Costa:** Mr Speaker, I recall the time when I asked, as a Member of the Opposition, what 'shortly' meant, and I will refer the hon. Gentleman to *Hansard* and the answer that Sir Peter gave me at the time. But I will be infinitely more helpful and tell him that I expect to be able to make announcement in the first week of January.

Q874/2016
Dementia Care Home –
Contract holder

Clerk: Question 874. The Hon. R M Clinton.

225 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the contract for the residential Dementia Centre is still held by Grand Home Care?

Clerk: Answer the Hon. the Minister for Health, Care and Justice.

230 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the contract in relation to the Dementia Care Home is ... to answer his question in the affirmative, yes.

Q875/2016
Dementia Care Home and Day Care Centre –
Opening dates

Clerk: Question 875. The Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, does the Government have an anticipated opening date for the residential Dementia Centre and the Dementia Day Care Centre, and why have there been so many delays in their opening?

Clerk: Answer the Hon. the Minister for Health, Care and Justice.

240 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the delays in respect of the Dementia Care Home have been as a result of the building not being handed over by the contractor.

245 I am delighted to note, as I said in my previous question, that I will be in a position to announce the opening of the Dementia Day Centre shortly – as I have just revealed to the hon. Gentleman, in the first week of January.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for his answer.

250 Can I ask: when he says the building is not handed over by the contractor, is that in respect of the residential centre, but the day care centre has been handed over? If he could perhaps illuminate on that point.

255 **Hon. N F Costa:** Yes, Mr Speaker, that is why I prefaced my answer by saying that the delay in respect of the Dementia Care Home has been as a result of the building not being handed over by the contractor, and then separately we will be announcing the opening of the Dementia Day Centre shortly. So the delays in respect of the contractor relate solely to the Dementia Care Home.

260 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister. The obvious question, really, is: has the building now been handed over to the Government in respect of the dementia residential centre?

Hon. N F Costa: I am afraid not, Mr Speaker.

265 **Hon. R M Clinton:** Mr Speaker, this is somewhat concerning to hear that it has not been handed over, since you obviously have a contract for the service provider and yet the building is not ready, and then conversely you have the building ready for the day care centre but no service provider as yet.

270 What is it that has caused the delay for the contractor to hand over the Dementia Centre? This is something, as we all know, of great concern to service users or potential service users and their families, and I find it somewhat concerning to hear today that the building itself has not been handed over, whereas I was, perhaps mistakenly, under the assumption it was a question of putting together the services and the support staff necessary for the operation of the centre. Can the Minister advise what the problem is with the building?

275 **Hon. N F Costa:** Mr Speaker, the information that I have for him is that the contractors will hand over before April and we should be in a position to proceed with the services then. So we are talking about, latest, April of this year.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for the answer. I would invite him to perhaps communicate this – or maybe if he has not communicated already – communicate to the relevant stakeholders in respect of the residential care, because there is obviously an expectation in the community that ... I think, as per the *Viewpoint* programme, he said hopefully some things would be open in January. I had not appreciated that this was solely in respect of the day care centre. I would invite him to advise the relevant stakeholders so they can manage their expectations accordingly.

Thank you.

290 **Hon. D A Feetham:** Mr Speaker, yes, the cynic in me notes that April is obviously after 31st March, which is the end of the financial year. Is the fact that this is going to be handed over in April to do with the fact that the Government has spent so much money over the last five years, £750 million in capital projects alone, that unfortunately there is not enough in the kitty for this to be opened earlier?

295 **Hon. N F Costa:** No, Mr Speaker. He is a cynic, but I can assure him that the information that has been passed on to me from the professionals at ERS and at the GHA is that it is only to do with the handing over of the building by the contractors; it is nothing to do with finances. On the contrary, I am, as he can imagine, being intensely pressed to open as soon as is humanly possible. As he can also imagine, that is also the desire on this side of the House.

300 Surely he should be happy that his cynicism should be dispelled, if only for a few hours this afternoon.

Hon. R M Clinton: Mr Speaker, coming back to the question of the residential dementia centre and the fact that Grand Home Care have the contract, can the Minister confirm that the Government is not paying any form of retainer until the period at which the building is handed over to the Government? Otherwise, you are also going to be paying for a service which cannot be used by anyone.

And how does he expect Grand Home Care to manage in the interim, in terms of recruitment?

310 **Hon. N F Costa:** Mr Speaker, he has asked me two supplementaries. In respect of the first one, I will need to check the documentation but I would find it incredibly odd if we were paying Grand Home Care anything, and certainly –

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
315 Not in my time.

Hon. N F Costa: My hon. Friend Dr Cortes has said certainly not in his time, and I can assure him certainly not in my time either, but I will certainly get back to him in any event to assuage his concern and, now that he has raised it with me, to assuage my own concern that we are not effecting any payment whatever until the opening of the Dementia Care Home.

In respect of whether the contractor will be in a position to be able to recruit sufficiently quickly to be able to ensure that services may be provided, whereas I did not sit on the selection board, I very much suspect that one of the primary questions put to the contractor would be that when it is open, by the time that we tell you, within a certain lead-in period you would be in a position to deliver so many nurses etc., and the answer surely must have been ... because
325 whereas I do not have the information with me, there will have been various companies that will have bid for that particular, and the board, I need to assume, would have been extremely rigorous, and one of the main issues would have been 'Would you be able to provide these professional staff to be able to deliver these services once the home opens?' I can see that
330 Dr Cortes is nodding next to me, so we can also be assured of that.

Hon. T N Hammond: Mr Speaker, if I can just confirm that I have understood the Hon. the Minister correctly, he is suggesting that services will commence the day after the building is handed over by the contractor, so presumably all other provision will be in place for that date.

335 **Hon. N F Costa:** Mr Speaker, I did not say the day after the building is handed over; what I said was what I had read out, which was that we would be able to proceed straight after that. In other words, the recruitment and the systems that need to be in place, with equipment and so on, will be in place by then, and we just need to make sure, of course, that when the building is handed over there is ... I do not want to misquote my officials ... that essentially when the building is handed over there has to be cleaning, furnishing and that sort of thing that you do to a building to make sure that it is safe and that the work that has been contracted to be carried out has been carried out very shortly after the building is handed over to the Government.

Q876/2016
Parental Alienation Syndrome –
Specialised training

Mr Speaker: Next question.

345

Clerk: Question 876. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, does the Government agree that we need to look towards targeted and specialised training for social workers, the judiciary and legal profession, so that we can ensure that we recognise cases of Parental Alienation Syndrome early on?

350

Clerk: Answer the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the hon. Gentleman will be happy to know that the Children's Services already work under the auspices of the Children and Families Court Advisory and Support Services (CAFCASS). The Children's Services continue to work in accordance with CAFCASS best practice.

355

The Court Welfare Team has both developed and administered the co-parenting programme to deal with parental alienation. This was researched, created and produced and presented to the Supreme Court for its perusal and recommendations in 2004. The co-parenting programme ranges from six to 10 sessions for each client depending on necessity – acrimony/level of alienation – has been assessed.

360

Sessions are structured and run individually with each client, and further consist of joint work with both ex-partners at the beginning and at the end of the programme. The context of mediation is focal.

365

Sessions initially present the purpose and importance of co-parenting and, importantly, the impact and abusive nature of acrimony and alienation for the child or children involved. This is re-enforced throughout each session.

The Therapeutic and the Court Welfare Team work together and deliver the co-parenting programme to families involved in acrimonious separation and divorce cases. They have been delivering this programme for almost 14 years. The courts make recommendations for such programmes to be delivered to families.

370

The programme continues to be reviewed and updated by the Care Agency's social worker and psychologist. Both have significant experience in this field. It is important to highlight that the social worker attended further mediation training in September.

375

Both practitioners recognise that there has been an increase in the Parental Alienation Syndrome. The Care Agency is therefore in the process of arranging a meeting with the Supreme Court judges to discuss these issues.

I should further note, Mr Speaker, that the psychologist as well as the social worker are aware of what constitutes emotional abuse as a result of parental alienation. Emotional harm per se is already a huge component of the safeguarding training. The Care Agency psychologist has been delivering this training to frontline professionals approximately for the past 10 years.

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A Supreme Court judge's ruling in the two most recent acrimonious and complex cases commended both social workers and the psychologist involved for their assessments, evidence and recommendations.

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Further, training for lawyers may curb the increasing trend in parental alienation through a better and more thorough understanding. I will seek to raise the issue with the Bar Council at our next meeting. I also intend to raise this issue with the Hon. the Chief Justice at our next meeting.

390

Finally, the Care Agency has advised me of a sure way to decrease parental alienation, a proposal which the hon. Gentleman may well dislike, and it is as simple as implementing a cap

on legal assistance for divorce proceedings. The premise of the advice is that unlimited legal assistance results in cases of parental manipulation and, in some instances, some lawyers' inability to prevent cases from escalating.

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Hon. E J Phillips: I thank the Minister –

Hon. N F Costa: If I may just add that that is not a proposal that I am seeking to implement. I want to make that clear.

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A Member: We would not want to be unpopular ... *[Inaudible]* *[Laughter]*

Hon. E J Phillips: I am not too sure I want to comment on an unlimited cap in relation to those matters, but I think it is right and I welcome the suggestion that the Chief Justice will be contacted. I also welcome further training for family lawyers in this field, because those are the ones particularly at the front line when it comes to divorces and issues affecting young children.

405

I have it quite regularly now – I would not say on a daily basis – from fathers who approach me with this issue, and the heartache clearly from them is that when their children come to them for access there is this vitriol which has been transferred from the mother, in this particular example, to the father, which causes very difficult access arrangements between the father and the children.

410

My understanding is we are not doing enough as a community to deal with parental alienation syndrome. That is why I have raised it in Parliament; that is why I have raised it outside this House as well in order to improve awareness in relation to parental alienation syndrome. In the United Kingdom, for example, I understand that between 11% and 15% of divorce cases have parental alienation syndrome. I would welcome very much further training for our judiciary, particularly the family judge.

415

I just wanted to know, really, when this meeting will be arranged with the Chief Justice. Do you have any idea as to when that will happen?

420

Hon. N F Costa: Mr Speaker, in the first place to say to the hon. Gentleman that although it has now – I cannot believe this – been five years since I was in private practice, I do personally recall acting as a family practitioner and there being clear instances of parental manipulation. Unfortunately, in my case it happened to be the dads who would suffer mostly, because they would be the persons who did not have children with them at home and therefore contact arrangements had to be arranged. I do recall witnessing that particular emotional heartache and I agree with the hon. Gentleman that it is right to therefore have raised it. But, as I have also said, the Care Agency also confirmed to me that there has been an increase in parental alienation syndrome and this is why I have agreed, further to the hon. Gentleman raising it by way of his own article, to raise the matter with the Hon. the Chief Justice at our next meeting. I will seek to include in the agenda, subject to his blessing ... I will discuss it with him and I am sure that he will be happy to do so. Similarly, I have various meetings pending with the Bar Council in respect of separate matters, but at the very first meeting with them, although a meeting to discuss certain items, I will also seek to add that item for training in relation to lawyers.

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I have to say that I did try to politely enquire as to whether or not Supreme Court judges have sought any additional training in respect of parental alienation. They have not. That does not mean to say that they would not welcome it should it be offered, which is why I seek to raise it with the Hon. the Chief Justice when we next meet.

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Hon. E J Phillips: Just one point: to be helpful, I am quite happy to work with the Hon. the Minister in relation to that, and quite happy to attend the meetings as well with the Chief Justice if it helps.

445 It is a matter which I think is really important, particularly when it revolves around the sensitive issue of children and their ability to access either one of the parents who is being alienated. But I would say as well that there is a link here, a very strong link, towards parental alienation syndrome and the failure of a certain parent – particularly the father, in many instances – to pay maintenance. I wonder whether the Minister has had any thought as to how we can enforce those arrangements and have greater protection for the mothers who are not being paid their monthly maintenance awards, either through the courts or through agreement.

450 **Hon. N F Costa:** Mr Speaker, it is almost as if the hon. Gentleman read my mind when I was giving him my answer to his supplementary question. I always used to advise my clients that if there was a certain amount that the former partner or the former spouse was asking, that to show good will and good faith that they should try to exceed that amount where those personal circumstances allowed.

455 There are already mechanisms in place through the magistrates' courts, and if you recall correctly it was the former Minister for Justice, when he introduced the Children Act, who introduced those mechanisms. So the legal mechanisms exist; the question is are they being enforced. That is certainly something that I would be more than happy to look into.

460 **Hon. D A Feetham:** Mr Speaker, we are not just simply talking about parents, we are also talking about grandparents because often there is fallout in relation to the grandparents and any parental alienation towards the father, for example, is often translated also to the grandparents.

465 That is one of the reasons why in the Children Act we included – and our law differs from the United Kingdom ... from England, I beg your pardon, and Wales ... not Scotland; Scotland is the same as ours – we included as well the right for grandparents to apply for access to their grandchildren, which does not exist in England and Wales. So I would invite the Hon. the Minister for Justice to obviously extend that to them as well, because here, in a small community like Gibraltar where grandparents play such a pivotal role in the extended family, that they should not be alienated.

470 Having said that, let me turn it into this question: parental alienation is multi-faceted and it is something that I grappled with when I was Minister for Justice and one of the reasons why we introduced the Children Act in 2009. It not only needs training but it also needs the facilities as well, and a critical and crucial facility in order to allow Social Services to help with the question of parental alienation is a family centre.

475 Very often what happens is that the alienation gets to such an extent that the children simply do not want to sit and see the father or the grandparent. So the only way that they can have any kind of contact is in a family centre. We asked in January about the family centre and when that was coming on line, and we were told that it was going to be imminent. I wonder whether that is something that the Hon. the Minister for Justice can also shed some light on, because that is absolutely critical in a situation where the children simply do not want to see the father and obviously there is no other way of doing it other than through, unfortunately, supervised access.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes, the hon. Gentleman is right that sometimes there needs to be a neutral ground for parents to see the children with whom they have contact. He is right; to say that it has to be a family centre exclusively is not correct, though.

480 While we have already announced in the Parliament that we are in the process of having a family centre, we already have, as I have said in Parliament before, alternative premises which we are using for those purposes. So, while the hon. Gentleman is right in saying what he is saying, in answer to that, by way of assistance to my hon. Friend, that is already happening, and I have already mentioned it in this Parliament before. We have a premises which we are using akin to a family centre, which is outside the Social Services building. Of course the Social Services building itself within it has now rooms which we have refurbished, so they do not look like they

did before – they look more comfortable and warmer and less institutional. So that is perfectly acceptable for these purposes as a neutral ground, but even beyond that we have other Government premises and facilities which we are using, which are quite anonymous, and it is not widely known that they are used for these purposes, other than the people for whom they are being used – for obvious reasons, because of course as part of this we wanted to be discreet.

In addition to that and further to that, we are nevertheless developing another premises which we have identified for this purpose.

Hon. D A Feetham: Mr Speaker, the reason why I mentioned the family centre is because if you read the Children Act, the Children Act refers to a statutory obligation in terms of a family centre. It is not ‘some other kind of building’ – it is a family centre.

Further, the reason why I mentioned a family centre was because I was asked about this during the last election in the Mackintosh Hall. There was a discussion in relation to this and the Government has consistently said that that family centre will be provided online, compliant with the Children Act, imminently, we were told in January. I just wondered how imminent that was now, having reached December 2016.

Hon. Miss S J Sacramento: Mr Speaker, the statute is not prescriptive in the sense that it says there has to be a room that is this size and has this, that and the other. What the statute provides for is that the Government provide a facility for a family centre. The hon. Gentleman, I am sure, knows that a family centre is more of a concept than a physical building, but in any event we provide both already in a location that we have that is using a Government premises that is used by Social Services.

If you recall, Mr Speaker, in response to this question the hon. Gentleman suggested that while they were in government they were considering having an area in the leisure centre. Certainly when it was my responsibility I did not feel that that was an appropriate location and that it should be somewhat more discreet. We are using more discreet premises at the moment and I am certainly satisfied that we are providing for what needs to be done under the requirement of the Children Act. Of course, we are not looking at vast numbers of children who require the service, but nevertheless what we are planning is something that will enhance the facility which we already have.

I cannot give a specific date – of course, I am no longer involved with that – but I am sure that the coming on line of the new facility which will be used for a family centre cannot be far off.

Hon. E J Phillips: I understand that obviously you are trying to meet the needs of your manifesto commitment where you state:

We will continue to ensure that the Social Services Court Team are better resourced to be able to deliver the requirements of the Children Act including the setting up of a family centre as required by the Act.

So your commitment still is to set up, as it states at page 93 of your manifesto, a family centre, albeit it seems to be slightly different to what you are saying now in terms of the resources that you currently have, and working towards that? Just to clarify.

Hon. Miss S J Sacramento: Yes, Mr Speaker, just to clarify, what I have said is that while we prepare the family centre, which is the building that we envisage to be used as the family centre, we already provide alternative premises which are being used for the purposes of a family centre at the moment. It is just that the one that will come on line will be even better. I am saying that what we are doing now with the new premises that we have ... are already compliant both with the manifesto commitment and with the responsibility under the legislation. It is just that we will have another one and a different one coming on stream not far away.

Q877-880/2016

CCTV –

**Policy re use in public areas; complaints; civil liberties;
sharing with law enforcement agencies**

Clerk: Question 877. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain their policy for the use of CCTV in
500 public areas in Gibraltar?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this
505 question together with Questions 878, 879 and Question 880.

Clerk: Question 878. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not it has received complaints
510 regarding the use of CCTV from members of the public and can the Government give details of
those complaints?

Clerk: Question 879. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain what measures are in place to ensure that the
515 use of CCTV does not infringe civil liberties?

Clerk: Question 880. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain how CCTV still images and video are shared
520 with law enforcement agencies?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government's policy
525 objectives as set out at paragraph 4 of the 'Public CCTV Code of Practice' and the basis for the
processing of data are to enhance community safety, reduce the fear of crime, deter and detect
crime, and deter and detect acts of anti-social behaviour.

Complaints against police officers made by members of the general public are lodged with
530 the Police Complaints Board (PCB). All complaints made to the PCB are fully investigated and
logged by the RGP's Professional Standard Department. The Royal Gibraltar Police has not
logged any complaints against police due to misuse of the public CCTV system.

Government's public CCTV system is managed by the Royal Gibraltar Police from New Mole
House. In its management of this system the RGP applies its Public CCTV Code of Practice. The
535 aim of this policy is to provide a clear framework for the operation and control of all public CCTV
systems in Gibraltar, highlighting what it will be used for and ensuring that evidence is secured,
retained and made available as required so that there is absolute respect for everyone's rights.

Furthermore, the CCTV system is designed to ensure it blocks out any potential intrusion by
540 automatically blacking out areas of the video feed where a camera angle could potentially
intrude into a private dwelling or other location that is private. The operating system was
accredited by the Office of the Data Protection Commissioner before being launched.

The public CCTV system is operated by the Royal Gibraltar Police, which is the primary law
enforcement agency in Gibraltar insofar as the use of the public CCTV system applies and

545 therefore the need for sharing does not ordinarily arise. If there is a need to share upon request from another of the Gibraltar law enforcement agencies, this will be done in strict compliance with the Criminal Procedure and Evidence Act, the Data Protection Act and the RGP's Public CCTV Code of Practice.

550 **Hon. T N Hammond:** Mr Speaker, if I might just ask the Hon. Minister ... I am aware that the Department of the Environment does, or certainly has sent out CCTV images when fining people for littering, for instance, particularly in residential estates. Is it the case that the RGP routinely share CCTV images with the Department of the Environment, and how does that Department obtain those images?

555 **Hon. N F Costa:** Mr Speaker, the Hon. Dr Cortes will speak to his question in respect of whether the Environmental Agency shares the information, or whether the RGP shares with Environment.

In respect of whether we routinely share, just to remind the House of what I have just said, which is that the system is operated by the RGP, which is the primary law enforcement agency insofar as the use of our public CCTV system applies, and the need for sharing does not
560 ordinarily arise. If there is a need to share upon request, then the sharing is done in strict compliance with the Criminal Procedure and Evidence Act, the Data Protection Act and the RGP's Public CCTV Code of Conduct.

565 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, if I may assist, the Department of the Environment and the Environmental Agency have specific targeted cameras which target, for example, litter hotspots and that sort of thing, and that is processed separately using all the legal frameworks, so the system we use is the same. I do not believe we have ever shared with the Police, because we have never identified
570 anything of another nature that needed to go to the Police. Otherwise, obviously we would have a duty to report it if we saw any crime performed in front of one of these cameras. The system runs pretty well in parallel and, as I say, they are specifically targeted at the hotspots and the like.

575 **Hon. T N Hammond:** Mr Speaker, in which case, as there appear to be two separate CCTV networks in operation here, is the Government aware of any other Departments which have their own separate CCTV networks operating in public places?

580 **Hon. N F Costa:** Mr Speaker, given that the question was specific about the RGP's code of practice and so on, I do not know the answer. If there is additional CCTV around Gibraltar, I suspect it will probably be from private estates or indeed security companies and so on. Certainly as far as I am aware, the answer is no, and my hon. colleagues could jump in to contradict me if I am wrong.

585 **Hon. E J Phillips:** Mr Speaker, with your leave, just one further question. The reason why I asked that set of questions before, of course, was relating to the incident with the Guardia Civil at the Frontier, where they pushed the car right across back on the Spanish side and one of the issues was that this CCTV footage came into the public domain. Clearly there must have been some ... Yes, I think there was some form of breach. Was there an investigation in relation to the
590 use of that CCTV and the posting of it on Facebook and other social media?

Chief Minister (Hon. F R Picardo): Mr Speaker, Customs is my responsibility and it is a matter that led to an investigation into the whole issue of whether disciplinary proceedings should be taken or not.

595 **Hon. E J Phillips:** Mr Speaker, just arising from the Chief Minister's answer to that question, is it the fact that the RGP have linked CCTV footage to Customs in those particular sites? And if that is the case, then (*Interjection*) is there a different CCTV system relating to solely Customs?

600 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should give notice of that question; I do not think it arises from the question. I am going to give an answer which may or may not be correct.

Hon. E J Phillips: Mr Speaker, with respect, I do not think that is right. I said:

Can the Government explain how CCTV still images and video are shared with law enforcement agencies?

605 Quite clearly there is a sharing of CCTV footage between the relevant law enforcement agencies, which is a good idea, but that was the nature of the question and therefore it is within the remit of the answer.

610 **Hon. Chief Minister:** Mr Speaker, the supplementary is not about that; the supplementary is about the CCTV systems the Government has. The Government, I can tell him off the top of my head, has a CCTV system surrounding No 6 Convent Place which does not belong to any of the enforcement agencies, but if something goes wrong in the area around No 6, it is provided to the law enforcement agencies. The hon. Gentleman's supplementary is 'What CCTV systems does the Government have?' Well, in order to give him an accurate answer – I am not saying we are not going to answer it – he needs to give notice of that question.

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Hon. D A Feetham: Mr Speaker, certainly Customs have their own system – and I would classify Customs as law enforcement; can he confirm that? I think at least he can confirm that.

620 **Hon. Chief Minister:** Mr Speaker, I am very grateful for the concession from the GSD that Customs is a law enforcement agency, because for the 16 years that they were in government Customs found that they were not regarded as a law enforcement agency. It was a big issues of contention – (*Interjections*) Well, I understand, Mr Speaker, that the hon. Gentleman takes a completely different view, now that he is the Leader of the new GSD, to the position he used to take when he was a Minister for Justice responsible for law enforcement in the GSD about what is or is not a law enforcement agency. But I have come to the conclusion that this chameleonic approach to every policy subject is one that we have to expect from the hon. Gentleman.

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Customs is a law enforcement agency and it has CCTV systems.

Mr Speaker: Next question.

Q881/2016
Gibraltar Health Authority –
Staff moral survey

630 **Clerk:** Question 881. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government plan to conduct a staff morale survey within the entirety of the GHA or parts thereof?

635 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in the first place, I wish to reiterate that obviously I have the highest respect for all clinicians and the incredible vital public service that they provide; there can be no question of that.

640 As I have also said, I intend to leave no stone unturned and spare no effort in ensuring that I build on my predecessor's formidable legacy and improve, where we can, the quality of the services that we deliver. I am currently engaging as widely and thoroughly as possible with all stakeholders to make sure that we get things exactly right.

645 I am currently systematically meeting with all levels of management, and until I have concluded all of my meetings I will not be in a position to determine if there is a need for another survey. What I can assure this House is that I intend to make sure that all genuine concerns brought to my attention are investigated and appropriate action is taken.

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman accept that there is a morale problem, particularly at the hospital, amongst staff?

Hon. N F Costa: Mr Speaker, we have ventilated these issues in public via our press releases, but if he wants to do it in the House I am delighted to engage.

655 In the first place, the hon. Gentleman in his press release, which was delightful by its brevity but for no other reason of content, failed to mention that the sample of doctors consulted did not include the GPs. He must accept that if there is going to be a morale survey of an institution and we want to know how people are feeling in terms of morale, then you need to include the consultants and the GP doctors, and it does not make sense to have an informal documentation that only asks the question of a particular group. So there were 30 people asked out of a total of
660 82 people, but he fails to mention in his brief press statement that, notwithstanding what is said, 61% of the 30 doctors who were asked the question said they did not feel low on morale.

665 I genuinely do not want this to become a partisan issue, because I think he and I both agree that the Health Services provide an excellent service. They have to be non-political to the extent that both he and I will need medical care at many different points in our lives and the care has to be provided to the best quality irrespective of political strife.

Since I took over as Minister for Health I am meeting systematically, methodically – it is going to take some time – to meet with all levels of management and also clinicians, nurses and everyone who will clearly have an opinion as to how the GHA is working.

670 I also need to make the point that my Ministry is not the GHA. My Ministry is separate to the GHA, although of course my Ministry and the GHA have to work hand in glove in respect to how medical services are delivered.

675 I am going to leave it there, because I do not want to get into the type of questions that were asked, how they were asked and whether they would elicit a different reply had they been phrased differently. So I will conclude to say that in a Government entity as large as the GHA there will undoubtedly be pockets where people will not be entirely satisfied with the way that management has dealt with them. I think it was James Neish in an opinion piece who said that management does have to walk sometimes an impossible tightrope between the demands of the patient and perhaps what professionals and clinicians may be willing to be able to provide at any particular point, for perfectly good reasons, and management needs to always strike that
680 balance between clinicians, professionals, nurses, allied professionals and the demands of the patient.

685 So, as I say, I do not want him to leave the House thinking that I have dismissed the idea of another morale survey. All I am saying is that until I conclude my own meetings with all clinicians and allied services and nurses, I cannot commit to that because it may be that the issues that they raise with me are issues that can be dealt with without one.

Hon. D A Feetham: Mr Speaker, thank you very much for the answer.

690 The point about the survey conducted by the doctors I think has been lost on the hon. Gentleman, because when he says that it is only a sample of 31 doctors out of a total complement of 80 or 81 the reality is that it was a survey conducted of the doctors at the hospital, not the entirety of the GHA, and it was never represented as a survey of all the doctors within the GHA. It was a survey of the doctors at the hospital. Even if it had been otherwise, 38% – or 36%, I cannot recall the exact percentage of what it equates to – is a very high sample indeed. Does he not think at the very least that the fact that doctors have gone to the extent of
695 conducting and participating in a survey of this nature at the hospital does indicate that perhaps there is a level of discontent amongst doctors at the hospital that obviously is something that needs to be looked at?

I will ask him some more supplementaries and move on to more substantive issues in a moment.

700

Hon. N F Costa: Mr Speaker, on the basis that I did come into this House hot under the collar, given that I arrived late, I will allow the hon. Gentleman to have said to me that a point has been lost, but that is the only one I am going to allow him today.

705 The point has not been lost on me, because I told him that notwithstanding that in my view the results have to be skewed, and we accept at its highest this informal documentation ... Let's say that he and I agree that it was perfectly proper for this doctor to simply consult the 30 consultants and leave everyone else out – (*Interjection*) Yes, hospital, but I do not agree that he should have done so leaving the GPs out. But let's say that I agree with him, for the sake of argument. He seems not to want to remember – and he certainly left it out of his press release –
710 that of those polled, and irrespective of my concerns as to how the questions were asked ... because he knows, as a barrister, that if you want to put words into somebody's mouth he you ask a closed question. Yes, you ask a closed question. The question was not asked: how would you portray morale at the GHA – excellent, very good, good, get me out of here? That is not how it was portrayed, and any reputable polling company will tell you that to achieve an accurate
715 assessment of anything you need to ask open questions, because the moment that you ask a skewed, loaded question, you are more or less telling people what to say. And, apart from that, doesn't he accept that if there is a particular doctor who is clearly not entirely satisfied with something and those questions have been done face to face, not anonymously with open questions in a proper scientific methodology, which I am sure the hon. Gentleman –

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Mr Speaker: May I tell both hon. Members, both the Minister and any other Member of the Opposition who wishes to ask supplementaries, that I am not going to allow exchanges or a debate on the appropriateness of this survey. It is the subject of the question. The matter has been amply ventilated outside Parliament. I am allowing a certain latitude in the exchanges, but
725 we are not going to have a debate about whether certain questions were appropriate, the manner in which the survey was carried out, or even its authenticity or what have you. I am not going to allow a debate on that. I think the Hon. Minister should stick to the question that he has been asked, because I am not going to allow the Opposition either to widen the ambit of their questions.

730

Hon. N F Costa: Mr Speaker, I did say in my first answer that I wished to steer entirely clear of looking into the methodology etc. of the survey. And so, having said what I have said, and after your intervention, Mr Speaker, I will leave it at that. But the point I was getting to was that even accepting the survey at its highest, 61% of those polled said that they were not low on morale –
735 not part of the supplementary question to me, not part of his press release.

Mr Speaker, there has never been more engagement and consultation between management and the doctors than under my predecessor, Dr John Cortes. Doesn't he know that the Medical Advisory Committee, the statutory creature made specifically to consult doctors and consultants

740 and surgeons and nurses and allied health professionals, did not meet under the GSD? Did he not know that?

Mr Speaker: No, but that has got nothing to do with the matter under discussion. (**Hon. N F Costa:** No?) (*Laughter*) You have been asked a supplementary question: whether you accept that there is a problem with morale. That has got nothing to do with how many meetings the Medical Advisory Committee ... [*Inaudible*]

Hon. N F Costa: Then, Mr Speaker, the answer is no, sir.

750 **Hon. D A Feetham:** Well, Mr Speaker, I have to say that I find the answer difficult, bearing in mind that you have this survey that indicates that 94% were dissatisfied with management at the GHA and 74% thought that morale was low amongst doctors within the hospital.

Perhaps moving on to potential solutions and looking towards the future, and bearing in mind that we are spending an awful lot of money on the Health Service ... I think projections are likely to reach about £120 million a year, which is £10 million per month, and therefore we should be getting much more higher satisfaction ratings for the amount of money that we are actually spending – and well spent, because that is an area where we *should* be spending money. But does the hon. Gentleman envisage that the Government might conduct in the future some kind of root and branch review, particularly of what is happening at the hospital to see what areas can be improved to make sure that the public gets value for money and to make sure that there is a better morale at the hospital amongst staff than is at present the case?

765 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman clearly did not care to listen to my answer. I said that I was currently engaging as widely and thoroughly as possible with all stakeholders to make sure that we get things exactly right. I also told him that I am currently systematically meeting with all levels of management, and until I have concluded all my meetings I am not in a position to determine if there is a need for another survey. I have also told him that if there is any concern or any issue that any clinician has, all they need to do is write to me to make sure that I fully investigate any such concerns.

770 **Mr Speaker:** Next question.

Q882/2016
Primary care frontline desk –
Staff manning as principal duty

Clerk: Question 882. The Hon. D A Feetham.

775 **Hon. D A Feetham:** Mr Speaker, can the Government state how many (a) public servants and (b) employees subcontracted through recruitment consultants have as their principal duty the manning of the primary care frontline desk?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

780 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question with Question 883.

Clerk: Question 883. The Hon. D A Feetham.

785 **Hon. D A Feetham:** Can the Government state how many employees have as their principal duty the manning of the primary care frontline desk?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

790 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman to Answers 352 and 353/2016.

Hon. D A Feetham: Mr Speaker, prior to asking this question I have obviously looked back at the questions that I have asked. I cannot recall asking this particular question, unless the hon. Gentleman has answered it tangentially in relation to another question that has arisen.

795 Perhaps he could draw my attention to the substance of the answer that was given, so that if there are any supplementaries I can ask them during this session of the House.

Hon. N F Costa: Mr Speaker, the hon. Gentleman asked in Question 353, to which I have just referred to him, on 29th June, so we are within the preceding six months. He said:

Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre?

The Hon. Dr John Cortes gave the answer and I equate that question with his question:

Can the Government state how many employees have as their principal duty the manning of the primary care frontline desk?

800 They are in all respects exactly the same. And then, in his previous question, he asked:

Can the Government state how many public servants ...

which has to mean Government employees. So, he asks in Question 882 how many public servants and he has asked in Question 883 how many public servants. And then he says:

and (b) employees subcontracted ...

And he asked in Question 352:

How many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre?

805 They are, with respect to the hon. Gentleman, exactly the same in substance – exactly the same.

Hon. D A Feetham: With respect to the hon. Gentleman, unless the answer is this ... But they are not the same, and I will tell you ... unless the answer is as I am going to tell him.

810 That question related to all employees in the Primary Care Centre. This relates to the manning of the primary care frontline desk. It would be the same if all the employees working at the Primary Care Centre also manned the frontline desk. That is a perfectly acceptable answer, but is that what the hon. Gentleman is telling me the position is? The questions that I asked originally were about how many different types of employees were working at the Primary Care Centre. The question today is about the manning of the primary care frontline desk – unless everybody works at the frontline desk.

Hon. N F Costa: Mr Speaker, I think the issue here is that we read his questions differently. The question asked by Mr Feetham at 353 was:

How many workers employed by Government, Government-owned companies, authorities and agencies are currently working on the Primary Care Centre counter?

820 I read that as meaning primary care frontline desk, and therefore that is why I say the question has already been answered.

Hon. D A Feetham: Mr Speaker, may I please ... because I can clarify this quite easily by just referring to my supplementary. The supplementary to Question 353 was this. I said:

So he could not tell us how many of those 11 are actually covering short-term maternity or long-term illness that he has outlined and for other reasons.

825 And I said:

What I am obviously getting at ... Is he satisfied that we do not have a situation here where there are non-public service employees almost working on a permanent basis in these jobs at the counter in the Primary Care Centre?

And then the answer came back:

Mr Speaker, they are temporary engagements. As I have explained before, I do not have a breakdown. I was asked for figures, I have given him figures, I do not have a breakdown.

The point was that I asked in this question for overall figures. I never asked about the frontline desk, except in a supplementary and the hon. Gentleman was not able to give me the answer because he did not have a breakdown. That is the point.

830 Other than obviously obtaining the statistics and seeing how those resources are being utilised, there is no point having an exchange across the floor of the House in relation to this. If he can provide me with that information I would appreciate it, but it has not been provided yet – unless the answer to the question is that everybody who works at the Primary Care Centre also works at the frontline desk. That could be the position – I do not know.

835

Hon. N F Costa: Mr Speaker, if that is what he wanted to ask, then this should not be the question either. The hon. Gentleman should know that an official will have a job description, but, whereas that is the case, that official may be required to do things that are not necessarily their main primary function, but may that day or during a week or whatever be at a particular counter.

840

If what he wanted to know was how many of the 11 are actually covering short-term maternity, that is an entirely different question.

Hon. D A Feetham: Mr Speaker, I am asking how many employees, public servants or employees subcontracted through recruitment consultants have as their principal duty the manning of the primary care frontline desk. That is not a question I asked in June, because in June I was asking how many employees were there in the Primary Care Centre.

845

Hon. N F Costa: No – the Primary Care Centre counter.

850

Hon. D A Feetham: No, that was in a supplementary.

Hon. N F Costa: No, Mr Speaker, the question –

855 **Hon. D A Feetham:** All right, is the answer then that there are 11? That is fine – is that the answer?

860 **Hon. N F Costa:** No, Mr Speaker, it is not fine. Let's please clarify, because one could not make this up. The hon. Gentleman has stood for three supplementary questions and asked me an entirely different question, and he has disputed with me that the question he is asking now was not the question he asked in June – and with the greatest of respect, it *is* the same question. The question is –

865 **A Member:** It is the same again.

Hon. N F Costa: – can the Government state how many employees have as their principal duty the manning of the primary care frontline desk. How many workers employed by Government are currently working in the Primary Care Centre counter – not the Primary Care Centre, the Primary Care Centre counter.

870 The next question is: how many public servants or employees – in other words, he is asking the same question again in the other one – have as their principal duty the manning of the primary care frontline desk.

And he asks: how many workers employed by Government, Government-owned companies, authorities and agencies not employed by Government are working in the Primary Care Centre counter?

875 They are *exactly* the same questions. (*Banging on desk*)

Mr Speaker: Hon. Members should keep in mind that the Hon. Dr Cortes, in his answer to Question 352, said:

Mr Speaker, I have taken the liberty to include counter in the plural as there are many counters in the Primary Care Centre and it was not clear which one was being referred to.

880 **Hon. D A Feetham:** Obviously it is all of them.

Mr Speaker: This is obvious. Anyone visiting, going as a patient to the centre, will see that in each of the coloured areas and elsewhere in the building there are reception counters which are being manned by nurses and so on. It is all over the Primary Care Centre. That is what Dr Cortes was pointing out.

Hon. D A Feetham: Well, thank you very much, Mr Speaker, for the –

890 **Mr Speaker:** But my view was that the question should be allowed because it was not entirely clear from our assessment here, the Clerk and myself, that we should rule it out, and therefore I tend to give the benefit of the doubt usually to Members of the Opposition – though they may not always think that I do, of course! (*Laughter*) And then I expect the Minister, if he thinks it is the same question, to say so in the answer.

895 **Hon. N F Costa:** Mr Speaker, the reason why I am arguing the point is only because he stood up to argue with me. I really do not want to quibble. If what the hon. Gentleman actually wants to know is what he asks in his supplementary, then I am perfectly happy not for him to have to wait until the next Question Time. I am perfectly happy to write to him to give him the answer.

900 **Hon. D A Feetham:** Well, thank you very much. The position is that all I want to know is how many employees are manning that frontline desk. That is all I want to know. And I want to know what the division is between public servants and employees of recruitment consultants. That is all – it is very simple – and if he could provide me with that information I would be very grateful because, reading the answers that were provided by Dr Cortes, I am not sure that he has in fact provided me with the answer, except that overall it is 11.

905

Hon. N F Costa: Yes, Mr Speaker, that is exactly correct. What I am telling him is that the question he is asking me in the supplementary today is the same question he asked of Dr Cortes also by way of supplementary, but the questions he asked in the Order Paper within the last six months and today are also the same questions. In other words, he asks questions in the Order Paper which are answered by the Hon. Dr Cortes. He is not satisfied with that answer and he therefore asks for a particular breakdown in the supplementary, which obviously I read before I came to the House. But if that is the information he wants to have, I am happy to give it to him by way of writing.

DEPUTY CHIEF MINISTER

Q914/2016

**Hong Kong office –
Total running costs**

Clerk: We now move to Question 914. The questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the total cost of running the Hong Kong office by reference to salaries and benefits, rent, expenses including flights and all other costs relating to Gibraltar's representation in the region?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the total cost of running the Government of Gibraltar office in Hong Kong is £400,000 per year. This includes salaries, benefits, rent, expenses and flights.

Hon. E J Phillips: Just one supplementary question: does the Hon. the Deputy Chief Minister agree with me that, in light of the answers by the Minister for Financial Services and Commercial Affairs yesterday relating to the pulling of certain contracts relating to inward investment, that £400,000 is an awful lot of money to be spending on a Hong Kong office in the region which is supposed to be bringing work and inward investment to our jurisdiction?

Could he also explain why, in relation to that particular point, the original question, in relation to this House on the cost of Mr Cruz of £250,000, the increases – do they relate to rent and also flights for Mr Cruz to move back and forwards from Gibraltar?

Hon. Deputy Chief Minister: Mr Speaker, my hon. Friend the Minister for Financial Services will answer your question.

The Government does not agree with the hon. Member's assessment, but I should explain that for administrative reasons the Hong Kong office has been bundled together with Brussels and with London and comes under the Office of the Deputy Chief Minister.

But really, in terms of the work that it does ... London and Brussels are obviously far more political and Hong Kong is mainly commercial, so it is really the Minister for Commerce who deals with the substance of what the office actually does, and he will be happy to answer your question.

Minister for Commerce (Hon. A J Isola): Mr Speaker, the Opposition seem to have some sort of obsession with Jason Cruz, with the Hong Kong office and with everything else relating to it – and I do not understand why. If they understood anything about marketing, if they understood

anything about what the private sector is asking Government to do ... this is precisely what they are asking us to do and precisely what we are doing.

950 If the hon. Member is suggesting that £400,000 is too much of a cost to have an office open in China, the biggest powerhouse probably over the next 10 to 15 years, then I struggle to understand how they could possibly have come to that conclusion – unless, of course, they have an obsession with Jason Cruz in the Hong Kong office. It must be the cheapest office internationally in the world, and Gibraltar would be going in the opposite direction to Jersey –
955 which has an office in Mumbai, in Delhi, in Hong Kong, in China – to Guernsey, to the British Virgin Islands. Even the Isle of Man has got an office in all of these countries and the Opposition is telling the private sector today that for £400,000 Gibraltar should not have an office in Hong Kong. I think it is absolutely incredible. (*Interjection*) Yes, you have. And you mentioned that the Hon. Minister for Financial Services said yesterday, of contracts ... I did not. I said about one
960 transaction that did not come through because of Brexit, but of course there are many other transactions that have come through and that have happened, and there are businesses all over Gibraltar today working with Hong Kong and China that were not before we opened the office.

So I think the hon. Members should think before they open mouth, and engage brain before they do that, Mr Speaker, because it is absolutely striking that at £400,000 this Government has
965 a representative for the whole of China – and they think that is a bridge too far. Absolutely staggering, Mr Speaker. (*Banging on desks*)

Hon. E J Phillips: Mr Speaker, everyone in Gibraltar wants Hong Kong to be a success. Of course we do. We all want inward investment.

970

Hon. A J Isola: You want to close it!

Hon. E J Phillips: No, of course we don't want to close it! What we want to do is to make sure that the money going into this project delivers results for this economy. That is all we want to do.

975

Hon. D A Feetham: Absolutely. Hear, hear.

Chief Minister (Hon. F R Picardo): Mr Speaker, that did not sound to me like a question. That sounded to me like an attempt to wriggle of a hook that the hon. Gentleman had made for himself. He has had to face the inexorable logic of what the Minister for Financial Services has told him, because after Brexit ... is it that they do not realise that we will not be able to trade so easily with the rest of the European Union and that we will have to trade with the rest of the world, and that one of the biggest opportunities for trade is with China and that having an office
985 in China is exactly what we should be doing?

If they are saying that it should cost less than £400,000, Mr Speaker, I will bring to this House next time, if they like, anything they did which cost less than £400,000 – because they did not do anything in England or in the United Kingdom that cost less than £400,000. The furniture that they bought for some of the rooms in Gibraltar House in London cost more than £400,000! Or is
990 it that they do not realise the legacy that they are carrying into this House? Mr Speaker, a hole in the ground where there used to be a theatre cost £9 million. That is the sort of education that we have to take from them in respect of cost.

Mr Speaker: May I suggest to Hon. Members that we move on to the next question? Really!

CHIEF MINISTER

Q915/2016

**Ministerial and parliamentary allowances –
Update on Parliament website**

995 **Clerk:** We now move to questions to the Hon. the Chief Minister.
We commence with Question 915. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government please advise what are the ministerial and
1000 parliamentary allowances for 2016-17 and why have these not yet been updated on
Parliament's website?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested has now been
1005 uploaded on the Government website. Nevertheless, I now hand over a schedule with the
information requested by the hon. Gentleman. That's a waste of £400,000, if I ever saw one.

Table MP.A.1
Summary of Members of Parliament and Ministerial Salaries, 1996 - 2016

	01/08/1996	01/08/1997	01/01/1998	01/08/1998	01/01/1999 (i)	01/08/1999	01/08/2000	01/08/2001	01/08/2002	01/08/2003	01/08/2004	01/08/2005
Chief Minister												
Office Member	36,518	36,518	41,176	42,411	42,330	45,373	47,506	49,976	52,575	58,038	61,041	66,222
Total	36,518	36,518	41,176	42,411	42,330	45,373	47,506	49,976	52,575	58,038	61,041	66,222
Minister												
Office Member	24,346	24,346	27,451	28,274	28,716	30,853	32,303	33,983	35,750	39,464	41,506	45,029
Total	24,346	24,346	27,451	28,274	28,716	30,853	32,303	33,983	35,750	39,464	41,506	45,029
Speaker												
Office Member	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,267	26,998	28,333	30,228
Total	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,267	26,998	28,333	30,228
Leader of the Opposition												
Office Member	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,267	26,998	28,333	30,228
Total	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,267	26,998	28,333	30,228
Members												
Total	12,173	12,173	13,725	14,137	15,450	16,600	17,380	18,284	19,235	21,234	22,333	24,228

	01/08/2006	01/08/2007	01/08/2008	01/08/2009	01/08/2010	01/08/2011	01/08/2012	01/08/2013	01/08/2014	01/08/2015	01/08/2016
Chief Minister											
Office Member	69,974	71,179	73,773	76,518	79,357	81,341	87,246	89,776	92,020	94,551	97,151
Total	69,974	71,179	73,773	76,518	79,357	81,341	87,246	89,776	92,020	94,551	97,151
Minister											
Office Member	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545
Total	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545
Speaker											
Office Member	11,727	12,102	12,543	13,010	13,493	13,830	14,834	15,264	15,646	16,076	16,518
Total	11,727	12,102	12,543	13,010	13,493	13,830	14,834	15,264	15,646	16,076	16,518
Leader of the Opposition											
Office Member	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545
Total	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545
Members											
Total	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545

Updated 16 December 2016

Note:
During 1996 to 1998 the Ministers salaries were linked to the Attorney General's salary as follows:-
Chief Ministers 75%, Ministers 50%, Speaker 37.5%, Leader of Opposition 37.5%, Member 25%.

Attorney General's salary
01/08/1996 48,691
01/08/1997 No Increase
01/03/1998 54,901
01/08/1998 56,548

(i) On 08/12/98 a motion was proposed to remunerate Ministers and Members as they worked full time. Salaries w/e 01/01/1999 were set as follows:-

Chief Minister 56,000
Minister 42,880
Speaker 21,970
Leader of Opposition 25,250
Member 15,000

On 10/01/2001 the above salaries were revised with retrospective 01/01/1999 (as per table above):-

Chief Minister 57,680
Minister 44,166
Speaker 22,629
Leader of Opposition 26,007
Member 15,450

Source: No 6 Convent Place

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for the schedule and information, and I am gratified that the parliamentary website has been updated.

Just to confirm my maths, the Chief Minister and everybody else in this House has had the standard public sector pay increase of 2.75%?

1015 **Hon. Chief Minister:** Mr Speaker, I believe so. I believe that is the way it is applied across the board and that is the way it has always applied. And I believe, just to confirm my maths, that given that we are here, on average, three days a month and that we do not sit in two months of the year, that would make about 30 days, which means that the Leader of the Opposition is earning about £2,000 a day that he comes to Parliament. Apparently, from what I heard on City Pulse, he thinks that is part-time wages.

1020 **Hon. R M Clinton:** Mr Speaker, I fail to see what that has to do with my question, and I take it maths of course is not his strong point, so I will not ask him any more questions when it comes to calculations.

Hon. Chief Minister: Mr Speaker, it may not be my strong point according to him, but I realise that he does not think I have any strong points – but 30 x 2 is one I can do quite easily.

Q916/2016
Election manifestos –
Upload to Government websites

1025 **Clerk:** Question 916. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, would the Government agree that it is inappropriate for political election manifestos to be uploaded to Government or Government agency websites?

1030 **Clerk:** Answer, the Hon. the Chief Minister.

1035 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, it depends on the circumstances. For example, if the Parliament were to upload the manifestos of all political parties contesting an election, that would seem appropriate. Once a party wins an election, their manifesto in fact becomes a programme for Government – although I have heard some people say that manifestos are just a wish list, but I am speaking for myself and my party. There might be a good argument, in fact, to suggest it should then be uploaded to the Government website so that citizens can check that the political party that won the election is delivering on its commitments. There could be other relevant circumstances where it might also be appropriate and some where it might not be.

1040 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer. I wonder whether he would think that having the 2011 GSLP manifesto on the GHA website is appropriate. I can direct Members to the GHA website now as we speak: gha.gi/media/general-publications. I would be grateful for the Chief Minister's opinion.

1045 **Hon. Chief Minister:** Mr Speaker, my answer remains exactly as I set out, and if that decision has been made in order to set out what our agenda for the GHA was in 2011 I think it is a point well made, and in fact I did not realise until the hon. Gentleman asked the question that we had not uploaded the 2011 and the 2015 manifestos to the Government website. I think it is in the interests of citizens that they see that the Government elected in 2011 has delivered on its programme and that the Government elected in 2015 is delivering on its programme, and I shall ensure that the election-winning manifestos of all parties that still provide them online are uploaded to the relevant Government website as soon as possible.

1055 **Hon. R M Clinton:** Mr Speaker, I take it then that the Chief Minister agrees that it is entirely appropriate for the GHA to have a political manifesto on its website and that the Government has no intention of removing it.

1060 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman seems not to want to hear the answer that I am giving him, but in fact what I am saying to him is that I am grateful that he has pointed it out, because I am going to have uploaded to the Government website and to the GHA website the election-winning manifestos of all the political parties that have them available digitally, which means that people will see that when the parties on this side of the House win elections they deliver against their manifestos, and when the parties on that side of the House ... I have said 'parties', of course, out of deference to the hon. Lady but she has not been in Government yet. She may yet do what she says, if she ever wins an election. When the party on that side of the House has won elections it has regarded its manifestos as what the Hon. the former Chief Minister, known to some on that side of the House as the greatest Gibraltarian of all time, said that manifestos were a wish list, and people will be able to see on the GHA website, on the Government website and on every other website that the Government has – that we deliver and they do not.

1070 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask is this common practice in other western democracies? Does the UK provide their manifesto on government websites? How does it work exactly?

1080 **Hon. Chief Minister:** Mr Speaker, the position in other democracies is not something I can answer for right now. It may be that some do and some do not, but this is a simple democratic issue and I am very grateful that the hon. Gentleman has brought it up because people are voting for something and during a general election campaign it is just party political material; it is out there for people to choose. That is why I have suggested that at general election time, what we should do is have all the political manifestos uploaded to the Parliament website, and in my view the Parliament website might be very appropriately updated by providing pdfs of all the political manifestos of all time, so that people can see what has been said before.

1085 When a party wins an election, that manifesto – which is the manifesto of the political party – in our view, becomes the programme for Government. It becomes the route map for Government. Therefore, I think it is entirely appropriate that people should then be able to look at it; hon. Members should then be able to look at it without the party that is responsible simply getting rid of it from its website and hoping that people lose the hard copies and not being able to hold us to account.

1090 Hon. Members obviously have access to our magnificent manifestos – both the first one, which is the 'New Dawn' manifesto, and the second one, 'The Strongest Foundations' manifesto. I promise them an even better one for the next General Election. They ask us questions about that manifesto. Why would they object that the general public should have easy access to what we have said we are going to do, so that the general public, and not just they, can then point out that we may be failing, or actually point out that we are delivering? Why should something live on the ether and not be easily accessible?

1095 Mr Speaker, I am quite happy, in fact, to also upload Opposition Member's manifestos so that the public can have access to them, not just on the Parliament website but also on the Government website, because then people will be able to go back and see some of the nonsense that people have defended at a general election.

1100 **A Member:** May I suggest to the Chief Minister that he also publishes the lovely glossy pictures in his 'magnificent' – so described by him – of the schools on the Bayside website. (Interjection by Mr Speaker)

1105

Hon. Chief Minister: Mr Speaker, I am delighted to do so, because it will be a much better copy than what they provided on Rooke.

1110 **Mr Speaker:** It is nothing to do with the subject of the question.
Next question.

Q917/2016
PAYE October 2016 –
Drop in collection amount

Clerk: Question 917, the Hon. R M Clinton.

1115 **Hon. R M Clinton:** Mr Speaker, can the Government please explain why PAYE collections in October 2016 fell to £6.59 million as opposed to the average of £10.91 million per month for the previous nine months?

Clerk: Answer, the Hon. the Chief Minister.

1120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, according to the monthly statistics published by the Income Tax Office in relation to the amount of PAYE tax collected per month in 2016 – which are available on Her Majesty’s Government of Gibraltar’s website – the amount of PAYE tax collected in October 2016 amounted to £9.35 million. Although not significantly below the
1125 calculated year-to-date average of £10.91 million, there are nevertheless a number of factors that contribute to variances in the amount of the PAYE tax collected. Examples include changes in remuneration and staffing levels within employers in Gibraltar, in addition to the timing of when payments of PAYE are made.

1130 Under the Income Tax (Pay As You Earn) Regulations 1989, employers are required to settle their PAYE tax deducted from employees on or before the fifteenth day of the following month and therefore changes in employer payment patterns would offset the collection yield for that month, with a corresponding increase being noticeable subsequently.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for that answer.
1135 So, given that the reduction represents something like a 39% reduction month-on-month, is the Chief Minister or the Income Tax Office satisfied that there is no underlying problem in respect of PAYE collection?

1140 **Hon. Chief Minister:** Mr Speaker, it can only represent a 39% fall if we take the figure that he has provided. If you take the figure that I have provided, I do not think it represents 39%.

Hon. R M Clinton: Well, Mr Speaker, I hope I am using the same statistics as he has, which I downloaded from the Government website, updated 3rd November 2016 – source: Income Tax Office. It shows gross receipts of £10.79 million in September and gross receipts of £6.59 million
1145 in October, and that is the reduction I referred to. My question is, is there any concern in the Income Tax Office that there is a problem?

1150 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman needs to listen to what I have said. The figure that I have been provided with to give to the House is £9.35 million and I have then given an explanation, so it is not £6.59 million.

Hon. R M Clinton: Mr Speaker, may I ask whether the Chief Minister’s update is

1155 3rd November or was it dated later, or has he just been given a number directly by the Tax Office? As I say, I did download this schedule from the Government's website only a couple of weeks ago.

1160 **Hon. Chief Minister:** Mr Speaker, I am going to read what I have been given again, so that the hon. Gentleman has the benefit of hearing it again. According to the monthly statistics published by the Income Tax Office in relation to the amount of PAYE tax collected per month in 2016 – which are available on Her Majesty's Government of Gibraltar's website – the amount of PAYE tax collected in October 2016 amounted to £9.35 million. That is what I have been given.

1165 **Hon. R M Clinton:** Mr Speaker, I have just been handed the updated schedule by my colleague, Mr Llamas. It looks like the statistics on the Government website were updated on 15th December, which then reflects the number the Chief Minister has referred to of £9.35 million, and then in November £10.7 million, so I apologise to the House if there has been any mistake on my part but certainly those were the numbers that were on the Government website as at 3rd November.

1170 **Mr Speaker:** Next question.

Q918/2016
Gibraltar Capital Assets Ltd –
Professional advisers for meeting with the Opposition

Clerk: Question 918, the Hon. R M Clinton.

1175 **Hon. R M Clinton:** Mr Speaker, can the Government please name the professional advisers with whom the Chief Minister is trying to arrange – or has arranged – a meeting with the Opposition in respect of the £300 million loan raised by Gibraltar Capital Assets Ltd?

Clerk: Answer, the Hon. the Chief Minister.

1180 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the professional advisers will include the Financial Secretary, the Directors of Gibraltar Capital Assets Ltd and the company's legal adviser.

1185 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer. From that list then, I take it there will be nobody from James Stocks & Co, the merchant bank or investment banker?

Hon. Chief Minister: I did not envisage bringing them, Mr Speaker, at huge cost to the taxpayer, just to have a chat with Members of the Opposition.

1190 **Hon. R M Clinton:** Mr Speaker, I note that in a press release he said he was 'trying to arrange to gather together all the individuals.' The Financial Secretary is obviously at his disposal; the Directors of the company, I presume, are at his disposal; and his legal advisers, I presume, are one, namely, Hassans, which I presume are also in Gibraltar. I wonder what was the difficulty in arranging the meeting?

1195 **Mr Speaker:** No, I am not allowing that supplementary. It is nothing to do with it. The dates on which the meeting is and any problems that there may have been in arranging the meeting

have nothing to do with the persons that the Chief Minister has stated are going to attend that meeting.

1200

Hon. R M Clinton: I apologise, Mr Speaker. May I ask the names of the legal advisers who will be present?

1205

Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman seems to have a very low regard for the level of complexity of the work that the people who I have referred to do and their travel schedules, because, for example, the company's legal adviser is the founder of the GSD, Peter Montegriffo, who has a considerable practice at Hassans which takes him out of the jurisdiction often, and he is not somebody who can be available at the drop of a hat to meet with retired bankers.

1210

The Directors of Gibraltar Capital Assets Ltd include James Levy, for example, who as we all know is one of the engines of the Gibraltar economy all on his own. The Financial Secretary, of course, the hon. gentleman is at my disposal, but I respect people greatly and I do not expect them to behave as if they were serfs. With my busy diary and their busy diaries, finding a vector which allows all of us to be present has not been easy.

1215

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. When he says 'legal advisers', he has mentioned just one person. Is that the only person to be present from Hassans?

1220

Hon. Chief Minister: No, Mr Speaker, James Levy is going to be present from Hassans; Peter Montegriffo is going to be present from Hassans. I do not know whether he has junior people working with him on this matter, but, look, I am not going to ask him to bring all his juniors. I think that between Peter and James they will be able to field hon. Members' questions. And, of course, the Leader of the Opposition, I have been told, will also be present and he is also from Hassans.

1225

Hon. R M Clinton: Mr Speaker, my final comment on this observation is that I am grateful to the Chief Minister for the participants of the meeting. I notice that all of them are residents in Gibraltar and I hope they all continue [Technical interference].

1230

Hon. Chief Minister: Mr Speaker, the Government is not responsible for the residence of people – and I did not detect a question – but I am delighted that the hon. Gentleman at least agrees with me that all those I have mentioned are resident in Gibraltar. I do not know where his line of questioning is going or whether he just wants to make it a habit of getting up and ending a line of questioning with a comment, which of course would be entirely outside the Rules of the House.

1235

Q919/2016
Financial performance to 30th September 2016 –
Ministerial statement

Clerk: Question 919, the Hon. R M Clinton.

1240

Hon. R M Clinton: Mr Speaker, will the Government undertake to make a ministerial statement in January 2017 in respect of its financial performance as compared to the 2016-17 estimates for the six month period to 30th September 2016?

Clerk: Answer, the Hon. the Chief Minister.

1245

Chief Minister (Hon. F R Picardo): Mr Speaker, I will make a statement to this House on the Government's financial performance at Budget time and otherwise when I consider it appropriate to do so.

1250

Hon. R M Clinton: Mr Speaker, may I remind the Chief Minister that his hon. colleague, Joe Bossano, undertook to give to me updated positions in January in respect of the positions up to September, but I thought it would be more appropriate for that to be in the way of a ministerial statement, but if he so wishes I will table the question. Is that his preferred approach?

1255

Hon. Chief Minister: Mr Speaker, whatever he considers appropriate or not appropriate is a matter entirely for him. What Joe Bossano has agreed to do – and all of the Government thinks is appropriate – is that they should have the information that we were given on the six-monthly basis because he asked the question, and that is exactly what we will do.

1260

What we are not going to do is make statements when he thinks that we should make statements, outside of Budget time, in relation to the financial position of the Government. The last time I did that, Mr Speaker, was when I was faced with the Doomsday memo from the former Financial Secretary and I had to explain to people the dire situation which they had left the public finances of Gibraltar.

1265

Mr Speaker: Next question.

Q920/2016

Gibraltar Home Loans Ltd – Licence as mortgage creditor

Clerk: Question 920, the Hon. R M Clinton.

1270

Hon. R M Clinton: Mr Speaker, has Gibraltar Home Loans Ltd applied for and obtained a licence from the Financial Services Commission under the Financial Services (Investment and Fiduciary Services) Act in respect of acting as a mortgage creditor within the meaning of the Financial Services (Mortgage Credit) Regulations 2016?

1275

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Gibraltar Home Loans Ltd has not applied for a licence.

1280

Hon. R M Clinton: Mr Speaker, if the Chief Minister could perhaps confirm our understanding on this side of the House that this entity ... I believe, the Hon. Mr Bossano mentioned that at least one mortgage had been granted by this company. Would he not agree, then, that he needs to apply for a licence?

1285

Hon. Chief Minister: Absolutely not, Mr Speaker.

Hon. R M Clinton: Mr Speaker, may I ask him on what grounds?

Hon. Chief Minister: Mr Speaker, the company is giving mortgages to its employees and therefore it does not have to apply for a licence.

1290 **Hon. R M Clinton:** Mr Speaker, my understanding was that Gibraltar Home Loans had no employees. Is the Chief Minister telling me now that it has employees?

Hon. Chief Minister: Mr Speaker, it is a vehicle through which the Government provides loans to its employees. It is perfectly normal for any employer that is offering this sort of financial benefit to be able to do so through an SPV, and that is what it is doing.
1295

Hon. R M Clinton: Mr Speaker, has the Chief Minister received advice in respect of that particular point? I will not ask what the advice is; I am just asking if he has had advice?

1300 **Hon. Chief Minister:** Mr Speaker, the Government does not reveal the content of its advice and therefore does not need to reveal whether it has taken advice, but I would refer the hon. Gentleman simply to the Financial Services (Mortgage Credit) Regulations 2016. He might care to read them and then he would realise that anybody who reads English would not need legal advice in order to reach the conclusion I have reached.

1305 **Hon. D A Feetham:** Mr Speaker, is there a reason why the Government is treating this particular company differently from other Government-owned companies, because really what he is saying is that, for the purposes of the provision of loans to public servants, there is no difference between the Government and its Government-owned company, namely this
1310 particular company. Now, we have had exchanges across the floor of the House on many, many occasions and his main defence to all the political points that we have made in that respect has been, 'It is a Government-owned company; it is not the Government.' Ergo, for example: the debt of those companies has nothing to do with the Government. In this particular case he is choosing to treat the company as if it were the Government.

1315 **Hon. Chief Minister:** Mr Speaker, he mischaracterises the position the Government has taken in relation to that debate. He is giving it the characterisations he wishes to give it. That is not the position the Government has set out and therefore the rest of his analysis is not one on which I need to comment.

1320 **Hon. D A Feetham:** Mr Speaker, on what basis does the Government treat this particular company as an emanation of the Government, because that is what it is doing in this particular case? The only reason he has proffered for this company not requiring any kind of licence is he is saying, 'Well, these are public servants and the loans have been provided to public servants by
1325 this company, and because they are public servants they are employees of the Government; therefore, it is providing loans to its own employees.' Well, they are not loans to its own employees; they are loans to the Government. Now, what basis does he treat this particular company as the Government?

1330 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman has ever detached himself enough from himself to hear what he says in the context of the debates that we have had. All of the companies that we are talking about – the ones that he likes to talk about and characterise in a particular way – all of them are Government-owned companies. Who has ever
1335 said that they are not Government-owned companies? The whole debate is based on the fact that they are Government-owned companies.

Mr Speaker, when he alights on that point he might realise the answer that he is asking for now is one that becomes quite obvious.

Hon. D A Feetham: Mr Speaker, with respect, he has not answered the question.
1340 Of course they are Government-owned companies. This is a Government-owned company; those are Government-owned companies, but he is treating this particular Government-owned

company as if it did not exist; as if it is just simply some kind of agent of the Government or something of that nature, or piercing the corporate veil, which is a term that he will understand.

1345 A company has separate corporate personality, a separate entity. That is the arguments that he has used on many, many occasions to the Government. Now, what basis does he treat this particular company as an emanation of the Government? In other words, the Government for the purposes of providing loans, which would then mean that it would not require a licence.

1350 **Hon. Chief Minister:** Mr Speaker, years from now when he and I sit around as friends and have coffees, re-reading the Hansards of the battles that we had in Parliament, he will feel ever so faintly ridiculous when he reads back that supplementary.

1355 Why am I treating this company as if it does not exist? Well look, Mr Speaker, at least I understand why it is that he had to remove all those chairs from the Charles Hunt Room in order to pretend it was full and why it is that he will not conduct a morale survey in the GSD. (Laughter) Mr Speaker, a Government-owned company giving loans to Government employees is what we are dealing with. It is that simple, Mr Speaker. Then, Mr Speaker, we will have a brandy chaser after the coffee and he will say, *'Mira, en esa tenías razón, Fabian'* – 'On that one, you were right, Fabian'.

1360 **Hon R M Clinton:** Mr Speaker, if I may return to the original thrust of the question: my understanding, from the explanation given by the Hon. Mr Bossano for Gibraltar Home Loans Ltd, was that no one in Gibraltar would be left without a mortgage if they so needed one, given the potential constriction of mortgages in Gibraltar by lending banks.

1365 Would the Chief Minister agree with me that if any applicant to Gibraltar Home Loans Ltd was not an employee of the Government, it would not be able to give such a loan until they obtained this licence?

Hon. Chief Minister: Mr Speaker, in principle, yes.

1370 **Hon. R M Clinton:** Thank you, Mr Speaker. I think that is all I needed to know. Thank you.

1375 **Hon. Chief Minister:** Thank you for that last passing comment, which did not include a question, Mr Speaker. (Laughter) You see, Mr Speaker, if the hon. Gentleman had then wanted to develop the issue and say, 'Can we therefore be happy to note that nobody has been left without a mortgage and that Gibraltar Home Loans has not needed to even be asked by people who are not employed by the Government to grant loans', I would have been happy to get up and say, 'Yes.'

1380 **Hon. R M Clinton:** Mr Speaker, so in order to provide the people of Gibraltar –

Mr Speaker: Are you going to ask a question?

1385 **Hon. R M Clinton:** I am going to ask the question. (**A Member:** Wahey!) Wahey, yes! (**A Member:** At last! At last!)

In order not to leave the people of Gibraltar without a loan from this wonderful company, from the wonderful programme that this wonderful Chief Minister has offered to the wonderful people of Gibraltar, will he apply for a licence in the event that people will need such a licence?

1390 **Hon. Chief Minister:** In principle, yes, and I am grateful the hon. Gentleman has recognised, in time for Christmas, how wonderful things are.

Q921/2016
Financial Services (Money Lending) Act –
List of licenced money lenders

Clerk: Question 921, the Hon. R M Clinton.

1395 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of money lenders licensed under the Financial Services (Money Lending) Act as at 30th September 2016?

Clerk: Answer, the Hon. the Chief Minister.

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my answer remains as set out to Questions 389 and 442/2015. The details requested are not in the public domain, but I am again prepared to provide these details on a strictly confidential basis, if the hon. Member agrees. There are currently 19 money lending licences currently in issue. I remain happy to consider making a provision to publish the list generally in future.

1405 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister.

I would bring his attention to the Money Lending Rules in respect of the application for licence, and it actually requires the application to be Gazetted and the application actually to be filed as a Gazette. Therefore, an applicant's name is public and yet there is no register of licence holders.

1410 I can find nothing in the Money (Financial Services) Rules of Money Lending that says that such a list of licence holders should not be made public. I would therefore invite the Chief Minister to consider whether perhaps it would be appropriate to make such a list public.

1415 **Hon. Chief Minister:** Well, Mr Speaker, that is a question he did not need to ask me if he had his ears open when I answered his first question, because the last sentence I read says, 'I remain happy to consider making provision to publish a list in future.'

1420 My answer to Question 389/2015 ended with, 'I think it would be proper that this should be publicly available somewhere where the public can have access to it, perhaps on the Government website and renewed every year as the licences change or do not change.' I have absolutely no difficulty with that issue being dealt with in a way that is one that gives access to the public, because the public are the ones who have the service of borrowing money offered to them by these companies. Many of them may or may not advertise their service, so I see no reason why there should not be a provision that this should be published. In the same way that the hon. Gentleman says there is nothing to stop us from publishing a list, there is nothing requiring us that we are going to publish a list or advertising to lenders that we are going to publish a list.

1430 I think the conclusion I reached when I last discussed this with Members opposite ... It was then Damon Bossino – one is tempted to say one of the three doctors who has left the GSD since the last General Election, and another once since the last General Election as well, Miss Hassan Nahon, so that is four out of seven: a much worse ratio than three out of 85, but anyway.

The way I left it then, Mr Speaker, was that I was quite happy to discuss with a Member Opposite in the anti-chamber how to give effect to a mechanism to publish this list. I think it is appropriate and should be something that we do.

1435 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister.

Would he then undertake to publish such a list within the lifetime of this Parliament?

Hon. Chief Minister: Mr Speaker, because we are a different political generation, I do not envisage – and we do not work in the same firm when we are in practice – that he and I will be

1440 having coffee and brandy in the future. Perhaps, we will – who knows. We have enjoyed drinks
in the past, when we were both students in the Students' Association. But I think, again, he will
want to look at the Hansard and see what I have said and understand that his question, I do not
think, is one that is relevant, because I have said I am quite happy to discuss with him in the anti-
chamber how we might be able to do this, so I am not going to give an undertaking to do
1445 something that he and I have not yet discussed how we might do.

The word 'undertaking' has a particular meaning to a lawyer – at least to those of us who
mean what we say – and therefore I am not going to give an undertaking, but I am quite happy
to agree to discuss it with him in the anti-chamber and to try and find a mechanism to give effect
to the idea that there should be a list published.

1450

Hon. R M Clinton: Mr Speaker, as much as I am flattered by the Chief Minister's regard for
my opinion, I do not see what discussion he could possibly have with me that would make it
easier for him to publish a list. I therefore do not see any point in meeting in the anti-chamber,
but again I would ask him to consider publishing this list sooner rather than later.

1455

Hon. Chief Minister: Mr Speaker, there are times when one feels like just banging one's head
against the table. Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments
ago – I think that is the appropriate term of art in a parliament elsewhere.

Q922-925/2016

Expressions of interest for vehicle fleet – Details and policy

1460 **Clerk:** Question 922, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, is the Government satisfied that 10 business days with a
submission date of 22nd December 2016 is sufficient time for interested parties in expressing an
interest to submit a proposal to lease its vehicle fleet and, if so, why the urgency?

1465

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer this question together with Questions 923 to
925.

1470

Clerk: Question 923, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please identify the media outlets in
which the official notice inviting expressions of interest for the leasing of its vehicle fleet were
placed, including the number of days placed and the dates?

1475

Clerk: Question 924, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why it is seeking expressions of
interest in respect of the leasing of its entire vehicle fleet, comprising over 400 vehicles and
motorcycles and 90 specialist vehicles?

1480

Clerk: Question 925, the Hon. R M Clinton.

1485 **Hon. R M Clinton:** Mr Speaker, can the Government advise what was the policy decision to be taken on the 'future of the Garage and Workshop' referred to by the Principal Auditor in a conversation with the Chief Executive Officer of the Technical Services Department in paragraph 3.5.4 of the Principal Auditors' Report for 2014-15?

1490 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does consider that 10 business days is sufficient for interested parties to register an expression of interest with regard to leasing the fleet – and one would have assumed that to be an obvious answer given that is the time the Government has allowed.

1495 The advert was for the expressions of interest for the leasing of the Government's vehicle fleet and it was published in the Gibraltar Chronicle and Panorama on Tuesday, 22nd November 2016.

1500 Mr Speaker, as a consequence of the Garage and Workshop Section Collective Agreement and Early Exit Scheme, agreed by the previous administration, the operation of the Department has become extremely difficult due to the drain of skilled staff. As a consequence, we are looking at other models to deliver the service. One such model that would ensure that HMGOG has a safe, fully operational fleet would be the leasing of vehicles from the private sector.

1505 A leasing option would include the full servicing, repair and replacement of the whole fleet, ensuring that public sector employees have the possible resources to carry out their duties. We are currently in discussions with Unite, the union, on how best to introduce these changes in a way that will not have a negative impact on the workforce.

The future of the Garage and Workshop has been under review for a considerable number of years in order to identify the most efficient model for the future.

1510 The current expressions of interest recently advertised for the leasing of vehicles also form part of the overall review of the Garage and Workshop. Once these are received, the Government will be in a better position to decide on what option will provide the most efficient and best value for money.

1515 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer.

In terms of this transaction – I know he is loath to characterise anything, but – it would appear to be a sale-leaseback. Would it be correct that the first stage of this transaction is that the Government would de facto sell their entire fleet to whoever was the successful tenderer and then leaseback the same vehicles on whatever terms are agreed in future?

1520 **Hon. Chief Minister:** Mr Speaker, I do not know what the expressions of interest will result in. That may or may not be one of the ways that it is proposed by those who express an interest that matters should be dealt with.

1525 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister not accept that in the first instance the Government should receive a sum of money for its 400-odd vehicles?

Hon. Chief Minister: Mr Speaker, that is one way which it may happen. It may happen in another way.

1530 **Hon. R M Clinton:** Well, Mr Speaker, does the Chief Minister have an idea what that other way might be, because I frankly cannot see how you would effectively dispose of your entire vehicle fleet for no consideration?

1535 **Hon. Chief Minister:** Because the Hon. Chief Minister thinks there may be other ways of doing this other than disposing of the fleet.

1540 **Hon. R M Clinton:** Mr Speaker, coming back to the expressions of interest, I actually have a copy of the terms and one of these specialist vehicles includes 'VIP vehicles', including the Chief Minister's vehicle. Since we established yesterday that there is only one provider in Gibraltar that can service the Chief Minister's vehicle, are we not really talking about one provider that has already been identified and hence why there is only 10 days in which to express an interest?

1545 **Hon. Chief Minister:** No, Mr Speaker, because different providers could deal with taking that vehicle to the provider that provides the servicing for that vehicle. The hon. Gentleman may realise that the Government's vehicle fleet is very wide indeed and there are some vehicles there that are provided by other providers – which is not that provider that he seems to have wanted to identify – and the provider that provides the service may have to go to other providers in the context of servicing. It is not just the G1 Tesla that can only be dealt with by one particular garage. There are many vehicles that the Government has that can only be provided for in one particular garage, and in particular the modern vehicles.

1550 If the hon. Gentleman wants to put his thinking cap on for more than the moment that it took him to try and come up with that, he might realise that some of the other VIP fleet are Mercedes which are provided for by another provider, and the only person that is going to have the computer that is going to go into the Mercedes is the Mercedes dealer.

1555

Hon. R M Clinton: Mr Speaker, would the Chief Minister have an idea as to when he may want to put into place this type of transaction? Is it within the first quarter next year; the second quarter? Does he have a timeframe?

1560 **Hon. Chief Minister:** Mr Speaker, I have an idea but I am not here to answer for my ideas.

Hon. R M Clinton: Mr Speaker, does he have a concrete date as to when a decision will be taken as to whether the expressions of interest be accepted, or maybe none at all?

1565 **Hon. Chief Minister:** Mr Speaker, 'Does he have a concrete date for when he will take a decision?' is not something that I think leads the House anywhere other than just to hypothesis and speculation as to when something might happen. When something happens, Mr Speaker, there will be an announcement and then the hon. Gentleman will be able to quiz us on what has happened, but until then he cannot ask us for a timetable which we impose upon ourselves so that he can then check us on it.

1570

Hon. R M Clinton: Mr Speaker, I will take a slightly different line on my supplementary now: in terms of the Garage and Workshop, how many jobs are at risk?

1575 **Hon. Chief Minister:** Well, Mr Speaker, the number of jobs at risk is really not something that I can answer. It is a question that he should ask the man who has been referred to by some on that side of the House as 'the greatest Gibraltarian of all time' because the Collective Agreement that gave rise to redundancies was the one signed by them, I think a few days before they called the General Election of 2011.

1580 It is the Collective Agreement between the Gibraltar Government, Unite and Gibraltar Mechanical and Electrical Services Ltd, which provided for people to leave on an early-exit basis and for those who were employed in a Government Department to be moved to a company. So really, Mr Speaker, the Government is not envisaging any particular number of redundancies or anything like that. We are left with the agreement for redundancies that they signed.

1585

Hon. D A Feetham: Mr Speaker, returning to the question about the fleet, the Hon. the Chief Minister was implying – perhaps I have got it wrong, and I am asking him about this – that what might be envisaged is a transaction involving Mercedes going to one particular garage or a deal

1590 with one particular garage in relation to Mercedes; in relation to the others, a different garage.
1595 Is that what the Government is considering, or is what he is saying that it will go to one
particular entity and that entity will then have carriage of sending a Mercedes, for example,
subcontracted to the Mercedes garage?

Hon. Chief Minister: Mr Speaker, I was not envisaging anything. I was dealing with the
1595 hypothesis that was put by the hon. Member to his left. I am waiting to see what the expressions
of interest provide, as other people who have proposed this to the Government from inside the
Government, and to see what is proposed and what is best for the taxpayer. Once that happens,
we will be in a position to make an assessment of what is in our best collective interest.

1600 What I was dealing with was the point the hon. Member, his colleague, was making to
suggest that there was only one potential provider of these services, because one vehicle has to
be serviced by them, and I gave them the example of five vehicles that have to be serviced by
somebody else.

Hon. R M Clinton: Mr Speaker, this will be my last supplementary. If the Government
1605 receives no expressions of interest, what is its fall-back position? Will it be to just continue as it
is with its own garage and its own fleet control?

Hon. Chief Minister: Mr Speaker, that is a hypothetical question and I do not think it is
1610 appropriate for me to get embroiled in answering hypothetical questions.

Hon. D A Feetham: Mr Speaker, in relation to the question of the redundancies ... And, of
1615 course, if the Gibraltar Government, the new administration coming in in 2011, felt that there
was something unfair in the Collective Agreement that had been negotiated by the GSD
administration, it was always open for them to try and renegotiate.

1620 Mr Speaker, obviously I would have envisaged that any early retirement that had been taken
by people under that Collective Agreement would have probably been taken shortly after 2011,
2012, 2013. Is he saying that there are still individuals that can take up the terms of that
Collective Agreement that had been negotiated in 2011, or is he saying that there is nobody
employed by the Garage and they are all employed by a company? I have not understood the
answer that he has provided. Could I ask him to clarify it?

Hon. Chief Minister: Well, Mr Speaker, you would have to give me specific notice of some
1625 aspects of that question, but I can tell him that nobody is employed by the Garage because
when he was Minister for Justice they all transferred to Gibraltar Mechanical and Electrical
Services Ltd.

Hon. D A Feetham: Yes, I understand that, but the hon. Gentleman, in an answer that he
1630 provided to my hon. friend, Mr Clinton, referred to this Collective Agreement. Now, unless what
the hon. Gentleman is just simply doing is making a political point – which would be cheap at
that, I have to say, because it does not take matters any further – there must be some relevance
to the Collective Agreement and the position today. Because the question, as I understand, that
was made by Mr Clinton, was does he envisage that there is going to be any forms of
redundancy, loss of jobs? It is not in the Garage, but it is in this particular company. Therefore,
there has to be a link – unless there is none and he just simply wanted to mention the Collective
1635 Agreement that we negotiated – between the position today and the Collective Agreement.

I just wonder if we can return to the original question which was, how many, does he
envisage that there are going to be any people that are going to be taking up redundancies or
are there going to be loss of jobs within this particular company?

1640 **Hon. Chief Minister:** Mr Speaker, to provide a political answer to a political question in a
Parliament seems to me to be exactly what we have been elected to do and are here to do. It
does not seem to me to be a cheap shot to remind the hon. Gentleman that they signed an
agreement in relation to this particular Department which then saw all employees transferred to
a company. But, look, it does seem to me as if it is becoming clearer and clearer that he had very
1645 little idea of what it was that was happening a floor above where he used to work, Mr Speaker.

The reason why it has been referred to is because the first question – not supplementary –
that was put in relation to this subject was, ‘Can the Government advise why it is seeking
expressions of interest?’ Well, Mr Speaker, we are seeking expressions of interest for the reason
I read out in my first answer which relates to the fact that this has denuded the Garage of all
1650 employees who have moved to a company and a lot have gone on an early-exit package. Well,
Mr Speaker, that is the position. If he does not like the answer, he should not ask the question.

Let’s be clear: I am not envisaging anything at this stage. I have asked for expressions of
interest. Once we receive those expressions of interest, we can make an assessment of those
expressions of interest – and I have already said that we are doing so with the unions. I do not
1655 understand where it is that he thinks he is going.

Hon. D A Feetham: No, Mr Speaker, where I am going is I am trying to understand the
answers that the hon. Gentleman has provided, and he has said something now in answer to my
supplementary which I think takes the matter further. I do not know whether it is a slip of the
1660 tongue or not, but what he has just told me is, because of this Collective Agreement, there was a
denuding of employees at the Garage – they went into a company; there were employees that
took up early retirement in accordance with the Collective Agreement – and because of labour
shortage – this is the implication of what he is saying – really, the job cannot be done properly in
relation to the servicing of the fleet of cars. And that is the reason, as I understand it, why the
1665 Government is now effectively looking at expressions of interest in order to do that.

If that is true, then of course we then have a situation – and whether it is not true, we have a
situation – where those employees in that company that formerly were involved in the servicing
of these vehicles or working with these vehicles obviously would be, effectively – in inverted
commas – redundant, because they would not be doing the job that they are doing at present.
1670 Therefore, my question is, well, what does the Government envisage is going to happen with
those individuals if this particular initiative reaches fruition and a company is in fact engaged by
the Government in order to service these particular vehicles?

Hon. Chief Minister: Mr Speaker, everything that he has said I disagree with, even the idea
1675 that people could, in effect, become redundant because of what the Government is trying to do.
That is completely contrary to the position the Government expects will be the case. But we are
waiting to see what the expressions of interest say.

He started his supplementary, Mr Speaker, by saying ‘Now I have taken matters further by
saying that the numbers have been reduced and the operation has been denuded by the early-
1680 exit scheme.’ Well, Mr Speaker, I have only taken matters further in that respect if he did not
hear what I said in respect of my first answer, because what I said was this: ‘As a consequence of
the Garage and Workshop Section Collective Agreement and Early-Exit Scheme agreed by the
previous administration, the operation of the Department has become extremely difficult due to
the drain of skilled staff. As a consequence, we are looking at other models to deliver the
1685 service.’ So I started with that and that is exactly what I said now. I did not take matters further –
although, perhaps he might have perked up his ears and started listening late in the day.

Mr Speaker: Next question.

Q926/2016
'Project India' –
Progress

1690 **Clerk:** Question 926, the Hon. E J Phillips.

Hon. E J Phillips: Further to question 199/2016, can the Government confirm what tangible progress is being made to the so-called 'Project India'.

1695 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, a considerable amount of work has been undertaken in respect of developing the relationship between Gibraltar and India. Specific announcements will be made when appropriate.

1700

Hon. E J Phillips: I take it from that response that he means within the term of this Parliament.

1705 **Hon. Chief Minister:** Well, Mr Speaker, yes, although it may be that some of these things relate to things that will occur through the term of this Parliament and future Parliaments and I or others may be making announcements about them, but for the good of the future of Gibraltar those announcements, I hope, will be welcomed by Members opposite, whether they are opposite or not.

1710 **Hon. D A Feetham:** Does the Government envisage that it is going to be opening some kind of office in India or in that area in order to service any business emanating from that area?

Hon. Chief Minister: If we do, we will make an announcement, Mr Speaker. If we do not, we will not.

1715

Hon. D A Feetham: And if he does, Mr Speaker, will he undertake that it will be advertised and he will not shoehorn in any GSLP activists in the same way that he did with the Hong Kong office for £400,000?

1720 **Mr Speaker:** The Chief Minister does not have to answer that question because I am ruling it out of order.

Go on to the next question, please.

1725 **Hon. Chief Minister:** I am grateful to Mr Speaker. If I had had an opportunity to answer, I would have reminded the hon. Gentleman that appointees to represent the Gibraltar Government abroad are always appointed by the Chief Minister. It is not a process of advertisement. I reminded him when he made those points that he likes to make about a man he used to, I think, consider a friend, until he changed parties, Mr Speaker. All ambassadors are appointed not as a result of interview processes, and although we do not have ambassadors, we have commercial representatives, and they are appointed in the way that they were appointed under the GSD now that the GSLP Liberals are in power – except, Mr Speaker, that it seems, when they do something, it is a perfectly proper and appropriate conduct of good Government and, when we do something, we are 'shoehorning people into positions' even though they are extraordinarily capable Gibraltarians who have demonstrated abroad that they are world-class at what they do.

1735

But, you know, Mr Speaker, that sort of hypocrisy is what delivers the sort of low morale that he now sees amongst his supporters. That is why he has to create a runway in the centre of the

Charles Hunt Room to pretend that it is packed and that is why there are more doctors at the GHA than there were people in the Charles Hunt Room for your last General Meeting.

Q927/2016
Government consultants –
Accuracy of published list

1740

Clerk: Question 927, the Hon D. A Feetham.

Hon. D A Feetham: His fall will be sharp and speedy indeed when it comes, I have to tell him that.

1745

Hon. Chief Minister: I hope so!

Hon. D A Feetham: It will.

1750 Is the Government satisfied that the list of consultants retained by Government and published on the Government website is accurate?

Clerk: Answer, the Hon. the Chief Minister.

1755 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, when my fall comes, it probably means that I will go and become one of his partners because I think his is going to come before mine – but never mind.

Mr Speaker, yes, sir, if there is any reason why we should not be, perhaps he could share that with us.

Q928/2016
Gibraltar Consultative Committee –
Appointment of ad hoc members

1760

Clerk: Question 928, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state whether the ad hoc members of the Gibraltar Consultative Council have been appointed?

1765

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, an announcement will be made when the ad hoc members of the Gibraltar Consultative Council are appointed.

1770

Hon. D A Feetham: Mr Speaker, does he intend to Gazette, for example, the appointment of the members of the Consultative Council?

1775 Hon. Chief Minister: Mr Speaker, I do not know whether there is an obligation to Gazette or not Gazette in the legislation. We recently passed it, but I do not have that level of detail. Gazetting is something that is usually done as a requirement, but otherwise this is something that can be done by way of public statement.

1780 I have no view whether something should be just a Gazette statement or a public statement. It is important that the people who form part of this very important consultative body should be known to the general public so that they realise just how eminent the people that I hope will be a part of it are – and I have no views one way or the other.

1785 **Hon. D A Feetham:** Has the Hon. the Chief Minister approached anybody in relation to potentially being an ad hoc member of the Gibraltar Consultative Council, or is that something that he has not got to that stage and therefore is something that he is going to be doing early next year or next year?

Hon. Chief Minister: I have, Mr Speaker.

1790 **Hon. D A Feetham:** So I take it from that answer that he has identified the people that he wants as ad hoc members of the Gibraltar Consultative Council?

Hon. Chief Minister: Mr Speaker, I have identified them. I have not spoken to all of those who I have identified.

1795 **Hon. R M Clinton:** Sorry, Mr Speaker, if I may just ask the Chief Minister perhaps two supplementaries. One just to confirm that the Consultative Council, even though it does not have the ad hoc members yet, has not met? If it has met, when did it meet?

1800 Secondly, the ad hoc members: would the Chief Minister confirm that he will be writing formal letters of appointment and not just a phone call?

Mr Speaker: The Chief Minister does not have to answer. My common sense tells me that you do not have to answer the first question. If the ad hoc members have not been appointed – (Interjection) I have not understood it? Well, please repeat it then.

1805 **Hon. D A Feetham:** Yes, you have not understood it because the point is that you do not need to have the ad hoc members in order for the Consultative Council to meet.

Mr Speaker: The answer is that, since I am an ex officio member, I can answer the question myself and therefore we can carry on with some other business. Can we?

1810 I am an ad hoc member. I have not been called to any meeting. I have not attended and therefore the answer is that it has not met.

Can we get on with the second part of your question?

1815 **Hon. R M Clinton:** Mr Speaker, with respect, you are not an ad hoc member; you are actually a standing member.

Mr Speaker: I am an ex officio member –

Hon. R M Clinton: But not ad hoc.

1820

Mr Speaker: – given the position I have occupied in the past.

Hon. R M Clinton: Yes, exactly, but that is not an ad hoc member.

1825 **Mr Speaker:** The hon. Member is wasting the time with what I regard as a nonsensical question. Can we please get on with some common sense?

1830 **Hon. R M Clinton:** Mr Speaker, I would like to consider myself as a person with some common sense, but my question was asking has the Consultative Council met without the ad hoc members? It is as simple as that. You may be there in your own capacity, but my question is directed at the Government.

1835 **Hon. Chief Minister:** Mr Speaker, you are absolutely right, in particular now that the question has been clarified: if the Council had met without the ad hoc members, you would have been the first to know because you are a post-holder member and therefore you have clarified to the Opposition that there has not been a meeting of this Council.

Mr Speaker, I am happy to deal with the second limb of what the hon. Gentleman said before. The whole thing will start with a phone call and it will end with a letter.

Q929/2016
Income Tax –
Notices to non-compliant taxpayers

1840 **Clerk:** Question 929, the Hon. D A Feetham.

1845 **Hon. D A Feetham:** Mr Speaker, since the hon. Gentlemen opposite have been in Government, how many taxpayers have been sent notices in writing of the Commissioner of Income Tax's intention to publish details of their failure to comply with their legal obligations to pay tax?

Clerk: Answer, the Hon. the Chief Minister.

1850 **Chief Minister (Hon. F R Picardo):** Mr Speaker, from December 2011 to date 169 taxpayers have been sent notices in writing in relation to the Commissioner of Income Tax's intention to publish details of their failure to comply with their legal obligations to pay tax.

1855 **Hon D A Feetham:** Mr Speaker, I take it from the fact that there has not – to my knowledge, any way – been any publication of details, that the fact that this notice has been sent has had the desired effect in all 169 cases?

1860 **Hon. Chief Minister:** Well, Mr Speaker, I understand that 45 of these letters have gone sometime this month as part of the routine the that Tax Office has got into since we were elected. The time for settlement of outstanding liabilities is Friday, 13th January 2017 for those 45. The hon. Gentleman therefore cannot make that assumption about those 45, but I think he can safely make it about the balance.

Q930/2015
Prison Service –
New recruits

Clerk: Question 930, the Hon. D A Feetham.

1865 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether there have been any new recruits within the Prison Service this year?

Clerk: Answer, the Hon. the Chief Minister.

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Thank you very much for the answer. Can the Hon. the Chief Minister state how many recruits there have been within the Prison Service this year?

1875 **Hon. Chief Minister:** Mr Speaker, two, sir.

1880 **Hon. D A Feetham:** Mr Speaker, have they been recruited from the wait-listed individuals that were wait-listed for six months prior to March of this year? Then I think that the then Minister for Justice wrote to me and said that the wait-listing had been extended for another three months. I may have it wrong whether it is three months or another six months, but can he answer whether they have been recruited from those people that have been wait-listed as opposed to outside that list?

1885 **Hon. Chief Minister:** Mr Speaker, that is not a supplementary that arises from this question. If the hon. Gentleman wants that answer, he can ask me and I will get the information.

Q931-932/2016
Public Service vacancies –
Number and details

Clerk: Question 931, the Hon. D A Feetham.

1890 **Hon. D A Feetham:** Mr Speaker, how many vacancies were there across the Public Service, inclusive of Government-owned companies or public authorities, as at the end of November 2016?

Clerk: Answer, the Hon. the Chief Minister.

1895 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 932.

Clerk: Question 932, the Hon. D A Feetham.

1900 **Hon. D A Feetham:** Mr Speaker, can the Government please state, as at the end of November 2016, how many employees in the public sector, Government-owned companies, authorities and/or agencies were currently temporarily promoted, detailing acting posts, date temporarily promoted and the Department?

Clerk: Answer, the Hon. the Chief Minister.

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have again reviewed the answers provided by the Human Resources Department and I am still not confident with the answers provided. Nevertheless, I am willing to give the hon. Gentleman a copy behind the Speaker's chair of the information as it has been provided to me. I will ensure that there is a satisfactory answer available for the next sitting, because I think it is important that we get to the bottom of what is wrong with this, and if he agrees I will provide him, on an off-the-record, without prejudice basis, the information that I have been provided and I will explain to him why it is that I am not satisfied with the answer.

1915 **Hon. D A Feetham:** Mr Speaker, nothing that I will say will move the Chief Minister to provide me the information in any event, so I am left with no alternative but to accept the offer that he has made. Obviously, Mr Speaker, I will ask your indulgence when it comes to next time round, to ask exactly the same question, so that the answer is provided if it has not been provided in writing beforehand.

1920 **Hon. Chief Minister:** Mr Speaker, I accept that the hon. Gentleman should be able to answer that question even though it is going to be within the six-month period because I am saying it will be available in that time.

1925 The hon. Gentleman says he is 'not going to move me' and that he 'has no choice but to accept', but remember that the choice I am giving him, Mr Speaker, is that I am going to give him the information as it has been given to me, in confidence and on what he and I would understand is a without prejudice basis.

Mr Speaker: Yes, it will become public at the next meeting.

1930 **Hon. Chief Minister:** But in any event, I am now very confident that it will be something that we can publish at the next meeting, because I expect to be able to get to the bottom of the issue.

Q933/2016

Gibraltar Private Sector Workers and Pensioners Association – Proposals for Government assistance

Clerk: Question 933, the Hon. Ms M D Hassan Nahon.

1935

Hon. Ms M D Hassan Nahon: With reference to the public announcement made by the Gibraltar Private Sector Workers and Pensioners Association in the Gibraltar Chronicle on

1940 13th December, whereby they claim that Government has failed on its manifesto commitments both in 2011 and 2015 leaving them in 'hardship and misery', what does Government propose to do to assist this Association and earn its trust once again?

Clerk: Answer, the Hon. the Chief Minister.

1945 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we will comply with our manifesto commitment of 2015.

1950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that. According to them, the Government has already not complied with their manifesto commitment of 2011 and, furthermore, they have not complied as per this communiqué that the Government sent on 1st April 2016, on the morning before their AGM, promising universal credit and an update to be issued by no later than Friday, 29th April – which is about eight months ago – and they still have not heard.

1955 Furthermore, Michael Crome promised that whatever figure was agreed as extra financial assistance would be implemented in this financial year, so we have two commitments that have still not materialised. What would the Chief Minister have to say about that?

Hon. Chief Minister: Well, Mr Speaker, first of all, I would counsel her not to mention the name of civil servants in the context that she has today – or not civil servants but public servants. I understand that she has not been long in this House. The appropriate way to deal

1960 with it is to say, 'a member of his staff' rather than mention the name, but I entirely accept that
is not something that she has done intentionally.

Secondly, Mr Speaker, I think it is not true to say – and I am not suggesting that it is her that
is in any way incurring an untruthfulness – that they have not heard back. In fact, we have had
1965 meetings with them since, as I understand it, although we have not, perhaps, written – but then
again my mind may be playing tricks because a lot has happened since April 2016.

The manifesto commitment, Mr Speaker, does not just depend on the Government, and this
is perhaps an opportunity to highlight the independence of Community Care. Community Care is
a part of what the Government is trying to structure in respect of this, but Community Care is
independent and has its own views and needs its views taken into consideration and accepted.

1970 Finally, Mr Speaker, what I would say is that this is a collective of people that has the
Government's sympathy and it retains the Government's sympathy, despite the fact it has issued
an advert against the Government, but we have great sympathy for their plight. We are the only
Government that has ever picked this issue up.

It is true that we have taken longer than we anticipated to deal with some of the concerns
1975 that they have but we continue to be the only Government in the history of Gibraltar that is
prepared to deal with the matter of how individuals in the private sector find themselves – if not
destitute then certainly without a generous pension provision in old age. That is why we will
continue not just to deal with the problem that they have but also with the problem in the
future for those who are employed in the private sector today, to deal with the issue of
1980 compulsory pensions in the private sector – again, something that is only in our manifesto.

I sincerely expect, Mr Speaker, that before the next General Election this collective will not
just by then have been happy to see how the Government has dealt with this matter, but long
before then, and they will be very happy in fact with the way that we approach resolution, to
such an extent that I hope to be able to persuade them to place an advertisement in the
1985 Gibraltar Chronicle and any other newspaper that will carry it congratulating the Government
for having been the only political Government in the history of Gibraltar to address these issues.

If I may say to the hon. Lady, with the very greatest of respect, I think this is the most political
question asked today and I am surprised that she is the only one on the Opposition benches to
have picked it up. When I hear people say that she is our cheerleader, I worry that they do not
1990 realise that this is not cheerleading politics; this is very embarrassing politics indeed. The
Government considers that this is an issue that must be dealt with and it will be dealt with.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

I was having visions of myself with a pair of pom-poms, so thank you for redeeming me from
1995 that visual.

I still ask the Chief Minister, once again: the Association has implored on me to bring this up
because they claim that they have not heard anything since Friday, 29th April, which was the
promise. I ask the Chief Minister, perhaps, if he could contact them or make a commitment in
this House to get in touch with them. Does he not consider it a very sad state of events that this
2000 Association has had to resort to a public announcement, talking about 'facing another Christmas
of hardship and misery' and also asking about the fact that, because of the lack of
communication from Government, a lot of them have actually had to resort to taking funds out
of their debentures? They term the effect of having to take out their funds from the debentures
as 'crucifying the savers' because of the penalties that they have had to withstand.

2005 Can the Chief Minister give some kind of definite, timely commitment to speak to these
people and give them some trust that they will actually abide by their promises?

Hon. Chief Minister: Mr Speaker, I am going to forgive her for confusing crucifixion and
Christmas, but they are completely different holidays.

2010 Mr Speaker, the first thing is that I do not recognise that there is anyone in Gibraltar in this
collective that is suffering 'hardship and misery' by the measure that anyone else in Europe

2015 would understand that. There are some people in Gibraltar who are not going to have as abundant a Christmas as others and there are some people in Gibraltar who are in hardship and in misery. I do not think that this collective genuinely, when it considers the position it is in, can say that they are in hardship and misery, although I do not say that there are some who might not be. Certainly those who have briefed her, in my view, need to take the view that, if what you are talking about is debentures, there are not many people in hardship and misery that have debentures.

2020 What the Government wants to do is put in place a system so that people do not have to dip into their savings, so that they are able to have – as I think we have set out – an income which is dignified in their old age.

2025 She needs to know that when we started the discussions, what we were being asked for was that people who did not have a private pension scheme should by the Government be given the equivalent of Government occupational pension schemes – of the sort of final salary schemes that the hon. Lady and I have had cause to debate across the floor of this House – even though they had not been employees of the Government.

We have moved on a lot since then. That is why Community Care has come into the equation. I can tell the hon. Lady that I know that we had a communication with this collective on

2030 30th September of this year, so I do not accept the date of April as the date of final communication.

I can also tell the hon. Lady that I know and have a very high regard for the people in the committee that I am referring to, and that I meet them on occasions in other guises, and have discussed these issues. Therefore, she has the Government's commitment that we will comply with our manifesto obligations.

2035 This is not an issue where the Government is trying in any way to avoid providing the additional income that we are committed to providing, but there are reasons why we cannot do it from the Government because we do not think that is prudent. I ask her to refer in her mind to the reasons why Community Care was created and she may then understand why Community Care may be relevant and why there is now a third party in the equation that has to get comfortable with what the Government might propose. Therefore, I am going to crave her indulgence in respect of this matter, but this is very much an issue on our agenda and one that will be dealt with.

2040 If I can just end, Mr Speaker, by saying that I do not think that it is appropriate to look at her as a cheerleader in any way, but there are some who might be best described as cheerleaders for Gibraltar's failure and they do not look very good in pom-poms either.

2045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, one final supplementary, if I may? Thank you for that information, Chief Minister. Can I just then have a confirmation or not, that as per this Government official what I have been told by the Association, is the Government willing to confirm that extra financial assistance for low income pensioners will be implemented in this financial year, as told by this official?

In case it is my last time to speak today, I want to take this opportunity to wish all the Members of the House a very merry Christmas.

2055 Thank you.

Hon Chief Minister: Mr Speaker, there are still motions to go. I look forward to hearing her views in respect of the motions, and the Government has every intention of dealing with those before the end of the calendar year, so I am sure that we will still have an opportunity to hear her, although, of course, I reciprocate on behalf of this side of the House.

2060 Mr Speaker, 'in this financial year' seems to be the sort of target that we should be aiming for and she has my undertaking – something I am not usually willing to give, she knows – that we shall certainly be doing our very best to ensure that we do comply with that commitment, because this is a collective that continues to have the Government's sympathy.

2065 I still think it is appropriate to highlight that we are the only Government that has cared. We are the only party that has carried a commitment, and I might have said it is a bit unfair therefore that we should be hauled over the coals, but when people are, if not in hardship and misery, certainly in need, then I am quite happy to be hauled over the coals and reminded that I have a commitment to do something because I am committed to delivering on this.

2070 **Hon. R M Clinton:** Mr Speaker, I have listened to the exchanges with great interest and the contribution by the Chief Minister on this subject. I had, by pure coincidence, a meeting with such an individual who is affected by the scenario of being close to retirement but not having a pension as they would have had in the public sector if they had been employed by the public sector. My question is this: to somebody in that scenario who may be one year away from retirement, am I correct in understanding from what the Chief Minister has just said, that people
2075 in those circumstances, where they will not benefit from a private sector pension that a 20-year-old might enter into tomorrow ...? Is my understanding correct or is the Chief Minister saying that the alternative means in which to assist these members will be some kind of arrangement with Community Care, but that it would be inappropriate, as he has said, for the Government
2080 itself to stick its hand in its pocket?

Hon. Chief Minister: Mr Speaker, various things arise from that remark from the hon. Gentleman. The first is that I assume he is such a person, as I do not understand that he has ever worked in the public sector – so he is such a person. And he does not seem to me to be either in hardship or misery or penury, and therefore he should not be, I hope, asking out of a vested
2085 interest that there may be some extra pennies coming his way.

What we are proposing – and it was set out in our manifesto – is that in partnership with Community Care, a new additional financial support measure for pensioners will be brought in. Mr Speaker, the target is the pensioner who needs that additional financial support, and I
2090 thought we were quite explicit and had answered the question that he poses simply by referring to the manifesto – that one would have thought he would have read during the context of the last General Election contest. I am surprised he seems not to have read that. It is true to say, Mr Speaker, that there is likely to be that provision in the context of the time that I have indicated to the hon. Lady, we are looking at.

2095 Their pamphlet at the last General Election did not contain provision in that respect and therefore he might want to tell the gentleman or lady that he met that the Government will be providing that additional financial support measure for pensioners in those circumstances that he described, but not in his circumstances. I hope that I have made clear our continued commitment to comply with that obligation.

2100

Questions for Written Answer

Mr Speaker: May I invite the Chief Minister to table the answers to Written Questions.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, I have the honour to table the answers to Written Questions numbers W66 to W72/2016, inclusive.

2105

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now adjourn until tomorrow at 4 p.m.

2110

Mr Speaker: The House will now adjourn until tomorrow at four in the afternoon.

The House Adjourned at 4.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.05 p.m. – 6.26 p.m.

Gibraltar, Thursday, 22nd December 2016

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The Gibraltar Parliament

The Parliament met at 4.05 p.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Tribute to Solomon ‘Momy’ Levy GMD, MBE, ED, JP, FRICS, former Mayor of Gibraltar

Chief Minister (Hon. F R Picardo): Mr Speaker, I am afraid I bring the sad news to the House, which I think all hon. Members are now aware of, that Momy Levy has passed away after a
5 blessedly short illness.

Momy will be remembered by everyone in this place for all the reasons that he touched all of us. But indeed, he will also be remembered of course professionally, if I may put it that way, for being the first of the Mayors under the new Constitution; the first of the Mayors that in 2006 were able to take that important municipal and civic post without having to be Members of this
10 House. I think there was widespread admiration for the way that he took that role and made it his own for the year that he was able to call himself Mayor of Gibraltar.

I think that there is, in the context of how a person discharges the office that he may be elected or appointed to, one thing that comes across to me as perhaps most striking and most important, and that is whether that person is proud to hold the post. Momy was somebody who
15 was proud indeed to be able to say that he was Mayor of Gibraltar and he said so explicitly every opportunity that he had.

His work in trying to bring religions together did not start when he was Mayor, but he used the time that he was Mayor to try and use that office to once again demonstrate the great respect that there is in Gibraltar between all religious denominations and all cultures. I cannot
20 think of a more beautiful tribute to him than to say that he did a sterling job and a photographic representation of that exists with all the religious denominations smiling around Momy with the robes of office that you now bear.

Mr Speaker, I have heard Momy described as a local character, I have heard him described as an all-round good egg and I cannot think of Momy ever having stopped me being irate; most of
25 the time he was just happy to be alive – and on Gibraltar whilst he was alive. But there was one thing that would make Momy very, very irate indeed and that was the idea that anybody might get in the way of the Gibraltarians choosing who their sovereign might be and that we might not be able to freely and democratically wish to continue to stay British. That really did bring out the strength of character of the man, whether down Main Street or in the letters of national
30 newspapers, or international newspapers, where he was never afraid to make the point.

He is a man who was proud to have been in the GDF, then the Gibraltar Regiment and now the Royal Gibraltar Regiment, and was always proudly remembering that and demonstrating the service that he had given; and, in that way, demonstrating the service that so many in Gibraltar had given around the world with Her Majesty’s Armed Forces. He was not just proud to have
35 been Mayor, he was not just proud to have been in the Armed Forces, he was above all else a proud father and grandfather and a proud Gibraltarian and this place will miss him.

I would ask that the House observe a minute’s silence on his passing, Mr Speaker.

A minute's silence was observed.

40

Hon. Chief Minister: Mr Speaker, I know that Momy had many other friends in this Chamber, and indeed I recognise that the hon. Lady is a relative of Momy, and through her I extend to the whole family the condolences of the Government; and not just of the Government, I have no doubt of all Members of this House, and I am sure others will want to join in tribute.

45

Indeed it is my honour and privilege to extend condolences to her and to Momy's family on behalf of the people of Gibraltar. *(Banging on desks)*

Hon. D A Feetham: Mr Speaker, may I start by associating myself with the words of the Hon. the Leader of the House.

50

Momy was quintessentially British but he was also Gibraltarian to the core. I think that he was a microcosm of what it is to really be a British Gibraltarian in Gibraltar. But he was above all, Mr Speaker, a very, very close friend of mine and I just want to share with this House one of the most beautiful experiences in my life that involved Momy Levy.

55

In 2006, I received a phone call from Momy and he said to me that it was his 70th birthday and he was having a large bash at the Rock Hotel. He said to me, 'I am going to have you at the top table with the Governor and with the Chief Minister, Peter Caruana. It is going to cause me all end of problems but you are going to be on the top table.'

60

A few days later I travelled to Toledo with my wife and we went to the Synagogues in Toledo which are now museums – there are two Synagogues. And of course, being in that Synagogue made me think about my friend Momy, and as I was coming out I said to Julia, 'I just do not know what I am going to get Momy for his birthday.' There I am, I am going to be at the top table creating him all sorts of problems and I do not know what I am going to get him for his birthday.

65

There is an antique shop just next to the Jewish Synagogue there and Julia said to me, 'Let's go into that antique shop and see what there is.' I went into the antique shop and explained to the owner of the antique shop that I wanted to get something for a Jewish friend of mine, and he said, 'Well, I think I have got just the thing. I have got a silver cover of a Torah, of the Jewish Holy Book, which had been produced in 1850. It had been produced by somebody whose family had been forcibly converted into Judaism by the Catholic Monarchs, somebody who travelled Europe in the 19th Century just copying pieces from museums, coming back to Toledo and then reproducing them in silver in Toledo.' And I said that was the perfect gift.

70

I came back to Gibraltar with this gift for Momy's 70th birthday. I opened it in front of him in his office and when he saw it he started crying, and he said to me, 'I have just spent thousands of pounds having a Torah transcribed by hand for my 70th birthday and I did not have the cover for the Torah!' I think that was one of the most beautiful moments in my life, that a chance visit to a Synagogue in Toledo and a chance visit to an antique shop in Toledo had actually made me buy this gift that dovetailed with what was to him an extremely important thing that he had bought for his own 70th birthday.

75

Both the Torah and its silver cover are now on display there at Momy's Jewish Synagogue. I think it is one of the moments in my life where if I felt that there was something like destiny that was it, and I think it illustrates the strong bond and the friendship that I held with Momy. He will certainly be sadly missed by me, as I know he will be sadly missed by a lot of people here in Gibraltar, and may his soul rest in peace, Mr Speaker. *(Banging on desks)*

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I would like to add a personal tribute to the words that have already been spoken.

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Momy was I think one of Gibraltar's great characters. He was a personal friend and also a family friend – my family and my parents – so he is somebody we have known for very many years. I think it is a mark of the affection and the regard with which he is held by the community

90 generally, that the event that was held at Grand Battery to mark his birthday a few months ago was so packed and so well attended by all sectors of the community.

I know that, as a present, my wife painted a portrait of him and my daughter painted a lesser, smaller portrait and I know that he appreciated them both because he stopped me only a few weeks ago to remark on how much he was touched by the fact they took the time to actually
95 paint pictures of him.

He was a person who was larger than life, I think. He had a genuine passion for Gibraltar and a passion for Her Majesty the Queen in particular. I remember the huge banner he had outside his office to mark the Jubilee of Her Majesty the Queen a few years ago.

I think he will leave a huge gap to those who know him and particularly, obviously, to his
100 friends and certainly to his family. I would like to add my most sincere condolences on his loss.
(*Banging on desks*)

Hon. E J Reyes: Mr Speaker, sir, may I at a personal level as well make a contribution in memory of our friend, Momy.

105 It was in the mid-1970s, where a very young Captain Solomon Levy was serving in the Volunteer Reserve Branch of the Gibraltar Regiment and, much to Momy's amazement, the MOD in its wisdom disbanded the Heavy Troop – that is the big 9.2-inch guns in the Upper Rock. But Momy was Momy and therefore the Regiment really wanted to find a role for him and they gave him a more admin task in making him the PR Officer for the Gibraltar Regiment.

110 So on trainee evenings like Thursdays, Momy would have to report to Regimental Headquarters, where I was a junior NCO at the time, and he in a typical Momy style came along with his hand of friendship and said, 'You know, we officers are just the show part, it is you ordinary soldiers who are the ones that are real workers.' He said, 'As my introduction of friendship to you ...', and he introduced me to the first of many cigars which became a very
115 regular thing on a Thursday evening.

Momy, being of the Jewish faith, had a strict dietary requirement, that is after dinner he could only have black coffee, without milk; but the cookhouse would only produce ready-made coffee with milk and so on. So in exchange for a cigar I used to secretly feed Momy his coffee every Thursday evening.

120 Of course, as Mr Speaker knows, like us he was a supporter of the Arsenal Football Club, (**A Member:** Very much.) for good or for bad, like in a marriage. But Momy, despite his love for the Queen and everything, he even found a spot outside his offices to have the Arsenal banner so I hope it will stay there for many, many years to come.

125 As a last memento, only a week ago, Minister Sacramento and myself were in attendance at the CPA Conference just on the South Bank of Westminster. During the formal dinner on the Wednesday night the slides were coming up on the screen showing all the different participating countries and when it came to Gibraltar's turn, not only was there a picture of John Mackintosh Square which showed this Parliament and City Hall where Momy, during his ten years as Mayor had his seat, as such, but there was one particular photograph – a close-up of Momy dressed in
130 his Gibraltarian colours.

So unknown to all of us, that is the memory that I wish to treasure, Momy through and through a Gibraltarian and a loyal subject to Her Majesty. May he rest in peace. (*Banging on desks*)

135 **Hon. Ms M D Hassan Nahon:** Mr Speaker, today Gibraltar has lost its most loyal Briton and Gibraltarian. Momy Levy has worn every hat that there is to be worn to represent Gibraltar. First Civic Mayor, Justice of the Peace, Chairman of the Jewish Community Association, Royal British Legion President, auctioneer, estate agent, and the list goes on and on. But what people will remember him most for was his love for his community and his desire to bring it together. This
140 was his passion and his strongest mission statement during his time as Mayor.

Momy was Gibraltar's true ambassador. His family and friends will miss him dearly and I think it is safe to say that Gibraltar will be a lot emptier without Momy walking up and down Main Street. His radiant smile and his larger-than-life personality will be sorely missed.

145 For me, I have lost my eldest first cousin and my father's eldest nephew who supported and loved him like a son throughout his life and his career. I spent my childhood in his house which was a haven for me, away from the busy politically charged household I lived in, where I would move from the political world to the world of soldiers and the pride for the Crown.

I take with me the warmest memories of my dear cousin, who will be sorely missed.

150 His Excellency the Governor gave me some words a few moments ago which I would like to share with this House, 'A true and fabulous British Gibraltar gentleman that has given us so much and now he leaves *us* with the example to follow.'

Rest in peace, my dear cousin and passionate Gibraltarian, Momy. (*Banging on desks*)

155 **Mr Speaker:** Momy Levy was a man of deep and profound faith. More than once he told me that he was still waiting for the coming of his Messiah, and I have no doubt it is my firm conviction as a believer, something that I share with him, that earlier this afternoon he came face-to-face with his Creator.

160 I had a lot of regard and affection for Momy, as we all did, but there is something above all that I also had for him and that was great admiration. Great admiration about the way that he bore his very serious illness with all that chemotherapy implies, and also by the way in which he also faced life as one must, having lost a daughter as he did.

This evening at his funeral, I will also paying a tribute to him by my presence wearing that other hat which he also wore, that of Mayor of the City of Gibraltar. (*Banging on desks*)

165 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I imagine you and I are the ones – other than his family – that shared most of what Momy represented in Gibraltar. He was there when we started in 1972 and it is difficult to think of Gibraltar without Momy. He has been an omnipresent individual in our community; and the one thing that can be characterised above all else is that his views on the relationship between Gibraltar and the United Kingdom, and his commitment to ensuring that there would be no betrayal of our relationship with the UK by people in London, was there from the first day I met him to the last day I spoke to him. It has been a constant theme in his life.

175 There are so many things that he did that other Members can point to, but in the area where we are all committed to defend Gibraltar's rights, the rights of the people of Gibraltar and the relationship with the UK, he was the one that did that almost as a one-man operation, single-minded, never-ending, telling everybody – you could not cross his path ... And if anybody came here in any delegation, CPA or whatever, the one person they remembered when they left, and I am sure have never forgotten since, was Momy.

180 Gibraltar has lost a fantastic advocate and I doubt that we will ever have anyone like him again. So may he rest in peace and I am sure that his family are consoled by the knowledge of how much we all loved him. (*Banging on desks*)

185 **Mr Speaker:** I think it would be appropriate if the *Hansard* of these expressions were to be conveyed to his family. We will arrange for that to happen.

Hon. Chief Minister: Mr Speaker, I agree and I think that what we have seen today is a rare moment of true unity in this House, which I think is therefore a demonstration of the value in which Mr Levy was held by all.

**Employment issues –
Statement by Hon. J J Bossano**

190 **Mr Speaker:** Before I call on the Chief Minister, I think the Hon. Mr Bossano wished to make some clarification arising from a question.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Yes, Mr Speaker, the Leader of the Opposition raised, when we were dealing with employment
195 issues in Question Time, a particular case that he had asked me to look into and which I thought had been resolved.

I undertook to go back and check and I am glad to say that in fact I was right that he had already been seen and found employment, and that the only delay was because we are using EU
200 funding in his case. What I have been told is that he actually started work yesterday.

Hon. D A Feetham: Mr Speaker, I am very grateful to the hon. Gentleman. In actual fact, that same afternoon after Question Time, the gentleman in question sent me a message telling me that he had been called up and that he was starting the next day. So I do not know whether it was as a consequence of the hon. Gentleman's statement, or whether it was already in the
205 pipeline, but he started the day after the exchange that we had. I am very grateful to the hon. Gentleman that he has been able to employ this young kid just before Christmas, because really he was having a very, very tough time. I commend the hon. Gentleman for his kindness.

Order of the Day

GOVERNMENT MOTIONS

Standing Order 19 suspended to proceed with Government Motions

Clerk: (ix) Order of the Day – Government Motions. The Hon. the Chief Minister.

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

I beg to move under Standing Order No. 59 to proceed with the suspension of Standing Order No. 19 in order to proceed with Government Motions.

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

Select Committees on Parliamentary Reform, Constitutional Reform and 'Brexit' – Amended motion carried

Clerk: The Hon. the Chief Minister.

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

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'THIS HOUSE:

RECALLS the establishment of Select Committees on Parliamentary Reform, on Constitutional Reform and on the UK and Gibraltar's planned departure from the EU known as "Brexit";

HEREBY notes that the composition of these Select Committees shall now be as follows:

(a) in relation to the Select Committee on Parliamentary Reform, the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon N F Costa, The Hon S Sacramento, The Hon D Feetham, The Hon R Clinton and The Hon M Hassan-Nahon;

(b) in relation to the Select Committee on Constitutional Reform, the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon G Licudi, The Hon J J Bossano, The Hon D A Feetham, The Hon E Philips and The Hon M Hassan-Nahon;

(c) in relation to the Select Committee on "Brexit", the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon Dr J Cortes, The Hon A Isola, The Hon D Feetham, The Hon T Hammond and The Hon M Hassan-Nahon.'

Mr Speaker, this motion is a motion simply providing the names of those who will serve on the Select Committees that have already been established and I have given notice that I intend to move an amendment to limb (b) of the motion which is to replace the Hon. G Licudi where that names appears, with the Hon. Dr J Cortes, given that when we have looked at the possibility of setting the first meeting and looked at the diaries for next year, and given that Mr Licudi now holds the portfolio of Tourism which requires him to travel considerably, and conversely the Hon. the Deputy Chief Minister and I tend to travel together, it was starting to become very difficult indeed to find dates when we would all be in Gibraltar.

So with reluctance we have had to agree that Mr Licudi will not be able to serve as a named member of that Committee. As all members of the Government they will be able to provide input in the context of the work of that Committee, but it is therefore going to be Dr Cortes who will also form part of that Committee with Dr Garcia, with myself and with Mr Bossano on behalf of the Government.

Other than that, this is just a naming motion to set out who will serve on those Committees.

Mr Speaker: Without further ado, I am going to put to the House the Chief Minister's amendment, namely that in paragraph (b) the name the Hon. G Licudi be deleted and substituted by the Hon. John Cortes. Those in favour? (**Members:** Aye.) Those against? Carried.

Does anybody wish to speak on the Chief Minister's motion? Okay. I will therefore put the motion in the terms moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye) Those against? Carried.

PRIVATE MEMBER'S MOTION

Public sector senior executive pay – Amended motion carried

Clerk: Private Member's Motion, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House notes that the Government in the 2016/17 Budget estimates indicated that both the office of Chief Secretary and the office of Principal Auditor were to be awarded pay increases of 28.21% from £123,219 to £157,978 each.

This House further notes that other office holders originally on the same pay scale namely the Attorney General, the Financial Secretary, the Commissioner of Police and the Chief Technical Officer have been given the standard civil service increase of 2.75% in 2016/17 from £123,319 to £126,608.'

I think there may be a typo there, it should be £123,219.

'Notes that the Government has in recent months created a department for Public Sector Efficiency and such an award seems inconsistent and potentially inflammatory to the wider Civil Service.

Calls on the Chief Minister to explain to this House why the offices of Chief Secretary and Principal Auditor merits pay increases that equate to more than ten times that of the agreed Civil Service pay award of 2.75% in 2016/17.'

250 Mr Speaker, the subject of senior executive pay, whether in the Government sector or private sector is rightly an area of public concern and public interest. Invariably the UK press has focused on the pay of FT100 Chief Executives who it is said can earn more than 129 times the average UK annual salary.

255 Mr Speaker, it is an area of focus to the extent that Theresa May herself pledged that she would consider the findings of a high pay centre, which is a UK think tank monitoring pay at the top of the income distribution scale. The political thinking of this group is that the growing gap between rewards for those at the top and everyone else is hard to justify at a time when economic uncertainty is intense and UK corporate performance mixed.

260 We live in increasingly uncertain times and the concerns in the UK and elsewhere on the level of executive pay relative to the average worker is just as relevant in Gibraltar, especially as regards the public sector and its most senior grades. The question as to the management of senior pay awards in our Civil Service only came to my attention during the Committee Stage of the 2016/2017 Appropriation Bill debate on 8th July when I asked the Chief Minister if it was correct that the Chief Secretary was getting a pay rise of 28% from £123,219 to £157,978.

Mr Speaker, the Chief Minister's response as per *Hansard* paragraph 295 was as follows, and I quote:

Yes, Mr Speaker. I think this was giving effect to a commitment of the former Chief Minister in respect of the salary of the Principal Auditor, which is connected. These salaries are all connected, they are all in a grid – the Attorney General, the Chief Secretary. They are all connected under the former administration and this is a historical undertaking that had been given by the former Chief Minister which was given effect to.

I continue:

I can write to him and let him have the details if he likes, because it was something that was brought to my attention, I think, by the Auditor or the Chief Secretary himself on behalf of the Auditor; and with the consequent effect which he explained to me also that his own salary would rise as a result of it, and he was transparent at the time.

But I am quite happy to let you have a note that sets out how it arises.

265 Mr Speaker, I wrote to the Chief Minister on 31st August 2016 asking for that information justifying the 28% pay rise, not just as it first appeared to me for the Chief Secretary, but also for the Principal Auditor. Alas, Mr Speaker, despite reminding the Chief Minister in this House of unanswered letters as recently as 24th November this year, I still have had no response and thus I have seen fit to bring this motion to the House to elicit a response.

270 Mr Speaker, let us put into context these two senior Civil Service pay rises. As per the GSLP Liberal Manifesto on page 13, the public sector pay increases agreed historically were described as follows: 2.7% in 2012/13; 2.9% in 2013/14; 2.5% in 2014/15; and 2.75% in 2015/16. With inflation running at around half a percent at the time of the Budget, the 2016/17 increase of 2.75% was, of course, above inflation.

275 The increase in the minimum wage for the private sector announced during the Budget was just half a percent or barely just inflationary. And again, Mr Speaker, to put this into context in the wider world, the Korn Ferry Hay Group 2017 global salary forecast, which was published only recently on 6th December this year, was that for workers around the world it would see a real wage increase of 2.3% – which, to be fair, more or less matches that for the public sector in
280 Gibraltar of 2.25% after we adjust for inflation.

Mr Speaker, the 2015 Employment Survey reports the average gross earnings in Gibraltar as of October 2015 as being £28,090.78. Against this backdrop the percentage increases for these two senior grades seems out of line by a factor of ten for the public sector and represents a ratio of 5.6 times the average Gibraltar salary.

285 I have undertaken an analysis of the pay awards for seven of the most senior civil servants and the Chief Justice going back six years including 2016/17. The results were revealing and, Mr Speaker, I have available copies that with your permission I would ask the Clerk to distribute. It will be easier for Members to have these numbers in front of you when I talk about them.

Thank you, Mr Speaker and thank you to the Clerk.

290 This analysis which I have extracted from the Annual Estimates Books clearly shows that seven senior civil servants were on the same pay grade since 2013/14. Namely, the Chief Secretary, the Principal Auditor, the Attorney General, the Financial Secretary, the Commissioner of Police, the Puisne Judge and the Chief Technical Officer in the sort of grid referred to by the Chief Minister in the *Hansard* of July this year.

295 Mr Speaker, what I find puzzling is that if the Chief Secretary argued as the Chief Minister stated, that his pay had to increase because it was the same grade as the Principal Auditor, then why not the other five including the Financial Secretary, Attorney General, Commissioner of Police, Puisne Judge and the Chief Technical Officer who, this year, just obtained the public sector standard increase of 2.75%? Are they no longer on the grid, somehow less worthy civil
300 servants and downgraded relative to the Chief Secretary and the Principal Auditor?

Mr Speaker, what is the merit for a 28% pay rise in this day and age? Do these two civil servants have recently increased responsibilities or have they perhaps committed to markedly increased productivity over and above that expected of their grade? Who benchmarked these salaries, and against what? These two Civil Service grades at £157,978 now earn more not just
305 than our Chief Minister who earns a paltry £132,696, but also that of the UK Prime Minister who, it was reported in *The Times* today, she earns £149,440. How is this justified? They also earn more than the Chief Justice who gets a miserly £135,771 in comparison. The margin of increase over and above the public sector pay increase of 2.75% which equates in real terms to an amount of £31,370 *each* would pay, together, the annual salaries of at least two teachers or
310 three nurses.

Now, Mr Speaker, the Chief Minister makes reference to promises made by the previous Chief Minister and yet, if true, it has taken him five years to implement. Why is that, I ask? Now, there is obviously a lack of transparency in the pay award process at the very top of our Civil Service and it may be that this Parliament should consider introducing some form of semi-
315 autonomous body to make recommendations to Government on pay awards and benchmarking and performance targets for the most senior grades, since we have obviously moved beyond parity.

Mr Speaker, we could perhaps be persuaded by the Chief Minister that the incumbents deserved the increases because they are jolly nice fellows and they were about to retire anyway.
320 But, Mr Speaker, from my reading the Estimates Book, these are not personal to holder awards. These are a permanent change in the pay structure that will benefit future holders and distort

the sacred grid at the top of the Civil Service. But I could be entirely wrong because I have read today in today's *New People* – my favourite publication, which the Chief Minister assures me always speaks the truth – and I quote:

Roy Clinton is moving a motion this week on the pay rise of the Chief Secretary, etc. We understand that these arrangements are personal to holder to the individuals.

325 So, Mr Speaker, I have seen no evidence of that in the Estimate Book and certainly the Chief Minister made no reference when I first asked about it, but maybe we will hear more about that in due course.

But I have gone through the Estimates Book on the appendix pages and there are 19 grades which are quite clearly marked PTH or 'Personal to Holder'. There is no such marking against the Chief Secretary or the Principal Auditor. And so in the absence of any contrary evidence, I can only assume that these are permanent changes in pay grade for these particular posts.

330 Now, Mr Speaker, I have had occasion to read the UK Guidance on Civil Service Pay for 2015-16 and it had this to say in respect of senior staff under Section 5.4 of Appendix B and I quote:

Senior civil servants ... are not included within the civil service pay guidance. However, senior staff have an important leadership role in demonstrating the need for pay decisions to follow public sector pay policy. Therefore any annual pay increase or decision to award performance-related pay to such staff must be considered alongside and according to the same principles as the pay remit of the rest of the organisation.

Mr Speaker, I repeat, 'according to the same principles as the pay remit of the rest of the organisation' – 28%, 2.75%, I do not know that they are the same. The public sector pay award of 2.75% for 2016-17 and these two grades have obtained 28.21%, ten times more. Are these really awarded according to the same principles?

335 And so, Mr Speaker, it would appear that some civil servants are more equal than others when it comes to the senior grades. The sole decision on pay awards would appear to be in the Chief Minister's gift. In the glaring light of the newly created Department of Public Efficiency, the taxpayer needs to be assured of the added value to the public service that these 28% pay rises will afford. Such awards seem inconsistent and in fact potentially inflammatory to the wider Civil Service, if not the public.

340 So I bring this motion to the House not in any form of censure, but a request for transparency from the Chief Minister as to the merit of these 28% pay awards which this House needs to know, the taxpayer has a right to know and the public wants to know.

And so, Mr Speaker, I commend my motion to the House. (*Banging on desks*)

345 **Mr Speaker:** I now propose the question in terms of the motion moved by the Hon. Roy Clinton. Does anyone wish to reply?

The Hon. the Chief Minister.

355 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I have never in the time that I have been in this House read, or rather heard, such an unveiled imputation of ill motive to senior civil servants as I have in the context of what I have heard today; because the hon. Gentleman may want to go back and reflect on some of the ways that he has put his motion.

I will accept of course that he has not had a detailed answer to his letter, but to have jumped from that to the things that he has said during the course of this intervention about the two most senior civil servants in the hierarchy of the Civil Service is really quite something.

360 In fact, Mr Speaker, this is a strange attempt to single out individuals. Strange, because I do not think in the history of the House there has been such a spotlight shone on a particular set of individuals, these two individuals. The post holders, of course the hon. Gentleman will say, are not the people he is concentrating on, he is concentrating on the posts, but he has attempted to zero in and magnify that issue. He has done so on the pretext that he is attempting to ensure

365 that something which might be inflammatory to the Civil Service should not occur, when in fact what he is doing is trying to light the match of inflammation under the Civil Service.

Now look, Mr Speaker, if he wants to do that it is perfectly alright, it is a matter entirely for him, but he should not pretend to be doing the opposite. He should be getting up here and say, 'I want the Civil Service to revolt against these two salaries', because that is what he is attempting to do, and he should not try and hide behind a veil of pretence that he is doing otherwise. But he does so from the position of defending a political party that gave willy-nilly 16% pay rises on the basis not of the whim of the former Chief Minister, but on the cusp of a general election. As far as I know, Mr Speaker, Mr Clinton is not someone who has joined the GSD in the last few years; Mr Clinton has been a card-carrying member through thick and thin from the days of 23% to the heady days of just about over 50%, and Government and not Government.

Therefore during the General Election campaign of 2011 he was very much a part of the GSD – in fact I understand he was not thrown out of Europort for reading the *New People* until well into that campaign. And the 16% pay rise given to GJBS after the General Election had been called on a visit of the former Chief Minister to their premises was not done just as a whim, it was done in utter desperation. But there had been previous 12% pay rises given on the creation of authorities and agencies, and nobody from that side of the House got up and said when they were in Government, 'This is an inflammatory measure in respect of the rest of the Civil Service.' No, no, in those days double-digit pay rises were a very good thing in the interests of the Taxpayer.

Today's article in *The Times* that the hon. Gentleman refers to, Mr Speaker, sets out the pay for the Prime Minister of the United Kingdom and he is right to say it is £149,000. It also sets out – and the reason for the article – the pay of two senior political advisors, not civil servants, which is £140,000. It also sets out – but it is not in his interest to make his case and that is why he has not told you, Mr Speaker – that there are 400 members of the public service in the UK who earn more than the Prime Minister. Some of them as much as £275,000 because they are experts in their field, but that does not fit into what he wants to try and conject today so he does not pretend to have read that part of the article, Mr Speaker. I can guarantee him it is there, I read it this morning on the Privy Council.

The fact is that when he comes here and talks about prudence, the only prudence he can represent is the prudence of the party opposite, the prudence of the GSD as he represents it, and that is what we are going to look at this afternoon. That trail of alleged prudence which is in fact a trail of Hansel- and Gretel-like treats and largesse and excesses which will lead us to the pay of the Principal Auditor and the Chief Secretary as it is today.

It will then lead us to where it will be in the future and will perhaps lead him, Mr Speaker, to that other 'p' – patience. Because he might in future want to wait for an answer to his letters, unless of course he thinks because he sends his letters with little stickers that say 'Urgent Parliamentary Business'. I mean if something is urgent you tend to get it electronically these days, Mr Speaker, not brought by a donkey to your front door.

There is some very urgent parliamentary business going on and that is the small matter of the United Kingdom having decided to leave the European Union and, since 31st August, I have been dealing principally with that issue and not with satisfying his desire for bean-counting data that he can go away and add to his abacus. But I am going to tell him all the things that I would have put in that letter if I had had time to reply to it.

Mr Speaker, I was going to start telling the House a story of what happened in 2006 in the Gibraltar Health Authority. In fact, the hon. Gentleman's speech has enticed me a little further back to 1998, I think, when this House dealt with a motion on Members' remuneration. Everything we have heard is about executive pay and how you set executive pay and all the rest of it. The hon. Gentleman has not reflected on what some non-executives get paid ... aka *them* and the Leader of the Opposition, none of which are executive positions by any stretch of the imagination.

Mr Speaker, if the hon. Gentleman cares to produce a grid like the one he has produced this afternoon that looks at the pay of Members of this House before the GSD arrived and the pay of Members of this House once the GSD was in office by a motion changed by them here, I think by his standards of 'brown-hair-shirtiness' he would be scratching all afternoon.

Mr Speaker, the pay of the Chief Minister when Peter Caruana brought a motion to this House, a motion which is now on the website of this Parliament, saying it was not enough, the pay was £41,175, it had been less when Joe Bossano was Chief Minister but by then it had gone up to £41,175. It went up as a result of the motion in this House overnight and contrary to the vote of Members from the GSLP who were opposite, it went up to £56,000. Not overnight, over a show of hands where the people who got the pay rise were the ones who voted in favour of it – a 36% increase. That is the prudence he represents in this House. That is the prudence that Members opposite represent in this House, except of course for the hon. Lady who cannot be fixed with those sins.

Ministers, and it is widely recognised that the first GSLP Government was one of the most motivational and aspirational that changed Gibraltar; and even the greatest Gibraltarian of all time, as the Leader of the Opposition sometimes calls him, recognised in his last speech here that Joe Bossano had transformed the Gibraltar economy with his team of Ministers after 1988. Well, that transformation was carried out for a sum that would have been less than, but in the region of, £27,450 each of them.

The morning after the GSD's vote in this Parliament against the GSLP, that salary went up to £42,000 an increase of 53% a few hundred times – *a few hundred times* – the increase granted to the Civil Service in that year. Of course this largesse was not limited just to the Government, this was a largesse for everyone in the House. The Speaker went from £20,500 to £21,900 an increase of 6%, and Opposition Members went from £13,735 to £15,000 an increase of 9%. Well, I suppose not bad if you can get it, Mr Speaker, but hardly 36% or 53%. And that is the prudence that the GSD represents, that the hon. Member is defending in this House, and that I am now going to deal with.

I was going to start in 2006 as I said, but I thought it was important for the community to be reminded of who it is that is now making speeches about pay rises, and what they consider to be excessive, although they pocketed 36% for their top bloke and 53% *each* for their Ministers. Inflammatory to the Civil Service you might have thought, Mr Speaker. Yet the salaries in question today are salaries, which this House unanimously voted for in the Budget and in the estimates in July.

So Mr Clinton is giving a speech about something he voted for. He has in fact this afternoon spoken against something that he voted for. If we go back and look at the *Hansard*, Mr Speaker, we will find that the Opposition did not vote against the estimates or the Appropriation Bill, did not vote to abstain on the Appropriation Bill, they voted in favour of the Appropriation Bill and it was the Appropriation Bill that approved that figure. So it is not the Chief Minister who is the only arbiter of what these salaries should be, this House voted unanimously that that should be the salary going forward. He did ask me for an explanation, but he voted in favour of it, Mr Speaker.

Now, before I get into the substance of what I am going to say next, I think the best way to ensure that the House understands the argument is not to give it a grid but to give it an amended motion. If the usher could kindly distribute these to hon. Members, I am moving an amendment to the motion which I will read out to the House and which will explain the argument that I am going to make. I will wait for Mr Speaker and Members to have it. I think Members on this side have not yet had it. There we are.

Mr Speaker, I am going to move that the motion should be amended by the deletion of every word after 'This House', and the inclusion of the following words therefore:

'This House considers it is appropriate to set in context the increase in salary of the Chief Secretary and Principal Auditor.'

Notes and entirely condemns the decision of the GSD when in Government to raise the salary of the top official at the Gibraltar Health Authority from £55,986 in 2004 to the sum of £106,000 plus rent and rates amounting to £8,549 which was paid by the Gibraltar Health Authority, paid to Dr David McCutcheon when he was recruited in 2005 which amounted to a percentage increase in remuneration of 104.6%.

A Member: And entirely useless.

Further notes, that on that salary, the GSD further agreed that Dr McCutcheon should be taxed at the reduced special rate applicable to the taxation category of a higher executive possessing specialist skills, PEPS.

Additionally notes that this sum did not include the cost of annual return flights to Canada for Dr McCutcheon and his family which may be quantified as a further sum of several thousand pounds per annum.

Considers that the creation of the role of the Chief Executive Officer of the GHA added cost but no other value to the front line of care affecting patients and nurses, doctors, consultants or allied health professionals.

Welcomes the approach of the GSLP Liberal Government in reducing the pay of the Chief Executive Officer of the GHA when the post was taken by a civil servant, by 15% to £133,770 upon the departure of Dr McCutcheon in August 2012 when the latter was earning £153,713 being a salary of £144,164, plus rent and rates amounting to £8,549, totalling the £153,713 which would have amounted to a 174.5% increase in salary from the former remuneration of the most highly paid official in the GHA whilst in addition continuing to be taxed at the rate applicable to the taxation category of a higher executive possessing specialist skills and having annual return flights to Canada for himself and his family. (Hon. N F Costa: Que poca verguenza!)

Notes that it has also long been historically agreed under successive administrations, that the Principal Auditor was an officer that should be pegged at the same salary as the Chief Secretary and further notes that the agreed position changed in 2003 when it was agreed by the former GSD administration that the Chief Secretary would be the highest remunerated officer in the Civil Service by a 4% differential from all other Civil Service officers including the Principal Auditor.

Recognises that in agreeing that the salary of the Chief Secretary and the Principal Auditor should be above the already reduced salary of the civil servant who became the Chief Executive Officer of the GHA, the GSLP Liberal Government has been giving effect to a historical agreement.

Further agrees that it is right that given the retirement of the last Chief Executive Officer of the Gibraltar Health Authority, that the said post should not be replaced and that any necessary legislative changes be effected as may be required in this respect and therefore considers and accepts as absolutely correct, the decision of the Chief Minister that the adjusted salary of the Chief Secretary and Principal Auditor should revert upon the retirement of the existing post holders, to that formerly provided for as annually adjusted and which will then once again be at those rates, the highest remunerated officers in the Civil Service.

And condemns the insensitive and improper statement on the City Pulse programme on the Gibraltar Broadcasting Corporation by the Leader of the Opposition, that the sum of £59,831 which is the salary paid by him, to him, is tantamount to a part-time salary for a full-time job, given his commitment is on average to be in Parliament no more than 30 days a year which results in a remuneration of approximately £2,000 per day or, in this calendar year 2016 when the House has met only on 20 full days, although he was absent on some occasions, approximately £3,000 per day.

And therefore considers an unpardonable insult to those who work in the public sector every working day of the year for lower remuneration, the statement by the Leader of the Opposition as to his almost £60,000 salary.'

Well, Mr Speaker, in that very fully argued amendment, hon. Members will see the reality of what happened and where the link is occasioned. They imported to the Gibraltar Health Authority a Chief Executive who was paid an eye-watering 104% more than the person he replaced. Not 28% – we have heard what 28% is, we have heard all sorts of adjectives describing how huge 28% is. Well 104% is almost four times 28%, so four times – yes sure, yes work it out, get the calculator. Because it must be four times worse, Mr Speaker, four times worse than everything that he has said.

But, Mr Speaker, not for the Principal Auditor and for the Chief Secretary, for a new post brought in above everyone else and frankly a post that it is absolutely right we should discontinue. The existence of a Chief Executive in the Gibraltar Health Authority has added nothing but cost, but it has added nothing in the context of front line care for patients and assistance to professionals, nurses, doctors, consultants and those allied health professionals who should be getting the resources of the Gibraltar Health Authority. And by the time that person left, his salary would have been 174.5% more than the amount of the person he replaced. Why do I say that, because of course all salaries would have gone up at the time, because the only way you can get to a 28% increase, Mr Speaker, is if you do the calculations wrongly, incorrectly, and you do not apply to the other categories of salaries which you are comparing, the 2.5% or the 2.75% increases.

Mr Clinton has taken the figures he wants and compared them to the salaries he wants and not in the year in which he should have compared, if he had he would have realised that he would have worked out a 24% increase not a 28% increase, and 104% is *more* than four times 24, Mr Speaker. Perhaps a calculator might assist him with that also.

In June 2012 I met with the Chief Secretary and the Principal Auditor, so in other words it is not that during a General Election campaign I went to their offices, I told them all I loved them and gave them a 16% increase. It is that they had been asking to see me and I agreed to a meeting. The request for the meeting had come about by the fact that the Chief Executive of the GHA had become a civil servant. A civil servant had taken the post and therefore the commitment which they had from third parties, from the former Chief Minister in particular, and historically from even before the first GSLP administration, then kicked in.

In fact I am reminded that there were instances in the Department of Education, where some officer's salaries had been frozen, because if they had not been frozen they would have gone above the Chief Secretary, Principal Auditor, Financial Secretary and one other, I will come to that in a moment – and the Attorney General. Mr Speaker, this is therefore an entrenched principle and one that I was persuaded had to be respected. The four posts, Mr Speaker, were that of Chief Secretary, Financial Secretary, Attorney General and Principal Auditor, only two of those are presently not on contract. Only two of those are presently civil servants.

So we were able to agree looking at the salaries as they were, the £133,000 plus the on-call allowance, that after the increase of 2.75 in that year would be close to over £145,00 I believe, and the additional four percentage point differential between the Chief Secretary and others, that the salary should be pegged at £150,000.

Mr Speaker, the concession that the Chief Secretary himself should have a 4% differential between him and the next senior civil servant – the next group which was Principal Auditor, Financial Secretary and Attorney General – was a concession not extracted from me, or indeed from Joe Bossano. In fact, Mr Speaker, my abiding memory of a good photograph of Joe Bossano is him clutching a banner which says 'No Concessions', so you are unlikely to ever get a concession from him, in particular, on pay.

That concession was made in 2003, and in case hon. Members have not worked it out in 2003 it was the GSD that was in Government. So you have a historic situation where four are agreed

515 to be at the top of the pegging order of salaries in the Civil Service and a GSD situation where
the Chief Secretary earns 4% more and the GSD situation where they bring in a Chief Executive
at 104% more than the previous incumbent, and then a civil servant taking that post with a
520 reduced salary under the GSLP Liberals. So if you just keep that picture in your mind, Mr
Speaker, all of the increases are agreed by the GSD, the hammer falls with the GSLP Liberals and
the salary of the Chief Executive of the Gibraltar Health Authority goes down under the GSLP
Liberals but a civil servant takes the post. Therefore the commitments to these gentlemen kick
in.

So again, not just the Chief Minister, but the Chief Minister in consultation with the Chief
Secretary and Principal Auditor who sought the meeting, and with full disclosure to the Attorney
525 and to the former Financial Secretary and the Financial Secretary, agreed to peg the salary of
those civil servants at £150,000 at that time and the figure quoted now by the hon. Gentleman is
that figure with the increases since then. Because of course the book for this year does not carry
increases because the increase is calculated in August. So if he goes to the book which is the
Draft Government of Gibraltar Estimates for 2016-17 he will see that that figure does not carry
530 the 2.75% increases.

So, Mr Speaker, cut forward to a date after August, in fact probably less than a month and a
half ago when we receive the news that the current incumbent, a civil servant, of the post of
Chief Executive of the Gibraltar Health Authority wishes to retire. The House will be very happy
to know and will have seen from my amendment to the motion, that the Government has taken
535 the decision that we will not replace the Chief Executive of the Gibraltar Health Authority for all
of the reasons that I have already indicated, and I have already hinted that it may be necessary
to make an amendment to a piece of legislation which creates the post in order to ensure that
we are able to remove it.

The situation you have is that, with a civil servant taking the post of Chief Executive, the
commitment to these civil servants that they will earn the most kicks in, the Chief Secretary has
540 a 4% differential but importantly – *importantly*, and to the great credit to the person who is
presently in the post of Chief Secretary, a man known to all of us and highly appreciated by
every Member on this side of the House at least – he says, ‘I am prepared to forego this 4% lead
because I consider that the role I discharge under the new Constitution is as important as the
roles discharged by others.’ And so, when the hon. Gentleman sees the Principal Auditor and the
545 Chief Secretary earning the same, already the Chief Secretary has foregone a further 4% in doing
so.

And so, Mr Speaker, having been accused of so many things in the context of the hon.
Gentleman’s speech, I am left thinking, ‘Well, hang on a minute, what has really happened
550 here?’ What has happened here is that when they took the reins of Gibraltar in 1996, the first
thing they did was put up their salaries, Ministers by 53% and Chief Minister by 36%. They took
the Gibraltar Health Authority and added to the cost of it by taking somebody who earned
£55,000 and putting their salary up 104% and then increased that until the increase in salary was
about 174%. Wow, that must surely have been inflammatory to the Civil Service.

555 We then arrive ... oh, by the way, they agreed a 4% differential for every Chief Secretary
going forward, and we have all inherited from the mechanisms that were in place and the
structure of the Civil Service that these four postholders should be the four highest paid, and
they then give a distinction to a Chief Secretary.

560 So what is it that I am guilty of, Mr Speaker? I am guilty of giving effect to historic agreements
that every Chief Minister has given effect to. I am guilty of accepting the Chief Secretary
honourably handing in a 4% differential which the former Chief Minister had awarded them. I
am guilty of reducing with my parliamentary colleagues – John Cortes was the Minister for
Health at the time – the pay of the Chief Executive from over £150,000 down to £133,000.

565 I am guilty therefore, of accepting a calculation done not by the length of my foot on the
shop floor of a company the days before an election, but by the Principal Auditor – *by the
Principal Auditor*, Mr Speaker – with the consent and oversight of the current and former

Financial Secretary and the Attorney General, none of whom had anything to gain because I will come to the book in a minute; and now, having saved the GHA at least £20,000 in respect of the salary of the Chief Executive, getting rid of the post and being able to say now that the post goes, the two postholders that were civil servants that held the issue of having the right under the agreements done previously to be paid the same or more than the highest paid civil servant, will revert when the current incumbents leave the post to the salary scale that would have been their salary scale which is Attorney General, Financial Secretary, Principal Auditor and without differential – *and without differential*, that is the humility of the man – the Chief Secretary. That salary will be £130,000 which is the salary set out for Attorney General and Financial Secretary in the book, plus the 2.75% increase which is calculated in August, not before. So the four will be back to where they were.

Now, Mr Speaker, salaries have gone up in Gibraltar, we are at parity plus, but that was not of our doing, that was of their doing and they persuaded us that in the interest of the Gibraltar economy it was a good thing. But I hear that the Hon. Mr Clinton is in effect telling us that parity plus seems to be a bad thing, that he thinks salaries are too high. Well, Mr Speaker, that may be his position, that may be his position and I would be interested to hear what he has to say.

But, Mr Speaker, all of this self-flagellation that salaries are too high from the party that brought the motion to raise *their* salaries by 53%; and if they come back at me, Mr Speaker, saying, 'Well, that was 1998, that was not us, that was the old GSD not the new GSD' – because one no longer knows which GSD one is dealing with, even when one has them sitting in front of one!

I was put in mind of a quote I cannot quite get rid of, Mr Speaker, and in order not to be unfair to the Leader of the Opposition, I thought I would get the whole quote out. But what we have heard today from Mr Clinton, we have heard from the GSD led by Daniel Feetham the current GSD, the new GSD, that does not like the things that were unpopular about the old GSD, but likes the things that they think were popular. So if he is going to tell me that he would not have agreed with the salary increase, I am going to read him what the Hon. the Leader of the Opposition said on *City Pulse* and why it is therefore absolutely apposite and relevant that it should be in the amended motion because that is absolutely and without doubt certainly inflammatory to the rest of the public sector and to the Civil Service as a whole.

Johnathan Sacramento was having a chat with the Hon. the Leader of the Opposition. Mr Sacramento has now become the News Editor of GBC for which he has no doubt been congratulated. I have congratulated him personally, but I take the opportunity of putting on the record of *Hansard* my congratulations to him. He said this, 'I mean, you could be in a way a full time Leader of the Opposition if you wanted to,' he asked. Mr Feetham says 'Yes, but ...'. Mr Sacramento comes back, 'You can survive on the salary of a Leader of the Opposition.' 'Yes', says Mr Feetham, 'but it would be very difficult'.

Mr Sacramento, no doubt in that moment with a flash of that banner that I sometimes see Joe Bossano holding, the 'No Concessions' banner, says 'And like Joe Bossano did it for 15 years, he was a full-time Leader of the Opposition.' And Mr Feetham said this, 'That is true, that is true, on a part-time salary. And that is true. But of course then if you get into that argument, you are never going to be able to get a professional to leave his profession to go into a job on a full-time basis being paid on a part-time salary, it is very, very, difficult.' Well, Joe Bossano did not find it very difficult and Joe Bossano is a professional; and what a professional he is, Mr Speaker.

Mr Sacramento comes back and says, 'It is a big pay drop', and Mr Feetham comes back, 'I mean I think it is something that in the future, since this has to be looked at because if you really want to attract good people, you have got to sort of, look, accept what is the reality of the situation and the reality of the situation is that certainly the Leader of the Opposition is not part-time it is full-time'. Well it is also true that we have not got good people I suppose, Mr Speaker.

Full-time, Mr Speaker? Three days a month? Three days a month, an average of two days a month this year, perhaps a few more; £2,000 a day for three days a month for ten months of the year, £3,000 a day this year. Well look, Mr Speaker, if that is not inflammatory to civil servants to

620 public sector workers, what is? Most civil servants and public sector workers ... nay, everyone
under the rank of SEO, goes to work these days full-time – *full-time* for less than £60,000 a year.
I think they are very good people and we get very good professionals, people who have gone
and done degrees, some of them two, just like him, and they give their best for Gibraltar.

625 So if I am going to be told that it is inflammatory of the Civil Service to have given effect to
agreements of former Chief Ministers, to have reduced the salary of the Chief Executive when
we first got our chance to do so, to have abolished the role of the Chief Executive now which will
produce a huge saving, and to make these salaries revert to where they should be when the
postholders leave ... well then, Mr Speaker, I know that history when it gets out its calculator,
will see that our figures speak for themselves and that we have acted entirely properly. I think
630 the hon. Gentleman now realises that, it has dawned on him, and he wishes he had been patient
and waited for my letter.

In particular, Mr Speaker, it has dawned on the Leader of the Opposition that he has to be
more careful with what he says is a part-time salary and a full-time salary, with who he says is
good is not good; and with the motions that the hon. Member to his left might shoot off, that
might at first blush seem attractive, but actually have a sting in the tail that come back to bite
635 them.

So, Mr Speaker, I think that the only way for the House to really reflect on the record of
Hansard, the reality of what has happened in this situation, to realise that we have moved
always to save money for this community to ensure that we get value for money, and that we
put resources at the GHA on the front line for the nurses, the doctors, the allied health
640 professionals and the consultants and *not* at the hands of Chief Executives ... is this Government,
that is what we have done.

That must be reflected on the record of *Hansard*, not the motion that the hon. Member has
moved; and the way to do that, Mr Speaker, is for the House to adopt the amendment that I
now move in the terms of the notice that I have given.

645 I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: I now propose the amendment in the terms moved by the Hon. the Chief
Minister.

Does anybody wish to speak on this amendment? The Hon. Roy Clinton.

650

Hon. R M Clinton: Sorry, Mr Speaker, can you just clarify the rules of speaking on this
amendment? Could you clarify for our information the order of speaking?

655 **Mr Speaker:** You are able to speak on the amendment and then once the amendment is put
to the vote, assuming that it is carried, then you also have the right to reply because you moved
the original motion. So you can have two bites at the cherry.

660 **Hon. R M Clinton:** I am sorry, just to clarify, the Chief Minister as mover of the motion would
also have a final say on this motion, then? The Chief Minister as the mover of this amendment
would also have a right to reply?

Mr Speaker: The Chief Minister has a right to reply on the amendment but then not on the
original motion, yes. (*Interjections*)

The Hon. Marlene Hassan Nahon.

665 There is one other thing of course, that sometime over the years has happened and perhaps I
should explain. Sometimes Members rarely speak on both, obviously they do not get two bites
of the cherry but there have been occasions when this happens: you get an original motion, it is
amended in the terms which we have seen today and an hon. Member speaks from one to the
other and, provided he does not pretend to come back again, the Speakers have exercised their
670 discretion and will allow that to happen, and I will do the same. Okay?

Hon. Ms M D Hassan Nahon: Mr Speaker, today's argument I am afraid, reminds me of that expression 'two wrongs do not make a right' and this is what much of what we have heard today reflects.

675 I think Gibraltar is truly fed up with the, 'You did this, so I can do that'. The real integral question still remains and has not been answered in a way which will be clear and accepted by the public. The question is: why is it that the Chief Secretary and Principal Auditor have been singled out for a colossal pay rise of 28%? Why them, why not others, why just them and why this year? Because, Mr Speaker, with all the surrounding digs and jibes at the GSD record we still have not heard the real reasons why these particular increases to these particular individuals
680 have been awarded away from ... 'because Peter Caruana did it like that and now Fabian Picardo does it like this'.

Gibraltarians, including myself, are simply none the wiser right now and, Mr Speaker, respectfully, who cares what the Chief Executive at the GHA once got erroneously, unjustifiably or otherwise? Who cares, Mr Speaker? That was then and this is now. A new dawn Government,
685 a stronger foundations administration, reminding us constantly of the last six years in a motion which is absolutely unnecessary and inappropriate for the purposes of this discussion, in the same way as was the statement of what the Leader of the Opposition may have said on a chat show a few weeks back.

Personally, I remain flabbergasted by the lack of substance and huge waste of ink on spin on this amendment to the original motion, which does not go far at all to justify in real terms this
690 increase for these two individuals.

Thank you. (*Banging on desks*)

Mr Speaker: Any other contributor? The Hon. Trevor Hammond.
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Hon. T N Hammond: Mr Speaker, I have to thank the hon. Lady for her contribution there (*Laughter*) because it echoes my own feelings on the substance of what the Chief Minister said; and to some extent I have to thank the Chief Minister for his intervention also, because it does demonstrate how out of touch he has become (*Laughter*) with what the people are thinking in
700 Gibraltar.

Yesterday we had the intervention where £400,000 for the Hong Kong office, and £250,000 salary package associated with that office, was described as peanuts. Well, of course, certainly to most people, it would not appear to be peanuts. Today we have this nonsense amendment, quite frankly, which goes into all kinds of ridiculous details in which numbers do not even add up
705 or are not realistic. I am not going to go into the detail as I am sure my hon. Friend, Mr Clinton, will go into the detail on that.

One point that does need to be made is with reference to the salaries of the Chief Executive, although why it is raised in this particular motion I do not know. The Chief Minister has omitted the fact that when the Chief Executive of the GHA became a civil servant, whilst he includes his
710 salary, he does not include what his pension package is also. As a whole I suspect that, combined with his salary, would be considerably more than the previous incumbent would have been earning as Chief Executive of the GHA.

Then the Chief Minister also said it is strange that the Hon. Mr Clinton should choose to single out individuals which, I might add, is precisely what he has done; not only singled out but
715 named individuals in his own motion. The reason why the Hon. Mr Clinton singled out these individuals is because the Chief Minister effectively singled them out himself by permitting this pay award to proceed, a 28.21% pay award.

I must admit when I read it I thought it must surely be a typo, perhaps the decimal point is in the wrong place but no, sure enough, it is not a 2.821% pay award it is a 28% pay award. It is
720 utterly obscene. People do have the right to know why these individuals were awarded a pay award of that level; the taxpayer has a right to know that it is getting value for money for this. I really wish that the Chief Minister had stood up and just answered the motion with an

725 explanation. Perhaps workload has increased, perhaps terms and conditions increased, perhaps something has changed to warrant such a pay award, but nothing in the Chief Minister's intervention, nor his motion, have indicated that.

730 As I say those pay awards may indeed be merited, I do not know. It would have been a far better tactic, and shown much more that the Chief Minister is in touch with what people are thinking, if he had adopted that approach rather than the tactic that has now become usual, which is to rake over 20-odd years of history as he sees it and decisions that were made in the past.

735 The hon. Lady is right, we do not live in the past, we live in the present and people want to know why these pay awards were made to these individuals on such a scale, bearing in mind, as has been stated already, that the minimum wage was increased this year by half a percent. So the lowest earners received virtually nothing and certainly as part of the monthly salary, it really is virtually nothing; and yet the very highest earners in our community receive, effectively, a £34,000 increase. Do not quote me on that because my maths... I have just worked that out very quickly, but what looks to me like a £34,000 increase.

740 So when we are talking about the alleged part-time salaries of those on these Benches, well for most of us that equates to precisely almost what we earn on these benches. And the reality is, as the Chief Minister and those in the Government benches know, the work of Opposition does not just take place on two days of the month in Parliament or three days of the month in Parliament. The work of Opposition is ongoing all the time.

745 We do work hard, as I am sure the hon. Gentleman worked hard when he himself was in Opposition. It is a fact and it is an important part of our democracy that we do. We do not just work on the days that we are here in Parliament, we work every day of the week – *every day of the week* – to deliver as strong an opposition as it is possible to deliver.

750 So I would ask that the Chief Minister consider the motion that he has laid before this House and consider actually giving an appropriate response to the original motion which will satisfy the general public and the taxpayer of Gibraltar, and will demonstrate to this community that he is genuinely transparent and that he does want people to know the reasons why certain things are the way they are – rather than trying to hide that in a raft of statistics which are, frankly, historical and largely meaningless.

Thank you, Mr Speaker.

755 **Mr Speaker:** Does anyone else wish to speak on the amendment?

The Hon. Roy Clinton.

760 **Hon. R M Clinton:** Mr Speaker, bean counting data indeed! I am sure the Financial Secretary would be delighted with that use of terminology by the Chief Minister.

We are talking about the real pay of real people with real money, which is extracted from the taxpayer. All I have heard from the Chief Minister today in his amended motion is a smoke screen, a complete diversionary tactic by the Chief Minister.

765 I recall, and the Hon. Joe Bossano will be able to correct me, that when he first came into power, and I remember this because it made an impression on me, one of the first things he did when he got into No. 6 was he cancelled the lift that had been ordered on the basis that it was a waste of money and could not be justified.

770 **Mr Speaker:** May I correct that? That is incorrect. I cancelled it during the three months that I was Chief Minister. *(Laughter and banging on desks)* **Hon. Chief Minister:** It was fitted the minute the GSD arrived!

Hon. R M Clinton: Well, Mr Speaker, I apologise if that was indeed the case, my memory is obviously hazy. In any case, unnecessary expenditure when it is identified is obviously where you can not incur it and certainly where you do not see the justification or the logic for it.

775 All the Chief Minister has argued in his motion is that a particular logic should be followed because that was the logic of the previous administration and he is only following that logic. He has no discretion. But, Mr Speaker, as you have just demonstrated there is discretion for administrations that come in. Who says these grids are set in stone? Who says that whatever is said before is what has to go in the future?

780 There is only one thing in his motion which I found of value, and only one other thing that he said, in fact. He said, in his motion:

therefore considers and accepts as absolutely correct, the decision of the Chief Minister ...

– the decision of the Chief Minister, mark you –

... that the adjusted salary of the Chief Secretary and Principal Auditor should revert upon the retirement of the existing post holders, to that of their formerly provided for as annually adjusted ...

785 Now that, to me, Mr Speaker, and the Chief Minister no doubt will correct me, means that the *New People* was in fact correct today, that these salaries are personal to holder, which is not evident from the Estimates Book. And for that, if he confirms that, I am grateful. But then again it still raises the question, why pay them these higher salaries for the remaining period of the time they are in the Civil Service? I believe both of them have indicated they are going to retire. I do not see the value to the taxpayer in this.

790 All I have heard today is what appears to be wage inflation driven by jealousy and nothing else. Why has the Chief Minister not referred to the Head of Gambling Regulation who earns £204,000? Okay, he is employed by GDC. What about the Finance Director of the Gibraltar Development Corporation? He gets £156,000. And what about one of the other Jimmys, as we all know in the Finance Centre – Senior Finance Centre Executive, Insurance – and this is on the Government, £165,000? So where is the linkage to them, what is the logic, why pick on the GHA? Why say hey, I have abolished the post therefore we are going to go back? It is a constructed logic; this is the fabrication of an argument and he knows it.

795 I have not heard a single word in his motion or today, that actually justifies to the taxpayer why these two postholders should, albeit for a limited period of time, merit these pay awards. If he had come to us and said, ‘Well, this House should recognise the exceptional effort these postholders have made and therefore just for them, personal to holder I am going to give them an extra amount because they are such great people’.

800 But no, he has not said that. All he has said is, ‘Well, the GHA Chief Executive got this, and now he is a civil servant and he got that; and these guys did not like it so they came to me and said, “No, no, we want more than him”, and therefore I thought okay that is fine’. Mr Speaker, that is completely ridiculous. It does not happen in the private sector, I do not see why it should happen in the public sector.

805 The one comment he made, and perhaps he could clarify to this House, when he said, ‘Well, I consulted with the Financial Secretary and the Attorney General and they were fine with it, because the other two were not on contracts’. What does he mean, ‘not on contracts’? Is the Attorney General on a contract? Is the Financial Secretary ... although we know he is on secondment? But is the Attorney General on a contract? What does he mean by that? Is that the reason why they are not jealous because they have got signed contracts and therefore for them they do not care?

815 So, Mr Speaker, this motion is absolute bunkum and in fact, in a peculiar kind of way, I am grateful to the Chief Minister because he has just made a complete pig’s ear of addressing my motion, in that all he has done is demonstrate that the pay of the Civil Service is complete nonsense. There is no merit to these increases; all it is, is relativity. ‘He gets more, I want more; he gets more, I want more too’.

820 The taxpayer does not live in this world, at the top of the Civil Service where they feel automatically entitled just because ‘A’ gets this I should get this too. What world are they living

in? This is not the world that the average Gibraltarian lives in. Somebody on the average salary cannot go to his boss and say, 'Well, the next company down the road gets this and I want much more'. This is just does not happen. And if they are so unhappy well let them leave, frankly. If they are not happy with their salaries, go get a job in the private sector and let's see how much
825 they get paid. (*Interjection*) Yes, yes. These posts are the most senior civil servants, or one of the most senior civil servants in Gibraltar, and they should be setting an example, and not basically encouraging wage inflation based on what would appear to be relativity and jealousy.

So, Mr Speaker, I would be grateful if the Chief Minister would just address two points for me, because I obviously cannot support this motion. Two points, Mr Speaker. One is: are these
830 increases personal to holder for both those grades? Secondly, what were these two contracts he referred to in respect of the other senior civil servants?

Thank you, Mr Speaker.

Mr Speaker: Is there any other contributor to the amendment? If not, I will ask the Chief
835 Minister to reply.

Hon. Chief Minister: Well, Mr Speaker, I was going to start by replying to the hon. Lady. In order to take the contributions as chronologically as possible, I want to reply to the hon. Lady who delivered the speech that she had written before I had spoken magnificently well, with
840 passion and with eloquence. She is growing into the role but, Mr Speaker, I had actually and fortunately dealt with all the points in her speech during the course of my contribution.

Now it is all very well to say it is just the GSD versus the GSLP, etc. and it is populist to say that. But actually I had addressed all of the points that the hon. Lady raised, and I addressed all of the points that arose in respect of how we had brought *down* the salaries of the Chief
845 Executive of the GHA and how we have removed the Chief Executive of the GHA.

And frankly therefore, when she looks back on her contribution today and she looks at what I said before she got up to speak, I think she will find that I did not engage just in, 'GSD did, well
850 GSLP Liberals will do now'. I engaged in, 'GSD did, historically all Governments have agreed, this is what the GSLP did to undo and reduce the cost to the taxpayer'. Because we are the ones who represent the working classes of Gibraltar; we are the ones who want to reduce the cost of doing business in Gibraltar for businesses and reduce the bill where it is unnecessary.

I have given an example, Mr Speaker, of how we have done that in respect of this particular post of the Chief Executive of the Health Authority in the context of everything I said before she got up to reply to me. And I explained why it was that these two – in fact, four, but I will come to
855 the issue of why it is only two – had to have, in honouring an agreement, and the Government must always honour its agreements, whether it likes them or not, if there is an agreement, and with the civil servants the agreements are sometimes conventions, and why these two had to get those increases.

But I will tell her, Mr Speaker, although I thought she was eloquent in the way she did it, I
860 was very disappointed in the logic that she brought to it because it fails to understand everything that I had put. But she demonstrated one thing: she demonstrated that the next person I am going to address was utterly foolish in the things that he said about her on Monday, because I did not see her bringing out the pompoms to support me. In fact I thought that she probably did a better job of attacking us than he did.

Mr Speaker, to have heard Mr Hammond say that we are out of touch ... well, absolutely
865 everything that Mr Hammond says in the context of the political debate in Gibraltar has to be seen through the eyes of the campaign he led – and I say he led it because the Hon. the Leader of the Opposition has given him the credit for leading it – in respect of the LNG facility at the North Mole. He was telling us before the last election that we were out of touch with the
870 concerns of people in the area, that we were putting our community at risk, that we were creating a terrorist threat for our community.

Well, Mr Speaker, it is clear that the person who was completely out of touch was him. He was so out of touch, he is now out of touch with himself, because I think he has been told either by his leader or by his priest, never to say the words 'LNG' again – or maybe by his conscience. 875 Because if anything that he had said before the last election rang true to him, he would be the first one to have been chained by the gates of the facility before it was erected. Yet we do not hear him utter the words 'LNG', so he does not have a clue about LNG and he goes off and pontificates about it. It seems to me that he lives in a world where it is possible to hold down a job and come here and say that you are doing politics as a full-time job and not see the contradiction! (*Laughter*) Well, Mr Speaker, look, his employers might have something to say for 880 it. (*Interjection*) I know he is not employed by the MOD, but there are lots of people who are employed by the MOD who were Members of the GSLP in Opposition in this House, who were able to marry both jobs and they were trade unionists to boot.

But in all of what they have done, and the hon. Lady is not guilty of this, but they are. In all 885 that they have done, he comes back and on top of that exacerbates matters and says, 'Yes, actually we are not well paid'. It just does not make any sense. He says, 'This is a full time job, we work so hard it is not just three days a month'.

Well, Mr Speaker, I just do not understand, he is left having to traduce what we say in order to try and win the argument. He is left having to suggest that we said that £400,000 was 890 peanuts. Those words did not cross our lips. We said it was probably the lowest cost to any government to operate an office in China. It does not mean it is peanuts, it does not mean that we are not going to look after every single penny. But you cannot go to China and set up a barraca (*Laughter*) with a white sheet and four rods and say, 'This is the Gibraltar office'. It is hugely representative of us and the beach that we all love, but that is not what the Gibraltar 895 office can be, Mr Speaker. And if you want an office and you want someone to man it and you want a secretary it is going to cost you that sort of money. Peanuts come into it, Mr Speaker, but only in the context of, if that is what you pay you get monkeys.

Peanuts were first mentioned in this House by him in relation to that cost, not by us; and he is not going to get away with suggesting that we have said that £400,000 is peanuts. We have 900 not and we never would, Mr Speaker. *We never would*. We said it was the cheapest cost of any government operating in China, probably. Because if you think, that the offices of other overseas territories in China cost less than that from the discussions we have had, they cost much more than that.

Hon. Members try and catch us in a vice which moves so illogically and so slowly that it never 905 catches us. They tell us to do things but then they tell us those things should not cost money. 'When are we going to have the lifts in Rodney House; and in here, and in there?' 'Why are you spending so much on lifts?' I mean, Mr Speaker, if Benny Hill had had any dialogue in his sketches he might have been able to borrow it from the *Hansards* of what they have said in this House.

The hon. Gentleman mentioned the gold-plated pension of civil servants and said, 'You have not added that to the calculation'. No, I have not added that to the calculation because if we add it to the calculation, we have to add it to the calculation of every single salary in this book in respect of the Civil Service. So if he wants to talk about that, let's take any salary in this book and let's calculate what the pension is in respect of that. Let's calculate it just at the rates that Joe 915 Bossano has rightly brought in in respect of commutations; let's multiply it by 12, that is the value of the Civil Service Pension Scheme. One, by the way, that I will not forget them trying to claw their way into less than a year ago (*Laughter*) although they got rid of it for everybody else – *they had got rid of it for everybody else*; and I am sorry to say that to the hon. Lady, but they got rid of it, Mr Speaker. One day I am not going to mention what the GSD did in Government and she is going to get up and accuse me on that day and say, 'The hon. Gentleman behaves as if 920 history will teach him nothing.' Well, look, Mr Speaker, in some instances history teaches me what the political trajectory of this community has been.

925 The hon. Gentleman is right, I may have failed; I may have failed in one particular respect. I could have made an even better argument if I had calculated the 25% gratuity in respect of Mr McCutcheon's wage, which I did not calculate. I did not look for that and I will look to see whether he was entitled to it, because every single officer that they recruited from outside was also entitled to an annual 25% gratuity. So I may have got my figures wrong, the increases may have been even higher that they presided over!

930 He says that we are out of touch because people do not care about this. Well look, Mr Speaker, we know different people. It appears that I know 68% of the people and they know 32% of the people, and the 68% of the people that I know are very interested indeed every time that we uncover some of the things that they got up to whilst they were in Government ... the things that their Leader, who was a Minister in the Government, was responsible for doing.

935 The hon. Gentleman talked about the minimum wage and what the increase in the minimum wage has been, only 0.5%, hardly nothing in the pay packet, and I am grateful that he did that. Not because it embarrasses me but because I had forgotten to deal with it in the context of the opening speech by Mr Clinton. I have done the exercise, Mr Speaker, in the context of a question that the hon. Lady asked me. She rightly has not raised that issue because she had the answer from me that in the five years since I have been Chief Minister the minimum wage has gone up 15%, and public sector salaries have gone up 14%.

940 I do not know if the hon. Gentleman was not here that day, maybe that day he could not marry his other full-time job with this full-time job and did not get the memo about the answer I had given. Well, look, Mr Speaker, it is one thing to cancel a lift ... you want a lift or you do not want a lift. These days in a Government building you are probably likely to need a lift because the building has to be accessible to people with disabilities. There could be a disabled Chief Minister in the future, there is no reason why there could not be and he needs to get to his office.

950 Adolfo Canepa decided that there should not be a lift when he was Chief Minister, Mr Speaker now. Joe Bossano when he was Chief Minister, the hon. Member thinks that it was also put to him. (*Interjection by Hon. J J Bossano*) The Civil Service is sometimes relentless, Mr Speaker, when it wants a lift (*Laughter*) and he said no too. I did not have the choice, Mr Speaker, when I arrived at No. 6 Convent Place there was a lift. Now I do not mean to incur the hon. Lady's wrath, but if it did not happen when the GSLP was there and it was there by the time the GSLP got back, it must have happened when the GSD was there.

955 Look, what you cannot do is be accused of things and then not say, 'Well, hang on, you did them too!' And the hon. Lady needs to understand that in the context of this reply I am not saying, 'You did it too and that is why I can get away with it', which is what she was implying. I am saying as much in a reply to Mr Clinton as to her, they did it and we are undoing it. But in the context of undoing it we are obliged to comply with the agreements entered into by former Governments.

960 I have given effect to agreements when I was elected with which I did not agree except for one particular instance. One instance where I believed that there was bordering an illegality. I took the matter to Cabinet and I told them this has been promised to a person who has been a former Minister and it is outside the policy rules; but there is a signed agreement and I am not prepared to give effect to it. And the Cabinet agreed that we should not. I went back to that person and I was threatened with legal action, but we prevailed because we were right. But where there is *an agreement* with the Civil Service, we have given effect to those agreements. We represent trade unionism and these agreements have sometimes been won by trade unions and it has got nothing to do with Luis Montiel, Mr Speaker, it was another Minister.

970 And that is why this is not a case of, 'You did it, therefore we will do it too'. This is a case of, 'You did it; we are undoing it'. We are getting rid of the Chief Executive, we are getting rid of that huge cost but there is this agreement in respect of civil servants and therefore we must honour it – and this answers Mr Clinton's question, although I had answered it already – but only on a personal to holder basis. And that kicks in after the book is printed, because the Chief

975 Executive is going to retire much, much earlier than expected, and therefore we have the
opportunity of undoing the increases for future postholders of the posts of Principal Auditor and
Chief Secretary, and therefore they *are* personal to holder. The Principal Auditor has already
indicated that he is retiring, the Chief Secretary has not yet done so, but these salaries are
personal to holder. Another thing that the hon. Gentleman can notch down to the *New People*
980 having told the community correctly.

When the hon. Gentleman talks about the Head of Gambling and the Finance Centre
representative, these people are not civil servants, Mr Speaker. Therefore the civil servants have
not made the argument based on the agreement that equates them with other civil servants.
That is why we are not making it with the £204,000 salary of the Gambling Commissioner. That is
985 why we are not making it with those who work in the Finance Centre Department; and that is
why we are not 'picking on' the GHA, we have a situation in the GHA where a Civil Servant took a
salary in a job that had to be equated.

But for him to say, that it does not happen in the private sector is an absolute joke. It is an
absolute joke, Mr Speaker. It might not happen in public companies with activist shareholders
990 but I can tell him it happens in very many private companies, some of which I am aware, some of
which I have been involved in, people get huge pay rises. But I am not surprised that in all his
time in the private sector he never had one.

I am not surprised because if this is the standard of work that one can expect, this sort of lack
of research, this apparent opportunity of having a shot which then turns out to be a blank, well it
995 is a dud. Frankly it is unfair, Mr Speaker, in particular for him to have got up because he is angry
with me, and said that this is wage jealousy; to have spoken as badly of the Civil Service, at least
of senior civil servants as he has, to have declared himself as he has ... and I have no doubt that
once I sit down the Hon. the Leader of the Opposition is going to get up, he is going to get up,
they are going to try and have a go and they are going to try and undo all the damage. But he
1000 has declared himself today an enemy of the Civil Service.

And, Mr Speaker, frankly, to have said that two people of the calibre, postholder and
individuals in post, of the Principal Auditor and Ernest Gomez, have acted out of wage jealousy,
is absolutely unbecoming of who I thought he was. We may be at political loggerheads but I
really did not think that the bitterness of losing an election had corroded him to such an extent
1005 that he would get up here and say that those two postholders, those two individuals, had acted
out of wage jealousy. I have only seen a tongue so out of control before in the mouth of the
current Leader of the Opposition, and it does not behold him to continue down that path.

To say that I have made a pig's ear of a debate where I have demonstrated that the things
that he wanted to prove are unprovable, shows to me that the frustration and the desperation
1010 has got to him to such an extent that he has nothing left in the tank. He has carried out a direct
attack on these two senior civil servants to such an extent that it has culminated with what I
think is the most disgraceful suggestion I have heard in this House since I have been here, and I
have heard many – because the man they sometimes call the greatest Gibraltarian of all time,
sometimes said some things that I think even he regretted when the red mists lifted.

1015 He has said let them leave if they do not like their salaries. Well, look, Mr Speaker, the world
today is full of argument about why populism in politics is the wrong thing. If he thinks he is
going to ride a wave that is going to lead him into Government simply by agitating on the
salaries of these two senior civil servants and saying senior civil servants act out of wage jealousy
and they do not live in the real world, that is not the Gibraltar that there is out there. Mr
1020 Speaker, he and I live in a different Gibraltar.

In a different Gibraltar because most of the people I know are on very low salaries. None of
them disrespect the Chief Secretary and the Principal Auditor when they are in the Government
service in the way that he has today. Because it is also true, Mr Speaker, that apart from Mr
Llamas who is himself a civil servant, and I think that Mr Reyes is now a pensioner, the only
1025 Member on the benches opposite who is actually entirely full time is him. Now, Mr Speaker, he
gets to work a couple of days a month, does what he wants as a Member of the Opposition the

rest of the time, when I happen to see him it is usually enjoying a coffee, whilst the Chief Secretary is hard at work and whilst the Principal Auditor is hard at work at their relatively high salaries, and whilst the people who are less than him and less than the Principal Auditor are either opening up a road or doing the work that they do hard at their desk. And he says, if they do not like it and they are acting out of wage jealousy let them leave, the whole of the Civil Service pay scale is just based on relativity.

Well, Mr Speaker, I think that the contempt he reflects for the Civil Service is a contempt that the Civil Service will reflect to him. I think it will reflect to him and this *Hansard* will mark a seminal point in his political career, one from which I predict he may never recover.

So the position that I have set out in the amendment to the motion is the only position that I believe accurately reflects the position, not just because it shows what the GSD did and why therefore we are able to do what want to do, which is to reduce salaries, but why it is right, proper and appropriate to do what we have done; and why the hon. Lady, if she took an objective view and was sitting on this side of the House after the 2011 election, in delivering a new dawn and building the strongest foundations, would find that she would have done exactly the same thing.

For that reason, Mr Speaker, I commend the amended motion to the House. (*Banging on desks*)

Mr Speaker: I now put the amendment in the terms moved by the Chief Minister, to the vote.

Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The amendment is carried by a Government majority.

So we now have the motion as amended before the House –

Hon. Chief Minister: Can I rise on just a point of order?

I am loath to do so, but I said something and I now have the answer and I will just tell the House that in fact Mr McCutcheon *was* entitled to a 25% gratuity on top of the amounts that I have delivered.

I will just say that by way of information. Tax-free.

Mr Speaker: So I will now put the motion as amended, that is now before the House. Anyone who has not spoken on the original motion may now speak.

As there is no contributor, I will call on the Hon. Roy Clinton to exercise his right to reply.
The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

Today we have seen the proof that has been long sought as to whether Father Christmas exists; I believe we have him personified in the Chief Minister himself.

The issue I raised in terms of the senior pay grades of the Civil Service, he has completely failed to address, and in this amended motion which completely sidesteps the issues I raised. These are issues not of my imagination, these are issues which also in the UK Civil Service has obviously exercised their brains because they realise that the most senior civil servant sets an example to the rest of the Civil Service. And it is a bit rich for those at the top of the pyramid, so to speak, I will quote *Hansard* where the Chief Minister said on 24th November 2016 at paragraph 345:

Since the representations made by the Principal Auditor ...

So these civil servants went to the Chief Minister, cap in hand, and said, 'Well, Mr Chief Minister, you know this is grossly unfair I believe I need to have more, please will you give effect to this?' And yet the Chief Minister tells us that this is something that was agreed by a previous

administration and it has taken him five years to get to it – five years, Mr Speaker. (*Interjection*) Mr Speaker, may I continue?

Mr Speaker: Yes, of course, continue.

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Hon. R M Clinton: – five years, Mr Speaker, and his only excuse for that is, ‘Oh, well, there was a civil servant who took up a post in the GHA and somehow that threw everything out of kilter.’ Mr Speaker, in terms of the pay of the senior civil servants what difference does it make? Are they going to do more in their current job, what is it that they are going to give to the taxpayer to justify this pay increase?

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It may be that the Chief Executive, the current incumbent civil servant who took over the role of GHA Chief Executive, and funnily enough the Chief Minister has chosen this very peculiar route to announce to the GHA that he has just abolished their chief. I do not know what the world will be like tomorrow in the GHA without their chief. But frankly, perhaps this civil servant had specialist skills for the GHA, as indeed perhaps the previous incumbents had; as indeed perhaps the various people employed within the Gibraltar Development Corporation. And I would point out to the Chief Minister that the Finance Centre Insurance Executive is actually listed as a civil servant in the Estimates Book, at £165,000.

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I have not heard anything that the Chief Minister has said in recommending this motion as to why these types of pay increases are merited. There is nothing that tells the taxpayer what it is that they are getting in return. What is the return to a taxpayer of this increase? I have not heard it. Neither has the Chief Minister, or perhaps he has conveniently forgotten to tell the House, what were these other two contracts he referred to in respect of the four senior civil servants and they did not mind about this type of increase? Presumably they had contracts, but he has not come back on that. No doubt it is a subject that perhaps we will come back to at some future point in time.

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Mr Speaker, he then goes on to muddy the waters with his motion and his speech by talking about, ‘Well, the Members opposite get this, and they did this, and this was done then.’ But, Mr Speaker, that has nothing to do with my original motion. And besides, the subject of remuneration will be discussed in the Select Committee which we have set up this afternoon, on parliamentary reform. It is my personal view that the salaries of Members of this House should not be set by ourselves. It is obviously a huge conflict of interest and it should be done on the basis of external recommendation, without pre-empting the work of the Select Committee.

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By the same measure I would argue that those at the top of the Civil Service should accept the same yardstick, and there should be somebody set up to determine what it is that these people should be paid, benchmarked against perhaps posts in the private sector or in the public sector in the UK, some other means of measuring what it is that the job they are doing is worth.

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Mr Speaker, in a way I am grateful that the Chief Minister has clarified that these posts are now personal to holder and yet on the other hand with one the Chief Minister has already admitted to is going to retire, it does seem rather convenient. And I say that with measured words.

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I have not attacked the Civil Service. (*Interjection*) I have not and I will have it on *Hansard* that I have not attacked the Civil Service. What I have attacked is the lack of a meritocracy at the top of the Civil Service; whereas it is the Chief Minister’s gift, and I use that word loosely, to give whatever salary he sees fit to whoever walks into his office. He says, ‘Oh, well, this House approved these salaries’. Well, Mr Speaker, we may have approved the Budget as a whole but I did raise in Committee a question about this salary increase and he offered to give me the information. I wrote to him and he did not give it to me. He did not give it to me in the House then, he has not given it to me subsequently and he has not given it to me now. So the only way to get the Chief Minister to somehow react to my letters, which he so much loves, is to present a motion to this House.

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I put him on notice now, that for every letter I write to him and he does not reply I will bring a motion to this House. (*Interjection*)

1130 **Mr Speaker:** Order.

Hon. R M Clinton: Because he loves my letters so much. In fact he loves my letters so much I can just imagine him handling them with such love and looking at the envelope and saying, 'Oh, look, Parliamentary, Urgent – ha, ha, ha'. Well, no, Mr Speaker, if he asks me to write to him and I write to him, I expect a response. And if he cannot write and give a response then he should not be Minister for Finance, resign that position and let somebody else do it who can, because obviously he cannot. (**Several Members:** Ooh!) He may not have the time to do it, so give it to somebody who can. (*Interjections*)

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1140 Mr Speaker, the public will remember that he has not given an answer today and I want *Hansard* to reflect that he has not given an answer. He just said, 'Well, the GSD did this, the GHA did that ... blah, blah, blah ... the Members opposite get paid this'. No answer. He has set up a perfect smoke screen, a barrage of completely irrelevant information in respect of the original motion.

1145 Well, Mr Speaker, if that is what he wants to do, if that is what he believes the people of Gibraltar will believe and are happy to accept from this magnificent Chief Minister we have opposite, this worker of miracles – then fine, let him try. But I can tell you it will not be me who will go down in history today as having attacked the Civil Service. It will be him who will go down in history as having been the Chief Minister who has taken the taxpayer for a ride.

1150 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: I will now put the motion as amended to the House. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) Carried by Government majority.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now adjourn, but I do so conscious that we started on a sorrowful note today, conscious that this is a festive season, it is the Christmas of the Christian, Catholic religion, it is the Hanukkah of the Jewish religion, it is a time for us of Merry Christmas and for them of Happy Hanukkah, and for many others of Season's Greetings and I extend sincere Season's Greetings to all Members of the House.

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1160 I extend all the very best for Christmas and for Hanukkah and for whatever relevant season, to all members of the community and I wish that we all have the opportunity of enjoying this joyful time with our families.

I shall look forward, Mr Speaker, to meetings next year, a year that I hope will be a very good year indeed for Gibraltar, although that is not to say that it is not going to be a complex and difficult year that we will navigate together.

1165 Mr Speaker, I extend all of those wishes also to the Chief Secretary and the Principal Auditor, at least on behalf of this side of the House and I move that the House do now adjourn *sine die*.

Mr Speaker: May I ask hon. Members to sit for a moment because I would like to extend my best wishes and those of the members of my staff to all hon. Members. May they have a very happy and peaceful Christmas and I wish them every blessing in the New Year. In spite of whatever headaches they may sometimes give me which sometimes elicit a loss of temper, I do enjoy being here enormously and I really look forward to seeing you all again in 2017.

1170 Thank you very much. (*Banging on desks*)

Several Members: Hear, hear.

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Mr Speaker: The House will now adjourn *sine die*.

The House adjourned at 6.26p.m.