



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.33 a.m. – 1.07 p.m.**

**Gibraltar, Tuesday, 20th December 2016**

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# The Gibraltar Parliament

*The Parliament met at 10.33 a.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 24th November, 2016.

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

*Mr Speaker signed the Minutes.*

## PAPERS TO BE LAID

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Minister for the Environment, Energy, Climate Change and Education.

10

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to lay on the table the accounts of the Gibraltar Heritage Trust for the Financial Year ended 31st March 2016.

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

## Questions for Oral Answer

### CULTURE, THE MEDIA, YOUTH AND SPORT

#### Q842/2016

#### Gibraltar Sports and Leisure Authority – Two vacancies

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
We commence with Question 842, the Hon. E J Reyes.

20

**Hon. E J Reyes:** Mr Speaker, sir, following on from the answer provided to Question 732/2016, can the Minister for Sports inform this House if the two vacancies within the Gibraltar Sports and Leisure Authority have now been filled?

25

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Centre Manager (Grade 5) interviews were held on Monday, 19th December – yesterday. The successful candidate should be notified shortly.

30

The interviews for the post of Assistant Administration Manager will be held in January 2017.

#### Q843/2016

#### Sports related grants – Update on payments made

**Clerk:** Question 843, the Hon. E J Reyes.

35

**Hon. E J Reyes:** Can the Minister for Sports provide updated details of all payments made during this current Financial Year, in respect of any sports related grants since the answer provided to Question 733/2016?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

40

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite an updated schedule in relation to all payments made during this current financial year in respect of any sports related grants.

45

Again, Mr Speaker, I take this opportunity to remind the hon. Member that updated information is posted on the GSLA website, [www.gsla.gi](http://www.gsla.gi). These changes are effected on a monthly basis or as and when required, as I explained to the hon. Member last time.

**Answer to Question 843/2016**

**Grants Awarded for Sports Development Projects.**

Athletics	4,427.71
Badminton	2,597.42
Chess	29,475.16
Hockey	2,986.50
Netball	514.48
Rhythmic Gymnastics	5,664.00
Rowing	832.53
Shooting	27,730.62
Triathlon	290.00
Kenjitsu Association	712.80

**Grants awarded for International Competitions.**

Island Games	83,019.31
Straits Games	10,147.55

**Grants awarded to Sporting Societies.**

Athletics	7,718.84
Basketball	60,790.20
Darts	6,904.64
Hockey	20,254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	3,704.14

**Hosting of Special Sports and Leisure Events.**

Classic Vehicle Association	1,200.00
Cleaning after Boxing event	57.60
Cleaning after Bike Rally	45.00
Cleaning after Beer festival	240.00
EHF Challenge 3 Cup	5,124.50
FIBA Senior Women's Cup	210.00
Backgammon Tournament	42,201.37
Gib Kennel Club	10,176.15

**Answer to Question 843/2016**

Gib Snooker Tournament	77,515.00
PDF Darts Trophy	119,990.65
Gibsport Sports Day	3,000.00
GMF Geotextile Flooring	4,870.00
Harley Davidson rally	4,500.00
Inauguration of Sports Complex	1,750.00
Jnr Chess Tournament	5,000.00
Kings Bowl Rock Master Tournament	16,000.00
Netball Europe U17 Champs	8,163.08
Sports Days Sound System	6,100.00
Thundercat racing event	27,950.00
UEFA Champ League	2,990.20
UEFA Futsal Comp	8,340.34
Yacht Regatta	6,528.00

**Mr Speaker:** Let us move on to the next question and I will allow the hon. Member to raise any supplementaries arising from the schedule if he so wishes.

**Q844/2016**  
**Cultural grants –**  
**Details**

**Clerk:** Question 844, the Hon. E J Reyes.

50

**Hon. E J Reyes:** Can the Minister for Culture provide updated details of any cultural grants awarded since the answer to Question 734/2016?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

55

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, since my answer to Question 734/2016, two further cultural grants have been awarded, these being: Gibraltar Heritage Trust – Publication of book by Manolo Galliano, £4,370; Child Line Gibraltar – Publication of book, £3,245.

**Q845/2016**  
**Gibraltar Sports Authority's premises –**  
**Cancellations due to being unfit for use**

60

**Clerk:** Question 845, the Hon. E J Reyes.

65

**Hon. E J Reyes:** Can the Minister for Sports provide details in respect of all cancellations at any of the Gibraltar Sports Authority's premises which were due to facilities being unfit for use, inclusive of reasons why the cancellations were necessary and dates involved?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

70

**Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, due to damage suffered as a result of the current storms and in particular, that caused by high winds, it was necessary to cancel the use of the Victoria Sports Hall on the following dates due to water ingress: Monday, 21st November, from 4 p.m. onwards; Saturday, 26th November, from 3 p.m. onwards – earlier sessions unaffected; Sunday, 27th November, all day; Thursday, 1st December, from 4 pm onwards; Sunday, 4th December, all day.

75

Given that the rain in that period was considered the worst for some time and that in the neighbouring areas life almost came to a standstill, these disruptions must be set in context. Nonetheless, works are being undertaken to repair the problems giving rise to these cancellations.

80

**Hon. E J Reyes:** I am grateful for that, Mr Speaker. The Minister ended up by saying that works ... are they to be undertaken or have already been undertaken? I did not quite catch that.

85

**Hon. S E Linares:** Mr Speaker, they are already ongoing actually. They have already started looking at everywhere that the water ingress came from and the contractor that fixed certain other ... Remember, we are talking about the old Victoria Sports Hall, because I can inform the

hon. Member that not a single drop came into the Tercentenary Hall because already refurbishment had been done previously and the contractor had actually fulfilled their mandate not to allow water to come in. But unfortunately some came in through the old sports hall.

90 **Hon. E J Reyes:** Yes, I am grateful and concur with the Minister that with the Tercentenary Sports Hall, we seem to have at long last seem to have solved the minor issue, the ventilation shafts in the newer Tercentenary hall sometimes because of the direction of the wind it did allow a bit of water ingress in that one.

95 In respect of the Victoria Sports Hall does the Minister expect this to be a huge expense that will require additional supplementary funding in favour of the Sports Authority or does he hopefully expect that it will be covered in the ongoing maintenance provisions that they have?

100 **Hon. S E Linares:** No, Mr Speaker, it will be on the ongoing maintenance and it will be covered with their own costs. Because of the type of rain we had, there was a lot of water ingress but it might just be one particular place and that can be covered with the normal maintenance.

**Q846/2016**  
**Garrison Gymnasium –**  
**Intended use**

**Clerk:** Question 846, the Hon. E J Reyes.

105 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports inform this House what is the intended use for the Garrison Gymnasium?

**Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

110 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the intended use for the Garrison Gymnasium is for the whole of the sporting community and allocations to be made via the Gibraltar Sports and Leisure Authority, once this facility is refurbished to meet health and safety standards and it has adequate changing and showering amenities.

115 **Hon. E J Reyes:** Yes, I asked that question, Mr Speaker, because in the last session the Minister kindly gave me the schedule of locations and I had picked up that there were no allocations made for the Garrison Gymnasium.

120 Does the Minister have any possible date when these facilities will be put back for public use so that bookings may be made in the same manner as all the other facilities?

125 **Hon. S E Linares:** No, Mr Speaker, I do not have any specific dates but the hon. Member must understand that we are trying to do that as quickly as possible because the Garrison Gym, as he well knows, was in a very, very sorry state of affairs and therefore we did have some monies, as the hon. Member knows, in the estimate. So we are working at that, we are talking about the gymnasium, so yes.

130 **Hon. E J Reyes:** Can the Minister inform us, I know that it requires a fair amount of work and so on. Is one of the problems in respect of repairs that asbestos has been found within the facilities?



**Hon. S E Linares:** Mr Speaker, not that I know of. As far as I understand it, there is no asbestos, but again if there is asbestos we will deal with it.

135 **Hon. E J Reyes:** I would be grateful if the Minister can take a personal interest because the word round the sporting community, and they are not always 100% accurate, is that it has been out of action for some time because of the implications to health and safety that comes about in carrying out repairs to the asbestos.

140 So although I know the Minister will not be able to have an answer now, I would be grateful if he were able to pursue this so that in future, we may exchange views and put this much needed facility back into community use as soon as possible.

**Hon. S E Linares:** Okay.

## ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q847/2016

Principal Auditor's Report 2014-15–

Details of capital works

145 **Clerk:** Question 847, the Hon. L F Llamas.

150 **Hon. L F Llamas:** Mr Speaker, in connection to 3.7.13 and 3.7.14 of the Principal Auditor's Report 2014-15, can the Government disclose the details of the capital works the Principal Auditor is referring to, the name of the successful contractor, the full cost of the project and confirm whether the successful contractor was the cheapest.

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

155 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

**Answer to Question 847/2016**

Site	Capital Works	Contractor	Cost	Cheapest quote?
Lathbury Barracks	Emergency sewer works	Site Trading	£ 4,100.00	no - 2nd
Lathbury Barracks	New sewer system	Site Trading	£ 29,825.00	yes
Jews Gate	Repairs to gutter	Site Trading	£ 3,200.00	yes
Jews Gate	Ticket Office refurbishment	Site Trading	£ 29,295.00	yes
St.Michael's Cave	Painting Exterior areas (after Hours)	Site Trading	£ 2,618.55	Part of existing maintenance contract
O'Hara's Battery	Restoration of site	Fotografiks	£ 135,000.00	no -3rd
Great Siege Tunnels	Mannequins exhibits	Fotografiks	£ 134,900.00	Only quote received
Great Siege Tunnels	Cornwallis Chamber	Site Trading	£ 152,900.00	yes
Great Siege Tunnels	Ticket Office refurbishment	Site Trading	£ 36,716.00	yes
Great Siege Tunnels	Viewing platform and Holy Land Tunnel refurb	Site Trading	£ 27,813.00	yes
Great Siege Tunnels	St. George's Hall	Site Trading	£ 147,700.00	2nd
Great Siege Tunnels	Extra works to Cornwallis Chamber	Site Trading	£ 10,981.24	Extra works to above
City Under Siege	Site refurbishment - Mannequins and exhibits	Site Trading	£ 105,300.00	yes
City Under Siege	Exterior beautification	Site Trading	£ 9,650.00	Extra works to above
WWII Tunnels	Removal of asbestos	Sky Bridge	£ 14,680.00	yes
WWII Tunnels	Electrical installation	Site Trading	£ 58,350.00	yes
WWII Tunnels	lighting and fire alarm	Site Trading	£ 7,600.50	Extra works to above
WWII Tunnels	Removal of asbestos	Sky Bridge	£ 15,245.00	yes
WWII Tunnels	Toilet refurbishment	Home Emergency	£ 1,149.00	yes
WWII Tunnels	Mannequins exhibits	Site Trading	£ 215,320.00	no - 2nd

**Contd Answer to Question 847 of 2016.**

100 Ton Gun	Maintenance office and toilets	Site Trading	£ 50,000.00	no - 2nd
100 Ton Gun	Steps to exhibition	Site Trading	£ 2,900.00	Extra works to above
100 Ton Gun	Railings and repairs to steps leading to toilet	Site Trading	£ 18,486.00	yes
Upper Rock Sites	Maintenance contract	Site Trading	£ 81,806.40	yes
Upper Rock Sites	CCTV Cameras	Securitek	£ 48,314.24	yes
Upper Rock	Refurbishment of Upper Rock areas	Site Trading	£ 95,745.00	yes
Cruise Terminal	X-Ray machine	Commercial Technologias	£ 60,968.00	Only quote received
Camp Bay	Staircases x3	Selina Ltd	£ 20,050.00	Only quote received (urgent)
Beaches	Walkways and shower platforms	Portman	£ 58,320.00	Only quote received (urgent)
Beaches	Concrete weights, crane hire and wooden cabin	Portman	£ 29,525.00	Only quote received
Beaches	Installations of waterparks	Steel Mac	£ 10,500.00	yes
Beaches	Medusa netting and anchoring sets	Portman	£ 21,158.00	Only quote received - same supplier
Beaches	Medusa netting installation	Portman	£ 14,805.00	Only quote received - same supplier
Beaches	Walkways	Portman	£ 13,500.00	yes
Beaches	Repairs to facilities	MC Construction	£ 15,250.00	yes
Beaches	Pre-season works to facilities	Site Trading	£ 15,480.00	Only quote received

**Mr Speaker:** We will move on to the next question.

**Q848/2016**

**MidTown Car Park and Royal Anglian Way Suspension Bridge – Signage**

160 **Clerk:** Question 848, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide an update as to when the signs for the MidTown Car Park and the Suspension Bridge at Royal Anglian Way will be put in place?

165 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the signs are planned to be placed after the festive season.

170

175 **Hon. L F Llamas:** Mr Speaker, can I ask the hon. Gentleman what is the delay? We asked this question two months ago and the answer given was that especially the MidTown parking one was imminent and it was already ordered. I think people listening, especially the sign manufacturers will understand will be asking what can take six months of planning to put a sign up?

**Hon. Dr J E Cortes:** Mr Speaker, I can answer in relation to the Upper Rock. They are two very different areas, I have answered both in order not to split a rather simple question into two.

180 In relation to the Upper Rock, my latest information is that the signs have been ordered and there are quite a whole lot of signs to revamp the whole of the Upper Rock and that is part of that consignment.

I am not aware of the specific details of the MidTown signs; maybe my colleague may be able to provide that information.

185 **Mr Speaker:** Clearly we have a situation here where a question is addressed at two different... and dealing with two different matters. I think it has escaped the notice of myself and the Clerk. This should have been two separate questions. MidTown Car Park has got nothing to do with the Upper Rock. The responsibility of one Minister is for MidTown Car Park and another Minister for the Upper Rock. So it should have been two shorter questions. Keep it in mind for the future.

**Hon. L F Llamas:** It was just, Mr Speaker, because last time it was answered in one –

195 **Mr Speaker:** Well, we slipped up. (*Interjection by Hon. L F Llamas*) Let us all keep that in mind for the future, okay.

#### Q849-853/2016

#### Upper Rock Nature Reserve; Windsor Suspension Bridge; Devil's Bellows; Mount Misery – Daily visitor statistics; security guards

**Clerk:** Question 849, the Hon. L F Llamas.

200 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with the daily statistics showing how many visitors have entered each attraction on the Upper Rock Nature Reserve during the last five years?

205 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 850 to 853.

210 **Clerk:** Question 850, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of daily statistics with how many visitors have visited the Windsor Suspension Bridge since its inauguration?

215 **Clerk:** Question 851, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, is the Government content with the working conditions under which the security guards at the Windsor Bridge and Devil's Bellows have been working since they have been placed?

220 **Clerk:** Question 852, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, what has been the cost of having security guards at Windsor Suspension Bridge and Devils Bellow's since placed at each location?

225 **Clerk:** Question 853, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, what has delayed the opening of Mount Misery from October 2016 to before Spring 2017?

230 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
Mr Speaker, the data in relation to Question 849 is not available as requested. The information  
235 available is as presented in the answer to Written Question 67. In other words, we do not have a breakdown as has been requested, but an overall figure which the hon. Member will be able to see in the Written Answer and then he may want to ask again in the future.

In relation to Question 850, the statistics are not kept.

240 In Questions 851 and 852, the security officers at these sites form part of larger contracts, move between sites and therefore the specific cost of security at Windsor Bridge cannot be determined.

The officer at Devil's Bellows is part of another contract for the Upper Rock which is held within my recently acquired portfolio for the Upper Rock tourist sites and therefore again the specific cost is difficult to identify.

245 Both guards have access to facilities at Jews' Gate.

The main cause of the delay has been severe weather.

**Hon. L F Llamas:** Mr Speaker, given that obviously Gibraltar is a popular tourist destination and having seen especially the security guard down at Devil's Bellows with a beach umbrella and  
250 a Portakabin, working in very warm conditions, does the Minister intend to continue this practice or is it a possibility that perhaps a more permanent building or facility will be provided in the near future?

**Hon. Dr J E Cortes:** Mr Speaker, it clearly is as we have been having a bit of a conversation  
255 here, we have to be careful how much money we spend in presenting facilities which could go over the top.

260 However, I am aware of what the hon. Member has said, but whatever steps we take, and there are various things here. Clearly the employing firm has a responsibility to look after the conditions in which their workers work and I am not aware of any requests made to Government in respect of that.

265 Secondly I think we need, in taking over the Upper Rock sites I am reviewing the whole question of access to the Upper Rock and obviously this will all be considered. But clearly there is no, as I said earlier, it may be that the hon. Member is encouraging us to spend large amounts of money on very plush facilities and if that is the case and we do provide them, which I suspect we will not provide very plush facilities, then clearly we will not be criticised.

But I know what the hon. Member is referring to and in analysing what we do with access to the Upper Rock this is part of the different areas that we are looking at.

270 **Hon. R M Clinton:** Mr Speaker, perhaps the hon. Member could just expand a bit on his answer and advise whether there is any intention to move the ticket office or establish a ticket office at Devil's Bellows?

275 **Hon. Dr J E Cortes:** Mr Speaker, I am not able to reply to that. I took over responsibility for the sites just weeks ago really, six weeks ago or something like that and I am looking at the whole Upper Rock product. This is something that we need to look at but I am not in a position at this stage to give any details, no decision has been taken.

280 **Hon. R M Clinton:** Thank you, Mr Speaker. I thank the hon. Member for that. Can he advise, or is he aware, whether any architects have been instructed at all in respect of the Devil's Bellows sites regarding proposals?

**Hon. Dr J E Cortes:** I am aware that no architects have been instructed.

285 **Hon. L F Llamas:** Mr Speaker, just coming back to Questions 849 and 850, I understand that the statistics as requested are not kept. Would the Government perhaps look into keeping these types of statistics in order to have an insight of what sites are performing better, what sites are not being attended to and the performance of the general Upper Rock?

290 **Hon. Dr J E Cortes:** Mr Speaker, I am one to like having statistics as information but not for the sake of having it and if keeping statistics for every particular part of the Upper Rock means, for example, having a person stationed there for 24 hours or at least during daylight hours with additional pay and so on, I think that that money can best be used for other things or not used.

295 So we have to be careful that we do not obtain statistics for every little corner of the Upper Rock or anywhere else just for the sake of having them. So this is part of the exercise of what we would need the statistics for. How important it is to know how many people are crossing the bridge, I am not sure. It is a bridge I'll cross when I come to it.

300 **Hon. L F Llamas:** Mr Speaker, I am not implying that specific people are actually placed; I am more referring to for example, St Michael's Cave, the Suspension Bridge where there are already people placed, the Great Siege Tunnels, in attractions where there are already employees working on those sites. Perhaps they could just keep an estimated record or at least maybe in order to just know how many people are coming, I think it is a useful statistic that will provide an insight on how the attractions are actually performing.

305 **Hon. Dr J E Cortes:** Mr Speaker, in trying to make a question out of that, I will agree that they would be useful statistics. Whether they are necessary statistics and whether they would warrant additional expenditure in order to achieve them is a decision that will have to be taken when all the information is available.

**Q854/2016**  
**Gibraltar Tourist Board –**  
**Update on arrears**

310 **Clerk:** Question 854, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, further to Questions 740/2016 and 741/2016, can the Government provide an update on the arrears position in relation to the Gibraltar Tourist Board?

315 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, further to the answer to Question 741/2016, the arrears are: Debtor A, £2,752.65; Debtor B, £106,672.70.

320 **Hon. L F Llamas:** Mr Speaker, can I ask: are there any interest penalties or any additional anti-debtor strategies being put in place in order to curtail this behaviour and to try and avoid this sort of trend that we are seeing?

325 Obviously the figures are quite substantial and these are users going up to the Upper Rock who are benefiting from taking tourists up, so there is no reason why they should have this delay in paying their entry fees.

**Hon. Dr J E Cortes:** Mr Speaker, I am not aware, I would have to ask the Member, it is a new Department that I have taken over, I can find out the information.

330 I think to put it in context, in relation to Debtor A, the sum is identical to what it was when I answered about a month ago.

In relation to Debtor B, we must remember that two payments of about £30,000 had come in in fairly rapid succession which had reduced it to £93,000 more or less, and obviously that has now increased by £13,000. So it may be that some other payment has not come in or has not been processed yet, but we are aware what is owed and there may be a bit of a time lag.

335 So I think it is worth waiting for another month to see where we are and I will enquire as to what system the Department has to discourage debts. But I do not have that information available.

#### Q855/2016

#### Public toilets at Cathedral Square – Closure

340 **Clerk:** Question 855, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government explain why the public toilets at Cathedral Square have been closed for the past few months?

345 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the toilets have been closed because of a fault in the plumbing which has resulted in them being out of order.

**Hon. L F Llamas:** Mr Speaker, are the repairs being undertaken and does the Minister know when these toilets will be reopened once again?

355 **Hon. Dr J E Cortes:** Mr Speaker, my information is that the matter is being looked into. Remember, it is a very old toilet and in all likelihood with old metal pipes and so on, it may be more complex than it appears from my answer.

Also the cost of having the plumbing redone is being looked at. So it is being looked at but no decision has been taken. There are other facilities nearby – there is a pay toilet in

360 Commonwealth Park and there is the Leisure Centre – but as I say, we are looking into the extent of the problem and to see what costs will be involved in repairing this.

**Q856/2016**  
**Temporary power turbines –**  
**Total cost since 2012**

**Clerk:** Question 856, the Hon. T N Hammond.

365 **Hon. T N Hammond:** Mr Speaker, can the Minister say what the total cost of the temporary power turbines has been since January 2012?

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

370 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the total rental cost of the power turbine since January 2012 has been £12,849,567.42.

**Q857/2016**  
**Gibraltar's energy needs–**  
**Percentage from renewable energy sources**

375 **Clerk:** Question 857, the Hon. T N Hammond.

**Hon. T N Hammond:** What percentage of Gibraltar's energy needs is currently being met from renewable sources?

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

385 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the percentage in the grid is approximately 0.05%. This, however, does not include solar thermal installations which can be considered as 'non-usage' for which figures are not available.

390 **Hon. T N Hammond:** Mr Speaker, bearing in mind the figure of 0.05% does the Minister still believe it is possible that we will achieve the 20% target that is established in their manifesto and of course by EU requirements by 2019-20?

**Hon. Dr J E Cortes:** Mr Speaker, absolutely sir.

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



**Q858/2016**

**Gibraltar's energy needs –  
Expected change by 2019**

**Clerk:** Question 858, the Hon. T N Hammond.

400 **Hon. T N Hammond:** Mr Speaker, does Government expect there to be any change in the energy demand between now and 2019 and if so, what is the anticipated change?

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

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**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Government expects electricity demand for Gibraltar to increase by about 1.5% between now and 2019.

**Q859/2016**

**Bayside Comprehensive students decanted to Victoria Stadium –  
Reasons**

410 **Clerk:** Question 859, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government explain the reasons for decanting students from Bayside Comprehensive to Victoria Stadium for the purposes of holding lessons which fall outside physical education?

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

420 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this was necessary in order to accommodate the increasing number of students on a wide choice of optional subjects.

425 **Hon. E J Phillips:** Just one further supplementary: how many students have actually been decanted into Victoria Stadium?

**Hon. Dr J E Cortes:** Mr Speaker, I do not have that figure. It was not asked so therefore it has not been provided in my reply. I am sure that if the hon. Member writes to me I can get the information from the Department, but I do not have that figure here.

430 **Hon. E J Phillips:** One further question: what measures are going to be put in place in order to avoid that decanting into obviously clearly an unsuitable site for the education of children?

**Hon. Dr J E Cortes:** Mr Speaker, there is a manifesto commitment regarding Bayside School and new schools and we will take this into the planning.

435

**Hon. E J Phillips:** Just to confirm that Victoria Stadium will still be used and continue to be used until the new schools are built?

440 **Hon. Dr J E Cortes:** Mr Speaker, I have to assume so. Again, I have not got the information, I do not know whether the school has looked at alternative venues but clearly if we have to accommodate students we will find accommodation for them in order for the lessons to proceed.

The alternative is to not have those options available and I think that educationally we will agree that it is better to walk across the road and have the class than to stay put and not have it.

**Q860/2016**  
**Bullying in school –**  
**Minimisation measures**

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**Clerk:** Question 860, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government set out what measures are in place to minimise the incidence of bullying in schools?

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

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes)**  
455 Mr Speaker, firstly let me start by saying that a single incident of bullying in or out of school is an incident too many, I am sure we all agree.

As such, we take a very serious view of bullying, which is tackled in two ways: first, through the delivery of a comprehensive Personal, Social and Health Education programme in all the schools where bullying and the consequences of bullying are openly discussed. Every attempt is made to make sure that bullying is reported and, furthermore, that victims feel safe in the knowledge that they can speak to someone in confidence and that something will be done.

460 The programme also strives to educate and teach children to celebrate their differences, to be respectful and tolerant of each other and to never be afraid to speak out when they see injustice.

465 Secondly, despite all of this it is of course regrettable that sometimes bullying still happens. All schools take a zero tolerance view at this stage and will deal with reported incidents swiftly and diligently in accordance with their discipline protocols.

470 I would, however, like to remark if I may on the positives. Only a few weeks ago I witnessed with my colleague, the Hon. Samantha Sacramento, 1,000 boys locking hands in solidarity with the victims of domestic violence, particularly women and girls. This is the education I am referring to and I am immensely proud of the work being done in schools by teachers.

**COMMERCE**

**Q861/2016**  
**Financial Services Ombudsman Act 2016–**  
**Bringing into effect**

**Clerk:** Question 861, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government advise when it intends to bring into effect the Financial Services Ombudsman Act 2016?

**Clerk:** Answer, the Hon. the Minister for Commerce.

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**Minister for Commerce (Hon. A J Isola):** Mr Speaker, we intend to bring the Financial Services Ombudsman Act into effect on 1st April 2017.

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**Hon. R M Clinton:** I thank the Hon. Minister for the answer. Has there been any start to the process to recruit or identify the Ombudsman?

**Hon. A J Isola:** Yes, Mr Speaker, there has.

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**Hon. R M Clinton:** Mr Speaker, may I ask the Hon. Minister how that process has commenced? I do not recall seeing any adverts in any local papers.

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**Hon. A J Isola:** No, there have not been any adverts, Mr Speaker, because we are not looking at recruiting a specific team. We would hope that the hon. Members opposite would welcome a setting up of an Ombudsman's office using current resources from other Departments and other agencies which would serve the purpose it would require under the Act.

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**Hon. R M Clinton:** So, Mr Speaker, if I understand the Minister correctly, he is looking to staff and resource internally within existing resources, presumably within the GDC or the Civil Service and not to recruit externally?

**Hon. A J Isola:** Well, Mr Speaker, we are looking at using existing resources by agreement, whether internal or external, to carry out the functions that we require. We would hope that you would welcome this and not seek the recruitment of further people into the public sector.

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**Hon. R M Clinton:** Mr Speaker, maybe I misunderstood the Minister. He said existing resources whether internal or external. Perhaps he could clarify what he meant by external.

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**Hon. A J Isola:** Well, Mr Speaker, it is questionable whether certain agencies within the Government are internal or external.

**Hon. R M Clinton:** Perhaps the Minister could then perhaps... just a final supplementary on this one. If I understand him correctly, then, by external he means potentially other Government agencies, but not for example third party private entities such as law firms or accountancy firms?

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**Hon. A J Isola:** Yes, exactly.

#### Q862/2016

#### New Statutory Regime for Financial Services and Professional Services – Update on introduction

**Clerk:** Question 862, the Hon. R M Clinton.

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**Hon. R M Clinton:** Mr Speaker, can the Government please provide an update on the introduction of the New Statutory Regime for the Financial Services and Professional Services

Market announced in its press release 43/2015 dated 27th January 2015 and the legal costs incurred to date?

**Clerk:** Answer, the Hon. the Minister for Commerce.

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**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the Legislative Reform Programme (LRP) encompasses the development of policy and the drafting of legislation for: new consolidated primary and secondary legislation relating to financial and professional services; transposition of financial and professional services directives; the implementation of elements of EU regulations through statutory amendments; and other Government initiatives to amend financial services law such as the implementation of a new regime for pensions.

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To date the LRP has delivered on financial service legislation, including European Directives and Regulations. In terms of the new primary and secondary legislation, significant progress has been made in the drafting of the legislation and we expect to be able to consult on the new consolidated legislation in the second half of 2017.

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We assume the reference to 'legal costs' is to the costs of the drafters. Details of those costs incurred to date can be found on the Government's website and I am advised and pleased to report that we are on target to complete this work on budget.

**Q863/2016**  
**Double taxation agreements –**  
**Negotiations**

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**Clerk:** Question 863, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise with which jurisdiction it is currently concluding a double taxation agreement and has the UK agreed to enter into one with Gibraltar?

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**Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, Gibraltar Finance officials have been negotiating Gibraltar's first double taxation agreement since the beginning of this year. The negotiations have turned out to be more protracted than anticipated due to the very technical nature of these agreements and the final draft is now with a private sector working group which has assisted Government with these matters. Government expects to conclude this process and arrange a signing early next year. I will happily disclose the name of the jurisdiction to the Member outside the Chamber.

550

The draft DTA takes into account the OECD's BEPS Programme and Action Points that have become the standard for international tax reporting and which are designed to prevent the erosion of national tax bases and impede the shifting of profits to lower tax jurisdictions. Gibraltar is in the process of transposing the EU equivalent of BEPS.

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I am pleased that we are now close to delivering an important manifesto commitment with respect to DTAs in partnership with the private sector. We now hope to build on this by developing a network of double taxation agreements going forwards, on terms similar to the draft referred to above, in full compliance with the OECD BEPS action points.

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We are in discussions with Her Majesty's Government and our desire to enter into a DTA with the United Kingdom.

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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for that answer. In respect of the jurisdiction, although he may... he obviously will not identify these jurisdictions, would he be able to say whether it is a European jurisdiction?

570 **Hon. A J Isola:** Mr Speaker, I am happy to inform the hon. Member of the name of the jurisdiction behind the Speaker's Chair if that will help.  
The answer is no.

575 **Hon. R M Clinton:** Mr Speaker, talking about – if I can ask the Hon. Minister about the double tax agreements, the negotiation as he will know from this one double tax agreement that has been negotiated with the help of a private sector working group, is quite a protracted affair, and the development of a huge double taxation network will be an ambitious one, have any thoughts been given to piggy-backing on the UK Government's double tax treaty network?

580 **Hon. A J Isola:** Mr Speaker, the issue of DTAs is one that we have discussed in Parliament before. We did have two DTAs ready to go with two different jurisdictions to the one I have referred to earlier, but of course the introduction by the OECD of the BEPS action plan and action points, has almost derailed that entire process and I believe that there is now going to be an entirely new regime of DTAs signed across the world which have to comply now with the  
585 OECD BEPS action points.

So this is the first one and I fully believe that the future of DTAs will very much be in line with this format. This will now become the standard procedure and the jurisdiction with whom we have entered into or about to enter into the first DTA had a representative on the OECD Committee on BEPS and therefore their input has been extremely helpful in understanding the full implication of the BEPS programme.  
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We have discussed with the UK and will continue to talk to them about our own DTA with them and what other possibilities may arise as a result of that.

**Q864-866/2016**  
**Bitcoin/Cryptocurrency –**  
**Working group, challenges and regulation**

595 **Clerk:** Question 864, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm whether a Bitcoin/Cryptocurrency working group has been established and if so, who sits on the group?

600 **Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 865 and 866.

605 **Clerk:** Question 865, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government set out what challenges it sees in relation to the regulation of Bitcoin/Cryptocurrency in Gibraltar?

610 **Clerk:** Question 866, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm what steps it is taking to regulate Bitcoin or other forms of Cryptocurrency in Gibraltar?

**Clerk:** Answer, the Hon. the Minister for Commerce.

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**Minister for Commerce (Hon. A J Isola):** Mr Speaker, a Cryptocurrency working group was formed in July 2014 by the private sector with our support. The working group included Paul Astengo, David Parody, Joey Garcia, Albert Yome and Nicholas Gomez, as well as representatives from local and international firms. The private sector group approached Government in summer

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2014 and offered to set up a group at no cost to Government, to consider and report on these issues. The working group produced its first report in December 2014 which was circulated by Gibraltar Finance on 24th December 2014 for consultation by the Finance Centre Council to its member firms and direct to contributing firms and individuals who were not part of the Finance

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Centre Council. After considering the multiple responses to the consultation, a second report was published in January 2016 which was circulated by e-mail on 22nd February 2016 for consultation by the Finance Centre Council to its member firms and directly to contributing firms and individuals not part of the Finance Centre Council. This second report contained the views of the working group

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on a proposed regulatory framework, for firms engaged with virtual currencies. In answer to Question 865, HM Government of Gibraltar is not seeking, nor has it ever sought, to regulate Bitcoin or any other Cryptocurrency in Gibraltar.

And in answer to Question 866, Government is not taking any steps to regulate Bitcoin or Cryptocurrency.

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By way of assistance I would add that HM Government of Gibraltar is seeking to establish a regulatory framework via the Gibraltar Financial Services Commission, for firms not otherwise subject to regulation that use Distributed Ledger Technology for the transmission and storage of value. Virtual currencies are recognised as one application of DLT. This is work in progress and we will inform our thoughts and decisions in this area and an announcement of our progress will

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**Hon. E J Phillips:** Just one further question. I thank you for that comprehensive answer. Can the Minister just explain what DLT is and how it differs in the context of digital currency? I am not too clear on what DLT is. I am grateful.

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**Hon. A J Isola:** Well, Mr Speaker, quite simply, Distributed Ledger Technology is technology. So for example blockchain is one type of DLT. A virtual currency – and a Bitcoin – is regarded as a sort of Cryptocurrency. So when the hon. Member asks if we are going to be regulating Bitcoin or virtual currency, the answer is no, because we are not going to regulate the currency like we do not regulate fiat currencies or even commodities like gold and silver. But we are going to regulate what is not already regulated: those that touch or engage with it. So that is the difference really between DLT and the currencies themselves.

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**Q867/2016**  
**Business with Hong Kong firms –**  
**Economic benefit to Gibraltar**

**Clerk:** Question 867, the Hon E J Phillips.

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**Hon. E J Phillips:** Further to Question 199/2016, can the Government confirm what real business is being done between Gibraltar and Hong Kong firms in which Gibraltar derives direct or indirect economic benefit?

660 **Clerk:** Answer, the Hon. the Minister for Commerce.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the use of the Hong Kong Office has enabled a significant number of Gibraltar companies and organisations as well as Government with its trade missions in financial services, shipping, education and trade, to have access to real and significant business opportunities in Hong Kong.

665 Furthermore, the Hong Kong Office is now also assisting trade missions to mainland China having facilitated and attended visits with Ministers Bossano and Isola in recent months, with further visits planned in early 2017.

670 There is no question that serious business has been conducted between Asia and Gibraltar since the launch of the Gibraltar Government office in Hong Kong and engagements with huge state owned enterprises continue both in China and Gibraltar. The investments currently under discussion are substantial and are ongoing.

675 Mr Speaker, I would like to take this opportunity to thank Mr Jason Cruz, our man in China, for having significantly raised the profile of Gibraltar in Asia and worked tirelessly and professionally to deliver real business and opportunity to all of our firms in the private sector, as well of course as Government.

**Hon. E J Phillips:** I am grateful for the answer and obviously we will get to Mr Cruz later on in Question Time. But in relation to the question that I put to him about the real business opportunities, I will just remind the hon. Member of what he said in relation to the answer to Question 199. He said:

I think I answered that in my original question where I said that the reports I get from the private sector is that real business is being done and indeed a public announcement will be made in the coming quarter of other work that is coming to a fruitful conclusion.

Can the Minister explain a bit more about that and what type of public announcement he expects, given that it was some time ago that he made that statement.

685 **Hon. A J Isola:** Yes, Mr Speaker. The statement that I was referring to at that time were ongoing negotiations for a very high profile Hong Kong firm which had 800 staff in Hong Kong and 3,000 worldwide, that was in the process of finalising its position to open its office in Gibraltar.

690 The little matter of the announcement of the Brexit vote in early 2016 put that on hold and unfortunately did not proceed following the voting on 23rd June this year.

## TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q868/2016

Queen Elizabeth class carriers –  
Works necessary for berthing

**Clerk:** Question 868, the Hon. D A Feetham.

695 **Hon. D A Feetham:** Mr Speaker, does the Government know whether operating one of the new Queen Elizabeth class carriers from Gibraltar will necessitate any works to any of the Moles or the Port?

700 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

**Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, it is anticipated that the new Queen Elizabeth class carriers will berth at the South Mole within MOD property when they call at Gibraltar. It is understood that MOD staff are looking into any work required on the infrastructure here in Gibraltar to support these ships and they will be better placed to provide any details.

705 There is no expectation that the carriers will berth elsewhere in the Gibraltar Port.

**Hon. D A Feetham:** Mr Speaker, will he also join me in stating in this House how welcome it will be for one of these Queen Elizabeth carriers to be operating from Gibraltar, and does he expect or has he had any information from the MOD as to what extra economic activity that may bring to Gibraltar, which again would be very welcome indeed as a consequence of having this carrier operating from Gibraltar?

710 **Hon. G H Licudi:** Mr Speaker, we are certainly very happy to state that we welcome the arrival of this new class of aircraft carriers to Gibraltar. They will be very, very welcome indeed. Matters to do with the works are clearly for the MOD. We anticipate that it will be possible for those carriers to be berthed in Gibraltar and certainly with a large crew like is expected with this class of carriers, it is anticipated that when they call it will generate economic activity for Gibraltar.

720 It is impossible I think to quantify what that economic activity will be but it will be most welcome – not just from the point of view of the economics of what Gibraltar will derive from such visits, but from the point of view of the continuing link with the United Kingdom, the continuing close link with the MOD and the use of the Gibraltar facilities which will always be available for the MOD to maximise its use and to make use of Gibraltar to the best way possible, in partnership obviously between Gibraltar and the United Kingdom as we have always done.

725 **Hon. D A Feetham:** Mr Speaker, thank you very much for the answer.

Mr Speaker, the Government will obviously not have a final answer in relation to this because he has already indicated to me that the MOD are undertaking their own surveys, but of course if the surveys indicate that substantial work will be necessary to the South Mole, that is also going to be a very welcome generation of economic activity here in Gibraltar.

730 But the question I want to ask is, is it something that the Government has discussed with the MOD that having this class of carrier operating from Gibraltar may also lead to the need for a reconsideration perhaps of the MOD's stance in relation to the staff and workers that it may need here in Gibraltar and the proposed voluntary redundancies going forward? Is that something that has been discussed between the Government and the MOD?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes at the very highest level between the Chief Minister and the Minister for the Armed Forces.

740 Because the position of the Government of Gibraltar as the Minister has said, is that bringing the Queen Elizabeth class to Gibraltar and indeed the Queen Elizabeth itself to Gibraltar, is not just a demonstration of the continuing relationship between Gibraltar and the United Kingdom in all matters, but in particular in relation to sovereignty, but is a sign that Gibraltar is the home of the Royal Navy in the Mediterranean Sea and that in that home there must be a forward mounting base that is able to support Her Majesty's Armed Forces as required at any particular



750 time – in particular given these dangerous times in which we live, which former Prime Minister David Cameron was right to say, demonstrated just how dangerous it was to live on the shores of the Mediterranean. And, Mr Speaker, those who work in the Ministry of Defence today are fully assured of the support of the Gibraltar Government and know that they will have all our support to demonstrate just how important their work is and will be in the future in particular, with the Queen Elizabeth class calling here.

755 And I have made that point directly to the Minister of the Armed Forces, Mike Penning, who if I may say so has demonstrated in the time that he has been Minister for the Armed Forces, that he is an excellent supportive friend of Gibraltar in every post he has held and in particular, in this post in which he himself has said is the post that he wished most to have of all the ministerial offices available. So, Mr Speaker, the House can rest assured that the Government has made those points and many more in support of our employees in the Ministry of Defence.

760 **Hon. D A Feetham:** Mr Speaker, I welcome that statement, on behalf of the Opposition.

**Hon. Chief Minister:** Thank you. It was a statement on behalf of the Government, not on behalf of the Opposition.

#### ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q847/2016

##### Principal Auditor's Report 2014-15– Supplementary question

765 **Mr Speaker:** Is there a supplementary arising from Question 847?  
The Hon. Lawrence Llamas.

770 **Hon. L F Llamas:** Mr Speaker, just one supplementary arising from Question 847/2016. On the second page of the schedule handed over by the Minister for the Upper Rock, there is one item, Refurbishment of Upper Rock Areas – a total sum of £95,000. Is the Minister able to provide a breakdown, because obviously the reference of Upper Rock areas is quite broad, is it possible to provide a breakdown of what the works have actually been on this occasion?

775 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** I am sure it is. I do not have the information. I have given the headings. If I were to have broken down every single one of them, obviously that would have been quite an onerous task, but once again I would be happy to do that by exchange of correspondence. I am sure that if the information is available, there will not be any problem in providing it.

#### HOUSING AND EQUALITY

Q884/2016

##### Government rental homes – Urgent decanting of tenants

780 **Clerk:** We now move to Question 884, the questioner is the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 772/2016, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, none.

**Q885/2016**

**Government rental homes –  
Eviction of squatters**

790 **Clerk:** Question 885, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 773/2016, providing a breakdown showing the number of homes involved and to whom payments were made?

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

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, none.

**Q886/2016**

**Government rental homes –  
Repair works pending**

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**Clerk:** Question 886, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to Questions 603/2016 and 774/2016, can the Minister for Housing please now provide a revised answer with updated details in respect of all pending repairs. That is still not fully completed jobs to rental homes, indicating the dates when these reports were first made by tenants and stating how many will be repaired by (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

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

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**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, huge progress has been made since the days that Members opposite were in Government and there were thousands of outstanding/pending repairs to rental homes.

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To date, there are 288 pending repairs to rental homes and these are as follows: 14 in May 2016; 23 in June; 15 in July; 18 in August; 10 in September; 47 in October; 141 in November and 20 in December.

(a) 32 of these will be repaired by the Housing Works Agency; (b) 256 of these will be repaired by sub-contractors; and (c) two on a self-repair basis.

820 **Hon. E J Reyes:** Mr Speaker, I wrote to the hon. Lady saying that some tenants had reported to me that they had pending works prior to May and she was going to look into those. I think from today's answer she again quotes pending works going as from May. Has she been able to find out the veracity of those claims to have works outstanding prior to May?

825 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I am grateful to the hon. Gentleman opposite for giving me a list of tenants who had approached him. There were a number of names there, Mr Speaker.

On the whole, all of those have now been progressed; some have been completed; some of them, as happens ... one of them had reported and then someone else in the household had  
830 cancelled the report which is why it was not reflected in my answer because it was not pending. In other cases there was no report at all, so sometimes people do not report according to the channels.

But again as I said I am grateful to the hon. Gentleman of course we are dealing with huge volumes of works, it is a system which may from time to time give rise to human error and there  
835 are only a couple of the works that the hon. Gentleman forwarded to me that had not been actioned but they have now. So I am grateful for that.

**Q887/2016**

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

**Clerk:** Question 887, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 775/2016 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

845 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, one contract has been awarded and that was to A J Windows for £11,355 in relation to one property. The work  
850 carried out by this company was general refurbishment including plastering walls and ceilings, painting, replacing floor tiles and doors, plumbing and electrical works.

**Q888/2016**

**Government rental homes –  
Outstanding arrears**

**Clerk:** Question 888, the Hon. E J Reyes.

855 **Hon. E J Reyes:** Can the Minister for Housing provide details of outstanding arrears in respect of Government rental homes, providing a breakdown by month since February 2016?

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

860 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the information on arrears is as follows since the answer to Question 383/2016 it is as follows: on the 30th June, the balance was £5,433,274.03; 31st July, £5,391,027.42; 31st August, £5,363,754.45; 30th September, £5,320,899.92; 31st October, £5,306,588.97; 31st November, £5,248,007.90.

So, Mr Speaker, just under £5.25 million.

865 **Hon. E J Reyes:** Mr Speaker, would the hon. Lady kindly repeat the figure for August? Five million three hundred and something, I missed that part. (*Interjection*) The schedule is coming, then I am grateful for that. Thank you, Mr Speaker.

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**Q889/2016**  
**Bruce's Farm admissions –**  
**Number who have relapsed in last 12 months**

**Clerk:** Question 889, the Hon. E J Phillips.

875 **Hon. E J Phillips:** Can the Government confirm how many of those people admitted to Bruce's Farm in the last 12 months have relapsed?

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

880 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, of those who have undertaken rehabilitation in the last 12 months, Bruce's Farm is aware that there are currently nine who have relapsed.

**Hon. E J Phillips:** Mr Speaker, out of the total, what is the total of those who have been admitted or have undergone a period of rehabilitation?

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**Hon. Miss S J Sacramento:** Mr Speaker, the number of admissions so far are 49.

**Hon. E J Phillips:** Within that 12-month period, that is correct, thank you.

**INFRASTRUCTURE AND PLANNING**

**Q890/2016**  
**Zebra crossing from Midtown parking to Reclamation Road –**  
**Accessibility for wheelchairs and pushchairs**

890 **Clerk:** Question 890, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, does the Government intend to make the only zebra crossing from the Midtown parking to the pavement opposite on Reclamation Road, wheelchair and pushchair friendly?

895

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

900 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Highways Section of the Technical Services Department assessed the said crossing in August 2016 following the completion of the Midtown Coach and Car Park and recommended that this zebra

crossing be made accessible. It is Government's policy to provide adequate accessibility for all facilities, particularly those that are Government projects. Thereafter, the design work was prepared to ensure that the existing zebra crossing would meet the requirements of wheelchair users. The works order was placed and I am pleased to confirm to the hon. Gentleman that preliminary works to the pavement commenced last week.

Therefore, Mr Speaker, I expect for the works to be completed before Christmas.

**Hon. L F Llamas:** Mr Speaker, from that answer I understand that the Government actually looked into the situation post building the parking area and obviously I think, from what Government has been campaigning in the last couple of weeks, to do with accessibility and the Disability Bill, it would have been far more well-thought if Government would have actually included the accessibility to this parking before actually completing the project. It is things that obviously should arise as part of common sense.

If the Government brings over a specialist from the UK to talk about accessibility, but yet in implementing new projects which are so recent as this fail to understand that these things need to be factored in through the planning process, I would like to ask the Minister if it would be an additional cost and why it was not actually factored in at the time of the actual planning for the Midtown parking?

**Hon. P J Balban:** Mr Speaker, I would have to ask my Department the specific question. I think, if I am not mistaken, that they were considering different options for a zebra crossing within the road itself. Because it was not easy because of the way, I think, that cars and motorbikes parked in the area to find the best crossing point.

So I would need to ask my staff exactly why but I think the reason was that they built a zebra crossing the best they could at that time, until they had fully assessed the area. That is my understanding.

**Hon. L F Llamas:** So does that mean that the zebra crossing is moving its location or is it still going to be in the same location?

**Hon. P J Balban:** No, Mr Speaker, the decision was taken that that was probably the best location and that is why the works have been carried out. It would be useless to actually put a zebra crossing there if the intention was thereafter to move it to another location.

**Hon. L F Llamas:** The only other question which I asked was: is this an additional cost to the Taxpayer or is it encompassed within the actual project?

**Hon. P J Balban:** Mr Speaker, I will have to find out and revert to the Gentleman.

**Q891/2016**  
**Speed cameras –**  
**Date to become operational**

**Clerk:** Question 891, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, since the law has now been amended to allow for their use, when does the Government believe that the speed cameras will become operational?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, it is expected that this project will go live shortly. A further visit from the contractors is necessary before the project goes live and final arrangements are in place for the company to complete the commissioning and training in late January.

Mr Speaker, without wishing to commit to a date for obvious reasons, I envisage the speed cameras should be in operation sometime during the first quarter of 2017.

**Q892/2016**  
**Midtown Car Park –**  
**Number of spaces and number sold**

**Clerk:** Question 892, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, what is the total number of parking spaces in the Midtown Car Park and of that total, how many have been sold to individuals or companies?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the total number of parking spaces is 1,011; and the total number of completed sales to individuals or companies is 456.

**Q893/2016**  
**Midtown Car Park –**  
**Serviceability rate for machines**

**Clerk:** Question 893, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Minister provide figures for the serviceability rate for machines in the Midtown Car Park since it became available for use by the public?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, since Midtown Coach and Car Park was opened to the public, Gibraltar Car Parks Ltd have encountered several issues as follows: coins jamming within the mechanism of Pay Station No. 2 – the coin readers were replaced under warrantee and at no cost. Pay Station No. 2 also encountered a software issue as a result of a faulty motherboard – the motherboard was also replaced under warrantee and at no cost.

Pay Station No. 2 was out of order on three occasions as it was out of change. These situations were promptly addressed by the contracted security company for the car park and replenished as necessary.

Initially the coin readers to both Pay Stations No. 1 and No. 2 encountered issues where some series of £1 coins would be rejected. This is a common issue that manifests in coin readers installed within pay stations, ATMs, pay phones and other platforms.

**Hon. T N Hammond:** Mr Speaker, I thank the Minister for that answer, and it is a comprehensive answer. However it does not quite give me the information I was after, which is

really how often the machines have been out of service as a ratio to the time they have been open. And I raise the question because the concern has been raised directly or the frustration has been raised directly with me by members of the public who have encountered problems.

990 So the frequency from their anecdotes, if you like, would appear to be relatively high rate of unserviceability and I wonder if the Minister could just clarify.

**Hon. P J Balban:** Mr Speaker, it would be impossible to give the hon. Gentleman an exact idea of the frequency because there are certain issues that happen unfortunately quite frequently, which are the issues we are experiencing with certain £1 coins. That I think is one of the biggest matters that come to my attention and on occasions the coins slip through.

995 So again, if you change the coin it works and this happens throughout. You often see, on machines you may see scratch marks on the side and that is because sometimes people think that by adding some friction to the coin, it will accept it. Sometimes the coin is accepted.

1000 So I say, it is unfortunately something that happens quite frequently which is beyond our control in that respect, but we are looking at the actual issues as to why it happens to see where this can be corrected.

1005 It is also important to note that Gibraltar, although not totally unique in this respect, because other areas have this issue, but because we accept coins, UK Pounds sterling and we accept Euros, the hoop that is in the machine, the actual mechanism within, has to know and accept different weights and measures for particular coins. That is also something which is also a lot more complicated for machines technically than just a machine which deals in one currency. So that is another factor that we encounter.

1010 **Hon. R M Clinton:** Once again, I thank the Minister for what was a comprehensive answer, one final question because he referred to certain £1 coins. Has it been identified which particular coins? Can people be advised to use a particular kind of coin in these machines, whether it be a local coin or a UK coin as a preference?

1015 **Hon. P J Balban:** Mr Speaker, we are actually having difficulty to find out which coins. It seems that there are some of the local Gibraltar coins but not all of them. We have checked their weights and they were identical and the variance by law is miniscule, so miniscule that the weighing component of the machine would not be able to pick it up.

1020 So they are so specific it could be to do with a particular design which is perhaps on some of our coins and not on others. It is something that is not only experienced in our car park machines but is experienced in other machines unrelated to Government throughout Gibraltar.

**Q892/2016**  
**Midtown Car Park spaces –**  
**Supplementary questions**

**Mr Speaker:** Let us go back to – sorry.

1025 **Hon. D A Feetham:** Yes, may I go back to 892 which is on the Midtown Car Park.

This is a question asked by my hon. Friend about how many parking spaces had been sold to individuals or companies in the Midtown Car Park and out of 1,011 car parks 456 had been sold to individuals or companies.

1030 Does the hon. Minister have the information as to how many have been rented out to individuals or companies, as opposed to just simply just sold?

**Hon. P J Balban:** Yes, Mr Speaker, we are currently letting out 131 spaces.

1035 **Hon. D A Feetham:** And does the Minister also have the information as to how many, if it is on top of that 131 and the 456 that have been sold, have actually been retained or required by the Government itself or Government owned companies or entities?

**Hon. P J Balban:** Not that we are aware of, Mr Speaker.

1040 **Mr Speaker:** The Hon. Edwin Reyes.

**Hon. E J Reyes:** Yes, Mr Speaker, thank you.

1045 Still on Question 892, the quick calculation I am doing is 1,011 parking spaces, 456 were sold, 131 on hire gives us a figure of 424. Is that the figure available now for daily use by the public or are there some parking spaces assigned for coaches. For example as you drive in you know that the ground and first floor are for coaches. Does that form part of those 424 or not?

1050 **Hon. P J Balban:** No, Mr Speaker, when we spoke about car parking spaces, we referred exclusively to car parking spaces and not coach parking spaces. The ground floor as you are aware are for the big 50 plus seaters and the first floor are for the mini coaches that operate the rock tours within Gibraltar.

When we were speaking the question from your side was targeting the actual car parking spaces and that is the reply that was given.

**Q893/2016**  
**Midtown Car Park machines –**  
**Supplementary questions**

1055 **Mr Speaker:** Arising from?

**Hon. R M Clinton:** Question 893.

1060 **Hon. R M Clinton:** Mr Speaker, I followed with interest the exchange with my colleague, the Hon. Mr Hammond and the Minister in relation to the problems with the coins going into machines. And purely perhaps as an aside, I would like the Minister to confirm whether he is aware that in March next year there will be a new 12-sided pound coin. This is obviously going to cause havoc throughout Gibraltar, and whether there are some plans in preparation for that.

1065 **Hon. P J Balban:** Mr Speaker, yes we are well aware on this side that there is a new £1 coin coming out and obviously we will prepare in advance for that eventuality. I believe the normal £1 pound coins, the round ones when they arrive at the bank or are taken to the bank, they will be held back and I would presume that probably the only logical way of progressing will be at one stage at one point in time, is to stop accepting the round £1 coins and only accepting the new 12-sided ones. Otherwise, we would end up with many currencies to accept and that will just throw machines off for sure.

1070 **Hon. R M Clinton:** And, Mr Speaker, and I really do risk incurring your wrath. The logical extension to the argument is obviously the Government itself locally will look to introduce the 12-sided local £1 coin. Obviously the Minister may not be able to answer that question.

1075 **Hon. P J Balban:** Mr Speaker, that is correct, the National Mint is looking at that so that our coins will be exactly the same as those in the UK.



**Q894/2016**

**Parking area opposite Mid Harbours –  
Opening for public use over Christmas period**

**Clerk:** Question 894, the Hon. T N Hammond.

1080

**Hon. T N Hammond:** Mr Speaker, while the area lies fallow, has Government considered opening the parking area opposite Mid Harbours for public use during the Christmas period and beyond, if the area is not to be immediately developed?

1085

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, at present there is no intention for the area to be made available as parking.

1090

The area was ear-marked for a concert on 3rd December that was subsequently cancelled due to the heavy rains and it is intended that this be rescheduled in due course.

This area will also be used to help support the construction of the Three Kings Cavalcade floats during the next few weeks.

1095

**Hon. R M Clinton:** Thank you, Mr Speaker. The Minister may or may not be able to answer this question, but is it envisaged that the ground will be broken at that site any time soon?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as set out in the answers to an almost identical question at the last meeting in relation to that site.

1100

**Hon. T N Hammond:** Mr Speaker, and to some extent the Minister may have answered this question already, but once the postponed concert has taken place and after the Cavalcade on 5th January, would the Government then consider perhaps allowing the parking area for use by the public?

1105

**Hon. Chief Minister:** Mr Speaker, it is unlikely that that area will remain vacant for very long.

**Q895/2016**

**Parking fees –  
Increase**

**Clerk:** Question 895, the Hon. T N Hammond.

1110

**Hon. T N Hammond:** Mr Speaker, has there been a rise in the parking fees paid to Gibraltar Car Parks Ltd or any other Government-owned company or agency for the renting of parking spaces and if so, by how much of the fees risen for each of the areas for which Gibraltar Car Parks Ltd or any other Government-owned company or agency is responsible?

1115

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, to date the answer is no. However, subscribers have recently been given written notice that fees shall be increased as from 1st February 2017.

1120 **Hon. T N Hammond:** Mr Speaker, can the Minister indicate how much of an increase fees are anticipated to rise as from 1st February 2017 as a percentage of the fees currently paid?

**Hon. P J Balban:** Mr Speaker, this is in line with the cost of living increases. So we have taken –

1125

**Mr Speaker:** Then it is practically nothing. *(Laughter)*

**Hon. P J Balban:** So as I said, it is to do with the cost of living increase.

1130 **Hon. T N Hammond:** Mr Speaker, the cost of living generally has been increasing by less than 1% or at around 1%. So can I infer from that, that the rise will be approximately 1%?

**Hon. P J Balban:** Mr Speaker, the rise will take into consideration when the prices were set originally. So the new rates of parking will take into account the cost of living from that point in time over the years, so it is accumulative.

1135

**Hon. T N Hammond:** In which case, Mr Speaker, can the Minister clarify for me, from which point of time I can refer back to?

1140 **Hon. P J Balban:** Mr Speaker, when they were originally set. I do not think I have the exact date they were set, but these were set ... in fact I do, 2009. So it is since 2009 that they were last set by the previous administration.

There has been no increase since then so the increases are in line with what would be expected due to the cost of living increases since that date.

1145

**Hon. T N Hammond:** Mr Speaker, my understanding is that the costs will therefore be somewhere between 20% and 30% of what is currently paid. Is that correct? *(Interjection)*

**Hon. P J Balban:** Mr Speaker, round about roughly around 10%.

1150

**Q896/2016**  
**South District parking provision –**  
**Plans for additional facilities**

**Clerk:** Question 896, the Hon. T N Hammond.

1155

**Hon. T N Hammond:** Mr Speaker, what additional parking facilities does Government intend to provide in the South District and when does it intend to provide them?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1160

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, there are currently a number of plans to provide additional parking spaces in the South District. The Government is reviewing expressions of interest received in June of this year from developers, investors, or organisations for the development of a plot of land at Rosia Lane. It is expected that this would lead to the creation of additional parking in the area.

1165

**Hon. T N Hammond:** Mr Speaker, does the Minister know perhaps approximately how many additional parking spaces that may provide at Rosia Lane?

1170 **Hon. P J Balban:** Mr Speaker, we are currently looking at all the expressions of interest to  
come to a final decision so we are not in a position to know – (*Interjection*) and there are  
different combinations, different options available. Some will provide more parking spaces,  
some will provide less parking spaces but the expressions of interest were actually set out in that  
way. What the Government wanted was to be able to have parking spaces that would contribute  
to what is available in the area.

1175

**Q897/2016**  
**Residents' parking scheme –**  
**Roll-out programme**

**Clerk:** Question 897, the Hon. T N Hammond.

1180 **Hon. T N Hammond:** Mr Speaker, will the Minister describe the next phase of the roll-out  
programme for the residents' parking scheme and which area the roll-out programme will  
affect?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1185

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Government is  
currently working on a residential parking scheme for the area of Alameda Estate and Grand  
Parade. The scheme will see the introduction of a combination of exclusive residents' parking  
areas, free parking and pay-and-display areas. The intention of the scheme is to improve the  
chances of parking for residents of the area, whilst at the same time recognising the needs of  
visitors and other users of the area.

1190

**Hon. T N Hammond:** Mr Speaker, a Utopian vision of parking, I must say. But can the Minister  
apply any more detail as to how that is going to be achieved? Because yes, that would be an  
ideal solution clearly in helping visitors, allowing residents to find parking, all the things that  
everybody wants.

1195

But can the Minister provide any detail as to how that will be achieved and indeed when it  
will be achieved and where. Because I understand the plan is not to implement it over the  
entirety of Gibraltar in one go but to take measured steps. So could the Minister describe those  
steps please?

1200

**Hon. P J Balban:** Mr Speaker, I think that this is as close to Utopia as we can get. If we  
compare this scheme to the one that we saw back in 2011 which we actually had to put a stop to  
because of the complaints that we received and the comments regarding the lack of visitors  
parking, we thought that was very relevant.

1205

The old scheme did not provide parking space for people who wanted to come and visit and  
we have gone through this on a number of occasions – family members wanting to come and  
visit, commercial vehicles that wanted to deliver etc. So in terms of Utopia, we will not strike  
Utopia with parking. It will be a very difficult balance to actually get right, that we are clear  
about.

1210

But at this moment in time we are not in a position to be able to give you further details. This  
is something that is extremely complicated, we have been at it very thoroughly, a lot of work has  
been done with the plan and we will make an announcement very shortly when we are ready to  
do so.

**Q898/2016**  
**Road resurfacing programme –**  
**Outline for next six months**

1215

**Clerk:** Question 898, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, will the Minister outline the road resurfacing programme for the next six months?

1220

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

**Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, a tender for the current phase of the Government's resurfacing programme was authorised in late September 2016. The tender is currently being reviewed and an award is expected shortly with a view of works commencing in the New Year.

1225

This phase of works will see the complete resurfacing of the northern end of Cumberland Road as well as of the Sundial Roundabout. During the current year to date, resurfacing works have been carried out along Queensway and Reclamation Road by the Mid-Town Car Park and along Europort Avenue from Charles Bruzon House to its junction with Queensway.

1230

**Hon. T N Hammond:** Mr Speaker, will the Minister recognise that certainly with the recent rains in particular, a lot of the road surfaces have been very badly damaged by that rain and will remedial action be taken? I refer in particular to the area between the runway at the Frontier now which is very much falling to pieces quite frankly, there are large potholes there and indeed up to the Sundial Roundabout which I understand is to be programmed.

1235

There are many other areas that need to be looked at. Is there any way that an acceleration of a programme can be implemented or some remedial action taken with some urgency to fix some of these areas? Because really, if you are on two wheels for any reason, whether that be on a moped or a bicycle, currently many of the road surfaces are virtually impassable.

1240

**Hon. P J Balban:** Mr Speaker, rains in Gibraltar of that type, although not uncommon do often catch us by surprise and the devastating effects that these rains have on our roads is clearly evident. It is impossible for us to be able to rush out and fix everything in one given moment in time but remedial works have been carried out already to date of those areas which were exceptionally bad and we will continue to do so.

1245

That is not part of our highways resurfacing programme, that is something that can happen in December, it can happen in February, and that is taken more in terms of emergency works and we fix and repair these dangerous or uneven potholes as and when they surface.

1250

As I say it is an ongoing process where we attack the worse potholes first and move on from there as we have been doing.

**Q899/2016**  
**Chief Minister's G1 Tesla –**  
**Servicing and repairs**

**Clerk:** Question 899, the Hon. R M Clinton.

1255

**Hon. R M Clinton:** Mr Speaker, can the Government advise who currently has the contract to service the Chief Minister's G1 Tesla and are the repairs and servicing undertaken in Gibraltar and at what cost?

**Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1260 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, all repairs and services are performed in Gibraltar by Bassadone Motors in conjunction with Tesla Motors. The cost of repairs will vary, depending on the works required from time to time.

**Clerk:** Question 900, the Hon. R M Clinton.

1265

**Hon. R M Clinton:** Mr Speaker, may I return to Question 899 just briefly, a supplementary? *(Interjection by Mr Speaker)* Thank you, Mr Speaker.

Coming back to 899 in respect of the Tesla, is there any other service provider in Gibraltar who would be able to service the Tesla?

1270

**Hon. P J Balban:** Mr Speaker, the hon. Member must realise that such an advanced car has a system whereby most of the issues surrounding the Tesla are diagnosed remotely and fixed from wherever Tesla fixes the car and I think the closest place is Bordeaux in France, if I am not mistaken. So most of the issues can be looked at and investigated on line.

1275

In fact Tesla knows exactly where that vehicle is, what is happening, if that Tesla suffers an accident or if it has any issues whatsoever with components, electrical components or whatever. The moment that car rolls into the garage, the mechanics know exactly what the issues are with it.

1280

**Hon. R M Clinton:** So, Mr Speaker, would I be correct in interpreting what the Hon. Minister has said is that Bassadone Motors would be the only service provider in Gibraltar able to service the Tesla?

1285

**Hon. P J Balban:** Mr Speaker, Bassadone Motors are the suppliers and the agents of the vehicle so it is logical to assume that it would go back to them for any works required.

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

### Q900/2016

#### Retail Price Index –

#### Reason for October increase

**Clerk:** Question 900, the Hon. R M Clinton.

1290

**Hon. R M Clinton:** Mr Speaker, can the Government explain why the Retail Price Index at 1st October 2016 has risen to 1.5% whereas it was 0.1% at 1st January, 0.4% at 1st April and 0.5% at 1st July 2016?

1295

**Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1300 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker. It is because in the third quarter of last year, there was a 0.5% drop in the index, whereas in the same quarter of this year, there has been a 0.5% increase. The annual rate is therefore from a lower base. The 1% difference in the quarterly rate in 2016 compared to 2015 explains why the 12-month rate goes up from 0.5% in July to 1.5% in October.

1305 **Hon. R M Clinton:** I am grateful to the Hon. Minister for his answer. He is obviously aware of the various components of the Retail Price Index. Is there any particular component in there, because obviously it is very difficult for me to work out what the impact is of any particular increase if I do not have the weightings of the various components in the Retail Price Index?

1310 Is there anything in there, alcoholic drink, tobacco, clothing, footwear, durable household goods, food, housing, other goods, services, transport and vehicles, which in his view, or in the view of the Statistics Office, has actually contributed to this increase in the Retail Price Index?

1315 **Hon. J J Bossano:** Well, I think there have been two factors. One has been the value of the pound and the other one has been the price of the oil which fell dramatically earlier and has now recovered to something like \$50 a barrel. So transport costs is one area that has actually gone up, the prices in transport and vehicles went up by 1.8% between July and October and that compared with a decrease of 2.5% in the preceding year. So a significant part of the minus 0.5% and the plus 0.5% has been that change. If you think in that particular component, that is 1.8% up this year and it was 2.5% down last year. I think the biggest element in the total has come from that area.

1320 But currency effects – taking into account, for example, given that our main imports come first from UK and then the second biggest supplier to Gibraltar is Spain and other Eurozone countries, the exchange rate makes a big difference independent of the level of prices that are going up at source.

1325 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for that. Does he have any feel for whether inflation is going to creep up any further or is there any kind of indication that there might be increases in costs coming ahead. It may be difficult with these obviously retrospective statistics whether he has any feel for the current statistics?

1330 **Hon. J J Bossano:** I do not have any formal input from my statistics office on this but my own view is that inflation is likely to be higher in 2017 than it has been in 2016. That is what I would expect.

**Q901-908/2016**

**Gibraltar Savings Bank –**

**GAR Ltd property purchase; Public Accounts and Public Debt**

1335 **Clerk:** Question 901, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, has the Government used or intends to use GAR Ltd as a vehicle to raise external borrowings secured on its property?

1340 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** I will answer this question, Mr Speaker, with Questions 902 to 908.

1345 **Clerk:** Question 902, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of all properties purchased by GAR Ltd from the Government or Government-owned companies and the consideration paid for each?

1350 **Clerk:** Question 903, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise when it intends to *Gazette* the audited accounts for the Gibraltar Savings Bank for the year ended 31st March 2016?

1355 **Clerk:** Question 904, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise when the audited accounts of the Gibraltar Savings Bank for the year ended 31st March 2015 were gazetted?

1360 **Clerk:** Question 905, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for 1st November 2016?

1365 **Clerk:** Question 906, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement Development Fund, Government Owned Companies, Deposits, Contingencies and other Funds, for 1st November 2016?

**Clerk:** Question 907, the Hon. R M Clinton.

1375 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt as at 1st November 2016?

**Clerk:** Question 908, the Hon. R M Clinton.

1380 **Hon. R M Clinton:** Mr Speaker, can the Government advise what dividend has been paid to the Government and the Gibraltar Savings Bank by GibTelecom in respect of the respective holdings of A and B shares for its Financial Year ended 31st December 2015?

1385 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, as regards the total liquid reserves composition, where, when and how these are invested on a particular date chosen by the Hon. Member opposite, the position continues to be as previously stated.

The position of the Public Debt on 1st November 2016 is as it was estimated on 1st October 2016 except that the cash reserves are now estimated at £77 million and the net debt at £369 million.

1395 The audited accounts of the Gibraltar Savings Bank will be published in the Gazette after the annual audited accounts of the Government have been published.

The Government does not provide details of the commercial activities of Government companies.

1400 As regards the dividends, in 2015 £4 million was paid to the Gibraltar Savings Bank and £2.1 million was paid to the Government.

**Hon. R M Clinton:** Mr Speaker, I thank the hon. Member for his answers and again, Mr Speaker, I beg your indulgence while I go through his answers.

1405 In respect of the Gibraltar Savings Bank, do I understand the Hon. Minister correctly that the audited accounts for 31st March 2015 are not going to be gazetted but yet the Principal Auditor's Report has already been published with the accounts for that year? I know the Principal Auditor has actually completed his audit for the 2015 and 2016 accounts as he says in his report, so am I correct in saying that the 2015 accounts of the Savings Bank have not been gazetted?

1410 **Hon. J J Bossano:** They have not been gazetted, no. They will likely be gazetted in early 2017. But of course they are public and available because the audited accounts were tabled recently in the House.

1415 **Hon. R M Clinton:** Does the Hon. Minister not find it somewhat inconsistent that the Principal Auditor's report will come out before the audited accounts are available in that, I know the Act itself says 'as soon as practical after the Principal Auditor has finished his work', but does he not have a time period in mind, given the public interest in the Savings Bank, of say three or six months to actually gazette them, as has been the practice in the past?

1420 **Hon. J J Bossano:** No, Mr Speaker, I do not think it is inconsistent because the fact that it is public ... I do not think people go round avidly waiting for the Gazette to find out what is in it. Maybe he and I do but I doubt that there are many other Gibraltarians doing it.

1425 The answer is there is no limit laid down in the law. There is a limit to the time after the Auditor has audited that I get it and the policy I have adopted is that when the whole of the accounts are made public, it is after that date that I think it should go into the Gazette.

But there is no limit. In the past, I can tell the hon. Member that these things have never been overlooked, and years have gone by before they were gazetted because there is no time limit.

1430 **Hon. R M Clinton:** Mr Speaker, I would invite the hon. Member to consider whether to introduce an amendment into the Savings Bank Act to set a time limit, not just for this Government but for any future Government so as to make it perhaps more applicable to the modern age we live in?

1435 **Hon. J J Bossano:** I would think, Mr Speaker, that in the modern age we live in, things would not be put in the Gazette at all actually. *(Laughter)* And certainly, if it was necessary to do it earlier, they had an opportunity to put it in there for 15 years and even if I put it there, there would be no guarantee that if they come back they would keep it there, since they chose not to have it in the 15 years they were there before.

So the answer is no.

1445 **Hon. R M Clinton:** Finally, Mr Speaker, *(Laughter)* on the subject of the Savings Bank, by all means certainly posting them online would be good, but does the Minister have any intention of producing any glossy type financial statements as was produced at the time of the General Election for the Savings Bank?

1450 **Hon. J J Bossano:** Well, I do not necessarily agree that it was glossy compared to what other company accounts are like. I try to make mine as modest as possible and as economic as possible. But it is the intention to send a copy to all the depositors, yes. It is just that we have not got around to doing it but it is going to happen.



1455 **Hon. R M Clinton:** Mr Speaker, just coming back to GAR Ltd, having looked at the properties that have been transferred into it, am I correct in saying that the Minister will not give any further information in respect of any property holdings it has and is he saying that he will neither confirm nor deny whether GAR Ltd may or may not be used to raise external finance?

1460 **Hon. J J Bossano:** That seems to me a reasonable deduction from the answer that I have given him.

1465 **Hon. R M Clinton:** Mr Speaker, moving to Question 908 in respect of GibTelecom, can the Minister advise, as he indicated that the A and the B shares seem to have received a different level of dividend, have the memorandum and articles of association of the company been changed, to his knowledge, so that they have different rights or is this just a dividend declaration that decided that a certain class of the shares should receive a higher dividend? My understanding was that they ranked equally.

1470 **Hon. J J Bossano:** Well, the reason why the figures that I have given the hon. Member are the way they are is because the calendar year, which is what he has asked for, does not coincide with the financial year and therefore the dividend that is paid to the Government is ... I have given him the answer to the question that he asked in the way that he asked it.

1475 Since he wanted the information based in the year to December, in the year to December that is the dividend that was received respectively by each side. But he needs to understand that the way that GibTel pays its dividend is that it actually pays the dividends in arrears and not in the year when the profits arise.

So there is no other particular significance.

#### Q909-911/2016

#### Government construction projects – Numbers and categories of workers

**Clerk:** Question 909, the Hon. D A Feetham.

1480 **Hon. D A Feetham:** Mr Speaker, can the Government please state how many (a) Gibraltarians; (b) resident non-Gibraltarians and (c) foreign non-residents are working in Government construction projects, either on behalf of a Government contractor or their sub-contractors?

1485 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 910 and 911.

1490 **Clerk:** Question 910, the Hon. D A Feetham.

1495 **Hon. D A Feetham:** Can the Government please state how many (a) Gibraltarians; (b) resident non-Gibraltarians and (c) foreign non-residents are working in the Laguna, Glacis and Moorish Castle Estate Government projects, either on behalf of a Government contractor or their sub-contractors?

**Clerk:** Question 911, the Hon. D A Feetham.

1500 **Hon. D A Feetham:** Can the Government please provide a list of Government contractors and their sub-contractors working on Glacis, Moorish Castle and Laguna Government projects?

**Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

1505 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government does not keep a record of where construction companies have their employees classified by nationality, residence or indeed at all. Except that when a specialist Spanish sub-contractor undertakes works, they normally bring their work force who also are Frontier Workers.

1510 As is publicly known, the main contractor of the three estates is GJBS who currently have 19 Gibraltarians, four residents and one frontier worker on site.

The sub-contractors on site are Endash Ltd; General Lifts; Workforce Ltd; Jamena Ltd, In-line Framing Construction Ltd; and Fill-a-skip Ltd.

1515 **Hon. D A Feetham:** Mr Speaker, in the light of the answer that the hon. Gentleman has provided, how does he keep tabs on the number of Gibraltarians that are actually working on these three Government flagship projects, given that it is obviously desirable that as many Gibraltarians as possible are working on Government projects?

1520 **Hon. J J Bossano:** Mr Speaker, the tabs are kept through the approved contractor list. With the approved contractor list, what we try to do is maximise the number of Gibraltarians and other Gibraltarian residents, which is what the policy is and what the policy was when it was announced in 2010 by their administration.

1525 And it is not on which side they happen to be. We do not keep tabs because construction companies move workers from one site to another unless they are specialists. If somebody is coming to do a specialist work on a site, then they come in, they bring their workers, they do the work and they disappear.

1530 If we are talking about general construction work, then the reality of it is that if any of these sub-contractors that are private companies have got a mix between local and frontier workers or between Gibraltarians and non-Gibraltarians, on any one day, this is the most recent figure taking a spot photograph of who was on the site that day. The next day there could be more people or less than the day before that because it is not that people are fixed on the site all the time, they move them between sites, obviously within their trade.

1535 **Hon. D A Feetham:** No, I understand that, and of course one of the indicators would be the number of Gibraltarians that are employed by the approved contractors on the approved contractors list which we introduced and they continued.

1540 But is he satisfied, looking at the proportion of – because he must have these figures – Gibraltarians employed by those approved contractors, to foreign workers and in this case probably frontier workers, that the proportion of Gibraltarians has increased or that the proportion of Gibraltarians is satisfactory, certainly in the time that he has been in charge of this particular area.

1545 **Hon. J J Bossano:** Well I think it is information that the hon. Member already has from the employment survey reports and the employment survey reports show that since October 2011 in the subsequent years, independent of the fluctuations in the size of the construction industry, the Gibraltarian component has been moving only in one direction.

So for example the percentage is deceiving because of course when the construction sector has shrunk, it has shrunk by losing frontier workers. The percentage of Gibraltarians have

1550 sometimes increased dramatically because there have been less Frontier Workers, not necessarily because there has been more Gibraltarians.

But the trend is that in the cycle of the construction industry, for example I expect that this year's October figures for the construction sector will be less than last year's, because the area [Inaudible] knows are the areas that have been completed. But I suspect that that reduction will be predominantly in frontier workers and that therefore the proportion of Gibraltarians in the construction industry is certainly higher now than it was in 2011 and will continue in my view, to be higher when the October 2016 figures show than they were previously.

1560 So the answer is the trend goes in that direction but as I have explained to the Member opposite, the main emphasis both of the training that we do and of the companies that take on the trainees, is in maintenance rather than in new-build and for a very simple reason: new-build has a start and a finish and if people were engaging new-build in a place like Spain or in the UK people specialise and if they are brick layers they only lay bricks. When the bricks are laid on one side they just go to another and do brickwork.

1565 We are training our people to do maintenance because the more buildings there are the more there will be a maintenance industry in construction which will be growing because the pool of buildings to be maintained gets bigger all the time. We believe that is where predominantly the resident workforce will have to be and that is what we are training them for, to be there.

1570 **Hon. D A Feetham:** In relation to the approved contractors on the approved contractors list, is there a proportion of locals that are required to be employed by those companies in those lists? How is that basically determined? How does the Government look upon that and deal with that?

1575 **Hon. J J Bossano:** We are carrying on with the scheme that they initiated, so there was never any proportion introduced in that scheme in the first place and we have not introduced a proportion. Nor do we think that rationally it is possible to determine a proportion because it depends on the nature of the work that the company is doing.

1580 What we have is a situation wherein Government contractors on the approved contractor list would normally not be allowed to take on unskilled workers if there are unskilled workers unemployed and registered as seeking employment and willing to work in the construction industry. They would normally be required to take on people who have already done their Level 1 and are doing their Level 2 but there we are constrained by the content of the course that the trainees are required to follow. So the people who are now doing Level 2 for example in the wet trades or somebody is doing Level 2 in carpentry, has got to actually do the kind of work on the site that is laid down by City and Guilds.

1585 So the influence we can exercise on our side is determined by the suitability of the employer that can provide the kind of work that the apprentice needs to demonstrate he has done so that the assessor goes on site and sees the work that has been done and that is a portfolio of his work and that is how he then gets his Level 2 in construction.

1590 But in overall terms, if it unskilled or semiskilled then there is no minimum percentage or maximum percentage. As far as we are concerned if we have got the people that is what they are required to take on. And people are co-operating but frankly, I think it is not a straightforward exercise because if people are willing to take them on and the effect of that is that the apprentice is going to have problems in completing his Level 2, the apprentice is not very keen to go there and we are not very keen to put him there.

1600 We have got a particular problem where certain companies in Gibraltar employ almost entirely one nationality and there is a language problem. Therefore an apprentice that does not speak a third language other than English and Spanish, I do not want to pinpoint the company, has a problem of communication so they are not very keen to be there, even though the

company is happy to accept them, the trainees are not keen to be in a context where they have got a problem of communication like that.

So far we have not found an answer to that problem.

1605 **Hon. D A Feetham:** How does he explain, and this is not intended as a criticism of Government policy, everybody really tries their best in relation to this. I know they were very critical of us, we would say we tried at the time and I accept that the hon. Gentleman tries himself in relation to this and indeed feels passionately, as I do about this issue.

1610 But how does he explain, for example, that I get people that come to my surgeries and tell me, 'Look, I am prepared to work anywhere and I am prepared to work in construction sites', and I had a kid say to me, 'I open the windows every morning at Moorish Castle and I see foreign workers working on the site – all I want is to have a job and to be able to help my mum over Christmas'?

1615 How does he explain that somebody like that and there are a number of people who are willing to work in the construction industry, cannot actually get into the construction industry, not necessarily as trainees, completely unskilled, in circumstances where they are willing to do it and in circumstances where there are many frontier workers working in Gibraltar in those sites?

1620 **Hon. J J Bossano:** Well, the simple answer is that it should not be happening. It is as simple as that. We require an approved contractor that opens a vacancy for a labourer to take a labourer that is unemployed that is resident or a Gibraltarian or another nationality, but certainly we do not allow contractors to work on Government contracts – not just in the construction. For example, if there is a security company and the security company wants to employ non-Gibraltarian labour which they frequently do, then we require them to put in the contract that that worker will not be used on a Government site if we have got available workers and they have not taken them on.

1630 So the answer is that the hon. Member has actually approached me directly in some cases and I have immediately acted on it and made sure that the person concerned was given the opportunity to be taken on by different construction companies and in some cases, what we do is, we actually provide a financial incentive. If there are people that have got personal problems which are considered to limit their opportunity for getting work, sometimes because in a place like Gibraltar, as we all know, everybody knows everybody and somebody then carries his whole history with him in Gibraltar whereas somebody can come across the frontier and be a serial killer and nobody would be any the wiser here. So what we do is, we actually say, 'Well look, let us say that you are going to give him training to become a semi-skilled worker and we will then provide you with funding for two or three months in order to make it financially more attractive but you take the local one'.

1635 But certainly, I am quite open to any ideas that I have not thought of and put them to the test if it will increase the take-up, because as far as I am concerned, the commitment is 100%.

1640 **Hon. D A Feetham:** Can the hon. Gentleman ... ? The young boy that I spoke to him about, he has not received a call and I would appreciate it. It would be a wonderful Christmas present for him and his family if he did receive a call.

1645 **Hon. J J Bossano:** Certainly I will first find out why it has not happened, because I was under the impression it had happened already.

**Q912/2016**

**Calpe House building in Norfolk Square –  
Discovery of asbestos**

**Clerk:** Question 912, the Hon. Ms M D Hassan Nahon.

1650 **Hon. Ms M D Hassan Nahon:** Does the Government have any intention of launching an investigation into the circumstances surrounding the discovery of asbestos in the new Calpe House building in Norfolk Square, after the purchase had already taken place?

1655 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** No, Mr Speaker.

1660 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I ask this question because it appears that there are some very serious discrepancies between Mr Albert Poggio's words on this matter. On the one hand we have a non-intrusive survey which took place, because we were told by Mr Poggio that the survey was restricted due to regulations and yet on the other hand, when we look at the Health and Safety Executive Guidelines, they say quite the opposite.

1665 The HSE highly recommends that, when buying a Grade II listed building, that intrusive and thorough checks take place with regard to asbestos management and I quote, 'a very much higher standard of care must be applied.'

1670 So there are questions, Mr Speaker, which concern an entire community which spends most of its time during the year raising money for Calpe House, who have raised a lot of money for our very sick patients who end up in Calpe House and all of a sudden we find that it seems that a purchase was made at any cost without the proper checks. Questions such as 'who was restricting the survey?', because apparently it would have been the duty holder who had the duty to ensure that an intrusive survey took place.

1675 I think these discrepancies are of huge public interest and I think the Government should reconsider sending someone from Gibraltar like a project manager from No. 6 to find out exactly why a purchase which affects the entire community was made without the thorough checks.

1680 **Hon. J J Bossano:** Well, I am of course very close to Calpe House as the hon. Member may know, because the initial idea was launched way back in 1988-89. We are all giving £100 a month of our money to Calpe House, so we have got a personal interest in making sure that that money is being well spent for what it is intended.

1685 But of course this is a private charity that is independent of the Government and it is not the Government that has to do an investigation because that would imply that we do not trust the trustees, we do not trust the people who are doing it and that they require to be investigated. In fact, when the matter was brought up with the trust, the trust did carry out its own investigation. The level of asbestos is the kind of level of asbestos that you would expect in any building anywhere in London and it has been identified and it has been put right and it has cost I am told, £125,000 which means that in the cost of the building of £9 million, there could not have been much asbestos there because it was £125,000.

1690 Nevertheless, the people that are engaged professionally by the trust are looking into the matter to see if there was any negligence amongst the professionals that they engaged to do this work and the £125,000 can be recovered if there is a legal case for recovering it. But the charity has carried out a thorough investigation itself and it is satisfied that there is nobody that can be held responsible for not having found the asbestos at an earlier stage in the construction.

1695 Sometimes you have to decide whether you are going to spend a lot more money doing a  
much more thorough thing and you then take advice and the advice that you get is look, it will  
cost you £x to do a survey of this level and twice £x ... and if the risk of finding asbestos is  
considered to be below a certain level then a judgement is made to do a less thorough  
assessment because it would have cost us considerably more than the £125,000 it has cost to  
1700 put it right, if we had done a Rolls Royce assessment from day one on the building.

And when I say 'we', I mean the Calpe House people and that is the explanation that they  
have given me because I have obviously contacted them in order to be able to provide any  
further information which I am only able to provide because they have been good enough to  
give it to me. But they are an independent charity, I can say that I continue to support them, I  
1705 continue to urge people to support them and I continue to put £100 out of my own pocket every  
month. I believe it is still worth supporting the charity, notwithstanding that they have had to  
spend £125,000 out of the £9.5 million put in, by the asbestos thing.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, it is absolutely worth supporting and this is exactly  
1710 why I have such a concern about the discrepancies raised by the very person who was engaged  
in making this purchase and this is why things do not add up.

The other thing that does not add up is that in the architect's website, it says that the client is  
the Government of Gibraltar and the Calpe Charitable Trust and in the amendment of the lease,  
it says that this purchase is supported by HMGOG and the Calpe House Charitable Trust.

1715 So there is no way that the Government can shirk off responsibilities of a purchase which was  
made full of discrepancies and doubts, and it is precisely because it is such a worthy cause that I  
am bringing it up. And when we talk about risk, I think that there should be zero risk. The irony –

**Mr Speaker:** The hon. Lady must realise that although this is a matter of great public interest,  
1720 we cannot have a debate at Question Time.

I have allowed her to make lengthy explanations and preamble because it is a matter of  
interest, but I think she must direct a question to Government. Having regard to the fact that she  
has mentioned that in the something or other the Government is mentioned, she is quite  
entitled to pursue that and ask the Government, 'does the Government therefore not consider  
1725 that they have some kind of public duty?' But what we cannot have is exchanges which are by  
way of a debate. We can have questions and we can have answers.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, sorry about that and thank you for your  
intervention.

1730 Basically the question is: considering the fact that we are sending our most vulnerable, most  
of which we are sending cancer patients to a property which was ridden with asbestos, the irony  
of it I think merits an investigation so that these type of discrepancies and purchases which  
could affect our very vulnerable do not happen again.

1735 **Hon. J J Bossano:** Well, certainly it will not happen again because we are not going to have a  
third Calpe House being bought, certainly not for a very long time. And in any case, the hon.  
Member seems to be rather ignorant of how this works. We are not actually sending patients  
into a building site at the moment; we are sending them into the existing Calpe House which has  
no asbestos that we know of, although we never did an asbestos survey in 1988 when we  
1740 bought it. People were not as sensitive in 1988 as they are now and if it has asbestos then it has  
had asbestos since 1988 and our patients do not seem to have been affected.

Because you can have asbestos in a building and as long as you do not touch it, you are okay.  
It is only when you start removing asbestos that people require to have special protection  
because the asbestos that goes into the air is the asbestos that goes into your lungs. So it is in  
1745 the process of demolishing things that sometimes you find that there is asbestos where you did  
not expect it to be.

1750 When you do an initial survey of a building, then you look at where there is probability that there may be asbestos and you do a survey of the building and you look in all the places where you would expect asbestos to be and that will cost you £x. You can say, 'Well look, I want to do a survey that makes it impossible for there to be asbestos without my knowing beforehand' and then instead of spending £x you spend 20 x £x.

1755 The way that most people that do buildings operate is that they do a survey that is reasonable to do and then if they come across the unexpected, they spend money putting it right. The money that has been spent to putting this right has been £125,000 and it has taken something like three weeks to put right. So it is not that the place was riddled by asbestos as the hon. Member opposite seems to think from what she has read about it, because in fact if that were the case, then the cost would have been considerably higher and the time taken to put it right considerably longer.

1760 So what I am telling her is that the Government will not launch an investigation, because an investigation has been carried out by the trustees and the trustees are satisfied with the result, they have produced the necessary evidence, they are now looking only to see if the cost that has been incurred can be attributed to insufficient professional activity from the people that were engaged to do the surveys initially, or the people who were engaged to the contraction and if the responsibility can be, if the finger can be pointed at who made the mistake at an earlier stage and did not identify it, if it was possible to identify, then they will take the necessary legal advice as to whether somebody can be pursued for the recovery of the £125,000.

1770 As far as the Government is concerned, the Government is satisfied that the trust has done everything that it needed to do to make sure that the little amount of asbestos that was found has been removed and that there is no risk at all that there will be a finished Calpe House receiving patients, full of asbestos, which will result in the patients getting sicker by going into Calpe House than they were before they left Gibraltar.

1775 It is complete nonsense to suggest that is a potential risk resulting from the fact that in the basement of a building you found asbestos when you were doing the building. That has no connection with where the patients will be when the building is finished in the future. When the building is finished in the future, there will be no trace of asbestos anywhere in the building.

1780 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is it of no concern to the Minister that the agent buying this property on our behalf said that he was restricted by surveys when the Health and Safety Executive specifically recommends that intrusive surveys have to be made on Grade II listed buildings in terms of how we do our things and how we carry out our business?

1785 **Hon. J J Bossano:** Well I do not pretend to be as knowledgeable about construction or asbestos as the hon. Lady appears to be. I am relying entirely on what the people engaged to do this work report and on the results of the investigation. And the results of the investigation are that they have concluded that the level of asbestos that was found was identified, it was put right, it was removed and that it has cost £125,000.

1790 The argument of the hon. Lady is 'why was it not found earlier?' Well, partly because it would have cost more to do a more thorough search than what it has cost to put it right. But it has nothing to do with what is going to happen or not happen to patients that are sent to Calpe House in future when the place is finished and ready to be occupied.

1795 So whatever it is, if there was anybody in danger, the only people in danger were the construction workers in the building which is when the asbestos was found in the course of construction. This is not a unique situation; it happens in many old buildings that where you least expect it, you find asbestos. It happens everywhere in Gibraltar when you go to a building that is over 100 years old.

But the fact is that the people who are responsible for health and safety require protection to be provided and action to be taken when it is discovered. Because when it is discovered is when you have got to say you cannot just barge in and start. It happens, we have had situations very

1800 recently where in one particular site people were taking on frontier workers who had been  
taking off asbestos sheeting and dumping them on a lorry as if it did not make any difference,  
putting their own health at risk and the risk of health of everybody in the vicinity because this  
stuff goes into the air.

1805 But this building is being done in the United Kingdom, under the United Kingdom controls on  
the laws that apply to building sites and nobody has suggested that they were breaking UK law  
and no Health and Safety Inspector in the UK has come in and reported anybody for breaking the  
law.

1810 The reality of it is that it would have been preferable if there had not been this asbestos  
found because the £125,000 would not have been spent, but I think it is being blown out of  
proportion by the way this thing was actually put into the public domain. And it does, you are  
not doing anything for the benefit of the charity by suggesting that we are going to be sending  
patients in the future into a building that is ridden with asbestos but which will have been  
finished with the asbestos still in it and would have been allowed by the authorities in London to  
have continued to be operating and housing people with asbestos.

1815 Even if we wanted to do it, which would be a very stupid thing to do, we would not be  
allowed to do it by them. So you know the entire concept of people being at risk is entirely  
hypothetical and in fact completely false and wrong.

1820 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with respect I feel like the hon. Gentleman is not  
answering my question. Instead he is diverting on a message that I am suggesting that people  
are going to be housed in a building full of asbestos and suffer another type of illness.

1825 What I was saying was the irony of the fact that we are supposed to be caring for our sick,  
while we buy a building without doing the proper checks and balances, and my question is again,  
which the hon. Gentleman has not answered, is he satisfied about the way that we carry out our  
business in a way which is contravening to the recommended guidelines on a matter of such  
public importance?

1830 **Hon. J J Bossano:** I do not accept that that is what she is asking. That is what she has just  
asked now, because she has talked about sending the patients there in a place where there is  
asbestos.

1835 And I do not accept that the Government has got a responsibility to supervise the building,  
because we have full confidence in the trustees and in the charitable trust and in the fantastic  
work they have been doing over the years for patients from Gibraltar.

1840 As far as I am concerned, what she wants me to do is to put in doubt the professionalism or  
the integrity of the people concerned and I will not do that because I do not agree with her. And  
I will not carry out an investigation because it has already been investigated. I trust the people  
that have investigated it and I believe the results they have come out with and there is no  
asbestos there any more. So what is it that she wants us to do? I think she is just stirring it up for  
the sake of getting attention.

1845 **Mr Speaker:** Any other supplementaries?

1850 **Hon. D A Feetham:** Mr Speaker, just on this particular issue, and indeed may I say before I ask  
the question, I think that at some stage, or it may well be that it is still there, that some estates  
like Varyl Begg for example had asbestos and as long as one did not attempt to remove it or  
work with it, people lived there and nobody was decanted.

1855 But the question is this: is it that the survey that was originally done in relation to the new  
building did not pick up the fact that there was asbestos in the building and therefore  
presumably that could potentially lead to a professional negligence action against the people  
who did the survey, or was it that they never undertook the type of survey that would have  
picked it up?



There is a difference between the two. And of course in relation to the former, I take the point that the hon. Gentleman has made that if it is going to cost you £125,000 to instruct lawyers in London to take proceedings in relation to that, it is going to cost you much more and that has got to be weighed up. But I am not clear which one it is, the former or the latter.

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**Hon. J J Bossano:** Well, I think if it was missed out then probably there is somebody who did not do the job as thoroughly as he should have done, and therefore if it is not pursued it is because the cost of pursuing it would be more than what we would eventually get if we won. When I say 'we', I mean the charity. So I think that is the way they are looking at it. But they are considering that possibility but that depends on the professional and technical advice that they get, whether the survey that was done should have picked it up.

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What I can tell him is that from my own knowledge of how these surveys are done, having been in the construction myself, amongst the many things I have done, the reality of it is that when you employ somebody to do that kind of survey you decide how high and how thorough you want it to be and there is a price to be paid.

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Therefore you get advice that 'Look, we can look in every nook and cranny and spend six months and that will cost you a million quid; or, we can look at where it is 90% likely that if there is it would be in such and such a place and that will cost you considerably less.' What they did was what was standard for that type of building with that age in that location. No more than the standard which is what was recommended at the time and that is what was done. It was not that somebody recommended something and it was overruled or anything like that, because then there would have been a record of that having happened. To my knowledge, there is no such record.

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So, it is regrettable that it was there, it can happen with any building unless you decide to spend more on the investigating if there is asbestos than you spend on the building itself, which is not recommendable and it has been identified and it has been put right. Therefore the investigation has been carried out by the trust as far as I am concerned it has been investigated successfully and with a successful result, the removal of the asbestos at a relatively low cost compared to the size of the contract for the building.

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There is nothing left to investigate and we are not going to re-investigate what has already been investigated once.

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#### Q913/2016

#### Calpe House building in Norfolk Square – Government role in purchase

**Clerk:** Question 913, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can the Government clarify the nature of its role in the acquisition of the new Calpe House premises in Norfolk Square?

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**Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government's role in the acquisition of the new Calpe House premises in Norfolk Square has been to give the charity whatever support and assistance they require, including financial support, to which I referred in my Budget speech in 2015.

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1895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again I draw attention to the architect's website where it clearly states that the client is HM Government of Gibraltar and the Calpe House Trust and to the amendment to a deed which again says HM Government of Gibraltar.

Therefore I ask whether the Minister might want to review that answer, given that on print it says differently.

1900 **Hon. J J Bossano:** Well, Mr Speaker, the Government approved the purchase, we agreed a soft loan, the Financial Secretary was involved in the advising of the purchase negotiations, the Chief Technical Officer of the Government of Gibraltar was fully briefed on the refurbishment and the GHA, the Occupational Therapy and the Sponsored Patients' Departments were fully engaged on what the project was intended to achieve. That is the whole of the involvement we have had.

Ultimately, we are involved in something that is an independent charity.

1910 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister, the nature of this soft loan, was it via the Improvement and Development Fund and maybe I can find it if I look for it? And secondly, is this loan secured on the property?

1915 **Hon. J J Bossano:** Yes, there was an initial loan which was without security and that has been replaced by a loan by a bank in the United Kingdom secured on the property. And what we have provided in the I&D Fund which I asked the Members opposite to support in the Budget of 2015 was a provision and I said parallel to that that we do when we provide soft loans for the housing estates, for home owner estates, where what we do is we provide the difference between the commercial rate of servicing the loan, and the soft loan element being that we in effect contribute to the cost.

1920 **Hon. R M Clinton:** Mr Speaker, I am not sure if I understood the hon. Gentleman correctly. The commercial bank that stood in and is now providing the loan secured on the premises, that loan is to whom, to the Calpe Trust or to the Government?

1925 **Hon. J J Bossano:** It is not to the Government, obviously. *(Interjection by Hon. R M Clinton)* No, no, I mean if it was to the Government, they would not need to be securing on anything. The Government is so strong that people give us money without security. *(Laughter)*

1930 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Gentleman. But I was trying to understand I guess, is there still a soft loan in place between the Government of Gibraltar and the Calpe House Trust?

1935 **Hon. J J Bossano:** Mr Speaker, originally, the loan was in anticipation of the finance that will be provided by a bank in London, because they needed money initially to pay costs but they had not yet acquired the property.

Remember that we have got a situation where the existing property, the existing Calpe House is quite a valuable property which will become available to be sold once the new one is ready to be occupied. So that in itself is expected to come back and provide a great deal of the repayment cost of the existing building.

1940 So we in a way provided, if you like, a bridging loan until they close the deal which they have got at quite a reasonable rate. I think they are only paying something like 2.5% for the loan for the building because, for a loan on a building like that which is a valuable property in a valuable part of London, there is no problem with getting money from institutions in London.

1945 Therefore the only help that we now give is any help in the servicing of the loan, in meeting the interest costs of the loan because in effect it depends ... The money that is being raised is the money for the capital investment, not the money to pay the interest.

1950 Initially the support that we gave them was greater because in fact they needed the money without having the asset to secure the loan. Now they have got the loan secured, it is at a good rate and is fixed for a number of years. The rate of interest is fixed so they are protected against interest rates going up in the future if they do.

So we are happy that the arrangements are reasonable and that the level of support they need for us is not going to be escalating.

1955 **Hon. R M Clinton:** I am grateful to the Hon. Minister for that answer. I guess I would say that it will come as a great comfort to him and the people of Gibraltar that a commercial bank would be willing to lend on the property, which indicates the confidence that a lender will have in the quality of the property.

1960 **Hon. J J Bossano:** It is quite a well-known big bank in London that is putting the money up, yes.

**Mr Speaker:** Any other supplementaries?  
Next question.

#### ADJOURNMENT

1965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn –

1970 **Mr Speaker:** May we do ... ? I have one final question here with me: it is for the Hon. the Deputy Chief Minister to answer, and that might mean that he does not need to be here first thing this afternoon.

**Hon. Chief Minister:** We are not going to come back this afternoon, Mr Speaker.

**Mr Speaker:** We are not?

1975 **Hon. Chief Minister:** No. So I move that the House do now –

**Mr Speaker:** Can we then please do this final question?

1980 **Hon. Chief Minister:** No, Mr Speaker, the Deputy Chief Minister and I will be here together at the next –

**Mr Speaker:** You are the Leader of the House –

1985 **Hon. Chief Minister:** Thank you. For no reason other than, Mr Speaker, that I know that everybody else has commitments now with the Royal Gibraltar Police, who have an organisation ...

**Mr Speaker:** Adjourning till when?

1990 **Hon. Chief Minister:** Tomorrow at 2.00 p.m.

**Mr Speaker:** The House will now adjourn until tomorrow at 2.00 p.m.

*The House adjourned at 1.07 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 2.15 p.m. – 4.58 p.m.**

**Gibraltar, Wednesday, 21st December 2016**

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# The Gibraltar Parliament

*The Parliament met at 2.15 p.m.*

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

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

## Questions for Oral Answer

### HEALTH, CARE AND JUSTICE

**Q869/2016**

**Care Agency –**

**Number of social care workers**

**Mr Speaker:** Perhaps one should explain to hon. Members that a lockout has prevented Parliament from meeting at 2 p.m.

**Clerk:** We continue with answers to Questions. We start at Question 869 and the questioner is the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, as at 9th November 2016, can the Government disclose how many social care workers employed by the Care Agency were physically working as social care workers at each of the following establishments: Dr Giraldi Home, Children's Home and Rehabilitation Services?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I am uncertain as to what the hon. Gentleman means by this question of whether social care workers are physically working as social care workers. Is the hon. Gentleman asking whether social care workers work remotely by digital means?

**Hon. L F Llamas:** Mr Speaker, what I am asking is of the social care workers who are employed by the Care Agency, how many were physically in attendance at those establishments on that particular day.

**Hon. N F Costa:** Mr Speaker, that is not what I understood from the hon. Gentleman at all. If he wanted a headcount for a particular day, that is not what I had read the question to ask me. If what he wants is to know how many care workers were actually at Dr Giraldi, the Children's Home and Rehabilitation Services, I will get that information for him.

**Mr Speaker:** I think it is obvious, but could I suggest in the first place that Hon. Ministers, or whoever in their Departments first sees questions, if they are not certain about the meaning of

30 the question and they are not able to contact the hon. Member of the Opposition who has asked  
that question, that they inform my staff here in Parliament and we will endeavour, by any  
means, to ascertain what is behind the question immediately. If there is a need to rephrase it,  
we will exercise our good offices in that respect. I think it is obvious, but perhaps it is something  
35 that is worth keeping in mind. Okay?

**Hon. D A Feetham:** Mr Speaker, does the hon. Gentleman not have the actual complement of  
social workers in each of these three institutions –

**A Member:** That is not the question.

**A Member:** It is the headcount.

**Hon. D A Feetham:** It is the headcount, yes.

45 **Hon. N F Costa:** Mr Speaker, no, the hon. Gentleman is asking me how many people were  
physically working there on that day. I will get him the headcount. He is not asking me for the  
complement, and if he is it is in the Budget book. *(Interjection)*

Mr Speaker, if what they want is a physical headcount as at 9th November, I will ask my staff  
to actually go to the records and determine how many people were physically working. If they  
50 want to know what the complement is, they can look at the book of estimates.

Indeed, Mr Speaker, at the last Question Time, notwithstanding that the answer to the  
question of the hon. Gentleman is in the book of estimates, I gave the answer to the Hon.  
Mr Trevor Hammond. They asked me a question which I should have answered by saying 'Look  
to the public document.' I do not do that. I actually prepare the documentation and I give it to  
55 them. They asked me the same question but as at a particular date, and they want the  
information again.

Mr Speaker, we have to be serious about the business we conduct in Parliament.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Every month they ask the  
60 same questions.

**Hon. D A Feetham:** Mr Speaker, I am sorry but this particular question has never been asked  
before, and if I have been –

65 **Hon. N F Costa:** Yes, it has.

**Hon. D A Feetham:** This particular question has been asked before?

**Hon. N F Costa:** Yes, it has.

70 **Hon. Miss S J Sacramento:** Every month.

**Mr Speaker:** It was asked by the Hon. Trevor Hammond on behalf of the Hon. Lawrence  
Llamas.

75 **Hon. N F Costa:** Only last month.

**Mr Speaker:** Only last month.

80 **Hon. D A Feetham:** But not on this particular date. Mr Speaker, I have used the term  
'complement' and if I have used the term complement wrongly I apologise, but the actual

question is clear on the face of the question. I was just asking whether the hon. Gentleman had the actual figures. If he does not have it, he will have to ask it next time round, but I have to say to the hon. Gentleman, with respect, nobody has intended to start this meeting on a bad footing. He should not take it so personally that I have made a comment using the term 'complement' the way that he has taken it.

**Mr Speaker:** May I enter a comment? I am sure the Hon. Neil Costa feels a bit hot under the collar, having delayed the sitting of Parliament and having to come here in a rush.

There are a number of questions here which I perceive could be – I want to phrase the thing very diplomatically, as diplomatically as possible – which could give rise to some exchanges, let us say, so let's see whether we can start off on a good basis.

The main point is this: if there is any doubt on the part of a Minister, or whoever is drafting an answer on the Minister's behalf, when that person sees the original question ... If there is any doubt, inform the staff here in Parliament. We will try to clear up the doubt immediately and then the question can be rephrased by the Clerk or even by myself, sometimes. I was here last time, dealing with the questions. The question can be rephrased in order to make it absolutely clear as to what it is that the hon. questioner is after.

So let's see if we can keep the temperature down for the rest of this meeting.

#### Q870/2016

#### People with disabilities – Numbers attending establishments in Spain

**Clerk:** Question 870. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can the Government provide details of how many people with disabilities attend establishments in Spain on a daily basis and for what purpose?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I am afraid that the way that the answer is drafted may raise the temperatures slightly more.

I am afraid I am also unable to answer this question, as we are not in a position to inform this House who, whether, when or for what purpose persons with disabilities attend establishments in Spain. The Care Agency does not have access to data or records in respect of the type of information the hon. Gentleman requests.

**Hon. L F Llamas:** Mr Speaker, I am not asking for specific details of who actually attends services. Perhaps if I rephrase in a supplementary, the Minister will be able to answer.

Are there any service users, who would normally attend establishments here in Gibraltar, who do go to Spain on a daily or weekly basis to another centre across the border?

**Hon. N F Costa:** Mr Speaker, I am afraid that I would not know if service users of Gibraltar use other establishments in Spain. I do not know the answer to that.

**Hon. L F Llamas:** Therefore, Mr Speaker, is the Minister then saying that there are no service users who are being funded access to go to other centres across the border?

**Hon. N F Costa:** Mr Speaker, no, I am not saying that.



130 **Hon. D A Feetham:** Mr Speaker, therein lies the point. I quite understand that the hon. Gentleman may come to this House and may say 'I don't know who is using services in Spain if the Government doesn't fund it, because it is an entirely private initiative by private individuals'; but if the Government is funding, then of course the Government must know.

Does he not have any information as to how many service users are actually being funded in order to use institutions in Spain? That is something that the Government ought to be capable of answering.

135 **Hon. N F Costa:** Mr Speaker, I have again, in the last session of this House, answered the question of how many adults with learning disabilities receive care outside of Spain, and within the information that I have provided to the Hon. Mr Hammond in the absence of the Hon. Mr Llamas, I noticed that there was one adult with disabilities who received care in Spain, and that is in Estepona in Spain.

**Q871/2016**  
**Respite care –**  
**Availability of beds**

140 **Clerk:** Question 871. The Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, further to Question 717/2016, can the Government confirm the three available beds for respite care have always been available during the past five years; if not, on how many occasions and for how long have they not been available?

145 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in the first instance I refer the hon. Gentleman to Answer 717, to which he himself refers. In my answer, I noted that there are four available beds for respite, comprising of three beds and one bed for emergencies.

Further, Mr Speaker, please note that the following dates highlight periods where less than three beds were available for respite care: during January of this year to March of this year there were two beds available for respite; and during the end of November 2016 to date, two respite beds are available for respite.

155 If I may just add, Mr Speaker, anticipating the supplementary question of the hon. Gentleman, the hon. Lady, Samantha Sacramento, has very kindly been able to provide to the Disability Services a satellite flat in the community so that, I am told by way of supplementary information, that by 23rd December, in two days' time, there should once again be the four beds available for respite.

**Q872/2016**  
**St Bernard's Hospital escalators –**  
**Number of reported accidents**

160 **Clerk:** Question 872. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise how many accidents have been reported in respect of the use of the escalators to St Bernard's Hospital since their installation?

165 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, one incident has been reported.

170 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Can I ask him if the escalators have been permanently shut down for safety reasons? Certainly I tried to use them the other day and they were not operational.

175 **Hon. N F Costa:** Mr Speaker, in the first instance I would suggest to the hon. Gentleman that he walks up, because it is good exercise. In the second place I would tell the hon. Gentleman that the escalators are not permanently off, no.

180 **Hon. R M Clinton:** Mr Speaker, the Minister has come to this House in a mood of jest this afternoon. I tried to use the escalators because I was going for an X-ray for my foot and therefore I entered as a patient; but since he tells me I should walk up since it is good exercise, maybe he will tell that to the rest of the people of Gibraltar.

185 Mr Speaker, I noticed that the Senior Citizens' Association have an issue with the escalators and are trying to meet with the Minister in order to discuss an alternative of a lift. I would ask the Minister: is he seriously considering replacing the escalators with a lift and therefore removing the escalators, or is he proposing to install a lift somewhere else; and would he therefore agree that the escalators were perhaps a bad idea in the first place?

190 **Hon. N F Costa:** Mr Speaker, in the first place I had not realised that the hon. Gentleman had to use the escalators because he had suffered an injury in his foot, in which case of course the lift would have been more suitable in the circumstances.

The hon. Gentleman is right: I believe it is the Seniors Association who have asked for a meeting. In fact, I bumped into Mr Ruiz today. We are meeting – if I recall correctly, but please do not quote me – in the second or the third week of January.

195 In the event that the GHA were to accept the proposal of a lift, it would be additional to, and therefore no, we do not think that it was a bad idea to include the escalators. Whereas certainly having an accident is regrettable, I do not think that the fact of one accident diminishes the benefit and the amenity that the escalator has meant to the many patients who use it.

200 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Can he indicate what the problem is with the escalator? Will it be back in operation soon, or is it operational today?

**Hon. N F Costa:** Mr Speaker, the escalator should have been operational yesterday, and they were not today. They assure me that it will be operational by before the end of the week.

#### Q873/2016

#### Dementia Day Care Centre – Awarding of contract

205 **Clerk:** Question 873. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government now advise to whom the contract has been awarded in respect of the Dementia Day Care Centre?

210 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, a preferred bidder has been identified and notified. The GHA is in discussions and I expect to make an announcement shortly.

215

**Hon. R M Clinton:** Mr Speaker, if I may ask the Hon. Minister: when he says 'shortly', could he be more precise?

220 **Hon. N F Costa:** Mr Speaker, I recall the time when I asked, as a Member of the Opposition, what 'shortly' meant, and I will refer the hon. Gentleman to *Hansard* and the answer that Sir Peter gave me at the time. But I will be infinitely more helpful and tell him that I expect to be able to make announcement in the first week of January.

**Q874/2016**  
**Dementia Care Home –**  
**Contract holder**

**Clerk:** Question 874. The Hon. R M Clinton.

225 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that the contract for the residential Dementia Centre is still held by Grand Home Care?

**Clerk:** Answer the Hon. the Minister for Health, Care and Justice.

230 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the contract in relation to the Dementia Care Home is ... to answer his question in the affirmative, yes.

**Q875/2016**  
**Dementia Care Home and Day Care Centre –**  
**Opening dates**

**Clerk:** Question 875. The Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, does the Government have an anticipated opening date for the residential Dementia Centre and the Dementia Day Care Centre, and why have there been so many delays in their opening?

**Clerk:** Answer the Hon. the Minister for Health, Care and Justice.

240 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the delays in respect of the Dementia Care Home have been as a result of the building not being handed over by the contractor.

245 I am delighted to note, as I said in my previous question, that I will be in a position to announce the opening of the Dementia Day Centre shortly – as I have just revealed to the hon. Gentleman, in the first week of January.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer.

250 Can I ask: when he says the building is not handed over by the contractor, is that in respect of the residential centre, but the day care centre has been handed over? If he could perhaps illuminate on that point.

255 **Hon. N F Costa:** Yes, Mr Speaker, that is why I prefaced my answer by saying that the delay in respect of the Dementia Care Home has been as a result of the building not being handed over by the contractor, and then separately we will be announcing the opening of the Dementia Day Centre shortly. So the delays in respect of the contractor relate solely to the Dementia Care Home.

260 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister. The obvious question, really, is: has the building now been handed over to the Government in respect of the dementia residential centre?

**Hon. N F Costa:** I am afraid not, Mr Speaker.

265 **Hon. R M Clinton:** Mr Speaker, this is somewhat concerning to hear that it has not been handed over, since you obviously have a contract for the service provider and yet the building is not ready, and then conversely you have the building ready for the day care centre but no service provider as yet.

270 What is it that has caused the delay for the contractor to hand over the Dementia Centre? This is something, as we all know, of great concern to service users or potential service users and their families, and I find it somewhat concerning to hear today that the building itself has not been handed over, whereas I was, perhaps mistakenly, under the assumption it was a question of putting together the services and the support staff necessary for the operation of the centre. Can the Minister advise what the problem is with the building?

275 **Hon. N F Costa:** Mr Speaker, the information that I have for him is that the contractors will hand over before April and we should be in a position to proceed with the services then. So we are talking about, latest, April of this year.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for the answer. I would invite him to perhaps communicate this – or maybe if he has not communicated already – communicate to the relevant stakeholders in respect of the residential care, because there is obviously an expectation in the community that ... I think, as per the *Viewpoint* programme, he said hopefully some things would be open in January. I had not appreciated that this was solely in respect of the day care centre. I would invite him to advise the relevant stakeholders so they can manage their expectations accordingly.

285 Thank you.

290 **Hon. D A Feetham:** Mr Speaker, yes, the cynic in me notes that April is obviously after 31st March, which is the end of the financial year. Is the fact that this is going to be handed over in April to do with the fact that the Government has spent so much money over the last five years, £750 million in capital projects alone, that unfortunately there is not enough in the kitty for this to be opened earlier?

295 **Hon. N F Costa:** No, Mr Speaker. He is a cynic, but I can assure him that the information that has been passed on to me from the professionals at ERS and at the GHA is that it is only to do with the handing over of the building by the contractors; it is nothing to do with finances. On the contrary, I am, as he can imagine, being intensely pressed to open as soon as is humanly possible. As he can also imagine, that is also the desire on this side of the House.

300 Surely he should be happy that his cynicism should be dispelled, if only for a few hours this afternoon.

**Hon. R M Clinton:** Mr Speaker, coming back to the question of the residential dementia centre and the fact that Grand Home Care have the contract, can the Minister confirm that the Government is not paying any form of retainer until the period at which the building is handed over to the Government? Otherwise, you are also going to be paying for a service which cannot be used by anyone.

And how does he expect Grand Home Care to manage in the interim, in terms of recruitment?

310 **Hon. N F Costa:** Mr Speaker, he has asked me two supplementaries. In respect of the first one, I will need to check the documentation but I would find it incredibly odd if we were paying Grand Home Care anything, and certainly –

**Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**  
315 Not in my time.

**Hon. N F Costa:** My hon. Friend Dr Cortes has said certainly not in his time, and I can assure him certainly not in my time either, but I will certainly get back to him in any event to assuage his concern and, now that he has raised it with me, to assuage my own concern that we are not effecting any payment whatever until the opening of the Dementia Care Home.

In respect of whether the contractor will be in a position to be able to recruit sufficiently quickly to be able to ensure that services may be provided, whereas I did not sit on the selection board, I very much suspect that one of the primary questions put to the contractor would be that when it is open, by the time that we tell you, within a certain lead-in period you would be in a position to deliver so many nurses etc., and the answer surely must have been ... because  
325 whereas I do not have the information with me, there will have been various companies that will have bid for that particular, and the board, I need to assume, would have been extremely rigorous, and one of the main issues would have been 'Would you be able to provide these professional staff to be able to deliver these services once the home opens?' I can see that  
330 Dr Cortes is nodding next to me, so we can also be assured of that.

**Hon. T N Hammond:** Mr Speaker, if I can just confirm that I have understood the Hon. the Minister correctly, he is suggesting that services will commence the day after the building is handed over by the contractor, so presumably all other provision will be in place for that date.

335  
**Hon. N F Costa:** Mr Speaker, I did not say the day after the building is handed over; what I said was what I had read out, which was that we would be able to proceed straight after that. In other words, the recruitment and the systems that need to be in place, with equipment and so on, will be in place by then, and we just need to make sure, of course, that when the building is handed over there is ... I do not want to misquote my officials ... that essentially when the building is handed over there has to be cleaning, furnishing and that sort of thing that you do to a building to make sure that it is safe and that the work that has been contracted to be carried out has been carried out very shortly after the building is handed over to the Government.

**Q876/2016**  
**Parental Alienation Syndrome –**  
**Specialised training**

**Mr Speaker:** Next question.

345

**Clerk:** Question 876. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, does the Government agree that we need to look towards targeted and specialised training for social workers, the judiciary and legal profession, so that we can ensure that we recognise cases of Parental Alienation Syndrome early on?

350

**Clerk:** Answer the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the hon. Gentleman will be happy to know that the Children's Services already work under the auspices of the Children and Families Court Advisory and Support Services (CAFCASS). The Children's Services continue to work in accordance with CAFCASS best practice.

355

The Court Welfare Team has both developed and administered the co-parenting programme to deal with parental alienation. This was researched, created and produced and presented to the Supreme Court for its perusal and recommendations in 2004. The co-parenting programme ranges from six to 10 sessions for each client depending on necessity – acrimony/level of alienation – has been assessed.

360

Sessions are structured and run individually with each client, and further consist of joint work with both ex-partners at the beginning and at the end of the programme. The context of mediation is focal.

365

Sessions initially present the purpose and importance of co-parenting and, importantly, the impact and abusive nature of acrimony and alienation for the child or children involved. This is re-enforced throughout each session.

The Therapeutic and the Court Welfare Team work together and deliver the co-parenting programme to families involved in acrimonious separation and divorce cases. They have been delivering this programme for almost 14 years. The courts make recommendations for such programmes to be delivered to families.

370

The programme continues to be reviewed and updated by the Care Agency's social worker and psychologist. Both have significant experience in this field. It is important to highlight that the social worker attended further mediation training in September.

375

Both practitioners recognise that there has been an increase in the Parental Alienation Syndrome. The Care Agency is therefore in the process of arranging a meeting with the Supreme Court judges to discuss these issues.

I should further note, Mr Speaker, that the psychologist as well as the social worker are aware of what constitutes emotional abuse as a result of parental alienation. Emotional harm per se is already a huge component of the safeguarding training. The Care Agency psychologist has been delivering this training to frontline professionals approximately for the past 10 years.

380

A Supreme Court judge's ruling in the two most recent acrimonious and complex cases commended both social workers and the psychologist involved for their assessments, evidence and recommendations.

385

Further, training for lawyers may curb the increasing trend in parental alienation through a better and more thorough understanding. I will seek to raise the issue with the Bar Council at our next meeting. I also intend to raise this issue with the Hon. the Chief Justice at our next meeting.

390

Finally, the Care Agency has advised me of a sure way to decrease parental alienation, a proposal which the hon. Gentleman may well dislike, and it is as simple as implementing a cap

on legal assistance for divorce proceedings. The premise of the advice is that unlimited legal assistance results in cases of parental manipulation and, in some instances, some lawyers' inability to prevent cases from escalating.

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**Hon. E J Phillips:** I thank the Minister –

**Hon. N F Costa:** If I may just add that that is not a proposal that I am seeking to implement. I want to make that clear.

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**A Member:** We would not want to be unpopular ... *[Inaudible]* *[Laughter]*

**Hon. E J Phillips:** I am not too sure I want to comment on an unlimited cap in relation to those matters, but I think it is right and I welcome the suggestion that the Chief Justice will be contacted. I also welcome further training for family lawyers in this field, because those are the ones particularly at the front line when it comes to divorces and issues affecting young children.

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I have it quite regularly now – I would not say on a daily basis – from fathers who approach me with this issue, and the heartache clearly from them is that when their children come to them for access there is this vitriol which has been transferred from the mother, in this particular example, to the father, which causes very difficult access arrangements between the father and the children.

410

My understanding is we are not doing enough as a community to deal with parental alienation syndrome. That is why I have raised it in Parliament; that is why I have raised it outside this House as well in order to improve awareness in relation to parental alienation syndrome. In the United Kingdom, for example, I understand that between 11% and 15% of divorce cases have parental alienation syndrome. I would welcome very much further training for our judiciary, particularly the family judge.

415

I just wanted to know, really, when this meeting will be arranged with the Chief Justice. Do you have any idea as to when that will happen?

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**Hon. N F Costa:** Mr Speaker, in the first place to say to the hon. Gentleman that although it has now – I cannot believe this – been five years since I was in private practice, I do personally recall acting as a family practitioner and there being clear instances of parental manipulation. Unfortunately, in my case it happened to be the dads who would suffer mostly, because they would be the persons who did not have children with them at home and therefore contact arrangements had to be arranged. I do recall witnessing that particular emotional heartache and I agree with the hon. Gentleman that it is right to therefore have raised it. But, as I have also said, the Care Agency also confirmed to me that there has been an increase in parental alienation syndrome and this is why I have agreed, further to the hon. Gentleman raising it by way of his own article, to raise the matter with the Hon. the Chief Justice at our next meeting. I will seek to include in the agenda, subject to his blessing ... I will discuss it with him and I am sure that he will be happy to do so. Similarly, I have various meetings pending with the Bar Council in respect of separate matters, but at the very first meeting with them, although a meeting to discuss certain items, I will also seek to add that item for training in relation to lawyers.

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I have to say that I did try to politely enquire as to whether or not Supreme Court judges have sought any additional training in respect of parental alienation. They have not. That does not mean to say that they would not welcome it should it be offered, which is why I seek to raise it with the Hon. the Chief Justice when we next meet.

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**Hon. E J Phillips:** Just one point: to be helpful, I am quite happy to work with the Hon. the Minister in relation to that, and quite happy to attend the meetings as well with the Chief Justice if it helps.

445 It is a matter which I think is really important, particularly when it revolves around the sensitive issue of children and their ability to access either one of the parents who is being alienated. But I would say as well that there is a link here, a very strong link, towards parental alienation syndrome and the failure of a certain parent – particularly the father, in many instances – to pay maintenance. I wonder whether the Minister has had any thought as to how we can enforce those arrangements and have greater protection for the mothers who are not being paid their monthly maintenance awards, either through the courts or through agreement.

450 **Hon. N F Costa:** Mr Speaker, it is almost as if the hon. Gentleman read my mind when I was giving him my answer to his supplementary question. I always used to advise my clients that if there was a certain amount that the former partner or the former spouse was asking, that to show good will and good faith that they should try to exceed that amount where those personal circumstances allowed.

455 There are already mechanisms in place through the magistrates' courts, and if you recall correctly it was the former Minister for Justice, when he introduced the Children Act, who introduced those mechanisms. So the legal mechanisms exist; the question is are they being enforced. That is certainly something that I would be more than happy to look into.

460 **Hon. D A Feetham:** Mr Speaker, we are not just simply talking about parents, we are also talking about grandparents because often there is fallout in relation to the grandparents and any parental alienation towards the father, for example, is often translated also to the grandparents.

465 That is one of the reasons why in the Children Act we included – and our law differs from the United Kingdom ... from England, I beg your pardon, and Wales ... not Scotland; Scotland is the same as ours – we included as well the right for grandparents to apply for access to their grandchildren, which does not exist in England and Wales. So I would invite the Hon. the Minister for Justice to obviously extend that to them as well, because here, in a small community like Gibraltar where grandparents play such a pivotal role in the extended family, that they should not be alienated.

470 Having said that, let me turn it into this question: parental alienation is multi-faceted and it is something that I grappled with when I was Minister for Justice and one of the reasons why we introduced the Children Act in 2009. It not only needs training but it also needs the facilities as well, and a critical and crucial facility in order to allow Social Services to help with the question of parental alienation is a family centre.

475 Very often what happens is that the alienation gets to such an extent that the children simply do not want to sit and see the father or the grandparent. So the only way that they can have any kind of contact is in a family centre. We asked in January about the family centre and when that was coming on line, and we were told that it was going to be imminent. I wonder whether that is something that the Hon. the Minister for Justice can also shed some light on, because that is absolutely critical in a situation where the children simply do not want to see the father and obviously there is no other way of doing it other than through, unfortunately, supervised access.

**Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, yes, the hon. Gentleman is right that sometimes there needs to be a neutral ground for parents to see the children with whom they have contact. He is right; to say that it has to be a family centre exclusively is not correct, though.

480 While we have already announced in the Parliament that we are in the process of having a family centre, we already have, as I have said in Parliament before, alternative premises which we are using for those purposes. So, while the hon. Gentleman is right in saying what he is saying, in answer to that, by way of assistance to my hon. Friend, that is already happening, and I have already mentioned it in this Parliament before. We have a premises which we are using akin to a family centre, which is outside the Social Services building. Of course the Social Services building itself within it has now rooms which we have refurbished, so they do not look like they



did before – they look more comfortable and warmer and less institutional. So that is perfectly acceptable for these purposes as a neutral ground, but even beyond that we have other Government premises and facilities which we are using, which are quite anonymous, and it is not widely known that they are used for these purposes, other than the people for whom they are being used – for obvious reasons, because of course as part of this we wanted to be discreet.

In addition to that and further to that, we are nevertheless developing another premises which we have identified for this purpose.

**Hon. D A Feetham:** Mr Speaker, the reason why I mentioned the family centre is because if you read the Children Act, the Children Act refers to a statutory obligation in terms of a family centre. It is not ‘some other kind of building’ – it is a family centre.

Further, the reason why I mentioned a family centre was because I was asked about this during the last election in the Mackintosh Hall. There was a discussion in relation to this and the Government has consistently said that that family centre will be provided online, compliant with the Children Act, imminently, we were told in January. I just wondered how imminent that was now, having reached December 2016.

**Hon. Miss S J Sacramento:** Mr Speaker, the statute is not prescriptive in the sense that it says there has to be a room that is this size and has this, that and the other. What the statute provides for is that the Government provide a facility for a family centre. The hon. Gentleman, I am sure, knows that a family centre is more of a concept than a physical building, but in any event we provide both already in a location that we have that is using a Government premises that is used by Social Services.

If you recall, Mr Speaker, in response to this question the hon. Gentleman suggested that while they were in government they were considering having an area in the leisure centre. Certainly when it was my responsibility I did not feel that that was an appropriate location and that it should be somewhat more discreet. We are using more discreet premises at the moment and I am certainly satisfied that we are providing for what needs to be done under the requirement of the Children Act. Of course, we are not looking at vast numbers of children who require the service, but nevertheless what we are planning is something that will enhance the facility which we already have.

I cannot give a specific date – of course, I am no longer involved with that – but I am sure that the coming on line of the new facility which will be used for a family centre cannot be far off.

**Hon. E J Phillips:** I understand that obviously you are trying to meet the needs of your manifesto commitment where you state:

We will continue to ensure that the Social Services Court Team are better resourced to be able to deliver the requirements of the Children Act including the setting up of a family centre as required by the Act.

So your commitment still is to set up, as it states at page 93 of your manifesto, a family centre, albeit it seems to be slightly different to what you are saying now in terms of the resources that you currently have, and working towards that? Just to clarify.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, just to clarify, what I have said is that while we prepare the family centre, which is the building that we envisage to be used as the family centre, we already provide alternative premises which are being used for the purposes of a family centre at the moment. It is just that the one that will come on line will be even better. I am saying that what we are doing now with the new premises that we have ... are already compliant both with the manifesto commitment and with the responsibility under the legislation. It is just that we will have another one and a different one coming on stream not far away.

**Q877-880/2016**

**CCTV –**

**Policy re use in public areas; complaints; civil liberties;  
sharing with law enforcement agencies**

**Clerk:** Question 877. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government explain their policy for the use of CCTV in  
500 public areas in Gibraltar?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this  
505 question together with Questions 878, 879 and Question 880.

**Clerk:** Question 878. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm whether or not it has received complaints  
510 regarding the use of CCTV from members of the public and can the Government give details of  
those complaints?

**Clerk:** Question 879. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government explain what measures are in place to ensure that the  
515 use of CCTV does not infringe civil liberties?

**Clerk:** Question 880. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government explain how CCTV still images and video are shared  
520 with law enforcement agencies?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the Government's policy  
525 objectives as set out at paragraph 4 of the 'Public CCTV Code of Practice' and the basis for the  
processing of data are to enhance community safety, reduce the fear of crime, deter and detect  
crime, and deter and detect acts of anti-social behaviour.

Complaints against police officers made by members of the general public are lodged with  
530 the Police Complaints Board (PCB). All complaints made to the PCB are fully investigated and  
logged by the RGP's Professional Standard Department. The Royal Gibraltar Police has not  
logged any complaints against police due to misuse of the public CCTV system.

Government's public CCTV system is managed by the Royal Gibraltar Police from New Mole  
House. In its management of this system the RGP applies its Public CCTV Code of Practice. The  
535 aim of this policy is to provide a clear framework for the operation and control of all public CCTV  
systems in Gibraltar, highlighting what it will be used for and ensuring that evidence is secured,  
retained and made available as required so that there is absolute respect for everyone's rights.

Furthermore, the CCTV system is designed to ensure it blocks out any potential intrusion by  
540 automatically blacking out areas of the video feed where a camera angle could potentially  
intrude into a private dwelling or other location that is private. The operating system was  
accredited by the Office of the Data Protection Commissioner before being launched.

The public CCTV system is operated by the Royal Gibraltar Police, which is the primary law  
enforcement agency in Gibraltar insofar as the use of the public CCTV system applies and

545 therefore the need for sharing does not ordinarily arise. If there is a need to share upon request from another of the Gibraltar law enforcement agencies, this will be done in strict compliance with the Criminal Procedure and Evidence Act, the Data Protection Act and the RGP's Public CCTV Code of Practice.

550 **Hon. T N Hammond:** Mr Speaker, if I might just ask the Hon. Minister ... I am aware that the Department of the Environment does, or certainly has sent out CCTV images when fining people for littering, for instance, particularly in residential estates. Is it the case that the RGP routinely share CCTV images with the Department of the Environment, and how does that Department obtain those images?

555 **Hon. N F Costa:** Mr Speaker, the Hon. Dr Cortes will speak to his question in respect of whether the Environmental Agency shares the information, or whether the RGP shares with Environment.

In respect of whether we routinely share, just to remind the House of what I have just said, which is that the system is operated by the RGP, which is the primary law enforcement agency insofar as the use of our public CCTV system applies, and the need for sharing does not  
560 ordinarily arise. If there is a need to share upon request, then the sharing is done in strict compliance with the Criminal Procedure and Evidence Act, the Data Protection Act and the RGP's Public CCTV Code of Conduct.

565 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, if I may assist, the Department of the Environment and the Environmental Agency have specific targeted cameras which target, for example, litter hotspots and that sort of thing, and that is processed separately using all the legal frameworks, so the system we use is the same. I do not believe we have ever shared with the Police, because we have never identified  
570 anything of another nature that needed to go to the Police. Otherwise, obviously we would have a duty to report it if we saw any crime performed in front of one of these cameras. The system runs pretty well in parallel and, as I say, they are specifically targeted at the hotspots and the like.

575 **Hon. T N Hammond:** Mr Speaker, in which case, as there appear to be two separate CCTV networks in operation here, is the Government aware of any other Departments which have their own separate CCTV networks operating in public places?

580 **Hon. N F Costa:** Mr Speaker, given that the question was specific about the RGP's code of practice and so on, I do not know the answer. If there is additional CCTV around Gibraltar, I suspect it will probably be from private estates or indeed security companies and so on. Certainly as far as I am aware, the answer is no, and my hon. colleagues could jump in to contradict me if I am wrong.

585 **Hon. E J Phillips:** Mr Speaker, with your leave, just one further question. The reason why I asked that set of questions before, of course, was relating to the incident with the Guardia Civil at the Frontier, where they pushed the car right across back on the Spanish side and one of the issues was that this CCTV footage came into the public domain. Clearly there must have been some ... Yes, I think there was some form of breach. Was there an investigation in relation to the  
590 use of that CCTV and the posting of it on Facebook and other social media?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Customs is my responsibility and it is a matter that led to an investigation into the whole issue of whether disciplinary proceedings should be taken or not.

595 **Hon. E J Phillips:** Mr Speaker, just arising from the Chief Minister's answer to that question, is it the fact that the RGP have linked CCTV footage to Customs in those particular sites? And if that is the case, then (*Interjection*) is there a different CCTV system relating to solely Customs?

600 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should give notice of that question; I do not think it arises from the question. I am going to give an answer which may or may not be correct.

**Hon. E J Phillips:** Mr Speaker, with respect, I do not think that is right. I said:

Can the Government explain how CCTV still images and video are shared with law enforcement agencies?

605 Quite clearly there is a sharing of CCTV footage between the relevant law enforcement agencies, which is a good idea, but that was the nature of the question and therefore it is within the remit of the answer.

610 **Hon. Chief Minister:** Mr Speaker, the supplementary is not about that; the supplementary is about the CCTV systems the Government has. The Government, I can tell him off the top of my head, has a CCTV system surrounding No 6 Convent Place which does not belong to any of the enforcement agencies, but if something goes wrong in the area around No 6, it is provided to the law enforcement agencies. The hon. Gentleman's supplementary is 'What CCTV systems does the Government have?' Well, in order to give him an accurate answer – I am not saying we are not going to answer it – he needs to give notice of that question.

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**Hon. D A Feetham:** Mr Speaker, certainly Customs have their own system – and I would classify Customs as law enforcement; can he confirm that? I think at least he can confirm that.

620 **Hon. Chief Minister:** Mr Speaker, I am very grateful for the concession from the GSD that Customs is a law enforcement agency, because for the 16 years that they were in government Customs found that they were not regarded as a law enforcement agency. It was a big issues of contention – (*Interjections*) Well, I understand, Mr Speaker, that the hon. Gentleman takes a completely different view, now that he is the Leader of the new GSD, to the position he used to take when he was a Minister for Justice responsible for law enforcement in the GSD about what is or is not a law enforcement agency. But I have come to the conclusion that this chameleonic approach to every policy subject is one that we have to expect from the hon. Gentleman.

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Customs is a law enforcement agency and it has CCTV systems.

**Mr Speaker:** Next question.

**Q881/2016**  
**Gibraltar Health Authority –**  
**Staff moral survey**

630 **Clerk:** Question 881. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, does the Government plan to conduct a staff morale survey within the entirety of the GHA or parts thereof?

635 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

**Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in the first place, I wish to reiterate that obviously I have the highest respect for all clinicians and the incredible vital public service that they provide; there can be no question of that.

640 As I have also said, I intend to leave no stone unturned and spare no effort in ensuring that I build on my predecessor's formidable legacy and improve, where we can, the quality of the services that we deliver. I am currently engaging as widely and thoroughly as possible with all stakeholders to make sure that we get things exactly right.

645 I am currently systematically meeting with all levels of management, and until I have concluded all of my meetings I will not be in a position to determine if there is a need for another survey. What I can assure this House is that I intend to make sure that all genuine concerns brought to my attention are investigated and appropriate action is taken.

**Hon. D A Feetham:** Mr Speaker, does the hon. Gentleman accept that there is a morale problem, particularly at the hospital, amongst staff?

**Hon. N F Costa:** Mr Speaker, we have ventilated these issues in public via our press releases, but if he wants to do it in the House I am delighted to engage.

655 In the first place, the hon. Gentleman in his press release, which was delightful by its brevity but for no other reason of content, failed to mention that the sample of doctors consulted did not include the GPs. He must accept that if there is going to be a morale survey of an institution and we want to know how people are feeling in terms of morale, then you need to include the consultants and the GP doctors, and it does not make sense to have an informal documentation that only asks the question of a particular group. So there were 30 people asked out of a total of  
660 82 people, but he fails to mention in his brief press statement that, notwithstanding what is said, 61% of the 30 doctors who were asked the question said they did not feel low on morale.

I genuinely do not want this to become a partisan issue, because I think he and I both agree that the Health Services provide an excellent service. They have to be non-political to the extent that both he and I will need medical care at many different points in our lives and the care has to be provided to the best quality irrespective of political strife.

665 Since I took over as Minister for Health I am meeting systematically, methodically – it is going to take some time – to meet with all levels of management and also clinicians, nurses and everyone who will clearly have an opinion as to how the GHA is working.

670 I also need to make the point that my Ministry is not the GHA. My Ministry is separate to the GHA, although of course my Ministry and the GHA have to work hand in glove in respect to how medical services are delivered.

I am going to leave it there, because I do not want to get into the type of questions that were asked, how they were asked and whether they would elicit a different reply had they been phrased differently. So I will conclude to say that in a Government entity as large as the GHA there will undoubtedly be pockets where people will not be entirely satisfied with the way that management has dealt with them. I think it was James Neish in an opinion piece who said that management does have to walk sometimes an impossible tightrope between the demands of the patient and perhaps what professionals and clinicians may be willing to be able to provide at any particular point, for perfectly good reasons, and management needs to always strike that balance between clinicians, professionals, nurses, allied professionals and the demands of the patient.

680 So, as I say, I do not want him to leave the House thinking that I have dismissed the idea of another morale survey. All I am saying is that until I conclude my own meetings with all clinicians and allied services and nurses, I cannot commit to that because it may be that the issues that they raise with me are issues that can be dealt with without one.

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**Hon. D A Feetham:** Mr Speaker, thank you very much for the answer.

690 The point about the survey conducted by the doctors I think has been lost on the hon. Gentleman, because when he says that it is only a sample of 31 doctors out of a total complement of 80 or 81 the reality is that it was a survey conducted of the doctors at the hospital, not the entirety of the GHA, and it was never represented as a survey of all the doctors within the GHA. It was a survey of the doctors at the hospital. Even if it had been otherwise, 38% – or 36%, I cannot recall the exact percentage of what it equates to – is a very high sample indeed. Does he not think at the very least that the fact that doctors have gone to the extent of  
695 conducting and participating in a survey of this nature at the hospital does indicate that perhaps there is a level of discontent amongst doctors at the hospital that obviously is something that needs to be looked at?

I will ask him some more supplementaries and move on to more substantive issues in a moment.

700

**Hon. N F Costa:** Mr Speaker, on the basis that I did come into this House hot under the collar, given that I arrived late, I will allow the hon. Gentleman to have said to me that a point has been lost, but that is the only one I am going to allow him today.

705 The point has not been lost on me, because I told him that notwithstanding that in my view the results have to be skewed, and we accept at its highest this informal documentation ... Let's say that he and I agree that it was perfectly proper for this doctor to simply consult the 30 consultants and leave everyone else out – (*Interjection*) Yes, hospital, but I do not agree that he should have done so leaving the GPs out. But let's say that I agree with him, for the sake of argument. He seems not to want to remember – and he certainly left it out of his press release –  
710 that of those polled, and irrespective of my concerns as to how the questions were asked ... because he knows, as a barrister, that if you want to put words into somebody's mouth he you ask a closed question. Yes, you ask a closed question. The question was not asked: how would you portray morale at the GHA – excellent, very good, good, get me out of here? That is not how it was portrayed, and any reputable polling company will tell you that to achieve an accurate  
715 assessment of anything you need to ask open questions, because the moment that you ask a skewed, loaded question, you are more or less telling people what to say. And, apart from that, doesn't he accept that if there is a particular doctor who is clearly not entirely satisfied with something and those questions have been done face to face, not anonymously with open questions in a proper scientific methodology, which I am sure the hon. Gentleman –

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**Mr Speaker:** May I tell both hon. Members, both the Minister and any other Member of the Opposition who wishes to ask supplementaries, that I am not going to allow exchanges or a debate on the appropriateness of this survey. It is the subject of the question. The matter has been amply ventilated outside Parliament. I am allowing a certain latitude in the exchanges, but  
725 we are not going to have a debate about whether certain questions were appropriate, the manner in which the survey was carried out, or even its authenticity or what have you. I am not going to allow a debate on that. I think the Hon. Minister should stick to the question that he has been asked, because I am not going to allow the Opposition either to widen the ambit of their questions.

730

**Hon. N F Costa:** Mr Speaker, I did say in my first answer that I wished to steer entirely clear of looking into the methodology etc. of the survey. And so, having said what I have said, and after your intervention, Mr Speaker, I will leave it at that. But the point I was getting to was that even accepting the survey at its highest, 61% of those polled said that they were not low on morale –  
735 not part of the supplementary question to me, not part of his press release.

Mr Speaker, there has never been more engagement and consultation between management and the doctors than under my predecessor, Dr John Cortes. Doesn't he know that the Medical Advisory Committee, the statutory creature made specifically to consult doctors and consultants

740 and surgeons and nurses and allied health professionals, did not meet under the GSD? Did he not know that?

**Mr Speaker:** No, but that has got nothing to do with the matter under discussion. (**Hon. N F Costa:** No?) (*Laughter*) You have been asked a supplementary question: whether you accept that there is a problem with morale. That has got nothing to do with how many meetings the Medical Advisory Committee ... [*Inaudible*]

**Hon. N F Costa:** Then, Mr Speaker, the answer is no, sir.

750 **Hon. D A Feetham:** Well, Mr Speaker, I have to say that I find the answer difficult, bearing in mind that you have this survey that indicates that 94% were dissatisfied with management at the GHA and 74% thought that morale was low amongst doctors within the hospital.

Perhaps moving on to potential solutions and looking towards the future, and bearing in mind that we are spending an awful lot of money on the Health Service ... I think projections are likely to reach about £120 million a year, which is £10 million per month, and therefore we should be getting much more higher satisfaction ratings for the amount of money that we are actually spending – and well spent, because that is an area where we *should* be spending money. But does the hon. Gentleman envisage that the Government might conduct in the future some kind of root and branch review, particularly of what is happening at the hospital to see what areas can be improved to make sure that the public gets value for money and to make sure that there is a better morale at the hospital amongst staff than is at present the case?

765 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman clearly did not care to listen to my answer. I said that I was currently engaging as widely and thoroughly as possible with all stakeholders to make sure that we get things exactly right. I also told him that I am currently systematically meeting with all levels of management, and until I have concluded all my meetings I am not in a position to determine if there is a need for another survey. I have also told him that if there is any concern or any issue that any clinician has, all they need to do is write to me to make sure that I fully investigate any such concerns.

770 **Mr Speaker:** Next question.

**Q882/2016**  
**Primary care frontline desk –**  
**Staff manning as principal duty**

**Clerk:** Question 882. The Hon. D A Feetham.

775 **Hon. D A Feetham:** Mr Speaker, can the Government state how many (a) public servants and (b) employees subcontracted through recruitment consultants have as their principal duty the manning of the primary care frontline desk?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

780 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question with Question 883.

**Clerk:** Question 883. The Hon. D A Feetham.

785 **Hon. D A Feetham:** Can the Government state how many employees have as their principal duty the manning of the primary care frontline desk?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

790 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman to Answers 352 and 353/2016.

**Hon. D A Feetham:** Mr Speaker, prior to asking this question I have obviously looked back at the questions that I have asked. I cannot recall asking this particular question, unless the hon. Gentleman has answered it tangentially in relation to another question that has arisen.

795 Perhaps he could draw my attention to the substance of the answer that was given, so that if there are any supplementaries I can ask them during this session of the House.

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman asked in Question 353, to which I have just referred to him, on 29th June, so we are within the preceding six months. He said:

Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre?

The Hon. Dr John Cortes gave the answer and I equate that question with his question:

Can the Government state how many employees have as their principal duty the manning of the primary care frontline desk?

800 They are in all respects exactly the same. And then, in his previous question, he asked:

Can the Government state how many public servants ...

which has to mean Government employees. So, he asks in Question 882 how many public servants and he has asked in Question 883 how many public servants. And then he says:

and (b) employees subcontracted ...

And he asked in Question 352:

How many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre?

805 They are, with respect to the hon. Gentleman, exactly the same in substance – exactly the same.

**Hon. D A Feetham:** With respect to the hon. Gentleman, unless the answer is this ... But they are not the same, and I will tell you ... unless the answer is as I am going to tell him.

810 That question related to all employees in the Primary Care Centre. This relates to the manning of the primary care frontline desk. It would be the same if all the employees working at the Primary Care Centre also manned the frontline desk. That is a perfectly acceptable answer, but is that what the hon. Gentleman is telling me the position is? The questions that I asked originally were about how many different types of employees were working at the Primary Care Centre. The question today is about the manning of the primary care frontline desk – unless everybody works at the frontline desk.

**Hon. N F Costa:** Mr Speaker, I think the issue here is that we read his questions differently. The question asked by Mr Feetham at 353 was:



How many workers employed by Government, Government-owned companies, authorities and agencies are currently working on the Primary Care Centre counter?

820 I read that as meaning primary care frontline desk, and therefore that is why I say the question has already been answered.

**Hon. D A Feetham:** Mr Speaker, may I please ... because I can clarify this quite easily by just referring to my supplementary. The supplementary to Question 353 was this. I said:

So he could not tell us how many of those 11 are actually covering short-term maternity or long-term illness that he has outlined and for other reasons.

825 And I said:

What I am obviously getting at ... Is he satisfied that we do not have a situation here where there are non-public service employees almost working on a permanent basis in these jobs at the counter in the Primary Care Centre?

And then the answer came back:

Mr Speaker, they are temporary engagements. As I have explained before, I do not have a breakdown. I was asked for figures, I have given him figures, I do not have a breakdown.

The point was that I asked in this question for overall figures. I never asked about the frontline desk, except in a supplementary and the hon. Gentleman was not able to give me the answer because he did not have a breakdown. That is the point.

830 Other than obviously obtaining the statistics and seeing how those resources are being utilised, there is no point having an exchange across the floor of the House in relation to this. If he can provide me with that information I would appreciate it, but it has not been provided yet – unless the answer to the question is that everybody who works at the Primary Care Centre also works at the frontline desk. That could be the position – I do not know.

835

**Hon. N F Costa:** Mr Speaker, if that is what he wanted to ask, then this should not be the question either. The hon. Gentleman should know that an official will have a job description, but, whereas that is the case, that official may be required to do things that are not necessarily their main primary function, but may that day or during a week or whatever be at a particular counter.

840

If what he wanted to know was how many of the 11 are actually covering short-term maternity, that is an entirely different question.

**Hon. D A Feetham:** Mr Speaker, I am asking how many employees, public servants or employees subcontracted through recruitment consultants have as their principal duty the manning of the primary care frontline desk. That is not a question I asked in June, because in June I was asking how many employees were there in the Primary Care Centre.

845

**Hon. N F Costa:** No – the Primary Care Centre counter.

850

**Hon. D A Feetham:** No, that was in a supplementary.

**Hon. N F Costa:** No, Mr Speaker, the question –

855 **Hon. D A Feetham:** All right, is the answer then that there are 11? That is fine – is that the answer?

860 **Hon. N F Costa:** No, Mr Speaker, it is not fine. Let's please clarify, because one could not make this up. The hon. Gentleman has stood for three supplementary questions and asked me an entirely different question, and he has disputed with me that the question he is asking now was not the question he asked in June – and with the greatest of respect, it *is* the same question. The question is –

865 **A Member:** It is the same again.

**Hon. N F Costa:** – can the Government state how many employees have as their principal duty the manning of the primary care frontline desk. How many workers employed by Government are currently working in the Primary Care Centre counter – not the Primary Care Centre, the Primary Care Centre counter.

870 The next question is: how many public servants or employees – in other words, he is asking the same question again in the other one – have as their principal duty the manning of the primary care frontline desk.

875 And he asks: how many workers employed by Government, Government-owned companies, authorities and agencies not employed by Government are working in the Primary Care Centre counter?

They are *exactly* the same questions. (*Banging on desk*)

**Mr Speaker:** Hon. Members should keep in mind that the Hon. Dr Cortes, in his answer to Question 352, said:

Mr Speaker, I have taken the liberty to include counter in the plural as there are many counters in the Primary Care Centre and it was not clear which one was being referred to.

880 **Hon. D A Feetham:** Obviously it is all of them.

**Mr Speaker:** This is obvious. Anyone visiting, going as a patient to the centre, will see that in each of the coloured areas and elsewhere in the building there are reception counters which are being manned by nurses and so on. It is all over the Primary Care Centre. That is what Dr Cortes was pointing out.

**Hon. D A Feetham:** Well, thank you very much, Mr Speaker, for the –

890 **Mr Speaker:** But my view was that the question should be allowed because it was not entirely clear from our assessment here, the Clerk and myself, that we should rule it out, and therefore I tend to give the benefit of the doubt usually to Members of the Opposition – though they may not always think that I do, of course! (*Laughter*) And then I expect the Minister, if he thinks it is the same question, to say so in the answer.

895 **Hon. N F Costa:** Mr Speaker, the reason why I am arguing the point is only because he stood up to argue with me. I really do not want to quibble. If what the hon. Gentleman actually wants to know is what he asks in his supplementary, then I am perfectly happy not for him to have to wait until the next Question Time. I am perfectly happy to write to him to give him the answer.

900 **Hon. D A Feetham:** Well, thank you very much. The position is that all I want to know is how many employees are manning that frontline desk. That is all I want to know. And I want to know what the division is between public servants and employees of recruitment consultants. That is all – it is very simple – and if he could provide me with that information I would be very grateful because, reading the answers that were provided by Dr Cortes, I am not sure that he has in fact provided me with the answer, except that overall it is 11.

905

**Hon. N F Costa:** Yes, Mr Speaker, that is exactly correct. What I am telling him is that the question he is asking me in the supplementary today is the same question he asked of Dr Cortes also by way of supplementary, but the questions he asked in the Order Paper within the last six months and today are also the same questions. In other words, he asks questions in the Order Paper which are answered by the Hon. Dr Cortes. He is not satisfied with that answer and he therefore asks for a particular breakdown in the supplementary, which obviously I read before I came to the House. But if that is the information he wants to have, I am happy to give it to him by way of writing.

**DEPUTY CHIEF MINISTER**

**Q914/2016**

**Hong Kong office –  
Total running costs**

**Clerk:** We now move to Question 914. The questioner is the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm the total cost of running the Hong Kong office by reference to salaries and benefits, rent, expenses including flights and all other costs relating to Gibraltar's representation in the region?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the total cost of running the Government of Gibraltar office in Hong Kong is £400,000 per year. This includes salaries, benefits, rent, expenses and flights.

**Hon. E J Phillips:** Just one supplementary question: does the Hon. the Deputy Chief Minister agree with me that, in light of the answers by the Minister for Financial Services and Commercial Affairs yesterday relating to the pulling of certain contracts relating to inward investment, that £400,000 is an awful lot of money to be spending on a Hong Kong office in the region which is supposed to be bringing work and inward investment to our jurisdiction?

Could he also explain why, in relation to that particular point, the original question, in relation to this House on the cost of Mr Cruz of £250,000, the increases – do they relate to rent and also flights for Mr Cruz to move back and forwards from Gibraltar?

**Hon. Deputy Chief Minister:** Mr Speaker, my hon. Friend the Minister for Financial Services will answer your question.

The Government does not agree with the hon. Member's assessment, but I should explain that for administrative reasons the Hong Kong office has been bundled together with Brussels and with London and comes under the Office of the Deputy Chief Minister.

But really, in terms of the work that it does ... London and Brussels are obviously far more political and Hong Kong is mainly commercial, so it is really the Minister for Commerce who deals with the substance of what the office actually does, and he will be happy to answer your question.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, the Opposition seem to have some sort of obsession with Jason Cruz, with the Hong Kong office and with everything else relating to it – and I do not understand why. If they understood anything about marketing, if they understood

anything about what the private sector is asking Government to do ... this is precisely what they are asking us to do and precisely what we are doing.

950 If the hon. Member is suggesting that £400,000 is too much of a cost to have an office open in China, the biggest powerhouse probably over the next 10 to 15 years, then I struggle to understand how they could possibly have come to that conclusion – unless, of course, they have an obsession with Jason Cruz in the Hong Kong office. It must be the cheapest office internationally in the world, and Gibraltar would be going in the opposite direction to Jersey –  
955 which has an office in Mumbai, in Delhi, in Hong Kong, in China – to Guernsey, to the British Virgin Islands. Even the Isle of Man has got an office in all of these countries and the Opposition is telling the private sector today that for £400,000 Gibraltar should not have an office in Hong Kong. I think it is absolutely incredible. (*Interjection*) Yes, you have. And you mentioned that the Hon. Minister for Financial Services said yesterday, of contracts ... I did not. I said about one  
960 transaction that did not come through because of Brexit, but of course there are many other transactions that have come through and that have happened, and there are businesses all over Gibraltar today working with Hong Kong and China that were not before we opened the office.

So I think the hon. Members should think before they open mouth, and engage brain before they do that, Mr Speaker, because it is absolutely striking that at £400,000 this Government has  
965 a representative for the whole of China – and they think that is a bridge too far. Absolutely staggering, Mr Speaker. (*Banging on desks*)

**Hon. E J Phillips:** Mr Speaker, everyone in Gibraltar wants Hong Kong to be a success. Of course we do. We all want inward investment.  
970

**Hon. A J Isola:** You want to close it!

**Hon. E J Phillips:** No, of course we don't want to close it! What we want to do is to make sure that the money going into this project delivers results for this economy. That is all we want to do.  
975

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, that did not sound to me like a question. That sounded to me like an attempt to wriggle of a hook that the hon. Gentleman had made for himself. He has had to face the inexorable logic of what the Minister for Financial Services has told him, because after Brexit ... is it that they do not realise that we will not be able to trade so easily with the rest of the European Union and that we will have to trade with the rest of the world, and that one of the biggest opportunities for trade is with China and that having an office  
985 in China is exactly what we should be doing?

If they are saying that it should cost less than £400,000, Mr Speaker, I will bring to this House next time, if they like, anything they did which cost less than £400,000 – because they did not do anything in England or in the United Kingdom that cost less than £400,000. The furniture that they bought for some of the rooms in Gibraltar House in London cost more than £400,000! Or is  
990 it that they do not realise the legacy that they are carrying into this House? Mr Speaker, a hole in the ground where there used to be a theatre cost £9 million. That is the sort of education that we have to take from them in respect of cost.

**Mr Speaker:** May I suggest to Hon. Members that we move on to the next question? Really!

**CHIEF MINISTER**

**Q915/2016**

**Ministerial and parliamentary allowances –  
Update on Parliament website**

995 **Clerk:** We now move to questions to the Hon. the Chief Minister.  
We commence with Question 915. The Hon. R M Clinton.

1000 **Hon. R M Clinton:** Can the Government please advise what are the ministerial and  
parliamentary allowances for 2016-17 and why have these not yet been updated on  
Parliament's website?

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

1005 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested has now been  
uploaded on the Government website. Nevertheless, I now hand over a schedule with the  
information requested by the hon. Gentleman. That's a waste of £400,000, if I ever saw one.

Table MP.A.1  
Summary of Members of Parliament and Ministerial Salaries, 1996 - 2016

	01/08/1996	01/08/1997	01/01/1998	01/08/1998	01/01/1999 (i)	01/08/1999	01/08/2000	01/08/2001	01/08/2002	01/08/2003	01/08/2004	01/08/2005
<b>Chief Minister</b>												
Office Member	36,518	36,518	41,176	42,411	42,330	45,373	47,506	49,976	52,575	58,038	61,041	66,222
Total	36,518	36,518	41,176	42,411	42,330	45,373	47,506	49,976	52,575	58,038	61,041	66,222
<b>Minister</b>												
Office Member	24,346	24,346	27,451	28,274	28,716	30,853	32,303	33,983	35,750	39,464	41,506	45,029
Total	24,346	24,346	27,451	28,274	28,716	30,853	32,303	33,983	35,750	39,464	41,506	45,029
<b>Speaker</b>												
Office Member	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,155	26,026	26,897	27,768
Total	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,155	26,026	26,897	27,768
<b>Leader of the Opposition</b>												
Office Member	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,155	26,026	26,897	27,768
Total	18,259	18,259	20,588	21,205	21,205	22,629	23,413	24,284	25,155	26,026	26,897	27,768
<b>Members</b>												
Total	12,173	12,173	13,725	14,137	15,450	16,600	17,380	18,284	19,235	21,234	22,333	24,228
<b>Chief Minister</b>												
Office Member	69,974	71,179	73,773	76,518	79,357	81,341	87,246	89,776	92,020	94,551	97,151	101,602
Total	95,109	97,221	100,764	104,513	108,391	111,101	119,167	122,623	125,688	129,145	132,696	136,247
<b>Minister</b>												
Office Member	46,900	48,349	50,163	52,029	53,959	55,307	59,322	61,042	62,568	64,289	66,007	67,726
Total	72,135	74,391	77,154	80,024	82,993	85,067	91,243	93,889	96,236	98,883	101,602	104,321
<b>Speaker</b>												
Office Member	11,727	11,102	12,543	13,010	13,493	13,830	14,834	15,264	15,646	16,076	16,518	16,959
Total	36,962	38,144	39,534	41,005	42,527	43,590	46,755	48,111	49,314	50,670	52,026	53,381
<b>Leader of the Opposition</b>												
Office Member	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545	36,496
Total	42,478	43,836	45,439	47,123	48,872	50,094	53,731	55,289	56,671	58,230	59,831	61,432
<b>Members</b>												
Total	25,235	26,042	26,991	27,995	29,034	29,760	31,921	32,847	33,668	34,594	35,545	36,496

Updated 16 December 2016

**Note:**  
During 1996 to 1998 the Ministers salaries were linked to the Attorney General's salary as follows:-  
Chief Ministers 75%, Ministers 50%, Speaker 37.5%, Leader of Opposition 37.5%, Member 25%.

Attorney General's salary  
01/08/1996 48,691  
01/08/1997 No Increase  
01/03/1998 54,901  
01/08/1998 56,548

(i) On 08/12/98 a motion was proposed to remunerate Ministers and Members as they worked full time. Salaries w/e 01/01/1999 were set as follows:-

Chief Minister 56,000  
Minister 42,880  
Speaker 21,970  
Leader of Opposition 25,250  
Member 15,000

On 10/01/2001 the above salaries were revised with retrospective 01/01/1999 (as per table above):-

Chief Minister 57,680  
Minister 44,166  
Speaker 22,629  
Leader of Opposition 26,007  
Member 15,450

Source: No 6 Convent Place

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for the schedule and information, and I am gratified that the parliamentary website has been updated.

Just to confirm my maths, the Chief Minister and everybody else in this House has had the standard public sector pay increase of 2.75%?

1015 **Hon. Chief Minister:** Mr Speaker, I believe so. I believe that is the way it is applied across the board and that is the way it has always applied. And I believe, just to confirm my maths, that given that we are here, on average, three days a month and that we do not sit in two months of the year, that would make about 30 days, which means that the Leader of the Opposition is earning about £2,000 a day that he comes to Parliament. Apparently, from what I heard on City Pulse, he thinks that is part-time wages.

1020 **Hon. R M Clinton:** Mr Speaker, I fail to see what that has to do with my question, and I take it maths of course is not his strong point, so I will not ask him any more questions when it comes to calculations.

**Hon. Chief Minister:** Mr Speaker, it may not be my strong point according to him, but I realise that he does not think I have any strong points – but  $30 \times 2$  is one I can do quite easily.

**Q916/2016**  
**Election manifestos –**  
**Upload to Government websites**

1025 **Clerk:** Question 916. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, would the Government agree that it is inappropriate for political election manifestos to be uploaded to Government or Government agency websites?

1030 **Clerk:** Answer, the Hon. the Chief Minister.

1035 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, it depends on the circumstances. For example, if the Parliament were to upload the manifestos of all political parties contesting an election, that would seem appropriate. Once a party wins an election, their manifesto in fact becomes a programme for Government – although I have heard some people say that manifestos are just a wish list, but I am speaking for myself and my party. There might be a good argument, in fact, to suggest it should then be uploaded to the Government website so that citizens can check that the political party that won the election is delivering on its commitments. There could be other relevant circumstances where it might also be appropriate and some where it might not be.

1040 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer. I wonder whether he would think that having the 2011 GSLP manifesto on the GHA website is appropriate. I can direct Members to the GHA website now as we speak: [gha.gi/media/general-publications](http://gha.gi/media/general-publications). I would be grateful for the Chief Minister's opinion.

1045 **Hon. Chief Minister:** Mr Speaker, my answer remains exactly as I set out, and if that decision has been made in order to set out what our agenda for the GHA was in 2011 I think it is a point well made, and in fact I did not realise until the hon. Gentleman asked the question that we had not uploaded the 2011 and the 2015 manifestos to the Government website. I think it is in the interests of citizens that they see that the Government elected in 2011 has delivered on its programme and that the Government elected in 2015 is delivering on its programme, and I shall ensure that the election-winning manifestos of all parties that still provide them online are uploaded to the relevant Government website as soon as possible.

1050

1055 **Hon. R M Clinton:** Mr Speaker, I take it then that the Chief Minister agrees that it is entirely appropriate for the GHA to have a political manifesto on its website and that the Government has no intention of removing it.

1060 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman seems not to want to hear the answer that I am giving him, but in fact what I am saying to him is that I am grateful that he has pointed it out, because I am going to have uploaded to the Government website and to the GHA website the election-winning manifestos of all the political parties that have them available digitally, which means that people will see that when the parties on this side of the House win elections they deliver against their manifestos, and when the parties on that side of the House ... I have said 'parties', of course, out of deference to the hon. Lady but she has not been in Government yet. She may yet do what she says, if she ever wins an election. When the party on that side of the House has won elections it has regarded its manifestos as what the Hon. the former Chief Minister, known to some on that side of the House as the greatest Gibraltarian of all time, said that manifestos were a wish list, and people will be able to see on the GHA website, on the Government website and on every other website that the Government has – that we deliver and they do not.

1070 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask is this common practice in other western democracies? Does the UK provide their manifesto on government websites? How does it work exactly?

1080 **Hon. Chief Minister:** Mr Speaker, the position in other democracies is not something I can answer for right now. It may be that some do and some do not, but this is a simple democratic issue and I am very grateful that the hon. Gentleman has brought it up because people are voting for something and during a general election campaign it is just party political material; it is out there for people to choose. That is why I have suggested that at general election time, what we should do is have all the political manifestos uploaded to the Parliament website, and in my view the Parliament website might be very appropriately updated by providing pdfs of all the political manifestos of all time, so that people can see what has been said before.

1085 When a party wins an election, that manifesto – which is the manifesto of the political party – in our view, becomes the programme for Government. It becomes the route map for Government. Therefore, I think it is entirely appropriate that people should then be able to look at it; hon. Members should then be able to look at it without the party that is responsible simply getting rid of it from its website and hoping that people lose the hard copies and not being able to hold us to account.

1090 Hon. Members obviously have access to our magnificent manifestos – both the first one, which is the 'New Dawn' manifesto, and the second one, 'The Strongest Foundations' manifesto. I promise them an even better one for the next General Election. They ask us questions about that manifesto. Why would they object that the general public should have easy access to what we have said we are going to do, so that the general public, and not just they, can then point out that we may be failing, or actually point out that we are delivering? Why should something live on the ether and not be easily accessible?

1095 Mr Speaker, I am quite happy, in fact, to also upload Opposition Member's manifestos so that the public can have access to them, not just on the Parliament website but also on the Government website, because then people will be able to go back and see some of the nonsense that people have defended at a general election.

1100 **A Member:** May I suggest to the Chief Minister that he also publishes the lovely glossy pictures in his 'magnificent' – so described by him – of the schools on the Bayside website. (Interjection by Mr Speaker)

1105



**Hon. Chief Minister:** Mr Speaker, I am delighted to do so, because it will be a much better copy than what they provided on Rooke.

1110 **Mr Speaker:** It is nothing to do with the subject of the question.  
Next question.

**Q917/2016**  
**PAYE October 2016 –**  
**Drop in collection amount**

**Clerk:** Question 917, the Hon. R M Clinton.

1115 **Hon. R M Clinton:** Mr Speaker, can the Government please explain why PAYE collections in October 2016 fell to £6.59 million as opposed to the average of £10.91 million per month for the previous nine months?

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

1120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, according to the monthly statistics published by the Income Tax Office in relation to the amount of PAYE tax collected per month in 2016 – which are available on Her Majesty's Government of Gibraltar's website – the amount of PAYE tax collected in October 2016 amounted to £9.35 million. Although not significantly below the  
1125 calculated year-to-date average of £10.91 million, there are nevertheless a number of factors that contribute to variances in the amount of the PAYE tax collected. Examples include changes in remuneration and staffing levels within employers in Gibraltar, in addition to the timing of when payments of PAYE are made.

1130 Under the Income Tax (Pay As You Earn) Regulations 1989, employers are required to settle their PAYE tax deducted from employees on or before the fifteenth day of the following month and therefore changes in employer payment patterns would offset the collection yield for that month, with a corresponding increase being noticeable subsequently.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that answer.

1135 So, given that the reduction represents something like a 39% reduction month-on-month, is the Chief Minister or the Income Tax Office satisfied that there is no underlying problem in respect of PAYE collection?

1140 **Hon. Chief Minister:** Mr Speaker, it can only represent a 39% fall if we take the figure that he has provided. If you take the figure that I have provided, I do not think it represents 39%.

**Hon. R M Clinton:** Well, Mr Speaker, I hope I am using the same statistics as he has, which I downloaded from the Government website, updated 3rd November 2016 – source: Income Tax Office. It shows gross receipts of £10.79 million in September and gross receipts of £6.59 million  
1145 in October, and that is the reduction I referred to. My question is, is there any concern in the Income Tax Office that there is a problem?

1150 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman needs to listen to what I have said. The figure that I have been provided with to give to the House is £9.35 million and I have then given an explanation, so it is not £6.59 million.

**Hon. R M Clinton:** Mr Speaker, may I ask whether the Chief Minister's update is

1155 3rd November or was it dated later, or has he just been given a number directly by the Tax Office? As I say, I did download this schedule from the Government's website only a couple of weeks ago.

1160 **Hon. Chief Minister:** Mr Speaker, I am going to read what I have been given again, so that the hon. Gentleman has the benefit of hearing it again. According to the monthly statistics published by the Income Tax Office in relation to the amount of PAYE tax collected per month in 2016 – which are available on Her Majesty's Government of Gibraltar's website – the amount of PAYE tax collected in October 2016 amounted to £9.35 million. That is what I have been given.

1165 **Hon. R M Clinton:** Mr Speaker, I have just been handed the updated schedule by my colleague, Mr Llamas. It looks like the statistics on the Government website were updated on 15th December, which then reflects the number the Chief Minister has referred to of £9.35 million, and then in November £10.7 million, so I apologise to the House if there has been any mistake on my part but certainly those were the numbers that were on the Government website as at 3rd November.

1170 **Mr Speaker:** Next question.

**Q918/2016**  
**Gibraltar Capital Assets Ltd –**  
**Professional advisers for meeting with the Opposition**

**Clerk:** Question 918, the Hon. R M Clinton.

1175 **Hon. R M Clinton:** Mr Speaker, can the Government please name the professional advisers with whom the Chief Minister is trying to arrange – or has arranged – a meeting with the Opposition in respect of the £300 million loan raised by Gibraltar Capital Assets Ltd?

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

1180 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the professional advisers will include the Financial Secretary, the Directors of Gibraltar Capital Assets Ltd and the company's legal adviser.

1185 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer. From that list then, I take it there will be nobody from James Stocks & Co, the merchant bank or investment banker?

**Hon. Chief Minister:** I did not envisage bringing them, Mr Speaker, at huge cost to the taxpayer, just to have a chat with Members of the Opposition.

1190 **Hon. R M Clinton:** Mr Speaker, I note that in a press release he said he was 'trying to arrange to gather together all the individuals.' The Financial Secretary is obviously at his disposal; the Directors of the company, I presume, are at his disposal; and his legal advisers, I presume, are one, namely, Hassans, which I presume are also in Gibraltar. I wonder what was the difficulty in arranging the meeting?

1195 **Mr Speaker:** No, I am not allowing that supplementary. It is nothing to do with it. The dates on which the meeting is and any problems that there may have been in arranging the meeting

have nothing to do with the persons that the Chief Minister has stated are going to attend that meeting.

1200

**Hon. R M Clinton:** I apologise, Mr Speaker. May I ask the names of the legal advisers who will be present?

1205

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman seems to have a very low regard for the level of complexity of the work that the people who I have referred to do and their travel schedules, because, for example, the company's legal adviser is the founder of the GSD, Peter Montegriffo, who has a considerable practice at Hassans which takes him out of the jurisdiction often, and he is not somebody who can be available at the drop of a hat to meet with retired bankers.

1210

The Directors of Gibraltar Capital Assets Ltd include James Levy, for example, who as we all know is one of the engines of the Gibraltar economy all on his own. The Financial Secretary, of course, the hon. gentleman is at my disposal, but I respect people greatly and I do not expect them to behave as if they were serfs. With my busy diary and their busy diaries, finding a vector which allows all of us to be present has not been easy.

1215

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. When he says 'legal advisers', he has mentioned just one person. Is that the only person to be present from Hassans?

1220

**Hon. Chief Minister:** No, Mr Speaker, James Levy is going to be present from Hassans; Peter Montegriffo is going to be present from Hassans. I do not know whether he has junior people working with him on this matter, but, look, I am not going to ask him to bring all his juniors. I think that between Peter and James they will be able to field hon. Members' questions. And, of course, the Leader of the Opposition, I have been told, will also be present and he is also from Hassans.

1225

**Hon. R M Clinton:** Mr Speaker, my final comment on this observation is that I am grateful to the Chief Minister for the participants of the meeting. I notice that all of them are residents in Gibraltar and I hope they all continue [Technical interference].

1230

**Hon. Chief Minister:** Mr Speaker, the Government is not responsible for the residence of people – and I did not detect a question – but I am delighted that the hon. Gentleman at least agrees with me that all those I have mentioned are resident in Gibraltar. I do not know where his line of questioning is going or whether he just wants to make it a habit of getting up and ending a line of questioning with a comment, which of course would be entirely outside the Rules of the House.

1235

**Q919/2016**  
**Financial performance to 30th September 2016 –**  
**Ministerial statement**

**Clerk:** Question 919, the Hon. R M Clinton.

1240

**Hon. R M Clinton:** Mr Speaker, will the Government undertake to make a ministerial statement in January 2017 in respect of its financial performance as compared to the 2016-17 estimates for the six month period to 30th September 2016?

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

1245

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will make a statement to this House on the Government's financial performance at Budget time and otherwise when I consider it appropriate to do so.

1250

**Hon. R M Clinton:** Mr Speaker, may I remind the Chief Minister that his hon. colleague, Joe Bossano, undertook to give to me updated positions in January in respect of the positions up to September, but I thought it would be more appropriate for that to be in the way of a ministerial statement, but if he so wishes I will table the question. Is that his preferred approach?

1255

**Hon. Chief Minister:** Mr Speaker, whatever he considers appropriate or not appropriate is a matter entirely for him. What Joe Bossano has agreed to do – and all of the Government thinks is appropriate – is that they should have the information that we were given on the six-monthly basis because he asked the question, and that is exactly what we will do.

1260

What we are not going to do is make statements when he thinks that we should make statements, outside of Budget time, in relation to the financial position of the Government. The last time I did that, Mr Speaker, was when I was faced with the Doomsday memo from the former Financial Secretary and I had to explain to people the dire situation which they had left the public finances of Gibraltar.

1265

**Mr Speaker:** Next question.

#### Q920/2016

#### Gibraltar Home Loans Ltd – Licence as mortgage creditor

**Clerk:** Question 920, the Hon. R M Clinton.

1270

**Hon. R M Clinton:** Mr Speaker, has Gibraltar Home Loans Ltd applied for and obtained a licence from the Financial Services Commission under the Financial Services (Investment and Fiduciary Services) Act in respect of acting as a mortgage creditor within the meaning of the Financial Services (Mortgage Credit) Regulations 2016?

1275

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Gibraltar Home Loans Ltd has not applied for a licence.

1280

**Hon. R M Clinton:** Mr Speaker, if the Chief Minister could perhaps confirm our understanding on this side of the House that this entity ... I believe, the Hon. Mr Bossano mentioned that at least one mortgage had been granted by this company. Would he not agree, then, that he needs to apply for a licence?

1285

**Hon. Chief Minister:** Absolutely not, Mr Speaker.

**Hon. R M Clinton:** Mr Speaker, may I ask him on what grounds?

**Hon. Chief Minister:** Mr Speaker, the company is giving mortgages to its employees and therefore it does not have to apply for a licence.

1290 **Hon. R M Clinton:** Mr Speaker, my understanding was that Gibraltar Home Loans had no employees. Is the Chief Minister telling me now that it has employees?

**Hon. Chief Minister:** Mr Speaker, it is a vehicle through which the Government provides loans to its employees. It is perfectly normal for any employer that is offering this sort of financial benefit to be able to do so through an SPV, and that is what it is doing.  
1295

**Hon. R M Clinton:** Mr Speaker, has the Chief Minister received advice in respect of that particular point? I will not ask what the advice is; I am just asking if he has had advice?

**Hon. Chief Minister:** Mr Speaker, the Government does not reveal the content of its advice and therefore does not need to reveal whether it has taken advice, but I would refer the hon. Gentleman simply to the Financial Services (Mortgage Credit) Regulations 2016. He might care to read them and then he would realise that anybody who reads English would not need legal advice in order to reach the conclusion I have reached.  
1300

**Hon. D A Feetham:** Mr Speaker, is there a reason why the Government is treating this particular company differently from other Government-owned companies, because really what he is saying is that, for the purposes of the provision of loans to public servants, there is no difference between the Government and its Government-owned company, namely this particular company. Now, we have had exchanges across the floor of the House on many, many occasions and his main defence to all the political points that we have made in that respect has been, 'It is a Government-owned company; it is not the Government.' Ergo, for example: the debt of those companies has nothing to do with the Government. In this particular case he is choosing to treat the company as if it were the Government.  
1305  
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**Hon. Chief Minister:** Mr Speaker, he mischaracterises the position the Government has taken in relation to that debate. He is giving it the characterisations he wishes to give it. That is not the position the Government has set out and therefore the rest of his analysis is not one on which I need to comment.  
1315

**Hon. D A Feetham:** Mr Speaker, on what basis does the Government treat this particular company as an emanation of the Government, because that is what it is doing in this particular case? The only reason he has proffered for this company not requiring any kind of licence is he is saying, 'Well, these are public servants and the loans have been provided to public servants by this company, and because they are public servants they are employees of the Government; therefore, it is providing loans to its own employees.' Well, they are not loans to its own employees; they are loans to the Government. Now, what basis does he treat this particular company as the Government?  
1320  
1325

**Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman has ever detached himself enough from himself to hear what he says in the context of the debates that we have had. All of the companies that we are talking about – the ones that he likes to talk about and characterise in a particular way – all of them are Government-owned companies. Who has ever said that they are not Government-owned companies? The whole debate is based on the fact that they are Government-owned companies.  
1330  
1335

Mr Speaker, when he alights on that point he might realise the answer that he is asking for now is one that becomes quite obvious.

**Hon. D A Feetham:** Mr Speaker, with respect, he has not answered the question.  
1340  
Of course they are Government-owned companies. This is a Government-owned company; those are Government-owned companies, but he is treating this particular Government-owned

company as if it did not exist; as if it is just simply some kind of agent of the Government or something of that nature, or piercing the corporate veil, which is a term that he will understand.

1345 A company has separate corporate personality, a separate entity. That is the arguments that he has used on many, many occasions to the Government. Now, what basis does he treat this particular company as an emanation of the Government? In other words, the Government for the purposes of providing loans, which would then mean that it would not require a licence.

1350 **Hon. Chief Minister:** Mr Speaker, years from now when he and I sit around as friends and have coffees, re-reading the Hansards of the battles that we had in Parliament, he will feel ever so faintly ridiculous when he reads back that supplementary.

1355 Why am I treating this company as if it does not exist? Well look, Mr Speaker, at least I understand why it is that he had to remove all those chairs from the Charles Hunt Room in order to pretend it was full and why it is that he will not conduct a morale survey in the GSD. (Laughter) Mr Speaker, a Government-owned company giving loans to Government employees is what we are dealing with. It is that simple, Mr Speaker. Then, Mr Speaker, we will have a brandy chaser after the coffee and he will say, *'Mira, en esa tenías razón, Fabian'* – 'On that one, you were right, Fabian'.

1360 **Hon R M Clinton:** Mr Speaker, if I may return to the original thrust of the question: my understanding, from the explanation given by the Hon. Mr Bossano for Gibraltar Home Loans Ltd, was that no one in Gibraltar would be left without a mortgage if they so needed one, given the potential constriction of mortgages in Gibraltar by lending banks.

1365 Would the Chief Minister agree with me that if any applicant to Gibraltar Home Loans Ltd was not an employee of the Government, it would not be able to give such a loan until they obtained this licence?

**Hon. Chief Minister:** Mr Speaker, in principle, yes.

1370 **Hon. R M Clinton:** Thank you, Mr Speaker. I think that is all I needed to know. Thank you.

1375 **Hon. Chief Minister:** Thank you for that last passing comment, which did not include a question, Mr Speaker. (Laughter) You see, Mr Speaker, if the hon. Gentleman had then wanted to develop the issue and say, 'Can we therefore be happy to note that nobody has been left without a mortgage and that Gibraltar Home Loans has not needed to even be asked by people who are not employed by the Government to grant loans', I would have been happy to get up and say, 'Yes.'

1380 **Hon. R M Clinton:** Mr Speaker, so in order to provide the people of Gibraltar –

**Mr Speaker:** Are you going to ask a question?

1385 **Hon. R M Clinton:** I am going to ask the question. (**A Member:** Wahey!) Wahey, yes! (**A Member:** At last! At last!)

In order not to leave the people of Gibraltar without a loan from this wonderful company, from the wonderful programme that this wonderful Chief Minister has offered to the wonderful people of Gibraltar, will he apply for a licence in the event that people will need such a licence?

1390 **Hon. Chief Minister:** In principle, yes, and I am grateful the hon. Gentleman has recognised, in time for Christmas, how wonderful things are.

**Q921/2016**  
**Financial Services (Money Lending) Act –**  
**List of licenced money lenders**

**Clerk:** Question 921, the Hon. R M Clinton.

1395 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of money lenders licensed under the Financial Services (Money Lending) Act as at 30th September 2016?

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

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my answer remains as set out to Questions 389 and 442/2015. The details requested are not in the public domain, but I am again prepared to provide these details on a strictly confidential basis, if the hon. Member agrees. There are currently 19 money lending licences currently in issue. I remain happy to consider making a provision to publish the list generally in future.

1405 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister.

I would bring his attention to the Money Lending Rules in respect of the application for licence, and it actually requires the application to be Gazetted and the application actually to be filed as a Gazette. Therefore, an applicant's name is public and yet there is no register of licence holders.

1410 I can find nothing in the Money (Financial Services) Rules of Money Lending that says that such a list of licence holders should not be made public. I would therefore invite the Chief Minister to consider whether perhaps it would be appropriate to make such a list public.

1415 **Hon. Chief Minister:** Well, Mr Speaker, that is a question he did not need to ask me if he had his ears open when I answered his first question, because the last sentence I read says, 'I remain happy to consider making provision to publish a list in future.'

1420 My answer to Question 389/2015 ended with, 'I think it would be proper that this should be publicly available somewhere where the public can have access to it, perhaps on the Government website and renewed every year as the licences change or do not change.' I have absolutely no difficulty with that issue being dealt with in a way that is one that gives access to the public, because the public are the ones who have the service of borrowing money offered to them by these companies. Many of them may or may not advertise their service, so I see no reason why there should not be a provision that this should be published. In the same way that the hon. Gentleman says there is nothing to stop us from publishing a list, there is nothing requiring us that we are going to publish a list or advertising to lenders that we are going to publish a list.

1430 I think the conclusion I reached when I last discussed this with Members opposite ... It was then Damon Bossino – one is tempted to say one of the three doctors who has left the GSD since the last General Election, and another once since the last General Election as well, Miss Hassan Nahon, so that is four out of seven: a much worse ratio than three out of 85, but anyway.

The way I left it then, Mr Speaker, was that I was quite happy to discuss with a Member Opposite in the anti-chamber how to give effect to a mechanism to publish this list. I think it is appropriate and should be something that we do.

1435 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister.

Would he then undertake to publish such a list within the lifetime of this Parliament?

**Hon. Chief Minister:** Mr Speaker, because we are a different political generation, I do not envisage – and we do not work in the same firm when we are in practice – that he and I will be

1440 having coffee and brandy in the future. Perhaps, we will – who knows. We have enjoyed drinks  
in the past, when we were both students in the Students' Association. But I think, again, he will  
want to look at the Hansard and see what I have said and understand that his question, I do not  
think, is one that is relevant, because I have said I am quite happy to discuss with him in the anti-  
chamber how we might be able to do this, so I am not going to give an undertaking to do  
1445 something that he and I have not yet discussed how we might do.

The word 'undertaking' has a particular meaning to a lawyer – at least to those of us who  
mean what we say – and therefore I am not going to give an undertaking, but I am quite happy  
to agree to discuss it with him in the anti-chamber and to try and find a mechanism to give effect  
to the idea that there should be a list published.

1450

**Hon. R M Clinton:** Mr Speaker, as much as I am flattered by the Chief Minister's regard for  
my opinion, I do not see what discussion he could possibly have with me that would make it  
easier for him to publish a list. I therefore do not see any point in meeting in the anti-chamber,  
but again I would ask him to consider publishing this list sooner rather than later.

1455

**Hon. Chief Minister:** Mr Speaker, there are times when one feels like just banging one's head  
against the table. Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments  
ago – I think that is the appropriate term of art in a parliament elsewhere.

#### Q922-925/2016

#### Expressions of interest for vehicle fleet – Details and policy

1460 **Clerk:** Question 922, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, is the Government satisfied that 10 business days with a  
submission date of 22nd December 2016 is sufficient time for interested parties in expressing an  
interest to submit a proposal to lease its vehicle fleet and, if so, why the urgency?

1465

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

**Chief Minister (Hon. F R Picardo):** I will answer this question together with Questions 923 to  
925.

1470

**Clerk:** Question 923, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government please identify the media outlets in  
which the official notice inviting expressions of interest for the leasing of its vehicle fleet were  
placed, including the number of days placed and the dates?

1475

**Clerk:** Question 924, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government advise why it is seeking expressions of  
interest in respect of the leasing of its entire vehicle fleet, comprising over 400 vehicles and  
motorcycles and 90 specialist vehicles?

1480

**Clerk:** Question 925, the Hon. R M Clinton.



1485 **Hon. R M Clinton:** Mr Speaker, can the Government advise what was the policy decision to be taken on the 'future of the Garage and Workshop' referred to by the Principal Auditor in a conversation with the Chief Executive Officer of the Technical Services Department in paragraph 3.5.4 of the Principal Auditors' Report for 2014-15?

1490 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does consider that 10 business days is sufficient for interested parties to register an expression of interest with regard to leasing the fleet – and one would have assumed that to be an obvious answer given that is the time the Government has allowed.

1495 The advert was for the expressions of interest for the leasing of the Government's vehicle fleet and it was published in the Gibraltar Chronicle and Panorama on Tuesday, 22nd November 2016.

1500 Mr Speaker, as a consequence of the Garage and Workshop Section Collective Agreement and Early Exit Scheme, agreed by the previous administration, the operation of the Department has become extremely difficult due to the drain of skilled staff. As a consequence, we are looking at other models to deliver the service. One such model that would ensure that HMGOG has a safe, fully operational fleet would be the leasing of vehicles from the private sector.

1505 A leasing option would include the full servicing, repair and replacement of the whole fleet, ensuring that public sector employees have the possible resources to carry out their duties. We are currently in discussions with Unite, the union, on how best to introduce these changes in a way that will not have a negative impact on the workforce.

The future of the Garage and Workshop has been under review for a considerable number of years in order to identify the most efficient model for the future.

1510 The current expressions of interest recently advertised for the leasing of vehicles also form part of the overall review of the Garage and Workshop. Once these are received, the Government will be in a better position to decide on what option will provide the most efficient and best value for money.

1515 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for his answer.

In terms of this transaction – I know he is loath to characterise anything, but – it would appear to be a sale-leaseback. Would it be correct that the first stage of this transaction is that the Government would de facto sell their entire fleet to whoever was the successful tenderer and then leaseback the same vehicles on whatever terms are agreed in future?

1520 **Hon. Chief Minister:** Mr Speaker, I do not know what the expressions of interest will result in. That may or may not be one of the ways that it is proposed by those who express an interest that matters should be dealt with.

1525 **Hon. R M Clinton:** Mr Speaker, would the Chief Minister not accept that in the first instance the Government should receive a sum of money for its 400-odd vehicles?

**Hon. Chief Minister:** Mr Speaker, that is one way which it may happen. It may happen in another way.

1530 **Hon. R M Clinton:** Well, Mr Speaker, does the Chief Minister have an idea what that other way might be, because I frankly cannot see how you would effectively dispose of your entire vehicle fleet for no consideration?

1535 **Hon. Chief Minister:** Because the Hon. Chief Minister thinks there may be other ways of doing this other than disposing of the fleet.

1540 **Hon. R M Clinton:** Mr Speaker, coming back to the expressions of interest, I actually have a copy of the terms and one of these specialist vehicles includes 'VIP vehicles', including the Chief Minister's vehicle. Since we established yesterday that there is only one provider in Gibraltar that can service the Chief Minister's vehicle, are we not really talking about one provider that has already been identified and hence why there is only 10 days in which to express an interest?

1545 **Hon. Chief Minister:** No, Mr Speaker, because different providers could deal with taking that vehicle to the provider that provides the servicing for that vehicle. The hon. Gentleman may realise that the Government's vehicle fleet is very wide indeed and there are some vehicles there that are provided by other providers – which is not that provider that he seems to have wanted to identify – and the provider that provides the service may have to go to other providers in the context of servicing. It is not just the G1 Tesla that can only be dealt with by one particular garage. There are many vehicles that the Government has that can only be provided for in one particular garage, and in particular the modern vehicles.

1550 If the hon. Gentleman wants to put his thinking cap on for more than the moment that it took him to try and come up with that, he might realise that some of the other VIP fleet are Mercedes which are provided for by another provider, and the only person that is going to have the computer that is going to go into the Mercedes is the Mercedes dealer.

1555

**Hon. R M Clinton:** Mr Speaker, would the Chief Minister have an idea as to when he may want to put into place this type of transaction? Is it within the first quarter next year; the second quarter? Does he have a timeframe?

1560 **Hon. Chief Minister:** Mr Speaker, I have an idea but I am not here to answer for my ideas.

**Hon. R M Clinton:** Mr Speaker, does he have a concrete date as to when a decision will be taken as to whether the expressions of interest be accepted, or maybe none at all?

1565 **Hon. Chief Minister:** Mr Speaker, 'Does he have a concrete date for when he will take a decision?' is not something that I think leads the House anywhere other than just to hypothesis and speculation as to when something might happen. When something happens, Mr Speaker, there will be an announcement and then the hon. Gentleman will be able to quiz us on what has happened, but until then he cannot ask us for a timetable which we impose upon ourselves so that he can then check us on it.

1570

**Hon. R M Clinton:** Mr Speaker, I will take a slightly different line on my supplementary now: in terms of the Garage and Workshop, how many jobs are at risk?

1575 **Hon. Chief Minister:** Well, Mr Speaker, the number of jobs at risk is really not something that I can answer. It is a question that he should ask the man who has been referred to by some on that side of the House as 'the greatest Gibraltarian of all time' because the Collective Agreement that gave rise to redundancies was the one signed by them, I think a few days before they called the General Election of 2011.

1580 It is the Collective Agreement between the Gibraltar Government, Unite and Gibraltar Mechanical and Electrical Services Ltd, which provided for people to leave on an early-exit basis and for those who were employed in a Government Department to be moved to a company. So really, Mr Speaker, the Government is not envisaging any particular number of redundancies or anything like that. We are left with the agreement for redundancies that they signed.

1585

**Hon. D A Feetham:** Mr Speaker, returning to the question about the fleet, the Hon. the Chief Minister was implying – perhaps I have got it wrong, and I am asking him about this – that what might be envisaged is a transaction involving Mercedes going to one particular garage or a deal

1590 with one particular garage in relation to Mercedes; in relation to the others, a different garage.  
1595 Is that what the Government is considering, or is what he is saying that it will go to one  
particular entity and that entity will then have carriage of sending a Mercedes, for example,  
subcontracted to the Mercedes garage?

**Hon. Chief Minister:** Mr Speaker, I was not envisaging anything. I was dealing with the  
1595 hypothesis that was put by the hon. Member to his left. I am waiting to see what the expressions  
of interest provide, as other people who have proposed this to the Government from inside the  
Government, and to see what is proposed and what is best for the taxpayer. Once that happens,  
we will be in a position to make an assessment of what is in our best collective interest.

1600 What I was dealing with was the point the hon. Member, his colleague, was making to  
suggest that there was only one potential provider of these services, because one vehicle has to  
be serviced by them, and I gave them the example of five vehicles that have to be serviced by  
somebody else.

**Hon. R M Clinton:** Mr Speaker, this will be my last supplementary. If the Government  
1605 receives no expressions of interest, what is its fall-back position? Will it be to just continue as it  
is with its own garage and its own fleet control?

**Hon. Chief Minister:** Mr Speaker, that is a hypothetical question and I do not think it is  
1610 appropriate for me to get embroiled in answering hypothetical questions.

**Hon. D A Feetham:** Mr Speaker, in relation to the question of the redundancies ... And, of  
course, if the Gibraltar Government, the new administration coming in in 2011, felt that there  
was something unfair in the Collective Agreement that had been negotiated by the GSD  
administration, it was always open for them to try and renegotiate.

1615 Mr Speaker, obviously I would have envisaged that any early retirement that had been taken  
by people under that Collective Agreement would have probably been taken shortly after 2011,  
2012, 2013. Is he saying that there are still individuals that can take up the terms of that  
Collective Agreement that had been negotiated in 2011, or is he saying that there is nobody  
1620 employed by the Garage and they are all employed by a company? I have not understood the  
answer that he has provided. Could I ask him to clarify it?

**Hon. Chief Minister:** Well, Mr Speaker, you would have to give me specific notice of some  
aspects of that question, but I can tell him that nobody is employed by the Garage because  
1625 when he was Minister for Justice they all transferred to Gibraltar Mechanical and Electrical  
Services Ltd.

**Hon. D A Feetham:** Yes, I understand that, but the hon. Gentleman, in an answer that he  
provided to my hon. friend, Mr Clinton, referred to this Collective Agreement. Now, unless what  
1630 the hon. Gentleman is just simply doing is making a political point – which would be cheap at  
that, I have to say, because it does not take matters any further – there must be some relevance  
to the Collective Agreement and the position today. Because the question, as I understand, that  
was made by Mr Clinton, was does he envisage that there is going to be any forms of  
redundancy, loss of jobs? It is not in the Garage, but it is in this particular company. Therefore,  
there has to be a link – unless there is none and he just simply wanted to mention the Collective  
1635 Agreement that we negotiated – between the position today and the Collective Agreement.

I just wonder if we can return to the original question which was, how many, does he  
envisage that there are going to be any people that are going to be taking up redundancies or  
are there going to be loss of jobs within this particular company?

1640 **Hon. Chief Minister:** Mr Speaker, to provide a political answer to a political question in a  
Parliament seems to me to be exactly what we have been elected to do and are here to do. It  
does not seem to me to be a cheap shot to remind the hon. Gentleman that they signed an  
agreement in relation to this particular Department which then saw all employees transferred to  
a company. But, look, it does seem to me as if it is becoming clearer and clearer that he had very  
1645 little idea of what it was that was happening a floor above where he used to work, Mr Speaker.

The reason why it has been referred to is because the first question – not supplementary –  
that was put in relation to this subject was, ‘Can the Government advise why it is seeking  
expressions of interest?’ Well, Mr Speaker, we are seeking expressions of interest for the reason  
I read out in my first answer which relates to the fact that this has denuded the Garage of all  
1650 employees who have moved to a company and a lot have gone on an early-exit package. Well,  
Mr Speaker, that is the position. If he does not like the answer, he should not ask the question.

Let’s be clear: I am not envisaging anything at this stage. I have asked for expressions of  
interest. Once we receive those expressions of interest, we can make an assessment of those  
expressions of interest – and I have already said that we are doing so with the unions. I do not  
1655 understand where it is that he thinks he is going.

**Hon. D A Feetham:** No, Mr Speaker, where I am going is I am trying to understand the  
answers that the hon. Gentleman has provided, and he has said something now in answer to my  
supplementary which I think takes the matter further. I do not know whether it is a slip of the  
1660 tongue or not, but what he has just told me is, because of this Collective Agreement, there was a  
denuding of employees at the Garage – they went into a company; there were employees that  
took up early retirement in accordance with the Collective Agreement – and because of labour  
shortage – this is the implication of what he is saying – really, the job cannot be done properly in  
relation to the servicing of the fleet of cars. And that is the reason, as I understand it, why the  
1665 Government is now effectively looking at expressions of interest in order to do that.

If that is true, then of course we then have a situation – and whether it is not true, we have a  
situation – where those employees in that company that formerly were involved in the servicing  
of these vehicles or working with these vehicles obviously would be, effectively – in inverted  
commas – redundant, because they would not be doing the job that they are doing at present.  
1670 Therefore, my question is, well, what does the Government envisage is going to happen with  
those individuals if this particular initiative reaches fruition and a company is in fact engaged by  
the Government in order to service these particular vehicles?

**Hon. Chief Minister:** Mr Speaker, everything that he has said I disagree with, even the idea  
1675 that people could, in effect, become redundant because of what the Government is trying to do.  
That is completely contrary to the position the Government expects will be the case. But we are  
waiting to see what the expressions of interest say.

He started his supplementary, Mr Speaker, by saying ‘Now I have taken matters further by  
saying that the numbers have been reduced and the operation has been denuded by the early-  
1680 exit scheme.’ Well, Mr Speaker, I have only taken matters further in that respect if he did not  
hear what I said in respect of my first answer, because what I said was this: ‘As a consequence of  
the Garage and Workshop Section Collective Agreement and Early-Exit Scheme agreed by the  
previous administration, the operation of the Department has become extremely difficult due to  
the drain of skilled staff. As a consequence, we are looking at other models to deliver the  
1685 service.’ So I started with that and that is exactly what I said now. I did not take matters further –  
although, perhaps he might have perked up his ears and started listening late in the day.

Mr Speaker: Next question.

**Q926/2016**  
**'Project India' –**  
**Progress**

1690 **Clerk:** Question 926, the Hon. E J Phillips.

**Hon. E J Phillips:** Further to question 199/2016, can the Government confirm what tangible progress is being made to the so-called 'Project India'.

1695 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, a considerable amount of work has been undertaken in respect of developing the relationship between Gibraltar and India. Specific announcements will be made when appropriate.

1700

**Hon. E J Phillips:** I take it from that response that he means within the term of this Parliament.

1705 **Hon. Chief Minister:** Well, Mr Speaker, yes, although it may be that some of these things relate to things that will occur through the term of this Parliament and future Parliaments and I or others may be making announcements about them, but for the good of the future of Gibraltar those announcements, I hope, will be welcomed by Members opposite, whether they are opposite or not.

1710 **Hon. D A Feetham:** Does the Government envisage that it is going to be opening some kind of office in India or in that area in order to service any business emanating from that area?

**Hon. Chief Minister:** If we do, we will make an announcement, Mr Speaker. If we do not, we will not.

1715

**Hon. D A Feetham:** And if he does, Mr Speaker, will he undertake that it will be advertised and he will not shoehorn in any GSLP activists in the same way that he did with the Hong Kong office for £400,000?

1720 **Mr Speaker:** The Chief Minister does not have to answer that question because I am ruling it out of order.

Go on to the next question, please.

1725 **Hon. Chief Minister:** I am grateful to Mr Speaker. If I had had an opportunity to answer, I would have reminded the hon. Gentleman that appointees to represent the Gibraltar Government abroad are always appointed by the Chief Minister. It is not a process of advertisement. I reminded him when he made those points that he likes to make about a man he used to, I think, consider a friend, until he changed parties, Mr Speaker. All ambassadors are appointed not as a result of interview processes, and although we do not have ambassadors, we have commercial representatives, and they are appointed in the way that they were appointed under the GSD now that the GSLP Liberals are in power – except, Mr Speaker, that it seems, when they do something, it is a perfectly proper and appropriate conduct of good Government and, when we do something, we are 'shoehorning people into positions' even though they are extraordinarily capable Gibraltarians who have demonstrated abroad that they are world-class at what they do.

1735

But, you know, Mr Speaker, that sort of hypocrisy is what delivers the sort of low morale that he now sees amongst his supporters. That is why he has to create a runway in the centre of the

Charles Hunt Room to pretend that it is packed and that is why there are more doctors at the GHA than there were people in the Charles Hunt Room for your last General Meeting.

**Q927/2016**  
**Government consultants –**  
**Accuracy of published list**

1740

**Clerk:** Question 927, the Hon D. A Feetham.

**Hon. D A Feetham:** His fall will be sharp and speedy indeed when it comes, I have to tell him that.

1745

**Hon. Chief Minister:** I hope so!

**Hon. D A Feetham:** It will.

1750 Is the Government satisfied that the list of consultants retained by Government and published on the Government website is accurate?

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

1755 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, when my fall comes, it probably means that I will go and become one of his partners because I think his is going to come before mine – but never mind.

Mr Speaker, yes, sir, if there is any reason why we should not be, perhaps he could share that with us.

**Q928/2016**  
**Gibraltar Consultative Committee –**  
**Appointment of ad hoc members**

1760

**Clerk:** Question 928, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state whether the ad hoc members of the Gibraltar Consultative Council have been appointed?

1765

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, an announcement will be made when the ad hoc members of the Gibraltar Consultative Council are appointed.

1770

**Hon. D A Feetham:** Mr Speaker, does he intend to Gazette, for example, the appointment of the members of the Consultative Council?

1775 Hon. Chief Minister: Mr Speaker, I do not know whether there is an obligation to Gazette or not Gazette in the legislation. We recently passed it, but I do not have that level of detail. Gazetting is something that is usually done as a requirement, but otherwise this is something that can be done by way of public statement.

1780 I have no view whether something should be just a Gazette statement or a public statement. It is important that the people who form part of this very important consultative body should be known to the general public so that they realise just how eminent the people that I hope will be a part of it are – and I have no views one way or the other.

1785 **Hon. D A Feetham:** Has the Hon. the Chief Minister approached anybody in relation to potentially being an ad hoc member of the Gibraltar Consultative Council, or is that something that he has not got to that stage and therefore is something that he is going to be doing early next year or next year?

**Hon. Chief Minister:** I have, Mr Speaker.

1790 **Hon. D A Feetham:** So I take it from that answer that he has identified the people that he wants as ad hoc members of the Gibraltar Consultative Council?

**Hon. Chief Minister:** Mr Speaker, I have identified them. I have not spoken to all of those who I have identified.

1795 **Hon. R M Clinton:** Sorry, Mr Speaker, if I may just ask the Chief Minister perhaps two supplementaries. One just to confirm that the Consultative Council, even though it does not have the ad hoc members yet, has not met? If it has met, when did it meet?

1800 Secondly, the ad hoc members: would the Chief Minister confirm that he will be writing formal letters of appointment and not just a phone call?

**Mr Speaker:** The Chief Minister does not have to answer. My common sense tells me that you do not have to answer the first question. If the ad hoc members have not been appointed – (Interjection) I have not understood it? Well, please repeat it then.

1805 **Hon. D A Feetham:** Yes, you have not understood it because the point is that you do not need to have the ad hoc members in order for the Consultative Council to meet.

**Mr Speaker:** The answer is that, since I am an ex officio member, I can answer the question myself and therefore we can carry on with some other business. Can we?

1810 I am an ad hoc member. I have not been called to any meeting. I have not attended and therefore the answer is that it has not met.

Can we get on with the second part of your question?

1815 **Hon. R M Clinton:** Mr Speaker, with respect, you are not an ad hoc member; you are actually a standing member.

**Mr Speaker:** I am an ex officio member –

**Hon. R M Clinton:** But not ad hoc.

1820

**Mr Speaker:** – given the position I have occupied in the past.

**Hon. R M Clinton:** Yes, exactly, but that is not an ad hoc member.

1825 **Mr Speaker:** The hon. Member is wasting the time with what I regard as a nonsensical question. Can we please get on with some common sense?

1830 **Hon. R M Clinton:** Mr Speaker, I would like to consider myself as a person with some common sense, but my question was asking has the Consultative Council met without the ad hoc members? It is as simple as that. You may be there in your own capacity, but my question is directed at the Government.

1835 **Hon. Chief Minister:** Mr Speaker, you are absolutely right, in particular now that the question has been clarified: if the Council had met without the ad hoc members, you would have been the first to know because you are a post-holder member and therefore you have clarified to the Opposition that there has not been a meeting of this Council.

Mr Speaker, I am happy to deal with the second limb of what the hon. Gentleman said before. The whole thing will start with a phone call and it will end with a letter.

**Q929/2016**  
**Income Tax –**  
**Notices to non-compliant taxpayers**

1840 **Clerk:** Question 929, the Hon. D A Feetham.

1845 **Hon. D A Feetham:** Mr Speaker, since the hon. Gentlemen opposite have been in Government, how many taxpayers have been sent notices in writing of the Commissioner of Income Tax's intention to publish details of their failure to comply with their legal obligations to pay tax?

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

1850 **Chief Minister (Hon. F R Picardo):** Mr Speaker, from December 2011 to date 169 taxpayers have been sent notices in writing in relation to the Commissioner of Income Tax's intention to publish details of their failure to comply with their legal obligations to pay tax.

1855 **Hon D A Feetham:** Mr Speaker, I take it from the fact that there has not – to my knowledge, any way – been any publication of details, that the fact that this notice has been sent has had the desired effect in all 169 cases?

1860 **Hon. Chief Minister:** Well, Mr Speaker, I understand that 45 of these letters have gone sometime this month as part of the routine the that Tax Office has got into since we were elected. The time for settlement of outstanding liabilities is Friday, 13th January 2017 for those 45. The hon. Gentleman therefore cannot make that assumption about those 45, but I think he can safely make it about the balance.

**Q930/2015**  
**Prison Service –**  
**New recruits**

**Clerk:** Question 930, the Hon. D A Feetham.

1865 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether there have been any new recruits within the Prison Service this year?



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

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. D A Feetham:** Thank you very much for the answer. Can the Hon. the Chief Minister state how many recruits there have been within the Prison Service this year?

1875 **Hon. Chief Minister:** Mr Speaker, two, sir.

1880 **Hon. D A Feetham:** Mr Speaker, have they been recruited from the wait-listed individuals that were wait-listed for six months prior to March of this year? Then I think that the then Minister for Justice wrote to me and said that the wait-listing had been extended for another three months. I may have it wrong whether it is three months or another six months, but can he answer whether they have been recruited from those people that have been wait-listed as opposed to outside that list?

1885 **Hon. Chief Minister:** Mr Speaker, that is not a supplementary that arises from this question. If the hon. Gentleman wants that answer, he can ask me and I will get the information.

**Q931-932/2016  
Public Service vacancies –  
Number and details**

**Clerk:** Question 931, the Hon. D A Feetham.

1890 **Hon. D A Feetham:** Mr Speaker, how many vacancies were there across the Public Service, inclusive of Government-owned companies or public authorities, as at the end of November 2016?

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

1895 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 932.

**Clerk:** Question 932, the Hon. D A Feetham.

1900 **Hon. D A Feetham:** Mr Speaker, can the Government please state, as at the end of November 2016, how many employees in the public sector, Government-owned companies, authorities and/or agencies were currently temporarily promoted, detailing acting posts, date temporarily promoted and the Department?

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

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have again reviewed the answers provided by the Human Resources Department and I am still not confident with the answers provided. Nevertheless, I am willing to give the hon. Gentleman a copy behind the Speaker's chair of the information as it has been provided to me. I will ensure that there is a satisfactory answer available for the next sitting, because I think it is important that we get to the bottom of what is wrong with this, and if he agrees I will provide him, on an off-the-record, without prejudice basis, the information that I have been provided and I will explain to him why it is that I am not satisfied with the answer.

1915 **Hon. D A Feetham:** Mr Speaker, nothing that I will say will move the Chief Minister to provide me the information in any event, so I am left with no alternative but to accept the offer that he has made. Obviously, Mr Speaker, I will ask your indulgence when it comes to next time round, to ask exactly the same question, so that the answer is provided if it has not been provided in writing beforehand.

1920 **Hon. Chief Minister:** Mr Speaker, I accept that the hon. Gentleman should be able to answer that question even though it is going to be within the six-month period because I am saying it will be available in that time.

1925 The hon. Gentleman says he is 'not going to move me' and that he 'has no choice but to accept', but remember that the choice I am giving him, Mr Speaker, is that I am going to give him the information as it has been given to me, in confidence and on what he and I would understand is a without prejudice basis.

**Mr Speaker:** Yes, it will become public at the next meeting.

1930 **Hon. Chief Minister:** But in any event, I am now very confident that it will be something that we can publish at the next meeting, because I expect to be able to get to the bottom of the issue.

#### Q933/2016

#### Gibraltar Private Sector Workers and Pensioners Association – Proposals for Government assistance

**Clerk:** Question 933, the Hon. Ms M D Hassan Nahon.

1935

**Hon. Ms M D Hassan Nahon:** With reference to the public announcement made by the Gibraltar Private Sector Workers and Pensioners Association in the Gibraltar Chronicle on

1940 13th December, whereby they claim that Government has failed on its manifesto commitments both in 2011 and 2015 leaving them in 'hardship and misery', what does Government propose to do to assist this Association and earn its trust once again?

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

1945 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we will comply with our manifesto commitment of 2015.

1950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that. According to them, the Government has already not complied with their manifesto commitment of 2011 and, furthermore, they have not complied as per this communiqué that the Government sent on 1st April 2016, on the morning before their AGM, promising universal credit and an update to be issued by no later than Friday, 29th April – which is about eight months ago – and they still have not heard.

1955 Furthermore, Michael Crome promised that whatever figure was agreed as extra financial assistance would be implemented in this financial year, so we have two commitments that have still not materialised. What would the Chief Minister have to say about that?

**Hon. Chief Minister:** Well, Mr Speaker, first of all, I would counsel her not to mention the name of civil servants in the context that she has today – or not civil servants but public servants. I understand that she has not been long in this House. The appropriate way to deal

1960 with it is to say, 'a member of his staff' rather than mention the name, but I entirely accept that  
is not something that she has done intentionally.

Secondly, Mr Speaker, I think it is not true to say – and I am not suggesting that it is her that  
is in any way incurring an untruthfulness – that they have not heard back. In fact, we have had  
1965 meetings with them since, as I understand it, although we have not, perhaps, written – but then  
again my mind may be playing tricks because a lot has happened since April 2016.

The manifesto commitment, Mr Speaker, does not just depend on the Government, and this  
is perhaps an opportunity to highlight the independence of Community Care. Community Care is  
a part of what the Government is trying to structure in respect of this, but Community Care is  
independent and has its own views and needs its views taken into consideration and accepted.

1970 Finally, Mr Speaker, what I would say is that this is a collective of people that has the  
Government's sympathy and it retains the Government's sympathy, despite the fact it has issued  
an advert against the Government, but we have great sympathy for their plight. We are the only  
Government that has ever picked this issue up.

It is true that we have taken longer than we anticipated to deal with some of the concerns  
1975 that they have but we continue to be the only Government in the history of Gibraltar that is  
prepared to deal with the matter of how individuals in the private sector find themselves – if not  
destitute then certainly without a generous pension provision in old age. That is why we will  
continue not just to deal with the problem that they have but also with the problem in the  
future for those who are employed in the private sector today, to deal with the issue of  
1980 compulsory pensions in the private sector – again, something that is only in our manifesto.

I sincerely expect, Mr Speaker, that before the next General Election this collective will not  
just by then have been happy to see how the Government has dealt with this matter, but long  
before then, and they will be very happy in fact with the way that we approach resolution, to  
such an extent that I hope to be able to persuade them to place an advertisement in the  
1985 Gibraltar Chronicle and any other newspaper that will carry it congratulating the Government  
for having been the only political Government in the history of Gibraltar to address these issues.

If I may say to the hon. Lady, with the very greatest of respect, I think this is the most political  
question asked today and I am surprised that she is the only one on the Opposition benches to  
have picked it up. When I hear people say that she is our cheerleader, I worry that they do not  
1990 realise that this is not cheerleading politics; this is very embarrassing politics indeed. The  
Government considers that this is an issue that must be dealt with and it will be dealt with.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you.

I was having visions of myself with a pair of pom-poms, so thank you for redeeming me from  
1995 that visual.

I still ask the Chief Minister, once again: the Association has implored on me to bring this up  
because they claim that they have not heard anything since Friday, 29th April, which was the  
promise. I ask the Chief Minister, perhaps, if he could contact them or make a commitment in  
this House to get in touch with them. Does he not consider it a very sad state of events that this  
2000 Association has had to resort to a public announcement, talking about 'facing another Christmas  
of hardship and misery' and also asking about the fact that, because of the lack of  
communication from Government, a lot of them have actually had to resort to taking funds out  
of their debentures? They term the effect of having to take out their funds from the debentures  
as 'crucifying the savers' because of the penalties that they have had to withstand.

2005 Can the Chief Minister give some kind of definite, timely commitment to speak to these  
people and give them some trust that they will actually abide by their promises?

**Hon. Chief Minister:** Mr Speaker, I am going to forgive her for confusing crucifixion and  
Christmas, but they are completely different holidays.

2010 Mr Speaker, the first thing is that I do not recognise that there is anyone in Gibraltar in this  
collective that is suffering 'hardship and misery' by the measure that anyone else in Europe

2015 would understand that. There are some people in Gibraltar who are not going to have as abundant a Christmas as others and there are some people in Gibraltar who are in hardship and in misery. I do not think that this collective genuinely, when it considers the position it is in, can say that they are in hardship and misery, although I do not say that there are some who might not be. Certainly those who have briefed her, in my view, need to take the view that, if what you are talking about is debentures, there are not many people in hardship and misery that have debentures.

2020 What the Government wants to do is put in place a system so that people do not have to dip into their savings, so that they are able to have – as I think we have set out – an income which is dignified in their old age.

2025 She needs to know that when we started the discussions, what we were being asked for was that people who did not have a private pension scheme should by the Government be given the equivalent of Government occupational pension schemes – of the sort of final salary schemes that the hon. Lady and I have had cause to debate across the floor of this House – even though they had not been employees of the Government.

We have moved on a lot since then. That is why Community Care has come into the equation. I can tell the hon. Lady that I know that we had a communication with this collective on

2030 30th September of this year, so I do not accept the date of April as the date of final communication.

I can also tell the hon. Lady that I know and have a very high regard for the people in the committee that I am referring to, and that I meet them on occasions in other guises, and have discussed these issues. Therefore, she has the Government's commitment that we will comply with our manifesto obligations.

2035 This is not an issue where the Government is trying in any way to avoid providing the additional income that we are committed to providing, but there are reasons why we cannot do it from the Government because we do not think that is prudent. I ask her to refer in her mind to the reasons why Community Care was created and she may then understand why Community Care may be relevant and why there is now a third party in the equation that has to get comfortable with what the Government might propose. Therefore, I am going to crave her indulgence in respect of this matter, but this is very much an issue on our agenda and one that will be dealt with.

2040 If I can just end, Mr Speaker, by saying that I do not think that it is appropriate to look at her as a cheerleader in any way, but there are some who might be best described as cheerleaders for Gibraltar's failure and they do not look very good in pom-poms either.

2045 **Hon. Ms M D Hassan Nahon:** Mr Speaker, one final supplementary, if I may? Thank you for that information, Chief Minister. Can I just then have a confirmation or not, that as per this Government official what I have been told by the Association, is the Government willing to confirm that extra financial assistance for low income pensioners will be implemented in this financial year, as told by this official?

In case it is my last time to speak today, I want to take this opportunity to wish all the Members of the House a very merry Christmas.

2055 Thank you.

**Hon Chief Minister:** Mr Speaker, there are still motions to go. I look forward to hearing her views in respect of the motions, and the Government has every intention of dealing with those before the end of the calendar year, so I am sure that we will still have an opportunity to hear her, although, of course, I reciprocate on behalf of this side of the House.

2060 Mr Speaker, 'in this financial year' seems to be the sort of target that we should be aiming for and she has my undertaking – something I am not usually willing to give, she knows – that we shall certainly be doing our very best to ensure that we do comply with that commitment, because this is a collective that continues to have the Government's sympathy.

2065 I still think it is appropriate to highlight that we are the only Government that has cared. We are the only party that has carried a commitment, and I might have said it is a bit unfair therefore that we should be hauled over the coals, but when people are, if not in hardship and misery, certainly in need, then I am quite happy to be hauled over the coals and reminded that I have a commitment to do something because I am committed to delivering on this.

2070 **Hon. R M Clinton:** Mr Speaker, I have listened to the exchanges with great interest and the contribution by the Chief Minister on this subject. I had, by pure coincidence, a meeting with such an individual who is affected by the scenario of being close to retirement but not having a pension as they would have had in the public sector if they had been employed by the public sector. My question is this: to somebody in that scenario who may be one year away from retirement, am I correct in understanding from what the Chief Minister has just said, that people in those circumstances, where they will not benefit from a private sector pension that a 20-year-old might enter into tomorrow ...? Is my understanding correct or is the Chief Minister saying that the alternative means in which to assist these members will be some kind of arrangement with Community Care, but that it would be inappropriate, as he has said, for the Government itself to stick its hand in its pocket?

2085 **Hon. Chief Minister:** Mr Speaker, various things arise from that remark from the hon. Gentleman. The first is that I assume he is such a person, as I do not understand that he has ever worked in the public sector – so he is such a person. And he does not seem to me to be either in hardship or misery or penury, and therefore he should not be, I hope, asking out of a vested interest that there may be some extra pennies coming his way.

2090 What we are proposing – and it was set out in our manifesto – is that in partnership with Community Care, a new additional financial support measure for pensioners will be brought in. Mr Speaker, the target is the pensioner who needs that additional financial support, and I thought we were quite explicit and had answered the question that he poses simply by referring to the manifesto – that one would have thought he would have read during the context of the last General Election contest. I am surprised he seems not to have read that. It is true to say, Mr Speaker, that there is likely to be that provision in the context of the time that I have indicated to the hon. Lady, we are looking at.

2095 Their pamphlet at the last General Election did not contain provision in that respect and therefore he might want to tell the gentleman or lady that he met that the Government will be providing that additional financial support measure for pensioners in those circumstances that he described, but not in his circumstances. I hope that I have made clear our continued commitment to comply with that obligation.

2100

## Questions for Written Answer

**Mr Speaker:** May I invite the Chief Minister to table the answers to Written Questions.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, I have the honour to table the answers to Written Questions numbers W66 to W72/2016, inclusive.

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### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn until tomorrow at 4 p.m.

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**Mr Speaker:** The House will now adjourn until tomorrow at four in the afternoon.

*The House Adjourned at 4.58 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 4.05 p.m. – 6.26 p.m.**

**Gibraltar, Thursday, 22nd December 2016**

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## The Gibraltar Parliament

*The Parliament met at 4.05 p.m.*

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

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

### **Tribute to Solomon ‘Momy’ Levy GMD, MBE, ED, JP, FRICS, former Mayor of Gibraltar**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid I bring the sad news to the House, which I think all hon. Members are now aware of, that Momy Levy has passed away after a  
5 blessedly short illness.

Momy will be remembered by everyone in this place for all the reasons that he touched all of us. But indeed, he will also be remembered of course professionally, if I may put it that way, for being the first of the Mayors under the new Constitution; the first of the Mayors that in 2006 were able to take that important municipal and civic post without having to be Members of this  
10 House. I think there was widespread admiration for the way that he took that role and made it his own for the year that he was able to call himself Mayor of Gibraltar.

I think that there is, in the context of how a person discharges the office that he may be elected or appointed to, one thing that comes across to me as perhaps most striking and most important, and that is whether that person is proud to hold the post. Momy was somebody who  
15 was proud indeed to be able to say that he was Mayor of Gibraltar and he said so explicitly every opportunity that he had.

His work in trying to bring religions together did not start when he was Mayor, but he used the time that he was Mayor to try and use that office to once again demonstrate the great respect that there is in Gibraltar between all religious denominations and all cultures. I cannot  
20 think of a more beautiful tribute to him than to say that he did a sterling job and a photographic representation of that exists with all the religious denominations smiling around Momy with the robes of office that you now bear.

Mr Speaker, I have heard Momy described as a local character, I have heard him described as an all-round good egg and I cannot think of Momy ever having stopped me being irate; most of the time he was just happy to be alive – and on Gibraltar whilst he was alive. But there was one  
25 thing that would make Momy very, very irate indeed and that was the idea that anybody might get in the way of the Gibraltarians choosing who their sovereign might be and that we might not be able to freely and democratically wish to continue to stay British. That really did bring out the strength of character of the man, whether down Main Street or in the letters of national  
30 newspapers, or international newspapers, where he was never afraid to make the point.

He is a man who was proud to have been in the GDF, then the Gibraltar Regiment and now the Royal Gibraltar Regiment, and was always proudly remembering that and demonstrating the service that he had given; and, in that way, demonstrating the service that so many in Gibraltar had given around the world with Her Majesty’s Armed Forces. He was not just proud to have  
35 been Mayor, he was not just proud to have been in the Armed Forces, he was above all else a proud father and grandfather and a proud Gibraltarian and this place will miss him.

I would ask that the House observe a minute’s silence on his passing, Mr Speaker.



*A minute's silence was observed.*

40

**Hon. Chief Minister:** Mr Speaker, I know that Momy had many other friends in this Chamber, and indeed I recognise that the hon. Lady is a relative of Momy, and through her I extend to the whole family the condolences of the Government; and not just of the Government, I have no doubt of all Members of this House, and I am sure others will want to join in tribute.

45

Indeed it is my honour and privilege to extend condolences to her and to Momy's family on behalf of the people of Gibraltar. (*Banging on desks*)

**Hon. D A Feetham:** Mr Speaker, may I start by associating myself with the words of the Hon. the Leader of the House.

50

Momy was quintessentially British but he was also Gibraltarian to the core. I think that he was a microcosm of what it is to really be a British Gibraltarian in Gibraltar. But he was above all, Mr Speaker, a very, very close friend of mine and I just want to share with this House one of the most beautiful experiences in my life that involved Momy Levy.

55

In 2006, I received a phone call from Momy and he said to me that it was his 70th birthday and he was having a large bash at the Rock Hotel. He said to me, 'I am going to have you at the top table with the Governor and with the Chief Minister, Peter Caruana. It is going to cause me all end of problems but you are going to be on the top table.'

60

A few days later I travelled to Toledo with my wife and we went to the Synagogues in Toledo which are now museums – there are two Synagogues. And of course, being in that Synagogue made me think about my friend Momy, and as I was coming out I said to Julia, 'I just do not know what I am going to get Momy for his birthday.' There I am, I am going to be at the top table creating him all sorts of problems and I do not know what I am going to get him for his birthday.

65

There is an antique shop just next to the Jewish Synagogue there and Julia said to me, 'Let's go into that antique shop and see what there is.' I went into the antique shop and explained to the owner of the antique shop that I wanted to get something for a Jewish friend of mine, and he said, 'Well, I think I have got just the thing. I have got a silver cover of a Torah, of the Jewish Holy Book, which had been produced in 1850. It had been produced by somebody whose family had been forcibly converted into Judaism by the Catholic Monarchs, somebody who travelled Europe in the 19th Century just copying pieces from museums, coming back to Toledo and then reproducing them in silver in Toledo.' And I said that was the perfect gift.

70

I came back to Gibraltar with this gift for Momy's 70th birthday. I opened it in front of him in his office and when he saw it he started crying, and he said to me, 'I have just spent thousands of pounds having a Torah transcribed by hand for my 70th birthday and I did not have the cover for the Torah!' I think that was one of the most beautiful moments in my life, that a chance visit to a Synagogue in Toledo and a chance visit to an antique shop in Toledo had actually made me buy this gift that dovetailed with what was to him an extremely important thing that he had bought for his own 70th birthday.

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Both the Torah and its silver cover are now on display there at Momy's Jewish Synagogue. I think it is one of the moments in my life where if I felt that there was something like destiny that was it, and I think it illustrates the strong bond and the friendship that I held with Momy. He will certainly be sadly missed by me, as I know he will be sadly missed by a lot of people here in Gibraltar, and may his soul rest in peace, Mr Speaker. (*Banging on desks*)

80

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I would like to add a personal tribute to the words that have already been spoken.

Momy was I think one of Gibraltar's great characters. He was a personal friend and also a family friend – my family and my parents – so he is somebody we have known for very many years. I think it is a mark of the affection and the regard with which he is held by the community

90 generally, that the event that was held at Grand Battery to mark his birthday a few months ago was so packed and so well attended by all sectors of the community.

I know that, as a present, my wife painted a portrait of him and my daughter painted a lesser, smaller portrait and I know that he appreciated them both because he stopped me only a few weeks ago to remark on how much he was touched by the fact they took the time to actually  
95 paint pictures of him.

He was a person who was larger than life, I think. He had a genuine passion for Gibraltar and a passion for Her Majesty the Queen in particular. I remember the huge banner he had outside his office to mark the Jubilee of Her Majesty the Queen a few years ago.

I think he will leave a huge gap to those who know him and particularly, obviously, to his  
100 friends and certainly to his family. I would like to add my most sincere condolences on his loss.  
(*Banging on desks*)

**Hon. E J Reyes:** Mr Speaker, sir, may I at a personal level as well make a contribution in memory of our friend, Momy.

105 It was in the mid-1970s, where a very young Captain Solomon Levy was serving in the Volunteer Reserve Branch of the Gibraltar Regiment and, much to Momy's amazement, the MOD in its wisdom disbanded the Heavy Troop – that is the big 9.2-inch guns in the Upper Rock. But Momy was Momy and therefore the Regiment really wanted to find a role for him and they gave him a more admin task in making him the PR Officer for the Gibraltar Regiment.

110 So on trainee evenings like Thursdays, Momy would have to report to Regimental Headquarters, where I was a junior NCO at the time, and he in a typical Momy style came along with his hand of friendship and said, 'You know, we officers are just the show part, it is you ordinary soldiers who are the ones that are real workers.' He said, 'As my introduction of friendship to you ...', and he introduced me to the first of many cigars which became a very  
115 regular thing on a Thursday evening.

Momy, being of the Jewish faith, had a strict dietary requirement, that is after dinner he could only have black coffee, without milk; but the cookhouse would only produce ready-made coffee with milk and so on. So in exchange for a cigar I used to secretly feed Momy his coffee every Thursday evening.

120 Of course, as Mr Speaker knows, like us he was a supporter of the Arsenal Football Club, (**A Member:** Very much.) for good or for bad, like in a marriage. But Momy, despite his love for the Queen and everything, he even found a spot outside his offices to have the Arsenal banner so I hope it will stay there for many, many years to come.

125 As a last memento, only a week ago, Minister Sacramento and myself were in attendance at the CPA Conference just on the South Bank of Westminster. During the formal dinner on the Wednesday night the slides were coming up on the screen showing all the different participating countries and when it came to Gibraltar's turn, not only was there a picture of John Mackintosh Square which showed this Parliament and City Hall where Momy, during his ten years as Mayor had his seat, as such, but there was one particular photograph – a close-up of Momy dressed in  
130 his Gibraltarian colours.

So unknown to all of us, that is the memory that I wish to treasure, Momy through and through a Gibraltarian and a loyal subject to Her Majesty. May he rest in peace. (*Banging on desks*)

135 **Hon. Ms M D Hassan Nahon:** Mr Speaker, today Gibraltar has lost its most loyal Briton and Gibraltarian. Momy Levy has worn every hat that there is to be worn to represent Gibraltar. First Civic Mayor, Justice of the Peace, Chairman of the Jewish Community Association, Royal British Legion President, auctioneer, estate agent, and the list goes on and on. But what people will remember him most for was his love for his community and his desire to bring it together. This  
140 was his passion and his strongest mission statement during his time as Mayor.

Momy was Gibraltar's true ambassador. His family and friends will miss him dearly and I think it is safe to say that Gibraltar will be a lot emptier without Momy walking up and down Main Street. His radiant smile and his larger-than-life personality will be sorely missed.

145 For me, I have lost my eldest first cousin and my father's eldest nephew who supported and loved him like a son throughout his life and his career. I spent my childhood in his house which was a haven for me, away from the busy politically charged household I lived in, where I would move from the political world to the world of soldiers and the pride for the Crown.

I take with me the warmest memories of my dear cousin, who will be sorely missed.

150 His Excellency the Governor gave me some words a few moments ago which I would like to share with this House, 'A true and fabulous British Gibraltar gentleman that has given us so much and now he leaves *us* with the example to follow.'

Rest in peace, my dear cousin and passionate Gibraltarian, Momy. (*Banging on desks*)

155 **Mr Speaker:** Momy Levy was a man of deep and profound faith. More than once he told me that he was still waiting for the coming of his Messiah, and I have no doubt it is my firm conviction as a believer, something that I share with him, that earlier this afternoon he came face-to-face with his Creator.

160 I had a lot of regard and affection for Momy, as we all did, but there is something above all that I also had for him and that was great admiration. Great admiration about the way that he bore his very serious illness with all that chemotherapy implies, and also by the way in which he also faced life as one must, having lost a daughter as he did.

This evening at his funeral, I will also paying a tribute to him by my presence wearing that other hat which he also wore, that of Mayor of the City of Gibraltar. (*Banging on desks*)

165 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I imagine you and I are the ones – other than his family – that shared most of what Momy represented in Gibraltar. He was there when we started in 1972 and it is difficult to think of Gibraltar without Momy. He has been an omnipresent individual in our community; and the one thing that can be characterised above all else is that his views on the relationship between Gibraltar and the United Kingdom, and his commitment to ensuring that there would be no betrayal of our relationship with the UK by people in London, was there from the first day I met him to the last day I spoke to him. It has been a constant theme in his life.

170 There are so many things that he did that other Members can point to, but in the area where we are all committed to defend Gibraltar's rights, the rights of the people of Gibraltar and the relationship with the UK, he was the one that did that almost as a one-man operation, single-minded, never-ending, telling everybody – you could not cross his path ... And if anybody came here in any delegation, CPA or whatever, the one person they remembered when they left, and I am sure have never forgotten since, was Momy.

175 Gibraltar has lost a fantastic advocate and I doubt that we will ever have anyone like him again. So may he rest in peace and I am sure that his family are consoled by the knowledge of how much we all loved him. (*Banging on desks*)

180 **Mr Speaker:** I think it would be appropriate if the *Hansard* of these expressions were to be conveyed to his family. We will arrange for that to happen.

185

**Hon. Chief Minister:** Mr Speaker, I agree and I think that what we have seen today is a rare moment of true unity in this House, which I think is therefore a demonstration of the value in which Mr Levy was held by all.

**Employment issues –  
Statement by Hon. J J Bossano**

190 **Mr Speaker:** Before I call on the Chief Minister, I think the Hon. Mr Bossano wished to make some clarification arising from a question.

**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker, the Leader of the Opposition raised, when we were dealing with employment  
195 issues in Question Time, a particular case that he had asked me to look into and which I thought had been resolved.

I undertook to go back and check and I am glad to say that in fact I was right that he had already been seen and found employment, and that the only delay was because we are using EU  
200 funding in his case. What I have been told is that he actually started work yesterday.

**Hon. D A Feetham:** Mr Speaker, I am very grateful to the hon. Gentleman. In actual fact, that same afternoon after Question Time, the gentleman in question sent me a message telling me that he had been called up and that he was starting the next day. So I do not know whether it was as a consequence of the hon. Gentleman's statement, or whether it was already in the  
205 pipeline, but he started the day after the exchange that we had. I am very grateful to the hon. Gentleman that he has been able to employ this young kid just before Christmas, because really he was having a very, very tough time. I commend the hon. Gentleman for his kindness.

## Order of the Day

### GOVERNMENT MOTIONS

#### **Standing Order 19 suspended to proceed with Government Motions**

**Clerk:** (ix) Order of the Day – Government Motions. The Hon. the Chief Minister.

210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which is as follows.

I beg to move under Standing Order No. 59 to proceed with the suspension of Standing Order No. 19 in order to proceed with Government Motions.

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

#### **Select Committees on Parliamentary Reform, Constitutional Reform and 'Brexit' – Amended motion carried**

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows.

220

*'THIS HOUSE:*

*RECALLS the establishment of Select Committees on Parliamentary Reform, on Constitutional Reform and on the UK and Gibraltar's planned departure from the EU known as "Brexit";*

*HEREBY notes that the composition of these Select Committees shall now be as follows:*

*(a) in relation to the Select Committee on Parliamentary Reform, the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon N F Costa, The Hon S Sacramento, The Hon D Feetham, The Hon R Clinton and The Hon M Hassan-Nahon;*

*(b) in relation to the Select Committee on Constitutional Reform, the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon G Licudi, The Hon J J Bossano, The Hon D A Feetham, The Hon E Philips and The Hon M Hassan-Nahon;*

*(c) in relation to the Select Committee on "Brexit", the appointment of The Hon F R Picardo, The Hon Dr J J Garcia, The Hon Dr J Cortes, The Hon A Isola, The Hon D Feetham, The Hon T Hammond and The Hon M Hassan-Nahon.'*

Mr Speaker, this motion is a motion simply providing the names of those who will serve on the Select Committees that have already been established and I have given notice that I intend to move an amendment to limb (b) of the motion which is to replace the Hon. G Licudi where that names appears, with the Hon. Dr J Cortes, given that when we have looked at the possibility of setting the first meeting and looked at the diaries for next year, and given that Mr Licudi now holds the portfolio of Tourism which requires him to travel considerably, and conversely the Hon. the Deputy Chief Minister and I tend to travel together, it was starting to become very difficult indeed to find dates when we would all be in Gibraltar.

So with reluctance we have had to agree that Mr Licudi will not be able to serve as a named member of that Committee. As all members of the Government they will be able to provide input in the context of the work of that Committee, but it is therefore going to be Dr Cortes who will also form part of that Committee with Dr Garcia, with myself and with Mr Bossano on behalf of the Government.

Other than that, this is just a naming motion to set out who will serve on those Committees.

**Mr Speaker:** Without further ado, I am going to put to the House the Chief Minister's amendment, namely that in paragraph (b) the name the Hon. G Licudi be deleted and substituted by the Hon. John Cortes. Those in favour? (**Members:** Aye.) Those against? Carried.

Does anybody wish to speak on the Chief Minister's motion? Okay. I will therefore put the motion in the terms moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye) Those against? Carried.

#### PRIVATE MEMBER'S MOTION

##### Public sector senior executive pay – Amended motion carried

**Clerk:** Private Member's Motion, the Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*'This House notes that the Government in the 2016/17 Budget estimates indicated that both the office of Chief Secretary and the office of Principal Auditor were to be awarded pay increases of 28.21% from £123,219 to £157,978 each.*

*This House further notes that other office holders originally on the same pay scale namely the Attorney General, the Financial Secretary, the Commissioner of Police and the Chief Technical Officer have been given the standard civil service increase of 2.75% in 2016/17 from £123,319 to £126,608.'*

I think there may be a typo there, it should be £123,219.

*'Notes that the Government has in recent months created a department for Public Sector Efficiency and such an award seems inconsistent and potentially inflammatory to the wider Civil Service.*

*Calls on the Chief Minister to explain to this House why the offices of Chief Secretary and Principal Auditor merits pay increases that equate to more than ten times that of the agreed Civil Service pay award of 2.75% in 2016/17.'*

250 Mr Speaker, the subject of senior executive pay, whether in the Government sector or private sector is rightly an area of public concern and public interest. Invariably the UK press has focused on the pay of FT100 Chief Executives who it is said can earn more than 129 times the average UK annual salary.

255 Mr Speaker, it is an area of focus to the extent that Theresa May herself pledged that she would consider the findings of a high pay centre, which is a UK think tank monitoring pay at the top of the income distribution scale. The political thinking of this group is that the growing gap between rewards for those at the top and everyone else is hard to justify at a time when economic uncertainty is intense and UK corporate performance mixed.

260 We live in increasingly uncertain times and the concerns in the UK and elsewhere on the level of executive pay relative to the average worker is just as relevant in Gibraltar, especially as regards the public sector and its most senior grades. The question as to the management of senior pay awards in our Civil Service only came to my attention during the Committee Stage of the 2016/2017 Appropriation Bill debate on 8th July when I asked the Chief Minister if it was correct that the Chief Secretary was getting a pay rise of 28% from £123,219 to £157,978.

Mr Speaker, the Chief Minister's response as per *Hansard* paragraph 295 was as follows, and I quote:

Yes, Mr Speaker. I think this was giving effect to a commitment of the former Chief Minister in respect of the salary of the Principal Auditor, which is connected. These salaries are all connected, they are all in a grid – the Attorney General, the Chief Secretary. They are all connected under the former administration and this is a historical undertaking that had been given by the former Chief Minister which was given effect to.

I continue:

I can write to him and let him have the details if he likes, because it was something that was brought to my attention, I think, by the Auditor or the Chief Secretary himself on behalf of the Auditor; and with the consequent effect which he explained to me also that his own salary would rise as a result of it, and he was transparent at the time.

But I am quite happy to let you have a note that sets out how it arises.

265 Mr Speaker, I wrote to the Chief Minister on 31st August 2016 asking for that information justifying the 28% pay rise, not just as it first appeared to me for the Chief Secretary, but also for the Principal Auditor. Alas, Mr Speaker, despite reminding the Chief Minister in this House of unanswered letters as recently as 24th November this year, I still have had no response and thus I have seen fit to bring this motion to the House to elicit a response.

270 Mr Speaker, let us put into context these two senior Civil Service pay rises. As per the GSLP Liberal Manifesto on page 13, the public sector pay increases agreed historically were described as follows: 2.7% in 2012/13; 2.9% in 2013/14; 2.5% in 2014/15; and 2.75% in 2015/16. With inflation running at around half a percent at the time of the Budget, the 2016/17 increase of 2.75% was, of course, above inflation.

275 The increase in the minimum wage for the private sector announced during the Budget was just half a percent or barely just inflationary. And again, Mr Speaker, to put this into context in the wider world, the Korn Ferry Hay Group 2017 global salary forecast, which was published only recently on 6th December this year, was that for workers around the world it would see a real wage increase of 2.3% – which, to be fair, more or less matches that for the public sector in  
280 Gibraltar of 2.25% after we adjust for inflation.

Mr Speaker, the 2015 Employment Survey reports the average gross earnings in Gibraltar as of October 2015 as being £28,090.78. Against this backdrop the percentage increases for these two senior grades seems out of line by a factor of ten for the public sector and represents a ratio of 5.6 times the average Gibraltar salary.

285 I have undertaken an analysis of the pay awards for seven of the most senior civil servants and the Chief Justice going back six years including 2016/17. The results were revealing and, Mr Speaker, I have available copies that with your permission I would ask the Clerk to distribute. It will be easier for Members to have these numbers in front of you when I talk about them.

Thank you, Mr Speaker and thank you to the Clerk.

290 This analysis which I have extracted from the Annual Estimates Books clearly shows that seven senior civil servants were on the same pay grade since 2013/14. Namely, the Chief Secretary, the Principal Auditor, the Attorney General, the Financial Secretary, the Commissioner of Police, the Puisne Judge and the Chief Technical Officer in the sort of grid referred to by the Chief Minister in the *Hansard* of July this year.

295 Mr Speaker, what I find puzzling is that if the Chief Secretary argued as the Chief Minister stated, that his pay had to increase because it was the same grade as the Principal Auditor, then why not the other five including the Financial Secretary, Attorney General, Commissioner of Police, Puisne Judge and the Chief Technical Officer who, this year, just obtained the public sector standard increase of 2.75%? Are they no longer on the grid, somehow less worthy civil servants and downgraded relative to the Chief Secretary and the Principal Auditor?  
300

Mr Speaker, what is the merit for a 28% pay rise in this day and age? Do these two civil servants have recently increased responsibilities or have they perhaps committed to markedly increased productivity over and above that expected of their grade? Who benchmarked these salaries, and against what? These two Civil Service grades at £157,978 now earn more not just  
305 than our Chief Minister who earns a paltry £132,696, but also that of the UK Prime Minister who, it was reported in *The Times* today, she earns £149,440. How is this justified? They also earn more than the Chief Justice who gets a miserly £135,771 in comparison. The margin of increase over and above the public sector pay increase of 2.75% which equates in real terms to an amount of £31,370 *each* would pay, together, the annual salaries of at least two teachers or  
310 three nurses.

Now, Mr Speaker, the Chief Minister makes reference to promises made by the previous Chief Minister and yet, if true, it has taken him five years to implement. Why is that, I ask? Now, there is obviously a lack of transparency in the pay award process at the very top of our Civil Service and it may be that this Parliament should consider introducing some form of semi-autonomous body to make recommendations to Government on pay awards and benchmarking  
315 and performance targets for the most senior grades, since we have obviously moved beyond parity.

Mr Speaker, we could perhaps be persuaded by the Chief Minister that the incumbents deserved the increases because they are jolly nice fellows and they were about to retire anyway.  
320 But, Mr Speaker, from my reading the Estimates Book, these are not personal to holder awards. These are a permanent change in the pay structure that will benefit future holders and distort

the sacred grid at the top of the Civil Service. But I could be entirely wrong because I have read today in today's *New People* – my favourite publication, which the Chief Minister assures me always speaks the truth – and I quote:

Roy Clinton is moving a motion this week on the pay rise of the Chief Secretary, etc. We understand that these arrangements are personal to holder to the individuals.

325 So, Mr Speaker, I have seen no evidence of that in the Estimate Book and certainly the Chief Minister made no reference when I first asked about it, but maybe we will hear more about that in due course.

But I have gone through the Estimates Book on the appendix pages and there are 19 grades which are quite clearly marked PTH or 'Personal to Holder'. There is no such marking against the Chief Secretary or the Principal Auditor. And so in the absence of any contrary evidence, I can only assume that these are permanent changes in pay grade for these particular posts.

330 Now, Mr Speaker, I have had occasion to read the UK Guidance on Civil Service Pay for 2015-16 and it had this to say in respect of senior staff under Section 5.4 of Appendix B and I quote:

Senior civil servants ... are not included within the civil service pay guidance. However, senior staff have an important leadership role in demonstrating the need for pay decisions to follow public sector pay policy. Therefore any annual pay increase or decision to award performance-related pay to such staff must be considered alongside and according to the same principles as the pay remit of the rest of the organisation.

Mr Speaker, I repeat, 'according to the same principles as the pay remit of the rest of the organisation' – 28%, 2.75%, I do not know that they are the same. The public sector pay award of 2.75% for 2016-17 and these two grades have obtained 28.21%, ten times more. Are these really awarded according to the same principles?

335 And so, Mr Speaker, it would appear that some civil servants are more equal than others when it comes to the senior grades. The sole decision on pay awards would appear to be in the Chief Minister's gift. In the glaring light of the newly created Department of Public Efficiency, the taxpayer needs to be assured of the added value to the public service that these 28% pay rises will afford. Such awards seem inconsistent and in fact potentially inflammatory to the wider Civil Service, if not the public.

340 So I bring this motion to the House not in any form of censure, but a request for transparency from the Chief Minister as to the merit of these 28% pay awards which this House needs to know, the taxpayer has a right to know and the public wants to know.

And so, Mr Speaker, I commend my motion to the House. (*Banging on desks*)

**Mr Speaker:** I now propose the question in terms of the motion moved by the Hon. Roy Clinton. Does anyone wish to reply?

The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I have never in the time that I have been in this House read, or rather heard, such an unveiled imputation of ill motive to senior civil servants as I have in the context of what I have heard today; because the hon. Gentleman may want to go back and reflect on some of the ways that he has put his motion.

355 I will accept of course that he has not had a detailed answer to his letter, but to have jumped from that to the things that he has said during the course of this intervention about the two most senior civil servants in the hierarchy of the Civil Service is really quite something.

360 In fact, Mr Speaker, this is a strange attempt to single out individuals. Strange, because I do not think in the history of the House there has been such a spotlight shone on a particular set of individuals, these two individuals. The post holders, of course the hon. Gentleman will say, are not the people he is concentrating on, he is concentrating on the posts, but he has attempted to zero in and magnify that issue. He has done so on the pretext that he is attempting to ensure



365 that something which might be inflammatory to the Civil Service should not occur, when in fact  
what he is doing is trying to light the match of inflammation under the Civil Service.

Now look, Mr Speaker, if he wants to do that it is perfectly alright, it is a matter entirely for  
him, but he should not pretend to be doing the opposite. He should be getting up here and say,  
‘I want the Civil Service to revolt against these two salaries’, because that is what he is  
370 attempting to do, and he should not try and hide behind a veil of pretence that he is doing  
otherwise. But he does so from the position of defending a political party that gave willy-nilly  
16% pay rises on the basis not of the whim of the former Chief Minister, but on the cusp of a  
general election. As far as I know, Mr Speaker, Mr Clinton is not someone who has joined the  
GSD in the last few years; Mr Clinton has been a card-carrying member through thick and thin  
375 from the days of 23% to the heady days of just about over 50%, and Government and not  
Government.

Therefore during the General Election campaign of 2011 he was very much a part of the GSD  
– in fact I understand he was not thrown out of Europort for reading the *New People* until well  
into that campaign. And the 16% pay rise given to GJBS after the General Election had been  
380 called on a visit of the former Chief Minister to their premises was not done just as a whim, it  
was done in utter desperation. But there had been previous 12% pay rises given on the creation  
of authorities and agencies, and nobody from that side of the House got up and said when they  
were in Government, ‘This is an inflammatory measure in respect of the rest of the Civil Service.’  
No, no, in those days double-digit pay rises were a very good thing in the interests of the  
385 Taxpayer.

Today’s article in *The Times* that the hon. Gentleman refers to, Mr Speaker, sets out the pay  
for the Prime Minister of the United Kingdom and he is right to say it is £149,000. It also sets out  
– and the reason for the article – the pay of two senior political advisors, not civil servants,  
which is £140,000. It also sets out – but it is not in his interest to make his case and that is why  
390 he has not told you, Mr Speaker – that there are 400 members of the public service in the UK  
who earn more than the Prime Minister. Some of them as much as £275,000 because they are  
experts in their field, but that does not fit into what he wants to try and conjecture today so he  
does not pretend to have read that part of the article, Mr Speaker. I can guarantee him it is  
there, I read it this morning on the Privy Council.

395 The fact is that when he comes here and talks about prudence, the only prudence he can  
represent is the prudence of the party opposite, the prudence of the GSD as he represents it,  
and that is what we are going to look at this afternoon. That trail of alleged prudence which is in  
fact a trail of Hansel- and Gretel-like treats and largesse and excesses which will lead us to the  
pay of the Principal Auditor and the Chief Secretary as it is today.

400 It will then lead us to where it will be in the future and will perhaps lead him, Mr Speaker, to  
that other ‘p’ – patience. Because he might in future want to wait for an answer to his letters,  
unless of course he thinks because he sends his letters with little stickers that say ‘Urgent  
Parliamentary Business’. I mean if something is urgent you tend to get it electronically these  
days, Mr Speaker, not brought by a donkey to your front door.

405 There is some very urgent parliamentary business going on and that is the small matter of the  
United Kingdom having decided to leave the European Union and, since 31st August, I have been  
dealing principally with that issue and not with satisfying his desire for bean-counting data that  
he can go away and add to his abacus. But I am going to tell him all the things that I would have  
put in that letter if I had had time to reply to it.

410 Mr Speaker, I was going to start telling the House a story of what happened in 2006 in the  
Gibraltar Health Authority. In fact, the hon. Gentleman’s speech has enticed me a little further  
back to 1998, I think, when this House dealt with a motion on Members’ remuneration.  
Everything we have heard is about executive pay and how you set executive pay and all the rest  
of it. The hon. Gentleman has not reflected on what some non-executives get paid ... aka *them*  
415 and the Leader of the Opposition, none of which are executive positions by any stretch of the  
imagination.

Mr Speaker, if the hon. Gentleman cares to produce a grid like the one he has produced this afternoon that looks at the pay of Members of this House before the GSD arrived and the pay of Members of this House once the GSD was in office by a motion changed by them here, I think by  
420 his standards of 'brown-hair-shirtiness' he would be scratching all afternoon.

Mr Speaker, the pay of the Chief Minister when Peter Caruana brought a motion to this House, a motion which is now on the website of this Parliament, saying it was not enough, the pay was £41,175, it had been less when Joe Bossano was Chief Minister but by then it had gone up to £41,175. It went up as a result of the motion in this House overnight and contrary to the  
425 vote of Members from the GSLP who were opposite, it went up to £56,000. Not overnight, over a show of hands where the people who got the pay rise were the ones who voted in favour of it – a 36% increase. That is the prudence he represents in this House. That is the prudence that Members opposite represent in this House, except of course for the hon. Lady who cannot be fixed with those sins.

Ministers, and it is widely recognised that the first GSLP Government was one of the most motivational and aspirational that changed Gibraltar; and even the greatest Gibraltarian of all time, as the Leader of the Opposition sometimes calls him, recognised in his last speech here that Joe Bossano had transformed the Gibraltar economy with his team of Ministers after 1988. Well, that transformation was carried out for a sum that would have been less than, but in the  
430 region of, £27,450 each of them.

The morning after the GSD's vote in this Parliament against the GSLP, that salary went up to £42,000 an increase of 53% a few hundred times – *a few hundred times* – the increase granted to the Civil Service in that year. Of course this largesse was not limited just to the Government, this was a largesse for everyone in the House. The Speaker went from £20,500 to £21,900 an  
440 increase of 6%, and Opposition Members went from £13,735 to £15,000 an increase of 9%. Well, I suppose not bad if you can get it, Mr Speaker, but hardly 36% or 53%. And that is the prudence that the GSD represents, that the hon. Member is defending in this House, and that I am now going to deal with.

I was going to start in 2006 as I said, but I thought it was important for the community to be reminded of who it is that is now making speeches about pay rises, and what they consider to be  
445 excessive, although they pocketed 36% for their top bloke and 53% *each* for their Ministers. Inflammatory to the Civil Service you might have thought, Mr Speaker. Yet the salaries in question today are salaries, which this House unanimously voted for in the Budget and in the estimates in July.

So Mr Clinton is giving a speech about something he voted for. He has in fact this afternoon spoken against something that he voted for. If we go back and look at the *Hansard*, Mr Speaker, we will find that the Opposition did not vote against the estimates or the Appropriation Bill, did not vote to abstain on the Appropriation Bill, they voted in favour of the Appropriation Bill and it was the Appropriation Bill that approved that figure. So it is not the Chief Minister who is the  
450 only arbiter of what these salaries should be, this House voted unanimously that that should be the salary going forward. He did ask me for an explanation, but he voted in favour of it, Mr Speaker.

Now, before I get into the substance of what I am going to say next, I think the best way to ensure that the House understands the argument is not to give it a grid but to give it an  
460 amended motion. If the usher could kindly distribute these to hon. Members, I am moving an amendment to the motion which I will read out to the House and which will explain the argument that I am going to make. I will wait for Mr Speaker and Members to have it. I think Members on this side have not yet had it. There we are.

Mr Speaker, I am going to move that the motion should be amended by the deletion of every  
465 word after 'This House', and the inclusion of the following words therefore:

*'This House considers it is appropriate to set in context the increase in salary of the Chief Secretary and Principal Auditor.'*

*Notes and entirely condemns the decision of the GSD when in Government to raise the salary of the top official at the Gibraltar Health Authority from £55,986 in 2004 to the sum of £106,000 plus rent and rates amounting to £8,549 which was paid by the Gibraltar Health Authority, paid to Dr David McCutcheon when he was recruited in 2005 which amounted to a percentage increase in remuneration of 104.6%.*

**A Member:** And entirely useless.

*Further notes, that on that salary, the GSD further agreed that Dr McCutcheon should be taxed at the reduced special rate applicable to the taxation category of a higher executive possessing specialist skills, PEPS.*

*Additionally notes that this sum did not include the cost of annual return flights to Canada for Dr McCutcheon and his family which may be quantified as a further sum of several thousand pounds per annum.*

*Considers that the creation of the role of the Chief Executive Officer of the GHA added cost but no other value to the front line of care affecting patients and nurses, doctors, consultants or allied health professionals.*

*Welcomes the approach of the GSLP Liberal Government in reducing the pay of the Chief Executive Officer of the GHA when the post was taken by a civil servant, by 15% to £133,770 upon the departure of Dr McCutcheon in August 2012 when the latter was earning £153,713 being a salary of £144,164, plus rent and rates amounting to £8,549, totalling the £153,713 which would have amounted to a 174.5% increase in salary from the former remuneration of the most highly paid official in the GHA whilst in addition continuing to be taxed at the rate applicable to the taxation category of a higher executive possessing specialist skills and having annual return flights to Canada for himself and his family. (Hon. N F Costa: Que poca verguenza!)*

*Notes that it has also long been historically agreed under successive administrations, that the Principal Auditor was an officer that should be pegged at the same salary as the Chief Secretary and further notes that the agreed position changed in 2003 when it was agreed by the former GSD administration that the Chief Secretary would be the highest remunerated officer in the Civil Service by a 4% differential from all other Civil Service officers including the Principal Auditor.*

*Recognises that in agreeing that the salary of the Chief Secretary and the Principal Auditor should be above the already reduced salary of the civil servant who became the Chief Executive Officer of the GHA, the GSLP Liberal Government has been giving effect to a historical agreement.*

*Further agrees that it is right that given the retirement of the last Chief Executive Officer of the Gibraltar Health Authority, that the said post should not be replaced and that any necessary legislative changes be effected as may be required in this respect and therefore considers and accepts as absolutely correct, the decision of the Chief Minister that the adjusted salary of the Chief Secretary and Principal Auditor should revert upon the retirement of the existing post holders, to that formerly provided for as annually adjusted and which will then once again be at those rates, the highest remunerated officers in the Civil Service.*

*And condemns the insensitive and improper statement on the City Pulse programme on the Gibraltar Broadcasting Corporation by the Leader of the Opposition, that the sum of £59,831 which is the salary paid by him, to him, is tantamount to a part-time salary for a full-time job, given his commitment is on average to be in Parliament no more than 30 days a year which results in a remuneration of approximately £2,000 per day or, in this calendar year 2016 when the House has met only on 20 full days, although he was absent on some occasions, approximately £3,000 per day.*

*And therefore considers an unpardonable insult to those who work in the public sector every working day of the year for lower remuneration, the statement by the Leader of the Opposition as to his almost £60,000 salary.'*

Well, Mr Speaker, in that very fully argued amendment, hon. Members will see the reality of what happened and where the link is occasioned. They imported to the Gibraltar Health Authority a Chief Executive who was paid an eye-watering 104% more than the person he replaced. Not 28% – we have heard what 28% is, we have heard all sorts of adjectives describing how huge 28% is. Well 104% is almost four times 28%, so four times – yes sure, yes work it out, get the calculator. Because it must be four times worse, Mr Speaker, four times worse than everything that he has said.

But, Mr Speaker, not for the Principal Auditor and for the Chief Secretary, for a new post brought in above everyone else and frankly a post that it is absolutely right we should discontinue. The existence of a Chief Executive in the Gibraltar Health Authority has added nothing but cost, but it has added nothing in the context of front line care for patients and assistance to professionals, nurses, doctors, consultants and those allied health professionals who should be getting the resources of the Gibraltar Health Authority. And by the time that person left, his salary would have been 174.5% more than the amount of the person he replaced. Why do I say that, because of course all salaries would have gone up at the time, because the only way you can get to a 28% increase, Mr Speaker, is if you do the calculations wrongly, incorrectly, and you do not apply to the other categories of salaries which you are comparing, the 2.5% or the 2.75% increases.

Mr Clinton has taken the figures he wants and compared them to the salaries he wants and not in the year in which he should have compared, if he had he would have realised that he would have worked out a 24% increase not a 28% increase, and 104% is *more* than four times 24, Mr Speaker. Perhaps a calculator might assist him with that also.

In June 2012 I met with the Chief Secretary and the Principal Auditor, so in other words it is not that during a General Election campaign I went to their offices, I told them all I loved them and gave them a 16% increase. It is that they had been asking to see me and I agreed to a meeting. The request for the meeting had come about by the fact that the Chief Executive of the GHA had become a civil servant. A civil servant had taken the post and therefore the commitment which they had from third parties, from the former Chief Minister in particular, and historically from even before the first GSLP administration, then kicked in.

In fact I am reminded that there were instances in the Department of Education, where some officer's salaries had been frozen, because if they had not been frozen they would have gone above the Chief Secretary, Principal Auditor, Financial Secretary and one other, I will come to that in a moment – and the Attorney General. Mr Speaker, this is therefore an entrenched principle and one that I was persuaded had to be respected. The four posts, Mr Speaker, were that of Chief Secretary, Financial Secretary, Attorney General and Principal Auditor, only two of those are presently not on contract. Only two of those are presently civil servants.

So we were able to agree looking at the salaries as they were, the £133,000 plus the on-call allowance, that after the increase of 2.75 in that year would be close to over £145,00 I believe, and the additional four percentage point differential between the Chief Secretary and others, that the salary should be pegged at £150,000.

Mr Speaker, the concession that the Chief Secretary himself should have a 4% differential between him and the next senior civil servant – the next group which was Principal Auditor, Financial Secretary and Attorney General – was a concession not extracted from me, or indeed from Joe Bossano. In fact, Mr Speaker, my abiding memory of a good photograph of Joe Bossano is him clutching a banner which says 'No Concessions', so you are unlikely to ever get a concession from him, in particular, on pay.

That concession was made in 2003, and in case hon. Members have not worked it out in 2003 it was the GSD that was in Government. So you have a historic situation where four are agreed

515 to be at the top of the pegging order of salaries in the Civil Service and a GSD situation where  
the Chief Secretary earns 4% more and the GSD situation where they bring in a Chief Executive  
at 104% more than the previous incumbent, and then a civil servant taking that post with a  
520 reduced salary under the GSLP Liberals. So if you just keep that picture in your mind, Mr  
Speaker, all of the increases are agreed by the GSD, the hammer falls with the GSLP Liberals and  
the salary of the Chief Executive of the Gibraltar Health Authority goes down under the GSLP  
Liberals but a civil servant takes the post. Therefore the commitments to these gentlemen kick  
in.

So again, not just the Chief Minister, but the Chief Minister in consultation with the Chief  
Secretary and Principal Auditor who sought the meeting, and with full disclosure to the Attorney  
525 and to the former Financial Secretary and the Financial Secretary, agreed to peg the salary of  
those civil servants at £150,000 at that time and the figure quoted now by the hon. Gentleman is  
that figure with the increases since then. Because of course the book for this year does not carry  
increases because the increase is calculated in August. So if he goes to the book which is the  
Draft Government of Gibraltar Estimates for 2016-17 he will see that that figure does not carry  
530 the 2.75% increases.

So, Mr Speaker, cut forward to a date after August, in fact probably less than a month and a  
half ago when we receive the news that the current incumbent, a civil servant, of the post of  
Chief Executive of the Gibraltar Health Authority wishes to retire. The House will be very happy  
to know and will have seen from my amendment to the motion, that the Government has taken  
535 the decision that we will not replace the Chief Executive of the Gibraltar Health Authority for all  
of the reasons that I have already indicated, and I have already hinted that it may be necessary  
to make an amendment to a piece of legislation which creates the post in order to ensure that  
we are able to remove it.

The situation you have is that, with a civil servant taking the post of Chief Executive, the  
commitment to these civil servants that they will earn the most kicks in, the Chief Secretary has  
540 a 4% differential but importantly – *importantly*, and to the great credit to the person who is  
presently in the post of Chief Secretary, a man known to all of us and highly appreciated by  
every Member on this side of the House at least – he says, ‘I am prepared to forego this 4% lead  
because I consider that the role I discharge under the new Constitution is as important as the  
545 roles discharged by others.’ And so, when the hon. Gentleman sees the Principal Auditor and the  
Chief Secretary earning the same, already the Chief Secretary has foregone a further 4% in doing  
so.

And so, Mr Speaker, having been accused of so many things in the context of the hon.  
Gentleman’s speech, I am left thinking, ‘Well, hang on a minute, what has really happened  
550 here?’ What has happened here is that when they took the reins of Gibraltar in 1996, the first  
thing they did was put up their salaries, Ministers by 53% and Chief Minister by 36%. They took  
the Gibraltar Health Authority and added to the cost of it by taking somebody who earned  
£55,000 and putting their salary up 104% and then increased that until the increase in salary was  
about 174%. Wow, that must surely have been inflammatory to the Civil Service.

555 We then arrive ... oh, by the way, they agreed a 4% differential for every Chief Secretary  
going forward, and we have all inherited from the mechanisms that were in place and the  
structure of the Civil Service that these four postholders should be the four highest paid, and  
they then give a distinction to a Chief Secretary.

So what is it that I am guilty of, Mr Speaker? I am guilty of giving effect to historic agreements  
560 that every Chief Minister has given effect to. I am guilty of accepting the Chief Secretary  
honourably handing in a 4% differential which the former Chief Minister had awarded them. I  
am guilty of reducing with my parliamentary colleagues – John Cortes was the Minister for  
Health at the time – the pay of the Chief Executive from over £150,000 down to £133,000.

I am guilty therefore, of accepting a calculation done not by the length of my foot on the  
565 shop floor of a company the days before an election, but by the Principal Auditor – *by the  
Principal Auditor*, Mr Speaker – with the consent and oversight of the current and former

Financial Secretary and the Attorney General, none of whom had anything to gain because I will come to the book in a minute; and now, having saved the GHA at least £20,000 in respect of the salary of the Chief Executive, getting rid of the post and being able to say now that the post goes, the two postholders that were civil servants that held the issue of having the right under the agreements done previously to be paid the same or more than the highest paid civil servant, will revert when the current incumbents leave the post to the salary scale that would have been their salary scale which is Attorney General, Financial Secretary, Principal Auditor and without differential – *and without differential*, that is the humility of the man – the Chief Secretary. That salary will be £130,000 which is the salary set out for Attorney General and Financial Secretary in the book, plus the 2.75% increase which is calculated in August, not before. So the four will be back to where they were.

Now, Mr Speaker, salaries have gone up in Gibraltar, we are at parity plus, but that was not of our doing, that was of their doing and they persuaded us that in the interest of the Gibraltar economy it was a good thing. But I hear that the Hon. Mr Clinton is in effect telling us that parity plus seems to be a bad thing, that he thinks salaries are too high. Well, Mr Speaker, that may be his position, that may be his position and I would be interested to hear what he has to say.

But, Mr Speaker, all of this self-flagellation that salaries are too high from the party that brought the motion to raise *their* salaries by 53%; and if they come back at me, Mr Speaker, saying, 'Well, that was 1998, that was not us, that was the old GSD not the new GSD' – because one no longer knows which GSD one is dealing with, even when one has them sitting in front of one!

I was put in mind of a quote I cannot quite get rid of, Mr Speaker, and in order not to be unfair to the Leader of the Opposition, I thought I would get the whole quote out. But what we have heard today from Mr Clinton, we have heard from the GSD led by Daniel Feetham the current GSD, the new GSD, that does not like the things that were unpopular about the old GSD, but likes the things that they think were popular. So if he is going to tell me that he would not have agreed with the salary increase, I am going to read him what the Hon. the Leader of the Opposition said on *City Pulse* and why it is therefore absolutely apposite and relevant that it should be in the amended motion because that is absolutely and without doubt certainly inflammatory to the rest of the public sector and to the Civil Service as a whole.

Johnathan Sacramento was having a chat with the Hon. the Leader of the Opposition. Mr Sacramento has now become the News Editor of GBC for which he has no doubt been congratulated. I have congratulated him personally, but I take the opportunity of putting on the record of *Hansard* my congratulations to him. He said this, 'I mean, you could be in a way a full time Leader of the Opposition if you wanted to,' he asked. Mr Feetham says 'Yes, but ...'. Mr Sacramento comes back, 'You can survive on the salary of a Leader of the Opposition.' 'Yes', says Mr Feetham, 'but it would be very difficult'.

Mr Sacramento, no doubt in that moment with a flash of that banner that I sometimes see Joe Bossano holding, the 'No Concessions' banner, says 'And like Joe Bossano did it for 15 years, he was a full-time Leader of the Opposition.' And Mr Feetham said this, 'That is true, that is true, on a part-time salary. And that is true. But of course then if you get into that argument, you are never going to be able to get a professional to leave his profession to go into a job on a full-time basis being paid on a part-time salary, it is very, very, difficult.' Well, Joe Bossano did not find it very difficult and Joe Bossano is a professional; and what a professional he is, Mr Speaker.

Mr Sacramento comes back and says, 'It is a big pay drop', and Mr Feetham comes back, 'I mean I think it is something that in the future, since this has to be looked at because if you really want to attract good people, you have got to sort of, look, accept what is the reality of the situation and the reality of the situation is that certainly the Leader of the Opposition is not part-time it is full-time'. Well it is also true that we have not got good people I suppose, Mr Speaker.

Full-time, Mr Speaker? Three days a month? Three days a month, an average of two days a month this year, perhaps a few more; £2,000 a day for three days a month for ten months of the year, £3,000 a day this year. Well look, Mr Speaker, if that is not inflammatory to civil servants to

620 public sector workers, what is? Most civil servants and public sector workers ... nay, everyone  
under the rank of SEO, goes to work these days full-time – *full-time* for less than £60,000 a year.  
I think they are very good people and we get very good professionals, people who have gone  
and done degrees, some of them two, just like him, and they give their best for Gibraltar.

625 So if I am going to be told that it is inflammatory of the Civil Service to have given effect to  
agreements of former Chief Ministers, to have reduced the salary of the Chief Executive when  
we first got our chance to do so, to have abolished the role of the Chief Executive now which will  
produce a huge saving, and to make these salaries revert to where they should be when the  
postholders leave ... well then, Mr Speaker, I know that history when it gets out its calculator,  
will see that our figures speak for themselves and that we have acted entirely properly. I think  
630 the hon. Gentleman now realises that, it has dawned on him, and he wishes he had been patient  
and waited for my letter.

In particular, Mr Speaker, it has dawned on the Leader of the Opposition that he has to be  
more careful with what he says is a part-time salary and a full-time salary, with who he says is  
good is not good; and with the motions that the hon. Member to his left might shoot off, that  
might at first blush seem attractive, but actually have a sting in the tail that come back to bite  
635 them.

So, Mr Speaker, I think that the only way for the House to really reflect on the record of  
*Hansard*, the reality of what has happened in this situation, to realise that we have moved  
always to save money for this community to ensure that we get value for money, and that we  
put resources at the GHA on the front line for the nurses, the doctors, the allied health  
640 professionals and the consultants and *not* at the hands of Chief Executives ... is this Government,  
that is what we have done.

That must be reflected on the record of *Hansard*, not the motion that the hon. Member has  
moved; and the way to do that, Mr Speaker, is for the House to adopt the amendment that I  
now move in the terms of the notice that I have given.

645 I commend the amendment to the House. (*Banging on desks*)

**Mr Speaker:** I now propose the amendment in the terms moved by the Hon. the Chief  
Minister.

650 Does anybody wish to speak on this amendment? The Hon. Roy Clinton.

**Hon. R M Clinton:** Sorry, Mr Speaker, can you just clarify the rules of speaking on this  
amendment? Could you clarify for our information the order of speaking?

655 **Mr Speaker:** You are able to speak on the amendment and then once the amendment is put  
to the vote, assuming that it is carried, then you also have the right to reply because you moved  
the original motion. So you can have two bites at the cherry.

660 **Hon. R M Clinton:** I am sorry, just to clarify, the Chief Minister as mover of the motion would  
also have a final say on this motion, then? The Chief Minister as the mover of this amendment  
would also have a right to reply?

**Mr Speaker:** The Chief Minister has a right to reply on the amendment but then not on the  
original motion, yes. (*Interjections*)

665 The Hon. Marlene Hassan Nahon.

There is one other thing of course, that sometime over the years has happened and perhaps I  
should explain. Sometimes Members rarely speak on both, obviously they do not get two bites  
of the cherry but there have been occasions when this happens: you get an original motion, it is  
amended in the terms which we have seen today and an hon. Member speaks from one to the  
other and, provided he does not pretend to come back again, the Speakers have exercised their  
670 discretion and will allow that to happen, and I will do the same. Okay?

**Hon. Ms M D Hassan Nahon:** Mr Speaker, today's argument I am afraid, reminds me of that expression 'two wrongs do not make a right' and this is what much of what we have heard today reflects.

675 I think Gibraltar is truly fed up with the, 'You did this, so I can do that'. The real integral question still remains and has not been answered in a way which will be clear and accepted by the public. The question is: why is it that the Chief Secretary and Principal Auditor have been singled out for a colossal pay rise of 28%? Why them, why not others, why just them and why this year? Because, Mr Speaker, with all the surrounding digs and jibes at the GSD record we still have not heard the real reasons why these particular increases to these particular individuals  
680 have been awarded away from ... 'because Peter Caruana did it like that and now Fabian Picardo does it like this'.

Gibraltarians, including myself, are simply none the wiser right now and, Mr Speaker, respectfully, who cares what the Chief Executive at the GHA once got erroneously, unjustifiably or otherwise? Who cares, Mr Speaker? That was then and this is now. A new dawn Government,  
685 a stronger foundations administration, reminding us constantly of the last six years in a motion which is absolutely unnecessary and inappropriate for the purposes of this discussion, in the same way as was the statement of what the Leader of the Opposition may have said on a chat show a few weeks back.

Personally, I remain flabbergasted by the lack of substance and huge waste of ink on spin on this amendment to the original motion, which does not go far at all to justify in real terms this  
690 increase for these two individuals.

Thank you. (*Banging on desks*)

**Mr Speaker:** Any other contributor? The Hon. Trevor Hammond.  
695

**Hon. T N Hammond:** Mr Speaker, I have to thank the hon. Lady for her contribution there (*Laughter*) because it echoes my own feelings on the substance of what the Chief Minister said; and to some extent I have to thank the Chief Minister for his intervention also, because it does demonstrate how out of touch he has become (*Laughter*) with what the people are thinking in  
700 Gibraltar.

Yesterday we had the intervention where £400,000 for the Hong Kong office, and £250,000 salary package associated with that office, was described as peanuts. Well, of course, certainly to most people, it would not appear to be peanuts. Today we have this nonsense amendment, quite frankly, which goes into all kinds of ridiculous details in which numbers do not even add up  
705 or are not realistic. I am not going to go into the detail as I am sure my hon. Friend, Mr Clinton, will go into the detail on that.

One point that does need to be made is with reference to the salaries of the Chief Executive, although why it is raised in this particular motion I do not know. The Chief Minister has omitted the fact that when the Chief Executive of the GHA became a civil servant, whilst he includes his  
710 salary, he does not include what his pension package is also. As a whole I suspect that, combined with his salary, would be considerably more than the previous incumbent would have been earning as Chief Executive of the GHA.

Then the Chief Minister also said it is strange that the Hon. Mr Clinton should choose to single out individuals which, I might add, is precisely what he has done; not only singled out but  
715 named individuals in his own motion. The reason why the Hon. Mr Clinton singled out these individuals is because the Chief Minister effectively singled them out himself by permitting this pay award to proceed, a 28.21% pay award.

I must admit when I read it I thought it must surely be a typo, perhaps the decimal point is in the wrong place but no, sure enough, it is not a 2.821% pay award it is a 28% pay award. It is  
720 utterly obscene. People do have the right to know why these individuals were awarded a pay award of that level; the taxpayer has a right to know that it is getting value for money for this. I really wish that the Chief Minister had stood up and just answered the motion with an



725 explanation. Perhaps workload has increased, perhaps terms and conditions increased, perhaps something has changed to warrant such a pay award, but nothing in the Chief Minister's intervention, nor his motion, have indicated that.

730 As I say those pay awards may indeed be merited, I do not know. It would have been a far better tactic, and shown much more that the Chief Minister is in touch with what people are thinking, if he had adopted that approach rather than the tactic that has now become usual, which is to rake over 20-odd years of history as he sees it and decisions that were made in the past.

735 The hon. Lady is right, we do not live in the past, we live in the present and people want to know why these pay awards were made to these individuals on such a scale, bearing in mind, as has been stated already, that the minimum wage was increased this year by half a percent. So the lowest earners received virtually nothing and certainly as part of the monthly salary, it really is virtually nothing; and yet the very highest earners in our community receive, effectively, a £34,000 increase. Do not quote me on that because my maths... I have just worked that out very quickly, but what looks to me like a £34,000 increase.

740 So when we are talking about the alleged part-time salaries of those on these Benches, well for most of us that equates to precisely almost what we earn on these benches. And the reality is, as the Chief Minister and those in the Government benches know, the work of Opposition does not just take place on two days of the month in Parliament or three days of the month in Parliament. The work of Opposition is ongoing all the time.

745 We do work hard, as I am sure the hon. Gentleman worked hard when he himself was in Opposition. It is a fact and it is an important part of our democracy that we do. We do not just work on the days that we are here in Parliament, we work every day of the week – *every day of the week* – to deliver as strong an opposition as it is possible to deliver.

750 So I would ask that the Chief Minister consider the motion that he has laid before this House and consider actually giving an appropriate response to the original motion which will satisfy the general public and the taxpayer of Gibraltar, and will demonstrate to this community that he is genuinely transparent and that he does want people to know the reasons why certain things are the way they are – rather than trying to hide that in a raft of statistics which are, frankly, historical and largely meaningless.

Thank you, Mr Speaker.

755 **Mr Speaker:** Does anyone else wish to speak on the amendment?

The Hon. Roy Clinton.

760 **Hon. R M Clinton:** Mr Speaker, bean counting data indeed! I am sure the Financial Secretary would be delighted with that use of terminology by the Chief Minister.

We are talking about the real pay of real people with real money, which is extracted from the taxpayer. All I have heard from the Chief Minister today in his amended motion is a smoke screen, a complete diversionary tactic by the Chief Minister.

765 I recall, and the Hon. Joe Bossano will be able to correct me, that when he first came into power, and I remember this because it made an impression on me, one of the first things he did when he got into No. 6 was he cancelled the lift that had been ordered on the basis that it was a waste of money and could not be justified.

770 **Mr Speaker:** May I correct that? That is incorrect. I cancelled it during the three months that I was Chief Minister. *(Laughter and banging on desks)* **Hon. Chief Minister:** It was fitted the minute the GSD arrived!

**Hon. R M Clinton:** Well, Mr Speaker, I apologise if that was indeed the case, my memory is obviously hazy. In any case, unnecessary expenditure when it is identified is obviously where you can not incur it and certainly where you do not see the justification or the logic for it.

775 All the Chief Minister has argued in his motion is that a particular logic should be followed because that was the logic of the previous administration and he is only following that logic. He has no discretion. But, Mr Speaker, as you have just demonstrated there is discretion for administrations that come in. Who says these grids are set in stone? Who says that whatever is said before is what has to go in the future?

780 There is only one thing in his motion which I found of value, and only one other thing that he said, in fact. He said, in his motion:

therefore considers and accepts as absolutely correct, the decision of the Chief Minister ...

– the decision of the Chief Minister, mark you –

... that the adjusted salary of the Chief Secretary and Principal Auditor should revert upon the retirement of the existing post holders, to that of their formerly provided for as annually adjusted ...

785 Now that, to me, Mr Speaker, and the Chief Minister no doubt will correct me, means that the *New People* was in fact correct today, that these salaries are personal to holder, which is not evident from the Estimates Book. And for that, if he confirms that, I am grateful. But then again it still raises the question, why pay them these higher salaries for the remaining period of the time they are in the Civil Service? I believe both of them have indicated they are going to retire. I do not see the value to the taxpayer in this.

790 All I have heard today is what appears to be wage inflation driven by jealousy and nothing else. Why has the Chief Minister not referred to the Head of Gambling Regulation who earns £204,000? Okay, he is employed by GDC. What about the Finance Director of the Gibraltar Development Corporation? He gets £156,000. And what about one of the other Jimmys, as we all know in the Finance Centre – Senior Finance Centre Executive, Insurance – and this is on the Government, £165,000? So where is the linkage to them, what is the logic, why pick on the  
795 GHA? Why say hey, I have abolished the post therefore we are going to go back? It is a constructed logic; this is the fabrication of an argument and he knows it.

I have not heard a single word in his motion or today, that actually justifies to the taxpayer why these two postholders should, albeit for a limited period of time, merit these pay awards. If he had come to us and said, ‘Well, this House should recognise the exceptional effort these  
800 postholders have made and therefore just for them, personal to holder I am going to give them an extra amount because they are such great people’.

But no, he has not said that. All he has said is, ‘Well, the GHA Chief Executive got this, and now he is a civil servant and he got that; and these guys did not like it so they came to me and said, “No, no, we want more than him”, and therefore I thought okay that is fine’. Mr Speaker,  
805 that is completely ridiculous. It does not happen in the private sector, I do not see why it should happen in the public sector.

The one comment he made, and perhaps he could clarify to this House, when he said, ‘Well, I consulted with the Financial Secretary and the Attorney General and they were fine with it, because the other two were not on contracts’. What does he mean, ‘not on contracts’? Is the  
810 Attorney General on a contract? is the Financial Secretary ... although we know he is on secondment? But is the Attorney General on a contract? What does he mean by that? Is that the reason why they are not jealous because they have got signed contracts and therefore for them they do not care?

815 So, Mr Speaker, this motion is absolute bunkum and in fact, in a peculiar kind of way, I am grateful to the Chief Minister because he has just made a complete pig’s ear of addressing my motion, in that all he has done is demonstrate that the pay of the Civil Service is complete nonsense. There is no merit to these increases; all it is, is relativity. ‘He gets more, I want more; he gets more, I want more too’.

820 The taxpayer does not live in this world, at the top of the Civil Service where they feel automatically entitled just because ‘A’ gets this I should get this too. What world are they living

in? This is not the world that the average Gibraltarian lives in. Somebody on the average salary cannot go to his boss and say, 'Well, the next company down the road gets this and I want much more'. This is just does not happen. And if they are so unhappy well let them leave, frankly. If they are not happy with their salaries, go get a job in the private sector and let's see how much  
825 they get paid. (*Interjection*) Yes, yes. These posts are the most senior civil servants, or one of the most senior civil servants in Gibraltar, and they should be setting an example, and not basically encouraging wage inflation based on what would appear to be relativity and jealousy.

So, Mr Speaker, I would be grateful if the Chief Minister would just address two points for me, because I obviously cannot support this motion. Two points, Mr Speaker. One is: are these  
830 increases personal to holder for both those grades? Secondly, what were these two contracts he referred to in respect of the other senior civil servants?

Thank you, Mr Speaker.

**Mr Speaker:** Is there any other contributor to the amendment? If not, I will ask the Chief  
835 Minister to reply.

**Hon. Chief Minister:** Well, Mr Speaker, I was going to start by replying to the hon. Lady. In order to take the contributions as chronologically as possible, I want to reply to the hon. Lady who delivered the speech that she had written before I had spoken magnificently well, with  
840 passion and with eloquence. She is growing into the role but, Mr Speaker, I had actually and fortunately dealt with all the points in her speech during the course of my contribution.

Now it is all very well to say it is just the GSD versus the GSLP, etc. and it is populist to say that. But actually I had addressed all of the points that the hon. Lady raised, and I addressed all of the points that arose in respect of how we had brought *down* the salaries of the Chief  
845 Executive of the GHA and how we have removed the Chief Executive of the GHA.

And frankly therefore, when she looks back on her contribution today and she looks at what I said before she got up to speak, I think she will find that I did not engage just in, 'GSD did, well  
850 GSLP Liberals will do now'. I engaged in, 'GSD did, historically all Governments have agreed, this is what the GSLP did to undo and reduce the cost to the taxpayer'. Because we are the ones who represent the working classes of Gibraltar; we are the ones who want to reduce the cost of doing business in Gibraltar for businesses and reduce the bill where it is unnecessary.

I have given an example, Mr Speaker, of how we have done that in respect of this particular post of the Chief Executive of the Health Authority in the context of everything I said before she got up to reply to me. And I explained why it was that these two – in fact, four, but I will come to  
855 the issue of why it is only two – had to have, in honouring an agreement, and the Government must always honour its agreements, whether it likes them or not, if there is an agreement, and with the civil servants the agreements are sometimes conventions, and why these two had to get those increases.

But I will tell her, Mr Speaker, although I thought she was eloquent in the way she did it, I  
860 was very disappointed in the logic that she brought to it because it fails to understand everything that I had put. But she demonstrated one thing: she demonstrated that the next person I am going to address was utterly foolish in the things that he said about her on Monday, because I did not see her bringing out the pompoms to support me. In fact I thought that she probably did a better job of attacking us than he did.

Mr Speaker, to have heard Mr Hammond say that we are out of touch ... well, absolutely  
865 everything that Mr Hammond says in the context of the political debate in Gibraltar has to be seen through the eyes of the campaign he led – and I say he led it because the Hon. the Leader of the Opposition has given him the credit for leading it – in respect of the LNG facility at the North Mole. He was telling us before the last election that we were out of touch with the  
870 concerns of people in the area, that we were putting our community at risk, that we were creating a terrorist threat for our community.

Well, Mr Speaker, it is clear that the person who was completely out of touch was him. He was so out of touch, he is now out of touch with himself, because I think he has been told either by his leader or by his priest, never to say the words 'LNG' again – or maybe by his conscience. 875 Because if anything that he had said before the last election rang true to him, he would be the first one to have been chained by the gates of the facility before it was erected. Yet we do not hear him utter the words 'LNG', so he does not have a clue about LNG and he goes off and pontificates about it. It seems to me that he lives in a world where it is possible to hold down a job and come here and say that you are doing politics as a full-time job and not see the contradiction! (*Laughter*) Well, Mr Speaker, look, his employers might have something to say for 880 it. (*Interjection*) I know he is not employed by the MOD, but there are lots of people who are employed by the MOD who were Members of the GSLP in Opposition in this House, who were able to marry both jobs and they were trade unionists to boot.

But in all of what they have done, and the hon. Lady is not guilty of this, but they are. In all 885 that they have done, he comes back and on top of that exacerbates matters and says, 'Yes, actually we are not well paid'. It just does not make any sense. He says, 'This is a full time job, we work so hard it is not just three days a month'.

Well, Mr Speaker, I just do not understand, he is left having to traduce what we say in order to try and win the argument. He is left having to suggest that we said that £400,000 was 890 peanuts. Those words did not cross our lips. We said it was probably the lowest cost to any government to operate an office in China. It does not mean it is peanuts, it does not mean that we are not going to look after every single penny. But you cannot go to China and set up a barraca (*Laughter*) with a white sheet and four rods and say, 'This is the Gibraltar office'. It is hugely representative of us and the beach that we all love, but that is not what the Gibraltar 895 office can be, Mr Speaker. And if you want an office and you want someone to man it and you want a secretary it is going to cost you that sort of money. Peanuts come into it, Mr Speaker, but only in the context of, if that is what you pay you get monkeys.

Peanuts were first mentioned in this House by him in relation to that cost, not by us; and he is not going to get away with suggesting that we have said that £400,000 is peanuts. We have 900 not and we never would, Mr Speaker. *We never would*. We said it was the cheapest cost of any government operating in China, probably. Because if you think, that the offices of other overseas territories in China cost less than that from the discussions we have had, they cost much more than that.

Hon. Members try and catch us in a vice which moves so illogically and so slowly that it never 905 catches us. They tell us to do things but then they tell us those things should not cost money. 'When are we going to have the lifts in Rodney House; and in here, and in there?' 'Why are you spending so much on lifts?' I mean, Mr Speaker, if Benny Hill had had any dialogue in his sketches he might have been able to borrow it from the *Hansards* of what they have said in this House.

The hon. Gentleman mentioned the gold-plated pension of civil servants and said, 'You have not added that to the calculation'. No, I have not added that to the calculation because if we add it to the calculation, we have to add it to the calculation of every single salary in this book in respect of the Civil Service. So if he wants to talk about that, let's take any salary in this book and let's calculate what the pension is in respect of that. Let's calculate it just at the rates that Joe 910 Bossano has rightly brought in in respect of commutations; let's multiply it by 12, that is the value of the Civil Service Pension Scheme. One, by the way, that I will not forget them trying to claw their way into less than a year ago (*Laughter*) although they got rid of it for everybody else – *they had got rid of it for everybody else*; and I am sorry to say that to the hon. Lady, but they got rid of it, Mr Speaker. One day I am not going to mention what the GSD did in Government and she is going to get up and accuse me on that day and say, 'The hon. Gentleman behaves as if 915 history will teach him nothing.' Well, look, Mr Speaker, in some instances history teaches me what the political trajectory of this community has been.

925 The hon. Gentleman is right, I may have failed; I may have failed in one particular respect. I could have made an even better argument if I had calculated the 25% gratuity in respect of Mr McCutcheon's wage, which I did not calculate. I did not look for that and I will look to see whether he was entitled to it, because every single officer that they recruited from outside was also entitled to an annual 25% gratuity. So I may have got my figures wrong, the increases may have been even higher that they presided over!

930 He says that we are out of touch because people do not care about this. Well look, Mr Speaker, we know different people. It appears that I know 68% of the people and they know 32% of the people, and the 68% of the people that I know are very interested indeed every time that we uncover some of the things that they got up to whilst they were in Government ... the things that their Leader, who was a Minister in the Government, was responsible for doing.

935 The hon. Gentleman talked about the minimum wage and what the increase in the minimum wage has been, only 0.5%, hardly nothing in the pay packet, and I am grateful that he did that. Not because it embarrasses me but because I had forgotten to deal with it in the context of the opening speech by Mr Clinton. I have done the exercise, Mr Speaker, in the context of a question that the hon. Lady asked me. She rightly has not raised that issue because she had the answer from me that in the five years since I have been Chief Minister the minimum wage has gone up 15%, and public sector salaries have gone up 14%.

940 I do not know if the hon. Gentleman was not here that day, maybe that day he could not marry his other full-time job with this full-time job and did not get the memo about the answer I had given. Well, look, Mr Speaker, it is one thing to cancel a lift ... you want a lift or you do not want a lift. These days in a Government building you are probably likely to need a lift because the building has to be accessible to people with disabilities. There could be a disabled Chief Minister in the future, there is no reason why there could not be and he needs to get to his office.

950 Adolfo Canepa decided that there should not be a lift when he was Chief Minister, Mr Speaker now. Joe Bossano when he was Chief Minister, the hon. Member thinks that it was also put to him. (*Interjection by Hon. J J Bossano*) The Civil Service is sometimes relentless, Mr Speaker, when it wants a lift (*Laughter*) and he said no too. I did not have the choice, Mr Speaker, when I arrived at No. 6 Convent Place there was a lift. Now I do not mean to incur the hon. Lady's wrath, but if it did not happen when the GSLP was there and it was there by the time the GSLP got back, it must have happened when the GSD was there.

955 Look, what you cannot do is be accused of things and then not say, 'Well, hang on, you did them too!' And the hon. Lady needs to understand that in the context of this reply I am not saying, 'You did it too and that is why I can get away with it', which is what she was implying. I am saying as much in a reply to Mr Clinton as to her, they did it and we are undoing it. But in the context of undoing it we are obliged to comply with the agreements entered into by former Governments.

960 I have given effect to agreements when I was elected with which I did not agree except for one particular instance. One instance where I believed that there was bordering an illegality. I took the matter to Cabinet and I told them this has been promised to a person who has been a former Minister and it is outside the policy rules; but there is a signed agreement and I am not prepared to give effect to it. And the Cabinet agreed that we should not. I went back to that person and I was threatened with legal action, but we prevailed because we were right. But where there is *an agreement* with the Civil Service, we have given effect to those agreements. We represent trade unionism and these agreements have sometimes been won by trade unions and it has got nothing to do with Luis Montiel, Mr Speaker, it was another Minister.

970 And that is why this is not a case of, 'You did it, therefore we will do it too'. This is a case of, 'You did it; we are undoing it'. We are getting rid of the Chief Executive, we are getting rid of that huge cost but there is this agreement in respect of civil servants and therefore we must honour it – and this answers Mr Clinton's question, although I had answered it already – but only on a personal to holder basis. And that kicks in after the book is printed, because the Chief

975 Executive is going to retire much, much earlier than expected, and therefore we have the  
opportunity of undoing the increases for future postholders of the posts of Principal Auditor and  
Chief Secretary, and therefore they *are* personal to holder. The Principal Auditor has already  
indicated that he is retiring, the Chief Secretary has not yet done so, but these salaries are  
personal to holder. Another thing that the hon. Gentleman can notch down to the *New People*  
980 having told the community correctly.

When the hon. Gentleman talks about the Head of Gambling and the Finance Centre  
representative, these people are not civil servants, Mr Speaker. Therefore the civil servants have  
not made the argument based on the agreement that equates them with other civil servants.  
That is why we are not making it with the £204,000 salary of the Gambling Commissioner. That is  
985 why we are not making it with those who work in the Finance Centre Department; and that is  
why we are not 'picking on' the GHA, we have a situation in the GHA where a Civil Servant took a  
salary in a job that had to be equated.

But for him to say, that it does not happen in the private sector is an absolute joke. It is an  
absolute joke, Mr Speaker. It might not happen in public companies with activist shareholders  
990 but I can tell him it happens in very many private companies, some of which I am aware, some of  
which I have been involved in, people get huge pay rises. But I am not surprised that in all his  
time in the private sector he never had one.

I am not surprised because if this is the standard of work that one can expect, this sort of lack  
of research, this apparent opportunity of having a shot which then turns out to be a blank, well it  
995 is a dud. Frankly it is unfair, Mr Speaker, in particular for him to have got up because he is angry  
with me, and said that this is wage jealousy; to have spoken as badly of the Civil Service, at least  
of senior civil servants as he has, to have declared himself as he has ... and I have no doubt that  
once I sit down the Hon. the Leader of the Opposition is going to get up, he is going to get up,  
they are going to try and have a go and they are going to try and undo all the damage. But he  
1000 has declared himself today an enemy of the Civil Service.

And, Mr Speaker, frankly, to have said that two people of the calibre, postholder and  
individuals in post, of the Principal Auditor and Ernest Gomez, have acted out of wage jealousy,  
is absolutely unbecoming of who I thought he was. We may be at political loggerheads but I  
really did not think that the bitterness of losing an election had corroded him to such an extent  
1005 that he would get up here and say that those two postholders, those two individuals, had acted  
out of wage jealousy. I have only seen a tongue so out of control before in the mouth of the  
current Leader of the Opposition, and it does not behold him to continue down that path.

To say that I have made a pig's ear of a debate where I have demonstrated that the things  
that he wanted to prove are unprovable, shows to me that the frustration and the desperation  
1010 has got to him to such an extent that he has nothing left in the tank. He has carried out a direct  
attack on these two senior civil servants to such an extent that it has culminated with what I  
think is the most disgraceful suggestion I have heard in this House since I have been here, and I  
have heard many – because the man they sometimes call the greatest Gibraltarian of all time,  
sometimes said some things that I think even he regretted when the red mists lifted.

1015 He has said let them leave if they do not like their salaries. Well, look, Mr Speaker, the world  
today is full of argument about why populism in politics is the wrong thing. If he thinks he is  
going to ride a wave that is going to lead him into Government simply by agitating on the  
salaries of these two senior civil servants and saying senior civil servants act out of wage jealousy  
and they do not live in the real world, that is not the Gibraltar that there is out there. Mr  
1020 Speaker, he and I live in a different Gibraltar.

In a different Gibraltar because most of the people I know are on very low salaries. None of  
them disrespect the Chief Secretary and the Principal Auditor when they are in the Government  
service in the way that he has today. Because it is also true, Mr Speaker, that apart from Mr  
Llamas who is himself a civil servant, and I think that Mr Reyes is now a pensioner, the only  
1025 Member on the benches opposite who is actually entirely full time is him. Now, Mr Speaker, he  
gets to work a couple of days a month, does what he wants as a Member of the Opposition the

rest of the time, when I happen to see him it is usually enjoying a coffee, whilst the Chief Secretary is hard at work and whilst the Principal Auditor is hard at work at their relatively high salaries, and whilst the people who are less than him and less than the Principal Auditor are either opening up a road or doing the work that they do hard at their desk. And he says, if they do not like it and they are acting out of wage jealousy let them leave, the whole of the Civil Service pay scale is just based on relativity.

Well, Mr Speaker, I think that the contempt he reflects for the Civil Service is a contempt that the Civil Service will reflect to him. I think it will reflect to him and this *Hansard* will mark a seminal point in his political career, one from which I predict he may never recover.

So the position that I have set out in the amendment to the motion is the only position that I believe accurately reflects the position, not just because it shows what the GSD did and why therefore we are able to do what want to do, which is to reduce salaries, but why it is right, proper and appropriate to do what we have done; and why the hon. Lady, if she took an objective view and was sitting on this side of the House after the 2011 election, in delivering a new dawn and building the strongest foundations, would find that she would have done exactly the same thing.

For that reason, Mr Speaker, I commend the amended motion to the House. (*Banging on desks*)

**Mr Speaker:** I now put the amendment in the terms moved by the Chief Minister, to the vote.

Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The amendment is carried by a Government majority.

So we now have the motion as amended before the House –

**Hon. Chief Minister:** Can I rise on just a point of order?

I am loath to do so, but I said something and I now have the answer and I will just tell the House that in fact Mr McCutcheon *was* entitled to a 25% gratuity on top of the amounts that I have delivered.

I will just say that by way of information. Tax-free.

**Mr Speaker:** So I will now put the motion as amended, that is now before the House. Anyone who has not spoken on the original motion may now speak.

As there is no contributor, I will call on the Hon. Roy Clinton to exercise his right to reply.  
The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

Today we have seen the proof that has been long sought as to whether Father Christmas exists; I believe we have him personified in the Chief Minister himself.

The issue I raised in terms of the senior pay grades of the Civil Service, he has completely failed to address, and in this amended motion which completely sidesteps the issues I raised. These are issues not of my imagination, these are issues which also in the UK Civil Service has obviously exercised their brains because they realise that the most senior civil servant sets an example to the rest of the Civil Service. And it is a bit rich for those at the top of the pyramid, so to speak, I will quote *Hansard* where the Chief Minister said on 24th November 2016 at paragraph 345:

Since the representations made by the Principal Auditor ...

So these civil servants went to the Chief Minister, cap in hand, and said, 'Well, Mr Chief Minister, you know this is grossly unfair I believe I need to have more, please will you give effect to this?' And yet the Chief Minister tells us that this is something that was agreed by a previous

administration and it has taken him five years to get to it – five years, Mr Speaker. (*Interjection*) Mr Speaker, may I continue?

**Mr Speaker:** Yes, of course, continue.

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**Hon. R M Clinton:** – five years, Mr Speaker, and his only excuse for that is, ‘Oh, well, there was a civil servant who took up a post in the GHA and somehow that threw everything out of kilter.’ Mr Speaker, in terms of the pay of the senior civil servants what difference does it make? Are they going to do more in their current job, what is it that they are going to give to the taxpayer to justify this pay increase?

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It may be that the Chief Executive, the current incumbent civil servant who took over the role of GHA Chief Executive, and funnily enough the Chief Minister has chosen this very peculiar route to announce to the GHA that he has just abolished their chief. I do not know what the world will be like tomorrow in the GHA without their chief. But frankly, perhaps this civil servant had specialist skills for the GHA, as indeed perhaps the previous incumbents had; as indeed perhaps the various people employed within the Gibraltar Development Corporation. And I would point out to the Chief Minister that the Finance Centre Insurance Executive is actually listed as a civil servant in the Estimates Book, at £165,000.

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I have not heard anything that the Chief Minister has said in recommending this motion as to why these types of pay increases are merited. There is nothing that tells the taxpayer what it is that they are getting in return. What is the return to a taxpayer of this increase? I have not heard it. Neither has the Chief Minister, or perhaps he has conveniently forgotten to tell the House, what were these other two contracts he referred to in respect of the four senior civil servants and they did not mind about this type of increase? Presumably they had contracts, but he has not come back on that. No doubt it is a subject that perhaps we will come back to at some future point in time.

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Mr Speaker, he then goes on to muddy the waters with his motion and his speech by talking about, ‘Well, the Members opposite get this, and they did this, and this was done then.’ But, Mr Speaker, that has nothing to do with my original motion. And besides, the subject of remuneration will be discussed in the Select Committee which we have set up this afternoon, on parliamentary reform. It is my personal view that the salaries of Members of this House should not be set by ourselves. It is obviously a huge conflict of interest and it should be done on the basis of external recommendation, without pre-empting the work of the Select Committee.

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By the same measure I would argue that those at the top of the Civil Service should accept the same yardstick, and there should be somebody set up to determine what it is that these people should be paid, benchmarked against perhaps posts in the private sector or in the public sector in the UK, some other means of measuring what it is that the job they are doing is worth.

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Mr Speaker, in a way I am grateful that the Chief Minister has clarified that these posts are now personal to holder and yet on the other hand with one the Chief Minister has already admitted to is going to retire, it does seem rather convenient. And I say that with measured words.

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I have not attacked the Civil Service. (*Interjection*) I have not and I will have it on *Hansard* that I have not attacked the Civil Service. What I have attacked is the lack of a meritocracy at the top of the Civil Service; whereas it is the Chief Minister’s gift, and I use that word loosely, to give whatever salary he sees fit to whoever walks into his office. He says, ‘Oh, well, this House approved these salaries’. Well, Mr Speaker, we may have approved the Budget as a whole but I did raise in Committee a question about this salary increase and he offered to give me the information. I wrote to him and he did not give it to me. He did not give it to me in the House then, he has not given it to me subsequently and he has not given it to me now. So the only way to get the Chief Minister to somehow react to my letters, which he so much loves, is to present a motion to this House.

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I put him on notice now, that for every letter I write to him and he does not reply I will bring a motion to this House. (*Interjection*)

1130 **Mr Speaker:** Order.

**Hon. R M Clinton:** Because he loves my letters so much. In fact he loves my letters so much I can just imagine him handling them with such love and looking at the envelope and saying, 'Oh, look, Parliamentary, Urgent – ha, ha, ha'. Well, no, Mr Speaker, if he asks me to write to him and I write to him, I expect a response. And if he cannot write and give a response then he should not be Minister for Finance, resign that position and let somebody else do it who can, because obviously he cannot. (**Several Members:** Ooh!) He may not have the time to do it, so give it to somebody who can. (*Interjections*)

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1140 Mr Speaker, the public will remember that he has not given an answer today and I want *Hansard* to reflect that he has not given an answer. He just said, 'Well, the GSD did this, the GHA did that ... blah, blah, blah ... the Members opposite get paid this'. No answer. He has set up a perfect smoke screen, a barrage of completely irrelevant information in respect of the original motion.

1145 Well, Mr Speaker, if that is what he wants to do, if that is what he believes the people of Gibraltar will believe and are happy to accept from this magnificent Chief Minister we have opposite, this worker of miracles – then fine, let him try. But I can tell you it will not be me who will go down in history today as having attacked the Civil Service. It will be him who will go down in history as having been the Chief Minister who has taken the taxpayer for a ride.

1150 Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** I will now put the motion as amended to the House. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) Carried by Government majority.

#### ADJOURNMENT

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn, but I do so conscious that we started on a sorrowful note today, conscious that this is a festive season, it is the Christmas of the Christian, Catholic religion, it is the Hanukkah of the Jewish religion, it is a time for us of Merry Christmas and for them of Happy Hanukkah, and for many others of Season's Greetings and I extend sincere Season's Greetings to all Members of the House.

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1160 I extend all the very best for Christmas and for Hanukkah and for whatever relevant season, to all members of the community and I wish that we all have the opportunity of enjoying this joyful time with our families.

I shall look forward, Mr Speaker, to meetings next year, a year that I hope will be a very good year indeed for Gibraltar, although that is not to say that it is not going to be a complex and difficult year that we will navigate together.

1165 Mr Speaker, I extend all of those wishes also to the Chief Secretary and the Principal Auditor, at least on behalf of this side of the House and I move that the House do now adjourn *sine die*.

**Mr Speaker:** May I ask hon. Members to sit for a moment because I would like to extend my best wishes and those of the members of my staff to all hon. Members. May they have a very happy and peaceful Christmas and I wish them every blessing in the New Year. In spite of whatever headaches they may sometimes give me which sometimes elicit a loss of temper, I do enjoy being here enormously and I really look forward to seeing you all again in 2017.

1170 Thank you very much. (*Banging on desks*)

**Several Members:** Hear, hear.

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**Mr Speaker:** The House will now adjourn *sine die*.

*The House adjourned at 6.26p.m.*