



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

**Gibraltar, Wednesday, 20th January 2016**

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# The Gibraltar Parliament

*The Parliament met at 10.00 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:** Meeting of Parliament, Wednesday, 20th January 2016.

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

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

*Mr Speaker signed the Minutes.*

## PAPERS TO BE LAID

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

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

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

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

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

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### SPORTS, CULTURE, HERITAGE AND YOUTH

Q1/2016

#### Gibraltar Music Festival 2015 – Net cost

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Next question.

**PERSONS EMPLOYED BY SPORTS AUTHORITY**  
**AS AT 1 JANUARY 2016**

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

\*Supernumerary

**Q3/2016**  
**Gibraltar Sports and Leisure Authority –**  
**Staff vacancies**

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

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

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

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

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**Mr Speaker:** Supplementaries arising from Question 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### Q4/2016

#### Special sports and leisure events – Grants re hosting of events

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

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

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

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

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

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

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

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

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

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

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



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

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**TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES**

**Q32/2016**

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

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

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

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

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

Thank you.

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

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

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

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

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

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

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

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

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

**Hon. L F Llamas:** Okay, thank you.

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

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

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

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

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

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

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

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

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

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

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

**Q34/2016**  
**Family Centre –**  
**Details of plans for development**

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

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

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

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

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

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

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

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

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

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

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

**Q35/2016**

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

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

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

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

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

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

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

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

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

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

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

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

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

425

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

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

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

445

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

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455

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

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

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

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

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

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

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

Thank you.

**Q36/2016**  
**Gibraltar International Airport –**  
**Flight information display screens**

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

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

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

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

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

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

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

Mr Speaker, the Gibraltar Airport is very conscious of how important it is to ensure that these screens are updated. It may be that from time to time there are issues with information that we may get, but this is rare. It may be that on the occasional point that it happened Mr Llamas happened to be at the airport, but I am assured that this is not something that happens regularly and there is absolutely no need, I think, for me to give an assurance, because the Airport have already given me the assurance that they are very, very conscious to ensure that this is updated, of course regularly and every time it needs to be changed. That there may be technical hitches on a one-off, well that is unfortunate and no one wants it to happen, but of course it is not something that is intentional and it is not something that we accept should happen. But if it happens, it happens as a one-off and sometimes technology may give you problems.  
535  
540

Thank you for pointing it out, because of course the minute I asked the question I asked what could have happened, and I was told that there was something on Facebook just before Christmas, but it was a one-off. These things happen, but certainly our standards are the highest that we always strive to have, Mr Speaker.  
545

Thank you.

**Q37/2016**  
**Gibraltar Literary Festival 2015 –**  
**Total net cost**

**Clerk:** Question 37, the Hon. E J Reyes.  
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**Hon. E J Reyes:** Can the Government provide full details of the breakdown of all income generated, expenses incurred, and thus net total cost of the 2015 Gibraltar Literary Festival?

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

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

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

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

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

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

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

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

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

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

585

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

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

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



**Q39/2016**

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

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

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

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

605

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

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

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

615

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

**Q40-41/2016**

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

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

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

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

625

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

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

630

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

635

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

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

In answer to Question 41, there will be 21.

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

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

Thank you.

#### Q42/2016

#### Government rental homes – Vacancies and reallocation

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

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

660

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

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

665

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

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

670

Answer to Question 42

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

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

**Q43/2016**

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

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

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

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

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

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

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

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

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

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

**Hon. E J Reyes:** No, Mr Speaker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Q45/2016**

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

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

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

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

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

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

Answer to Question 45

Waiting List

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

Medical

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

Social

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

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

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

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

780

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

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

785

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

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

790

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

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

795

The answer to Question 47 is nil.

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

800

**Mr Speaker:** £6,019,854.68.

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

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

**Clerk:** Question 48, 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 1st July 2015, providing a breakdown showing the number of homes involved and to whom payments were made?

810

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

815

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

**Q49/2016**  
**Government rental homes –**  
**Tenants requiring urgent decanting**

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

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

820

825

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

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

Tenants returned in July, August, December and January.

**Q50/2016**

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

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

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all expenditure incurred in this current financial year 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?

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

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

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

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

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

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



**ANSWER**

865

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

Mr Speaker,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Q51/2016**

**Same-sex marriage –  
Government position**

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

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

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

875

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

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

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

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

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

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

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

900

**Hon. D A Feetham:** Mr Speaker, just so that I understand further Government's thinking in relation to this, is the Government's position that if sufficient members of the public in Gibraltar were against gay marriage, that irrespective of what the Government's, or individuals' within the Government's, position is as to whether the current state of affairs is discriminatory, that they would go with the majority of those who were effectively consulted at the expense of what is the principle of equality that they have outlined and subscribed to in their manifesto?  
905

**Hon. Chief Minister:** Mr Speaker, the position is very clear and I know exactly what sort of mischief the hon. Gentleman is trying to make in political terms – it is obvious and I am surprised that he appears surprised that I put it that way. We are out for consultation, we want to take the views of people that have taken the time to provide feedback in respect of that consultation, and I think it is right and respectful that we should therefore have the opportunity to consider those views.  
910

I have made my personal views clear, others have made their personal views clear, but the question is to the Government. The Government has been elected on the basis of a manifesto commitment and has acted entirely in keeping with that manifesto commitment by setting out in a Command Paper which is a draft Bill that amends an existing Act in order to make equal marriage a reality so that we can take those views.  
915

Look, since when are consultations simply exercises in weighing up those who say yay and those who say no. If you want to do that sort of consultation you call a referendum, something which the Government is not intending to do in respect of this matter.  
920

So Mr Speaker, the position I think could not be clearer. I know that recently he has stated what his position is, it is not the position that was in their ... well, I hesitate to call it manifesto – in the document which they issued in which they gave an indication of what their policies might be if they were ever to complete a manifesto in time for the General Election.  
925

So Mr Speaker, I think our position is clear.

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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

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

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

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

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

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

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

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

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

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

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

1040

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

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

1050

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

1055

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

1060

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

1065

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

1070

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

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

1075

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

1080

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

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

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

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

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

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

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

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

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

1120 But I would really, sincerely seek that this be an issue that be dealt with if possible on the basis of all parties moving together. This is an important progressive matter on which our community needs to not see itself as divided, but see itself as united in dealing with an issue, which for some people, in sexuality and sexual orientation, for some people, is very hard indeed. Not for those who might be against those who have a sexual orientation doing a particular thing, like marriage, but for those of a sexual orientation which is not what one might have called the established traditional mainstream in the old days.

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

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

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

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

Would you not agree?

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

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

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

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

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

1175

**Mr Speaker:** Next question.

**Q52-55/2016**

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

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

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

1185

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

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

1190

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

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

1195

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

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

1200

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

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

1205

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

1210

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

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

1215

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

1220

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

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

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

1225

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



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

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

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

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

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

So that is the answer, Mr Speaker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1325

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

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

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

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

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

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

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

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

1345

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

1350

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

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

1355

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

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

1360

*(Laughter)*

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

1365

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

1370

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

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

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

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

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

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

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

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

1405

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

1410

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

1415

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

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

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

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

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

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

1450

**Q32/2016**  
**Care Agency nurses –**  
**Further supplementary questions**

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

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

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

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

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

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

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

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

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

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

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

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

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

But thank you very much.

## TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q59/2016

### Upper Town escalator – Occasions of unserviceability

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

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

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

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

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

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

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

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

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

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

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

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

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1540 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are talking about quite a lot of occasions in which the escalator is out of service and mostly he has said, it is because of the actions of children with this escalator, has there been any attempt to identify the children concerned and perhaps have a word with them, if it is a repeat of the same children basically playing with the escalator? Because the Hon. Minister will appreciate that of course it then causes quite a lot of inconvenience, particularly to elderly people living in the area.

1545 **Hon. P J Balban:** Mr Speaker, yes the RGP are informed and we catch children causing malfunction to the escalators because they abuse the stop button. The police do actually then go down to the schools and they engage with these minors, and that is as much as the RGP apparently can do in that respect.

1550 We have a protective device, because obviously Government finds that this is also unacceptable that the escalator keeps on breaking down for this reason, and what used to be a stop button which was clearly available, at the reach of most people, had a protective device placed over it, so now it is actually harder. You cannot just kick the button for it to stop working, you have to physically ... I think there is a protective cover that goes over it, so it is even worse than that.

1555 But yes, the police are informed when we catch the culprits and they engage in their own ways.

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

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

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

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

**Q60-64/2016**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1660 **Hon. P J Balban:** Mr Speaker, the road to the south route, because of the way the buildings are structured, because of the industrial park, because of Gibdock and because of the land available in that area, it is impossible to have a two-way route along that road. Otherwise that would have perhaps made the road to the south something which would have been reasonable to consider and we would have taken further.

1665 The fact that this road would only provide one-way traffic and depending on the time of day, very much depends on where the flow traffic is going to, so it would need ... I mean if things were to work as they should, traffic is greatest heading north in the mornings and then the reverse happens in the evenings. So you have to have a system where the direction of the road would have to be changed depending on the time of day. So that is not a possibility.

1670 Now should there be any other change within the area, if ever there was a possibility of gaining more ground, then it is something which could be considered. We have had as part of the Plan, feedback from people, especially the users of the industrial park and people who have their commercial businesses there. On a busy day, that is an area which is very congested, to actually have a road going through there is something which is seen as not indicated and would perhaps cause more obstruction.

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

1675 **Hon. T N Hammond:** Mr Speaker, sorry, I may have misheard the original answer because it was lumped in with a lot of other answers, and I thought may be contradictory to what the Minister has just said.

1680 Could he just confirm then that at the moment no present routes are being explored by Technical Services?

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

1685 We are very limited unfortunately because of the geography and Gibraltar's space to be able to provide that second access road which would be ... The Traffic Plan has stated clearly that it would be beneficial to the traffic flow, but unfortunately we do not seem to be able to provide ... It will not be possible yet but we are still exploring, the Technical Services are still looking at other ways of going about it, but it is still in a very early stage.

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

1695 **Hon. P J Balban:** Mr Speaker, we are always looking at different options, we are always looking at different ways that we can perhaps look at the same thing from different angles and although both routes have been explored at present, they do not seem to be beneficial – especially the one that we looked at initially which was via the estate. That is not viable.

1700 **Hon. T N Hammond:** Mr Speaker, with reference to Question 62, and the temporary roundabout, can I ask the Minister that while I appreciate that it may be developed as part of what I think will be Ocean Spa Plaza, that the roundabout will be put in place prior to the completion of that development, because the road state in that area is pretty poor right now – or at least, if it is not made a permanent roundabout, until the completion of that project, that the roads are fixed in that area because at the moment they do represent something of a hazard?

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

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

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

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

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

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

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

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

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

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

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

**Q65-66/2016**

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

1760

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

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

1765

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

1770

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

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

1775

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

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

1780

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

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

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

1785

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

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

1790

**Q67/2016**

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

1795

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

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

1800

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

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

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

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

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

**Q68-70/2016**  
**Bus service –**  
**Replacement of vehicles**

1815

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

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

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

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

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

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

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

1835

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

1840

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And then it says:

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

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

1955

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

1960

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

1965

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

1970

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

1975

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

1980

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

1985

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

1990

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

1995

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2060

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

2065

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

2070

2075

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

2080

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

2085

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

2090

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

2095

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

2100

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

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

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

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

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

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

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

**Hon. D A Feetham:** And so what the Government is now trying to do is renegotiate aspects of that buy-back clause, is that what the Government is trying to do? Because that appears to be the indication for something that the hon. Gentleman, the way that the hon. Gentleman answered the question when it was originally asked.  
2130

**Hon. Chief Minister:** No, Mr Speaker, what we are doing is seeking to ensure that we do something called forward planning. In other words, that in terms of the exercise of the clause, where we think there could be some improvements which would assist in fact the Taxpayer and the provider to plan better for the purposes of the exercise of that clause which was negotiated at the time, talking about how that can be worked into the manner in which we exercise those clauses when they fall due and when we believe that they should be exercised in a way that ensures that Gibraltar always has the best buses available.  
2135

Mr Speaker, can I move that the House do now ... not adjourn, but **(Mr Speaker: Recess.)** recess until 3.15 this afternoon.  
2140

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

*The House recessed at 12.50 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

**Gibraltar, Wednesday, 20th January 2016**

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# The Gibraltar Parliament

*The Parliament resumed at 3.15 p.m.*

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

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

## Q35/2016

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

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

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

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

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

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

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

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

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

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

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

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

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

## TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q71/2016

Traffic plan –

Value-for-money highways enforcement

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

55 **Hon. T N Hammond:** Mr Speaker, in the manifesto, the Government have said that their traffic plan, without adequate enforcement, will not work and that different options for value-for-money enforcement have been considered. Would the Minister with responsibility for traffic provide some details on what options are being considered to provide value-for-money enforcement?  
60

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

165

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

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

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

170

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

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

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

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

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

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

190

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

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

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

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

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

210

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

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

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

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

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

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

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

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

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

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

**Q74/2016**  
**New rental bicycle scheme –**  
**Cost**

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

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

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

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

**Hon. T N Hammond:** Just so I understand, that includes the bicycles themselves or just the  
stations?  
265

**Hon. P J Balban:** Mr Speaker, the bicycles and the stations have been fully subsidised by a  
sponsor, and the software surrounding the scheme.

**Q75/2016**  
**Green vehicles –**  
**Incentives to owners**

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

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

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

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

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

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

290

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

**Q76/2016**  
**Disabled parking –**  
**Fairness of current scheme**

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

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

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

300

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

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

**Q77-78/2016**

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

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

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

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

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

320

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

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

325

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

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

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335

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

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

345

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

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

350

**Mr Speaker:** Supplementary – ?

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

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

355

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

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

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

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

#### HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

##### Q5/2016

##### Dog park – Cost, design and contract

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

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

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

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

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

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

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

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

Thank you.

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

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

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

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

425

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

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

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

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

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

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

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

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

#### Q6/2016

#### Pensioners' Water and Electricity Credit – Confirmation of payment

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

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

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

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

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

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

#### Q7/2016

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

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

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



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

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

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

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

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

505

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

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

510

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

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

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**Q8/2016**  
**Waste treatment plant –**  
**Award of tender**

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

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

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

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

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

535

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

540

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

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

550

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

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

#### Q9/2016

#### Real-time air quality monitoring – Timeline for introduction

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

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

560

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

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

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

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

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

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

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590  
595 There are more air monitors in Gibraltar, because of its size, than would be required by the EU, so we already provide quite a lot of information, but that is no reason why we should reduce the number. But because the one at Witham's Road was specifically to monitor two power stations which would likely be completely ... well, which *will* be completely closed down, it probably will become redundant, and if it becomes redundant ... And this is why we are comparing that one with Rosia Road. If it is just mirroring the results of one just a few hundred metres down the road, it would make economical sense to move that onto another location than to keep two monitoring virtually the same area. That is the decision we have to take, and we have not taken it yet.

**Q10/2016**  
**Gibdock –**  
**Complaints re emissions and noise**

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

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

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

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

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

Answer to Question 10 of 2016.

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

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

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

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

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

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

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

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

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

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

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**Clerk:** Question 11, the Hon. –

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

665

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

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

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

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

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

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**Q11/2016**  
**Alameda Gardens –**  
**Bicentenary of opening**

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

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

710

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

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

715

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

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

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

735

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

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

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

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

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

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

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

760

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

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

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

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

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

775

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

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

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

785

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

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

Thank you.

800

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

805

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

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

810

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

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

815

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

820

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

825

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

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

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

830

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

Thank you.

835

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

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

840



**Q14/2016**  
**Children sponsored patients –**  
**Carer entitlement**

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

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

Thank you.

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

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

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

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

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

And considering the fact that thankfully, the statistics must be pretty low of children who are  
outside Gibraltar, I would think that the added cost of ensuring that two carers are there would  
be minimal.

875 Thank you.

**Hon. Dr J E Cortes:** Mr Speaker, I would definitely want to know the details because the  
policy is clear that children under 18 – and depending on conditions we are sometimes flexible  
even there – are allowed to have both parents as carers, and sometimes it is a parent and  
880 another family member or other close relative.

So it is possible, Mr Speaker, that it is not a question that the GHA has not allowed, so to  
speak, the second carer, but that the employer of one of the carers may not have given them  
leave to attend. In the case of employees in the public sector, general orders allow for special  
leave to accompany ... and because both carers would be official escorts, both employees – if  
885 they were Government employees – would be given leave to attend.

Some employers may not be so considerate in that respect, but certainly the policy ... and, as  
I say, even before we formalised this in the policy last year when we revised the allowances,  
cases like that that came to me were always approved for the *very reason* that the hon. Member  
has explained. We have families with young children who are concerned ... a great deal of

890 turmoil and a great deal of stress – and as many people who have come to see me in my office know, they are always given maximum attention and we always try to help as much as possible.

So this must be the exception and if it is not I really want to know the details, because this is something that we have to put right; and we would contact the family concerned and make sure that we put it right.

895

**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you for your response; and just to clarify, the second parent is actually unemployed so there is no doubt that it is not an issue about the employer.

But thank you, I will forward you the details.

900

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might, just in relation to this matter?

These questions were posed over five days ago. If the hon. Lady has this sort of issue brought to her attention again in the future, she must not allow seven days to pass before this issue is dealt with. She should feel free to get in touch with any of us on this side of the House – I know that the hon. Gentleman will be easily accessible to her, as would any other Member, and we would look into it straight away.

905

The question can then be put whenever it is time to put it, and it can be dealt with in this Parliament – or not. But the resolution can come much sooner for the family in question if this is a case where, despite the fact that the policy has been changed some time ago, someone has applied a different policy on the ground.

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**Hon. Ms M D Hassan Nahon:** Thank you, Chief Minister, but as I took it as a matter of policy, I thought it was something to bring up in Parliament; but I am grateful for the humanity in this.

Thank you.

#### Q15/2016

#### Low income sponsored patients – Availability of added financial aid

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**Clerk:** Question 15/2016, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Would the Government reveal what added financial aid, if any, is available to low-income earners who are sponsored patients?

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

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the system is means-tested so that low-income earners will receive the maximum allowance.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful for that and I know about the means-testing – we introduced it a while back; and we were on the other side of the House being told to abolish it. But it seems to have been working and continues to work very well and no-one wants to abolish it now.

930

But what I would like to say is that even the *maximum* level of means-testing does not appear to be enough for some patients at the bottom end of the economic scale and if they are finding it difficult to survive abroad. So I was simply asking if there was an added framework to help those in more severe need, out of the box of the usual means-testing spectrum.

935 Thank you.

**Hon. Dr J E Cortes:** Mr Speaker, there are a number of things that I think may be relevant here.

940 One of them is that, again, following our review of the policy last year we are now able to arrange in those hospitals – and increasingly we are using hospitals where they have their own in-house accommodation – we actually take over the cost of the accommodation and pay an allowance for food and so on. So that will be an assistance.

945 Also the Gibraltar Community Association, with whom we meet regularly and with which the Sponsored Patient Department meets regularly, also has a fund to assist low earners when they are in difficulty.

But I will add one more thing ... and, again, I regularly attend to patients and families who have particular concerns and in as far as it is possible, my office will always do whatever it can in genuine cases to support them, and help people who are going through these difficult times.

950 So, once again, if there is any particular case that comes to her, or anybody else's, attention that needs special consideration, I would be only too happy to meet with them, see them and see how we can assist.

**Q16/2016**  
**Complaints against GHA –**  
**Number and breakdown**

**Clerk:** Question 16/2016, the Hon. Ms M D Hassan Nahon.

955 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health provide details of how many complaints have been lodged against the GHA in 2015, giving a breakdown by department, month and resolution, if any? Thank you.

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

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, following Government policy – this was part of our 2011 manifesto – the handling of complaints in relation to the Gibraltar Health Authority were received and dealt with by the Complaints Handling Scheme, the CHS, under the auspices of the Public Services Ombudsman ...  
965 we amended the law last year in order to allow this.

The figures available to the CHS are from its start date – 1st April 2015 – and are contained in the schedule I now hand over.

970 I will just explain, Mr Speaker, that the January to March figures were received by the GHA complaints office, so the schedule will give the breakdown from April onwards; but because of the different way in which the information was compiled, the total number of complaints – which is sub-section (i) – includes the first three months, but the breakdown does *not* include the first three months.

975 It will be possible to obtain that information, but it is going to take a little bit more time. But I think the information given would probably be sufficient for the purposes of this question.

**Mr Speaker:** May I explain to the hon. Lady that the procedure that I try to follow when a lengthy schedule is involved, is that in order to give her time to study it closely we move on with other questions, but reserve her right to come back at any stage during the course of this

980 meeting with whatever detailed supplementary she has. (Hon. Ms M D Hassan Nahon: Thank you.)  
 Okay?  
 So we will call the next question.

**Schedule to Question 16 of 2016**

(i) NUMBER OF COMPLAINTS AND ENQUIRIES FOR 2015

Complaints received	177
Enquiries	99

(ii) LIST OF COMPLAINTS AND ENQUIRIES BY DEPARTMENT:

DEPARTMENT	COMPLAINTS/ENQUIRIES	DEPARTMENT	COMPLAINTS/ENQUIRIES
Primary Care Centre	33	Radiology	6
Orthopaedic	29	Maternity Ward	5
Surgical Unit	23	ICU	4
A & E	22	Rainbow Ward	4
Medical Investigations Unit	21	John Mac Ward	4
Ophthalmology	16	Diabetic Clinic	3
Sponsored Patients	8	CEO	3
Gynaecology	7	Paediatrics	2
Dental	7	Spinal Clinic	2
ENT	7	Facilities	2
Dudley Toomey Ward	7	Pain Clinic	2
Records	7	Others	13
Outpatients	6		

(iii) LIST OF COMPLAINTS AND ENQUIRIES BY MONTH:

The Complaints Handling Scheme – Health Office has received 164 complaints and 79 enquiries since it opened its doors to the public (1st July 2015 to 31st December 2015). The busiest months were April 2015 (when the office opened) and November 2015. The average number of complaints received per month for 2015 is 18.

Table 1 – GHA Complaints and Enquiries received by month (1st January 15 to 31st December 15)

MONTH	COMPLAINTS	ENQUIRIES	ITEMS TOTAL
January 2015	2	8	10
February 2015	6	5	11
March 2015	5	7	12
April 2015	25	5	30
May 2015	15	4	19
June 2015	21	7	28
July 2015	11	16	27
August 2015	22	14	36
September 2015	13	4	17
October 2015	19	8	27
November 2015	25	11	36
December 2015	13	10	23

**Q17/2016**  
**Dental service –**  
**Added subsidy plans**

**Clerk:** Question 17/2016, the Hon. Ms M D Hassan Nahon.

985

**Hon. Ms M D Hassan Nahon:** Can the Minister for Health provide any information as to whether there are any plans for Government to look into providing added subsidy in the dental service?

990

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

995

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government's manifesto includes a commitment to provide subsidised dental checks to the elderly and exempt patients.

1000

**Hon. Ms M D Hassan Nahon:** Are there no plans to extend this to the average working civilian who might actually forego appointments because they cannot make the payments? And in the end, thinking about the long term, they could actually prove more costly for the GHA because more complex treatments have to be made in the end, and it is a bit of a domino effect costing more in the long term?

But, of course, the main issue here is to facilitate the average person who finds it difficult to make these payments.

1005

**Hon. Dr J E Cortes:** Mr Speaker, dental services have never been included in the Health Service and in order to provide a full dental service there would have to be a very detailed study – and the cost implications would be considerable.

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Therefore, what we are intending to do at this stage – and this is our commitment for now – is to look at the more vulnerable and to look at those who could greatly benefit. We are starting with looking at the elderly and exempt patients; there may be one or two other categories where such support could be given, but at this point in time it is not the Government's intention to open a dental service for the whole of the community – and that could not be done without a very detailed survey of what the implications would be and what the cost would be to the taxpayer.

**Q18/2016**  
**Orthodontic waiting time –**  
**Plans to decrease**

1015

**Clerk:** Question 18/2016, the Hon. Ms M D Hassan Nahon.

1020

**Hon. Ms M D Hassan Nahon:** Can the hon. Gentleman, the Minister for Health, provide any information as to whether Government has any plans to decrease the current, and increasing, orthodontic waiting time of about three to five years?

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

1025 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**  
Mr Speaker, at present there is no waiting list for severe, interceptive or urgent orthodontic cases. An international grading system is used to allocate cases into five groups, with group 5 being allocated for immediate start and group 1 not being severe enough to warrant any treatment.

1030 Grade 5 is the one that is dealt with immediately and there is no waiting time for that; grades 2, 3 and 4 are placed on the waiting list.

Mr Speaker, the waiting list is long-standing. When the latest addition to the orthodontic complement commenced in 2008, there were cases waiting from 2001 – and that was seven years at the time and although inroads have been made, the waiting list has not been cleared.

1035 Patients wait approximately 13 weeks for an appointment to see an orthodontist. The GHA management is working with the dental department to develop a strategy to reduce the waiting list further.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, from my research into the statistics the waiting list was increasing – I was not as aware as he was, on the different grades of priority.

I accept his answer, but just to let him know that from what I can see in the statistics the list is actually increasing in terms of waiting time. But I take his response on board.

Thank you.

1045 **Hon. Dr J E Cortes:** Mr Speaker, the information I have is that the list in 2008 was longer than it is now, but whether it has gone up and down and so on I could not say, as I have not got any more details. But I am grateful that the hon. Member has accepted the explanation, and I do repeat that this is something we are working on with the dental department.

1050 The crucial thing is that the critical cases, the ones that score 5 are dealt with *very, very* quickly.

#### Q19-20/2016

#### PCC appointment system – Appointment details; choice of GP

**Clerk:** Question 19/2016, the Hon. Ms M D Hassan Nahon.

1055 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to the new PCC appointment system, can the Minister for Health please provide information as to how many appointments per GP are being released, and how patients get to see the GP of their choice in the new system?

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

1060 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**  
Mr Speaker, I will answer this with the next question. My script has the wrong number, I think the next question is 20, so I will answer this with Question 20. (*Interjection*)

Not 109, obviously a typing error, and I was for a moment worried that I had skipped about 100 questions!

1065

**Clerk:** Question 20/2016, the Hon. Ms M D Hassan Nahon.

1070 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health reveal how many patients are being turned away daily, unable to make an appointment; and what guarantee he can give the house that this will not be a regular problem and, if so, what is the contingency?

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

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the appointments for on-the-day appointments are released in the morning at 8.15 a.m. Last prescription appointments are booked over a three-month cycle.

Review appointments are booked as per GP requests in accordance to the medical need, that is, the doctor needs to see the patient at a predetermined time in the future.

1080 Advance bookings are released every day to cover a 48-hour period, with these being released at 12 midday.

Critical illness slots are booked after triage by the nurses so that there is never a problem with extremely ill patients having access to their GP. This is also a new system and part of the new appointments review.

1085 It will be more difficult to see the more popular doctors than it will be to see the less popular ones. If I may add, that if you happen to have one of the more popular doctors then he is not always going to be available, particularly if they may be sick or on leave.

1090 No patients are being turned away at the counter. Patients who have turned up to the counter and have waited have all been given appointments; and in fact at the counter we have still had appointments left by the time the queue has dissipated. Some patients, however, have walked away and given their tickets back, the reason being that they do not want to wait, that there was no longer any appointments with their chosen doctor, or that the doctor they want to see is not working that day. This is clearly patient choice and not operational deficiency.

1095 To improve matters further we are increasing the number of on-the-day appointments as from 1st February. It is of course possible that patients at the counter may, on a given date, exceed the availability for that day. This has not so far occurred since we changed the system on 4th January.

1100 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am wondering whether the hon. Gentleman has read some of the comments on social media of people recounting their stories of how they do feel like they have been turned away. Other people who have run out of credit on their mobile phones whilst waiting for almost hours – if not almost 50 minutes to an hour – to speak to somebody.

1105 Does the hon. Gentleman think that this is a good system that he has put in place? That it is a better system than the one that we had before? Is he satisfied that he has improved the communication and the overall care in the Primary Care Centre with this new system?

1110 **Hon. Dr J E Cortes:** Mr Speaker, the question of the phone is not related to the question that I have answered – so, I was answering in relation to people turning up and being turned away at the queue. So I was not replying to that one.

1115 As to the system, yes, I think it is a better system. The comments on social media were at the height, clearly, in the week after we changed the system ... and this is always going to happen with a new system, when people turn up and may not understand it. I think that things have settled down a little bit – and the staff there are working very hard in order to accommodate the changes.

I think, clearly, it is a new system and we need to give it a little bit of time to settle. With the increase in on-the-day appointments on 1st February I think it will settle further, and at least it did prevent the long queues on the first of the month at 6 a.m.; and this did not happen this month on 4th January, and I was there to see for myself.

1120 So I think we are improving. It is always going to be difficult because there will be days when there are so many people who want to see a doctor – and there may be doctors who are themselves sick; so it is always going to be difficult.

1125 What I would ask the hon. Member opposite is to give this a little bit of time and let's talk again in a month or two and see whether things have settled. If not, we would be very happy to review it again because this is something that we want to improve for the benefit of service users.

**Hon. Ms M D Hassan Nahon:** Thank you, I appreciate that.

1130 Just to recap, the hon. Member believes that a month or two is more or less the correct time for him to decipher whether this system is a workable system? Is that more or less the amount of time – or six months, or a year?

What are we looking at until we feel that this system is a working system that is viable for our community?

1135 **Hon. Dr J E Cortes:** I do not know, we are developing it all as we go along and we are try different things ... well we... the management there, are working very hard on this and it is all the professionals working together.

1140 It might mean that it needs a little bit more time; but I would be very uncomfortable if, two months after a new system, the system is clearly not working. So I would like to think that I believe that the system is better. I believe it needs more time and might need a bit of tweaking, so I think we should review it in a couple of months' time and see how we are going.

#### Q21/2016

#### Alzheimer's and Dementia Care Unit – Completion date

**Clerk:** Question 21/2016, the Hon. Ms M D Hassan Nahon.

1145 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health state when the Government expects to complete the Alzheimer's and Dementia Care Unit?

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

1150 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, works are virtually completed. Furniture and equipment are being ordered and the workforce contracts are about to be awarded.

The Unit should open during the first half of this year.

#### Q22-31/2016

#### Dealing with infectious diseases – Death of Filipino seaman from crew of *Capetan Vassilis*

**Clerk:** Question 22/2016, the Hon. Ms M D Hassan Nahon.

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**Hon. Ms M D Hassan Nahon:** This question has already been advertised in the press but I will repeat it anyway.



1160 Can the Minister for Health confirm of what causes did the Filipino national who had been part of the crew of the *Capetan Vassilis* die of on the way to St Bernard's Hospital on Sunday, 10th January?

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

1165 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 23 to 31.

**Clerk:** Question 23/2016, the Hon. Ms M D Hassan Nahon.

1170 **Hon. Ms M D Hassan Nahon:** Mr Speaker, what measures has the GHA got in place for the transportation of biological substances to protect from contamination and does the GHA comply with IATA regulations?

**Clerk:** Question 24/2016, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Mr Speaker, at what point, if any, was Ebola written off as a potential threat on examining the Filipino seaman?

**Clerk:** Question 25/2016, the Hon. Ms M D Hassan .Nahon.

1180 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health demonstrate or explain the GHA's Infectious Disease Protocol, and whether this was activated partially or in its entirety in connection with the case of the Filipino seaman, explaining to what level they were put in place?

1185 **Clerk:** Question 26/2016, the Hon. Ms M D Hassan Nahon.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is it correct to say that the infectious disease room kitted out during the Ebola crisis has been decommissioned to give way for a bigger rehab gymnasium, and that therefore there is currently no dedicated infectious disease reception facility at St Bernard's with self-contained air-conditioning, special brackish water collection facilities, pressurised air-locks for entry and exit, and staff decontamination areas; and not just for Ebola but for any infectious disease requiring quarantine?

**Clerk:** Question 27/2016, the Hon. Ms M D Hassan Nahon.

1195 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Minister for Health confirm whether the hospital staff that received short training on Ebola during the global crisis, felt confident on the night to handle the crisis of the Filipino seaman, or whether instead they hesitated to treat him?

1200 **Clerk:** Question 28/2016, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Minister for Health confirm whether there has been a programme of continuous training for emergency staff dealing with infectious diseases since the Ebola crisis first hit a couple of years ago?

1205 **Clerk:** Question 29/2016, the Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health confirm whether there was cross contamination among the ambulance crew through blood which the Filipino seaman had vomited, or other fluids?

**Clerk:** Question 30/2016, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true or not true that the ambulance crew were walking in and out of A&E without being properly decontaminated first?

**Clerk:** Question 31/2016, the Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true that the duty anaesthetist who was on duty and lives in Spain actually checked himself into a hotel away from his family awaiting results of the dead seaman?

1225 **Clerk:** Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, before I answer, I think I should clarify a point. The hon. Member has alluded to a public statement made which in part answered her first question in this series.

1230 I think I should say two points. The press release was issued on Thursday 14th. I got verbal communication over the phone in the evening of the Wednesday from the Director of Public Health, Doctor Kumar, as soon as he had verbal confirmation as well that the illness was in fact Malaria and not one of the viral hemorrhagic fevers, which some people were suggesting it could have been.

1235 I informed the Chief Minister immediately and we decided almost immediately too that it was in the public interest – because of the concerns that were going round in some sectors of the community, not least in those who may have had contact with this unfortunate young Filipino seaman – that we should allay fears by stating that it was Malaria and therefore nothing major to worry about.

1240 It is also likely – and my exact recollection may fail me now – but I suspect that I had not yet seen the questions, because they would have been handed in on the Wednesday and I may not have seen them until 24 hours later. So, if our statement has caused offence I am sorry that that is the case, but in any case we felt justified in issuing this in the public interest.

1245 So, Mr Speaker, to answer the question: test results indicate that this was from Malaria, possibly Cerebral Malaria. The GHA has longstanding protocols to harvest, transport and store potentially hazardous samples within its premises. The majority of pathology staff have received training in the safe handling and packaging of hazardous substances, and only these staff deal with hazardous samples. The GHA contracts with couriers who have due compliance in transporting hazardous substances. The airline carrying the sample is aware of the nature of the sample and transports it in compliance with IATA regulations.

1250 Ebola was written-off almost immediately, as soon as the ship's itinerary was known. The World Health Organisation has declared all the affected countries of West Africa free from Ebola virus disease. In any case, Ebola has not been reported in any of the points visited by the ship in the preceding two months.

1255 Given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First responders were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol would be applied in subsequent stages. In the

1260 case of the seaman, as a diagnosis was never established before he sadly passed away, the full protocol remained operational throughout, until his death.

All staff directly involved in the case of the seaman continued to be monitored as if he had had a serious infectious disease in line with PHE – that is Public Health England – protocol until the results became available late on Thursday evening. I believe that should read ‘Wednesday evening’. I may be wrong. I think it was 14th, so that probably was Thursday.

1265 St Bernard’s Hospital has several isolation rooms to manage infectious cases. These are found in John Ward, Victoria Ward and in the Critical Care Unit. In the specific case of Ebola or the Ebola crisis, a decision was taken to set up a separate temporary facility converting one of the rehabilitation gyms into a dedicated isolation unit for the management of potential Ebola cases. This is the first time ever that such a facility has existed in St Bernard’s hospital.

1270 Once the WHO declared the Ebola crisis over, the decision to dismantle the temporary facility was taken and reverted to its former use. However, additionally the Government and GHA has invested in the following: a Patient Isolator Pod which assists with the safe transport and transfer of infectious cases. A Trexlor Isolator Tent: this is a mobile unit which can be used in any of the isolation rooms providing additional protection, negative pressure and appropriate filtration systems. And conversion of one of the ambulances into a so-called ‘Dirty Ambulance’ for the safe use of infectious cases and indeed radiation contamination.

1275 The GHA requires all its staff to receive basic training on personal protection, universal precautions and safe infection prevention procedures. These, if applied correctly, should protect against Ebola and other infectious diseases. Some staff also had additional training specific to Ebola. In addition, two infection control practitioners were physically present to train, guide and supervise staff in the Emergency Department. Given this level of training and support, staff should be confident.

1280 Ebola specific training was delivered to 527 personnel. These included all ambulance staff; all Critical Care Unit staff and over 80% of emergency room staff. In addition *ad hoc* training was delivered throughout the year at different locations including A&E. This specific training supplements the mandatory training received by GHA staff covering personal protection, universal precautions and safe inspection practice which protects against Ebola and other diseases. Such training will continue.

1290 Mr Speaker, hesitation in dealing with dangerous cases is natural, even for the most seasoned professional and may have been the case in some individuals. More credit to all who fulfilled the professional duties as effectively as ever.

All ambulance personnel wore full protective equipment, as recommended by Public Health England, and therefore contamination of the personnel did not occur. Given that it was Malaria in the end, it could not have occurred either. Ambulance staff did not enter A&E.

1295 Finally, Mr Speaker, I am not aware of where the anaesthetist spent the night.

1300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to thank the hon. Gentleman, Minister Cortes, for explaining the timeline of the results versus my question and I thank him for the details and I understand. Of course it is a matter of public interest and in the interests of the population, this goes above any parliamentary procedure. I understand that.

A couple of questions: firstly, how could the Minister say that Ebola was written off when the results were not in? It would have been anybody’s game. I believe that, in general terms, it is a fortunate coincidence that it was Malaria and not Ebola. It could have been anything until we knew the results.

1305 The next thing I would like to draw him to a couple of articles from the World Health Organisation that state – one on 13th and one on the 15th January – stating that Ebola is still prevalent and they are still in the fight against Ebola. There is a new case in Sierra Leone and a briefing by the UN General Assembly on Ebola stating very clearly that Ebola has not yet been eradicated. Of course I am sure I do not need to remind him that, Gibraltar being a maritime  
1310 motorway junction where we have seamen and all sorts of individuals, organisations coming in

from the North Sea, from the South Sea, from the Mediterranean, Bay of Biscay, all over the world. We would have to step up any and all protocols in order to ensure that this junction of ours is kept very much as healthy and decontaminated as possible.

The issue of the anaesthetist: I would just like to draw to him, for his own –

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**Mr Speaker:** I think it is best that we deal with one issue at a time. Let the Minister answer about the first one: Ebola. Then we will go on.

**Hon. Ms M D Hassan Nahon:** Yes. Thank you.

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**Hon. Dr J E Cortes:** Mr Speaker, protocols were stepped up when the Ebola crisis was announced and there were numerous meetings held, multidisciplinary, between the Port Department, the Police, the Fire Services, the GHA and the protocol was introduced. The Viral Hemorrhagic Fever Policy of the GHA was widely circulated and part of the training that I have explained to 527 members of related services who did deal with this and with increased awareness and that continues.

1325

Ebola was written off by the Director of Public Health – I might say in his professional capacity, not by me as a politician – because the ship had not called in any country where Ebola was present, regardless of whether the epidemic was considered a dangerous one at the level that the WHO considered at the time. So it was not possible to pick up Ebola in the countries or in the ports where this ship had called and that is when it was written-off.

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Nevertheless, the protocols followed – as I have explained in my answer – were those for a serious infectious disease. So the risk was not taken by the Director of Public Health, even though he reassured me – and in conversation, again, with the Chief Minister who was kept informed, I reassured him – that the indication was that Ebola was not possible. Nevertheless, the precautions were taken. In the end the results clearly showed – I would not say that it was a ‘fortunate coincidence’, because a person did lose his life as a result of the Malaria. But in effect there were tests carried out for: Dengue, Rift Valley Fever, Ebola, Lassa Fever, Congo Fever, Leptospirosis, all sorts of other diseases. I am pleased to say all of those proved negative and only Malaria proved positive. So precautions were taken. As I have explained we have a number of isolation rooms within the hospital and also these pods and tents which will create the negative pressure which will isolate the patient.

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At this point of time, I think I have covered most of the points that the hon. Lady has raised in this part of her supplementaries.

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**Hon. Ms M D Hassan Nahon:** Thank you.

Can I just make it very clear that when I say ‘fortunate coincidence’... I know, I just want to put it on record that there is nothing fortunate about a loss of life. I was talking in terms of an epidemic for a population versus one individual; speaking very coldly in terms of statistics.

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When you say that part of deciphering whether it was Ebola or not, because of where the boat was coming from and so and so forth, I respectfully want to tell the Minister for Health that I think that is a weak argument, because we cannot be on top of where vessels are coming from and judging them in that way.

The fact is that there is a very serious epidemic which is still prevalent in the world and we do not know where boats are coming from; who came off what boat and who goes on. We have to have a protocol in general terms that applies across the board.

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The issue about the anaesthetist going into quarantine, I would just –

**Hon. Dr J E Cortes:** Would the hon. Member give way on that particular point.

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**Mr Speaker:** Yes, but for an answer.

**Hon. Dr J E Cortes:** I just want to say, the point was made specifically about this ship and we did know where the ship had been on this particular occasion. That is why it was written off.

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**Chief Minister (Hon. F R Picardo):** I fear we are straying in a direction which has nothing to do with this case. But can I just clarify that – one of the Ministers for the Port can come in and say this – one of the things that is essential in the maritime world is that you know exactly where a ship has been.

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The hon. Lady can go onto the Lloyd's website, for example – not the Lloyd's Register Energy website; she does not need to concern herself with that issue today. The Lloyd's List website, for example: that will tell her exactly where that vessel has been; at what times it has left the dock, etc. Part of the control that the Maritime Authority applies is to know exactly where a vessel has been and different determinations – aside from the issue that she is raising – about how a ship is dealt with. It can come, not just from a place where there might be an infectious disease, it can come from a place which is subject to sanctions for a particular issue. We often have to deal – for example before the arrangements with Iran were entered into – with vessels that might be coming from Iran and whether the oil that they have is subject to sanctions or not.

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Can I just ask her to focus her question in relation to the issue of why Ebola was discovered without concerning herself that one does not know where a ship comes from? One knows exactly where a ship comes from. Whether or not that is a good enough reason to discard Ebola or not, I think is the issue that she is getting at. But the simple fact: whether or not you know and whether you have to check, that is in a moment the person at the VTS at the Port can show her the history of where that vessel has been for years.

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**Hon. Ms M D Hassan Nahon:** Thank you.

**Hon. A J Isola:** Mr Speaker, may I just also add...?

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**Mr Speaker:** Further information?

**Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, on the same point. There is an established protocol which is run by the Port Department, the VTS operators. Ships do not just turn up, they have to report many, many hours before – normally 24 hours – before they come into British Gibraltar territorial waters. They need to report and answer a whole series of questions about where they have come from, what they are having, what they are doing, the purpose of the visit. So it is not a sporadic, they just happen to turn up; it is pre-programmed and everyone here knows exactly who, what and why. So there is not just an open sea out there – if that helps.

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1400

**Hon. Ms M D Hasan Nahon:** Thank you, but we might know the whereabouts of the ship, but we do not know the whereabouts of the individuals. You do not know when that seaman jumped on the boat; where he was. Nobody is microchipped, you know. So (*Interjection*) it is not about the ship. The ship does not carry the disease. It is the individual, as well as where the trajectory of that vessel. It can be one or the other.

1405

Anyway, the other point I wanted to make, given that I am putting to the hon. Member the situation or the reports that I have about the anaesthetist checking himself into quarantine, and from what I understand some of the GHA staff who did not go to work the next day and were also allegedly recommended to stay home. If you have a clinical expert who voluntarily decides to stay home for fear of contamination, is that enough of a reason for the hon. Gentleman to review protocols, taking the cue of a clinical expert who might be scared himself on the events of the evening and the way that things went? Perhaps he was not satisfied with the way that things were developing and the way that protocols were adhered to.

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1415 **Hon. Dr J E Cortes:** Mr Speaker, I will give way to the Hon. Mr Costa who wants to make a comment, no doubt due to his previous responsibilities for the port.

**Hon. D A Feetham:** Mr Speaker, *is he* answering the question?

1420 **Hon. N F Costa:** Mr Speaker, on the point –

**Mr Speaker:** My understanding is he is providing additional information regarding the movement of ships and the crews.

1425 **Hon. N F Costa:** Mr Speaker, the Hon. the Chief Minister and my hon. colleague have already explained to the House that when a ship arrives in port, the port knows exactly at which port that ship has called from; where it has sailed and its trajectory and even its intended trajectory. For those reasons, therefore, the port knows exactly where the ship has been and where it will go.

1430 The hon. Lady then stood up to say that whereas that may well be the case, the information that the port will have does not detail the information on individual crew members, but that is also incorrect. The port will have at its disposal and immediately on request a crew manifest. That crew manifest will detail absolutely everything: where the crew member has been; at which point of port did they embark, etc. It will also contain very detailed medical history, precisely for  
1435 the reason that, if there is a reason to come on shore because they need medical attention, the first thing that the port operator will ask for is that crew's medical history.

So she can rest assured that in respect of procedures to validate where a person has been, the port staff will have all of that information available to it immediately.

1440 **Hon. Ms M D Hassan Nahon:** So the hon. Gentleman says that all the medical history is available, yet they say that he did not have a chain saying diseased or infected when he was and eventually died. So where are we at with that?

**Hon. Dr J E Cortes:** Mr Speaker, I think that comment, that question is in relation to an earlier  
1445 question when we were informed that it is a subject of an investigation. So I am not going to go against what has already been agreed: that we have to await the investigation.

If I may answer the other points, I think I have to repeat that the Director of Public Health professionally reassured me that because of the itinerary Ebola was not the disease in consideration, but nevertheless did activate the full serious infectious diseases protocol. So even  
1450 though he discarded Ebola, there are other diseases it could have been.

Fortunately, clearly I take the point that there was not any disrespectful implication earlier, but fortunately it was Malaria – again I use it in the same context that the hon. Lady used the expression earlier – but the protocols were in place.

Regarding the decision of one particular clinician to not go home, if in fact he did not: I have  
1455 not got direct information, but no doubt I will ask him next time I bump into him in the corridor – that is his own personal choice. He may have felt that he was exposed or he had been exposed. He may have been worried for whatever reason. I do not know what other things might have caused him to spend the night in a hotel. But there are clinical (*Laughter*) experts in all sorts of different disciplines. There we go. (*Interjection*) Yes. I think it has been a good meeting so far today.

1460 The clinical expertise is different. The person we are talking about is an anaesthetist. We were following advice from the Director of Public Health. I would not for one moment place myself in an operation under Dr Vijay Kumar as an anaesthetist. So I am not sure whether we can compare the clinical knowledge of each other. But, as I say, that was personal choice.

1465 In the end, I think clearly lessons have to be learned in every kind of situation like this. Clearly there has been at least one multi-disciplinary meeting within the GHA to look at the case in

detail and to see what lessons can be learned. If we need to change anything we certainly will and I would be very happy to advise the Member opposite as and when we do that.

1470 **Hon. D A Feetham:** Mr Speaker, may I?

**Mr Speaker:** Yes.

1475 **Hon. D A Feetham:** Yes, Mr Speaker, bearing in mind the answer that Mr Costa gave a few moments ago, which is that the port is provided with a list of crew members: where they have come from, where they have come on board, etc. and also with any medical condition that those crew members may have – and by ‘medical condition’ I mean whether they are ill or not ill, because of course it is very difficult to diagnose, on transit, medical conditions. Were the  
1480 authorities here in Gibraltar told that there was a seaman on board this particular ship that was gravely ill before this particular seaman was effectively placed quayside and left there for the authorities, to be picked up?

**Hon. Chief Minister:** Mr Speaker, this is not a GHA matter. This is the issue which is the subject of the investigation that we referred to earlier in respect of which I think there was  
1485 broad agreement that this is something that has to be determined; all of the facts here have to be determined: what really happened versus what people are saying happened, etc. in order to ensure that the events of that day are properly scrutinised and understood.

As the hon. Gentleman said in respect of the GHA, but also in respect of the Port Authority and all instruments of Government, that any lessons which have to be learned are learned. But I  
1490 think the hon. Gentleman will accept that until that investigation is complete, it would be remiss of us to make comment and assert anything as fact without having a very clear final view of what happened.

**Hon. D A Feetham:** Yes, Mr Speaker, I accept that this is obviously a difficult area. The  
1495 Government is conducting an investigation. I accept nobody would wish to prejudice the investigation. I also accept that one would wish to get to the bottom of the facts and have all the facts available and then draw appropriate conclusions. But of course we are also, on this side of the House, charged obviously in our own way with investigating these matters to ensure that the Government and the authorities – because this is really not political. The Chief Minister does not  
1500 himself make a decision as to whether a seaman is allowed onto the dock or is not allowed onto the dock, but nonetheless it is our job also to test the resilience of any protocols.

Therefore, we are well within our rights to ask questions about what exactly happened in relation to the facts, so that we can then test that as against the protocols that have been outlined by the hon. Member. Because I am certainly quite concerned about – and I know that  
1505 he must be very concerned – about how a seaman with a disease which has been undiagnosed basically is left quayside whilst the ship leaves.

I have also been told that the first on the scene were the Gibraltar Fire and Rescue Service ambulance who then took the view, they did not want to get involved because they were not equipped to deal with contagious diseases and they left, and then the GHA ambulance ...

1510 Now, the Hon. the Chief Minister said, when we were talking about this earlier on when the Minister for Transport was dealing with this, he said that the conclusions of the report will be made available. Now, in the light of what I have said: that we have got a job here to test the resilience of those protocols as against the facts, can I invite the Chief Minister – and then I will sit down and we will not ask further questions in relation to this – not to limit the disclosure of  
1515 the report to just simply the conclusions but also the entirety of the report, so that we can actually see the facts and what actually happened here. And if there are any questions that need to be asked of the Government in relation to those protocols and the application, that we can come to this House and ask them in the future?

1520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asserted things as fact; the things that he has heard. Well, look, Mr Speaker, I have heard all of those things and others. Some of the things I have heard conflict with some of those things and other things I have heard corroborate those things. So that is why it is hugely important in a situation such as this, where there could have been a danger to the population of Gibraltar, we determine exactly what happened and whether there was ever any danger; whether protocols were properly followed.  
1525 Now in doing that there is an investigation. The hon. Gentleman has said, 'We have a duty to investigate.' Well, look, your investigation has resulted in an enquiry, which has resulted in an answer, which has told you that there is an investigation. Allow that investigation to come to a conclusion.

1530 There is already a commitment on the part of the Government to put into the public domain the conclusions of that investigation. I am not going to say more at this stage. I think that should be satisfactory for everybody in our community, because if the conclusions of the investigations say that there were no issue in respect of the protocols, then that is it. If it says that there is an issue, then we will have to look into what those issues are. But I am committed to publishing whatever those conclusions may be because I believe that this is an issue of general public  
1535 importance.

As the hon. Gentleman has said, this is not an issue that reflects on the Government. I must tell him, I was as concerned as he would have been when I received the telephone call informing me of what had happened. We are all in this community in it together, in particular if something happens which creates the opportunity for an infectious disease to spread in our community.

1540 I will tell him this much. It is not in the nature of the great men who make up the Gibraltar Fire and Rescue Service to simply turn their backs on someone. My understanding of that aspect of this is that they did not simply turn tail and leave the matter for others to deal with simply because they were unable to deal with it. The good men ... I do not add women because there are no women in the Gibraltar Fire and Rescue Service. That is perhaps an issue for another day.  
1545 The good men of the Gibraltar Fire and Rescue Service did not simply turn tail and run when they think a situation is too difficult for them.

But we must let this investigation run its course. It is too important for this issue to become a political football. So I would urge the hon. Gentleman simply to leave it there and with our commitment that we will publish the conclusions of that investigation.

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**Hon D A Feetham:** Mr Speaker, no one has suggested that the Fire and Rescue Service 'turned tail and ran', which is a phrase that the Hon. the Chief Minister has used. What I said was that we have been told... The information that we have – and certainly the Hon. the Chief Minister appears to be confirming they were the first on the scene – that they took the view  
1555 when they were first on the scene that they were not equipped to deal with a potentially contagious disease. It was then that the GHA ambulance came along. So I just want to clarify that nobody on this side of the House is suggesting that this was inappropriately dealt with by the Gibraltar Fire and Rescue Service or that they turned tail and that they ran.

1560 Mr Speaker, I will sit back, not ask any further questions. I know that my friend, Mr Hammond, has one further question. I will look at the conclusions in relation to this investigation and then we will take a position in relation to whether we seek the disclosure from the Government of the rest of the report. But I emphasise, nobody is trying to make politics in relation to this, but no one can say that in a democratic system of Government and opposition, particularly in a small community like this one, that the opposition is not entitled to scrutinise  
1565 how an event of this nature is tested as against the protocols that are in place to ensure that the people of Gibraltar are kept safe and these things are being dealt with appropriately, whatever the Chief Minister may say about the appropriateness of how it is being dealt with on this particular occasion or on any occasions.



1570 **Hon. Chief Minister:** Mr Speaker, I do sometimes think that the hon. Gentleman and I could even argue about the desirability of winning a lottery, because it appears that he is able to pick a quarrel with me on just any subject.

I am not saying or confirming that the GFRS were the first to attend. I am confirming absolutely nothing because there is an investigation ongoing. I have told him that I have heard the same things that he has heard and others in terms of what is out there and happening. But there is an investigation now ongoing and I want to leave it entirely at that.

1580 Neither has anybody suggested for one moment that an opposition in a democratic system such as ours is not able to stand up and ask questions. They have and there is absolutely no difficulty with that. Neither can anybody for one moment suggest that the Government in a democratic system such as ours, especially one recently re-elected, is not able to get up and say we are carrying out an investigation; please let us reach the conclusions which we will make public. I think what one's role in a democracy is has little to do with the very serious issue that we are trying to ensure we get to the bottom of in respect of what happened on that day in respect of this ill-fated individual and the potential consequences for Gibraltar. That is what we have to be concentrating on and he can ask as many questions as he likes because this is the Parliament and he can get up and the person who will determine what questions he can ask is not me; it is the Speaker.

**Mr Speaker:** The Hon. Trevor Hammond.

1590

**Hon. T N Hammond:** Thank you, Mr Speaker.

Just with respect to the scope of the investigation that is underway – and we very much look forward to seeing the conclusions of that investigation – can I ask the Minister for Health whether the activity within the GHA on the night forms part of that investigation or whether a separate investigation is being conducted to provide the assurance.

1595 I recognise you gave a very complete narrative of the events of the night, but of course there is a lot of lesson-learning to be done, still no doubt, as is always the case with unusual events such as these, and I cannot believe it will be possible for that lesson-learning to have been concluded mere days after the event, particularly appreciating the timelines involved with most investigations. Will that element of this incident be separately investigated and will similar conclusions be made available?

**Hon. Dr J E Cortes:** Mr Speaker, there may be some overlap but the main investigation that my Hon. Friend, Minister Balban, is referring to relates to the arrival of this unfortunate gentleman to Gibraltar and that immediate effect, and what led to that.

1605 The GHA is carrying out its own internal review of the case. There have been, as I have said – I am not sure how many but – a number of meetings and I am expecting a report and recommendations very very soon, but as I say there could well be overlap and there could be things that that investigation will enquire of the GHA's internal investigations. But at the moment GHA is carrying out its own assessment of how things were done and whether we can learn and make any further improvements to the way we do it.

1610 I must insist that – I said it earlier but I must not forget – the work done by the actual professionals in very difficult circumstances is something worthy of praise, but I have said so. *(Banging on desks)*

1615

**Mr Speaker:** I think this is an appropriate moment to have a recess of about 20 minutes.

When we return we will be dealing with Questions to the Hon. the Minister for Education and Justice.

1620 **Hon. D A Feetham:** Mr Speaker, I would like to question the Hon. the Minister for Health further in relation to this and I will just give the Hon. the Minister heads up in relation to this.

You see, when the Hon. the Chief Minister stood up and he has talked about an investigation and, 'We need to allow that investigation to run its course and we will publish conclusions,' the Hon. the Minister is indicating that that investigation is about how the patient is left quayside ...  
1625 or somebody with a serious disease comes to Gibraltar, is left quayside and then the ship leaves.

I am interested, that is very important, but I am also interested in testing how the protocols are then handled from there, all the way to this individual getting to the Accident & Emergency, which is equally as important in the context of how you protect individuals; because if this person had been suffering from Ebola – God forbid! – or some other contagious disease, that is  
1630 equally as important or even more important.

I mean how one tested against ... and that is what I am interested in and that is what my questions were directed ... the questions that I was going to ask about the Fire and Rescue Service, the questions about the GHA Ambulance and how that interacts with Accident & Emergency. Because with something like this – where you have not diagnosed that person with,  
1635 or you have not ruled out that he has got a contagious disease – an individual like this being brought to Accident & Emergency, potentially when he goes into Accident & Emergency, there leads to a contagion of that area of the Hospital and potentially, through the air conditioning unit, others. So that is what really concerns me.

1640 **Hon. Dr J E Cortes:** Mr Speaker, obviously let's finish this, with your leave, before we recess.

I think I have given a fairly lengthy account of what happened and of the protocols that are in place. There are protocols; there are policies to deal with these infectious diseases. I have actually mentioned them before in Parliament when I was questioned about Ebola some time ago, by the Hon. Isobel Ellul-Hammond. So there are protocols in place and those protocols can  
1645 be shared – there is absolutely no problem at all.

As I say, the GHA is looking at how it carried out its procedures. The big questions, I think, are the ones we have already referred to. But the protocols are in place and I think I have given a very full answer.

1650 **Hon. D A Feetham:** But, Mr Speaker, it is not about...the protocols may be in place and nobody disputes that there are protocols that have been in place; what I am trying to test is, in this particular instance, where we did not know until later – indeed, we did not know until Wednesday or Thursday of last week – that this gentleman was suffering from malaria, which as I understand is non-contagious, rather than a contagious disease – how the protocols were  
1655 applied in this particular case; because it strikes me that if we have a situation ... That is why I did not want to go ... I was agreeing, not going to go into the facts if there was an investigation.

But how does one effectively take a patient that one does not know is contagious to the Accident & Emergency; he is put into the Accident & Emergency in circumstances where it could lead to contagious – (*Interjection*) Well, that is what I want to ask the Hon. Minister about and I  
1660 was prepared not to ask it because there was going to be an investigation.

1665 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to the answers that are given. The Hon. the Minister for Health gave a very full answer about exactly what happened and the hon. Gentleman needs to look at what was said or at least remember what was said by the Hon. Minister.

He said, given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First respondents were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol will be applied in subsequent  
1670 stages. Mr Speaker, as there was no diagnosis ever established, a full protocol remained operational throughout until his death. That is what the hon. Gentleman has explained in detail.

So we are concerned that issues may not have been dealt with appropriately in respect of the arrival of this seaman to the dockside in Gibraltar and that is the subject of an investigation. We

1675 are happy that the GHA dealt with that instance, which could manifest in different ways ... I  
mean an aircraft could bring somebody with an infectious disease or somebody could turn up  
through the frontier with an infectious disease, right, and what do you do then? You deal with it  
in the way the GHA properly and rightly dealt with it this time. That is not the subject of the  
investigation because we are satisfied that that went well.

1680 The issue is that the fellow with the infection arrived in Gibraltar and was brought into  
Gibraltar and there something may or may not – and that is why it is an investigation – have  
fallen down, but not at the GHA level!

**Hon. D A Feetham:** Where was this individual, if he was not taken to Accident & Emergency,  
which is the information that I have been provided with, and there was a discussion between  
1685 Dr Kumar and people at the Accident & Emergency about whether the patient would be treated  
at the Accident & Emergency or not?

Where was this particular patient treated if he was not in the Accident & Emergency?

**Hon. Dr J E Cortes:** Mr Speaker, preparations were being made to receive the patient in one  
1690 area of St Bernard's Hospital. The patient was receiving treatment in the ambulance and passed  
away in the ambulance; he did not actually get into Accident & Emergency.

**Mr Speaker:** We will now recess for 20 minutes.

*The House recessed at 5.28 p.m. and resumed its sitting at 5.50 p.m.*

### Procedural

**Clerk:** Question 79/2016, the Hon. T N Hammond.  
1695

**Hon. Ms M D Hassan Nahon:** Excuse me, Mr Speaker, there were a couple of  
supplementaries that I wanted to add before the break. (**Mr Speaker:** Go ahead.) I know the  
Minister for Health is not here –

1700 **Mr Speaker:** Go ahead. Oh, he is not here?

**Hon. Ms M D Hassan Nahon:** – and neither is the Chief Minister, who may have been able to  
take them.

1705 **Mr Speaker:** We will come back to them.

**Hon. Ms M D Hassan Nahon:** Okay, thank you.

### EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

#### Q79/2016

#### Festive fireworks – Plans to curb antisocial behaviour

**Clerk:** Question 79/2016, the Hon. T N Hammond.  
1710

1715 **Hon. T N Hammond:** Mr Speaker, numerous constituents have approached me recently raising concerns at the incessant use of fireworks, and in particular those designed solely for the purpose of producing a loud noise, causing distress to many people and indeed their pets. Does the Government intend to put any plans in place to curb this unsociable behaviour and ensure the majority can enjoy a more peaceful festive season next year?

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1720 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Government supports the celebration of the festive season, particularly during prominent festive events, such as New Year, and believes that this should be done in a safe, legal and responsible way.

1725 H.M. Customs, the Royal Gibraltar Police and the Gibraltar Fire and Rescue Service jointly produced this year a pamphlet shortly before New Year's Eve, making it clear that fireworks are prohibited imports except under licence granted by the Collector of Customs, warning about the possible criminal offences concerning the use and possession of fireworks in certain circumstances, and setting out the Firework Code for the safe handling and use of fireworks. This was part of a campaign which also included interviews with local media and social media releases.

1730 Flyers have been circulated by the GFRS fire prevention officers, with posters warning of the dangers. Her Majesty's Customs have been enforcing the relevant legislation at the land frontier and this has been augmented by RGP officers who have this year specifically trained a search dog to detect fireworks grade powder. This has served as a valuable deterrent in respect of illegal importation of fireworks.

1735 The Government proposes to continue in future years to promote similar campaigns which are designed to prevent illegal importations and to promote, as I have said, the safe, legal and responsible use of fireworks.

1740 **Hon. T N Hammond:** If I may ask the Minister: was anyone actually caught or prosecuted with respect to the use of these illegal fireworks over the festive season; and also, bearing in mind the use of these fireworks really commenced from the beginning of December, if not late November, does he not think it is a bit late to issue pamphlets just before the New Year?

1745 **Hon. G H Licudi:** Mr Speaker, I am not sure exactly the date when the pamphlet and the campaign started, but certainly fireworks are generally imported and used in the run up, and in fact on New Year's Eve itself, so it is important to have the campaign at the time.

1750 If the issue is whether the campaign should have started earlier then that is something that certainly we would be prepared to consider and discuss with Customs, Gibraltar Fire & Rescue Service and the Royal Gibraltar Police, if it is felt that not enough time was given in respect of the campaign.

1755 The hon. Member asked whether anybody was arrested or cautioned in respect of possession of fireworks; I am told that three juveniles were arrested for being in possession of a prohibited import – that is a firework – during the Christmas period; and there was also one report of a firework being thrown into a residence and one report of a fire at a bin store which may have been caused by a firework, although this could not be confirmed.

1760 As I have said, the enforcement measures that have been taken, particularly this year, has in our view led to a significant, not just deterrent but reduction in the amount of illegal fireworks. I certainly remember not so many years ago prevalence of what we commonly call '*cohete de caña*' those... certainly – I have not seen any this year, and it is certainly felt by the law enforcement agencies that celebrations have been more responsible and quieter than in the

previous year. I also remember the sort of celebrations that we used to see on Christmas Eve and on New Year's Eve, and certainly this year has been quieter than in previous years.

1765 So our view is that what is needed is a continuation of the promotion of safe, legal and responsible use of fireworks through campaigns and we are certainly happy to look at the campaign that was mounted this year, and if we can improve and expand on the campaign, that is certainly what we should be doing for next year.

1770 **Hon. T N Hammond:** Mr Speaker, I, in general, welcome the comments of the Minister. I do have to disagree with him that it was perhaps a quieter year. I think obviously that is a subjective opinion, but it was also the opinion of those who expressed the concerns to me, and the period over which the nuisances were being caused seems to be extended. As Christmas seems to be extended every year earlier and earlier, it seemed to be the case with the fireworks.

1775 So, as I say, I am content with the response and will ask no further questions, but I would just like to make the point that it is certainly subjective as to whether it was a quieter year or not.

1780 **Hon. G H Licudi:** Mr Speaker, it is not subjective; it is the view that has been expressed to me by the relevant authorities, particularly in relation to the illegal importation and the substantial drop in that, and the type of fireworks that were imported illegally, which are no longer, and which were fireworks solely designed to cause noise – the example that I gave.

So it is not my subjective evaluation of me sitting at home and wondering whether a bang is going off now in half an hour. This is the assessment that has been made by the authorities.

1785 **Hon. T N Hammond:** But the assessment is still subjective, unless there is some evidence to support otherwise, surely.

**Q80-81/2016**  
**Small Boats Marina –**  
**Expenditure; Completion date and number of berths**

**Clerk:** Question 80/2016, the Hon. E J Reyes.

1790 **Hon. E J Reyes:** Can Government provide a breakdown with details of all expenditure already incurred in respect of the Small Boats Marina, together with details of any other pending and/or estimated forthcoming expenditure?

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

1795 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Question 81/2016.

**Clerk:** Question 81/2016, the Hon. E J Reyes.

1800 **Hon. E J Reyes:** Can Government state the estimated completion date for the Small Boats Marina, together with details of the number of berths which will become available?

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1805

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the estimated completion date for the Small Boats Marina is 14th February 2016.

1810 There will be 700 berths available, as has previously been announced. The cost of the Small Boats Marina to 18th January 2016, is £23,510,003.32 with an estimated balance to complete of £772,733.09. This will result in an estimated total project cost of £24,282,736.41.

1815 **Hon. T N Hammond:** If I may, Mr Speaker, could I just ask: does the Government know at this point what the rental – I do not know what the correct phrase is for an individual berth... (**A Member:** Berthing fees.) berthing fees will be set at, at this time?

1820 **Hon. G H Licudi:** Mr Speaker, berthing fees are the subject of final discussions within the Government, and the Port Authority in particular. What we intend to do is to publish regulations, in fact by way of amendment to the Small Boats Mooring Regulations, which will set out the rules in relation to the marina which set out the initial fees that will be payable and which will set out also the allocation criteria for the Small Boats Marina so there is absolutely no doubt by anyone; in fact it will be set out in law and therefore it will be clear to everyone exactly what has been done and why.

1825 **Hon. E J Reyes:** I welcome that, Mr Speaker, and this whole set of measures will be taken, including, what the Minister has just said, the allocation criteria and so on – will that be handled by the Port department or any particular authority set out for the purpose? I do not know if the Minister has any additional information in that respect?

1830 **Hon. G H Licudi:** Mr Speaker, the rules, in fact – and I have a draft with me – is the Small Vessels (Mooring Controls) Rules 1990, so all this will be done by way of amendment to those rules and the schedules, including the constitution of the new club and the allocation process with. All of this clearly comes under the Port and primarily under the responsibility of the Captain of the Port.

1835 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: has any thought gone into how Government might recover the £24 million spent on the small boats marina? Is there any thinking, for example, to reclaim land where the existing small boats marina is and receive a premium for that land?

1840 **Hon. G H Licudi:** Mr Speaker, I am not sure what existing small boats marina the hon. Member is referring to, but if he is suggesting – and particularly if he is saying it is the GSD's view – that another small boats marina somewhere else should be removed and reclaimed so that those boats are removed from their current moorings, that is certainly not the current Government's thinking.

1845 So I am not sure where the hon. Member is coming from, but in terms of the cost this is clearly a very substantial investment that the Government has made into this area; and it is an investment that the Government has made because it was felt there was a dire need for a facility such as this. It was, in fact, included as one of ... I would not say one of the main issues, but certainly a prominent manifesto commitment of our 2011 manifesto – the building of a marina for 700 small boats.

1850 That was because for some time we have felt that there has been a loss of access to the sea and many people who wanted to have the facility of being able to enjoy a small vessel for fishing and recreational facilities have not been able to do that. For many, many years there has been a constraint in people being able to buy a small boat and being able to enjoy pleasurable activities such as this; and we felt that we could make very very significant inroads into that by building a facility of 700 berths.

1860 It is in fact quite a facility – as hon. Members hopefully will be able to enjoy very soon, once it is inaugurated in the next month or so. I would not call it a marvel of engineering work, but it is a very, very substantial marine engineering project, of the like that I am told has not been seen even in the Mediterranean for many many years. So this is a very very significant project.

1865 The project involves two aspects, essentially: one is the wharf side with close to 600 metres of additional wharfing space or wharfage available to the Captain of the Port; and then the interior – the marina side. So the cost is not entirely attributed to the marina itself but the infrastructure that has gone to creating a vertical wharf which is going to be enjoyed. And all that...There is the public highway and the wharf, and all that will be available to the Port department for commercial activity; and we envisage that that is going to be something which is going to generate some income, particularly for the Port, in the category primarily of the super yacht marina and the big yacht category.

1870 As far as the marina itself, it is, as I have explained, an investment in recreational activities for the local population. There will be, clearly, an obligation for the marina to be run on the basis that it does not cost the Government any additional amounts. So there will be, clearly, berthing fees which will be collected, which must be sufficient to cover not just the maintenance costs but also the replacement costs of the marina in something... I forget the time, but something like 1875 20 or 25 years. That is the extent of the guarantee of the pontoons by the manufacturer and the marina area and, therefore, there will have to be a kitty built up over time so that that replacement cost is not something that would be met by the Government but would build up over time through the berthing fees that will be collected on an annual basis by the association, by the club that runs the marina.

1880 Certainly from the Port's point of view – and I would be happy to defer to my colleagues who have responsibilities for the Port – it is considered that this is going to be a very valuable facility for the Port. It is the first time that Gibraltar has created additional commercial wharfage of this nature, particularly around 600 metres of commercial wharfage which is going to be a very significant addition to what the Port has to offer and which will be exploited from a commercial point of view. 1885

**Hon. R M Clinton:** From the Hon. Minister's answer, I take it then that there is no intention whatsoever to move the boat owners in the existing Coaling Island facility and that facility will continue as is and that land is not going to be reclaimed? 1890

**Hon. G H Licudi:** Absolutely, Mr Speaker. There has never been any indication or intention... I am very surprised by the suggestion implicit in the question, almost urging the Government to take that back and reclaim the land in order to recover the cost of this marina. There has never ever been any intention of taking that back. That is subject to, I understand, licence and lease arrangements with the club and they will continue to be able to enjoy those facilities for as long as they want to. 1895

**Q82/2016**  
**Prison population –**  
**Numbers and details of inmates**

**Clerk:** Question 82/2016, the Hon. E J Phillips.

1900 **Hon. E J Phillips:** Can the Government confirm the current prison population by number, age, gender, type of offence and length of custodial sentence?

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

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in a schedule that I now hand to him.

1905

**Schedule to Q82/2016**

The current prison population as at Thursday 14<sup>th</sup> January 2016 are as follows:

TOTAL POPULATION: 58

**BREAKDOWN BY AGE**

UNDER 18: 0  
18-20: 4  
21-25: 9  
26-50: 35  
51 AND OVER: 10

**BREAKDOWN BY GENDER**

MALE: 55  
FEMALE: 3

**BREAKDOWN BY TYPE OF OFFENCE**

VIOLENCE RELATED: 9  
SEXUAL OFFENCES: 4  
THEFT/ROBBERY/BURGLARY: 14  
DRUG RELATED: 21  
FRAUD: 4  
TOBACCO RELATED: 1  
IMMIGRATION: 5

**BREAKDOWN BY LENGTH OF SENTENCE**

LESS THAN 6 MONTHS: 7  
6 MONTHS TO 1 YEAR: 5  
OVER 1 YEAR TO 4 YEARS: 13  
OVER 4 YEARS TO 8 YEARS: 14  
OVER 8 YEARS TO 15 YEARS: 1  
OVER 15 YEARS TO LIFE: 3  
REMANDS: 11  
DETENTION AND REMOVAL ORDERS: 4

**Q83/2016  
Prison population –  
Number of re-offenders**

**Clerk:** Question 83/2016, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm what percentage of the current prison population are re-offenders?

1910

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I was not sure whether the hon. Member, by 're-offenders' intended to mean simply previous convictions or having previously served a custodial sentence and, not being sure, I am going to give him both figures.

1915



Mr Speaker, on 14th January 2016, 58% of inmates had previous convictions and 46% had previously served a custodial sentence.

1920

**Hon. E J Phillips:** I am grateful for the response.

Does the Minister for Justice agree with me that the key to reducing re-offending is getting people back into work and gainful employment?

1925

**Hon. G H Licudi:** That certainly is one of the key elements of a rehabilitation system and being able to do that. I understand that there is another question in the Order Paper which will be answered by my colleague, Minister Bossano, which deals specifically with that issue and the efforts that are being made for assistance to people who have been in prison once they leave prison.

**Q84-85/2016**

**Community sentences –  
Categories and numbers**

1930

**Clerk:** Question 84/2016, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Minister for Justice confirm what each category of community sentences are currently available to the Courts and what plans the Government have to widen the scope of community sentences available?

1935

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information**

1940

**(Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Question 85/2016.

**Clerk:** Question 85/2016, the Hon. E J Phillips.

1945

**Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the number of individuals currently engaged in community sentences by reference to each category of community sentence?

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1950

**Minister for Education and Justice & International Exchange of Information**

1955

**(Hon. G H Licudi):** Mr Speaker, the categories of community sentences available to the Courts are set out in sections 521 and 522 of the Criminal Procedure and Evidence Act. Ordinarily I would leave the first part of the Question to that, but because I am feeling in a very helpful mood, I will set out some further information about what the sections contain.

1960

Mr Speaker, section 521 deals with the community orders in respect of adults convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the following requirements: (a) an unpaid work requirement, (b) an activity requirement, (c) a programme requirement, (d) a prohibited activity requirement, (e) a curfew requirement, (f) an exclusion requirement, (g) a residence requirement, (h) a mental health treatment requirement, (i) a drug rehabilitation requirement, (j) an alcohol treatment requirement, and (k) a supervision requirement.

1965 Mr Speaker, section 522 deals with youth rehabilitation orders in respect of juveniles convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the requirements I have already referred to which apply to section 521, save that in respect of an unpaid work requirement that can only be imposed if the offender is age 16 or 17 at the time of conviction, and an alcohol treatment requirement is replaced, in the case of a youth offender, by an intoxicating substance treatment requirement. There are no current plans to widen the scope of the community sentences available to the courts.

1970 There are currently 31 individuals subject to community sentences. Of these, 26 are subject to unpaid work requirements; three are subject to unpaid work requirement youth rehabilitation orders; and two are subject to supervision orders.

1975 **Hon. E J Phillips:** Mr Speaker, I take it from that answer that the overwhelming majority of those are unpaid work requirements: 26 plus 3 are 29 out of the 31.

1980 **Hon. G H Licudi:** Yes. If what the hon. Member wants to say is that 29 out of the 31 subject to community sentences are subject to unpaid work requirements, that would have been what the courts had determined was the most appropriate requirement to impose in respect of those particular individuals in the particular case.

**Q86/2016**  
**Probation Service –**  
**Current composition**

**Clerk:** Question 86/2016, the Hon. E J Phillips.

1985 **Hon. E J Phillips:** Can the Minister for Justice confirm the current composition of the Probation Service?

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Probation Service currently consists of a Head of Probation and two Probation Officers.

**Q87/2016**  
**Prisoners –**  
**Activities available**

1990 **Clerk:** Question 87/2016, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Minister for Justice confirm what activities outside academic and vocational training are available to male, female and juvenile prisoners?

1995 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information**

2000 **(Hon. G H Licudi):** Mr Speaker, activities outside academic and vocational training available to male, female and juvenile prisoners are: (1) counselling with a psychologist, including group sessions; (2) substance abuse – there is something called a 12-step programme; (3) general counselling with a counsellor; (4) aerobic training at the gymnasium; (5) weight training at the gymnasium; (6) football; (7) basketball; (8) Narcotics Anonymous meetings; (9) religious services in the multi-denominational room; (10) religious education, whether Catholic, Jewish or Muslim; 2005 and (11) engaging with external volunteer groups, such as St Vincent de Paul, Legion of Mary, or Co-Workers of Blessed Mother Teresa.

**Q88-90/2016**

**HMP Windmill Hill –**

**CPT recommendations; juvenile offenders**

**Clerk:** Question 88/2016, the Hon. E J Phillips.

2010 **Hon. E J Phillips:** Mr Speaker, as a result of its visit to Gibraltar on 13th to 17th November 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that as long as juveniles are kept at Windmill Hill Prison additional efforts must be made to provide them with a full range of purposeful activities and socio-educative support. In its response, the Government stated that a full-time teacher should be available as well as greater involvement from social services professionals. Can the 2015 Government confirm what steps it has taken in order to implement the CPT recommendation? That is at paragraph 40 of the Government's response to that report.

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2020

**Minister for Education and Justice & International Exchange of Information**

**(Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 89/2016 and 90/2016.

2025

**Clerk:** Question 89, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, the executive summary to the CPT report stated that Windmill Hill Prison 'is not a suitable place to accommodate children'. Can the Government confirm the 2030 Government's position with regard to the establishment of a small secure detention unit for juvenile offenders?

**Clerk:** Question 90, the Hon. E J Phillips.

2035 **Hon. E J Phillips:** Mr Speaker, the executive summary to the CPT stated that HMP Windmill Hill (1) had no specific rules for managing juveniles; and (2) staff were not trained specifically to work with juveniles. Can the Government confirm what the Government's position is with regard to the training of all prison staff to manage juvenile offenders?

2040 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the position with regard to the accommodation of juveniles, how juveniles are dealt with and support provided to juveniles at HM Prison was set out in my replies to Questions 322/2014 and 675/2014.

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In addition, a number of Government Departments and Agencies have been working together and also within their own spheres on particular aspects of how best to cater for the needs of juveniles, particularly those who have had a brush with delinquency.

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The Department of Education is working closely with the prison authorities and arrangements are in place for a teacher to be available for juveniles on a needs basis. The Care Agency provides support to any looked-after children who receive a custodial sentence. Care plans for these children identify issues of health, education, leisure/recreation, contact with family or significant persons, and how to meet the needs of the child whilst in custody. These include arrangements in relation to the child's education, as well as visits from his or her social worker and key workers over and above the weekly visits from family and friends.

2055

With regard to the training of prison staff specifically tailored to working with juveniles, discussions have taken place between the Care Agency and the Prison Service. Arrangements are in hand to deliver multi-agency child protection training to prison staff. The Government expects that this will result in a significant improvement in the provision of training for prison officers working with juveniles, including safeguarding, mental health, substance abuse and behaviour management.

2060

Mr Speaker, can I just add that these are additional measures. Clearly, all prison staff receive training on induction when they are made prison officers, and clearly they also receive on-the-job training, so there is training which goes on, on a constant basis. What I have identified here is specifically in relation to training tailored to meet the needs of juveniles, and the arrangements that are in hand are those specifically to do with that area over and above the normal training that the prison officers receive and the on-the-job training that is constant and happening all the time.

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**Hon. E J Phillips:** I am grateful for the Hon. Minister's response, but I would like to know what the Government's position is insofar as the comment made by the CPT report in that Windmill Hill Prison is not a suitable place to accommodate children. I would like to know what the Government's position is in respect of that statement that was made.

2075

**Hon. G H Licudi:** Mr Speaker, I have indicated that the position of the Government in relation to the accommodation of juveniles, which is obviously what the hon. Member is referring to, was set out already in my replies to previous questions, so I would urge the hon. Member to look at *Hansard* and see the relevant questions.

2080

**Mr Speaker:** I suggest, to the hon. Member, for guidance – given that obviously he was not a Member of Parliament at the time and therefore he may not have in his possession the relevant *Hansards* – that he can ask for the *Hansards*, read them up, and then pursue the matter at a subsequent meeting.

2085

**Hon. E J Phillips:** The difficulty with that, Mr Speaker, is the report was published after the meeting of Parliament, and therefore my question is pertinent to the extent that CPT has made a statement to which the Government has replied in its report after that meeting of Parliament, and I just want to know what the Government's position is in relation to that comment.

2090

**Hon. G H Licudi:** I have just said so, Mr Speaker. The position is as stated previously in those answers.

If the hon. Member wants to know whether we take the view that juveniles should not be there at all, which is the thrust, we do not agree with that statement and neither does the GSD.

2095 Does the hon. Member not know that the Leader of the Opposition was the Minister for Justice when the Prison was built? And does the hon. Member not know that the Prison was built under the supervision of the current Leader of the Opposition? Does the hon. Member not know that the plans included provisions for a juvenile wing, and it was the Leader of the Opposition who specifically decided that this should not happen and that juveniles should be accommodated in a different way?

2100 I would urge the hon. Member to look at my reply specifically to Question 322/2104, which sets out exactly how juveniles are accommodated and are dealt with, and which we consider still amounts to an adequate way, subject to the discussions that are currently taking place within Government Departments in order to see whether the system can be approved, and if there is a need at some point to have a very specific secure detention facility, then that is something that we are willing to consider and move on, as I stated in answer to Question 322/2014.

2110 **Hon. D A Feetham:** Mr Speaker, the Leader of the Opposition does know, because the Leader of the Opposition, as he rightly says, was Minister for Justice when he and also the hon. Member, Minister Costa used to ask me questions, and in particular questions of Minister Netto, as to how on earth we could allow a situation to prevail of offenders being imprisoned in Windmill Prison, and this was very degrading – (*Interjection*) No, and that one as well too, absolutely, because there was a controversy one particular year, with one individual who was up there, and many of the questions that have been asked by the hon. Member, Mr Phillips ... Obviously, he is asking in the context of this new report, but many of the questions about the teachers etc. Those were the same questions that I was fielding then, and I was saying that our position was it is perfectly adequate, and in Gibraltar, where you have limited resources etc. we feel that this deals with the situation adequately.

2115 But of course they did not think that it was adequate, because they were badgering us, when we were in Government, to actually provide different accommodation. So obviously the position has changed from when they were in Opposition.

2120 Does the Government have no plans at all ...? Does the Government have no plans at all because from recollection of the answers that he gave last time round, I think they did not rule out the construction of a secure unit for juveniles at some point in the future. Therefore, the question is: well, you, know, how soon will the Government deploy those plans, so that juveniles do not have to be locked up, so to speak, at Windmill Hill Prison?

2130 **Hon. G H Licudi:** Mr Speaker, I am happy to just read part of it, because the hon. Member is right in his recollection that we did not rule anything out, and I did say at the time ... I am quoting from *Hansard*, Mr Speaker. I said ‘there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.’

2135 When I refer back to that question, that is still the position. There are no immediate plans – as in today. I cannot say today we have plans to do x or do y, which is different, but it is something that we are actively considering, actively looking at. There are multi-agency meetings looking at, as I mentioned in the original answer, the whole question of juveniles – in particular, those who have a brush with delinquency – and how it is best that those should be dealt with.

2140 There is a multi-agency approach to this issue and clearly one of the matters that needs to be considered is whether, as the hon. Member has indicated, in a small place like Gibraltar, where ... I have given the hon. Member, in answer to a previous question, a list of the inmates, and as I recall – and the hon. Member may have it there – the number of juveniles there stated is zero at the moment, so cases are few and far between. Sometimes you have one, sometimes you have more than one, so is it justified to have a separate secure detention facility just for that odd occasion, or are the arrangements that are currently in place ... which we consider may be improved upon, certainly, but certainly work in respect of the detention of juveniles for the facilities that we have.

2145 So, it is something that we are not putting out of our minds, it is something that we are not discarding; it is something that we are constantly reviewing and it is something that is currently being discussed on that multi-agency basis.

2150 **Hon. D A Feetham:** Mr Speaker, may I take a moment? Mr Speaker he has provided me with almost a carbon copy of the type of answers that I think that I used to provide (*Interjection*) – yes – which was, it is not an ideal situation to have a juvenile in Windmill Hill Prison, that we have got to take into account costs and we have got to take into account the size of the community, and that the Government obviously is always reviewing the situation because inherently it feels uncomfortable, and no doubt the hon. Gentleman feels uncomfortable with  
2155 the situation that a juvenile ought to be in prison with adults at Windmill Hill Prison.

But I think that what my learned and hon. Friend, Mr Phillips, is getting at is that there is a different situation now, in the sense that there is now a report from an international organisation that is condemning the current situation, that there are now reputational issues involved as well, and does that therefore alter the Government's thinking in terms of the urgency, for example, in reviewing this kind of situation?  
2160

It appears, really, from the answers that the hon. Gentleman has given is, that no, it has not really altered the Government's thinking. The Government really was reviewing it in 2014, it is reviewing it now – but, reading between the lines, really this is not one of the priorities the Government has and certainly not one of the priorities in his Ministry.  
2165

**Hon. G H Licudi:** Mr Speaker, no, that would not be a fair reflection of the current position.

Let me just mention first, when the hon. Member talks of juveniles 'with adults' in the prison, as I set out, I do not want the impression being given that they are just mixed together and not treated differently in any way. In fact, the legislation provides for different treatment in respect  
2170 of juveniles. It also provides that they should not be unduly left without contact with other people, so if there is only one juvenile, it is not fair to keep that person almost as if he was in solitary confinement just because you segregate, so there is supervised contact in some way. But certainly there is a separate wing which is set aside whenever there is a juvenile and that wing is used essentially as a juvenile wing as if it was a separate detention facility, with the other  
2175 facilities that are available – like the classroom, like the workshop and the gym – also available to the juvenile.

The hon. Member uses a word in relation to the report, that this 'condemns' the Government. I am not sure that the report ... Yes, 'condemning' – that is the word that the hon. Member used. I would disagree that that is a phrase either that has been used or that it is  
2180 intended to be used. There are recommendations, and there are views set out in that report.

The position certainly has moved on since 2014. That is why, apart from referring to 2014, I said 'in addition, these things are being considered', and I did talk of the multi-agency approach and there is active consideration about all these issues and we are awaiting consideration of proposals, possibly from this group, as to whether we should move in that direction or not – and  
2185 then the Government will have to take a policy decision, because although it might seem on paper to be desirable, there are all the other factors that the hon. Member has highlighted in terms of proportionality and the effectiveness of the current regime in respect of juveniles that was to be considered when it comes to Government taking a policy decision on that.

This is something that is being actively considered. It was being considered at the time. It has  
2190 been ... I would not say 'reactivated' but certainly it is something that is very much on the agenda in terms of consideration, particularly as a result of the report and the review and the discussions we had with the gentleman who came over in terms of the committee to review the facilities – not just at Windmill Hill but also in the police station and the other facilities that were reviewed. So yes, this is something that is under active consideration now, so the position  
2195 certainly has moved on from 2014.

2200 **Hon. Ms M D Hassan Nahon:** May I raise a very basic point? Mr Speaker, from what I understand, the juvenile wing is only a door apart from the convicted paedophile wing, with a small space in between. So I would ask the Minister to reconsider the logistics of the spacing of these two sets of offenders. It might be worth looking at.

Thank you.

2205 **Hon. G H Licudi:** Mr Speaker, I do not know the exact logistics. Certainly there is a wing where, as the hon. Member will know, where vulnerable, or, so-called considered vulnerable prisoners, which would include sex offenders ... I would not call it, certainly, any paedophile wing; that is not terminology that is being used either by us or the prison authorities, or would have been used by the former Minister for Justice, now the Leader of the Opposition.

2210 But separate wings are separate wings – whether they are separated by a door or a corridor, they are separate wings – and as long as the arrangements are adequate to keep juveniles separate and adequately supervised, those are arrangements for the Prison Superintendent to make and judgements for the Prison Superintendent to make, and I am satisfied that those arrangements are in place and are adequate in respect of the separation of juveniles.

2215 **Hon. D A Feetham:** Is the hon. Member ... I beg your pardon. I will give way, if you ...

2220 No, it is just that as information flows, my recollection of the scheme of this comes back to me. One of the issues ... I recall the schematics of it. You had the women's section and then there was a space, then there is this section that is used for juveniles when there are juveniles, then there is a small space, and then there is a further area where one would place prisoners that are at risk – for example, sexual offenders and paedophiles. Most people out there would call them paedophiles: that is what it is and we should not be ashamed of calling them such. (*Interjection*) But it is not a paedophile wing. I understand it is not a paedophile wing. It is a wing for those who are vulnerable, from potentially, to attack from other prisoners.

2225 One of the problems, as I recall, was that of course when you have a prison population that starts going up and space starts obviously becoming scarce within the prison, that then you have a situation where even these areas would then need to be used. Is the Hon. Minister aware of whether that has happened over the recent past, where this particular area which is reserved for juveniles has had to be used for the purposes of other prisoners because of the increase in the prison population, or spikes in the prison population at any particular time? That is what really causes ... and that you see was my concern at the time. My concern at the time, we built a prison, we have actually planned ahead, it has increased capacity hugely, but if the prison population continues to rise and rise, at some stage you have a situation where even these two spaces for the vulnerable prisoners and also for juveniles starts getting used by the general prison population.

2235 **Hon. G H Licudi:** Mr Speaker, as I understand it – and I am speaking just from recollection – the prison can cater for something like 96 or 98 prisoners. In the last couple of years numbers have come down. Although we had a spike reaching 80-odd, numbers have come down and stabilised in the order of 50 to 60 inmates, so in that context making room available is not a problem. The hon. Member is right: if we had 98 adult prisoners ... well, we would have a problem in accommodating the 99th or the 100th adult prisoner, so it is not just a question of the at-risk or vulnerable prisoners and juveniles. That would be a problem in itself. It is not a problem that we have had, certainly, I recall, in the last couple of years where those numbers are stabilised.

2245 The effort must be made and must continue to be made in the other area that the hon. Member was talking about: reducing reoffending rates, reducing rates at which prisoners end up in prison on a second or third occasion. The efforts that the Government has been making – and I do not want to go into the other question, which will be answered, I imagine, tomorrow – the efforts that the Government has been making in respect of counselling facilities and the

2250 assistance in respect of employment we believe is the right way forward and the right way to  
reduce that kind of reoffending to the point that people not just reoffend but end up having  
further custodial sentences.

2255 So this does not involve just looking at numbers – the number of beds, how many people do  
we have; it involves looking at the criminal justice system across the board and seeing in what  
ways those who do offend can be assisted to become again good citizens and good members of  
society that make a valid contribution. That is the effort that the Government is making.

2260 **Hon. E J Phillips:** I am grateful for the lengthy response to that question. I just have one  
further question: I would like, hopefully, a very simple answer to the question. The report from  
the European Committee has stated, and I repeated this statement: it is not a suitable place to  
accommodate children. All I want to know is whether the Government's position is: do they  
agree or disagree with that proposition put forward in the executive summary? That is all.

2265 **Hon. G H Licudi:** Mr Speaker, if we agreed, we would not have juveniles in that prison. So we  
agree that adequate arrangements can be made for the keeping of juveniles, but we are keeping  
our options open and actively considering alternative arrangements.

**Q91/2016**  
**HMP Windmill Hill –**  
**Admission of prison visitors**

**Clerk:** Question 91/2016, the Hon. E J Phillips.

2270 **Hon. E J Phillips:** Mr Speaker, section 13 of the Prison Act provides that the rules and  
guidance of the Prison Board govern the admission of prison visitors. Can the Government  
confirm that all religious leaders, irrespective of religious affiliation, are afforded equality of  
access to HMP Windmill Hill?

2275 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of  
Information.

**Minister for Education and Justice & International Exchange of Information**  
**(Hon. G H Licudi):** Mr Speaker, all ministers of religion, irrespective of religious affiliation, are  
afforded equality of access to HM Prison.

**Q92/2016**  
**Arrest referral workers –**  
**Allocation of additional resources**

**Clerk:** Question 92/ 2016, the Hon. E J Phillips.

2280 **Hon. E J Phillips:** Mr Speaker, Her Majesty's Government has committed to the  
implementation of Arrest Referral Workers and the relevant protocol. Can the Government  
confirm what additional resources are being allocated to Her Majesty's Court Service and the  
Royal Gibraltar Police to ensure that those persons who come into contact with the criminal  
2285 justice system can access Arrest Referral Workers?



**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2290 **Minister for Education and Justice & International Exchange of Information**  
**(Hon. G H Licudi):** Mr Speaker, the Government has not made any commitment in relation to  
Arrest Referral Workers as the question suggests. The Government's commitment is as set out in  
page 93 of our manifesto, namely to introduce arrest referral protocols throughout law  
enforcement agencies to facilitate the process of dealing with detainees who are suffering from  
2295 addictions.

To repeat what the Hon. the Chief Minister said this morning, as with other manifesto  
commitments that do not have a specific date for implementation, this will be introduced within  
this term of office.

2300 **Hon. E J Phillips:** In relation to Arrest Referral Workers, the whole purpose of these protocols  
and procedures and the engaging of individuals to work within the criminal justice system is that  
so that when someone presents at the court, or indeed at New Mole House themselves ... When  
they present with a difficulty with addiction or substance abuse, then someone, an individual,  
can be approached, an arrest referral worker ... Under a protocol they can be approached in  
2305 order to deal with the situation, to tackle drug addiction at the very start of the process. That is  
the question I was getting at: does the Government, insofar as protocols are concerned ... ?

And I would point the Minister to the Scottish executive example of arrest protocols, where  
they introduced them and they set out a detailed pilot scheme within which they looked at  
arrest referral protocols, and they said in their report that there should be that interaction  
2310 between the criminal justice system at the detainee level and at the court service, where  
individuals will need their own space at the court service and at the police station in order to  
deal with someone who presents with an addiction problem from the outset.

**Hon. G H Licudi:** Mr Speaker, fortunately for us, it is for the Government to set the policy and  
the agenda, and not for the hon. Member.  
2315

When the hon. Member says 'the whole purpose of this', I am not sure whether he is trying  
to interpret our manifesto and saying, 'The whole purpose of what you intended, was this.' We  
will be the judges of what we intend to do, as we set out in our manifesto.

2320 What we have identified is that there is a referral process to somebody who is identified as  
the person to whom that person with an addiction should be referred. How it is done and what  
it involves is a matter that the hon. Member will have to wait and see. As I have indicated, we  
have this term of office to do it.

**Hon. E J Phillips:** Just for the record, I was referring to, yes, page 93 of your manifesto, in  
2325 which you state:

Arrest referral protocols throughout the law enforcement agencies to facilitate the process of dealing with  
detainees who are suffering from addictions;

2330 What I am suggesting to you is that when someone presents at New Mole House and is  
detained and arrested, that you will have to refer him to an individual who has expertise in  
addiction so that that can be dealt with. It follows that you will have to engage arrest referral  
workers to deal with this issue when someone presents at New Mole House, or indeed the court  
service.

**Hon. G H Licudi:** No, Mr Speaker, it does not follow at all. It may be what the hon. Member  
might like to see, but it does not follow at all. All that we need to do is make sure that we know  
who is a person who can deal with addictions, and as long as we know that ... because the hon.

2335 Member has assumed that this necessarily has to do with workers and it is going to involve additional resources. Well, we will have to wait and see, once we decide how we are going to implement the manifesto commitment; and the hon. Member has read the manifesto commitment which is exactly in the terms of the answer that I gave him. (*Interjection*)

2340 So, if he wants to continue to read our manifesto and let everyone know the wonderful range of ideas (**Several Members:** Hear, hear.) (*Banging on desks*) that we have set out, which ... Let me try and recollect, was it seven out of 10? Almost seven out of 10 have voted for, so it must contain some very very good ideas and we will be very proud of implementing our manifesto during the next term of office – as we did in the last term of office and we were applauded back into office!

2345

**Several Members:** Hear, hear! (*Banging on desks*)

**Hon. E J Phillips:** With respect, my learned and hon. Friend finds it quite difficult to answer the question that I am putting to him.

2350 We are dealing with a very serious issue about addiction and people that interact with the criminal justice system at New Mole House and the court service. I am asking a very very simple question: how does the Government intend to deal with people that present at New Mole House and at the courts, that have deep addiction problems and who are committing crimes?

2355 It is all well and good having an arrest warrant protocol but you need the people to back up the system. And that is the question I am asking: what are the plans that the Government have in place to deal with that situation? At the moment you have said, in response to my previous question, that you are not going to engage workers. Well, I am just trying to dig down on what you actually mean by the protocol, and what you are going to do about it?

2360 **Hon. G H Licudi:** Mr Speaker, I have not said that we are not going to *engage* workers. I may have implied that it does not necessarily *lead* to that, but how we do it is a matter that we will have to consider. And as we will be saying again and again and again– because it seems that this is going to be a constant issue between us in this term – manifesto commitments will be fulfilled during this term of office.

2365

**Hon. D A Feetham:** Mr Speaker, there is a distinction, does he not agree, between saying a manifesto commitment is going to be dealt with over a period of two, or three or four years ... ? You have got four years and you refuse to give us a timescale.

2370 My learned Friend's question is about the *policy*; it is not about the timescale. What he is getting at is, 'Look, you have got a manifesto commitment, how are you intending to fulfil that manifesto commitment?'

He has suggested that logically, to fulfil this manifesto commitment, what you would have to do is engage these types of workers. Now, the Hon. Minister has said, 'Well, not necessarily.'

2375 Can he give us, at the very least, a flavour of the type of options that the Government is currently considering, so that we can assess that? Because you see, otherwise we are left with a situation where we do not know what the Government is planning to do.

All it has – with respect to the Hon. Minister – is a vague manifesto commitment. And until the day that the Hon. Minister makes an announcement – two, three, four years, or indeed a year from now ... But actually, part of the democratic process – (*Interjections*)

2380 Shall I sit down, or is he listening? (*Interjections*)

Part of the democratic process –

**Mr Speaker:** I know we have had a tiring day and Members, when they get tired, begin to lose their control. (*Laughter*)

2385

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

2390 Part of the democratic process, the to-ing and fro-ing, is also input from the Opposition – and it may well be that the Opposition could provide some constructive input in relation to those plans, in order to improve them. Because at the end of the day, we have all got a vested interest in ensuring that people are dealt with at an early juncture so they do not re-offend. (*Banging on desks*)

2395 **Hon. G H Licudi:** Mr Speaker, the hon. Member (*Interjection*) makes an extraordinary statement talking of ‘vague manifesto commitments’. Well, at least we had a manifesto – they did not even *have* a manifesto for this election!

And the commitment is not vague at all – *at all!* It makes it clear: we are going to introduce arrest referral protocol throughout law enforcement agencies to facilitate the process of dealing with detainees who are suffering from addiction. The question is, does it necessarily lead to engagement of more people?

2400 But we may already have people, whether it is in the drug unit, the drug rehabilitation workers, who deal with people with addictions, who work at Bruce’s Farm and who know about these things. And all they need, perhaps, is a protocol as to notification to appropriately identified people – not necessarily newly engaged workers – but appropriately-identified people to whom a referral would be made, when someone is presented with the sort of addiction that the hon. Member has referred to, and which is clearly set out in the manifesto.

2405 So the position is simple: there will be a referral system to people who will be able to deal and assist that person, in respect of that addiction, whether it involves the engagement of one or two workers, or the use of existing workers who have expertise in that area. That is a matter that the Government will have to consider when it introduces the policy and the protocols.

2410 **Mr Speaker:** Having aired Justice, we will now go on to Education.  
Next question.

## HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q22-31/2016

### Dealing with infectious diseases – Further supplementary questions

**Clerk:** Question 93/2016, the Hon. Ms M D Hassan Nahon.

2415 **Hon. Ms M D Hassan Nahon:** May I first finish on a question regarding the incident on Health, before we went for the break, please?

I just want to take this opportunity to extend my thanks as Shadow Minister for Health – and the rest of the Opposition Members – to the GFRS and the staff at the GHA for their bravery and professionalism on the night of the incident. It must have been a very challenging and scary time for them, and we thank them. And just to make it very clear that we have not questioned their professionalism in any way; we have just been asking questions about procedures and protocols in order to maintain standards.

2420 Can I just ask the Minister for Health, Mr Speaker: when the investigations that are being carried out, when we can expect a conclusion, please?

2425 Thank you.

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I cannot speak for the Port investigation which is a primary investigation.

2430 The internal discussions within the GHA: I do not have a date but I expect to have a full report within the next couple of weeks; but I am not aware of the Port's.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, if I may assist, as I think my colleague mentioned before –

2435 **Hon. D A Feetham:** Mr Speaker, the question was not about –

**Hon. A J Isola:** Do you want the information?

**Hon. D A Feetham:** No, the Port –

2440

**Hon. A J Isola:** Ah no, just Health?

**Hon. D A Feetham:** Just Health. We are talking about Health and I just have one further question in relation to this.

2445 The Hon. Minister has talked about internal discussion: I assume we are talking about an internal investigation conducted by the GHA. Who is conducting the internal investigation on behalf of the GHA? Can the Hon. Minister perhaps supply some information about that?

2450 **Hon. Dr J E Cortes:** Mr Speaker, I do not know how we can go back now, after we had finished matters on that question. The hon. Lady raised a few –

**Mr Speaker:** What happened was that immediately after the recess, the hon. Lady would have wished to have pursued one or two supplementaries. But you were not in the Chamber at the time, so I suggested –

2455

**Hon. Dr J E Cortes:** Ah, ok. Well I am happy to answer it.

This is an internal review of what happened. Whenever there is anything that happens which is out of the ordinary – and this clearly was out of the ordinary – the Health Authority and its different departments get together and discuss what lessons can be learned, what was done right and what could have been done better. And this is general in any organisation.

2460

So it is internal and, as I said, I expect to have a report within the next couple of weeks.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might, can I thank the hon. Lady for the remarks she has made in respect of the professionalism of the GHA staff and the staff of the Gibraltar Fire and Rescue Service. They are there always to provide that assistance that anybody may need, and in this instance to ensure that even though others might have failed in the way that they dealt with these issues, they properly applied their professional skills to ensure that all of those issues were dealt with in the appropriate way; hence the confidence that we were able to express in the way that they had dealt with this matter, in this House, to reassure the community as we had done previously.

2465

2470

May I also extend that vote of thanks on behalf of the community to the staff of the Gibraltar Port Authority who obviously also did a *very* very important job on the day, even though it is important to ensure that all of the steps followed on that day were adequately dealt with. And I am sure that she would also wish to extend her thanks on behalf of the community, as I do to them also.

2475

**Mr Speaker:** Can we proceed to Question 93?

**Q93-95, 97-98/2016**  
**University of Gibraltar –**  
**Enrolment; employees; volunteers; costs; courses**

**Clerk:** Question 93/2016, the Hon. Ms M D Hassan Nahon.

2480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide information on how many students have been enrolled at the University since its opening in 2015, providing a breakdown by subject matter, age and nationality?

2485 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 94, 95, 97 and 98 of 2016.

2490 **Clerk:** Question 94/2016, the Hon. Ms M D Hassan Nahon.

2495 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide a list of all the employees of the University, giving a breakdown of salary, including bonuses and added benefits, personal and financial?

**Clerk:** Question 95/2016, the Hon. Ms M D Hassan Nahon.

2500 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide a list of non-salaried volunteer positions within the University?

**Clerk:** Question 97/2016, the Hon. Ms M D Hassan Nahon.

2505 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the running and recurrent costs of the University? (*Interjections*)  
Number 97, you asked me to omit 96. Thank you.

**Clerk:** Question 98/2016, the Hon. Ms M D Hassan Nahon.

2510 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the format of the Gibraltar Law course offered at the University to qualified barristers, including the number of lectures in the course, how many exams need taking in order to pass the course, how spaced out those exams are from each other, and how many exams is a student allowed to fail but yet passing the course overall?

2515 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2520 **The Hon. the Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the University is an independent statutory body established under the University of Gibraltar Act. The matters raised in these questions are therefore for the University and not for the Government.

2525 I would just add, Mr Speaker, that some of the information which is requested including, for example, the format of the Gibraltar Law course, I understand may be available on the University's website. And just to correct, by way of assistance: when Question 98 talks about

Gibraltar Law course offered to qualified barristers, there is no limitation, as I understand it, in the course – certainly none was intended when we set up the course, that it was only available to qualified barristers. It is available to anyone who might want to undertake the course on Gibraltar Law.

2530

**Hon. Ms M D Hassan Nahon:** I was asking the question because, from what I understand, it is qualified barristers who are under the requirement and the stipulation to take this course in order for them to be able to practise in Gibraltar. That is why I was trying to gather some more information about how they have to qualify for this course in order to continue practising in Gibraltar.

2535

Thank you.

**Hon. G H Licudi:** Mr Speaker, just on that course: that provision that the hon. Lady refers to is actually provided, I seem to recall, under the Supreme Court Act. The new training requirements that we introduced, which had an academic element, which was going to be met by doing this particular course. That is certainly a requirement, but it is not just for barristers – it is for barristers and solicitors. *(Interjections)*

2540

**Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Education has effectively refused to answer the question on the basis that it is not a matter for which the Government is responsible, and it is a matter which should be directed to the University.

2545

But with respect to the Minister, for example Question 93 which is, ‘How many students have enrolled at the University?’ you are talking about a university that is being funded at taxpayers’ expense. Surely the Hon. Minister can see that it is a perfectly legitimate question to ask how many students have been enrolled at a University for which the taxpayer is basically paying £10 million – that is what we voted for.

2550

Everybody wants this University to succeed, for example, but how do we on this side of the House, or the public in general, then find out how many students are there? You could have an empty university. I am not suggesting that this is the case, I am just setting a stark example in order to test the proposition.

2555

You could have a university that has no students, it is being funded to the tune of £10 million by the taxpayer and the Hon. Minister says, ‘Well, it is nothing to do with me; it is to do with the University.’ That surely cannot be right.

Therefore, I would urge the Hon. Minister to rethink the answer that he has given because I certainly believe that that is a perfectly legitimate question to ask.

2560

**Hon. G H Licudi:** No, Mr Speaker, it is not a perfectly legitimate question to ask. The issue is: for what is the Government *answerable* and *accountable* to the people of Gibraltar in this Parliament? That is, surely, the question.

2565

I can certainly act as a post-box and I can receive a question like this, and I can ask the University, ‘How many students have you got enrolled now; and give me a breakdown?’ And I can come here and give the information, but I would just be acting as a post-box. And if the hon. Member thinks that Government Ministers should simply act as a post-box, I think he has got the wrong end of the stick. *(Interjections)*

2570

But in relation to the importance of the independence of the University ... and it is not that the Government is refusing to answer. This is not information which is available to the Government. It is information that is available to an independent statutory body and I can *ask*, but I cannot force them to provide me with that information; and I cannot be accountable for that information.

2575

Hon. Members will recall that they placed a lot of importance in the University being established as an independent institution. Or does the hon. Member not recall asking Question 540/2014 which stated:

Mr Speaker, when will the Government grant the Gibraltar University a charter guaranteeing its independence and befitting its status as a University?

If it is independent, it is independent.

2580 And does the hon. Member not recall also the statements made during the Second Reading of the Bill on the University, in particular by the person who was then the hon. the backbencher, Sir Peter Caruana, who set out the statutory provisions in relation to lack of external interference and freedom of enquiry and research? And he had this to say, and I quote:

So that is the statutory statement of the desired level of independence and autonomy that the Government, in my view rightly, wants for this institution.

2585 So if it is independent, it is independent. And I can certainly ask, but the hon. Members can also ask; and I do not see why the hon. Members cannot write to the University –

**Mr Speaker:** This is a point that I precisely wanted to raise, as Speaker: can the hon. Members of the Opposition obtain this information from the University?

2590 You see, the position which I, as Speaker, find myself in: here are a number of questions which I could have disallowed, say, on the basis that in the House of Commons, Mr Speaker Bercow would have disallowed them. No Member of Parliament can stand and ask the Government in the House of Commons to provide information about the number of students that have been taken on by the University of Leicester, say.

2595 But the position is different because the University of Leicester is probably not funded at all from public funds; but this University of Gibraltar is. Therefore what I am saying is that, hon. Members, Parliament needs to arrive at a considered position as to what is the reality.

2600 Now, if the Hon. the Minister for Education is saying that if hon. Members of the Opposition ask the University, the Vice-Chancellor, for this information, it is readily available, then surely they do not have a problem because they would have that information at a time when the estimates of expenditure are discussed, when there could be a sub-head providing further funding for the University.

So I think it is something that needs to be considered.

2605 **Hon. Ms M D Hassan Nahon:** At what point does the Government subsidise a venture like the University and then wash its hands of it, in the same way as ... ?

**A Member:** Nobody is washing their hands.

**Hon. Ms M D Hassan Nahon:** Who will take ownership in the end, to answer these questions?

2610 On the Board of Governors, are there civil servants involved? At what point do you separate yourself from providing information about something that you have proudly built and been so proud of? (*Interjection*)

2615 **Hon. G H Licudi:** Mr Speaker, it is an institution to be proud of and the Government is very proud to have inaugurated the University on 21st September! (*Banging on desks*) And so are the 2,300 people who visited the University on the immediately-preceding weekend and were all marvelled at the University. (*Interjection*)

2620 It is not a question about whether I can or cannot answer questions on the University. It is a question as to whether the Government and Government Ministers are *answerable* in this Parliament for these issues.

If I were to ask for the information – which I can do, get the information and pass it on – and if the question is then, ‘Why have they done this? Why have they engaged so-and-so? Why have

they created this position?' (*Interjection*) Well, that is not an answer that I am prepared or *able* to give.

2625 Mr Speaker raises two issues: one is about public funding of universities. My understanding is that most universities in the UK do receive a large element of public funding, (*Interjection*) and that is precisely why fees are capped. They were capped at £3,000 until a few years ago and they are now capped at £9,000. That is clearly not the cost–

2630 **Mr Speaker:** But having said that, I cannot envisage a similar question being asked in the House of Commons.

**Hon. G H Licudi:** Of course not, no!

2635 **Mr Speaker:** It would not happen.

**Hon. G H Licudi:** Even though there is a great amount of public founding, there are one or two (*Interjection*) so-called private institutions, like I understand Buckinghamshire is a purely private university – but most universities in the UK are publicly funded to a great extent.

2640 Mr Speaker asked whether the information would be readily available from the University. I cannot answer for the University itself, but I do not see why not. I would encourage the hon. Members to write to the University and if there are further issues that they would like me to take up as Minister for Education, I am happy to do so.

2645 **Mr Speaker:** Is the University required to produce something akin to an annual report?

**Hon. G H Licudi:** Mr Speaker, I cannot recall off-hand whether that was a provision in the Act – I would have to look at it.

2650 **Hon. D A Feetham:** Mr Speaker, this places everybody – certainly on this side of the House – in an invidious position. You have a situation, and this is really what it amounts to, where the Government could in future come and say to this House, 'We want funding for this University' – a University which is funded at the moment solely from public funds; and at the same time we are not being provided with information in this House – (*Interjection*) in this House.

2655 It is funded and approved by this House and we are not being provided with information as to how this University ... basically, whether it is good value for money for the Taxpayer, or it is not good value for money for the Taxpayer.

I do not want anybody out there to come out with the impression, from these exchanges, that we do not want the University to succeed and we do not want it to be a huge success. Of course we do! But a question like, 'How many students have been enrolled at the University?' is the type of question that I would have *thought* that the hon. Gentleman would have provided an answer.

I can understand when he then gets into a situation where there are supplementaries about the mechanics of the University, that is a different kettle of fish. But of course, let's assume for one moment that in two years' time there were 50 students, and this Parliament is funding it to the tune of millions of pounds of taxpayers' money. If I go to the University and say to the University, 'How many students are enrolled at your University?', and the University says, 'I am not going to provide you with that information', look we are, then left with a situation of then not approving funding, because we do not have the information to see whether it is cost-effective or it is not cost-effective.

2670 It really could be dealt with on a very common-sense basis where perhaps the Minister would say, 'Look, I have a concern here: it is a separate statutory body, I do not want to get myself involved in answering day-to-day questions about this University, it would not be right, therefore I am setting a marker but I am providing some basic information.'



2675 Because it seems quite basic to me, the information that the hon. Lady has sought from the Hon. Minister.

**Mr Speaker:** Yes, but I would also comment that it would not be sustainable for the University to refuse to answer the sort of information, 'How many students have been enrolled?'

2680 I mean, if the University were not to provide that information – (*Interjections*) it would be very difficult for them to justify as to why they should not.

**Hon. G H Licudi:** And, Mr Speaker, particularly in the context of the public funding which the hon. Member has indicated. Clearly, the hon. Members opposite did not think about the effect of this independence when they were championing the University as an independent body, and the question is ... The hon. Member says we are refusing to answer; I am not refusing to answer, the answer is I do not know. It is not information that I have available myself. I can *ask*, but in the same way that I can ask and can oblige, the hon. Members can ask.

2690 **Mr Speaker:** Looking at Question 93: '... providing a breakdown by subject matter, age and nationality ...' that kind of information might even be subject to data protection. That kind of information. Can a body like the University put into the public domain information of that nature? I am not sure. (*Interjections*)

2695 I do not know, but it is something that has to be given some thought to.

**Chief Minister (Hon. F R Picardo):** If I can try and assist the House on this matter, look, think the issue is a simple one. At Question Time the Government provides information *it has* on the questions of the Opposition. If the Government does not have the information – and that means the wider Government, the Departments, the Agencies, the Authorities, etc – well, then, the Government is not able to provide the information.

2700 In the context of this particular example, the seed capital is provided by the public in a Bill which is brought to the Parliament to create the University, and a vote of money. If hon. Members would like to think of it this way: if they were to write to the Gibraltar Health Authority, to the Care Agency, to the Head of the Civil Service, and seek the sort of information that they are seeking in these questions, the answer will be, 'Please ask in the Parliament so that the Government provides the information.'

2710 If they write to the University, the answer will be whatever the University likes – where they can address it to the Chancellor, the Vice Chancellor, the board, or whoever they like. But it will not be, 'Ask the Government in Parliament'. We have *created* the University, but as the Hon. Minister rightly says, if we are challenged on any item that these questions could have been on, and then follow up on, because it is independent we would not be able to deal with the issue. And I think that is the dichotomy that we have to have – that is not to wash our hands of it, that is not to be not accountable for the money, that is not for us to want to see something continue which is not flourishing.

2715 But let's be clear: Question Time is about Government information. This is *not* Government information and for that reason is not susceptible to this sort of question.

2720 I think Mr Speaker has indicated to the House why it was that he thought the question should be allowed in this case – because of the issues he has alerted us to – but I think in the context now of these answers ... Nobody is saying to the Opposition, 'You should not have that information.' But this is not information in the possession, custody, or power of the Government.

**Hon. R M Clinton:** Mr Speaker, if I may, I have in front of me what I believe is the final version of the University of Gibraltar Act 2015 and I am reading, with interest, section 19(1) regarding the composition of the Board of Governors which it says can be:

... up to seven members,  
(a) the chancellor,  
(b) the vice-chancellor,  
(c) the Director,  
(d) up to four persons appointed by the Minister.

Now the Minister can appoint the majority of the board, and therefore *de facto* has control of the Board of Governors. (*Interjection*) He can then *de facto* ask for the information.

2730 How does he reconcile the independence of the institution (*Interjections*) versus his ability to control the Board?

**Hon. G H Licudi:** Mr Speaker, that is an extraordinary statement. Just because there is a power to appoint members to an independent statutory body, the hon. Member is suggesting that the Government (*Interjections*) *de facto* controls that statutory body, and that they do what I tell them. Nothing could be further from the truth. (*Interjections*)

2735 Just as an example, the Chairman of the Board has been announced as Jose Julio Pisharello. One of the members of the Board is Peter Montegriffo. They have been appointed by me, but they now have duties in accordance with the Act. They are certainly not controlled by me in any way in the manner that is suggested by the hon. Member.

2740

**A Member:** Totally independent – totally!

**Hon. Chief Minister:** Mr Speaker, if I might just also, to deal with that point: the hon. Gentleman is remiss not to read to the House section 5 of the Act, which says this:

Institutional autonomy.

5. The university, its board and its other constituent bodies shall be free from interference from all external bodies, ...

2745 – as we are –

authorities or agencies in the exercise of the powers conferred by this Act, including as regards the following ...

And then it sets out three particular rights that it will be independent of.

But it is a blanket independence. So even the question from the Minister – ‘Give me ...’ rather than ‘Would you give me ...’ – ‘Give me the information because it has to go to Parliament,’ would be in breach of section 5.

2750

**Hon. D A Feetham:** Mr Speaker, the question of what a Government has a responsibility to answer is dealt with in Standing Order 15 and it says:

Any question addressed to the Chief Minister or a Minister shall relate to the public affairs with which he is officially connected ...

That is one limb, and the second limb is:

... or to a matter of administration for which the Government is responsible.

So there are two limbs: ‘relate to the public affairs with which he is officially connected ...’

2755 Now, there is no doubt that in this particular case, he is officially connected, the public affairs with which he is officially connected is the University of Gibraltar, in respect of which he has brought a Bill to this Parliament in order to officially constitute it as a legal body, but has also come to this House in order to seek funding in order to fund this particular University. Now, so in my respectful view it would fall within clause 15.

2760

But can I ask him this: has the Hon. the Minister for Education not asked the University, in his capacity as a Government Minister – I would be surprised if he had not – how many students

2765 have enrolled at the University since its opening in 2015? Because if I were Minister for Education – bearing in mind that this is a flagship project, not only for the Government but also for Gibraltar; I mean, it is a flagship for all of us – one of the things that I would be doing is asking the Chancellor, ‘Well, how many students do you have enrolled?’

Because you see, if he has asked that information and that information has been provided to the Hon. Minister, then I just cannot see why he should not be providing it to this House. But maybe the Hon. Minister has not sought that information.

2770 **Mr Speaker:** The Hon. the Leader of the Opposition has quoted, has read out, Rule 15. I have to pose an issue: ‘shall relate to the public affairs with which he is officially connected’ – is information about subject matter, age, nationality and so on, of students of the University, public affairs? I do not know. I cannot make a ruling immediately. I do not know. One might have to take advice on whether it is.

2775 But I think what hon. Members have to realise is that we are treading on new ground here. We have a new situation, but a situation that is not dissimilar to a body like the Gibraltar Broadcasting Corporation. (*Interjection*) No, it is not dissimilar alright. That is a statutory body and we have long experience of the Gibraltar Broadcasting Corporation, but we do not have long experience of a University which has just been created. Therefore, we need to treat warily; we have to consider ...

2780 It is fine the questions were brought here; they are *bona fide* questions. I said we have allowed them for the reason that we have, but we now need to go away from here and rethink, perhaps give some thought and reflect what is the exact position; do a little bit of homework. What exactly is the position of the University *vis-à-vis* this Parliament, *vis-à-vis* the responsibilities of Ministers and the legitimate function which hon. Members have of trying to get information in order to precisely justify public expenditure?

2785 These are matters that I think we need to reflect on and perhaps if nothing is concluded today ... We do not have to come to conclusions today. We give the matter some thought for the future.

2790 **Hon. Chief Minister:** Mr Speaker, can I just be very clear in the attitude that we are taking to this, because I think sometimes we have a discussion which becomes an argument. It is not that we do not want them to have this information. It is that we do not have it to give them. But it may be that this issue can be very simply resolved, because the information can be provided to them directly by the University.

2795 In the analysis I did before, you know whilst the Department and agency or authority would not give the information and would refer them to the procedure established, the University may give the information. Then with that information they may wish to bring a motion in the House, all the rest of it. But that, in my view, is where we need to look to see what procedure we establish. It may be that the Board of the University does not feel comfortable simply answering a list of questions from the Opposition on a periodic basis and then they might take a different view. But it is for – (*Interjection*) exactly, but it is a matter for the Board to decide.

2800 When people are appointed to boards, Mr Speaker, by the Government – and there are many boards to which the Government makes appointments – the people who are appointed to boards are asked, certainly by this Government and I assume – I will give them the benefit of the doubt – by every other Government before to bring their independent decision-making capability to the board, not simply to be appointed in order to do what the Government says at any particular time.

2805 Should there be any residual concern in that respect, I say here publicly the Government would expect – even those members that we have appointed to the Board – in respect of this matter – as we do in respect of every other – to bring their own independent mind to whether they would wish to provide the Opposition or any other individual with the sort of information that is being sought today. The answer may be yes.

2815 **Hon. D A Feetham:** Mr Speaker, you see, there is a broader principle and Mr Speaker's  
analysis was a very fair analysis and indeed reflects my thinking you know as these exchanges  
have transpired. Because of course it is all very well for us to engage with the University directly  
– we may well do that – but again what is the difference between this University and GBC, for  
example? Is there an obligation for the Government – as we believe there is an obligation on the  
2820 Government – to provide certain information about the University before this House? Not all not  
all, the information, because I accept that it would not be proper for the Opposition to be asking  
questions about the day-to-day running of the University.

Indeed, when I have asked the supplementary question that I have asked – that the Hon.  
Minister has not answered – I do not know whether he has the information or he does not have  
the information. I repeat the supplementary. I have narrowed down the supplementary, not to a  
2825 question of subject matter, age or nationality. I have said how many students has the University  
enrolled? Because that is something that I would have expected a Government Minister,  
certainly a Minister for Education in relation to this flagship project, to have sought from the  
University.

If he has sought that, I think that he does have an obligation to provide it to this House, even  
2830 if he says, 'Look, I do not have the information in relation to subject matter, age and nationality.  
I do not believe that it is appropriate' – even though we disagree. But if he does have the  
information about the students being enrolled and how many students the University has, he  
ought to provide it.

2835 **Hon. G H Licudi:** Mr Speaker, I can tell him that I am aware that over 200 students have  
enrolled, but that is not information that I have obtained in respect of specific courses, as a  
result of this question, I have gone and asked in order to be able to provide this information. Of  
course I have enquired over time in my discussions with Board members, 'How is enrolment  
going and how many people have enrolled?' I have been to the University myself and I have seen  
2840 the evening classes taking place; but that is very different to 'the Government' having an  
obligation to answer questions.

The Hon. the Chief Minister mentioned previously – I believe it was section 5, which is the  
guarantee of independence. That was one of the clauses that the Hon. Sir Peter Caruana  
referred to when during the Second Reading of the Bill, when it talked about:

... free from interference from all external bodies ...

2845 And he added:

In which I am certain the Minister would wish to include himself as an external authority and agency.

So there was a recognition there, certainly by Sir Peter Caruana, that that degree of  
independence was independent of the Minister. We now have a constituent body, within the,  
established under the Act and working in practice, which is the Board of Governors. These  
decisions are for the Board of Governors. We may agree or disagree with any decision that the  
2850 Board of Governors make.

So the hon. Member may ask and there may be a certain decision and we may agree or  
disagree whether that decision was right or wrong. But if the hon. Members want information  
which they believe they should have in relation to the University, I would urge them to write to  
the University itself through the Board of Governors. Then they can make an assessment as to  
2855 whether the Board is providing the information that they want or not.

**Hon. D A Feetham:** Mr Speaker, just one question. Mr Speaker, section 45 of the Act provides  
as follows:

At the request of the Minister, the University shall provide the Minister with reports and any other information that the Minister considers necessary to carry out the Minister's responsibilities in relation to the University.

Has the Minister sought any such report from the University since the University was created?

2860

**Hon. G H Licudi:** No, sir, and that specifically refers to the *Minister's* responsibilities under the Act. It certainly does not refer to seeking information and seeking reports in relation to the questions that are being asked, but I have not asked for any section 45 report – (**A Member:** 43.) or 43! Any section 43 report yet. I may do so next week or next month or at the end of the academic year, but as of today I have not asked for that report.

2865

**Mr Speaker:** Before we proceed with Question 96, where the Government are able to provide information, there is another matter that Members should keep in mind. Information about the activities of the University will over a period of time come into the public domain. It is inevitable. In respect of undergraduate students, it might take three years before there is a convocation where degrees are awarded, but when that happens it will be in the public domain as to how many degrees have been awarded.

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In respect of graduate courses, that can happen sooner because a graduate course can be a year or two years. So over a period of time it is inevitable that we will all get to know how many students are being successful at the University and what courses they are pursuing.

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**Hon. G H Licudi:** Mr Speaker, not just that, there is an obligation on the University to provide an annual report to the Minister.

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**Mr Speaker:** I thought I had asked you that.

**Hon. G H Licudi:** No, I thought the question was whether there was an obligation to lay the report before Parliament. (*Mr Speaker: No, no, an annual report*)

2885

There is no obligation to lay the report before Parliament. There is an obligation to provide an annual report to the Minister and, of course, if the Minister has that information after receipt of the annual report, it is right and proper that the hon. Members can ask, because that is then information that is in the possession of the Government. (*Interjection*) I can make a statement here in Government as to the affairs of the University following receipt of that annual report. I am happy to do so, of course.

**Q96/2016**  
**University of Gibraltar –**  
**Cost of construction**

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**Clerk:** Question 96/2016, the Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide the exact cost of the construction of the University?

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**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the University was a Government project. Therefore, the Government was in control of the project and has the relevant details.

2900

Mr Speaker, the cost of construction of the University was £4,736,808.86. Good value for money, if I may say so myself.

**Q99/2016**  
**A-level subjects –**  
**Available exclusively at Bayside or Westside Schools**

**Clerk:** Question 99, the Hon. Ms M D Hassan Nahon.

2905 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education please provide a list of A-level subjects which are only available in either Bayside or Westside School? Thanks.

**Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2910

**Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, Sociology, Product Design, Italian and Further Mathematics are only available at Bayside. Economics and History of Art are only available at Westside. The offering of these subjects only at Bayside or Westside is determined by the availability of subject specialists to teach these at A-level and also to an extent by demand.

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It is the Government's policy that all students, irrespective of whether they are a boy or a girl, should have access to all subjects which are offered at A-level, irrespective of whether that subject is offered only at Bayside or only at Westside. This is of course subject to timetable constraints and the student satisfying the subject's entry criteria, in the same way as would apply, for example, to a Bayside student choosing subjects which are available completely at Bayside.

2920

Although some strides have been made in the implementation of this policy – for example, we have girls this year doing Further Mathematics and Sociology at Bayside; and not just this year, I understand this has happened in previous years as well – there has been no formal structure in place to make sure that the choice of all subjects is available to all students. Such a formal structure will be in place as from September 2016. This will mean that, subject to the constraints that I have already mentioned on timetable and entry criteria, subject to that, all students will be offered a full choice of subjects which are available at both Bayside and Westside.

2925

The result of certain choices could mean that a number of boys could become Westside students and a number of girls could become Bayside students. As an example, a girl wishing to do Sociology, French and Spanish can do so at Bayside and a boy wishing to do Economics, Physics and Maths can do so at Westside.

2930

The effect of the Government's policy is that no student will in the future be denied the opportunity of opting for a particular subject at A-level solely because that subject is not available in the school in which they are due to attend. Students will in the future have a full choice of all subjects offered at A-level across both secondary schools.

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I trust that this policy will be welcomed across both sides of the House.

2940

**Hon. Ms M D Hassan Nahon:** It certainly will.

Mr Speaker, considering the response – which I am grateful for – by the Minister for Education, doesn't this effectively express the desire, the appetite or the need to in fact merge the co-education issue that you know we were all discussing during the election campaign? Some were pro and some were against. Isn't this *de facto* evidence here that there is a case for

2945 co-education just by virtue of the fact that these subjects ... ? There is a demand by both schools and it would make sense to merge them.

**Mr Speaker:** I can allow a short answer, but no debate on the question of co-education at this stage.

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**Hon. G H Licudi:** Yes, Mr Speaker. Although I would be happy to have a debate, I am sure this is not the time or the place for it.

The effect of this is not that overnight we are going to have co-education in the sixth form. We are not going to have an integrated sixth form because we are going to have a sixth form at Bayside and a sixth form at Westside and in some cases some subjects offered in one and some subjects offered in another, for the reasons I have explained, particularly availability of subject specialists to teach that particular subject at A-level, which makes it unfeasible. Also due to numbers and demand may make it unfeasible to offer the two subjects in both schools.

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But the result of this is that there will be, over time – possibly as from September 2016 but certainly over time – an integration of boys and girls. So we will see an element if not full co-education at sixth form level, more by default than by design.

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This policy has not been designed or thought of in order to bring about co-education, because co-education is the ultimate aim. This policy has been thought of and introduced simply for the purpose of allowing a full choice to all students, and by default somebody who chooses subjects which are available in one school will attend that school. If there are timetable possibilities of attending only one particular subject, that is also a possibility, but certainly this will start at least at sixth form level.

2965

It is a different matter – and I do not want to go into the debate on co-education generally in the secondary sector. That is a wider debate which I understand certainly the Chief Minister answered some questions recently about this. This would be subject to careful thought and even a consultation process, because there are arguments for and against; there are educational issues that need to be considered.

2970

But the question solely relates to the sixth form or rather as they are now, years 12 and 13 at both Bayside and Westside. So yes, we will see inroads in that direction.

2975

**Hon. E J Reyes:** May I, Mr Speaker, very briefly just to ask the Minister ... ? He may already have it in his sort of forward planning.

In welcoming the news of greater choice of subjects at A levels in respect of our male and female students and so on at present, again there is some sort of arrangement whereby students on a certain particular subject area – Psychology comes to mind – have within timetabling constraints and so on, have an ability or a concession to be able to attend that class at the College of Further Education. Will the Minister at least be able to guarantee the young students that he will try and keep that option available? Because in gaining a lot of, of a greater scope in the choice of A-levels, we would not like to see the loss out of what we already have in that sort of backdoor type of unofficial consortium that does exist in many areas. It has for many years, and across the House we are all supportive of the principle that the Minister is aiming for.

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2985

**Hon. G H Licudi:** Mr Speaker, the hon. Member is right. This is intended to widen choice, certainly not to limit choice in any way. So whatever choices are available now, will continue to exist in the future in addition to these provisions. The example the hon. Member raises, for example in Psychology – and IT is another example which is offered at the College – that is a consortium subject which is offered in a particular institution but is as a consortium of the three second schools in the secondary sector. This is not intended to dent in any way ... In other words it supplements and enhances the work done at consortium level by the three schools in the secondary sector and introduces a formal structure whereby all students will be given a choice.

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2995

3000 You will no longer have a student at Bayside getting three columns or four columns saying, 'Choose one from each' and 'These are the subjects offered at Bayside'. There will be full choice across the board, whether the subject is offered at Bayside or is offered at Westside. Then administrative arrangements will be made to make sure that that student is able – subject again to timetable constraints and entry criteria, as the Hon Member will know – the administrative arrangements will be made so that student will be able to attend those classes, even if it means becoming a student of the other school.

3005 That to an extent has already happened in some areas and I mentioned Further Mathematics. Further Mathematics is a case in point because that is offered usually – certainly in the last few years – in Bayside and students doing Further Mathematics at A Level clearly also did Mathematics at A-level. Girls would do that at Bayside. In some cases, we have had, for timetabling reasons, those girls doing Further Mathematics and Mathematics – that they had to do in Bayside – if they chose Further Mathematics also doing the third subject at Bayside, because it was not compatible with them being in Westside. So this has already been introduced in some way and that is why I said that there had been some inroads already being made into this. But this is now a formal structure of all choice being given to all students.

3010 **Hon. E J Reyes:** May I invite the Minister – and I hope he says yes – when this is achieved by September 2016, we can together with Mr Speaker, as an ex-teacher, we can all go out together and have a celebratory drink and toast to the students' health!

**Q100/2016**  
**Educational standards and school performance –**  
**Assessment**

**Clerk:** Question 100/2016, the Hon. Ms M D Hassan Nahon.

3020 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I ask the hon. Member, the Minister for Education, are there any plans to review the possibility of establishing an independent unit or contract an independent unit to assess educational standards and school performance?

3025 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, there are currently no plans to set up or contract an independent body to assess educational standards and school performance and I would emphasise the word 'currently'. What I am saying is *today* I do not have plans to do this, but this is something that I am keen to discuss with professionals at the Department of Education and the position may change when a decision in a different direction may be made.

3030 But, if the question is, '*Today*, do I intend to set up an independent body or contract somebody to do it now?', the answer is *currently* we have no plans to do that.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do therefore now (*Interjections*) adjourn until 3 p.m. tomorrow afternoon, when we will deal with my questions first and then with those remaining on the Order Paper.

3035 **Mr Speaker:** The House will now adjourn until tomorrow at three o'clock.

*The House adjourned at 7.37 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.05 p.m. – 5.23 p.m.**

**Gibraltar, Thursday, 21st January 2016**

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# The Gibraltar Parliament

*The Parliament met at 3.05 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

### CHIEF MINISTER

**Q116/2016**

**Eastern Beach tunnel –  
Completion date**

**Clerk:** We continue with questions to the Chief Minister.  
Question 116, the Hon. T N Hammond.

5       **Hon. T N Hammond:** Mr Speaker, could the Government provide an estimate as to when it expects the tunnel at Eastern Beach under the runway to be completed?

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

10       **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is expected that the tunnel and road under the runway will be completed during the lifetime of this Parliament.

15       **Hon D A Feetham:** Mr Speaker, can the Hon. the Chief Minister help us with this: is the tunnel under the runway going to be completed by GJBS, which was the intention of the previous administration – I think the hon. Gentleman made statements to the effect that that policy was going to be continued; or is it going to be completed and the works undertaken by some other company?

20       **Hon. Chief Minister:** Mr Speaker, an announcement will be made by the Government when the works are underway in respect of any part of the works which are not currently being finished by GJBS.

25       The hon. Gentleman knows GJBS have done an excellent job already of finishing the roundabout in the area of Beach View Terraces, the southern access road in that area, and have started the dewatering of the tunnel. If anybody else is going to become involved in any other aspect of the works an announcement will be made.

30 **Hon. D A Feetham:** Yes, Mr Speaker, but can the Hon. the Chief Minister provide some further details and be a little bit more helpful in relation to this? Because, of course, if the works go to somebody else then one would expect – unless of course the works are going to be undertaken, for example, by OHL, I merely speculate in relation to this, which was a previous contractor, in relation to which the Government has these proceedings in London – that it would go out to tender. And therefore, if it goes out to tender, then we are talking about a process that is going to take longer than certainly could be done within the term of this Parliament, but it would take longer than just simply continuing the works when GJBS finish the works that they are presently undertaking.

35 **Hon. Chief Minister:** Mr Speaker, I do not envisage any eventuality which would make my original answer in any way incorrect.

40 **Hon. T N Hammond:** Mr Speaker, if I could just ask then, for absolute clarity, obviously, within the term of the next Parliament, the Hon. the Chief Minister has given an assurance that the tunnel will be completed within the next four years?

45 **Hon. Chief Minister:** Well, Mr Speaker, I think the hon. Member needs to look at the legislation. I understand an election would be due within 90 days of this Parliament having been sworn in, and so the maximum lifetime of this Parliament is probably just over four years.

**Q117/2016**  
**Bluewater project –**  
**Update**

**Clerk:** Question 117, the Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, can the Minister for Inwards Investment please give an update on the Bluewater project and whether the £83 million premium has been or is likely to be paid by Camoren Holdings Ltd?

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

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as at the date that the question was received, the £83 million premium is not due.

Discussions are still ongoing with Camoren in order to finalise arrangements which would lead to the payment of the premium agreed.

60 **Hon. R M Clinton:** Mr Speaker, could the hon. Member please give an indication to those members of the public who registered interest in affordable housing as to when they might expect a response?

**Hon. Chief Minister:** Mr Speaker, that is a question that does not arise, in my view, from the question that has been asked.

65 **Mr Speaker:** I did not hear the supplementary.

**Hon. Chief Minister:** I have been asked, Mr Speaker, when those who have registered an interest in respect of some of the affordable housing on the Eastside may expect a response.

70 This is not a question, in my view, that arises, but I am quite happy to say very shortly, I understand.

**Hon. R M Clinton:** Thank you very much. And if the hon. Member would indulge me, in his Budget speech in 2015 he also mentioned another project at Coaling Island. Can he give us any  
75 details on that?

**Hon. Chief Minister:** Mr Speaker, that is really quite a distance from the Eastside. I have absolutely no difficulty in continuing with this debate, but it would really be something that is not the sort of discipline we need to be getting into in respect of these questions.

80

**Mr Speaker:** I suggest to the hon. Member that he puts the relevant question on the agenda for the next meeting.

**Hon. R M Clinton:** Thank you.

85 I will continue on the Eastside project. Can the hon. Member give an indication as to when he might expect to complete negotiations? I see in today's *New People* they have been described as intense, but given that this project was announced back in June last year I would have expected the negotiations to be less intense by now. Can he give an indication as to at what point the intensity will reach a climax so that either he gets the £83 million or he decides to go with  
90 another developer?

**Hon. Chief Minister:** Well, Mr Speaker, I do not like to go into the detail of the sort of intensity that the hon. Gentleman is talking about, but he can be assured that the climax is coming. *(Laughter)*

95

**Hon. R M Clinton:** I will look forward to that climax with baited breath! *(Laughter)*

**Hon. Chief Minister:** Mr Speaker, he can be assured that I will enjoy it very much indeed.

**Q118/2016  
Calpe House –**

**Government contribution to restoration and relocation**

**Clerk:** Question 118, the Hon. Ms M D Hassan Nahon.

100

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Government reveal what financial contribution it is making towards the restoration and relocation of Calpe House?

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

105

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the amount donated by Government towards Calpe House in respect of the relocation and restoration of Calpe House is £144,245.

**Q119/2016**  
**GFA national stadium –**  
**Government funding**

**Clerk:** Question 119, the Hon. D A Feetham.

110 **Hon. D A Feetham:** Mr Speaker, can the Government please state what money has been paid either directly or indirectly by the Government, a Government-owned company, authority or agency, whether by way of gift, loan or otherwise, to the GFA or anyone else in respect of the proposed GFA national stadium project either at Europa Point or elsewhere?

115 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, after discussions with the GFA and UEFA, a temporary advance of £929,176 has been made to the GFA, which is due to be repaid with the funding agreed between the GFA and UEFA.

120

**Hon. D A Feetham:** Does the Chief Minister have a timeline as to when he expects that £929,000 to be repaid?

**Hon. Chief Minister:** Mr Speaker, during the course of the development of the new stadium.

125

**Hon. D A Feetham:** Mr Speaker, but this must be a matter of contract and there must be a trigger date for the repayment of the £929,000. The course of the development is likely to take two years, three years – it might even take four years. Can he be more specific in terms of the repayment of this loan of £929,000?

130

**Hon. Chief Minister:** Mr Speaker, I am sure I can be, but can I ask him to give me notice of the question and I will bring the details of the agreement entered into with the GFA.

135 **Hon. D A Feetham:** Mr Speaker, this really is a supplementary that the hon. Gentleman should have expected because it arises out of the original question, but nonetheless I will ask the question again next time round.

What about in terms of interest? Is this an interest-free loan that is provided to the GFA, or is there interest accruing to the Government, and obviously the taxpayer, on this £929,000?

140 **Hon. Chief Minister:** Mr Speaker, I did not anticipate I was going to be asked the details of the loan. I was asked what amount had been lent; I was not anticipating to be asked this level of detail, but I can tell him it is not an interest-free loan.

145 **Hon. E J Reyes:** Mr Speaker, if I recall correctly, I had once asked the Chief or asked the Government what expenses had been incurred, if any, in respect of the original development of the football stadium at Europa Point and I cannot remember the exact number – I know it was a very low figure he said. Does the Minister happen to recall if there has been no further expenses, or does he require further notice? I think I can deduce from the answer he has given me, because it is just a loan to the GFA, that there have been no other expenses; but if he is not certain, perhaps he could indicate that I should propose a question next time round.

150

**Hon. Chief Minister:** He is absolutely right, there are no other expenses.

155 **Hon. L F Llamas:** Can the Hon. Chief Minister please give details of with whom the contract is made with the GFA: is it directly with Government, or a Government-owned company?

**Hon. Chief Minister:** If the hon. Member gives me notice of the question I will be able to.

160 **Hon. D A Feetham:** Mr Speaker, I do not mind, because I really do not want controversy in  
the first session of Parliament after the General Election, which they won with 6.8 out of 10  
people walking up and down Main Street. But, Mr Speaker, it does actually say 'by way of gift,  
loan or otherwise', it says 'directly or indirectly by the Government, a Government-owned  
company, authority or agency'. I would have thought that it arises out of one of those, and it is  
165 certainly an answer that I would have expected to have been provided in the original answer to  
the question, or indeed you know for the Chief Minister to come prepared to answer a  
supplementary, because it really is something that arises out of it. But, Mr Speaker, I will give  
notice nonetheless, because I do not want –

170 **Mr Speaker:** Given the main question, 'what money has been paid either directly or indirectly  
by the Government, a Government-owned company, authority or agency, whether by way of  
gift, loan or otherwise', and the answer that the Chief Minister gave is that a temporary advance  
of £929,176 has been made. The Chief Minister has not said which entity has made that  
advance. I do not know whether he has that information or whether he does not, or whether at  
this stage he does not want to release it.

175 **Hon. Chief Minister:** Mr Speaker, I do not have that information because the question asks  
me *what money* has been paid. It does not ask me *by whom* the money has been paid, it asks me  
what money has been paid, and that is why the answer that has been prepared is the answer  
that has been given.

180 But, look, Mr Speaker, I am delighted that at least it is sinking that almost seven out of 10  
people voted for us at the last Election – at least that is a positive outcome from today's  
Question Time.

#### Q120-122/2016

#### Naturalised and nationalised British in Gibraltar – Numbers; housing waiting list

**Clerk:** Question 120, the Hon. D A Feetham.

185 **Hon. D A Feetham:** Mr Speaker, how many people have been naturalised British in Gibraltar  
since 1st December 2011 and how many of those (a) qualify to apply to join the housing waiting  
list and (b) have applied to join that list?

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

190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this together with Questions 121  
and 122.

**Clerk:** Question 121, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, when, if they have not already done so, do each of those  
who have been naturalised British in Gibraltar since December 2011 qualify to apply to join the  
housing waiting list?

**Clerk:** Question 122, the Hon. D A Feetham.

200

**Hon. D A Feetham:** Mr Speaker, how many non-British relatives of those nationalised British in Gibraltar between December 2011 and December 2015 were (a) in possession of a residency permit in Gibraltar before their relative was nationalised British and (b) were granted residency permits in Gibraltar after their relatives were nationalised British?

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

**Hon. Chief Minister:** Mr Speaker, since 1st December 2011 a total of 1,090 people have been naturalised. Of these, 737 qualify to apply to join the housing waiting list and 208 have applied to join. All applicants naturalised who wish to join the housing waiting list are required to provide 10 years' proof of continuous residence and to meet the requirements, of course, of the housing scheme.

210

Seventy-two non-British relatives of those nationalised British in Gibraltar between December 2011 and December 2015 were in possession of a residency permit before their relative was nationalised British; 179 were granted residency permits in Gibraltar after their relatives were nationalised British.

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#### Q123/2016

#### Substituted public service posts – Number longer than three months

**Clerk:** Question 123, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please provide details of all those posts within the public service that are currently being substituted for longer than three months?

220

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the question is answered in the attached schedule.

225

**Mr Speaker:** The schedule amounts to two pages, so could I suggest we move on to Question 124 and the Leader of the Opposition can come back and ask any supplementaries that may arise from the schedule.



Answer to Question No 123/2016

**Civil Service**

<b><u>Department</u></b>	<b><u>Grade</u></b>	<b><u>WEF</u></b>
<b><u>Culture (Ministerial Office)</u></b>	Senior Executive Officer (Ex GDC Officer)	May-12
<b><u>Department of Education</u></b>		
Gibraltar College	TLR 1B - IT Co-ordinator	Sep-15
	TLR 2B - Assistant to Senior Teacher	Sep-15
	TLR 2B - Language Co-ordinator	Sep-15
Westside Comprehensive School	TLR 1B - Design Co-ordinator	Sep-15
	TLR 1B - Head of Spanish	Sep-15
	TLR 1B - Head of English	Sep-15
	TLR 2B - Head of Social Sciences	Sep-15
St Paul's First School	TLR 2C - ICT Co-ordinator	Sep-15
Bishop Fitzgerald Middle School	TLR 2D - Foundation Subject	Sep-15
St Joseph's Middle	TLR 2B - Year Co-ordinator & FSL	Sep-15
St Bernard's Middle School	TLR 2D - Foundation Subject	Sep-15
<b><u>Driver &amp; Vehicle Licensing</u></b>	Administrative Officer	Sep-15
<b><u>Economic Development</u></b>	Administrative Officer	Apr-15
Training	Instructional Officer	Oct-13
Invest Gibraltar	Executive Officer	May-15
<b><u>Employment</u></b>	Health & Safety Officer Grade 3	Dec-12
	EO (GDC Ring-fenced)	Mar-15
<b><u>Environment Ministerial Office</u></b>	Personal Secretary	Apr-14
<b><u>Finance Centre</u></b>	Senior Finance Centre Executive (Financial Services)	Dec-14
		<b>Contd.....</b>

Contd answer to Question 123 of 2016

<u>Gibraltar Audit Office</u>	Audit Manager	Jun-15
<u>Gibraltar Courts Service</u>	Senior Executive Officer	Apr-15
<u>Gibraltar Health Authority</u>	Administrative Officer	May-15
<u>Housing Department</u>	Principal Housing Officer	Dec-12
<u>Human Resources Department</u>	Human Resources Manager	Nov-12
	Senior Executive Officer	Jan-15
	Human Resources Officer (Ex GDC Ring Fenced)	Sep-14
	Higher Executive Officer	Sep-15
<u>Income Tax</u>	Commissioner of Income Tax	May-12
<u>Justice Ministry</u>	Executive Officer	Apr-15
	Personal Secretary	Mar-14
<u>Ministry for Tourism, Housing, Equality and Social Services.</u>	Higher Executive Officer	Feb-15
<u>No 6 Convent Place</u>	Administrative Officer	May-13
<u>Technical Services</u>		
Ministerial Office	Executive Officer	Mar-15
Engineering & Design	SPTO	Feb-15
	PTO	
Highways	SPTO	May-08
Sewer	HPTO	Oct-15
<u>Treasury Department</u>	Executive Officer	Mar-15

**Q124/2016**

**No. 6 Convent Place –**

**Cost of refurbishment, restoration and construction works**

**Clerk:** Question 124, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state what has been the cost of all refurbishment, restoration and construction work done to No. 6 Convent Place from  
235 9th December 2011 to 31st December 2015?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the total cost of the refurbishment, restoration and construction works at No. 6 Convent Place from 9th December 2011 to  
240 31st December 2015 – the new annexe and the existing building – is £6,526,163.89.

**Q125/2016**

**Airport VIP lounges –**

**Use by Ministers**

**Clerk:** Question 125, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, on how many occasions from 9th December 2011 to 31st  
245 December 2015 did the Chief Minister or any other Minister use the VIP lounge at Gatwick or Heathrow Airports; and what was the total cost per annum of such use?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am advised that the information sought by  
250 the hon. Gentleman is public information which is available on the Government website and is updated shortly after each of my trips.

**Hon. D A Feetham:** Mr Speaker, the information is provided in the website. What there is not  
255 on the website is a breakdown in relation to what relates to the VIP lounge in Heathrow and the VIP lounge in Gatwick. Does the hon. Gentleman have that information, and can he please provide it?

**Hon. Chief Minister:** I certainly do not have that information. If he wants it to be broken  
260 down further, not only will it be provided but I will make sure that it is added to the Government website as a column so that the hon. Gentleman knows which of the two it is in the future.

**Hon. D A Feetham:** Mr Speaker, since 2012 there has been a considerable use by the hon.  
265 Gentleman of the VIP lounge in London. We do not know whether it is the VIP lounge in Gatwick or Heathrow – it is probably a combination of both. In 2012 he used the VIP lounge on two occasions and in 2013 he used the VIP lounge on seven occasions, with a cost of £480 to £1200. He used the VIP lounge on three occasions in 2014, with a cost of £600 to £1,380; and he used the VIP lounge last year on four occasions, with a cost to the taxpayer of between £1,200 and £2,700.

**Hon. D A Feetham:** In the light of the fact that the hon. Gentleman used to examine the use of the two VIP  
270 lounges by Sir Peter Caruana, or Peter Caruana as he then was, with the minute detail of a

forensic accountant examining accounts, and indeed the criticisms of that use that he used to level at his predecessor, how does he justify that use of the VIP lounge which he used to criticise when he was Leader of the Opposition?

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**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman obviously knew that the information he was asking about was public information when he asked this question, because he was ready with it for his supplementary.

280

But let me tell him that I have flown, in the times that he has asked about, on 62 occasions and that I have not used the VIP lounge on 41 occasions by his reckoning, given the numbers of times he has said I have used it, and that between the period 7th June – he might want to make a note of this – 2006 and 18th October 2011, Sir Peter Caruana, then Peter Caruana, used the lounge on 78 occasions at a cost of £42,000 to the taxpayer, although the fees were then considerably lower.

285

So, Mr Speaker, it seems to me that I am using the VIP lounge must less than my predecessor used it, following exactly the rules that I indicated I would follow – which are that I would only use it when it was absolutely necessary and that I would not use it just not to go through security – and in fact the hon. Gentleman should know that most of the occasions when we use it are when we are travelling transatlantic and we need to connect and we would not connect if it were not for the VIP lounge.

290

I would also tell him that the Gatwick lounge, which is the one which was used many years ago when there was just a link to Gatwick, has the crest of Gibraltar there from the time that it was used by many of my predecessors as one of the entitled users.

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So the ratio of use is exactly as it should be. Because I was very critical of the former administration using it all the time, I will not use it all the time, I have not used it all the time. The basic math tells him that I have used it a third of the times I have travelled. (*Banging on desks*)

300

**Hon. D A Feetham:** Well, in actual fact, I must apologise to the hon. Gentleman because I actually made a mistake. In actual fact, the figures that I quoted were the figures for the use of the VIP lounge - the Gatwick and the Heathrow we do not know – just for visits to London, not transatlantic. So, indeed, when you actually take the transatlantic and you add it to the London ones you are talking about double the number that I quoted and the number that he so self-satisfyingly quoted back at me with the comparison.

305

But, Mr Speaker, I have asked him because this is what I am concerned about and this is what I am charged to do. I am here to ask questions about Government policy, and the policy of the then Opposition when he was leading it was not to spend money on these VIP lounges because they were an expense to the taxpayer that was not justified. And, low and behold, he becomes the Chief Minister of Gibraltar and he seamlessly slips into exactly the same mode, which he criticised, of his predecessor. Now how does he justify the change of policy?

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**Hon. Chief Minister:** Mr Speaker, he was here for a lot of that time, so I am surprised he does not remember what the debates were about. The debates were about the fact that this lounge was used *all the time*.

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He cannot get out of the fact that I have given him the statistics and in five years – in fact, just barely five years, almost, four years – when their party was in Government they used the lounge 78 times. In more or less the same period of time I have used it 26, although I have travelled 62. Now, Mr Speaker I think that demonstrates that we are keeping to our view that this lounge should not be used frivolously, We use it when we have to: we use it because we have got very tight connection times; I have used it because I have had meetings at the airport and I would not have been able to do that otherwise. Two thirds of the time I travel I do not use it.

320

325 He needs to understand that when they were here and what he used to defend was that it should be used *all the time*. All the time. I did not accept that, I did not think that was the right use of taxpayers' money, and I therefore make sure that it is only used when it is necessary.

I know it is very difficult for the hon. Gentleman to realise that we actually do what we say, that we demonstrate that we care about people's money and that we would only use this facility when it is necessary for the purposes of conducting Government business; *not* as the former Chief Minister said, because he did not like to show his toes at security.

330 Mr Speaker, I do not mind walking around in my socks like every other passenger has to do in order to comply with the exigencies of today's security requirements at airports. That is not what it is about. We use it when we have to, we do not use it frivolously, and the hon. Gentleman cannot get off that hook.

335 **Hon. D A Feetham:** Mr Speaker, I have more supplementaries?

**Mr Speaker:** You have some more! Yes. Absolutely.

340 **Hon. D A Feetham:** Yes. Well, Mr Speaker, let me read to him what he said in his supplementary to Question 336/2011. He said this to the Hon. Peter Caruana, Chief Minister:

I accept that Mr Speaker, and I accept, of course, that the cost of the hon Gentleman not having to take off his shoes and show us his toothpaste is not included today.

– I am not going to ask about shoes or toothpaste today –

But having now had an opportunity to glance at the schedule, can I commend to the hon Gentleman, and would he agree with me, that he should really, in my view, stop using this lounge

– not 'use it for when it is necessary or essential': 'stop using this lounge' –

but if he does, can I prevail upon him to at least ensure he goes to Heathrow as often as possible because the cost of the Gatwick Lounge is £793 per trip, whilst the cost of the suite at Heathrow is £470, and, although I think, that he does not agree, that £470 is already too much to pay, is it not at least better that the hon Gentleman should pay that and not the £790 ...

And, of course, if you look at the actual schedule, you are talking about £2,700 at times that the Hon. ... Indeed, by no means is it out of the ordinary that he has been paying that amount of money in relation to these particular lounges – and that is the point, Mr Speaker.

345 At the time that he was Leader of the Opposition he was saying, 'Don't use it; it's costing too much money,' when it was only £470 and £790; and yet now, when it is costing £2,700, it is essential for Gibraltar business that the Chief Minister of Gibraltar uses it. Now, does he justify that shift in position from when he was Leader of the Opposition to now that he is the Chief Minister of Gibraltar, whether he takes his shoes off or he does not take his shoes off at the lounge?

350

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman does not factor into any of those calculations the savings that Gibraltar often makes because we do not have to stay overnight in London because we are able to make connections which we would not otherwise make by the use of the lounge, and sometimes there may be six of us travelling, or seven of us travelling, or 355 eight of us travelling, and the cost of us staying overnight in London would be higher than using the lounge.

But given that he wants to talk about pounds, shillings and pence, then let us do the comparison. Does he know that the amounts spent from the moment that charging was introduced when I told him it was, in 2006, by the Chief Minister, whom he defended, *at those*

360 *lower rates*, at those lower rates, was £43,000 – *forty-three thousand pounds*; and at the higher rates, because we use it much less, the total has been £33,000?

So, Mr Speaker, I am perfectly comfortable, because I know that I am doing what I need to do to ensure that we save taxpayers' money, that we use a resource that is there sparingly, that we ensure we use it when we need to and that it is not about, as the former Chief Minister said in  
365 answer to an earlier question, which is what led to my remarks in that supplementary, that he used it because he simply could not be fussed standing at security with everybody else and taking off his shoes.

Mr Speaker, that is what being responsible is about, that is what we demonstrate, we ensure we look after taxpayers' money, and we use this resource sparingly and when required.

370 But I do remember, Mr Speaker, his face of adulation looking at Sir Peter – then simple Peter – clapping and banging the table every time he defended the use of that lounge. Well, that is when Sir Peter was not telling him to shut up and sit down.

**Hon. D A Feetham:** Well, Mr Speaker, I can see the rueful grin of the Father of the House  
375 when I am actually going through all these figures and the amount of money that the man that he has placed at No. 6 Convent Place is spending all this taxpayers' money, when quite frankly, and in fairness to him, the Father of the House, he would never have dreamt for one moment, being the socialist that of course he is, of spending £2,700 on a lounge in Heathrow and Gatwick.

380 But, Mr Speaker, you see, there is an inconsistency here. Not only did he criticise the previous Government in relation to this and now he does exactly the same, but in 2013 he told me, 'Well, I'm only using it for transatlantic flights, really as when there is a stopover,' which is part of the answer that he has given me today. But I look through this schedule and I see:

March 2013, Oxford Literary Festival with Mr G Flower  
Oxford Literary Festival address, 'Deconstructing Self-determination' at Christchurch College, Oxford  
Attended reception, University College Oxford  
Dinner at Christchurch Oxford

I then look at further along the list and I see:

Meetings in London  
Meetings with senior officials of the Foreign and Commonwealth Office  
Conservative Party Conference

385 These are not transatlantic, because if you actually compare it with the dates that we know that the hon. Gentleman is going to be on transatlantic flights, they are not: they are just simple visits to London. So it just simply does not stack up, does it, that he is using these lounges just simply for transatlantic flights.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is referring to information which I have  
390 made public. It is not that he has discovered something and matched it up to something else. The schedule of what is on the website tells him when I have used it for transatlantic flights and when I have used it for another reason, and if I have used it for the purposes of travel which keeps me in the UK, there must have been a very good reason. In other words, I must have  
395 needed to get somewhere at a particular time, which I would not have been able to do other than by using the lounge. That is what he is not getting. It is very simple.

The socialist sitting next to me, Mr Speaker – who is, in effect, sitting between two other socialists, I would have him know, and among seven socialists and three liberals – would be very happy to spend £2,000 if he was saving £3,000, £4,000 or £5,000 as a result.

400 So, Mr Speaker, it does not seem to be that the hon. Member gets it. Well, look, I will tell him this: he says that I am the person that Joe Bossano has *placed* at No. 6 Convent Place. Then he also says, when it suits him, that I am the Machiavelli who manipulated Joe Bossano into not

giving him the crown of the GSLP and giving it to me. Well, Mr Speaker, Machiavelli or *marioneta*, but not both: he has to make up his mind!

405 **Hon. T N Hammond:** First of all, I really must commend the Hon. the Chief Minister on the depth of knowledge he has on this subject, when he was unable earlier to answer a question earlier on the GFA loan as simple as –

**Mr Speaker:** No, that ... I am sorry, I am not – (*Interjections*)

410

**Hon. T N Hammond:** I do have a question, of course.

**Mr Speaker:** Ask your question, but do not make a remark of that nature.

415 **Hon. T N Hammond:** Okay, I do have a question. The question is fairly straightforward: bearing in mind the intent of the use of the VIP lounge appears to be to save taxpayers' money, would those on the Government benches travelling in normal economy class when travelling British Airways, rather than in club class, to save further money, certainly on short haul flights?

420 **Hon. Chief Minister:** Mr Speaker, we very often do. The hon. Gentleman, perhaps from his vantage point at the tower, may have seen that we do not often board the plane with the blue and red insignia; we very often go on the orange plane, and on the orange plane nobody yet has been able to find the club class section.

425 **Mr Speaker:** Any other supplementary on this matter?

**Hon. E J Phillips:** When the Chief Minister and other Ministers fly British Airways, is it not possible to use the fairly normal lounges that many people are accustomed to? I am certainly not accustomed to using the usual galleries at British Airways, but there are opportunities for that to happen rather than use VIP lounges. Unfortunately, I am not accustomed to the specific VIP lounges that you are referring to in this Chamber, but possibly maybe one day I will be.

What other lounges are there available that are low cost that include the price of the ticket or the price that you paying for?

I am grateful, thank you – a general enquiry.

430

**Hon. Chief Minister:** Mr Speaker, for some time since I was a partner of Hassans I have enjoyed the benefits of a gold card with British Airways, and so therefore I am lucky enough to be able to enjoy the galleries lounge at any of the airports which offer them, and sometimes I am even able to wag my way into the first-class lounge by blagging about the fact that it is a gold card – and it is perfectly adequate, and that is why on two thirds of the occasions on which I have travelled I have used those lounges and not the other lounges.

435

I am delighted to hear him say that he hopes that perhaps one day he might be able to use the VIP lounge that I am referring to here today, because therefore he obviously (a) believes it should continue to be used and (b) has the intention of moving from that chair to the central chair at least on the other side and from there to here, because it is only used by the Chief Minister. There's another challenge on your hands! (*Laughter and banging on desks*)

440

**Hon. E J Phillips:** I am grateful for the Chief Minister's comment in relation to ... I really wanted to know what the VIP lounge was. Normal people are clearly not used to knowing what a VIP lounge is and I am grateful that the Chief Minister has now confirmed that only the Chief Minister is allowed to use the VIP lounge at Gatwick or Heathrow. I am grateful. Thank you for the response. (*Interjection*)

445

**Hon. D A Feetham:** Mr Speaker, just on that note, so that people understand what we are  
450 talking about – because perhaps people confuse the VIP lounge with the club lounge at  
Heathrow and also at Gatwick – can the Hon. the Chief Minister provide some information, just  
for the purposes of listeners and viewers, in relation to what the VIP lounge is used for? Apart  
from simply sitting in the VIP lounge, also working in the VIP lounge, obviously, it is also a fast  
455 track as well in relation to how you move around the airport, and perhaps the Hon. the Chief  
Minister can explain for the purposes of viewers and listeners to this exchange.

**Hon. Chief Minister:** Well, Mr Speaker, I am very grateful for the opportunity to do that. In  
fact, there is an element about the VIP lounge which is not very VIP at all, which is that there is  
460 no food available in the VIP lounge, so the galleries and first-class experience of British Airways is  
much better in that respect. There is absolutely no shopping, so if you have got to the airport  
and have not bought anything for your wife or children you are really then in a very difficult  
position indeed and have to make the best of what is on the aircraft.

It is all about actually getting around the airport more quickly and it is about being collected  
at the aircraft and being able to get to your car and get out of Heathrow or Gatwick within 10 or  
465 15 minutes of the aircraft landing, and about being moved from one aircraft to another without  
having to check in again, because they will come with your boarding passes. Therefore, it is for  
that reason and without, in particular at Heathrow, the issues about arriving at the airport at a  
particular time. The hon. Gentleman may know that one is now not allowed through into  
470 Heathrow at Terminal 5, even from the check-in area, if you do not at least have I think it is an  
hour and 10 minutes, because they reckon you will not be able to make it to the gates.

Very often our connecting times are shorter than that, and what the lounge does is not to  
allow us to lounge at all – all it does is take us from the aircraft to a car that takes us to the other  
475 aircraft and brings us home to Gibraltar or takes us to the United States or wherever it is that we  
may be going.

So it is not about lounging, it is not about more luxury; it is actually about the ability to work  
475 harder for Gibraltar when we use this lounge and to get the best out of every penny that we  
spend.

**Hon. D A Feetham:** Mr Speaker, I have used the lounge myself and I can assure the listeners  
480 that we are not exactly slumming it when you use the VIP lounge.

**Hon. Chief Minister:** Mr Speaker, I am grateful for that indication.

Given that the hon. Gentleman has said that, I should just clarify that the rule that only the  
485 Chief Minister can use this lounge – or engage the use of it, because there are other Ministers  
who may be travelling with him – is not my rule; it is the rule that was there before. It was the  
only rule that seemed to be sensible to keep, because the other rule was ‘book it every time we  
go to London’. That one I did away with; the one that it was only the Chief Minister who should  
use it I kept – with the full support of the 10 people who sit with me on this side of the House.

490 **Mr Speaker:** Right, I suggest we move away from the VIP lounges back to Parliament.

**Q126/2015**  
**Debts owed to Government –**  
**Details; Credit Finance Company Ltd loans**

**Mr Speaker:** Question 126.

**Clerk:** Question 126, the Hon. D A Feetham.



495 **Hon. D A Feetham:** Yes, I used it with the former Chief Minister as well.

Mr Speaker, can the Government state how many companies, partnerships or entities owed the Government a cumulative amount of more than £50,000 in arrears in each of the financial years since 2011-12, providing a breakdown by reference to (a) PAYE, (b) Social Insurance and (c) other Government debts?

500

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 127.

505

**Clerk:** Question 127, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government state how many companies, partnerships or entities that owed the Government a cumulative amount of more than £50,000 in arrears in each of the financial years since 2011-12 have been provided with loans by Credit Finance Company Ltd?

510

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

**Hon. Chief Minister:** Mr Speaker, the information as requested is not presently available, as there is one database for tax and Social Insurance and another for Government debts.

515

The response therefore provides the number of companies, partnerships and entities with cumulative arrears for tax and Social Insurance in excess of £50,000; and separately, those companies, partnerships and entities with arrears of other debts in excess of £50,000.

It may well be that there are other entities when you add (a), (b) and (c) above which exceed the £50,000 limit. However, it is not possible to provide this information in that form. I will give it as follows.

520

In respect of PAYE and Social Insurance: in financial year 2011-12, 63; in financial year 2012-13, 74; in financial year 2013-14, 53; and in financial year 2014-15, 43.

In respect of other Government debts: in financial year 2011-12, 23; in financial year 2012-13, 29; in financial year 2013-14, 28; and in financial year 2014-15, 29.

525

Throughout the period of 2012-15, one such company has had arrears in excess of £50,000, in respect of Question 127 – in other words, those with loans from Credit Finance.

**Clerk:** That concludes questions to the Chief Minister.

## ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q101/2016

Midtown coach/car park –  
Source of investment

530 **Clerk:** We now move to Question 101, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance please advise which Government-owned entity or agency has paid or committed to pay £17½ million for the Midtown coach/car park project, seeing as this amount does not appear as a capital project in the Improvement and Development Fund?

535

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

540 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
Mr Speaker, following the method that was introduced by the previous administration in respect of the car parks constructed in previous years, the car park company will be investing in the Midtown car park.

545 **Hon. R M Clinton:** I presume it is the Government-owned Gibraltar Car Parks Ltd: and will it own 100% of that facility?

550 **Hon. J J Bossano:** It will own the part that has been agreed with the contractor and which has not been put on sale. There are spaces that have been sold to members of the public and those clearly will not be part of it. The financing of the construction reflects the amount of car parkings that will belong to the car park company.

555 **Hon. R M Clinton:** Would I be correct in saying that the car parks sold to the general public ... that money does not accrue to the Government? And if perhaps the hon. Member could give some information as to how the remainder has been financed by the Government?

560 **Hon. J J Bossano:** The money that comes in from the sale of a car park goes to finance the building that is not financed by the car park company. The final account will be that the car park company will be paying for the one that it remains with, because they are not being sold to the public and therefore if those are rented they will produce a revenue.

In all the previous car parks that have been financed in this way, it has been the revenue from the rental that has serviced the cost of the investment. The same model is being used now.

**Q102-104/2016  
Public finance debt –  
Breakdown of figures**

**Clerk:** Question 102, the Hon. R M Clinton.

565 **Hon. R M Clinton:** Can the Minister for Public Finance please supply the total gross debt, cash reserves and net debt figures for public debts for each of the following month ends, namely: July 2015, August 2015, September 2015, October 2015, November 2015 and December 2015?

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
Mr Speaker, I will answer this question with Question 103.

575 **Clerk:** Question 103.

580 **Hon. R M Clinton:** Can the Minister for Public Finance confirm that there have been no breaches of the net debt limits or debt service ratio as set in the Public Finance (Borrowing Powers) Act 2008 at any time in the period from December 2011 to December 2015 inclusive?

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
585 Mr Speaker, the gross debt at the end of each month from July to November 2015 has been  
£447.7 million. In other words, it has not changed.

The cash reserves in the same months have been £27 million, £30.7 million, £13.6 million,  
£34.6 million and £16.6 million.

The net debt for the same month has been £420 million, £417 million, £434.1 million,  
590 £413.1 million and £431 million.

As regards the breach mentioned in the question, no such breach of the limits of ratio has  
taken place at any time in the period December 2011 to December 2015.

**Hon. R M Clinton:** Thank you.

595 I seem to have numbers for five months there, rather than six. Could the hon. Member please  
clarify or check?

**Hon. J J Bossano:** Yes, Mr Speaker, whenever we have answered questions previously we  
600 made the point that the figures are not accurate unless they are a month in arrears, and  
therefore this is the figure at the 1st December, which is the end of November.

**Hon. R M Clinton:** Just to clarify then, we do not have the end of December number, which  
will be de facto 1st January, if I understand the Member correctly.

605 **Hon. J J Bossano:** The end of December will be 1st of January, and that is true of all the  
questions, as he will see in the other questions he has put.

**Hon. R M Clinton:** Thank you.

610 **Clerk:** Question 104, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance advise if the Principal Auditor has  
sought clarification on any points from the Attorney General under the Public Finance (Control  
and Audit) Act section 56(1)(e) in the period from December 2011 to December 2015 inclusive?  
615

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
620 Mr Speaker, I am informed by the Attorney General that no such clarification has been sought by  
the Principal Auditor in the period mentioned in the question.

**Hon. R M Clinton:** Mr Speaker, would it be in order for me to ask whether the Financial  
Secretary has asked for similar advice from the Attorney General?  
625

**Hon. J J Bossano:** Well, Mr Speaker, he can ask it but he is not going to get the answer,  
because I asked the Attorney General and not the Financial Secretary, because that is what he  
asked in the original question.

**Q105-106/2016**

**GSBA Ltd –**

**Purpose**

630 **Clerk:** Question 105, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance please advise the purpose of GSBA Ltd, whose £11 million of issued ordinary share capital is 100% held by the Gibraltar Savings Bank?

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
Mr Speaker, I will answer with Question 106.

640

**Clerk:** Question 106, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance please advise with whom Credit Finance Company Ltd and Gibraltar Investment (Holdings) Ltd bank?

645

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
Mr Speaker, the purpose of GSBA is principally to hold real assets.

650

Credit Finance and Gibraltar Investment Holdings bank with the Government, since the former GSD administration established that Government companies are dealt with collectively in their cash transactions by the Treasury.

655 **Hon. R M Clinton:** Could the hon. Member please clarify what it means by 'real assets': is that real estates, physical assets, gold bullion? Some indication perhaps would be helpful.

In terms of the second question, by banking with the Government, which obviously is not a bank, I presume he means the savings bank?

660 **Hon. J J Bossano:** If I answer the second one, by Government I mean that the companies that he has mentioned and others do not have separate bank accounts, but collectively all the cash is dealt with by the Treasury. That was the system introduced previously and the system has not changed since 2011.

665

As regards the assets, the biggest single asset in that is in fact the building of the savings bank, the main street building. The others are not real assets, because if you consider the way the accounts of the savings bank are done, which are really the accounts of the special fund, there has never been a provision there showing anything other than the investments that the fund has made externally, as it were, with other people. It is not like a company account that shows the assets undepreciated. By putting things like the building or any other real asset in there, we will be able to reduce the value over time, if there is a need for it, and produce therefore a more accurate reflection in the accounts. There is no other way of doing it other than by having it in a company.

670

**Hon. R M Clinton:** Thank you. I will try to deal with each point separately.

675

From my reading – and maybe the hon. Member can correct me – of the Principal Auditor's report in terms of Government cash reserves, would he agree with me that the majority of the

Government's cash reserves, which I can only take to mean the Treasury, are actually held with the Gibraltar Savings Bank?

680 **Hon. J J Bossano:** The cash reserves of the Government are held in the Savings Bank, but the cash reserves can in fact – and have been, if the hon. Member looks in previous years – sometimes be less than the Government technically owns because part of it is owed to the Government by companies, or sometimes more than the Government technically owns because the cash surplus of a company is in fact included with the Government.

685 So in fact it is simply that there is one single pot of cash which covers Government Departments, authorities, agencies and companies.

**Hon. R M Clinton:** So my understanding, again if I am correct, is that the Treasury has a pool of money which collects in from Government agencies or Government companies. The Treasury and how the money, or the Government total cash reserves which would include the money it holds on behalf of companies, will be shown in the Principal Auditor's report in terms of the total cash reserves and how those cash reserves are invested. And if I have read the Principal Auditor's report for 2014 correctly, would the Member agree with me that the majority of that is invested in the Savings Bank?

695

**Hon. J J Bossano:** Mr Speaker, the Government does not have to put it in the Savings Bank. It generally does, but in fact there is nothing to stop the Government, for example, having a direct bank account with NatWest or Barclays. What I am telling him is that it is the Government that opens those accounts and not the companies.

700

**Hon. R M Clinton:** No, I understand that.

If I may come back to the investment by GSBA, again if I understand the Hon. Member correctly what he is saying effectively is that there is a fixed asset, which is the building in which the Savings Bank is housed. Could he explain to me how he reconciles that with the requirement to match the maturity profile of deposits?

705

**Hon. J J Bossano:** Well, because in fact the £11 million is less than the money that belongs to the Savings Bank as its reserves. That is to say the Savings Bank has more than £11 million, which it does not have to match to anything or anybody because it is its own money.

710

**Hon. R M Clinton:** So, Mr Speaker, by that logic I take it the hon. Member would accept that he has to keep at least the value of the investment, of £11 million, in reserves and that he cannot move that much out from the Savings Bank if he so chose.

715 **Hon. J J Bossano:** Mr Speaker, it is not the case that it has to be kept; it is the case that, as a matter of policy, the Government intends to keep the profits of the bank in the Savings Bank. The Savings Bank could have rented the property and had it part of recurrent expenses; instead, it chose to buy it and hold it in a company, and therefore that is reflected in the profitability of the Savings Bank.

720

**Hon. R M Clinton:** I understand that, but that was not my question. My question was the Savings Bank Act specifically provides – and directs, in fact – the Financial Secretary to ensure that investments match as closely as possible to its maturity profile.

725

Now, obviously a fixed asset does not have a maturity date and, as you have just said, you have more profits in the bank than you have deposits and therefore it is not an issue. But by extension of that argument we would have to agree that you have to keep those reserves to cover that fixed asset.

730 **Hon. J J Bossano:** Mr Speaker, as the hon. Member knows, the Savings Bank is programmed, as part of Government policy, to keep on increasing its reserves and retaining it and not distributing it to the shareholder, which is the Government. Therefore, what the maturity dates are about is the matching of the maturity of the external investments with the repayment of the debentures to the public.

735 The hon. Member is talking as if the Savings Bank tomorrow, for example ... in the month of December we had over £40 million maturing, and that has been repaid because we have had investments that have matured on the same date to enable ... It is not as if the position was that that £11 million represented maturing debentures and consequently the Government and the bank had to sell the baby to be able to pay of the debentures. That is surplus to the amount, because it is in excess of what is, if you like, owed to savers.

740

**Hon. R M Clinton:** Mr Speaker, I fully understand that. What I am saying is that the hon. Member could not, as is currently allowed under the Savings Bank Act, actually, as it were, pay a dividend to the Government that would eliminate the reserves such that they reduce below the cost of that fixed asset, £11 million; otherwise, he would not have a matching maturing amount.

745

**Mr Speaker:** May I say that the hon. Gentlemen should be careful that they are beginning now to debate. That was expressing a point of view. It was not framed as a question. It can be framed perhaps as a question – does the Hon. Minister agree with me that so and so – and then it becomes a question; otherwise you are making a statement.

750

Could I suggest that you rephrase it slightly, and then you are covered perfectly by the rules.

**Hon. J J Bossano:** Very good advice, Mr Speaker, because if he asks me if I agree with him the answer is going to be no – so just for the record! I am trying to satisfy his curiosity. I do not mind doing it and I do not think I am arguing with him or debating. I get on quite well with the Member.

755

The point is, of course, the choice was open to the Savings Bank not to invest in the building, for example, which, as I have told you, is the biggest element, and instead the building would have been owned by somebody else or some other company and there would have been a rental payment. Therefore, that would have been a reduction in the annual surplus.

760

The view was taken that, given the returns that we get, the return on the building would have been better if there was no rent, and therefore the asset had to be shown in some way. The only way that we can show the asset in the balance sheet, if the hon. Member looks at how special funds work, is that there really is no way of dealing with a building other than saying there is a company, the company owns the building and the value of the company reflects the value of the underlying assets into which the Savings Bank fund has in fact invested some of its reserves.

765

We do it, and we have done it, frankly, because we have done an exercise that shows that if, instead of doing it that way, we had not spent our own money, as it were, and invested in that, it would have been a less favourable return, so it was just a question of being intelligent about investing money.

770

**Hon. R M Clinton:** I thank the hon. Member for his indulgence. I think I have satisfied myself on the points on GSBA.

775

If I may return to the question of banking and Credit Finance and Gibraltar Investment Holdings, would the hon. Member agree with me that if Credit Finance, for example, or Gibraltar Investment Holdings, for example, have any surplus cash that they then deposit with the Treasury, that the Treasury in turn would deposit that cash with the Gibraltar Savings Bank, certainly given the profile as reported by the Principal Auditor for March 2014, when it would appear that the bulk of the Government's cash is in the Savings Bank?

780 **Hon. J J Bossano:** It is true that the bulk of the Government's cash and the cash of the companies is in the Savings Bank, because it makes more sense to have it there than to have it with another bank and not get any interest. Instead, it serves to maintain the liquidity in the Savings Bank.

785 The whole point of the question, as I understand it, is that the hon. Member wanted to know whether there were separate bank accounts, and the answer is no.

**Hon. R M Clinton:** Mr Speaker, I do not know if you will allow this further final supplementary. Would the hon. Member agree, or perhaps he will disagree, that it is entirely possible to increase the deposit base of the Savings Bank by causing the Savings Bank to make an investment in a Government company, that Government company in turn depositing surplus cash with Treasury, who in turn deposits it with the Savings Bank?

790  
795 **Hon. J J Bossano:** Well, it is theoretically possible to do that if one had nothing more worthwhile to do than do it. I can assure him that has not been done since 2011 and I do not know whether it was being done before 2011, but I think that the proportion of the Government money in the Savings Bank in 2011 was higher than it is now.

**Q107/2016**  
**Shell land lease –**  
**Financial terms**

**Clerk:** Question 107, the Hon. R M Clinton.

800 **Hon. R M Clinton:** Can the Minister for Public Finance please advise the financial terms upon which Shell is to be granted a lease on the land upon which the LNG storage tanks are to be situated?

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, this matter is currently part of the ongoing negotiations with the company.

810 **Hon. R M Clinton:** Mr Speaker, would the hon. Member cast his mind back to the Chief Minister's Budget address of 2015, where, if I may quote the Chief Minister:

Another great driver of economic growth for our future, Mr Speaker, will be the establishment of an entirely safe Liquefied Natural Gas storage, re-gasification and bunkering facility.

The Government's discussions with interested parties suggest that the facility is likely to be financed entirely by third parties, giving the Government the option to invest in such a facility but not requiring us to do so.

815 Could the hon. Member advise whether the Government is taking up any such option, or whether the land is seen to be payment for some type of facility to participate in the LNG operation?

**Hon. J J Bossano:** I can tell him that there will be an investment by the Government; what I cannot tell him is the nature of that investment because those negotiations have not finished.

**Q108/2016**  
**Power station –**  
**Total cost and financing**

820 **Clerk:** Question 108, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance please advise the total anticipated cost of the power station project and how this amount is to be financed, given that only £1,000 is provided for in the estimates for 2015-16?

825

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
830 Mr Speaker, the new power station is a design-and-build contract. As such, the precise cost changes with variations to the design, which, as Members will appreciate, is an iterative process. At present it is projected to cost around £73 million. Ongoing negotiations are underway to finance the majority of the cost through a Government-owned company.

835 **Hon. D A Feetham:** Mr Speaker, in relation to the cost of the power station, have the costs that are ancillary to the power station. For example, the land reclamation – we now know that part of the power station is being built on the land reclamation – has that already been paid, or does it have to be paid?

840 **Hon. J J Bossano:** I cannot tell the hon. Member what has been paid until now unless he tells me information he wants and I ask the people who are doing it. All I can tell him is that the negotiations for the funding are still ongoing and there are things that have happened already but that does not mean that the invoices that have arrived have been paid or not ... without the hon. Member putting a direct question, for which I can then get a specific answer on a specific date.  
845

**Hon. D A Feetham:** Does he accept that– in the light of the answer that he gave to Question 102 in relation to, for example, reserves, which stand at £16.6 million as at the end of December 2015, and indeed net debt stood at £431 million, very close to the £457 million debt limit – that  
850 really the Government, as the law stands today, does not have the cash reserves, nor does it have the borrowing capacity in order to pay for the power station and the cost of £73 million?

**Hon. J J Bossano:** I only accept that that is accurate to the same extent that it was when he was in Government when they produced a list of projects of £1 billion and at the time they did  
855 not have £1 billion. The reality of it is that of course the Government has got targets that it publishes ahead of time and we work to achieve the target by the date of that target. The hon. Member will see how these things fluctuate. In fact, if you ask me for one day's figures, then the following day it could be higher or it could be lower, because it is all about whether bills are being paid on a particular date or receipts arrive on a particular date. But the reserves of the  
860 Government are not relevant to this, because I have already told him it will be done through a company.

**Hon. D A Feetham:** Yes, Mr Speaker, but it will be done by a company either capitalised by the Government through cash that the Government holds, ergo – the word that the hon.  
865 Gentleman does not like us to pronounce – ergo, it is either from cash reserves of the Government or, alternatively, that company may borrow itself and may then effectively pay for it but from borrowing that the Government-owned company basically undertakes.



870 So, and at some stage, of course, the Government then has to step in, and unless that company is a profit-making company, the Government would have to step in or the Government would have to be some kind of guarantor in order to pay for that loan, I mean £73 million, a Government owned company... Unless that Government-owned company is producing some very serious profits it is very difficult to see or conceive of a situation where that Government-owned company is going to be able to pay £73 million to build this particular power station.

875 **Hon. J J Bossano:** Well I think the hon. Member, Mr Speaker, appears to have forgotten the system that they invented, which did not exist prior to the GSD being in government, which was in fact, as was explained at the time by the then Chief Minister, the greatest ever living Gibraltarian ... The position is that when this is done with a company there is a supposed higher element of risk that the lender is taking, precisely because it is not Government debt, and that  
880 was said about, for example, the money that was raised for the car parks and the money that was raised for the hospital purchase and for the refurbishment of the building in Europort when that was converted into a hospital.

What the Government then explained in fact was that the agreements entered into by a company with a local bank, for example, which involved 20 years where there was an annual  
885 payment and it involved a reducing element of interest on the balance of the loan because it was really like a repayment mortgage, where every year they paid off part of the original cost ... and therefore the £60 million of the hospital had been paid off like that. The car parks have been using that same system. Those systems were introduced as an alternative to public debt by the previous Government and it was explained in this Parliament, to questions that I put, that in  
890 those cases there was a slightly higher element paid because in fact there was not a Government guarantee attached to that. That still is the system that is in place, the one they came up with.

**Hon. D A Feetham:** So, effectively what we are talking about is incorporation of a  
895 Government-owned company that enters into some kind of lease arrangements in relation to the power station, whereby the power station is paid ... There are lease payments, for example, every single month or every six months or whatever, and over 20 years then the sum of £73 million will be paid over twenty years... the £73 million pounds. Is that what the hon. Gentleman is envisaging, the way that this is going to be funded?

900 **Hon. J J Bossano:** This is the nature of the funding model that is being looked at, that is still not 100% certain, because it is only one possibility – but it is the most likely one. That would be related to the assets – that is the real assets – that are being purchased. It will not cover everything, because there are certain things that are not covered by this kind of agreement, and  
905 the same has been done with other things where there has been an element of things that are real assets, like construction, but other things that are not included and are not possible to include. But we are looking at using the mechanism that we found when we got there.

**Hon. D A Feetham:** I understand, and indeed we have had exchanges, he and I, in relation to  
910 PFI arrangements, now for the last, I think its, 13 years. He may recall that in 2003, when the then GSD Government funded the hospital using a PFI arrangement, the public debt then was £78 million and the legal borrowing limit was £100 million. One of the points that I was making was that, actually, if you look at this PFI arrangement it is a way in which you can circumvent the legal borrowing limit, because if you had to borrow directly you would be over the £100 million.  
915 At the time, he and the Hon. the Chief Minister were at idem – he was Leader of the Opposition – in relation to this. But you see the difference, then with now, is that then although there were commentators who were commenting adversely on the use of PFI arrangements because it is a form of hidden debt and were recommending that PFI arrangements be brought onto the balance sheet so that you can have a realistic debate on the real state of what the indebtedness

920 of the community of the nation is – and there were one or two, me included, even though I did not understand matters then as the hon. Gentleman – now the United Kingdom, for example, includes PFI arrangements as part of the calculation of public debt. Is the Government intending to go down the route of the United Kingdom and do that as well?

925 **Hon. J J Bossano:** Well I do not know whether it falls into the definition of a PFI arrangement or not, because in fact the former Chief Minister used to argue that what we did in our previous term in office with the incinerator had been a PFI arrangement without us knowing that it was a PFI arrangement, where somebody came in, built something and ran it.

I do not think that leasing assets, where there is a payment over the life of the asset which involves interest and repayment of the original sum, is necessarily the same as a PFI arrangement. But in any event I do not accept that it is part of the public debt and I am not sure that it is right in saying that things like this in the United Kingdom are included in the public debt. But even if they are, they are certainly not included in the public debt of everybody else in Europe. And in any event, even if we were to include this in the public debt, it would be nowhere near the 75% of GDP that the UK has or, for example, the ratio of debt to GDP that the third biggest economy on the planet has, which is 240% of GDP in Japan.

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935 So these things, from my perspective ... As the hon. Member knows, I view it on the basis that if you raise money, for example, to invest in a car park – which was the argument that was used by the Government when they did it the first time – and that, in effect, produces an income stream, then really this is not money that you are raising in order to produce a public service; this is ... Whether the Government should be in the business of running car parks or running other things is a different issue, but the nature of that transaction is that it would be no different if it was a private investor raising money to build a car park and then use the money that is produced by the utilisation of an asset to repay the cost of the asset.

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945 From an economic point of view, whether it is a public entity or a private entity that is doing the transaction does not alter the nature of the transaction. Therefore, there are assets that have got an effect on the economy and on the output of the economy and it is not an unreasonable way to do it. I think the real use of public debt is when you are doing things like schools or things like that, which, at the end of the day, are assets that you create, which, after they have been created, do not produce income; all they produce is additional cost. There is no way, therefore, of amortising that asset and saying, 'Well, I am going to pay it out of the income that it produces.'

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955 So you know I do not accept the analysis and the logic of the analysis, but I accept that he has that view and is entitled to have it, and he used to have it when he used to criticise the GSD in 2003. At the time, he criticised me for agreeing with the GSD; and now he is criticising me for disagreeing with the GSD – now that he is a GSD.

**Hon. D A Feetham:** Mr Speaker, when he talks about all these countries having a huge debt, of course – sorry, large percentages to GDP in terms of debt; he has quoted the United Kingdom – it is not comparable. We have, for example, Bermuda, which is an Overseas Territory that has 36% debt to GDP, are in financial difficulty, because at the end of the day one also has to look at different factors, not just simply ratio of debt to economy – we have also got to look at income and other issues like that.

960 But just examining a little bit further how the model that is going to be used in relation to this particular power station, are we, is the Government exploring that the power station is going to be owned by the French company over the 20-year period and the French company perhaps is going to be selling electricity, or is it going to be just simply a straightforward lease? Can he give us some more information in relation to that?

970 **Hon. J J Bossano:** No, Mr Speaker, when it is ready to run there is an initial period where the French company will be involved, because there is a period of warranty and a period when our

975 people from the old generating station will be working alongside theirs, but I think there is a maximum of a year and then, after that, they go and we take over. So the whole issue is that the operation will be run by the Gibraltar Electricity Authority, and once the thing is completed it will be owned by the Gibraltar Electricity Authority to the extent that, like anything else, if tomorrow we buy in the old station a generating set and that generating set is financed by an arrangement where we are paying, if you like, in instalments, technically the engine is mortgaged in support of that facility, but that is the only element.

**Q109/2016**

**Urban wastewater treatment plant –  
Total cost and financing**

**Clerk:** Question 109, the Hon. R M Clinton.

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**Hon. R M Clinton:** Can the Minister for Public Finance please advise the total anticipated cost of the urban wastewater treatment plant project and how this amount is to be financed, given that only £1,000 was provided for in the estimates for 2015-16?

985

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

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, there is no anticipated cost in respect of this project in the current financial year.

990

**Hon. R M Clinton:** Would I be correct in assuming then that what the Hon. Minister is saying is that that project will not proceed in the financial year 2015-16?

995

**Hon. J J Bossano:** Mr Speaker, the hon. Member's original question is how are we going to finance it in the current financial year with £1,000, and the answer is we are not even going to spend the £1,000 in the current financial year. He will have to wait until he sees next year's Budget to see what will happen after 1st April.

1000

**Hon. R M Clinton:** That may be the case. I understand what the hon. Member is saying, but does he have an indication of what the cost might be?

1005

**Hon. J J Bossano:** Mr Speaker, he is asking me how am I going to pay it if there is only £1,000 in the estimates for this year, and the answer to his original question is the way I am going to pay it is that the £1,000 in this financial year, approved by Parliament at last year's estimate, is not going to be spent.

1010

If he wants to know how we are going to do it next year, then I am afraid he has to wait for the estimates for next year, which have not yet been prepared because the submissions come in at the end of January and then it has got to be looked at by the Treasury, and then that exercise finishes with a figure which will, if there is a figure, will be there when he gets the book in April, and that is when he can ask me the question.

**Hon. R M Clinton:** Thank you, but hon. Member, if I recall correctly, at the last election the contracts for this treatment plant were imminent to be signed. Surely he must have an idea. If you read my question carefully, it is divided in two parts:

Please advise the total anticipated cost of the waste treatment plant project

– pause –

and how this amount is to be financed, given ...

1015 So there really are two elements to that question. My first element is: how much do you think it is going to cost? Simple as that.

1020 **Hon. J J Bossano:** Well, I do not think there are two questions, but if there were, given that he has put so many different questions in other subjects, he should have put this one in two, because, as far as I am concerned, he is curious to see how I am going to meet what he expects to be an anticipated cost of £x-thousand more than £1,000, since I have only got £1,000. And given that he is as minded as I am to spend as little as possible, I would have thought he would be glad that we are not even going to spend the £1,000.

1025 **Hon. R M Clinton:** Well, of course I will ask this question in the next financial year. Thank you.

**Q110/2016**  
**Maritime Cadet Training Scheme –**  
**Government-sponsored students**

**Clerk:** Question 110, the Hon. E J Reyes.

1030 **Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any Government-sponsored students currently participating in the Maritime Cadet Training Scheme, indicating at what stage they are in with their training and estimated completion date together with qualifications aimed to be attained?

1035 **Clerk:** Answer the Hon. the Minister for Economic Development, Telecommunications & the GSB.

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, there are currently no students participating in this Scheme.

1040 **Hon. E J Reyes:** Mr Speaker, the last time I asked this question was probably a year and a half or so ago. Minister Costa did answer me at the time that they were at a drafting stage and about to place out an advert to see whether there were any takers into the Scheme. Does the Minister have any information on whether anybody took on that offer – and has probably left the Scheme, because his factual answer is that there are none at the moment, but maybe since the time I asked the question to now, some did engage and are no longer in training courses. Is he aware of any of those statistics?

1045

1050 **Hon. J J Bossano:** As far as I am aware, there has not been any interest from anybody expressed in the Scheme. The Scheme, as the hon. Member knows, is not funded by the Government – it is funded by the industry.

**Hon. E J Reyes:** One other one, Mr Speaker – a supplementary, he may know: does the Government intend, perhaps in the short-term future, to advertise again to see if there will be any interest arising from potential students?

1055 **Hon. J J Bossano:** It is not that there has been any change of policy. I think the people who  
are involved in running this put out an advert when they think an advert has to be put out, or  
they test the interest in some other way. All I can tell the hon. Member is that I have asked the  
question from those concerned that he is asking me, and the answer that I am giving him is the  
1060 answer that they gave me. But it is not that there has been a decision to discontinue this or to  
discourage anybody.

**Hon. E J Reyes:** Mr Speaker, I hope the hon. Member agrees that I periodically, perhaps once  
a year, ask this type of question because it would even enable him, when he meets with those  
1065 who have traditionally been contributors to the funding of this Scheme, to make them aware  
that there is supposedly, from what I hear from some youngsters, there is some type of interest.  
And it would be great, when one thinks really long-term plan ... In the same way that Gibraltar  
now boasts very proudly of having a Gibraltarian as Captain of the Port, if one wants him to be  
succeeded by yet another Gibraltarian we need to ensure that we do have the right people with  
1070 the right qualifications in that particular area. He and I sing from the same hymn sheet when we  
like to make sure that our people are trained and attain as high a qualification within their areas  
of professional expertise as possible.

**Hon. J J Bossano:** I will make further enquiries in this and let the hon. Member know, and  
also perhaps what has happened to those who were last in it.  
1075

**Hon. E J Reyes:** I am grateful, Mr Speaker.

#### Q111-113/2016

#### Current and ex-prisoners and persons completing drug rehabilitation – Access to education, employment and housing

**Clerk:** Question 111, the Hon. E J Phillips.

1080 **Hon. E J Phillips:** Can the Government confirm what academic and vocational or skills-based  
training courses/programmes are available to those persons currently serving custodial  
sentences at HMP Windmill Hill and to those who have completed a term of imprisonment?

**Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the  
GSB.  
1085

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
Mr Speaker, I will answer with Questions 112 and 113.

1090 **Clerk:** Question 112, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm what support is available to those persons  
who have completed drug rehabilitation and are in need of remunerated employment?

**Clerk:** Question 113, the Hon. E J Phillips.  
1095

**Hon. E J Phillips:** Can the Government confirm what support is available to those persons  
who have recently completed a term of imprisonment to access housing, employment and  
education opportunities?

1100 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the  
GSB.

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**  
1105 Mr Speaker, persons serving sentences at HM Prison receive regular counselling from a  
professional qualified counsellor provided by the training company and are followed up by visits  
on release.

As part of the process they are encouraged to take up training for employment that is  
available and for which they are suitable on release. Whilst they are at Her Majesty's Prison,  
1110 training is offered with a course currently delivered on carpentry, which can lead to the Level 1  
City & Guilds Certificate on maintenance operations. Additionally, there are English, maths and  
Spanish courses up to GCSE standards delivered to those who are willing to undertake them.

Those who have completed their term of imprisonment are encouraged to participate in the  
training programmes for the construction industry, which would involve them actually being  
taken on and paid the minimum wage.

1115 Persons who complete the drug rehabilitation programme in Bruce's Farm and register with  
the Employment Service are, on registration, referred by the Employment Service to the EDEC  
training section. They are then interviewed to explore past employment history, employment  
experience and future employment expectations. Daily vacancies are identified as suitable and  
1120 individuals sent to those vacancies. Some are additionally supported by the in-house counsellor,  
who is also serving the Prison, as they may have been previously serving custodial sentences.  
Sometimes you get a connection between the drug and the custodial sentence.

As regards access to housing, it does not follow that because a person has recently  
completed a term of imprisonment his housing situation has changed. Any person entitled to  
1125 apply for Government housing is treated according to his or her requirements irrespective of  
whether they have served a prison sentence or not. If the person is homeless, the procedure for  
dealing with homeless persons would apply, again without discrimination.

**Hon. E J Phillips:** Can the hon. Gentleman confirm what educational opportunities ... I think  
1130 he answered the question in respect of housing in relation to Question 113, but not in relation  
to the educational opportunities.

**Hon. J J Bossano:** Well I do not know whether one can say that learning a craft is not an  
educational opportunity, but I think the educational opportunity is covered by the reference that  
1135 I made to English, maths and Spanish classes up to GCSE level, which does not prepare you  
specifically for a particular trade but it improves the literacy and numeracy skills, and that is also  
available but it is not something that a lot of people want to take up, to be quite honest.

**Hon. E J Phillips:** Thank you for the hon. Gentleman's answer to those three questions.  
1140 If we go back to yesterday, when Mr Licudi, the Minister for Justice, answered the question  
when I put it to him that, as part of getting people back into work after they have had significant  
problems with either offending or reoffending, the key to this is getting people back into work,  
would the hon. Gentleman agree with me that we need to be doing more than just encouraging  
1145 people back into work? Offering English, maths and Spanish is a good thing – of course it is a  
good thing – but surely we should be doing much much more than just offering skills in  
carpentry. There must be other forms of ... IT ... Given the advances in the world in technology,  
that we should be offering further types of courses that are able to engage people and get them  
back into work, rather than looking simplistically at issues such as carpentry or language-based  
skills.

1150 Would the hon. Gentleman agree with me that we need to look at other ways to encourage  
people back into work with different types of courses that target the need for our community to  
resource other work places?

Thank you.

1155 **Hon. J J Bossano:** As the hon. Member may know, the focus in training has been, from 2011,  
that the training is driven by an analysis of the labour market on the basis that, frankly, people  
expect that they have got a better chance of getting a job if they get training than if they do not;  
and if you train them for something for which there is no work, then at the end of the day they  
come back and say, 'Why have you trained me?' In effect, it is by analysing the skills shortages in  
1160 the market and analysing the frequency of vacancies that are open in certain areas that the  
numbers of places offered in different trades is designed.

Everybody who comes out of serving a custodial sentence is given the same opportunity as  
somebody who has not been in prison. It is not that you get better treatment for having been in  
prison than you would, because otherwise the guy who does not go to prison will say, 'Do I have  
to go to prison to get better treatment?' But people should not be discriminated against, and of  
1165 course we make a particular point of offering them training while they are still in prison so that,  
if they are willing to take on training, there is no gap between the release and the employment  
because the training company will offer employment to them immediately they come out if they  
are prepared to do it as part of a training programme.

In addition, we generally are prepared to give a longer period of time for trainees who come  
1170 out of prison, on the basis that they have got greater difficulty because normally employers will  
be more reluctant; and therefore, in order to provide a more attractive incentive to the  
employer, we would normally negotiate with an employer that we would help to finance the  
training period longer if we want to encourage him to take somebody who has come out.

I think the most important thing, from the perspective of what we are trying to do to help  
1175 stop people falling back into and finishing up in prison, is that during the counselling period we  
do everything we can to persuade them that the best way is for them, immediately they come  
out, to come to us and we see what we can do to get them employed as soon as possible after  
they come out – because we feel that it is the gap between the coming out and the getting a job  
that is when they are most vulnerable to getting into bad habits.

1180

**Hon. E J Phillips:** Thank you to the hon. Gentleman for the answer to that question – a  
lengthy answer to that question.

I would just like to explore in a bit more detail certain aspects of that, because the Minister  
for Justice talked about, statistically, yesterday, that 58% of people currently at the Prison are  
1185 reoffenders. When you contrast that with the many thousands of people – and I do not say that  
in any way to criticise him, because it is a very difficult process given that we have a number of  
building projects undergoing in Gibraltar, but if one reconciles the fact that there are over  
12,000 people moving each day through the Frontier to work in our jurisdiction, is it not right  
that we should consider analysing those jobs that those people are filling to try to see whether  
1190 those people that are coming out of prison, or people that are in prison, and are in need of those  
skills ... that we do much much more to facilitate them going into those jobs? What I mean is,  
the hon. Gentleman is looking at the skills that are within the community. I think it is right to say,  
and I think it was reported recently in the press, that many thousands more people are crossing  
the Frontier to access opportunities in Gibraltar. I think it is right also to confirm that every  
1195 opportunity should be open to everyone, irrespective of whether someone has completed a  
custodial sentence or not. But what attempt has the Government made to increase the  
possibilities and give them better opportunities for getting back to stop the cycle of crime?

1200 **Hon. J J Bossano:** Well I have always felt, Mr Speaker, that in fact our people are  
discriminated against when it comes to competing in the labour market, because we have got  
you know, people – not just who are born in the hinterland but born anywhere in Europe –  
whose background we know nothing about and therefore that when they come here they start

with a clean sheet; whereas if you are a local everybody knows your life history, and that counts against you because you know you get stigmatised and branded.

1205 What we try to do, to compensate for that, is basically encourage people, to try to get them started in a job on the minimum wage, which is what we pay for trainees, which in a way is really, if you analyse it, the most we can pay. I mean there are 9,000 people on the minimum wage in Gibraltar – you could hardly be paying people more than the minimum wage while they are training and then say to them, ‘When you finish your training you will get a wage cut because the employer will only pay you the minimum wage.’

1210 But by trying to persuade them to go straight in I think is the best way of, in effect, getting them into that job before that job goes to an outsider, but there is a problem of resistance on the part of prospective employers and there is no getting away from that. The only thing we can do is try to change that attitude on the part of the employers and accept that everybody has got to be given an opportunity when they have settled their debt with society, and have an opportunity of building up their lives again. Certainly, as far as we are concerned, the money we invest in doing that is money well invested.

**Hon. E J Phillips:** I could not agree more in relation to putting in our resources where people can get back into work after a long period of offending, or at least a term of imprisonment.

1220 The reason why I asked the question insofar as access to the housing, employment and education opportunities, of course everyone should be afforded, if they have the need, to access housing.

1225 I declare an interest that I have had recent experience with a number of individuals who have gone through rehab successfully and have entered the aftercare facility successfully, but it is the issue of obtaining housing, employment opportunity and education opportunity as well which is increasingly, I find from my experience, and certainly I have declared my interest in it from clients I have had in my professional capacity ... that it is difficult for them to access those three, and that is why I raised the question.

1230 Insofar as housing opportunities, I asked the Minister for Housing yesterday as to whether there is any way in which we can encourage or at least give some special treatment. I understand that is not going to be the case at the present time, but I would just highlight the problem that I have experienced, and people have said to me that coming out of prison is a difficult process. They want to get back into a life free of crime and reoffending, and that is why I raise the point that surely the Government should now be looking at more of a joined-up approach in relation to accessing those opportunities and those services which they will certainly need for them and their families.

**Hon. J J Bossano:** Well, I do not think there is any political difference between us as to what the objectives should be, and however much we want to be doing now there are always ways of improving it. But it is a difficult issue, because people sometimes say, ‘Well, look, if somebody comes out of prison they seem to be getting more attention than somebody who did not go to prison, so if you are a law-abiding citizen and therefore you have to wait in a queue longer than somebody else.’

1245 In the area of training we do not have that problem because the training that is provided is provided in anticipation of people getting employment because the jobs have already been identified; therefore it is not that if somebody from prison has been given training, somebody else that has not been to prison will be discriminated against and not get the training. The training is based on the availability of people and the availability of jobs, and there are more jobs than people – otherwise we would not have any frontier workers.

1250 I think in housing it is a different issue, because it would be a very difficult thing, I think, to ... There is already a provision for treating social cases and treating homeless people, and the category of homeless and social cases cannot then be subdivided with a higher priority given to ex-prisoners I think without creating, in my view, other problems.



1255 Certainly I take note of the views of the hon. Member, and if there are ways in which we can do more than we are doing already the hon. Member can rest assured that it will be done.

1260 **Hon. E J Reyes:** May I, Mr Speaker, because I am very interested in the answers that the Father of the House has provided. At the very beginning of his answer he mentioned that there was counselling provided through the training company, and I am not certain whether that was applicable to persons who have completed drug rehabilitation or those who have completed a term of imprisonment. My confusion, if I throw it in now, was further exaggerated on my part when later on he spoke about an in-house counsellor. Perhaps the hon. Member can clarify that for me so I have a clearer vision.

1265

**Hon. J J Bossano:** The Economic Development and Employment Company has had a counsellor working at the prison part time, and that counsellor, in addition to visiting people while they are serving a sentence, continues to maintain contact with them, visit them, or they come and see him at our premises, after they have been released.

1270 The people who have been in Bruce's Farm and then come and register as unemployed and are referred to us for training opportunities also have the opportunity of having the support and the advice of the counsellor that is there, because the counsellor sees people on the premises and in the Prison, but he does not see the people at Bruce's Farm because they have got their own in-house situation. So the in-house counsellor that I am talking about is only just one person, who is a part timer.

1275

**Hon. E J Reyes:** Yes, that has clarified that.

1280 Mr Speaker, really it is just sort of an update and a continuation of ... Perhaps the Minister may or may not be able to confirm to me. I know we used to have a counsellor within the Employment Services: are we talking about the same person, or are we talking about an additional counsellor? Because the counsellor who was inside the Employment Services was also very keen and very able in helping people prepare even their CV and prepare them for the job application process. Are we talking of a completely different system or just an enhancement?

1285 **Hon. J J Bossano:** This is the person that was actually doing voluntary work before – perhaps in the time of the hon. Member. People get help with their CVs but they do not get help from the counsellor; it is done as a normal routine thing every time somebody registers as unemployed and comes to us from the training point of view and gets interviewed. We help to prepare the CV because that enables us to evaluate what vacancies he is likely to be suited for.

1290 The way that this works is that when employers are contacted about a vacancy they are offered a selection of three, four or five individuals, depending on the kind of vacancy it is and on the supply of labour that we have got, on the basis that if they find one of those people suitable then they will get financial support as an inducement to take them on and in the knowledge that initially there is a period when the employee is not as productive as if he would be if he had been doing the job for a longer period of time.

1295

1300 So that the employer is, if you like, encouraged to take a less experienced employee as opposed to a more experienced one coming from outside. We try to balance the cost to the employer by agreeing the period of training that is required, and if there are people you know, with problems that make it more likely that the time they will need will be longer, then that serves a dual purpose. We agree a longer period, taking into account that perhaps somebody else might be able to gain the level of experience in a shorter time than somebody who has come out from drug rehabilitation or whatever, might need longer to do it, and the employer would then be, if you like, inclined not to take somebody would be, if you like, less productive over a longer period of time.

1305

So the assessment that is done by the evaluation of the counsellor and by helping people with their CVs helps us to try and match the skills and availability with the requirements of the

employer. In that exercise we are using somebody that is a highly experienced and qualified person and who does the work for us by getting an hourly fee on a part-time basis.

1310 **Hon. E J Phillips:** Mr Speaker, just a very short question off the back of that.

One of the questions, which was 112, was in relation to what support is offered in relation to persons who had completed drug rehabilitation and the need to get them back into work. I think the counselling that the hon. Gentleman is referring to is the type of counselling that gives people who have served a custodial sentence and those prisoners an insight into their criminality, an understanding of why they have committed those criminal offences, and therefore how to make reparation and remedy that situation so they can get work and get a job in the future. I think, that is the type of counselling, for the avoidance of doubt, that is the type of counselling I think the hon. Gentleman is referring to. Is that right?

1320 **Hon. J J Bossano:** I can tell the hon. Member that the counsellor that we have provides what he is saying while they are in prison and continues to provide a follow-up, which is more helping them to adjust having come out of prison, and that if the people who have come out from drug rehabilitation feel that it would be helpful to them to also sit down and talk to the counsellor, since the counsellor is in the premises, we do not say to them, 'Well, no, you cannot see the counsellor because you have not been to prison.' The system is predominantly, and has been predominantly introduced, with a view to helping the reinsertion into a normal working life of people who have served a custodial sentence, but when people who come out from drug rehabilitation come to us, then given that that facility exists, if they want to have access to it and make use of it, then they are given the opportunity to do it. The point that I also made was in fact that it is quite often the case that people who come out of prison have also had drug problems.

I am just giving him a broad outline of how the thing works, basically.

1335 **Hon. E J Phillips:** Again, I am grateful for the answer to the question and I am familiar with the process in terms of counselling and the good work that that counsellor does insofar as trying to bring that individual back into society so they do not reoffend.

I am just more interested in the support and the services available to people that commit criminal offences and then back into the community. It is quite clear from page 77 of the hon. Gentleman's manifesto that the measures that are in place to get people back into work are going to be further enhanced, and that is the commitment that the Government has made in respect of reintegrating individuals back into work.

1340 If the hon. Gentleman can ... I am not too sure whether he has the information available, but if he can explain what enhanced measures, which are referred to in the manifesto, will be made available to do that, to get people reintegrated back into work. I am grateful.

1345 **Hon. J J Bossano:** Mr Speaker, when we went into the Election we were not expecting to complete the manifesto in the first two months.

In effect, what I am saying to him is that by providing the service we have been providing, there is also a process where we ourselves learn what more can be done.

1350 The hon. Member has referred to the numbers that are reoffending. I do not know what would be the nature of the answer that was provided before, but I think one needs to see whether there has been, over a period of time, an improvement in that ratio. That would be the kind of thing that ... If we are investing money and investing resources and we see that this is not delivering the kind of improvement we all want to see, then we need to say, 'Well, look, maybe we need to go back and put our thinking caps on and see where else we could be doing things that we are not doing which might be producing a more positive result than we have had to date.'

1355

That is the kind of enhancement. The enhancement would be, in effect, by examining our own success rate compared to what was happening perhaps before we had the counsellor.

1360

**Q114/2016**  
**GDP calculation for last 10 years –**  
**Breakdown by component**

**Clerk:** Question 114, the Hon. D A Feetham.

1365 **Hon. D A Feetham:** Mr Speaker, can the Government please provide a breakdown by component of the GDP calculation for the last 10 available years, as performed by the Statistics Office?

1370 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

**Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, the final figures for GDP calculated by the income method for the last 10 years, eight of which were when the hon. questioner's party was in Government, are as follows.

1375 The GDP for 2003-04 was £560.39 million. Of this, the income from employment accounted for £322.21 million, income from self-employment was £51.61 million, gross trading profits of companies was £90.91 million, gross trading surplus of Government enterprises was £6.94 million –

1380 **Hon. D A Feetham:** Will the hon. Gentleman give way?

Mr Speaker, if he goes through the income method and the expenditure method, and bearing in mind that under the income method he has already got to gross trading, there is still rent, and then on the expenditure method there are about 10 sub-categories for 10 years, it is going to be a considerable amount of information that is going to be provided and read out to the House.

1385 Can I invite the hon. Gentleman to provide it by way of the schedule – just simply the answer that he already has, which we can take as a schedule and then analyse it at a later stage? There are not going to be any supplementaries arising out of this.

1390 **Mr Speaker:** We can move on to the next question while the answer is photocopied and provided as a schedule. (*Interjection by Hon. D A Feetham*) The only thing is that [*inaudible*].

1395 **Hon. J J Bossano:** Well, Mr Speaker, you know my view, that if the Member opposite says the question is for oral answer, being as well behaved as I am in this Parliament, I try to do what he asks me to do, which is to give him an oral answer. And since we have had a multitude of questions for written answer, I have to assume that he does not want a written answer. That is why I read it to him, because I think that is what he is expecting me to do and that is why he says he wants an oral answer. And, as you know, I think that handing a piece of paper is not conducive to anybody that is in the audience, although not many, or listening or watching us, to know what is going on if all we do is say, 'Mr Speaker, I now hand over a piece of paper,' and that is the answer to every question.

1400

**Mr Speaker:** I have the answer here – it is not excessively long.

**Hon. J J Bossano:** Thank you, Mr Speaker.

1405 Mr Speaker, I have only produced the income calculation because it is in fact ... Both  
 calculations come with the same result, but it has always been considered that the more  
 accurate figure and more reliable figure, frankly, is the income side, because what happens with  
 the expenditure side is that the figures are, sort of, rounded off in order to make sure that the  
 1410 two results are the same on the premise that GDP assumptions are that every income is  
 matched by the expenditure and the two ... and the net result of the GDP has to be the same  
 where it is calculated by the expenditure method or by the income method. So, in fact, it is only  
 half as long, but if he wants to have the expenditure I can get that sent to him. But this is the  
 more accurate system.

I had got as far as Government enterprises, as the hon. Member correctly says. The next item  
 1415 therefore is rent, which was £89.84 million in 2003-04, and therefore the total domestic income  
 was £561.51 million and stock depreciation was minus £1.12 million, giving us the £560.39  
 million.

This increased in 2004-05 to £599.74 million. This was the result of income from employment  
 going up to £338.58 million, self-employment increasing slightly to £52.79 million, gross trading  
 1420 profit showing a more substantial increase to £111.77 million, gross rated surplus of  
 Government enterprises was down, in fact, in that year to £3.3 million and rent up to £94.5  
 million, and the adjustment to the figure was £1.15 million in depreciation.

In 2005-06 the GDP increased to £656.51 million, the income from employment rose to  
 £384.81 million, from self-employment income went up to £56.77 million, trading profits rose to  
 1425 £113.77 million and Government enterprise surpluses were £3.72 million – a slight increase on  
 the £3.3 million of the previous year, rent was up to £98.62 million, and again the adjustment in  
 appreciation was minus £1.18 million.

In 2006-07 income from employment reached £440.57 million, self-employment rose to  
 £61.69 million, trading profits of companies came to £128.11 million, gross trading surpluses for  
 1430 Government enterprise was down to £3.28 million, and rent up to £107.63 million. The  
 adjustment for that year was minus £1.21 million.

In 2007-08 income from employment was £495 million; self-employment increased to  
 £66.83 million; trading profits went slightly down to £127.74 million, just under £100 million;  
 1435 Government enterprises were up £4.68 million; and rent was up to £113.07 million. The  
 adjustment was slightly up at minus £1.25 million.

In 2008-09 the total increased by nearly £90 million to £898.7 million, income from  
 employment grew to £526.93 million, self-employment was down to £51.93 million, trading  
 profits up to £197.89 million, Government enterprise surpluses up to £5.48 million, and rent up  
 to £117.76 million. The adjustment by depreciation was £1.29 million.

1440 In 2009-10 the total went above the £1 billion mark for the first time – it was £1,012.58  
 million, of which employment contributed £542.42 million; self-employment, £58.24 million;  
 trading profits, £274.79 million; trading surpluses of the Government enterprises was £4 million;  
 and rent was up at £134.46 million. The adjustment for depreciation was £1.33 million.

2010-11 saw the GDP grow to £1,082.19 million. The employment contribution grew by  
 1445 £40 million to £582.11 million, self-employment was down from £58 million to £35.31 million,  
 trading profits of companies was up to £310.44 million, there was a slight increase in the surplus  
 of Government enterprises from £4 million to £4.77 million, rent was up at £150.94 million, and  
 the depreciation adjustment was minus £1.38 million.

In 2011-12 it was £1,201.31 million, of which employment contributed over half –  
 1450 £652.33 million; self-employment, £35.73 million; company profits, £349.61 million; trading  
 surpluses of the Government enterprises, £6.76 million; and rent, £158.3 million. The  
 adjustment for depreciation was minus £1.42 million.

And the last year for which we have the final figure, which is 2012-13, the total is  
 1455 £1,317.06 million – that is £1.3 billion; employment contribution was slightly up at  
 £661.24 million; self-employment was £48.34 million; company profits was £444.08 million;

Government trading surpluses was £6.35 million; rent, £158.5 million; and the adjustment for depreciation was minus £1.45 million.

1460 **Hon. D A Feetham:** Mr Speaker, I said there were no supplementaries – I had assumed, actually, that the last figure would be the figure for the end of 2014. I say that because when I asked for the GDP figures for the end of 2014, I think at the beginning of last year, I was told that those were going to be computed and calculated by November 2015, which is the usual practice.

1465 When will that figure for the end of 2014 be available, so that I do not have to ask this question again and I ask at the appropriate juncture? Because last time, I was told November 2015.

1470 **Hon. J J Bossano:** Mr Speaker, I asked the Statistics Office to provide me with the final figures so that they would not be subject to any further adjustment. I do not know how close we are to closing the 2013-14, but I can send it to him if he wants me to send it to him without him having to ask the question as soon as it is ready.

**Hon. D A Feetham:** I would be very grateful if he did that. Thank you very much.

1475 **Hon. R M Clinton:** If I may, Mr Speaker – possibly it is only the hon. Gentleman and myself in this room who find these numbers exciting – could I ask him to perhaps, if he can, explain the source for the company profits numbers? Certainly the last one – 2012-13, £444.08 million – is that a number that comes from Companies House? How is it derived, does he know?

1480 **Hon. J J Bossano:** This is the figure that is compiled by the Statistics Office and it is a figure that gets adjusted, and this is why it is sometimes quite a long time before they are closed because when they do the first estimate, for example, if they have received 70% of the returns of company accounts ... I am not sure how the company accounts reach the statistics, whether it comes from the Tax Office or some other source ... It is not that the companies are asked to submit them to the Statistics Office, so it must be from some other department, and the most obvious and logical one would be tax returns by companies. What happens then is that at a certain point in time when something like 70% or 75% of the known companies that are trading have made their returns, the figure is then adjusted by an estimate in respect of the 25% that still have not done it. When those 25% start coming in, you then get a situation where, in some cases, the estimated figure is too high and it means a drop, and in other cases the estimated figure is too low and it means an increase, because in effect it is an arbitrary estimation – they just say, 'Well, if there are 100 companies and 75 have made so much profit, you just assume that the remaining quarter on average will make the same profit as the first 75.' There is no logical reason why that should be so. By and large it is not very far out because the ones that come in higher tend to cancel out the ones that come in lower. But it does mean, in fact, that the final figure can sometimes be revised downwards as well as upwards when they finally decide to call it a day in terms of revising the figure.

1495 **Hon. R M Clinton:** If I may just ask one further supplementary on that: in terms of the profits, would these, in his view, be taxable profit to these companies, or is it just profits of all companies registered in Gibraltar?

1500 **Hon. J J Bossano:** I do not think it is taxable profits, because a company may in fact have other things which reduce its tax liability, but if one were to reduce the profits that they have made, in effect you would be understating the output of the economy. The output of the economy is the income received by companies predominantly. If the hon. Member analyses the figures, for example, for the last year, out of the £1.3 billion, £440 million is companies and £660 million is employees, so you have got £1.1 billion out of the £1.3 billion, i.e. the income of

workers or the income of the employers of the workers. The fact is that it does not necessarily mean that the £444 million was tax, because they might have had offsetting allowances or development aid, or depreciation or whatever, but the output of the economy is made of the money that people are making either as owners of capital or as owners of labour. That is the essence of what the GDP is all about.

The treatment of offshore companies is not reflected 100% here – that is what used to be offshore companies. So in fact, there is a... otherwise, what we have done with doing away with tax-exempt companies and having everybody paying tax now would have produced a huge increase in GDP calculations, because before they were not included. So I think what has happened is that the Statistics Office has ignored that change and, in effect, the companies that have been brought into the onshore field that were offshore before continue to be treated as to their income by giving more or less the same percentage reflected here that they were getting before. If that had not been done, then the year of the change would have seen a massive increase.

**Hon. R M Clinton:** I am grateful to the hon. Member for that clarification. That is exactly what I was trying to understand. Thank you very much.

**Hon. D A Feetham:** Mr Speaker, may I just ask one, because I too am finding this quite interesting. There are two questions.

First of all, are we calculating GDP here in the same way as, for example, the United Kingdom would calculate GDP in the United Kingdom?

And, just curiously – and this is where my interest has been piqued in the explanation that he has given – isn't there an element of double accounting, in the sense that if you count the income of companies basically before tax, so that it is just the gross income of the companies, and you calculate the gross income of the workers, surely that cannot be the output into the economy because there is an element of income of the workers that is coming from some of those companies. Does the hon. Gentleman follow? That is what has sort of piqued my curiosity in relation to this.

**Hon. J J Bossano:** Well, if it was the income of the company he would be right, but it is not the income of the company, it is the profit of the company, (**Hon. D A Feetham:** Of course, yes.) and therefore the income of the company is the sales. So this is not that Gibraltar had sales of £4.4 million; it is that Gibraltar made ... £4.44 million, you know, four hundred and forty four hundred million pounds was the profits made on would could be a turnover of £4 billion or £5 billion, (**Hon. D A Feetham:** Yes.) and of course the profit is after meeting workers' wages, electricity, water, the cost of the things that the business uses. So the answer is that the hon. Member would be right if this was the turnover of the company, but it is not.

**Hon. D A Feetham:** And is it calculated the same way as in the UK?

**Hon. J J Bossano:** As far as I am aware, yes, I mean, it is the same code as the UK Blue Book, which is available on the internet, and the Blue Book has always been the bible that the Statistics officers use – with certain adjustments because of the nature of the economy. I mean for example, there is no agriculture in Gibraltar, so, in fact, our economy has got less diversity than the UK. The UK is a much more complex exercise, because you get GDP collectively and then you get, for example, regional GDPs and you also get figures on the output of certain industries or the agricultural industry, or the service or the city. We do not do any of those things, so what is a massive exercise over there is a much more limited exercise here. But the principle of how you arrive at the elements really is quite simple, because at the end, what we are saying is, this is the £1 billion is the amount of money that collectively our community earned.

**Q115/2016**  
**Parliament building –**  
**Installation of lift**

**Clerk:** Question 115, the Hon. T N Hammond.

1560

**Hon. T N Hammond:** Mr Speaker, considering that this House has not met since last July and the reasons for not having sat in September and October was that it would enable works to proceed on the installation of a lift to facilitate access to this House, and as no work seems to have taken place in the period since last July, is it still the intention of Government to have this lift installed; and if so, when can the works be expected to commence?

1565

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, it remains the policy of the Government to provide lift access to persons with reduced mobility into the Parliament Chamber. The design and the location of the lift have both been studied in detail and exploratory works have been carried out. The project is expected to commence in the new financial year.

1570

**Hon. T N Hammond:** That is understood and thank you very much for that response.

1575

Is it likely to cause disruption to this House during the works, as it was forecast to do last year?

**Hon. Dr J J Garcia:** Mr Speaker, the exploratory works have already been done. Really, before the project commences it needs to go to DPC again because it is substantially different to the project that was originally envisaged and which went to DPC some time ago.

1580

So it will be a different project. Once, at the technical level, it has been approved, then we will be able to understand the kind of disruption that will be envisaged. What they were looking at in September and October was an internal lift, so obviously that would have been far more noisy and disruptive than if the lift turns out to be external at the end of all this.

1585

**Hon. T N Hammond:** Just one last question: so the current proposal would seem to be a reversion perhaps to the original concept of an external lift?

**Hon. Dr J J Garcia:** Yes, Mr Speaker. The issues really have been, first of all, the type of lift – whether it was internal or whether it was external. I think the Heritage Trust wanted to be satisfied that an internal stair lift, a platform lift ... whether it was possible to do this internally rather than externally. We have now established that it is not.

1590

The other issue was the location of the lift, and in that even the Heritage log itself was divided as to whether if it was going to be external then should it be on the Piazza side of the building or should it be on the Main Street side of the building.

1595

The design was obviously another issue, in terms of you know, what the structure would actually look like, and the heritage considerations obviously take into account that this is a listed building.

1600

So all those factors have been in the melting pot over the last few months and it is finally an agreed design that will go to the DPC.

**Hon. T N Hammond:** I appreciate that it still has to go to DPC, but has the Heritage Trust indicated that they are already happy with the design or satisfied with it?

1605

1610 **Hon. Dr J J Garcia:** Yes, Mr Speaker, there has been very close consultation between the project manager, the Government, the Heritage Trust and the Heritage department. Although there are perhaps I would say divisions or differences of opinion between those who would not prefer a lift at all and those who would, depending on the option or the structure, the design and what it looks like, in the final analysis it is going forward in full consultation with all affected parties, and also the Trust, as you know, has a voice in the DPC, and whatever final conclusion they come to I am sure will be expressed there in public for everybody to hear.

1615

## Questions for Written Answer

**Clerk:** Answers to Written Questions. The Hon. the Chief Minister.

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I expect not to see any Member of this House in that lift unless they have a problem with their legs. It is being done for a specific purpose: for people who have accessibility issues.

Mr Speaker, I have the honour to table the answers to Written Questions numbered W1/2016 to W24/2016 inclusive.

### ADJOURNMENT

1625 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until tomorrow at 3 p.m. when we shall consider a number of Bills.

**Mr Speaker:** The House will now adjourn until tomorrow at 3 p.m.

*The House adjourned at 5.23 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.07 p.m. – 5.36 p.m.**

**Gibraltar, Friday, 22nd January 2016**

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# The Gibraltar Parliament

*The Parliament met at 3.07 p.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### European Union (Referendum) Bill 2016 – First Reading approved

**Clerk:** Order of the Day – Bills – First and Second Reading

A Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto including amending primary legislation by subsidiary legislation as the circumstances require.

**Mr Speaker:** Before we proceed with this Bill I want to make it clear that I have received, as is a requirement, notification from the Chief Minister that this is a Bill with a certain urgency and that is why we are proceeding with it without the normal six-week period.

**Clerk:** The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require, be read a first time.

**Mr Speaker:** I now put the question which is that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters concerned thereto including amending primary legislation by subsidiary legislation as the circumstances require, be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The European Union (Referendum) Act 2016.

**European Union (Referendum) Bill 2016 –  
Second Reading approved**

30 **Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, a Bill of the same name was introduced into the House of Commons on 28th May 2015 in order to provide the basis for the Referendum on whether the United Kingdom would remain in the European Union.

35 That Bill was presented by the Conservative Government in fulfilment of its manifesto commitment at the last General Election in the United Kingdom. The Bill was passed by the UK Parliament and received Royal Assent on 17th December 2015. There are three general points in that Act that are worth addressing individually.

40 The first is concerned with the timing of the Referendum. Section 1(3)(a) of the Act provides the dates by which the Referendum must be held. That date is no later than 31st December 2017.

Hon. Members will no doubt be aware that the Prime Minister has not disclosed possible dates for holding the referendum. What he has said is that he will not set the dates until after the conclusion of negotiations on the changes that are being sought from the European Union.

45 The UK's position on the changes were set out in a letter to Council President Donald Tusk dated 10th November 2015, which is publicly available and which I will paraphrase. In that letter, the Prime Minister sets out four areas for reform: one, economic governance; second, competitiveness; third, sovereignty; and fourth, immigration. I will look at each of them in turn.

Economic governance:

What we seek ...

– said the Prime Minister –

50

... are legally binding principles that safeguard the operation of the Union for all 28 Member States – and a safeguard mechanism to ensure that these principles are respected and enforced. Those principles should include recognition that: the EU has more than one currency; there should be no discrimination and no disadvantage for any business on the basis of the currency of their country; the integrity of the Single Market must be protected; any changes that the Eurozone decides to make, such as the creation of a banking union, must be voluntary for non-Euro countries, never compulsory; taxpayers in non-Euro countries should never be financially liable for operations to support the Eurozone as a currency; just as financial stability and supervision has become a key area of competence for Eurozone institutions like the ECB, so financial stability under supervision is a key area of competence for national institutions like the Bank of England for non-Euro members; and any issues that affect all Member States must be discussed and decided by all Member States.

Point Two was a question of competitiveness. On this question he said that:

... the United Kingdom would like to see a target to cut the total burden on business. that EU should also do more to fulfil its commitment to the free flow of capital, goods and services. The United Kingdom ...

– said the Prime Minister –

... believes it should bring together all the different proposals, promises and agreements on the Single Market, on trade, and on cutting regulation into a clear long-term commitment to boost the competitiveness and productivity of the European Union and to drive growth and jobs for all.

The third point was that of sovereignty. On sovereignty the Prime Minister said that he wants to work to:

... end Britain's obligation to work together towards an 'ever closer union' as set out in the Treaty ... in a formal, legally-binding and irreversible way.

55

He wanted:

... a new agreement where groups of national parliaments, acting together, could stop unwanted legislative proposals ... [from Brussels].

He wanted:

... to see the EU's commitments to subsidiarity fully implemented, with a clear proposal to achieve that.

The aim was to get at what:

... the Dutch have said, the ambition should be which is, 'Europe where necessary, national where possible.'

Mr Cameron said that:

... the UK will need confirmation that the EU institutions will fully respect the purpose behind the JHA Protocols in any future proposals dealing with Justice and Home Affairs ... in particular to preserve the UK's ability to choose to participate. National security ...

60 – he explained –

... was – and must remain – the sole responsibility of Member States, while recognising the benefits of working together on issues that affect the security of all of them.

The fourth point, Mr Speaker, was immigration. The Prime Minister said that:

The UK believes in an open economy. But has got to be able to cope with all the pressures that free movement can bring – on ... schools, ... hospitals and ... public services. Right now...

– he claimed in the letter –

... the pressures are too great.

He wanted to:

... find arrangements to allow a Member State like the UK to restore a sense of fairness to the immigration system and to reduce the current very high level of population flows from within the EU into the UK.

The Prime Minister argued that it was possible to:

... reduce that flow of people coming from within the EU by reducing the draw that the welfare system exerts across Europe.

65 He proposed that people entering to, 'from the EU must live in the UK and contribute for four years before they qualified for in-work benefits or social housing.' There was also a need to, 'end the practice of sending child benefit overseas'.

70 Mr Speaker, these were the four areas for reform on which the Prime Minister sought agreement. At the start of a 10-week period which ends with the Referendum itself, the Foreign Secretary must publish a report on the outcome of those negotiations between the UK and the EU. The report must also include the opinion of the Government of the UK on what has been agreed.

75 In the same timeframe, a second report must be published which contains information about the rights and obligations that arise under European Union law as a result of the UK's membership of the EU. This report should also contain examples of countries that do not have membership of the European Union but which have other arrangements. A description of such arrangements for each country must also be given.

Both reports must be laid before the UK Parliament. They will be available electronically as factual information to voters in the United Kingdom and in Gibraltar. The Referendum would then follow at the end of that final 10-week period.

Mr Speaker, having covered the background in the first general points, I move on to the second one, which is the actual question to be put at the Referendum. The UK Bill, when first printed, provided that the question should be, 'Should the United Kingdom remain a Member of the European Union?'

However, the Electoral Commission was concerned with the balance of the question which is considered as being potentially biased towards producing a stay in Europe results. The wording of the question was subsequently changed to, 'Should the United Kingdom remain a Member of the European Union or leave the European Union?' The alternative answers to that question, as they will appear in the ballot paper, are (1) remain a Member of the European Union, or (2) leave the European Union.

The third general point, Mr Speaker – and it is the point that most directly concerns this House – is that the Act makes provision for the enfranchisement of Gibraltar.

The United Kingdom went to the polls on 7th May 2015 and the outcome was a majority Conservative Government. This meant that the EU Referendum passed from being the policy of the Conservative Party to the policy of the UK Government and, as such, officials could commence to engage on the subject. It therefore became clear that the UK Referendum on EU Membership was going to be taken forward.

Mr Speaker, no effort was spared on our part to lobby for the inclusion of Gibraltar in the franchise. My hon. Friend, the Chief Minister, raised this matter with London a number of times. The argument that the outcome of the in-out Referendum would have a considerable impact on Gibraltar proved to be a compelling argument. The United Kingdom agreed to the inclusion of Gibraltar in their Referendum.

The Chief Minister asked me to Chair a working group of officials and the first such substantive meeting between the UK and Gibraltar Governments took place by secure video link on 2nd June of last year – under a month after the UK Election.

There have been several meetings in London which included officials from both Governments. I am sure that we will have a further debate on the merits, but at this stage I wish to limit myself to stating that the Government is very pleased that Gibraltar has been enfranchised in such a clear and unequivocal basis for which we must thank the Prime Minister, David Cameron, and the Minister for Europe, David Lidington.

Mr Speaker, I now move on to the mechanics of the enfranchisement itself. The House will know by now that, as is the case with European Parliamentary Elections, voters in the Referendum will be allocated two regions and, in the case of Gibraltar, a vote will be taken into consideration alongside the votes in the south-west region of England.

As an aside, during the passage of the Bill in the House of Lords, in particular the age of voting at the Referendum became an issue. Without wishing to enter into that debate here as well, it should be noted that the age for voting at the Referendum is now set at 18. In the European Parliamentary Elections legislative package, Gibraltar's legislation is effectively limited to the provision of the Gibraltar Register. On this occasion, HMGOG has not only been consulted but they have actively participated in the drafting process both at a political and at a technical level.

To that end, our drafting team has, over the last few months provided advice and feedback on the provisions in the UK Bill relating to Gibraltar. Similarly, the Bill before this House today has been produced in close consultation and co-operation with the UK team. The Government is grateful for the access that has been given to our officials. Given the positive feedback we have had from the UK, we hope that should similar circumstances arise in the future, HMG will engage with Gibraltar and with our officials in the same positive manner.

It was a pleasure to detect a genuine and positive desire to assist the enfranchisement of Gibraltar on behalf of officials of Her Majesty's Government in the United Kingdom once a

130 political direction had been given. Mr Speaker, it is not always the case that proposed legislation emanating from the Westminster Parliament that has a bearing on life in Gibraltar is the subject of such close consultation.

The UK side included the Foreign and Commonwealth Office, which was and is the lead Department, and the Cabinet Office. Mr Speaker, I also want to place on record the  
135 Government's thanks to the Gibraltar team, in particular to the Attorney General, Michael Llamas, whose expertise on such matters is well known to all of us in this House and to Paul Peralta and Nadia Sisarello-Parody who coped tirelessly with drafting work, with interminable meetings and voluminous email correspondence, all of which against a background of considerable pressure from tight deadlines.

140 In our discussions with HMG one of the matters that we agreed was to mirror the UK's legislative framework and timetable. As far as the timetable is concerned, with amendments being moved in Westminster up until the very final moments, our drafters have had a very tight window in which to operate. It is for that reason that the earliest opportunity that the Government had in which to publish this Bill was December 24th. The decision by my hon.  
145 Friend, the Chief Minister, to abridge the amount of time in which the Bill could be taken by this House, is a direct result of the requirement to meet the deadlines and the timetable set in the United Kingdom.

Mr Speaker, from an early stage, I am aware that those timings are always going to be tight. One of the earliest policy decisions that had to be taken was whether to create a new register  
150 for the EU Referendum or to use an existing one. Whilst the prospect of a General Election in late 2015 provided for an up-to-date register, the terms of the franchise of our own elections and the terms of the franchise for the EU Referendum are both different.

Our European Parliamentary Elections Register, however, contained the majority of the eligible persons, including the Irish nationals to whom the UK Government extended voting  
155 rights. We therefore took the policy decision to use the European Parliamentary Elections Register as a basis for registration for this Referendum.

Turning now, Mr Speaker, to the specifics of the Bill, clauses 1 and 2 provide for the usual introductory matters. Clause 3 is a purpose clause which, as the heading suggests, sets out the context in which the Bill is to be construed. Clause 3 (1) formally sets out some of the detail  
160 which I have already alluded to, namely that Her Majesty's Government of Gibraltar agree to participation in the UK's Referendum and to the mechanism to make such participation possible. Sub-clause 2 explains the legal framework which is being applied – and perhaps I can explain it better again in less technical legal terms.

Mr Speaker, the basis upon which persons in Gibraltar will be able to vote in the Referendum  
165 is set out in the UK's Act. That Act requires that a person be registered in the Gibraltar Register for European Parliamentary Elections. There is a test that needs to be met in order to be eligible. That test is that the person registered in the register is either a Commonwealth citizen or a citizen of the Republic of Ireland.

By relying on the European Parliamentary Elections Register, Gibraltar's European  
170 Parliamentary Elections Act of 2004 is engaged. In the circumstances, the Bill provides for the adaptation of the framework to accommodate the EU Referendum.

Clause 5 provides a power for the making of subsidiary legislation. This power is required in order to give the Government the tools with which to respond in legislative terms to any circumstances which may arise.

175 If the Act is passed by our Parliament, it is our intention to invoke these powers to make subsidiary legislation to provide for some procedural matters. These have adopted the working title 'the Conduct Rules' and, like for the European Parliamentary Elections, the Gibraltar and UK Governments agreed that Gibraltar would also be passing this legislation.

The kind of issues that fall under the Conduct Rules relate to matters such as: notices that will  
180 be published in connection with the poll; the official mark to be used; the issue of poll cards; the provision of polling stations; absent and postal voting; and accounts.

185 Clause 6, Mr Speaker, as I have already explained, the UK Referendum Act 2015 requires that a person be registered in the Gibraltar European Parliamentary Elections Register. Given that reliance on the European Parliamentary Elections Register on that framework, Clause 6 borrows the European Parliamentary Elections Act 2004 for the purposes of the Referendum.

This borrowing, therefore, requires that certain aspects of the 2004 Act be modified. This is necessarily a complicated process, although we have attempted to bring as much clarity as is possible by inserting the amendments in the first schedule and then actually setting out the legislation as amended in the second schedule.

190 Mr Speaker, I have given notice that at Committee Stage I will be moving a number of amendments and this includes the removal of Clause 7. Clause 7 had been inserted at the specific request of the UK Government's legal team but they have since asked for it to be removed.

195 Clause 8 is required because the European Parliamentary Elections Act 2004 is being borrowed and therefore an offence committed under that Act as amended is to be treated as an offence under the Bill and not under the European Parliamentary Elections Act of 2004.

Clause 9 confirms jurisdiction in Gibraltar where an offence is committed as a result of a breach of a UK enactment which has been specifically applied to Gibraltar for the purposes of the Referendum.

200 Clause 10 provides for the application of Section 3 of the Criminal Procedure and Evidence Act 2011 in cases where there is a breach of both Gibraltar and UK legislation. Section 3 sets out the procedure to be followed where there is a contravention of two or more Acts and this clause ensures that the UK Act falls within this procedure.

205 Mr Speaker, Clauses 11 to 37 are a series of offences and procedural matters that are set out in the UK's Representation of the Peoples Act 1983. That Act does not apply to Gibraltar in the context of the European Parliamentary Elections. Since it is relied upon by the UK and modified by them for Referendum purposes, we have reproduced the relevant provisions as a matter of Gibraltar law, and in compliance with our commitment to mirror UK procedures and UK law.

210 The nature of the offences are those which are commonly found in elections. Indeed, most are included within the corpus of our own domestic election laws. Offences under the clauses include voting more than once, tampering with the ballot paper, issuing imitation poll cards, publication of exit polls before the poll closes and breaches of secrecy.

215 Mr Speaker, I have given notice of a further amendment that I will be moving at Committee Stage that entails the insertion of a new clause, 27(a). Discussions with London have continued after publication of the Bill and in this instance, we have been asked to insert this clause which is aimed and broadcast from outside Gibraltar and the UK which seek to influence the vote in Gibraltar.

Clause 38 is what is referred to as a 'sunset clause'.

220 **Clerk:** Mr Speaker.

**Mr Speaker:** Let us hope that after this short unavoidable recess we are able to conclude our business this afternoon as expeditiously as possible.

The Hon. Dr Joseph Garcia had the floor.

225 **Hon. Dr J J Garcia:** Thank you, Mr Speaker.

Okay, so I mentioned clauses 11 and 37 and the offences and procedural matters which were laid out there, so I move on to ... I will go over that again because I am not sure what has been recorded for the purposes of *Hansard* and what has not. So I will start again.

230 Mr Speaker, clauses 11 to 37 are a series of offences and procedural matters that are set out in the UK's Representation of the Peoples Act 1983. That Act does not apply to Gibraltar in the context of the European Parliamentary Elections. Since it is relied upon by the UK and modified



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245 Clause 38 is what is referred to as a 'sunset clause'. As far as Gibraltar is concerned, the Act will be spent once the Referendum is over and this clause causes the Act to be repealed 12 months after the Referendum. In other words, the Act will repeal itself. In the unlikely event that there are any proceedings or any rights that are enforceable at the time of repeal, those proceedings or right shall subsist.

250 Mr Speaker, I have already referred to the first schedule and simply would restate that the purpose of it is to amend the application of the European Parliamentary Elections Act 2004 for the purposes of the referendum. The second schedule reproduces the entire European Parliamentary Elections Act 2004 as per the amendments affected by the first schedule and should be of practical value to any reader.

255 Mr Speaker, before I commend the Bill to the Parliament, I would like to say that this Bill is important because of the implications for Gibraltar that attend to the outcome of the Referendum. It is extremely positive and a reflection of the level of regard that Her Majesty's Government in the UK has for the rights of the people of Gibraltar that they have been included in what is the United Kingdom's Referendum, even though we are not a part of the United Kingdom. The Bill also reflects the level of detailed and close co-operation that can and should exist between officials from both Governments.

260 Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

265 The Hon. Mr Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

I have the honour to speak for this side of the House having consulted closely with my hon. colleague, Mr Daniel Feetham, and also with Mr Elliott Phillips, both professional lawyers, as to the principle of the Bill.

270 I think, speaking generally, from this side of the House we obviously welcome Gibraltar's inclusion in the UK Referendum Act on what is – as reported in today's *Chronicle*, the UK Prime Minister, in Davos, said – is going to be a massively important generational question for Britain and for Europe and obviously no less for Gibraltar.

275 The hon. Member opposite has gone through the reasoning for the Referendum of the UK's seeking and the questions that the UK Prime Minister is seeking, I suppose concessions is not the right word, but amendments or changes to the UK's relationship with Europe on those four areas.

280 Obviously, in Gibraltar it is important that we participate in this Referendum and that we get our view across as well. I am conscious that a lot of work has gone into this, both by the Members opposite and obviously the legal drafting team and various individuals assisting. We, however, on this side of the House obviously have had limited notice, but we appreciate the importance of it and will do everything we can on our side to expedite the process.

285 If I may, just talking about the Bill itself, what perhaps is unusual for me, having spent many years examining legislation – certainly local legislation – is obviously the interaction between the UK legislation and local legislation; and the Clerk to Parliament kindly printed out for me earlier this week the actual UK European Referendum Act 2015 and also the explanatory notes that go with it.

290 Now, I am also conscious that the amendment that has been brought to this House – or rather the Bill that has been brought to this House – is really to facilitate the mechanics of the Referendum or the actual account of how the Referendum will be held. Obviously, I am happy to be corrected if I am wrong in that assertion.

295 What I would like to raise, or perhaps put up for discussion, is that there are matters in the UK Act which, as it were, precede our Act or may still be there but we may not be aware or conscious of them in Gibraltar because they form part of UK legislation and not our domestic legislation.

300 If I can give, just by way of example, the idea of the Electoral Commission and their role in determining who are permitted participants in the Referendum, I notice in the explanatory notes, schedule 1 just on campaigning and financial, paragraph 2 says that Gibraltar established political parties which are not recognised in the UK and therefore do not fall in the section 54.2(a)(c), including Gibraltar Social Democrats, Gibraltar Socialist Labour Party, Liberal Party of Gibraltar are eligible to become permitted participants by virtue of section 54.2(a)(g) of the 2000 Act.

305 Now, these are obviously technical clauses but, whereas we are looking at in the Bill the mechanics of the Referendum as applied in Gibraltar, my concern is that we should not lose sight that there is obviously the UK Referendum Act and how that will interact with us in Gibraltar and how it will affect us.

310 This may be beyond the remit of this discussion – and again I am happy to be corrected – but, for example, the elements where the report of the Secretary of State is required to be tabled in the UK Parliament, obviously this Bill will not cover that, nor necessarily – and perhaps this will come as the Conduct Rules; which will be done by subsidiary legislation – how people in Gibraltar would go about either setting up their own ‘yes or no’ campaign or how they would go about becoming permitted participants for the purposes of the Electoral Commission; how are the rules of funding to be applied in Gibraltar – again maybe that will be covered by the Conduct Rules – and various other matters.

315 So, as I said at the beginning here, we are happy to work with the Government on this Bill to make it a good piece of legislation. I am grateful to the hon. Member for having had a discussion on one or two clauses we had concerns with, but perhaps he could add some colour to how he would envisage not just the actual undertaking of the Referendum but the period leading up to the Referendum and the putting of the question and how we in Gibraltar will be kept abreast of what is said in the UK Parliament, tabling of papers and other matters, so that people in Gibraltar are properly prepared when it comes to considering the question.

**Mr Speaker:** Does any other hon. Member wish to contribute at this stage?

The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, this Bill deals with what is of course, as we all recognise in this House, a seminal issue for our community. A seminal issue that calls for a decision once the British Prime Minister calls a Referendum in which we are to also vote with the rest of the British people.

330 The hon. Member opposite is right, the Prime Minister said yesterday that this is a generational decision. In fact, it is exactly how I described it on Tuesday when we received His Excellency the Governor in this House.

Mr Speaker, it is such a generational decision, it is such a seminal decision for this community that it is almost a *sine qua non* that most Gibraltarians feel intrinsically that Gibraltar and the

335 United Kingdom should remain a part of the European Union because of the importance that the European Union plays in our lives.

Hon. Members may or may not know that one of the most compelling arguments put in the case of Matthews in the Court of Human Rights when Gibraltarians won – because we were not given it by Britain – won the vote in European Parliamentary Elections, was that the amount of  
340 legislation which Gibraltar had to pass into law and which originated in Brussels and in particular then, already making its way through the European Parliament that was to become, as a result of the Matthews case, in legal terms, a legislature, was growing by the day.

Indeed, today this House very often deals with European directives that are becoming law or the amendment of existing Gibraltar legislation which requires change because of European laws  
345 requiring those changes, sometimes even updating earlier European laws.

The Prime Minister said something else yesterday in Davos at the World Economic Forum. Asked by a French journalist whether he felt European, Mr Cameron said that he felt ‘deeply European’ and that in his view ‘Britain has a European destiny’. Well, Mr Speaker, I think everyone in this House too would associate with those words in terms of feeling deeply  
350 European and believing that Gibraltar, with Britain, has a European destiny.

Mr Speaker, but when the time comes for a decision in that respect, Gibraltar must form part of that decision-making process and from the moment that it was mooted that there might be, as part of the Conservative Party’s policy at the last British General Election, the possibility of a Referendum on the United Kingdom remaining or exiting the European Union, the political  
355 machinery of the Government moved into high gear to ensure that Gibraltar would form part of that moment of decision.

Mr Speaker, what many might have thought was going to be a battle for enfranchisement was absolutely nothing of the sort. It was no battle at all, because instinctively the Prime Minister knew and felt that Gibraltarians should also vote in that Referendum; and his  
360 commitment and the commitment of David Lidington, even before they had won the General Election in the United Kingdom in May last year, was that Gibraltar should form part of the franchise when the time came.

And, true to their words, no sooner had the United Kingdom seen a majority Conservative Government take over the reins in Westminster, that we were following this issue up and the Prime Minister and David Lidington were being true to their commitment to the Government  
365 and people of Gibraltar that we would vote in any such Referendum.

Mr Speaker, in my view, that is evidence of the very strong relationship of partnership that today Gibraltar enjoys with the United Kingdom at a Government level as a result of the very hard work we have done to ensure that there are strong personal relationships with politicians  
370 and with officials in the United Kingdom who work with the Government of Gibraltar; and, Mr Speaker, very often working together in the best interests of Gibraltar and to give effect to the wishes of the people of Gibraltar in consonance with wider British foreign policy interests.

Mr Speaker, this Bill is a complex piece of work. It is a complex piece of work that interfaces with a very complex British Act. The House in its previous session saw that we produced a Referendum Act which was part of the manifesto commitment of the parties then and now  
375 sitting on this side of the House, to ensure that any future national referendum organised in Gibraltar could not be attacked as our last one had been, as a referendum which did not have legal cover.

Intellectual enemies of Gibraltar have sought to challenge both our previous referenda on that basis; they will not be able to challenge future referenda on any such basis. This Referendum is different though. This is not just a Referendum in Gibraltar; this will be a Referendum in Gibraltar at the same time as a Referendum in the United Kingdom. The Referendum here will be part of the Referendum organised by the United Kingdom. The votes of Gibraltar will be counted with the votes of the United Kingdom.  
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Mr Speaker, if the United Kingdom is on a knife edge, who is to say that 22,000 or more votes might not tip it in one direction or another? Sometimes in European Parliamentary Elections,  
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because of proportional representation, the number of people voting in Gibraltar can mean that extra seat for one party or another.

390 We may not hold the balance of decision in respect of the result of this Referendum but, Mr Speaker, we will participate in it and the method and manner of our participation is that which is now set out in this Bill which the Deputy Chief Minister has been working on with the team that he and I put together. All credit to the Deputy Chief Minister for what has been an intense piece of work over an electoral period, Mr Speaker.

395 Very often members of the public do not see that whilst politicians are out campaigning, those that campaign from the Government benches continue to work on Government business. And I know that this was a Bill that was occupying the Deputy Chief Minister even whilst he was also out energetically campaigning and also, before and after the General Election campaign, energetically dealing with all the other matters that are on his desk. He has steered the detail and policy with me in a manner that I think Gibraltar can be proud of and can realise how lucky  
400 we are to have available that sort of talent that Dr Garcia brings to this Parliament.

I want to add Dr Garcia's remarks of thanks to the Head of the Government's Legal Office drafting team, Paul Peralta who is in Parliament today to assist Members in any queries they may have during the Committee Stage, and the hard and excellent work that I have seen first-hand of Nadia Sisarello-Parody – all of it, Mr Speaker, under the close scrutiny of the Attorney  
405 General who, before taking that post, was the Government's chief legal advisor and is principally the man who understands European law best in Gibraltar. Gibraltar could not have been better served than with the team that I was happy to be able to put together to deal with this matter.

Mr Speaker, my commitment to the Prime Minister and to the Minister for Europe has repeatedly been that Gibraltar would not stand in the way of David Cameron being free to call a  
410 Referendum at the time of his choosing when he felt it was most appropriate, because Gibraltar might not have complied with the requirements of having in place the legislation necessary to do the very complex exercise we are going to do which is to be holding a vote in two different places at the same time and with different laws governing those two different places.

So we need to put our laws entirely on the same page for that moment when the people of  
415 Gibraltar and the people of the United Kingdom together are going to be free to express their will in respect of the continued membership of the United Kingdom of the European Union.

So, Mr Speaker, we have had to be fleet of foot, the United Kingdom Act became law in December and we had to be ready then, having seen the United Kingdom crystalize its views. Hon. Members who have been following the debate on this matter will have seen that there has  
420 been a lot of politics in the United Kingdom about this Bill; there have been issues in the Lords and then there have been issues back in the Commons, and there is now a British Act of Parliament, a UK Act of Parliament, which we can now dovetail from.

We will now therefore, Mr Speaker, be ready, as a result of having certified this Bill as urgent, in January with an Act, if this House passes this Bill, that will enable us to say to the United  
425 Kingdom, subject to what other administrative arrangements may have to be put in place, and such other regulations and subsidiary legislation as may be necessary; and perhaps even, Mr Speaker, potentially reserving the fact that we might have to come back and even amend the legislation, although there is a power to do so already by subsidiary legislation.

We will be ready, should the Prime Minister decide to call that Referendum. The Prime  
430 Minister, in Davos yesterday, also said that he was not in a hurry to do a deal in February 2017 but if he does, Mr Speaker, and if he believes that this is the right time to call the Referendum then Gibraltar will not be found wanting for not having done the work we needed to do in the time that we had to do it, to bring the Bill to this Parliament.

Mr Speaker, I welcome the fact that Mr Clinton has said from the Opposition benches that he  
435 will work with the Government to produce a good piece of legislation. If I may say so, Mr Speaker, I think this is already a very good piece of legislation that does what it needs to do to ensure that the people of Gibraltar can have the vote they need to have to express their will in respect of this seminal generational issue.

440 How are the people of Gibraltar going to be kept informed of what is happening in the United Kingdom? What is going to happen on the ground here, these are all the issues, Mr Speaker, on which we need to ensure that the politics that is now ongoing in the UK are reflected somehow in Gibraltar so that people understand the choices that they have to make.

445 I believe from what I have seen so far, Mr Speaker, that all political parties in Gibraltar will be campaigning for Gibraltar to remain within the European Union. But the people of Gibraltar, Mr Speaker, today have access to many news sources; they are very well informed indeed and I believe, Mr Speaker, they know what is at stake and exactly what it is that they have to choose between.

450 Therefore, Mr Speaker, I have no doubt that with the instrument in place for them to express their will in the Referendum with the United Kingdom, they will, when the time comes, express the view that the United Kingdom, and with it Gibraltar, should remain within the European Union.

Mr Speaker, I think the Hon. Deputy Chief Minister is absolutely right to commend the Bill to the House. (*Banging on Desks*)

455 **Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. D A Feetham:** Mr Speaker, thank you very much.

460 Mr Speaker, the Prime Minister, as has been noted in this House, has described the Referendum on Europe as a generational decision. I think for Gibraltar it is a generational decision, but it is much more than just a generational decision.

For many areas of business, being in Europe is existential, it is an existential issue. For parts of the Finance Centre, being outside Europe would have a devastating effect and therefore a knock-on effect for revenue that comes into the Government.

465 And although it was inevitable that a debate in the United Kingdom would occur about whether the United Kingdom stays in or out of Europe and that this Referendum could be seen as being something that was inevitable for some time because of that debate that was ongoing for many years as to whether the United Kingdom wanted to remain in or out and in many parties, in the Labour Party, in the Conservative Party, there were large parts of those parties that were Eurosceptic in nature, to a lesser or a greater extent.

470 There has never been a debate in Gibraltar about whether Gibraltar wants to remain in Europe, as to whether Gibraltar wants to redefine its relationship in Europe, Gibraltar has always wanted to be at the heart of Europe and therefore, whilst, yes it is a generational decision, it is a decision nonetheless that Gibraltarians would have preferred to have done without, because we would have preferred to have done without this debate and this Referendum because Europe is of paramount importance to this community.

475 Although there may be some who may say that it would have been both unjustified and unjust for the United Kingdom and for David Cameron to have left Gibraltar out of the Referendum that is going to be taking place in the United Kingdom, I think it is appropriate that everybody should thank the commitment that the Prime Minister in the United Kingdom and also the Minister for Europe has shown to Gibraltar, not only in the decision that he has made to include Gibraltar in the Referendum but also in the commitments that his Government, both now and also as part of the coalition with the Liberals, have shown Gibraltar over the last five years.

480 And it has to be said, it contrasts sharply with the inherently colonial views that were expressed by the Leader of the Labour Party recently, Jeremy Corbyn, in relation to Gibraltar. And although, as somebody that was a member of the Labour Party in the United Kingdom – who never voted Conservative, always voted Labour, when I was in the United Kingdom as a student and also as a barrister – I feel absolutely justified that since I returned to Gibraltar in 2000, I have always supported the Conservative Party because the Conservative Party, over the  
490 last 16 years, has always supported Gibraltar.

At the end of the day, for Gibraltarians, it is not about ideology when it comes to Europe and our relationship with political parties in the United Kingdom. Certainly the way I see it, it is about how those political parties react in relation to Gibraltar, defend Gibraltar and stand up for the rights of the people of Gibraltar.

495 That is why it is also right that in our own way – and all the political parties in Gibraltar have tried to do so – establish strong personal relationships with individuals within political parties in the United Kingdom; and we have, over a number of years, done that with the Conservative Party in the United Kingdom that has so supported Gibraltar; and both myself and also my friend, Elliott Phillips, have attended the Conservative Party Conference on a number of occasions.

500 I end by also recognising the hard work that has gone into this Bill, not because it is particularly complex or it is one of the largest Bills that we have seen presented before this Parliament, but because of the complexity of the subject and also the timeframe as well that this piece of legislation has had to be produced. The United Kingdom has had far, far more time to produce legislation, to then debate it; it has taken six months from the time that the Bill was presented in the House of Commons to the time that it received Assent. The hon. Gentleman said, I think, 17th December of last year, and this has been produced in a far, far shorter timeframe. Therefore, I too, on behalf of Her Majesty's Opposition, wish to congratulate the Gibraltar team and in particular, Paul Peralta who I know very well from the time that I was Minister for Justice and the very good quality work that he produced when I was heading that Department as the Minister, and also Nadia Sisarello-Parody whom the hon. the Minister also mentioned.

510 So I have absolutely no hesitation, as indeed has already been said by my hon. colleague, Mr Roy Clinton, in supporting this Bill. (*Banging on desks*)

515 **Mr Speaker:** Does anybody else wish to participate in the Second Reading of the Bill?  
I will call upon the mover to reply, the Hon. Dr Joseph Garcia.

**Hon. Dr J J Garcia:** Yes, Mr Speaker, first of all I would like to, on behalf of the Government, as it were welcome the support of the Opposition for the Bill.

520 It was very useful also to have met up with the Hon. Mr Clinton and to have discussed some of the issues which he will see reflected in some of the amendments when those are presented and discussed during Committee Stage.

525 The hon. Member referred to the fact that a number of these issues are contained in UK legislation and he is correct, indeed they are. The reason for that is that it is a UK Referendum; it is not a joint Referendum, it is a UK Referendum and it is one in which we are very grateful to be able to take part and to have our votes counted.

530 The guidance will be provided by the Electoral Commission. They will publish detailed guidance in relation to almost every aspect of the Referendum, but the Public Liaison and Information role will fall on the Clerk in his capacity as, I think it is, Presiding Officer or Counting Officer in the Referendum for Gibraltar. So the public information notices and adverts will be issued through the Clerk.

535 Also, as my hon. Friend, the Chief Minister, mentioned, this is a top media issue in the United Kingdom, so anybody switching on *Sky News* or *BBC* or whatever will be well informed of the details of things as they develop. And, indeed, the local media as well obviously will pick that up.

540 In relation to the comments made by the hon. Member, the Leader of the Opposition, certainly he is correct. I mean there are no debates, I think, in Gibraltar as to whether we should be in the European Union or not. I think the results obtained by UKIP in Gibraltar locally during European Parliamentary Elections have shown that and people here tend to want to belong to Europe. Obviously, I think our argument is more about ensuring that Europe allows us to belong with the same rules and on the same level playing field as everybody else and I think that is

probably where we have the debate. Can I – ? I will just give way to my hon. Friend, the Chief Minister.

545 **Hon. Chief Minister:** Mr Speaker, I am grateful for that, at that moment where the hon. Gentleman is dealing with the words of the Member opposite. If I can just deal with one or two issues that the hon. Gentleman alluded to. He said this was more than just a generational decision. He said it was existential for some businesses.

550 Look I understand that. I think it can be a very difficult economic model for some businesses if Gibraltar is not within the European Union, because of the way that business models are determined today because we have access to the single market and therefore of course that is an opportunity that people are pursuing.

555 But as we start the process of having this debate and expressing views in this respect, can I counsel that we do not pretend that the United Kingdom exiting the European Union would be existential for Gibraltar.

560 Now, I wrote an article for a publication, the editors of which decided that they should title it almost in those terms and I took great exception at that, because we should not for one moment give our enemies the succour that if the United Kingdom were to make a decision which is contrary to that which we all seem to be expressing we would like to see the United Kingdom take, that Gibraltar might somehow be in a position where we were having to consider our very existence.

565 There would be a recasting of the economic model; there would have to be very serious thought given to what relationship we could have with the European Union, even if the United Kingdom had a different one; our relationship with the United Kingdom might have to be different, hence why it is important to start considering now constitutionally what those relationships might be and not wait for any such decision to give effect.

570 But let us not allow anyone to think – and I am not suggesting the hon. Member opposite has said this, he said this about some businesses ... but let nobody go away from this place thinking that our survival, economic, cultural or social is dependent on membership of the European Union. Our current economic model is ... and we would have to work very hard to find a different economic model and it would be very challenging, but if there is one thing that the people of Gibraltar are good at doing it is dealing with the worst adversity and turning it into a triumph. Evacuation, closed frontier, point of consumption tax – you name it, Mr Speaker, this community works together and ensures that we not just survive, we thrive; and nobody should think that any different is going to happen in respect of membership of the European Union through the United Kingdom or otherwise.

580 Mr Speaker, the hon. Gentleman said there had been no debate in Gibraltar about Europe. Well, Mr Speaker, we kicked off a debate in Gibraltar on this subject. I know that he felt it was just a gimmick but we kicked it off and we are working very hard on a review of the economic model and whether or not membership of the Common Customs Union and the Excise Union – something which was rejected in 1972 for entry on 1st January 1973 – whether that decision is still the right one today.

585 I think those who made the decision in 1972 made absolutely the right decision and the success of Gibraltar and our thriving economy is of course, in great measure, down to the benefits that the past – I can never forget how long it was – 43 almost 44 years since then, because they made the right decision. But going forward –

590 **Mr Speaker:** Would it help the Chief Minister if I were to tell him that that decision was revealed subsequently on at least two other occasions over the years when the AACR were in Government.

**Hon. Chief Minister:** Thank you, Mr Speaker, I am very grateful. I have seen the papers and they are very informative and have led some of my thinking of the work that we have been

595 doing to ensure that we review trying to use, where applicable, the same criteria so that we are measuring economic apples with economic apples.

But, Mr Speaker, today we need to ensure – and Brexit may have been a catalyst to this but it is not the only issue – that the Europe we choose is the Europe that is the right Europe for the next 30 to 40 years. And, Mr Speaker, the material available in respect of accession discloses that when those derogations were agreed, it was envisaged that Gibraltar would eventually form part of even those areas from which Gibraltar had derogated. On the basis that Gibraltar then, just to give people a flavour of some of the logic, Gibraltar then would have been a European economic community as it then was – island at the bottom of the Iberian Peninsula – with the European Union commencing again at the Pyrenees, but that eventually people thought Spain would become democratic, would join, etc. and when we were part of a Europe which was all in the EEC, Gibraltar would join.

605 Well, in fact Gibraltar has not chosen to join and has been right not to choose to join, and that is part of the prosperity that we enjoy today; but we still have to continue to review those issues.

The hon. Gentleman made some remarks about the Leader of the Labour Party, Mr Jeremy Corbyn –

**Hon. D A Feetham:** Will he give way please?

**Hon. Chief Minister:** In relation to those points?

615 **Hon. D A Feetham:** In relation to those points, yes ... Mr Speaker, just to say to the Hon. the Chief Minister, I am very glad, listening to him, that he is outlining the issues that he has been considering in relation to in the last three years. I would have expected him to have done so and I am very glad, certainly on behalf of the Opposition that he is doing so.

620 Could I also invite him that perhaps, at some stage when his itinerary allows, that perhaps he could have a meeting with me in order to brief myself and perhaps one Member of my team in relation to those issues in a little bit more detail than perhaps he could in this Parliament because it may involve issues that perhaps he may not want to canvass openly.

625 I would invite him to do so. There is a motion in this House that calls upon us to basically work together in relation to this and I would be even grateful if the Hon. the Chief Minister could brief us at some stage.

**Hon. Chief Minister:** Mr Speaker, I will have no difficulty in doing so but this is a work in progress and there is very little to brief on at this stage. And I must tell him, Mr Speaker, I do look forward to working with him when the time comes on these issues, but he must not think that things which are existential, generational and seminal suddenly are fixed: if I meet with him, I take his views and then I get the answers; I do not think it quite works that way but I shall take that invitation to treat as a genuine one and I will look forward to our meeting.

635 Mr Speaker, the hon. Gentleman referred to remarks imputed to Jeremy Corbyn on Gibraltar which he said were very colonialist views. Mr Speaker, he and I will have different opinions of UK politics and of different UK Politicians, this one in particular. But can I put it to him, Mr Speaker, in fact, that Mr Corbyn has not made any remarks about Gibraltar. Mr Corbyn's remarks, unfortunate as they were – and I associate myself with everything he has said about Mr Corbyn's remarks – were about the Falklands, and I associate myself with him in respect of the Falklands.

640 But this is a very, very important issue: Mr Corbyn has not said *anything* about Gibraltar.

What happened, Mr Speaker, was that Miss Emily Thornbury asked a few minutes later about the remarks that Mr Corbyn had made reflected her own views, not Mr Corbyn's, in a way that was a little more acceptable than what Mr Corbyn had said about the Falklands, but certainly not the standard that one would expect in respect of a modern politician in a democracy like the



645 United Kingdom, reflecting on the rights of people like the people of Gibraltar and the people of the Falklands.

Mr Speaker, the relationship I am speaking of – because it is a relationship that I have nurtured in Government – with the Prime Minister and with David Lidington is of course, therefore, a relationship with Conservative politicians and the strength of the relationship that Gibraltar enjoys today, it enjoys with Conservative politicians and we have nurtured those relationships, regardless of political label or ideology, in the best way that we could leverage for Gibraltar; and not just as might have been done before but probably in a way that has not been done – *has not been done* – for 30 years, Mr Speaker, and I think those are therefore very useful indeed.

655 But I would say this, Mr Speaker – because he has brought into the debate, the issue of Labour or Conservative; I do not know that it was necessary to do so, but he has brought it into the debate – I believe the Labour Party has acted shamefully in relation to Gibraltar, in particular in relation to the joint sovereignty issues in the early part of the new millennium and in other instances; but has acted absolutely properly and better than any other previous Government, when it has given us the double lock which Sir Peter Caruana was able to negotiate with Labour Ministers.

I believe the Conservative Party has acted honourably and as it should in relation to this matter and in relation to other matters but that it acted shamefully with Gibraltar in relation to the Brussels Agreement and in relation to the Airport Agreement. Mr Speaker, swings and roundabouts! I think labels matter little, people matter more and I praise the commitment of Prime Minister David Cameron to the people of Gibraltar in relation to this matter, in relation to the issues we had with the *Partido Popular Administration* in the Year 2012, 2013 and 2014 and the way that, when it has come time to stand up for Gibraltar, he has stood up for Gibraltar, in the same way as Geoffrey Hoon stood up and was counted when the time came and the double lock was agreed. So, Mr Speaker, I wanted to make those points because I think they were important.

670 Can I just end by saying I found it slightly churlish of him to simply congratulate two out of a team of four, but I will assume that he wishes to extend his congratulations also to the Deputy Chief Minister for the fine work he has done and to the Attorney General.

675 **Mr Speaker:** Does the hon. mover wish to continue with exercising his right to reply?

**Hon. Dr J J Garcia:** Mr Speaker, only to say finally that I think the issues that will drive the Referendum debates in the – (*Interjection*) Is he flashing, sorry? (*Laughter and interjections*)

680 **Hon. D A Feetham:** Yes I am flashing I am afraid! (*Laughter and Interjection*) Yes, I am flashing. Yes, lest anybody think that I am being churlish in any way, shape or form, and bearing in mind the convivial way in which these proceedings have been conducted over the last few days and no doubt over the next few years, I have absolutely no hesitation, as I said, that I congratulate the entire Gibraltar team – and that of course includes the hon. Gentleman. (*Banging on desks*)

**Hon. Dr J J Garcia:** Mr Speaker, thank you for that and in the absence of anymore flashing lights, (*Laughter*) let me now conclude –

690 **A Member:** Or flashers!

**Hon. Dr J J Garcia:** – by saying that I think the issues that will drive the debate in the Referendum in the UK, which is the Prime Minister's renegotiating criteria and the four points I mentioned earlier, and those that will drive the debate and discussions in Gibraltar may well be very different. Whereas here we have issues with Spain and the border, in the UK the debate is

likely to be centred around the Prime Minister's own renegotiation and perhaps that will not be the case here.

So, Mr Speaker, that concludes my contribution. (*Banging on desks*)

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**Mr Speaker:** If the new hon. Members care to read the rules, I am sure they will discover how liberal I have been in interpreting the rules where the question of giving way is concerned, but I thought it was very appropriate that I should do so today.

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I now put the question, which is that a Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require, be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The European Union (Referendum) Act 2016.

**European Union (Referendum) Act 2016 –  
Committee Stage and Third Reading to be taken at this sitting**

**Deputy Chief Minister (Hon. Dr J J Garcia):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Animals and Birds (Amendment) Act 2016 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Animal and Birds Act.

The Hon. the Minister for Health, the Environment, Energy and Climate Change.

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**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act to be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Animals and Birds (Amendment) Act 2016.

**Animals and Birds (Amendment) Act 2016 –  
Second Reading approved**

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**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, from determining the political future of millions to microchipping the dogs of a few, Parliament is so diverse. Mr Speaker, I have the honour to move this Bill to which I have added after some discussions that I had yesterday and the day before with the Hon. Mr Llamas, an amendment which I will refer to later by way of letter.

735 The main purpose of the Bill is to require all dogs in Gibraltar to be microchipped. This is something that happens in other countries. In fact, in the UK it will become law in April. We were going to beat them to it but because we ran out of parliamentary time when the Election was called, we had to publish again so now we will not be ahead of them.

740 The permanent identification of dogs through microchipping has a number of benefits. First of all, it is the most effective means of reuniting strays or stolen dogs with owners as quickly as possible. Secondly, it will be much easier to identify the owner of a dog that has been abandoned by that owner and thereby to ensure that the owner takes responsibility for his or her dog. And, of course, microchipping also facilitates the cross border and international travel of dogs.

745 The advantage of a microchip over a collar in these scenarios is, of course, that a collar and tag are often left off or slip off and collars can also easily be removed from stolen dogs. Permanent identification through microchipping is effective at all times and is virtually impossible to alter or remove.

750 It is important to note that a dog will no longer be able to be registered or licensed unless it has been implanted with a microchip. This restriction is already in place for vaccinations. In the case of microchipping, however, we have provided for a grace period until 1st September, in order to give time to owners whose dogs are not already microchipped to ensure that they are. We have also provided for a permanent exemption from the requirement of microchipping where a veterinary surgeon certifies that the implanting of a microchip in a dog will harm it.

755 Mr Speaker, I also want to point out that this Bill provides for the implantation of microchips to be undertaken only by competent individuals and here is where, in discussions with the hon. Gentleman opposite, we have both extended the individuals from a veterinary surgeon exclusively to also a veterinary nurse acting under the direction of a surgeon, but also tightened it to ensure that anybody who has received instruction on implanting microchips will have done so from a veterinary surgeon and is acting under the direction of a veterinary surgeon and we felt that that was a tighter resolution to the matter.

760 Lastly, Mr Speaker, we have taken the opportunity in this Bill to tidy up and update some of the existing language in this part of the Act regarding Licensing Officers – for example, by pluralising where appropriate and *vice versa* – and we had some discussion about the implications of that and I think we resolved that and by strengthening the powers to compel the vaccination of a dog by an owner.

765 Mr Speaker, I commend this Bill to the House and I want to express my gratitude to Mr Llamas, the Hon. Mr Llamas for his collaboration in this and certainly in other plans we have to improve a legislation appertaining to dogs.

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**Several Members:** Hear, hear. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

775 The Hon. Mr Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, I am grateful for the opportunity to say a few words in respect of the amendments to this Bill later today.

780 Compulsory microchipping of dogs is already a common practice in most countries. Therefore, the principle of this Bill is in line with domestic legislation being introduced by other EU countries. It is also already an EU regulation to have dogs microchipped and vaccinated

against rabies in order to travel with pets – that means dogs, cats and ferrets – between Member States under the EU Passport Scheme.

785 So the effect of this amendment will be to ensure that all dogs, regardless of whether they intend to travel within Member States or not, are microchipped and vaccinated against rabies by virtue of their residency in Gibraltar.

I am pleased to say that this side of the House shall be happy to support the amendments of this Bill as currently amended and I hereby thank the hon. Member, Dr Cortes, for the opportunity of working together for the good of this Bill and the purpose it serves.

790 Thank you. (*Banging on desks*)

**Mr Speaker:** Perhaps it is appropriate at this stage that we should congratulate not just the Hon. Mr Llamas, but the Hon. Mr Roy Clinton, for their first interventions during a debate in Parliament and what could be regarded as their maiden speeches. (*Banging on desks*)

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**Mr Speaker:** Does any other hon. Member wish to speak on this Bill?  
I will call upon the mover to reply.

**Hon. Dr J E Cortes:** Mr Speaker, just to reiterate that it is a pleasure to have other animal lovers having joined this Parliament after the last election and I now put it to you that I commend the Bill to the House.

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**Mr Speaker:** I will now put the question which is that a Bill for an Act to amend the Animals and Birds Act be read a second time.

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Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Animals and Birds (Amendment) Act 2016.

**Animals and Birds (Amendment) Act 2016 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Judicial Service (Amendment) Act 2015 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Judicial Service Act 2007.

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The Hon. the Minister for Education, Justice & International Exchange of Information.

**Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Judicial Service Act 2007 be read a first time.

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**Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Judicial Service Act 2007 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

825 **Clerk:** The Judicial Service (Amendment) Act 2015.

**Judicial Service (Amendment) Act 2015 –  
Second Reading approved**

**Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):**  
Mr Speaker, I beg to move that a Bill for an Act to amend the Judicial Service Act 2007 be read a second time.

830 A version of this Bill was first published as Bill 31 of 2015 on 27th August 2015. Due to the timings of Parliament and the General Election, it was not possible to bring this Bill before Parliament and, as such, it lapsed before the Parliament's dissolution. The Bill was then republished as the current Bill 35 of 2015 on 10th December 2015 in identical terms.

835 This Bill has two separate purposes. The first is to make provision for the Chief Justice to be the Head of the Judiciary in Gibraltar. These amendments will fulfil the commitment contained in the 2011 GSLP/ Liberal manifesto where we stated:

“Our view is that the head of the judiciary in Gibraltar should be the Chief Justice, as has always been the case, irrespective of who the post-holder may be.”

These amendments have been the subject of consultation with the Chief Justice and the previous President of the Court of Appeal, Sir Paul Kennedy, who had no objection to these changes being made. Sir Paul, of course, was a President until October 2015 and was, therefore, the President of the Court of Appeal when the Bill was drafted and first published.

840 The main amendment is the substitution of the current section 6 of the Judicial Service Act 2007 with a new section 6. The changes made therein are consequential to the change in the title from President of the Courts of Gibraltar to Head of the Judiciary, and reflect that the post will be held by the Chief Justice.

845 There are consequential changes to the Judicial Service Act where reference is made to the President of the Court of Gibraltar. The changes to sections 24 and 32 contained therein still contain a consultative role for the President of the Court of Appeal in certain circumstances. The change to section 37 simply changes the reference to the President of the Courts of Gibraltar regarding disciplinary powers to a reference to the President of the Court of Appeal. This reflects the constitutional role of the President of the Court of Appeal in such matters.

850 A second set of amendments contained in the Bill deal with the disciplinary provisions of the Judicial Service Act 2007 and in particular regarding the suspension of judicial officers. These amendments have been recommended by the Judicial Service Commission following a detailed analysis by them of the issues they had encountered and may encounter in undertaking disciplinary proceedings against judicial officers. Her Majesty's Government has accepted these recommendations.

855 The amendment contained in sub-clause 2(a) brings the language of sub-section 33(2) of the Act in line with that of the Constitution and ensures that it is not only the behaviour of holders of Judicial Office – that is Stipendiary Magistrate, Justice of the Peace and Registrar of the Supreme Court – that may be examined, but also their inability to discharge the functions of office. The amendment in sub-clause 2(b) sets out the power to make a recommendation to suspend such an officer pending the outcome of the proceedings and the amendment in sub-clause 3 allows for the Governor to make such interim suspension.

Finally, the amendment contained in sub-clause 4 ensures that the power of the Judicial Service Commission to make regulations under the Act include a power to make regulations regarding suspensions from office.

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Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

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The Hon. Mr Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, the Bill to amend the Judicial Services Act 2007 appears to me to have been brought by the Government in short to amend section 6 of the Act to create the office of the Head of the Judiciary and to make further necessary consequential amendments, as the Minister for Justice has described.

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It is proposed by the hon. Gentleman, the Minister for Justice, that the Chief Justice shall be the Head of the Judiciary. Furthermore, the hon. Gentleman proposes amendments to Section 33 and 37 of the Act which deal, as he stated, with the discipline of junior judicial office holders.

Before I set out the position of the Opposition, I think it is helpful to pause and reflect on what the Opposition's position was whilst in Government as promoters of the Judicial Services Bill in then 2007. The Judicial Services Act in its current form was debated in this House and it is fair to say that it arrived on the table during a controversial time in our judicial history. I do not intend to make further comment on that, save to flag the context.

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There was a lengthy debate in this House between the Opposition spokesman for Justice, the Hon. Mr Picardo, and the Chief Minister, Mr Caruana, as they both then were. The nub of the issue at the time was the creation of the office of the President of the Courts of Gibraltar. The rationale of the Chief Minister, Sir Peter Caruana, at the time was that the President of the Court of Appeal was the most senior judge in the most senior court of Gibraltar's own judiciary and therefore it was, in his view at the time, therefore entirely appropriate that a President should hold the office of presidency of the courts generally.

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The Bill before the House at the time underwent considerable consultation with all stakeholders, particularly the Bar Council, Judges of the Supreme Court, the Chief Justice and the Judges of the Court of Appeal. After the consultation process, the GSD Government accepted the advice of the consultees, which suggested that the day-to-day management and administration of the justice the administration in Gibraltar would be retained by the Chief Justice – eminently sensible in my view.

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The Chief Minister at the time helpfully reminded the House that although section 3(a) gave the President of the Courts of Gibraltar, namely the President of the Court of Appeal, an overall responsibility for representing the views of the judiciary to Parliament. Section 5 also made provision for the right of both the Chief Justice and the President of the Court of Appeal to make representations to the Minister for Justice and the Government on matters that appear to them to be matters of importance to the judiciary or otherwise to the Administration of Justice in Gibraltar.

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Mr Speaker, it is fair to say that the Bill enjoyed overwhelming support from stakeholders, save for the Members opposite who declined to support the Bill, ultimately because they felt that the GSD Government at the time were – to use the words of Mr Picardo's Opposition spokesman for Justice – 'exporting the headship of our judiciary to a non-resident'. It was accepted in the debate by the Hon. Mr Picardo at the time that neither the 1969 Constitution nor the 2006 Constitution designated the Chief Justice as Head of the Judiciary.

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Be that as it may, Mr Speaker, and without wanting to reopen a nine-year-old debate, this side of the House will not oppose the Bill to amend section 6 of the Judicial Services Act and, in fact, on behalf of the Opposition, we will support the Bill for one simple reason, and it is this: that the Bill reflects reality and what is going on on the ground. The Chief Justice deals with the day to day Administration of Justice and there are excellent working relationships between the

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915 Hon. Mr Justice Dudley and the judges of the Court of Appeal, and there is a strong open channel of communication between all of our judges which has served our community well and our judiciary is a credit to our community.

One point that I would like to give way to the Minister for Justice on, is in relation to the point that he makes on section 37(3). In fact I would like to seek clarification once I ... I will just mention that. My understanding from the amendments that is out on page 865 of the paper ... states that the Judicial Services Act which provides a mechanism for suspension of a junior judicial office holder in the context of maintaining confidence in judiciary; if the Minister for Justice can just explain the rationale for that deletion in relation to maintaining confidence in the judiciary.

925

**Hon. D A Feetham:** Just give way.

**Hon. E J Phillips:** Can I give way on that point?

930

**Hon. D A Feetham:** Mr Speaker, he can give way because he has got other points that he –

**Hon. E J Phillips:** I only have two –

**Hon. G H Licudi:** I have not asked him to give way.

935

**Hon. D A Feetham:** No, no. He is giving way to you so that he can then continue with his speech, because otherwise he obviously ... I beg your pardon.

If there is an issue that he needs clarifying so that he can comment further, because he may not know what it actually means, there is a procedure long...going back many, many years where you give way, he explains and then he continues. Otherwise if he finishes his speech he cannot continue.

940

**Mr Speaker:** This is something that I am aware happened during the time when I was not a Member of the House. It has become an increasing practice. I have no serious objection to it.

945

What it does mean of course is that when we go into Committee and for each clause, there is an opportunity to debate/discuss the matter *ad nauseum*, that does not happen; it can happen then repeatedly without any problem.

Now, the other thing is, of course, that the hon. mover is going to exercise his right to reply and it is the practice at that stage for the mover to try to answer any points that have been raised by other Members on the general principles and merits of the Bill.

950

**Hon. E J Phillips:** I am grateful for the intervention by you, Mr Speaker, and clearly Mr Licudi, the Minister for Justice, does not want to accommodate that, but we will continue.

955

Finally, given that we are debating the Chief Justice as Head of the Judiciary, I am sure this whole House will join me in expressing the great sense of pride that one of our own jurists holds the office of Chief Justice and that he will now be the *de jure* Head of the Judiciary and not just the *de facto* Head of Judiciary.

960

On a personal note, and as someone who has appeared regularly before Mr Justice Dudley, I am sure the whole House will share the confidence, the respect and admiration that this side of the House has for Mr Justice Dudley as the first Gibraltarian Chief Justice. (**A Member:** Hear, hear.) (*Banging on desks*)

**Mr Speaker:** Again, before I call on any other person to contribute to the debate, may I congratulate the Hon. Elliott Phillips on his maiden speech.

965

Does any other hon. Member wish to contribute to the Second Reading of the Bill before I call upon the mover to reply?

The Hon. the Leader of the Opposition.

**Hon. D A Feetham:** Mr Speaker, I just want to very briefly say this. There are occasions, Mr  
970 Speaker, when in politics one takes a position, and one listens to the arguments on one side and  
the arguments on the other side, and the arguments are very finely balanced. We took a  
decision in 2006-07 on the grounds that the Hon. Member, Mr Elliott, has outlined, to have the  
President of the Courts, the most senior judge of the most senior court in Gibraltar as effectively  
975 the Head of the Judiciary here in Gibraltar and they took the view that it should be the Chief  
Justice who was the most senior resident judge here in Gibraltar.

And, quite frankly, I see the arguments on both sides. I think that what has certainly  
persuaded me that we should be voting in favour of these amendments, is that it would not be  
right, Mr Speaker, for the Opposition, knowing that the Government is actually, because of its  
majority, going to get these amendments through this House, of having a situation where we do  
980 not support the Chief Justice of the day in becoming Head of the Judiciary going forward. I think  
it sends the wrong kind of signal; and bearing in mind that you are talking about very finely  
based decisions here, we think certainly that we should support this particular Bill, despite the  
fact that we took a different position in 2006, so that there is absolutely no mixed signals going  
forwards about our support for the Chief Justice and the work that he is doing which is  
985 absolutely first rate in relation to the judiciary here in Gibraltar.

**Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo)** Mr Speaker, can I associate myself with those remarks  
990 about the Hon. the Chief Justice?

The Rules of Procedure of this House say that we should not call into question the conduct of  
any one of Her Majesty's Judges, but I assume that when we do in order to praise them, then  
the rules do not affect us in such a way because it is absolutely right and proper that we should  
reflect on the fact that Anthony Dudley has reached judicial heights that no Gibraltarian has ever  
995 reached before and that must be a source of huge pride for the whole of this community; not  
just that he has reached those heights but how he discharges his office in the context of those  
lofty achievements in the judiciary.

But, Mr Speaker, what we cannot do is re-write history and what we cannot say is that today  
we support a measure in this House unanimously because not to support a Chief Justice of the  
1000 day sends the wrong signal, when in fact that is exactly what happened in 2006. And the  
reasoning behind what was happening in 2006 was absolutely and utterly transparent. Mr  
Speaker, whether one agrees or disagrees with an individual, in the constitutional architecture  
of Gibraltar, it is not a good reason to move responsibilities from one or another.

It may be a good reason to seek to remove an individual; it may be a good reason to ensure  
1005 that less responsibility appertains to that individual in respect of the things which he is doing on  
day to day, but not necessarily, Mr Speaker, to change the structure of the Administration of  
Justice simply because of issues between one individual or another in the hierarchy of  
Government.

Mr Speaker, that was wrong. That is why I spoke out against it at the time and that is why  
1010 now, in the context of this Bill, we will be changing that. We did not do it at the first available  
opportunity, although we were ready to but, Mr Speaker, we had a President of the Court of  
Appeal who himself did not deserve to be removed from the job that he was doing because he  
was doing a very fine job, because this move is not to criticise Sir Murray or Sir Paul Kennedy for  
the work that they have done which has served Gibraltar well indeed.

1015 But, Mr Speaker, it is about putting the legal order back where it was, back where it should  
be and because no Chief Minister should ever say again of a Chief Justice, 'This town was not big  
enough for both of us,' as my predecessor said of the then Chief Justice. *(Banging on desks)*



1020 **Mr Speaker:** The Hon. the Minister for Education, Justice & International Exchange of Information.

1025 **Hon. G H Licudi:** Mr Speaker, just on the question of timing, the Hon. the Chief Minister has alluded to this, this was of course, as I have explained, a manifesto commitment from 2011 and we clearly became aware that Sir Paul Kennedy was going to retire as President of the Court of Appeal, and consequently as President of the Courts of Gibraltar, in October of last year.

1030 That is why the Bill was published in August to bring it in, as it were, to make the change over to Head of Judiciary being the Chief Justice of Gibraltar when that actually happened. As it happened, we did not have Parliament at the time and therefore it was not possible to bring in that Bill. That is why we are bringing it now, even though there has been a new President appointed since then. But the intention at all times was to make it effective as from October, following the retirement of Sir Paul Kennedy from office.

1035 And as I indicated, although it is true the hon. Member has given us a little bit of history of the Act and having said why they changed it in the way they changed it – the GSD Government changed it at the time – he then goes on to say, well, they will now be supporting this particular change for the reasons that they have set out.

1040 But in doing so, the hon. Member talked of consultation with relevant stakeholders. I already mentioned it seems to us that it is particularly relevant that at the time of the drafting and at the time of the publication of the Bill, there was consultation, not just with the Chief Justice who clearly has an interest, but also with Sir Paul Kennedy who was the President not just of the Court of Appeal but the President of the Courts of Gibraltar at the time, and who had no objection to that Bill.

1045 But it was, in any event and it is in any event, the fulfilment of a manifesto commitment. It was a manifesto commitment we gave in 2011 which had the support of the people of Gibraltar and therefore we felt that it was right.

1050 Not only that, as has been mentioned, the Chief Justice of Gibraltar we certainly consider to be not just an able Chief Justice, but certainly a very able candidate to lead the Judiciary as Head of the Judiciary, as in fact had been the case prior to the Judicial Service Act which was introduced by the previous Administration.

1055 The only other thing, Mr Speaker, I would say on the Bill is in relation to the point raised by the hon. Member about section 37, which is the second limb of this Bill. The second purpose of this Bill is not, as I explained, just to make the Chief Justice Head of the Judiciary, but to bring in additional provisions following recommendations of the Judicial Service Commission in relation to disciplinary powers and proceedings concerning junior judicial officers in particular.

1060 As I mentioned during the course of my first intervention, Mr Speaker, these amendments actually follow the advice that has been given to us by the Judicial Service Commission and it is advice in relation to which we have clearly consulted the Chief Justice who is happy with these provisions and it involves also, the deletion of that last paragraph in section 37(1)(2) which talks about: that the suspension is necessary for the maintaining of the judiciary.

1065 It is important to note that what the section provides is that the Governor *may* in certain circumstances suspend a person from a junior judicial office. So it is a discretion and it is also acting on the advice of the Commission.

1070 There are certain things that have to be shown because one of the three items in (a), (b) or (c) have to apply – criminal proceedings, serving a sentence and convicted of a criminal offence, any of those – and as it is currently drafted it says, and in any of those circumstances, in addition there has to be, it is considered necessary for maintaining the confidence of the judiciary.

That is felt to be simply a constraint on the exercise of the discretion, because we have the various steps that have to be taken. Firstly, the Commission has to consider the matter and they should be free to consider all the circumstances and all the relevant matters, which may include question of confidence, but they should not be necessarily limited or constrained by that particular wording. So they will certainly consider everything in the round and when they do that

they have to tender advice to the Governor who in turn may suspend the person from judicial office and again, in doing that, will consider the advice and will consider no doubt everything in the round.

1075 So we have taken the recommendation of the Judicial Service Commission, we have agreed with their recommendation and, therefore, we have set out the amendments that we propose for that particular purpose.

I commend the Bill to the House, Mr Speaker.

1080 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Judicial Service Act 2007 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Judicial Service (Amendment) Act 2015.

**Judicial Service (Amendment) Act 2015 –  
Committee Stage and Third Reading to be taken at this sitting**

1085 **Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE**

**European Union (Referendum) Bill 2016;  
Animals and Birds (Amendment) Bill 2016;  
Judicial Service (Amendment) Bill 2015**

1090 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

1095 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I join you in congratulating all of those on the Opposite side who have made their maiden speeches in debate today and have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause, namely the European Union (Referendum) Bill 2016; the Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2015.

1100 **Mr Speaker:** There are two matters which I think I want to explain. First of all, to reiterate that hon. Members may speak more than once on each individual clause if they so wish.

Secondly, that we have been adopting the practice of late that where a number of amendments are going to be made, some of which are lengthy, and provided sufficient notice has been given of these amendments, we do not read them out fully in Committee for each relevant clause, but we take them as having been read.

1105 That does not mean, however, that hon. Members are not free to intervene at that stage and express a view or ask the question for clarification if they so wish.

*In Committee of the whole Parliament*

**European Union (Referendum) Bill 2016 –  
Clauses considered and approved**

1110 **Clerk:** A Bill for an Act to enable the full participation of Gibraltar in the United Kingdom's Referendum on whether it should remain a Member of the European Union and to provide for the making of subsidiary legislation in connection therewith and for matters connected thereto, including amending primary legislation by subsidiary legislation as the circumstances require.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

1115 **Clerk:** Clause 2 as amended.

**Mr Chairman:** There is a small amendment to Clause 2. Do all hon. Members agree that it should be incorporated into the Clause?

1120 **Members:** Aye.

**Mr Chairman:** Clause 2 as amended stands part of the Bill.

1125 **Clerk:** Clause 3.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 4 as amended.

1130 **Mr Chairman:** There is a more substantial amendment to this clause. Do all Members support the amendment?

**Members:** Aye.

1135 **Mr Chairman:** Clause 4 as amended stands part of the Bill.

**Clerk:** Clause 5.

1140 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 6 as amended.

**Mr Chairman:** Clause 6, if hon. Members agree, as amended stands part of the Bill.

1145 **Clerk:** Clause 7 as amended.

**Mr Chairman:** Clause 7 – there is a very minor amendment – stands part of the Bill. Clause 7 as amended stands part of the Bill.

1150 **Clerk:** Clause 8 as amended.

**Mr Chairman:** Likewise a very minor amendment. Clause 8 as amended stands part of the Bill.

1155 **Clerk:** Clauses 9 to 11.

**Mr Chairman:** Clauses 9 to 11 stand part of the Bill.

**Clerk:** Clause 12 as amended.

1160

**Mr Chairman:** Clause 12 as amended stands part of the Bill.

**Clerk:** Clause 13.

1165

**Mr Chairman:** Clause 13 stands part of the Bill.

**Clerk:** Clause 14 as amended.

**Mr Chairman:** Clause 14 as amended stands part of the Bill.

1170

**Clerk:** Clause 15 as amended.

**Mr Chairman:** Clause 15 as amended stands part of the Bill.

1175

**Clerk:** Clause 16 as amended.

**Mr Chairman:** Clause 16 as amended stands part of the Bill.

**Clerk:** Clauses 17 to 19.

1180

**Mr Chairman:** Clauses 17 to 19 stand part of the Bill.

**Clerk:** Clause 20 as amended.

1185

**Mr Chairman:** Clause 20 as amended stands part of the Bill.

**Clerk:** Clauses 21 to 29.

**Mr Chairman:** I have an indication that at Clause 27 a new clause is inserted.  
Insert the following clause after Clause 27: Broadcasting from outside Gibraltar.

1190

**Clerk:** I beg your pardon, yes.

**Mr Chairman:** Correct?

1195

**Clerk:** Yes. Clauses 21 to 26.

**Mr Chairman:** Call the clauses up to 26.  
Clauses 21 to 26 stand part of the Bill. Now Clause 27 –

1200

**Clerk:** Clause 27 as amended.

**Mr Chairman:** There is a substantial amendment. All Members agreed?

**Members:** Aye.

1205

**Mr Chairman:** Clause 27 as amended stands part of the Bill.

**Clerk:** Clauses 28 to 29.

1210

**Mr Chairman:** Clauses 28 and 29 stand part of the Bill.

**Clerk:** Clause 30 as amended.

**Mr Chairman:** Clause 30 as amended stands part of the Bill.

1215

**Clerk:** Clauses 31 to 33

**Mr Chairman:** Clauses 31 to 33 stand part of the Bill.

1220

**Clerk:** Clause 34 as amended.

**Mr Chairman:** Clause 34, which is just clearing up 2016, as amended stands part of the Bill.

**Clerk:** Clauses 35 and 36.

1225

**Mr Chairman:** Clauses 35 and 36 stand part of the Bill.

**Clerk:** Clause 37 as amended.

1230

**Mr Chairman:** Clause 37, which is inserting 2016 after the word 'regulations', stands part of the Bill as amended.

**Clerk:** Clause 38.

1235

**Mr Chairman:** Clause 38 stands part of the Bill.

**Clerk:** The first schedule as amended.

1240

**Mr Chairman:** There is a whole page of amendments to the first schedule. The first schedule as amended stands part of the Bill.

**Clerk:** Second schedule as amended.

1245

**The Chairman:** The second schedule as amended stands part of the Bill.

**Clerk:** The long title.

**The Chairman:** The long title also stands part of the Bill.

**Animals and Birds (Amendment) Bill 2016 –  
Clauses considered and approved**

1250 **Clerk:** A Bill for an Act to amend the Animals and Birds Act.  
Clause 1.

**Mr Chairman:** Stands part of the Bill.

1255 **Clerk:** Clause 2 as amended.

**Mr Chairman:** Clause 2 as amended stands part of the Bill.

**Clerk:** The long title.

1260 **Mr Chairman:** The long title stands part of the Bill.

**Judicial Service (Amendment) Bill 2016 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Judicial Service Act 2007.  
Clause 1.

1265 **Mr Chairman:** Stands part of the Bill. (*Interjection*)

**Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):**  
Mr Chairman, may I amend Clause 1 by replacing 2015 with 2016 so that the Act may be cited as  
the Judicial Service Amendment Act 2016.

1270 **Mr Chairman:** Clause 1 as amended stands part of the Bill.

**Clerk:** Clauses 2 and 3.

1275 **Mr Chairman:** Clauses 2 and 3 stand part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**BILLS FOR THIRD READING**

1280 **European Union (Referendum) Bill 2016;  
Animals and Birds (Amendment) Bill 2016;  
Judicial Service (Amendment) Bill 2016 –  
Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

1285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the European Union (Referendum) Bill 2016; the Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2016 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1290 **Mr Speaker:** I now put the question which is that the European Union (Referendum) Bill 2016; The Animals and Birds (Amendment) Bill 2016 and the Judicial Service (Amendment) Bill 2016 be read a third time and passed.

I am going to put the three of them to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

### PRIVATE MEMBER'S MOTION

#### Publication of Parliamentary and Ministerial Allowances – Debate commenced

**Clerk:** Private Member's Motion. The Hon. R M Clinton.

1295 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows: this House believes that it is in the public interest that the details of Members', Ministers' and office holders' allowances be published immediately on the parliamentary website and listed by way of annexe in the annual estimates and income and expenditure when presented in all future Budget sessions.

1300 Mr Speaker, in bringing this motion to the House, I am conscious of the sacrifice that our predecessors have made both in personal and financial terms for us to have the privilege to sit in this House today. (**Hon D A Feetham:** Hear, hear.) It was in 1911 that Lloyd George, as Liberal Chancellor, introduced Member's Allowances in the mother of all parliaments in the United Kingdom.

1305 At that time he stated that the money, a measly £400, was and I quote:

"... not a remuneration, it is not a recompense, it is not even a salary. It is just an allowance to enable us to open the door to great and honourable public service ..."

However, 100 years later after the UK MPs' expenses scandal, Dominic Sandbrook, writing in the *Mail Online* in 2011 wrote, and I quote:

"... MPs need to remember that they are servants of the people, never the masters."

1310 Mr Speaker, I was reminded of this shortly after the election when a member of the public stopped me down Main Street and urged me never to forget that my parliamentary salary was now partly paid by taxes deducted from the lowest paid employees in Gibraltar amongst others who could ill afford it.

1315 Mr Speaker, I may be new to this House but I am not new to the world of finance and the need for financial disclosure and transparency. I found it incredible that details of the allowance we each receive, funded by the taxpayer, are not readily available on the parliamentary website, as is the case in the United Kingdom.

Erskine May, in the book of Parliamentary Practice, discloses this information as regards the UK Parliament as a matter of course. You can see this on page 23 onwards of the 23rd edition.

1320 Mr Speaker, my motion is in no way a criticism of this or any previous Government. My motion is not in any way meant to be malicious or have any hidden intent. Mr Speaker, my motion is simply that this Parliament should resolve that details of MPs' and office holders'

allowances be published regularly on its website, available for all to see, without the need for journalistic or parliamentary questions.

1325 Mr Speaker, my motion is also meant to ensure the full detailed disclosure is made in the annual Estimates Book every year and not just the totals of parliamentary allowances for Members. I ask: how can it be right that anyone can look up the salary of the Chief Secretary – £123,000, the Chief Justice – £132,000, the Financial Secretary – £123,000, in this the annual Estimates Book and yet the salary of the Chief Minister or MPs is not made public in the same way.

1330 Mr Speaker, those, put simply, are the reasons for my motion in requesting immediate full and transparent disclosure; not by this or any future Government as its whim, but by conscious resolution of this House requiring mandatory publication on this Parliament's website and disclosure in full feature annual estimates.

1335 Mr Speaker, this is not a matter for the Select Committee on Parliamentary Reform but a matter of good governance and common sense as parliamentarians in fulfilling our duty to taxpayers and the electorate.

I trust the Members opposite will have no problem in supporting my motion which, I say again, is directed solely at Parliament as a body and not at the Government or its Ministers.

Mr Speaker, with your leave, I hereby commend my motion to the House. (*Banging on desks*)

1340 **Hon D A Feetham:** Hear, hear. (*Banging on desks*)

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. R M Clinton. Does any hon. Member wish to speak on the motion?

The Chief Minister.

1345

**Chief Minister (Hon. F R Picardo):** Yes, and can I thank the hon. Member for the way in which he has put his speech. I am grateful that he has indicated that this is not in any attempt, as it could not be, an attempt to attack this Government.

1350 But, Mr Speaker, can I just make clear for those who may be listening and for the purposes of the record, that the salaries today are salaries fixed by a formula which was approved by the Government majority then made up of Members opposite in a motion of 17th December 1998.

1355 The hon. Gentleman knows that when he gave notice of his motion, the Government immediately acceded to the spirit of it and has now published on the website of the Government – not of the Parliament, of the Government – the details of the parliamentary salaries. I have no objection, once the IT Department are able to find time to do so, to also link from the Parliament website to that part of the Government website which sets out the details of those salaries.

1360 But can I just suggest to the hon. Gentleman that he might wish in future, if he wants to move a motion like this – it is a matter entirely for him – to get in touch with the Government, because the Government would have been very receptive to a proposal from him, which would have resulted in exactly the same resolution just as quickly in the posting of the relevant information on an easily accessible Government website.

1365 What we have done, Mr Speaker, is we have provided the salaries as they are today, we have provided the salaries since 1996, showing how they have risen, we have provided the formula. I think we have set out the details of the *Hansard* where the motion is, which is 17th December 1998, and the motion itself, so that everybody can see in what way the calculations are carried out and I think it is easy for people to also read the motion which was passed at the time which sets out that it was, in fact, the Government at the time, not the House, that carried the day on that subject.

1370 Mr Speaker, the 'servants of the people' is a phrase oft used in politics, not just from 2011. Andrew Rawnsley's excellent analysis of the New Labour Government was called *Servants of the People* and the phrase comes from even earlier than that. It would be a fool who forgot that they are here servants of the people. It would in fact be a fool in any part of our public sector



1375 who forgot that their salaries are paid by the taxpayer and that they must act always in  
contenance with their obligations to deliver not just value for money but also to do so in a way  
which is commensurate with the remuneration they receive and their obligations to ensure that  
that service is provided properly.

1380 In this House, in particular, we have a golden trust with the people who put us here to ensure  
that the work we do is in the best interests of this whole community, Mr Speaker. Speaking for  
Members on this side of the House we never see ourselves as the masters, we see ourselves  
always as the servants.

1385 In fact, Mr Speaker, I always remind people who refer to the number plate of the Chief  
Minister's car as G1 that that is not the number plate of the first Gibraltarian, it is the number  
plate of the Gibraltarian elected to serve all 30,000; the person who works for the benefit of  
those 30,000 and a more fitting number plate might actually be 30,001!

**Mr Speaker:** Does any other hon. Member wish to speak on the motion?

1390 **Hon. Chief Minister:** Mr Speaker, before I sit down, as a result of all that, (*Laughter*) see how  
useful it is to have somebody of the ability to have attention to detail as the Deputy Chief  
Minister. I would move the following amendment to the motion, namely Mr Speaker – I will read  
the whole motion as we propose it to be, instead of just reading the amendments – that the  
motion should read as follows:

*The House welcomes that the Government has listed the details of Members, Ministers and  
Office Holders allowances immediately on the Government ...*

– in fact just take out the word 'immediately' as well –

*... on the Government website and listed by way of annexe in the annual estimates of income  
and expenditure when presented in all future Budget sessions which will accurately reflect the  
position today.*

1395 Mr Speaker, Members can have a photocopy of the written notice, I now give, of that  
amendment. Mr Speaker, the amendment is proposed in order to reflect the position as it is  
today.

1400 The hon. Member's motion is on the Order Paper because he filed it and the House today  
need not pass that motion because it has already been given effect to, the House today can pass  
the motion that reflects the reality, which is that this information is now on the website.

1405 **Hon. R M Clinton:** Mr Speaker, I thank the Hon. the Chief Minister for his remarks. As regards  
the amendment to the motion, my original motion was directed to this House and not at the  
Government. Therefore, to welcome the fact that the Government has put it on their website is  
not really addressing my motion. My motion is directed at this House, so this House should  
resolve that as a body we consider that this information should be in the parliamentary website  
and not at the discretion of the Government.

So I am not quite sure that his amendment really reflects the spirit of what it was that I  
intended.

1410 **Mr Speaker:** Having now received what the motion would look like if approved, I have to  
formulate what the actual amendment is. I am going to do that and the Chief Minister's  
amendment consists of the deletion ... it would delete the Chief Minister's amendment – and  
this is the amendment that he has proposed and which I will now put to the House.

1415 The amendment deletes after the word 'House', the words, 'believes that it is in the public  
interest'. It also deletes in the second line the words, 'be published immediately' and the word

'Parliamentary' and after deleting the word 'Parliamentary' that the word 'Government' should be substituted therefore.

1420 So the amendment is that the words 'believes that in the public interest' be deleted and substituted by the words 'welcomes that the Government has listed the details', the words 'be published immediately' be deleted, the word 'Parliament' be deleted and substituted by the word 'Government'.

1425 Therefore the motion would then read, 'This House welcomes that the Government has listed the details of Members', Ministers' and office holders' allowances on the Government website and listed by way of annexe in the annual estimates of income and expenditure when presented in all future Budget sessions.'

Does any other hon. Member wish to speak on the amendment first?

The Hon. Mr Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker.

1430 As I said before, the purpose of my motion is directed to Parliament, not at the Government, for this House to welcome the fact that the Government has actually published details on its website does not really address my original motion.

1435 Perhaps we could find a form of wording that this House welcomes that the Government has published on its website but, however, believes that it is in the public interest that these allowances be also published immediately on the parliamentary website and listed by way of annexe and that then becomes an amendment to the amendment.

**Mr Speaker:** Does any other hon. Member wish to speak on the Chief Minister's amendment?

1440 I will then call upon the Chief Minister to exercise his right to reply on his amendment.

1445 **Hon. Chief Minister:** Mr Speaker, I think this is actually a better way of ensuring that the House records the position as it is today and, therefore, that is why I have made this proposal. The House is always the party resolving, it is the party that is making the determination, but the House, in effect, is making a decision today to say something which is not necessary because the information has already been listed and that is why I propose the amendment and I wish to now proceed with it, Mr Speaker, if you would put it to the vote.

1450 **Mr Speaker:** I will now put the amendment moved by the Chief Minister to the vote. Those in favour? (**Members:** Aye.) Those against? Carried.

So the motion as amended now reads as I have read it previously; I am not going to read it again. All hon. Members may speak now to the motion as amended, other than the Chief Minister; and of course the Hon. Mr Roy Clinton still has his right to reply at the end of it all.

1455 **Hon. R M Clinton:** Mr Speaker, I beg your indulgence here, as I now face an amended motion, I do not know if I can now propose an amendment to this amendment.

**A Member:** Yes, he could.

1460 **Mr Speaker:** I am sorry I missed that.

**Hon. R M Clinton:** I said I beg your indulgence, but as I am now faced with an amendment to my original motion, I do not know if I can propose an amendment to the amended motion.

1465 **Hon. D A Feetham:** Yes, he can.

**Hon. D A Feetham:** The answer, Mr Speaker, is that he can propose an amendment to the amendment. Yes, he can.

1470 **Mr Speaker:** No, because he has already spoken on the amendment. Did he speak on the amendment? No. *(Interjections)*

**Hon. Chief Minister:** Mr Speaker, he spoke on the amendment, he can make another amendment if he wishes. Any individual can get up and make another amendment.

1475 **Mr Speaker:** The Chief Minister's motion can be further amended and then we will have the amendment to the amendment. If I am to do my job properly, really I should have the amendments in writing, unless it is a very simple case of amending just one word or two.

1480 **Hon. D A Feetham:** Yes, Mr Speaker, that is absolutely right. But of course in a situation where the Government amends without notice our motion, we do not know what the Government –

**Mr Speaker:** I am not asking for notice I am just asking to see it.

1485 **Hon. D A Feetham:** Absolutely, but what I am saying is that, because we do not know what the Government is going to be saying or amending the motion until we actually see it during the course of the debate, it has not been possible to produce something on the spot.

1490 But I am just discussing it with my hon. Colleague, Mr Clinton, because I do genuinely want this to go through by unanimous decision of the Parliament and I do hear what Mr Clinton has to say, which is a very valid point which is –

**Hon. Chief Minister:** No, no, no. Mr Speaker, if he is going to start speaking on the substance of issues then we are going to get ourselves into all sorts of knots about who can speak and who cannot speak. *(Interjection)*

1495 Is he now speaking to the amended motion? He will not be able to speak again.

1500 **Hon. D A Feetham:** Well, Mr Speaker, I am not going to be speaking on the motion and I do not want to entertain any controversy at this stage. All I want, Mr Speaker, is just a moment to confer with my colleague, Mr Clinton, in order to find a form of words that might be acceptable to the Government; because, as I say, I think it is in the interest of everybody for this to be going through on the basis of consent.

It is just the question that concerns us, it is just a question of parliamentary ... it is a matter of Parliament rather than a matter for the Government. That is our substantive position.

1505 **Mr Speaker:** Would hon. Members like a short recess of a few minutes? Yes, we will recess for a few minutes whilst the amendment is being formulated.

*The House recessed at 5.24 p.m. and resumed its sitting at 5.34 p.m.*

**Publication of Parliamentary and Ministerial Allowances –  
Debate continued –  
Amended motion carried**

**Clerk:** Mr Speaker.

1510 **Mr Speaker:** Am I correct in saying that the amendment to the amendment proposed by the Hon. Mr Roy Clinton adds a few words?

**Hon. R M Clinton:** Yes, that would be correct.

1515 **Mr Speaker:** And after the word 'website' the motion be amended by introducing after the word 'website' the following words: 'and resolves that it should also be listed in the parliamentary website.'

**Hon. R M Clinton:** On the Parliamentary website.

1520

**Mr Speaker:** On. That it should also be listed *on* the parliamentary website.  
I will now put the amendment –

1525 **Hon. Chief Minister:** Before you do, Mr Speaker, and in order to avoid having to move an amendment to the amendment, would the hon. Gentleman agree to move that the amendment should say 'and resolves that they' because it is not an '*it*'.

**Hon. R M Clinton:** Absolutely, yes, agreed.

1530 **Mr Speaker:** ... instead of '*it*'. The amendment proposed is that after the word 'website' the following words should be inserted: 'and resolves that they should also be listed on the parliamentary website.'

I will now put the amendment to the amendment to the House.

All in favour? (**Members:** Aye.) The amendment is agreed.

1535 Does any hon. Member now wish to speak on the motion before the House as amended? If not I will call the hon. mover to reply.

The Hon. Mr Clinton to reply.

1540 **Hon. R M Clinton:** Mr Speaker, thank you very much for what has been a very productive motion debate. I am grateful to the Members opposite for having accepted my motion in the spirit it was intended. Being new to this House, this is something which I will no doubt learn more about, but I would now, without any further ado – I will read my briefing notes! – put the motion to the House.

1545 **Mr Speaker:** I will now put the motion to the House in the terms of the original motion moved by the Hon. Mr Clinton as amended by the Chief Minister and as further amended by Mr Clinton.

All in favour? (**Members:** Aye.) All agreed. Carried

#### ADJOURNMENT

1550 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, after a very convivial first 72 hours of parliamentary business, and having now found out – because I think it is true that most people did not know what the parliamentary salaries were – who has got the best part-time jobs in Gibraltar, I move that the House do now adjourn *sine die*. (*Laughter*)

1555 **Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*. I now put the question that this House should now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

Those in favour? (**Members:** Aye.) Those against? Carried.

This House will adjourn *sine die*.

*The House adjourned at 5.36 p.m.*