



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.09 a.m. – 12.55 p.m.

Gibraltar, Friday, 18th November 2016

Contents

Prayer	4
Confirmation of Minutes	4
Papers to be laid	4
Questions for Oral Answer	5
Housing and Equality	5
Q771/2016 Glacis Estate – Letterboxes.....	5
Q772/2016 Decanting of tenants from homes.....	5
Q773/2016 Eviction of squatters – Legal costs incurred	6
Q774/2016 Update re pending repairs.....	6
Q775/2016 Expenditure incurred.....	7
Q776/2016 Housing stock – Properties vacated by senior citizens	8
Q777/2016 New affordable homes purchased from Government – Complaints re defects ...	8
Q778/2016 Government estate lifts – Timescale for completion	12
Q779/2016 Fire in Government rented accommodation – Care plans re tenants	13
Q780/2016 Health and Safety Advisory Council – Number of meetings	14
Q781 and 783/2016 Bruce’s Farm – Admissions since January 2012; number of relapses ...	15
Q782/2016 Bruce’s Farm – Drugs detoxification programme first stop	16
Culture, the Media, Youth and Sport	17
Q732/2016 Gibraltar Sports and Leisure Authority – Vacant posts	17
Q733/2016 Sports-related grants – Update re payments made.....	18

Q734/2016 Cultural grants – Update re awards made.....	20
Q735/2016 Play parks – Maintenance programme.....	21
Q736/2016 Queens Cinema and Hotel – Update re plans for future use.....	22
Tourism, Employment, Commercial Aviation and the Port.....	23
Q786-787/2016 Disability tax allowance – Number of claimants; beneficial value	23
Q788/2016 Gibraltar Tourist Board – Workers not directly employed by GTB.....	24
Q789/2016 Gibraltar Tourist Board – Subcontracted workers.....	24
Q790/2016 Tourist information and survey officers – Numbers employed.....	25
Q791/2016 Cruise ships – Number of disembarkations and total number of passengers....	26
Q792-793/2016 <i>Sunborn</i> Hotel – Current total workforce; number of Gibraltarians employed.....	47
Q737/2016 Beaches and bathing facilities – Maintenance costs	49
Q738/2016 Floating attractions on beaches – Cost; confirmation of condition	51
Q739/2016 Jellyfish nets – Cost of provision.....	51
Q740-741/2016 Gibraltar Tourist Board – Arrears owed by tourist sites.....	52
Q742/2016 Principal Auditor’s Report – Clarification re paragraphs 3.7.13 and 14	53
Q743-747/2016 Mount Misery glass lookout; Royal Anglian Way – Updates.....	54
Q748-753 and 769/2016 Gibraltar Nature Reserve – Draft management plan, implementation of measures, cost of implementation; management board meetings; management team resources; Europa Foreshore dog fouling; Upper Rock tourist facilities	56
Q754/2016 North Front Cemetery – Expressions of interest re maintenance.....	59
Q755/2016 Thinking Green Digest 2015 – Publication date.....	60
Q756/2016 Lift to Parliament – Heritage licence.....	60
Q757/2016 Fishing nets – Use in British Gibraltar territorial waters.....	61
Q758-760/2016 Macaques – Spaying	62
Q761-763/2016 Learning Support and Special Education Needs facilities – Statistics re use	63
Q764/2016 St Martin’s School – Statistics re attendance	66
Q765/2016 Special Education Needs students leaving education – Policy for assistance	67
Q766-767/2016 Working Committee on Co-Education – Members of Committee; Bayside School.....	67
Q768/2016 Comprehensive schools – Security	71
<i>The House recessed at 12.55 p.m. and resumed its sitting at 3.03 p.m.</i>	72
Q791/2016 Cruise ships – Number of disembarkations and total number of passengers....	26
Q792-793/2016 <i>Sunborn</i> Hotel – Current total workforce; number of Gibraltarians employed.....	47
Q737/2016 Beaches and bathing facilities – Maintenance costs	49
Q738/2016 Floating attractions on beaches – Cost; confirmation of condition	51
Q739/2016 Jellyfish nets – Cost of provision.....	51
Q740-741/2016 Gibraltar Tourist Board – Arrears owed by tourist sites.....	52

Q742/2016 Principal Auditor's Report – Clarification re paragraphs 3.7.13 and 14.....	53
Q743-747/2016 Mount Misery glass lookout; Royal Anglian Way – Updates	54
Q748-753 and 769/2016 Gibraltar Nature Reserve – Draft management plan, implementation of measures, cost of implementation; management board meetings; management team resources; Europa Foreshore dog fouling; Upper Rock tourist facilities	56
Q754/2016 North Front Cemetery – Expressions of interest re maintenance	59
Q755/2016 Thinking Green Digest 2015 – Publication date	60
Q756/2016 Lift to Parliament – Heritage licence	60
Q757/2016 Fishing nets – Use in British Gibraltar territorial waters	61
Q758-760/2016 Macaques – Spaying.....	62
Q761-763/2016 Learning Support and Special Education Needs facilities – Statistics re use	63
Q764/2016 St Martin's School – Statistics re attendance	66
Q765/2016 Special Education Needs students leaving education – Policy for assistance.....	67
Q766-767/2016 Working Committee on Co-Education – Members of Committee; Bayside School	67
Q768/2016 Comprehensive schools – Security	71
<i>The House recessed at 12.55 p.m. and resumed its sitting at 3.03 p.m.</i>	72

The Gibraltar Parliament

The Parliament met at 10.09 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, Friday, 18th November 2016.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 21st, 26th, 27th, 28th October and
5 8th November 2016.

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

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements. (vi) Papers to be laid – the Hon. the Minister for Culture, the Media, Youth and Sport.

10

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I have the honour to lay on the table the Report of the Principal Auditor on the Accounts of the Gibraltar Culture and Heritage Agency for the financial year ending 31st March 2012.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

HOUSING AND EQUALITY

Q771/2016 Glacis Estate – Letterboxes

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 771 and the questioner is the Hon. E J Reyes.

15

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate by when the pending repairs or replacement of letterboxes at Glacis Estate will be undertaken?

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

20

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the letterboxes that have been procured have a lead-in period of nine weeks. Once received, the installation is estimated to take four weeks to complete.

25

Hon. E J Reyes: Thank you, Mr Speaker.
The Minister said there is a lead-in period of nine weeks. Are we talking that she is expecting the stocks nine weeks from now, or...? Just for my own clarification.

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

Q772/2016 Decanting of tenants from homes

30

Clerk: Question 772. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 601/2016, indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

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

40

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, no tenants have required any decanting from their homes since the answer to the last question.

45

Hon. E J Reyes: Thank you, Mr Speaker. I do not know if you would allow me, as a sort of a possible lead-up... In the past, the Minister has given me the information of those who have required to return and so on. In most cases, by the time she has given me the answer the majority of them have returned home, but would have she happen, by chance, to be aware of any tenants still outstanding – for example like those of the last couple of months who, for some sort of delay in the repair works, have not been able yet to return to their home? Is she aware?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware, but I recall from the question last month that there were only a couple who had not returned in any event. As per my question last month, of those I do not know who has now returned and who has not.

Q773/2016
Eviction of squatters –
Legal costs incurred

Clerk: Question 773. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 602/2016, providing a breakdown showing the number of homes involved and to whom payments were made?

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

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

Q774/2016
Update re pending repairs

Clerk: Question 774 the Hon. E J Reyes.

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

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, to date there are 241 pending repairs to rental homes. The dates on which these were reported are as follows. There were 20 in May, 28 in June – these are remaining figures, Mr Speaker, since the last answer – 20 in July, 25 in August, 19 in September, 57 in October, 72 in November.

Thirty-eight of these will be repaired by the Housing Works Agency and 203 will be repaired by subcontractors. Three are on a self-repair basis.

Hon. E J Reyes: Mr Speaker, can I then ask the Minister: from the information she has given me, it follows that there are no jobs pending to be completed which were reported prior to 20th May this year – is that correct?

Hon. Miss S J Sacramento: Yes, Mr Speaker, that is the information that has been provided to me by the Department. When we were here last month the hon. Gentleman told me that he had spoken to someone and that he thought the works were outstanding for a period longer than that, and I did invite the hon. Gentleman, if he did have details, to let me know. I have not had

any of these details, but because of this, in any event I have asked the Department to undertake a sweep just to make sure that nothing has fallen through the cracks. Sometimes there may be human error or something, so they sweep in case there is anything pending that may have been forgotten or maybe hanging on a computer or something is underway in any event. But certainly this is the information that has been provided to date.

Hon. E J Reyes: Yes, Mr Speaker, I did say to the Minister that I could collate some information and pass it on to her. However, the notice for questions came so soon that we have not had the opportunity to do that. I know the Minister ... I pose the question because it will give her the chance to go back and discuss, obviously, with the staff from the Housing Works Agency and update the information.

I do have at least 10 and a couple more that need further clarification, but I do have information that shows that some repair works are pending now for a period of around two years. In one particular case, someone was even claiming it was reported four years ago, and so on.

Would the Minister think it is best if perhaps we agreed on a mutual date and we met, rather than end up in longwinded correspondence and might clarify better? I am interested in solving the problem for the tenants more than anything, and I am sure the Minister would like to join me in that exercise. So, if she agrees to that and confirms it via you, we can then, when we have a suitable break, look at our diaries and find a convenient date as soon as possible.

Hon. Miss S J Sacramento: Mr Speaker, I think I made it very clear last month that if there is information which may have fallen through the cracks that I was of course very happy to receive it. Of course, what I said last month stands. If the hon. Gentleman has ... And I see that he has some letters there. If he were to give them to me later on when we have a break, I would certainly send them up to Housing immediately for them to be investigated. And my offer stands, of course, Mr Speaker. I am asked to confirm it here before you, but I have this invitation open in any event.

As I said last month and as I have always said before, Mr Speaker, it is about helping people. If there is something that the system may have missed, then of course, as the person with the responsibility, I would like to know about it. So, if the hon. Gentleman has this information, I would be very grateful to receive it.

Thank you.

Q775/2016

Expenditure incurred

Clerk: Question 775. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 604/2016 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, one contract has been awarded. This has been to Ace Plumbing for £10,380 for one property.

The works carried out by this company was general refurbishment works, which included plastering walls and ceilings, painting, replacing floor tiles, doors, plumbing, electrical work.

Q776/2016
Housing stock –
Properties vacated by senior citizens

Clerk: Question 776. The Hon. E J Reyes.

135

Hon. E J Reyes: Can the Minister for Housing provide details of how many rental homes have been allocated and/or assigned by Government, inclusive of room composition of said homes, from the stock returned or earmarked to be returned by the new tenants who have moved or will be moving into the newly built senior citizens' rental homes?

140

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the elderly citizens' flats have not yet been handed over to them, which means that these occupants' flats have not been vacated and, as such, their flats cannot be returned to the housing stock for allocation to new tenants yet.

145

Hon. E J Reyes: I can understand from that, Mr Speaker, yes, it is probably an ongoing exercise.

150

To avoid me posing the question next month if it is still not going to be ready, would the hon. Lady please give me an indication by when this exercise will be complete and I can then – with your permission, Mr Speaker – time the question to be repeated at that stage?

Hon. Miss S J Sacramento: In terms of Parliament Questions, Mr Speaker, I think that it would be safe to say, for an accurate answer, not before the January session.

155

Q777/2016
New affordable homes purchased from Government –
Complaints re defects

Clerk: Question 777. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many complaints have been received from the purchasers of new affordable homes from Government in relation to defects in those homes or the estate in which those homes are located, listing the defects complained of?

160

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, any defects arising from the sale of the new affordable homes are tackled as part of the snagging process when the sales are completed. These are not considered complaints, as such. Most defects or snags have now been rectified and only a few remain to be rectified, mainly in the case of the more recent completions.

165

Hon. D A Feetham: Mr Speaker, does she have a list of defects? That is the question.

170

Hon. Miss S J Sacramento: Well, Mr Speaker, my answer to the question was that they are not defects, they are snags. In relation to concerns or snags, there have been some concerns that have been raised.

175

There have been things like security issues raised because of the barriers of Beach View Terraces. These have been replaced.

There have been concerns and snags in relation to the communal water pumps, and this is something that we have referred to those who installed the water pumps for maintenance.

180

We have had reports in relation to the lifts. These have been looked at. We have had advice in relation to the lifts that this was on account of the speed and the power setting to which they were set during the time that people were moving in, given the volume of traffic that we would have had on the lifts and because unfortunately some people were inappropriately using the lifts, but that is something that is not really relevant now because the bulk of the people have moved in.

Mr Speaker, those are generally the concerns that have been brought to our attention.

185

I met with the committee of Beach View Terraces two weeks ago with the Chief Minister, where we looked at the concerns that they had raised, so anything that may be pending is of course going to be tackled with the team, and I will be meeting with the caretaker committee of the Mons Calpe Estate very shortly.

190

Hon. D A Feetham: So, Mr Speaker, apart from the 'snags', as she calls it, that she has listed, there are no other issues that have been notified to the Minister by GRP in relation to this estate?

Hon. Miss S J Sacramento: Not beyond the general snagging, Mr Speaker.

195

I have outlined some of the issues in relation to Beach View that we have had so far ... had complaints from Mons Calpe Mews, which was some noisy communal mechanical extractors, and these are currently being addressed by the contractor.

200

What we have, Mr Speaker, at the moment is the general teething problems that one would very reasonably expect from an estate that has just been completed and given the size of the estate, but as soon as these are reported through GRP we are looking at the appropriate remedial action, most of which is to refer it to the contractor.

Hon. D A Feetham: Mr Speaker, is it the case that a lift in one of these blocks fell two floors down from where it was positioned?

205

Hon. Miss S J Sacramento: Mr Speaker, there was a post on Facebook insofar as the lift, and of course I asked for this to be investigated. There is CCTV both inside the lifts and in the estates, and having checked this what happened was that a trigger in the lift was set, which means that the lift, when the trigger is set, will take the lift and any passengers to the ground floor. It is not as if the lift fell. It is part of the general mechanics of the lift and it is standard safety procedure. That is what happened, and having checked the CCTV we are satisfied that what happened was what should happen in the general course of things. Of course, Mr Speaker, we have checked this and verified it with the Fire Brigade and there have been all sorts of checks.

210

Because of course the hon. Gentleman saw it on Facebook, which is where it was, it was brought to my attention and I immediately checked it. In fact, because people had raised issues about the lift, I rode in the lifts myself quite a number of times, Mr Speaker, just to check that they were fine and I am satisfied that they were.

215

220 **Hon. D A Feetham:** The hon. Lady said that she was currently discussing with the management committee or a committee of tenants certain issues that have arisen. What are those issues that she is now discussing with those tenants?

225 **Hon. Miss S J Sacramento:** Well, Mr Speaker, they are in fact the issues that I just read out. These are issues which are generally latent defects from the construction, which the caretaker committee wanted to discuss with the Government and give our assurance that we would deal with these appropriately with the contractor.

230 Of course, Mr Speaker, if Government has dealt with the defects that unfortunately the tenants at Nelson's View, Bayview and Cumberland inherited – and that is something that we inherited as a Government because those defects were not dealt with by the administration at the time and it is something that we committed to remedy – then of course we are going to remedy any latent defects which may arise from these construction projects, and we have of course given those assurances.

235 **Hon. D A Feetham:** Mr Speaker, the reason why I asked that particular question was because the hon. Lady divided her answer into two stages. She said there are defects – or 'snags', as she called them – that have already been dealt with, and there are defects that have been left over that are now being discussed with the management or the committee that she mentioned, and it is in relation to those ones that I am asking.

240 Can she give more details in relation to which ones? Because of course, she has in her answer mentioned a number of issues. She then said they had been dealt with, and she then mentioned later on that there have been these conversations, an ongoing dialogue with this committee of tenants in order to deal with outstanding issues. I just want to know what are the outstanding issues, because the hon. Lady saying, 'Well, I have already referred to it.' Yes, you have referred to it, but there are two types: ones that the Government have already dealt with; and I am interested in the ones that are still outstanding.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman – the whole House – will be very happy to hear that we are dealing with really very, very, very, very minor issues.

250 The hon. Lady and I attended the magnificent development at Beach View Terraces, which is now the happy home of so many hundreds of Gibraltarian couples and homeowners, and we found that there is in fact very little of any concern. What we are dealing with are, for example: a fascia that may have not been screwed down properly – it was something that was added after snagging, it needs a little bit of tightening; some of the external doors, because of people having – as we all know Gibraltarians do – done so much work when they have moved in, some doors to the rubbish area have been damaged. Those are the sorts of things that we are looking at. In one particular corridor there was a lot of wind because it is a windy area and water may flow in, when it rains, with the wind, so we are looking at whether it is possible to create some short walls by the doors so that water does not flow into homes – very minor issues that are being dealt with, that the Government is very happy to deal with; the sorts of things that any developer would be delighted to be dealing with after a new project has been completed. Having been involved in my professional career with private developments, very, very minor issues to deal with, compared even to some of the top residential estates developed in Gibraltar for much more expensive accommodation.

260 So, working with the caretaker committee, I think that we have made huge progress already in the work that GRP has done in dealing with the snagging issues, huge progress already in dealing with the minor defects that are left, and the Minister and I were delighted to attend to be able to see for ourselves what the remaining minor issues were. I am happy to tell the House that I committed myself there, having received such a warm and enthusiastic welcome on my arrival at the estate from the happy purchasers, to return before Christmas to see whether these minor issues that remained outstanding had been dealt with. So the House will no doubt be very

happy to see that the investment made by these Gibraltarians in their new homes is one that is not subject to any major problems whatsoever and the Government is committed to dealing with the minor issues that remain.

275 **Hon. D A Feetham:** So can I take it from the answer the hon. Gentleman has given that these issues will be dealt with by the end of the year – or does he envisage any further timescale for dealing with these issues?

280 **Hon. Chief Minister:** Well, Mr Speaker, there are some issues that will not be dealt with by the end of the year. For example, one of them is the movement of a vehicle barrier where the tenants want to talk to GRP about the possibility of placing it somewhere else to provide a different sort of security. We have tried two types of barriers: one of them does not have a scissor system underneath, and one does. They appear to prefer the scissor system and one of the barriers that goes out onto Eastern Beach Road may be moved because it may be a better traffic management issue for the estate. We are happy to look at that. That, for example, will not be dealt with by the end of the year; it will require a design and it will require procurement if the tenants decide that they want to go down that route. Other issues will very likely be dealt with long before the end of the year if they are minor and the materials necessary are available; otherwise, they will be dealt with very, very quickly after the New Year.

290 Again, as I say to the hon. Gentleman, I will continue to visit the estate and to ensure that everything has been dealt with and to continue to receive the enthusiastic and warm welcome that I receive when I visit these estates – and not just the ones developed by my administration; also the ones developed by former administrations, where I have sorted out the problems and I have received just as enthusiastic a welcome.

295 **Hon. E J Reyes:** Mr Speaker, I am glad to hear that the Chief Minister and the Minister for Housing have attended on site and are going to return.

Can I ask the Chief Minister ... Maybe he was aware, or if not, on his next visit can he please look out on the actual landings on each floor – so it may have missed the snagging list that the individual tenant or the individual purchaser fills in. It is a communal area along the corridors. If one looks up to the roof, the sort of covering that has been made to the concrete is made of a material that, in my unprofessional opinion, I saw starting to become rusty. It coincides with what the Chief Minister was trying to say that the committee had explained to him – that there is some water that comes in from the side that is going to be tackled, but once a piece of material gathers rust one knows from experience that it just continues, and if we can nip it in the bud ... Perhaps the Chief Minister can commit himself to be in the look out and look up and just ensure that those ... They seem to be a corrugated type of sheets ... so we can tackle that and avoid future problems for purchasers.

310 **Hon. Chief Minister:** I am grateful for the hon. Gentleman's unprofessional opinion.

Mr Speaker, it is an issue that was pointed out to us at the time that we were there. We were with the contractor, with JBS, who demonstrated that it is not rust; it is actually dirt and it comes off, and the mechanism for dealing with it was explained to the members of the committee. If in some areas it has progressed to rust – and I have no reason to believe that it has – it will of course be dealt with, but it would be covered by the warranty of the material used, and a lot of what we are talking about is going back to the warranty for those who provided the material and they will be the ones replacing any of those sheets or doors that may have suffered rust, if they are in fact suffering rust. But there were very few incidences of that. In a huge estate, as that is, I saw two or three doors which were suffering rust because of the weathering in the area lower down on the beach, which is closer to the saltwater spray, and which had been damaged – therefore the paint had been damaged – as a result of people doing their own DIY etc. The

saltwater was then able to get in and create an element of rust, but it is in within warranty and it will be dealt with on a warranty basis.

325 So those are the issues, Mr Speaker. Given the sorts of issues this House has in the past heard referred to in respect of serious defects in other estates, I think the whole House will be very happy indeed that we are dealing with very, very minor issues here and, very will want to congratulate ... I will not say the Government, because the House never wants to congratulate the Government unanimously; it tends to only want to do so on a division of 10-7, or at least 10-6, but will want to congratulate the contractor for the excellent work that they have done in this
330 estate and will want to wish well to all the purchasers who are enjoying the benefit of these affordable homes, a place in which they will build their families and homes which they will enjoy, I hope, for many years.

Q778/2016

**Government estate lifts –
Timescale for completion**

Clerk: Question 778. The Hon. Ms M D Hassan Nahon.

335 **Hon. Ms M D Hassan Nahon:** Is there a timescale for completion of installation of lifts in Government estates?

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

340 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Yes, Mr Speaker, this goes hand in hand with the refurbishment programme. The programme is currently being revised and will factor the infrastructure works required for the lift installation.

Clerk: Question 779.

345 **Hon. D A Feetham:** Mr Speaker, this is a question that was asked at the beginning of ... well, certainly I think it was March or April – not March or April, because we had the Referendum, but it was either before March or after the Referendum – and the answer that came back at the time was that there were various phases in relation to the development, certainly in the Moorish Castle, Laguna and also Glacis Estates.
350

The first phase for completion was September. Now that has not still been completed, and can the Government now give a different completion date, bearing in mind that obviously the answers that were given prior to the summer have proved to be inaccurate, or at the very least the Government has obviously not been able to keep to that?
355

Hon. Miss S J Sacramento: Mr Speaker, the completion of the estates was to be phased, and I have provided dates in Parliament in the past. However, completion of the phases is ... What we do is we look at the completion of the estate in percentage terms, and in each phase the majority of the refurbishment is complete, and while there are – (*Interjection*) Mr Speaker, in any event the dates that I have provided in the past need to be revised. I do not know what the revised dates for some of them are. Not all need to be revised, just some of them, and I do not know what those dates are until I am advised. I am waiting for the outcome of the revision.
360

Hon. R M Clinton: Mr Speaker, could the Minister advise whether the Government is looking at whether there has been any breach of contract in the supply of these lifts or the installation of these lifts?
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Hon. Miss S J Sacramento: Mr Speaker, no, because it is not relevant.

370 **Hon. R M Clinton:** Well, Mr Speaker, there is a delay and there is obviously a delay in the installation of the lifts. How can breach of contract not be relevant?

Chief Minister (Hon. F R Picardo): Mr Speaker, for a simple reason: because it is not about the supply of the lifts.

375 **Hon. R M Clinton:** I am grateful for the Chief Minister's intervention. Perhaps just for my information and perhaps for the general public, who is responsible for the installation of the lifts?

380 **Hon. Chief Minister:** Mr Speaker, I do not think that is a question that arises from this original question, but to go back to where we were in respect of the question that the Hon. the Leader of the Opposition referred to, if he goes back and looks at the *Hansard* he will understand then, after reading of the *Hansard*, why it was that the delay arose, and it relates to the installation of the three-phase supply, which is a matter for the Gibraltar Electricity Authority.

Q779/2016

Fire in Government rented accommodation – Care plans re tenants

385 **Clerk:** Question 779. The Hon. Ms M D Hassan Nahon:

Hon. Ms M D Hassan Nahon: What policy is in place with regard to taking care of individuals and families when there is a fire in a Government rented accommodation?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, when individuals and families are required to be decanted from their homes, alternative accommodation in the form of a hotel or a self-catering apartment is obtained. If hotel accommodation is provided, then the family is given £10 per person per day food allowance, which they can claim by providing the relevant receipts.

400 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was wondering whether it would be more cost efficient for the taxpayer to have a stock of designated flats or a couple of flats saved up for emergencies, because I can imagine that housing the victims in hotels must be quite an expense, and this was a question I wanted to ask or suggest.

405 **Hon. Miss S J Sacramento:** Mr Speaker, the answer to whether it makes more financial sense is no, firstly and foremost because of the demand on housing stock and because we of course cannot predict when we have a need for decanting. Urgent decanting is not something that we experience often and it is not something that we can predict, because when we require urgent decanting it will be, unfortunately, on account of something that happens drastically, whether it is a fire, whether it is a flooding, and it is just an emergency situation. Usually, those situations are remedied quite quickly in order to accommodate the family. They can be accommodated in two ways, depending on the damage. It is whether we can repair the damage quickly enough for them to return to the original tenancy, or it maybe that we can accommodate them elsewhere,

410 but we are always looking at the most cost-effective way of providing it. The period during which

they stay in accommodation is relatively short, so this is the most cost-effective way of providing it in terms of the bigger picture, because it would not be practical or practicable really to have empty flats just lying empty, lying dormant just waiting for cases such as these, and it may be that these cases do not happen.

Clerk: Question 780 – sorry.

Hon. D A Feetham: Thank you very much.

Mr Speaker, can the Minister outline what is Government policy in this area? If there is a fire, for example, or if there is a flood but the fault lies with the tenant, does the Government still decant even in those circumstances?

And then, with the next question – I will ask it now, rather than stand up, with your leave Mr Speaker, if I can ask another supplementary – is: does the policy apply, for example, to a situation where somebody is a co-owner in one of the co-ownership estates? It strikes me that you could have a situation where somebody who is a co-owner in a co-ownership estate may, through tragic circumstances, have a fire in their flat and they are not decanted, and somebody in a Government estate who may be at fault for the fire, for example, is decanted. I am just trying to explore with the hon. Lady what the policy is in relation to Government estates and also compare to co-ownership estates.

Hon. Miss S J Sacramento: Mr Speaker, I will take the last question first in relation to someone in a co-ownership estate, because, when someone is an owner in a co-ownership estate of course the Government is holding the co-ownership part on trust. Those people are private tenants of their properties, so that is not something that the Government would step in... The Government has no duty to step in and decant in those cases.

Now, the Government's policy in relation... The Government has a duty to decant in Government rental estates. Decanting is one thing, and then the expenditure as a result of the decanting is a different thing. It may be that in some cases people need to subsequently reimburse any expenses as a result of the decanting, but that is subject to evidence and police investigations etc.

Q780/2016

Health and Safety Advisory Council – Number of meetings

Clerk: Question 780. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many times has the Health and Safety Advisory Council met since its inception this year?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the Health and Safety Advisory Council has not met since its inception this year.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do understand that the Health and Safety Advisory Council has been in inception since May, and if it has not met since, how seriously is the Government taking this Council if in the last seven months it has not met?

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, perhaps I may assist the hon. Lady, as I was the Minister for Health and Safety before the new allocation of responsibilities.

460 The hon. lady may recall that the Government introduced an entirely new policy document that had been worked out particularly with Unite the union, which had been driving the agenda in respect of health and safety in the workplace. There had been consultation, of course, with other stakeholders, and there was the original Health and Safety Advisory meeting where the different stakeholders to that Advisory Council met and who are all able to set out their own particular concerns in respect of health and safety.

465 From memory, the Advisory Council agreed that they would nominate certain additional people whom they thought may be important to add to the work and deliberations of that committee. And, again from memory, if I recall correctly I also asked, as chair of that meeting, for the participants to set out in writing and to distribute by e-mail the different objectives, in addition to the ones that had been identified by the Government.

470 In addition to the Advisory Council meeting, I did meet then separately with some of the stakeholders that were the Advisory Council for them to provide me with some additional names. The hon. Lady has a draft additional policy that deals with how management can best address health and safety issues in the workplace, so I think that the next stage would be for the hon. Lady to be able to be briefed as to the different names that the stakeholders have proposed to be included in the Advisory Council to see what participation there has been from the existing members as to what objectives should be met by the Advisory Council, and then at that point be able to progress to the second meeting.

I hope that was of assistance to the hon. Lady.

480 **Hon. Ms M D Hassan Nahon:** Thank you for the information. So, based on the information that I have been given, can the Government, or the two hon. Members, envisage when and how long, more or less, they expect to have another meeting?

485 **Hon. Miss S J Sacramento:** Mr Speaker, having taken over this responsibility just recently, now of course I am at a stage where, having had the benefit of the information, I really intend to call a meeting of this Council very shortly to make sure that it is something that continues to be live.

Q781 and 783/2016
Bruce's Farm –
Admissions since January 2012; number of relapses

Clerk: Question 781. The Hon. Ms M D Hassan Nahon.

490 **Ms M D Hassan Nahon:** Can the Government provide statistics of how many people have been admitted to Bruce's Farm since January 2012?

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

495 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 783.

Clerk: Question 783. The Hon. Ms M D Hassan Nahon.

500 **Hon. Ms M D Hassan Nahon:** Is the Government aware of how many people who have undertaken the rehabilitation programme since January 2012 at Bruce's Farm have relapsed into their addiction?

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

505 **Hon. Miss S J Sacramento:** Mr Speaker, 206 people have been admitted to Bruce's Farm since January 2012. Of these, 73 have relapsed.

Q782/2016
Bruce's Farm –
Drugs detoxification programme first stop

Clerk: We now move back to Question 782. The Hon. Ms M D Hassan Nahon.

510 **Hon. Ms M D Hassan Nahon:** How many addicts have started their drugs detoxification programme at Bruce's Farm as opposed to the first stop at Ocean Views?

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

515 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, three people.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I ask the reason why, despite the policy – which, as I remember, we discussed in fact last month – of the first stop needing to be Ocean Views, why these three cases would have started instead at Bruce's Farm?

520 **Hon. Miss S J Sacramento:** Because, Mr Speaker, what we were discussing last time was having Bruce's Farm as a substitute to Ocean View. They are not mutually exclusive, but what we cannot have, Mr Speaker, is someone going through clinical withdrawal up in Bruce's Farm, where we do not have the clinical staff to ensure that we do so in a safe environment. If three
525 people have undertaken detox at Bruce's Farm it is because they have been deemed to be able to detoxify in Bruce's Farm safely.

When we look at addiction, there is a wide range of addiction and there is also a wide range of level of substance abuse. Some substance abuse is complicated. Some substance abuse can be polysubstance abuse, because some people can take tranquilisers mixed with alcohol; other
530 people can be addicted to cocaine, to cannabis. Some detoxification requires a long period of supervision. Some may require a two-week detoxification process at Ocean View and some may require just a day or two detoxification, where literally, because of the nature of the addiction and the substance that is being used, what they require is maybe a day or two to sleep it off under supervision. It all depends on the nature of the drug or the substance that is being taken.

535 **Hon. Ms M D Hassan Nahon:** Thank you for that information.

Who is the team or the body exactly that takes this decision as to where the patient goes? I understand that the bulk do start in Ocean Views, but who takes the decisions for those who do not?

540 **Hon. Miss S J Sacramento:** The bulk does not necessarily have to start at Ocean View – I need to correct the hon. Lady. Again, depending on the substance and depending on the level, there will always be a medical professional involved, but it will depend on the circumstances and it will also depend on whether the person is known to Bruce's Farm or not. People relapse but a

545 relapse is not necessarily a really bad thing, because some people relapse and are readmitted. A
relapse is not a failure; a relapse is a normal... sometimes, unfortunately. Addiction is not an
exact science, and nor is rehabilitation – it will depend on the person, it will depend on the
550 circumstances, and sometimes people need to go to rehabilitation facilities three or four times
before it is successful. But some people may, for example, be free from addiction for a while,
may relapse, and because they are already known to Bruce’s Farm and their personality will be
known and their drug of choice is known, in some circumstances it may be deemed to be safe to
admit them following an assessment by the Bruce’s Farm team in conjunction with the GP. In
555 other circumstances we may require the GHA psychologist to assess the person, but there will
always be medical professionals involved. But it depends on the person, because it is, of course,
a person-centred system.

Hon. Ms M D Hassan Nahon: Thank you.

The only confusion I have here is that the Minister corrected me when I said that the bulk, as
per previous discussions, start at Ocean Views, and the hon. Lady says that that is not necessarily
560 the case. I do not understand how it is not when we talk about... I have been told that, since
2012, 206 have ended up in Bruce’s Farm. If we are talking about two or three people that the
Lady has mentioned starting at Bruce’s Farm, is it not the case that the bulk do start at Ocean
Views?

565 **Hon. Miss S J Sacramento:** Only, Mr Speaker, if they require detoxification, because not
everybody who requires rehabilitation therapy will require detoxification. Some people, actually,
who enter Bruce’s Farm... Yes, a lot of people do go to Ocean View – they need to go to Ocean
View because of the detoxification – but it will depend on the person, and the statistics vary
570 from year to year. But some people call to be admitted to Bruce’s Farm because they may be
people who have been undergoing the programme for a while and they feel that they are going
to relapse and therefore ask for admission, so they have not actually been using. And not all
drugs require detoxification. It all depends on the nature of the drug, it depends on the nature
of the person, it depends on the level and the extent of the problem.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q732/2016

Gibraltar Sports and Leisure Authority – Vacant posts

575 **Clerk:** We now move to Questions to the Hon. the Minister for Culture, Media, Youth and
Sport. We start with Question 732. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, following on from the answer provided to Question 617/2016,
can the Minister for Sports inform this House if the three vacancies within the Gibraltar Sports
and Leisure Authority have now been filled?
580

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the
vacancy for Assistant Sports Development and Training Officer has been filled with a successful
candidate starting employment with the GSLA on the 1st December 2016.

The closing dates for the other two internal vacancies, namely the Centre Manager, grade 5, and Assistant Administration Manager, grade 4, have now elapsed. Candidates will be interviewed in the very near future.

585 **Hon. E J Reyes:** I am a bit lost, Mr Speaker. Perhaps the Minister can clarify where my error is. Last month I was told that there were three vacancies and that interviews were taking place as we spoke. I am now informed that two appointments have been made with the successful applicants taking posts on 1st December, and there seem to be another two internal... Two and two is four, so perhaps the Minister can explain where I have mistakenly understood his figures.

590 **Hon. S E Linares:** Yes, Mr Speaker, it is one and two. The vacancy that has been filled is the Assistant Sports Development and Training Officer. That one has been filled and will start on 1st December – that is one. And then there are another two – that adds up to the three that you asked last month – and the closing dates are in two internal vacancies, namely the Centre Manager and the Assistant Administration Manager, grade 4. These have now, like I said, 595 elapsed. That means that the time for applying and all that has elapsed and now they are in the interview process, which is going to happen within the next week or two, I assume.

Hon. E J Reyes: Mr Speaker, for the two pending vacancies the application deadline date has elapsed and therefore that is now work in progress on the internal vacancies. Then did I 600 understand the Minister correctly saying that two other posts have been filled in as of 1st December? I still end up concluding one. I have heard two were taking posts on 1st December – am I wrong, then?

Hon. S E Linares: Mr Speaker, for ease for the hon. Member, I said the vacancy for the 605 Assistant Sports Development and Training Officer... It is *one* post – (*Interjection*) Maybe the confusion has been because you are thinking it is one Sports Development Officer and then one Training Officer. It is *one* post.

610 **Hon. E J Reyes:** Thank you, Mr Speaker. That led me to conclude that there were two. I now seem to have up to date information and I look forward in due course to finding out when the two internal vacancies have been filled.

Q733/2016
Sports-related grants –
Update re payments made

Clerk: Question 733. The Hon. E J Reyes.

615 **Hon. E J Reyes:** Can the Minister for Sports provide updated details of all payments made during this current financial year in respect of any sports-related grants since the answer provided to Question 618/2016?

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

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

I take this opportunity to remind the hon. Member that updated information is posted on the GSLA website, www.gsla.gi. These changes are effected on a monthly basis or as and when

required. If I just give a little explanation as to what 'as or when required' means, sometimes the hon. Member might see in the post that, for example, it is updated in September and it is now November and the update date is September – the hon. Member might think that it has not been updated for two months. It means that there has not been any change and therefore they do not put a date of when it is revised or looked at.

Answer to Question 733/2016

Grants Awarded for Sports Development Projects.

Athletics	4,427.71
Badminton	2,148.67
Chess	14,737.00
Hockey	2,986.50
Netball	514.48
Rhythmic Gymnastics	5,664.00
Rowing	832.53
Shooting	24,730.62
Triathlon	290.00
Backgammon	3807.10
Gibraltar Chess professional	14738.16

Grants Awarded for International Competitions.

Island Games	81,896.48
Straits Games	10,147.55

Grants awarded to Sporting Societies.

Athletics	7,718.84
Basketball	60,790.20
Darts	6,904.64
Hockey	2,0254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	2,028.59

Hosting of Special Sports and Leisure Events.

Classic Vehicle Association	1,200.00
Cleaning after Boxing event	57.60
Cleaning after Bike Rally	645.00
Cleaning after Beer festival	240.00
EHF Challenge 3 Cup	5,124.50
FIBA Senior Women's Cup	7,210.00
Backgammon Tournament	37,500.00
Gib Kennel Club	10,175.70
Gib Snooker Tournament	77,515.00
PDF Darts Trophy	34,081.60
Gibsport Sports Day	2,400.00
GMF Geotextile Flooring	4,870.00
Harley Davidson rally	4,500.00
Inauguration of Sports Complex	1,750.00
Jnr Chess Tournament	35,000.00
King's Bowl Rock Masters Tournament	16,000.00
Netball Europe U17 Champs	8,163.08
Sports Days Sound System	6,100.00
Squash Open 2015 & 2016	10,000.00
Thundercat racing event	27,950.00
UEFA Champ League	2,990.20
UEFA Futsal Comp	8,340.34
Yacht Regatta	6,528.00

620

Hon. E J Reyes: Yes, Mr Speaker, that clarification does help, because I posed a question to say it has not been updated for sometime and I thought the staff had not had an opportunity to physically update it. I now understand that concept and that will guide me for future questioning.

Q734/2016
Cultural grants –
Update re awards made

625 **Clerk:** Question 734. The Hon. E J Reyes.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, all further cultural grants... Sorry!

630 **A Member:** Answering the question before it is asked! *(Laughter)*

Hon. E J Reyes: Mr Speaker, we are such good friends that he knows before I speak what it is I am going to say and ask! *(Laughter)* I am sure the Speaker will appreciate that friendship that we have, that we can actually mind-read each other!

635 Mr Speaker, Question 734, if I am correct: can the Minister for Culture provide updated details of any cultural grants awarded since the answer to Question 619/2016

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

640 **Hon. S E Linares:** And here goes the answer: no further cultural grants have been awarded since my answer to Question 619/2016.

I take this opportunity to remind the hon. Member that updated information is posted on the statistics section of the HMGOG website, www.gibraltar.gov.gi on a regular basis.

645 Again, Mr Speaker, I emphasise because it was... and this is the actual example of... You asked this last month. There has been no update, no further payments – therefore the update is shown

there – probably October or September – and therefore it is not that it has not been updated; it means that there have not been any payments and therefore there is no need to upgrade the website.

650 It could be that one way of doing it is saying ‘revised date’. I could probably tell the IT department to just say ‘revised date’, and that means that the hon. Member would know that when he goes to, for example, now, November, it has been revised and therefore that is the latest that you would get.

655 **Hon. E J Reyes:** Yes, Mr Speaker, that is what I was thinking of, because it could so happen that for two months there have been no grants passed through Treasury and so on and therefore it cannot be updated, but I would be none the wiser whether it is because no activity has happened. But I think the Minister is starting to head in the right direction. We could ask the IT department to say ‘updated as at’, and then... We are not interested in the actual date when the payment was made, just the concept of how much has been given to a particular type of
660 activity, so even if there is no movement, if we just put ‘updated at’, then I know that there is no need... or I could pose a question arising from the information there, but it would save some time in having to entertain my tedious requests for information.

665 **Hon. S E Linares:** Yes, Mr Speaker, I can assure you and the hon. Member that it would avoid me having to answer the questions as well, and can I also guarantee the hon. Member that I keep tabs on this so that I do not get the questions every month.

Q735/2016
Play parks –
Maintenance programme

670 **Clerk:** Question 735. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is there a planned maintenance programme for our play parks in Gibraltar?

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the GSLA conducts daily checks and undertakes spot repairs on a daily basis on all parks and playgrounds under their remit.
680

Hon. Ms M D Hassan Nahon: Mr Speaker, on issues of hygiene and health and safety... This was what made me ask this question. I frequent the parks quite often as I have young children and I find that the standard of hygiene and the rubbish left about and issues of health and safety in terms of the odd metal bar sticking out every now and then in different places can be quite a
685 danger for children. So I ask the Minister to please either enlighten us as to whether he is satisfied with the level of supervision that there is through the GSLA, as he has mentioned, or if he would be willing so step it up a notch, because I can assure him that the things I have witnessed are not good enough for our young children.

690 **Hon. S E Linares:** Mr Speaker, I encourage the hon. Lady that, whenever she sees anything in a park that she is not happy with or feel that it is unsafe, there is a hotline which you can ring and I can assure the hon. Lady that within, at the maximum, 24 hours there will be a team there to tackle, either to make safe provisionally or to completely fix, whatever is damaged. And the hygiene is the same: if the hon. Lady, who says she frequents the parks, is not happy with any of

695 the services, there is a hotline because there is a team which is there specifically to look after
the parks. I can guarantee the hon. Lady that when anybody rings the hotline it is tackled
immediately because we do take seriously the health and safety of the parks.

Hon. Ms M D Hassan Nahon: Mr Speaker, I do not doubt that the Minister and any other
700 Gibraltarian would take seriously such a crucial part of our leisure life, but if there is a hotline I
did not know about it and I frequent the parks. Can I ask the Minister to consider, as a matter of
priority, putting signs in different parks with the hotline so that parents can call up when they do
see something. I do think that that would be a constructive approach.

Hon. S E Linares: Yes, Mr Speaker, there are in all the parks... I will have a look at it. Maybe
705 they are not as visible as they should be, but I can honestly say that instructions were given...
and I have gone to certain parks... maybe not in a visual place, but they are there and I can
guarantee... I was the instigator of having a hotline there so that they have a mobile... You ring
up and they attend to it as soon as is physically possible.

710 I will take on what the hon. Lady says and I will have a look again, because maybe it has
either been missed or is not visible enough.

Q736/2016

**Queens Cinema and Hotel –
Update re plans for future use**

715 **Clerk:** Question 736. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are there plans for the theatre complex and other bodies which
were planned to be housed in Queens Cinema and Queens Hotel buildings going ahead?

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

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer
remains the same as set out by the Chief Minister in answer to supplementary questions, to
Question 611/2016 last month.

725 **Hon. Ms M D Hassan Nahon:** Mr Speaker, at the expense of not having done my homework, I
have to say that the main reason for my question was actually the concern that I live very close
by and I can see it all the time. I have noticed that there have been break-ins, there has been
vandalism and it is something that concerns me very much.

730 Of course, the manifesto commitment of completing the project goes without saying, but I
was actually coming more from a point of safety. I am not as savvy to find this answer as quickly,
but if the answer to that is yes and that there is something in the pipeline, can we, in the
interim, ensure that there is some kind of fencing or security to stop any further break-ins or
vandalism?

735 **Hon. S E Linares:** Mr Speaker, I am sure the hon. Lady is talking about the cinema –(**Hon. Ms
M D Hassan Nahon:** Yes.) as opposed to the hotel, because with the hotel there are people living
there and it is pretty safe anyway.

740 I have had a few calls to me about the safety of that. We do have GCS, who constantly go
there and make sure that windows are closed or that, if a window is broken, there is a board put
up. So, as far as is possible, if they call we react.

So, again, I ask the hon. Lady, or whoever is worried about that place, to call GCS and they
will again react and do something about the safety. I understand – I have had a few phone calls

745 myself saying the window of the Queens Cinema is wide open and they have seen people going in, or youngsters going in. I can assure the hon. Lady that, again, if we get notice of what is happening we will react to as soon as is possible. (*Interjections by Hon. Ms M D Hassan Nahon and Hon. Chief Minister*)

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q786-787/2016

**Disability tax allowance –
Number of claimants; beneficial value**

750 **Clerk:** We now move to questions to the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. We commence with Question 786 and I believe it is the Hon. Mr Trevor Hammond who is asking on behalf of the Hon. L F Llamas.

755 **Hon. T N Hammond:** Mr Speaker, can the Government provide details of how many taxpayers are currently claiming the disability tax allowance?

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 787/2016.

760 **Clerk:** Question 787.

765 **Hon. T N Hammond:** Can the Government provide details of the effective beneficial value taxpayers claiming the disability tax allowance have actually benefited from in each tax year since 2011-12?

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

770 **Hon. G H Licudi:** Mr Speaker, under the Income Tax (Allowance, Deductions and Exemptions) Rules 1992 there is no Disability Tax Allowance. Rule 7A of the Income Tax (Allowance, Deductions and Exemptions) Rules 1992 provides an allowance for parents of disabled individuals.

In this respect there are currently 69 taxpayers claiming this allowance.

775 The total beneficial value in respect of this allowance for each tax year since 2011-12 is as follows: 2011-12, £27,771; 2012-13, £23,358; 2013-14, £44,650; 2014-15, £34,460; 2015-16, £11,350; 2016-17, nil.

Mr Speaker: Next question.

780 **Clerk:** Question 788. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. D A Feetham: Going back to the previous question, Mr Speaker, just looking at those figures – thirty-seven thousand-odd for 2012, £23,000 for 2013, £44,000 for 2014, £34,000 for 2015, and then there is a sharp decline by two thirds to £11,000 at the end of the financial year

785 ending 2016 – can the Minister afford an explanation in relation to why there is that sharp
decline for that year, please?

Hon. G H Licudi: Mr Speaker, the reason is quite simply that the assessments are still
790 pending. For 2016-17 the assessments are not made. Even though the claim is made by
taxpayers, the actual tax assessment for the individuals is not made until after the end of the
year and after the employers provide what is called a P8 form in respect of all the employees.
Subsequently, the assessments are made and that is why the beneficial value this year is nil –
because those assessments have not been made, even though there are currently 69 taxpayers
795 claiming that allowance. (**A Member:** £11k.) Well £11k is last year, so there are a number of
assessments which are still pending. That is why you see nil this year, £11,000 and then there is
a jump, because the further back we go the more assessments will have been made for that
particular tax year. For this year no tax assessments have been made because the year has not
ended.

800 **Mr Speaker:** Next question.

Q788/2016
Gibraltar Tourist Board –
Workers not directly employed by GTB

Clerk: Question 788. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

805 **Hon. T N Hammond:** Mr Speaker, can the Government disclose how many workers not
directly employed by the Gibraltar Tourist Board are providing services to the Gibraltar Tourist
Board during each financial year since the 30th March 2012, 2013, 2014, 2015, 2016 and during
this current financial year?

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, the information requested is as follows: 2012-13, 1; 2013-14, 11; 2014-15, 11; 2015-
815 16, 7; 2016-17, 6.

Mr Speaker: Next question.

Q789/2016
Gibraltar Tourist Board –
Subcontracted workers

Clerk: Question 789. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

820 **Hon. T N Hammond:** Can the Government disclose how many subcontracted workers are
providing services to the Gibraltar Tourist Board during each financial year since 30th March
2012, 2013, 2014, 2015 and 2016 to date, providing details of roles and duties assigned to each
subcontracted worker, the entity of the employer the worker is employed by and the reason for
825 requiring their services?

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
830 Mr Speaker, since July 2012 the Gibraltar Tourist Board has subcontracted one worker. The individual concerned is employed as a marketing consultant specialising in airline route development. The individual is self-employed. The person was employed to help develop air services to Gibraltar, the results of which are apparent, and to support the GTB's marketing team.

Q790/2016
Tourist information and survey officers –
Numbers employed

835 **Clerk:** Question 790. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government provide statistics of how many tourist information and survey officers have been employed during each summer season, usually done by students, for 2012, 2013, 2014, 2015 and 2016?

840

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

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
845 Mr Speaker, I believe the hon. Gentleman is referring to Visitor Information Patrol Officers employed in the past by the Gibraltar Tourist Board to give information to visitors during the summer months. If that is what he is referring to, I can confirm that 12 were employed in 2012, 2013 and 2014; 11 were employed in 2015; and none in 2016.

850 **Mr Speaker:** Next question.

Clerk: Question 791 –

Hon. T N Hammond: Mr Speaker, if I may just ask why it was decided not to employ any in
855 2016.

Hon. G H Licudi: Mr Speaker, this is something that was done by the students under the student scheme for the summer, which is in fact something that the Government does on a yearly basis. This year we have had less students than in previous years and the Gibraltar Tourist Board felt that this was a service which was not necessary and therefore we could dispense with this.
860

Hon. D A Feetham: Mr Speaker, in the past, when we say that students have performed this task, is it that students have directly applied to perform this task, or is it that the Government has allocated from a pool of students a number of students in order to undertake this task?
865

Hon. G H Licudi: Mr Speaker, I do not have the full or accurate answer to this. My understanding of the student scheme is that students apply to join the Government and then the Government decides where those students are allocated, whether it is the Income Tax Office, my office ... I have had one or two this particular year. It is not as if those students
870

applied specifically to come to my office this particular year, but they generally apply for the scheme during the summer and the Government allocates them to the different Departments.

875 **Hon. D A Feetham:** That is my understanding too, and therefore it must follow that it is the Government that has taken the decision not to allocate any students to this particular task. Therefore there must be a reason. Could I ask the Minister for the reason?

880 **Hon. G H Licudi:** Yes, Mr Speaker, and I gave it in my original answer. The Gibraltar Tourist Board felt that this was a service, which was not necessary.

Q791/2016
Cruise ships –
Number of disembarkations and total number of passengers

Clerk: Question 791. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

885 **Hon. T N Hammond:** Can the Government provide a schedule of how many cruise ship passengers disembarked from each cruise ship arrival, together with the number of passengers on board each cruise ship, since January 2012?

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

890 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Gentleman is contained in the schedule now being handed to him.

Whilst the schedule is being taken over, can I just qualify or explain some of the information that the hon. Member will be getting.

895 The schedule contains for each month since January 2012 the cruise ships that have arrived in Gibraltar. It then contains three columns: number of passengers on board, number of crew on board and passengers of crew ashore. Although the question relates to the number of cruise ship passengers disembarked, this is not actually information that is provided by the cruise liners themselves. We have a total number of *people* who have disembarked, but amongst those
900 people who have disembarked we will have, clearly, some crew members. So we have an initial breakdown of the number of passengers and the number of crew on board, but in respect of the numbers disembarking they are mixed together and a split is not given. Therefore, I cannot give the hon. Member the number of passengers who have disembarked. I can give the total number
905 of people who have disembarked, but clearly, given that passengers will always be substantially more, in most cases, than members of the crew, the large percentage of the number of passengers and crew on board will in fact be passengers – but I cannot give him to the last person the exact number, because that information is simply not available.

Jan-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1718	818	2125
MSC Splendida	3813	1295	4660
Princess Danae	292	244	375
Black Watch	716	329	865
MSC Splendida	3286	1299	4211

Feb-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
MSC Splendida	3326	1300	4205
MSC Splendida	3595	1294	4275
MSC Splendida	3454	1282	4096

Mar-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Victoria	1606	746	1475
Grand Holiday	257	565	595

Apr-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	1994	872	2445
Kristina Katarina	319	95	295
Sebourn Spirit	172	171	200
Sebourn Odyssey	436	336	585
Boudicca	825	350	750
Ventura	3412	1232	3950
Azura	3352	1220	3850
Silver Cloud	195	214	250
Corinthian II	86	71	80
Queen Victoria	1957	971	2150
Oceana	2037	881	2345
Albatros	509	349	450
Oriana	1758	804	2175
Queen Victoria	1910	967	2595
Thomson Destiny	1367	518	1528
Empress	1021	641	1401
Azura	3200	1236	3923
Oceana	1987	884	2572
Black Watch	725	341	883

May-12			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Thomson Dream	1267	614	1625
Saga Pearl II	403	265	505
Grand Holiday	549	546	884
Serenade of the Seas	2025	852	2175
Thomson Spirit	1157	483	1125
Clipper Odyssey	33	71	45
Adonia	672	380	750
Rotterdam	1351	605	1350
Brilliance of the Seas	2021	889	2250
Clipper Odyssey	40	69	88
Discovery	489	283	599
Crown Princess	2548	1193	3305
Azura	3213	1204	3975
Island Escape	1507	547	1755
Grand Princess	2586	1090	2955
Eurodam	2096	877	2255
Thomson Dream	1487	616	1275
Kristina Katarina	273	94	200
Balmoral	1259	514	1445
Independence of the Seas	3797	1349	4493
Celebrity Eclipse	2752	1211	3525
MSC Divina	3380	1351	4201
Arcadia	1948	880	2475
Black Watch	740	314	910
Boudicca	808	348	985
Queen Elizabeth	2028	973	2635
MSC Magnifica	2419	962	2975
Oceana	2070	873	2380
Athena	482	247	550
Grand Princess	2551	1088	2975
Crystal Serenity	1009	638	1230
Ventura	3260	1203	3975

Jun-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	3981	1368	4500
Saga Ruby	562	378	795
Riviera	1241	774	1500
Azura	3204	1194	3695
Independence of the Seas	4053	1360	4927
Grand Princess	2622	1090	3309
Ventura	3315	1210	4071
Island Escape	1561	554	1874
Ocean Countess	747	339	650
Thomson Dream	1539	617	1250
Oceana	2122	864	1950
Jul-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4176	1366	4565
Independence of the Seas	4298	1344	4690
Oceana	2158	871	2655
Crystal Serenity	814	604	1295
Ryndam	1353	578	1450
Crystal Serenity	570	605	850
Independence of the Seas	4357	1334	5125
Queen Victoria	2018	970	2505

Aug-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Grandeur of the Seas	2267	821	2504
Island Escape	1647	554	1891
Arcadia	2922	856	3226
Azura	3440	1218	3500
Grand Princess	2884	1129	3210
Thomson Dream	1629	612	1950
Ventura	3386	1226	3750
Independence of the Seas	4264	1336	5005
Balmoral	1362	507	1619
Ventura	3381	1226	4150
Grandeur of the Seas	2294	828	2700
Kristina Katarina	323	91	365
Oceana	2162	879	2450
Grand Princess	2882	1100	3250
Queen Elizabeth	2110	983	2750
Azamara Journey	530	414	600
Independence of the Seas	3956	1348	4725
Grandeur of the Seas	2218	812	2595
Ocean Princess	664	371	875
Queen Elizabeth	2064	987	2690

Sep-12			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Adonia	687	383	780
Azura	3185	1191	3905
Independence of the Seas	3806	1353	4481
Celebrity Eclipse	2870	1183	3595
Star Flyer	139	80	187
Island Escape	1513	547	1735
Prinsendam	796	458	1070
MSC Poesia	2296	962	2715
Riviera	1228	763	1690
Braemar	880	377	950
Grand Princess	2549	1089	2950
Rotterdam	1371	596	1250
Thomson Dream	1492	614	1375
Star Flyer	125	80	150
Discovery	500	284	550
Ventura	3099	1191	3250
MSC Magnifica	2434	970	2950
Deutschland	417	247	495
Marina	1205	769	1660
Oceana	2032	859	2505
Independence of the Seas	3771	1350	4610
Celebrity Eclipse	2861	1197	3599
SS Voyager	679	446	805
Empress	1534	653	1895
Star Flyer	124	76	160
Ventura	3341	1205	4105
Saga Sapphire	550	452	855

Oct-12			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Thomson Dream	1492	605	1600
Boudicca	852	353	750
Grand Princess	2576	1083	2900
Thomson Spirit	1224	485	1375
Ocean Countess	732	331	850
Star Flyer	90	77	100
Albatros	766	342	820
Aurora	1822	824	2175
Independence of the Seas	3733	1355	4620
Star Flyer	118	81	105
Rotterdam	1392	594	1711
Saga Ruby	604	379	500
Ventura	3171	1200	3275
Balmoral	1265	505	1155
Adonia	668	383	700
Star Flyer	100	82	120
Black Watch	706	348	850
Grand Princess	2612	1077	2755
Marco Polo	765	343	850
Hanseatic	140	122	185
Ryndam	1213	559	1490
Kristina Katarina	336	94	310
Corinthian II	96	70	130
Oceana	2091	863	2675
Kristina Katarina	293	92	250
Saga Sapphire	592	450	750
Boudicca	812	353	925

Nov-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Arcadia	2007	851	2250
Black Watch	747	342	650
Island Sky	98	76	80
Azamara Quest	554	431	650
Saga Ruby	568	390	675
Braemar	815	381	780
MSC Fantasia	2519	1271	3175
Maasdam	1154	558	1275
Azamara Quest	546	431	750
Oceana	2036	874	2155
Arcadia	1937	840	2405
Marina	1203	765	1670
Azamara Quest	571	403	775

Dec-12			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Favolosa	1812	955	2150
Azamara Quest	561	379	701
Queen Elizabeth	1984	1001	2591
Pacific Princess	637	362	709
Azura	3065	1188	3881
Black Watch	700	335	802

SCHEDULE TO QUESTION 791/2016

Jan-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	1960	1004	2565
Arcadia	1926	852	2401
Saga Ruby	534	383	755

Feb-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa Magica	2870	979	3425

Mar-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
MSC Lirica	907	674	1250
The World	143	257	250
Oriana	1775	792	2115
Black Watch	659	346	720
Oceana	2027	863	2581
Prinsendam	527	459	804
Azamara Quest	533	407	875
Quest for Adventure	320	262	405

Apr-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Fram	237	79	241
Azura	3383	1178	4051
Boudicca	722	355	893
Tere Moana	85	60	100
Oceana	1934	848	2125
Braemar	754	381	875
Azamara Quest	508	398	675
Seabourn Legend	153	174	200
Azamara Quest	601	400	850
Thomson Majesty	1391	596	1701
Horizon	1541	609	1887
Balmoral	806	526	1190
Seabourn Sojourn	442	341	605
Oriana	1844	772	2310
Ryndam	984	566	1288
Celebrity Equinox	2684	1212	3420
Hamburg	328	168	250

May-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azura	3072	1154	3000
Saga Sapphire	546	432	765
Quest for Adventure	379	266	475
Thomson Spirit	1192	486	1350
Mariner of the Seas	2825	1195	3500
Ruby Princess	2626	1167	3340
Saga Sapphire	663	429	805
Adventure of the Seas	3171	1151	3815
Ventura	3128	1149	3570
Horizon	1360	596	1545
Costa Voyager	526	357	650
Kristina Katarina	292	93	250
Saga Ruby	473	372	750
Braemar	864	370	985
Hanseatic	166	116	235
Oceana	2035	834	2470
Celebrity Eclipse	2831	1190	3500
Crown Princess	3026	1163	3690
Thomson Dream	1573	607	1902
Ocean Princess	624	375	891
Disney Magic	2012	1049	2500

Jun-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azamara Quest	496	442	750
Crystal Serenity	713	625	950
Oriana	1827	785	2101
Arcadia	1996	837	2350
Island Escape	1552	544	1575
Azura	3080	1153	3275
Independence of the Seas	4063	1373	4965
Royal Princess	2726	1369	3275
Crystal Symphony	912	574	1125
Thomson Dream	1543	607	1875
Azura	3140	1158	3250
Ventura	3177	1154	3500
Crown Princess	3074	1150	3760

Jul-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4076	1372	4922
Oceana	2079	845	2125
Island Escape	1629	539	1950
Independence of the Seas	4177	1351	4505
Ventura	3470	1170	4020
Queen Victoria	1975	975	2665
Oriana	1832	797	2395
Thomson Dream	1622	609	1950
Azura	3276	1158	3150
Adventure of the Seas	3677	1156	4125
Independence of the Seas	4225	1373	5101

Aug-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	2186	848	2500
Azura	3358	1181	3850
Crown Princess	3380	1154	3750
Aurora	1953	819	2175
Ventura	3426	1181	4205
Independence of the Seas	4322	1339	5095
Adventure of the Seas	3732	1183	4450
Quest for Adventure	254	259	359
Ryndam	1356	567	1671
Arcadia	2034	884	2408
Balmoral	1304	509	1450
Crystal Symphony	672	572	1050
Queen Victoria	2040	972	2175
Boudicca	843	358	950
Ventura	3396	1191	3990
Kristina Katarina	311	92	250
Azura	3323	1182	3000
Independence of the Seas	4137	1361	4675
Azamara Quest	518	416	850

Sep-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	2034	1014	2250
Island Escape	1534	544	1750
Voyager	403	215	350
Oriana	1831	790	1682
Oceana	2001	855	2350
Ocean Princess	675	370	763
Crown Princess	3076	1114	3400
Star Flyer	144	73	160
Star Flyer	149	73	156
Thomson Dream	1488	614	1500
Adventure of the Seas	3198	1169	3500
Arcadia	1976	847	1850
Celebrity Eclipse	2857	1226	2900
Boudicca	726	356	700
Star Flyer	44	73	60
Rotterdam	1372	590	1500
Discovery	606	315	500
MSC Poesia	2301	960	2500
Independence of the Seas	3914	1346	3700
Riviera	1236	769	1580
Ventura	3100	1175	3150
MSC Magnifica	2474	980	2755
Empress	1571	664	1689
Star Flyer	114	78	154
Queen Victoria	1912	977	1750
Braemar	836	322	750

Oct-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Riviera	1226	771	1500
Celebrity Eclipse	2815	1218	3100
MSC Magnifica	2624	972	2500
Star Flyer	81	81	100
Island Escape	1539	539	1450
Oriana	1804	785	1850
Aurora	1866	824	2000
Rotterdam	1331	595	1250
Oceana	1989	860	1850
Thompson Spirit	1190	489	1000
Star Flyer	107	83	70
Crown Princess	3073	1128	2900
Saga Sapphire	563	420	675
Saga Ruby	507	361	650
Club Med II	225	183	250
Oceana	1997	864	2250
Star Flyer	84	77	90
Ventura	3106	1188	1996
Sea Dream 1	91	98	120
Albatros	595	344	750
Oriana	1699	787	1900
Seabourn Quest	454	340	500
Oceana	2051	860	2200
Tere Moana	82	59	100
Boudicca	706	376	700
Kristina Katarina	327	91	300

Nov-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Victoria	1921	993	2200
Arcadia	1957	847	2000
Horizon	1286	619	1000
Oriana	1648	797	1900
Oceana	1921	852	2200
Albatros	633	344	700
Azamara Quest	598	404	765
Black Watch	633	330	740
Quest For Adventure	296	258	365
Crystal Serenity	499	632	604
Silver Spirit	457	376	575
Saga Ruby	613	364	655
Horizon	794	616	1050
Aurora	1492	812	1267
Marina	1155	751	1500
Oriana	1608	778	1850
Massdam	1163	569	800
Queen Victoria	1522	983	1900
Oceana	1520	845	1950

Dec-13			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Aurora	1657	800	2122
Queen Victoria	1487	975	1980
Hamburg	262	161	300
Queen Elizabeth	1832	984	2150
Pacific Princess	641	353	600
Saga Pearl II	295	256	300
Boudicca	606	369	720
Albatros	691	334	750
Rotterdam	1133	597	1250
Oceana	1290	849	1750
Black Watch	720	332	650
Saga Pearl II	329	250	400
Adonia	642	375	650
Saga Ruby	559	365	600
Oriana	1741	769	1900

SCHEDULE TO QUESTION 791/2016

Jan-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Elizabeth	1997	993	238
MSC Fantasia	3641	1308	1670
Balmoral	1000	517	800
Rotterdam	1313	591	1400
Oriana	1664	776	1900

Feb-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1694	781	1950

Mar-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE*</u>
Costa Classica	1233	560	1250
Thomson Majesty	1441	566	1350
Oceana	1965	857	2150
Silver Wind	254	223	95

Apr-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Thomson Majesty	1436	579	284
MSC Fantasia	3162	1244	809
Costa Mediterranea	1966	850	2150
Azamara Quest	604	399	400
Saga Pearl II	372	268	420
Prinsendam	426	478	625
Oceana	2049	872	2200
Island Escape	1624	538	1825
Tere Moana	77	61	80
Thomson Majesty	1550	582	1600
Nieuw Amsterdam	2033	860	2150
Zenith	1611	609	1750
Island Escape	1490	543	1626
Crystal Serenity	866	632	820
Ryndam	1184	563	1020
Ocean Dream	971	357	620
Celebrity Equinox	2674	1260	2750
Saga Pearl II	391	261	365
Funchal	81	172	125
Arcadia	2022	860	1975
Saga Sapphire	622	424	725
Voyager	461	226	375
Thomson Celebration	1184	536	1125
Azura	3086	1183	3000
Celebrity Silhouette	2786	1224	3215
Thomson Dream	1347	607	1320

May-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Artania	1048	518	850
Star Flyer	153	79	120
Eurodam	2052	860	1950
Black Watch	647	358	560
Rotterdam	1341	594	1400
Zenith	1585	615	1475
Aurora	1825	821	1900
Prinsendam	761	473	800
Horizon	1287	657	1375
Azura	3019	1181	2800
Adventure of the Seas	3004	1179	3112
Zenith	1380	610	1512
Celebrity Eclipse	2831	1211	2765
Emerald Princess	3122	1140	3107
Black Watch	743	342	650
Thomson Dream	1611	615	1598
Azamara Journey	664	404	750

Jun-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Horizon	794	612	1497
Oceana	1948	870	1342
Island Escape	1518	550	1238
Independence of the Seas	3881	1369	4551
Boudicca	617	360	525
MSC Splendida	3578	1264	2900
Arcadia	2043	856	2275
Queen Elizabeth	1993	1002	2100
Independence of the Seas	3992	1367	4318
Thomson Dream	1491	616	1384
Zenith	1391	581	1400
Emerald Princess	3075	1159	2241
Azura	3088	1170	3000
Aurora	1808	811	2025

Jul-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence of the Seas	4064	1377	3871
Dawn Princess	1798	841	1850
Independence of the Seas	4185	1380	3849
Island Escape	1576	545	1193
Oceana	2017	863	2116
Arcadia	2068	848	2091
Thomson Dream	1606	615	1750
Emerald Princess	3353	1161	2400
Adventure of the Seas	3671	1164	2900
Crystal Serenity	978	628	1050
Boudicca	608	351	671
Independence of the Seas	4122	1379	3985

Aug-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Saga Pearl II	421	262	421
Celebrity Eclipse	3148	1213	2800
Queen Victoria	1990	1002	1750
Azura	3414	1190	2151
Aurora	1931	830	1750
Insignia	680	229	874
Independence	4120	1374	4000
Oceana	2169	871	2750
Adventure of the Seas	3281	1189	3812
Thomson Dream	1617	615	575
Insignia	635	401	750
Zenith	1800	615	1975
Tere Moana	70	62	58
Adventure of the Seas	3777	1166	2800
Tere Moana	92	41	80
Oceana	2176	873	2500
Azura	3087	1168	2350
Island Escape	1583	550	1850
Crystal Serenity	997	631	1455
Ocean Dream	1922	1027	2450

Sep-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ocean Princess	697	389	512
Azura	3281	1189	3211
Azamara Journey	727	412	797
Ryndam	1253	560	1201
Sea Cloud II	92	63	127
Arcadia	2076	863	2255
Celebrity Eclipse	2918	1210	3189
SeaDream I	102	93	120
Emerald Princess	3053	1132	3082
Arcadia	2023	849	2063
Adventure of the Seas	3232	1164	2750
Braemar	843	381	650
Azura	3049	1164	2700
Prinsendam	815	467	750
Emerald Princess	3104	1131	2600
Marina	1198	769	950
Louis Aura	450	271	385
MSC Poesia	2487	951	2150
Rotterdam	1356	603	950
Bremen	128	99	75
Oceana	1974	844	2112
Independence of the Seas	3839	1354	3887
Horizon	1351	622	1250
Empress	1611	648	1510
Marina	1154	770	1020
Saga Sapphire	640	430	591
Thomson Dream	1480	623	1326

Oct-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Tere Moana	82	60	79
Saga Pearl II	355	268	220
Rotterdam	1281	602	950
Thomson Spirit	1201	483	1394
Oriana	1833	782	1875
Tere Moana	72	60	68
Oceana	1934	852	1850
Island Escape	1524	542	1398
Seven Seas Mariner	686	449	175
Azura	3144	1166	2637
Emerald Princess	3073	1138	2961
Saga Sapphire	652	428	525
Tere Moana	85	60	90
Boudicca	703	363	457
Adventure of the Seas	3203	1167	2650
Azura	3081	1181	2570
Oriana	1766	797	1300
Thomson Dream	1526	618	746
Tere Moana	83	63	82
Queen Victoria	1905	983	1912
Noordam	1877	805	1182
Horizon	1606	613	1550
Tere Moana	85	64	83
Oceana	2093	873	2123
Arcadia	2001	848	1975
Oriana	1837	804	1911

Nov-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Queen Victoria	1902	991	1742
Saga Pearl II	419	265	436
Thomson Dream	1480	617	1366
Wind Star	130	98	135
Thomson Majesty	1386	594	1338
Thomson Dream	1441	621	1188
Aurora	1789	855	1634
Azamara Journey	638	396	540
Thomson Celebration	1215	547	864
Black Watch	367	206	380
Seabourn Seajourn	406	334	498
MSC Armonia	1505	733	1389
Thomson Dream	1462	635	1129
Azamara Journey	631	395	400
MSC Fantasia	3321	1263	2750
Azamara Journey	588	390	210
Costa Fortuna	2527	962	1333
Azamara Journey	1150	568	993

Dec-14			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1852	963	1951
Queen Victoria	1751	934	1785
Oceana	1634	857	1444
Albatross	671	359	581
Boudicca	709	361	758
Ocean Princess	710	329	619
Queen Elizabeth	1941	963	2125
Queen Victoria	1932	969	2075
Arcadia	1992	873	305
Marco Polo	764	343	575
Balmoral	1266	505	875

SCHEDULE TO QUESTION 791/2016

Jan-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Saga Sapphire	608	423	431
Saga Pearl II	373	264	158

Feb-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oceana	1963	855	1900
Oriana	1796	795	1350
Oriana	1803	790	1475

Mar-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Britannia	3497	1384	4822
Oceana	1829	848	1600
Boudicca	754	368	379

Apr-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Corinthian	92	57	90
Prinsendam	283	464	218
Costa Mediterranea	1035	843	650
Rotterdam	1044	598	1004
MSC Sinfonia	2331	715	1950
Ventura	3343	1189	2200
National Geographic Explorer	142	98	150
Corinthian	87	59	90
Island Escape	1524	537	1064
Riviera	1115	770	871
Azamara Journey	549	404	343
Britannia	3517	1365	3113
Ventura	3079	1178	2699
Black Watch	631	367	623
Nieuw Amsterdam	1994	874	1961
Celebrity Constellation	2094	945	1758
Tere Moana	85	62	72
Thomson Majesty	1372	604	1816
MSC Splendida	3319	1246	2210
Vision of the Seas	1921	798	1500
Horizon	1168	608	1081
Azores	499	271	463
Hamburg	241	166	216
Costa Magica	2172	947	2180
MSC Sinfonia	1914	723	1588
Silver Spirit	485	371	305
Thomson Celebration	1194	537	454
Horizon	1312	622	1298
Tere Moana	76	62	76
Eurodam	2089	855	1997
Thomson Dream	1408	656	1250
Club Med II	240	176	250

May-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Aurora	1786	831	1307
Saga Sapphire	594	439	623
Emerald Princess	2973	1169	2064
Silver Explorer	46	118	161
Corinthian	93	62	86
Tere Moana	83	62	93
Viking Star	759	473	326
Saga Pearl II	421	270	258
Anthem of the Seas	3867	1651	4268
Arcadia	2002	838	1515
Prinsendam	777	472	1021
Ryndam	1146	571	1326
Star Flyer	135	78	78
Explorer of the Seas	3105	1207	2795
Thomson Dream	1417	641	1150
Ventura	3024	1153	2492
Seabourn Quest	449	338	292
Azura	2927	1196	2467
Crystal Serenity	1031	629	768
Caribbean Princess	3148	1163	2929
Seven Seas Voyager	703	451	451
Queen Victoria	1945	966	1866
Aurora	1812	816	1843

Jun-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ventura	3073	1158	2700
Azamara Quest	658	392	290
Island Escape	1519	547	1048
Star Legend	194	146	188
Explorer of The Seas	3265	1215	2800
Caribbean Princess	3211	1157	2965
Queen Elizabeth	2028	1005	1600
Arcadia	2045	846	1806
Aegean Odyssey	271	168	310
Queen Elizabeth	2029	1000	1500
Saga Sapphire	562	425	618
Oriana	1811	806	1560
Thomson Dream	1480	638	1131
Anthem of the Seas	4496	1569	3685
Britannia	3617	1360	3383
Aurora	1829	837	1814

Jul-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Explorer Of The Seas	3274	1168	2800
Ventura	3752	1208	2758
Saga Sapphire	614	431	653
Anthem of the Seas	4117	1582	2101
Star Breeze	208	150	150
Crystal Serenity	1067	628	1125
Arcadia	2033	854	1775
Star Breeze	211	149	145
Explorer Of The Seas	3860	1203	2732
Anthem of the Seas	4749	1571	3826
Azura	3307	1194	2056
Caribbean Princess	3446	1172	2800
Explorer Of The Seas	3951	1199	2900
Island Escape	1649	549	1500
Queen Elizabeth	2133	988	2100
Aurora	1923	842	1900

Aug-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Oriana	1870	808	1258
Anthem of the Seas	4779	1579	3050
Azura	3400	1199	3260
Ventura	3401	1174	3028
Disney Magic	2576	1017	2175
Seven Seas Mariner	711	444	813
Thomson Dream	1608	647	1371
Anthem of the Seas	4791	1571	3225
Tere Moana	83	65	39
Viking Star	669	469	506
Explorer of the Seas	3888	1189	3499
Crystal Serenity	1001	625	730
Tere Moana	77	62	82
Oriana	1845	799	1644
Caribbean Princess	3503	1170	3126
Britannia	3956	1374	4923
Aurora	1945	834	1826
Horizon	1447	599	1352

Sep-15			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Celebrity Eclipse	2814	1239	2729
Sea Cloud II	89	63	89
Oriana	1831	807	1578
Island Escape	1528	551	1192
Anthem of the Seas	4259	1601	3724
Explorer of the Seas	3294	1200	3078
Azamara Quest	655	402	417
Costa Favolosa	3222	1020	2861
Celebrity Silhouette	2823	1260	2784
Ventura	3128	1168	2306
Queen Elizabeth	2037	1001	1669
Azores	498	261	181
Aurora	1843	819	1822
Horizon	1224	610	1150
Star Legend	202	144	227
Tere Moana	78	62	74
Azura	3044	1155	2606
Ryndam	1158	562	904
MSC Splendida	3393	1254	3320
Tere Moana	74	62	54
Briannia	3547	1348	4238
Costa Neo Romantic	1002	218	963
Empress	1613	650	1457
Prinsendam	790	462	649
MSC Orchestra	2581	956	2008
Thomson Dream	1496	631	1416
Queen Elizabeth	1993	993	1736

Oct-15			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
MSC Sinfonia	2049	732	1973
Rotterdam	1318	606	1068
Arcadia	1991	871	2022
Celebrity Equinox	2787	1221	2485
Braemar	809	389	629
Explorer of the Seas	3188	1205	2266
Ventura	3076	1150	3000
Island Escape	1501	540	1117
Queen Elizabeth	2032	983	2024
Oriana	1792	800	1588
Ocean Dream	770	390	695
Horizon	1214	610	1069
SeaDream II	110	92	85
Seabourn Odyssey	443	347	219
Britannia	3538	1368	4344
Azura	3119	1175	3512
Tere Moana	81	61	77
Ventura	3093	1164	2752
Nieuw Amsterdam	2035	863	2623
Aurora	1808	821	1849
Empress	635	442	338
Saga Pearl II	404	271	174
Tere Moana	82	61	80
Magellan	1134	561	1117
Star Pride	185	145	176
Seven Seas Mariner	669	452	450
Balmoral	1221	525	1125
Marina	1171	771	1230
Aurora	1820	805	1765
Queen Victoria	1967	988	1328

Nov-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Star Legend	161	134	120
Vision Of The Seas	1938	787	1500
Oceana	1993	836	1909
Queen Elizabeth	2014	979	1912
Saga Sapphire	621	430	413
Thomson Dream	1498	635	1515
Tere Moana	87	61	85
Thomson Celebration	1218	548	1532
Thomson Majesty	1414	594	1278
Oriana	1788	790	1530
Boudicca	600	400	495
MSC Opera	2136	739	1934
Crystal Serenity	988	630	946
Horizon	802	613	750
Azamara Journey	660	402	452
FTI Berlin	358	177	200
Oceana	1961	825	1705
Sovereign	332	791	346
Star Breeze	132	139	99
Ventura	3015	1174	3126
MSC Opera	2148	755	1962
Rotterdam	1362	592	1098
Tere Moana	38	68	67
Azamara Journey	593	411	452

Dec-15			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Maasdam	1077	561	826
Crystal Serenity	419	460	385
Ocean Princess	622	373	537
Queen Victoria	1824	977	1758
Oceana	1903	826	981
Artania	1024	496	723
Oriana	1789	814	1723
Aurora	1802	818	1590
Magellan	1206	560	1175
MSC Fantasia	4008	1274	3105

SCHEDULE TO QUESTION 791/2016

Jan-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Rotterdam	1054	597	1043

Feb-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Berlin	379	177	221

Mar-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Ventura	2971	1176	2682
Magellan	1173	574	950
Costa Pacifica	2631	1050	2497
Sovereign	1141	801	1250
Costa Magica	1876	967	2125
Silver Cloud	225	156	195
L'Austral	200	145	150
Oceana	2063	885	2020

Apr-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Costa neo Romantica	1470	613	1100
Oriana	1770	818	1493
Britannia	3751	1389	3216
Horizon	1278	622	1022
Mein Schiff 4	2576	1015	2952
Zenith	117	615	168
Silver Wind	164	230	174
Corinthian	87	68	90
Seabourn Quest	452	345	250
Celebrity Constellation	2022	960	1471
Star Clipper	59	78	50
Britannia	3597	1550	3456
Costa Favolosa	2586	1018	2423
Azamara Journey	560	405	472
Corinthian	83	63	85
Variety Voyager	58	30	65
Costa Magica	2767	960	2164
Saga Pearl II	418	275	253
Ventura	3030	1165	2583
Viking Star	905	470	663
Le Lyrial	206	142	229
Star Legend	205	155	234
Eurodam	2012	854	2145
Azura	2974	1158	3351
Prinsendam	636	467	652
Riviera	1002	782	1286
Corinthian	86	64	90
Costa neo Romantica	1429	609	1525
Tere Moana	80	62	90
Thomson Celebration	1154	531	1148
Royal Clipper	194	110	150
Seabourn Quest	435	343	425
Star Flyer	110	77	95
Black Watch	467	359	327
Corinthian	84	63	110
Thomson Majesty	1465	584	1150

May-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Rotterdam	1377	599	531
Mein Schiff 3	2480	1023	2150
Koningsdam	2292	1053	1975
Royal Princess	3486	1334	4151
Ocean Endeavour	76	109	68
Ocean Majesty	388	238	352
Brilliance of the Seas	1979	905	2159
Ovation of the Seas	4017	1689	5136
Royal Princess	3598	1324	1720
Aurora	1809	815	1274
SeaDream I	110	94	95
Jewel of the Seas	1943	892	1285
Star Breeze	200	154	175
Koningsdam	2238	1063	1788
Thomson Spirit	1219	497	1152
Ventura	3037	1163	2590
Horizon	1136	626	1062
Independence of the Seas	3804	1429	3364
Arcadia	1980	877	1615
Costa Magica	2640	956	2208
Crystal Symphony	823	569	1023
Emerald Princess	3039	1157	2873
Black Watch	664	360	622
Oriana	1751	814	1700
Oosterdam	1837	782	1745
Seven Seas Voyager	657	453	250
Thomson Spirit	1232	498	929
Queen Elizabeth	2002	992	1800
Thomson Spirit	1300	497	1152
Royal Princess	3699	1330	2963

Jun-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Azamara Quest	642	403	370
Ventura	3062	1170	2982
Star Legend	179	155	174
Independence of the Seas	3891	1405	2756
Boudicca	767	371	748
Ventura	3075	1168	2886
Thomson Spirit	1219	191	461
Thomson Majesty	1451	584	1405
Costa Magica	2930	967	2504
Europa 2	476	360	382
Queen Victoria	1908	966	1606
Aurora	1819	813	1574
Independence of the Seas	3838	1425	3370
Royal Princess	3798	1331	2749
Queen Victoria	1984	980	2060
Thomson Spirit	1249	491	978
Royal Princess	3963	1325	3091

Jul-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Thomson Spirit	1240	491	690
Britannia	3832	1379	3284
Riviera	1259	765	805
Celebrity Constellation	2283	980	1346
Ventura	3325	1181	3097
Independence of the Seas	4201	1408	3534
Navigator of the Seas	3793	1212	2975
Star Breeze	202	146	199
Oosterdam	2135	797	1686
Thomson Spirit	1265	493	1052
Arcadia	2025	859	1712
Tui Discovery	1976	773	1499
Royal Princess	3962	1313	2573
Queen Elizabeth	2029	986	2050
Independence of the Seas	4331	1401	2373
Costa Magica	3370	961	2909
Star Breeze	198	153	220
Sirena	682	392	464
Thomson Spirit	1303	490	1075
Azura	3335	1203	2235
Navigator of the Seas	3885	1194	3758
Saga Pearl 2	418	275	215

Aug-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Independence Of The Seas	4336	1384	2860
Emerald Princess	3537	1168	3082
Oriana	1796	805	1565
Thomson Majesty	1644	579	500
Ventura	3395	1184	974
Navigator of the Seas	3914	1191	3201
Royal Princess	4093	1339	1300
Thomson Spirit	1326	494	1125
Tui Discovery	1977	768	1713
Royal Princess	4025	1336	3023
Independence Of The Seas	4335	1373	4020
Crystal Symphony	861	572	732
Thomson Spirit	1292	489	1290
Star Legend	154	185	154
Minerva	237	180	281
Ventura	3389	1186	2715
Aurora	1943	830	963
Independence Of The Seas	4001	1395	3797
Emerald Princess	3507	1163	2979

Sep-16			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Azura	2974	1171	2828
Seven Seas Explorer	736	544	460
Ventura	3111	1155	2963
Costa Magica	3084	955	2655
Thomson Spirit	1217	486	1027
Royal Princess	3617	1356	2854
Celebrity Cruises	2836	1222	2071
Sea Cloud II	89	63	73
Oosterdam	1984	794	1796
Navigator of the Seas	3356	1221	2589
Thomson Majesty	1442	571	1305
Celebrity Silhouette	2812	1215	2521
Costaneoromantica	1791	756	1310
Tui Discovery	1485	625	1217
Queen Elizabeth	2031	999	1900
Braemar	836	387	798
Emerald Princess	3007	1184	2619
Horizon	1367	603	1309
Prinsendam	830	456	785
Pacific Princess	654	380	598
Thomson Spirit	1222	491	1138
Insignia	533	397	396
MSC Musica	2204	932	2000
Navigator of the Seas	3330	1217	2879
Independence of the Seas	3820	1396	3577
Celebrity Equinox	2764	1211	2778
MSC Opera	2105	738	1763
Thomson Spirit	1221	493	1028
Koningsdam	2587	998	1664
Mein Schiff 1	1950	813	1720
Azura	3010	1177	2579

Oct-16			
NAME OF VESSEL	PAX ON BOARD	CREW ON BOARD	PAX/CREW ASHORE
Marina	1191	771	1123
Sirena	638	405	786
Aurora	1824	809	1979
Costa Magica	2826	981	3501
Mein Schiff 1	2113	817	2000
Thomson Spirit	1230	497	969
MSC Splendida	3392	1248	3065
Hebridean Sky	104	76	100
Ventura	3012	1168	2790
Britannia	3663	1355	3125
Boudicca	710	378	650
Mein Schiff 4	2705	1014	2096
Celebrity Silhouette	2861	1229	2125
Star Flyer	157	75	125
Balmoral	1218	521	1090
Clio	79	60	98
Hamburg	304	169	216
Koningsdam	2611	991	1855
Oriana	1738	810	1447
Magellan	1230	589	1320
Brilliance of the Seas	2027	894	812
Seven Seas Navigator	474	359	475
Marco Polo	735	358	580
Thomson Spirit	1264	489	1092
Carnival Vista	3814	1443	4200
Mein Schiff 4	2715	1020	1877
Oceana	1973	866	1794
Eurodam	2136	852	1500
Oosterdam	1957	788	1332
Tui Discovery	2010	753	1350
Mein Schiff 4	2368	1017	1993
Le Lyrial	189	130	106
Clio	82	59	112
Serenissima	90	58	102
Thomson Spirit	1254	485	965
Tui Discovery	1789	737	1306

Nov-16			
<u>NAME OF VESSEL</u>	<u>PAX ON BOARD</u>	<u>CREW ON BOARD</u>	<u>PAX/CREW ASHORE</u>
Serenissima	90	58	104
Queen Elizabeth	90	58	105
Mein Schiff 5	1999	911	2005
Arcadia	2475	1025	2118
Star Breeze	2015	870	1800
	171	144	205

Q792-793/2016

***Sunborn* Hotel –**

Current total workforce; number of Gibraltarians employed

Clerk: Question 792. The Hon. D A Feetham

910 **Hon. D A Feetham:** Mr Speaker, what is the current total workforce at the *Sunborn* Hotel?

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

915 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 793/2016.

Clerk: Question 793. The Hon D A Feetham.

920 **Hon. D A Feetham:** Mr Speaker, how many Gibraltarians are currently employed at the *Sunborn* Hotel?

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

925 **Hon. G H Licudi:** Mr Speaker, as stated in answer to Questions 280-283/2016, the information the hon. Member requests is confidential by virtue of the Employment Regulations 1994.

930 **Hon. D A Feetham:** But Mr Speaker, in relation to the second question, which is the number of Gibraltarians that are currently employed at the *Sunborn* Hotel, why would that be confidential, when in fact the Government itself in the past has commented on the number of people it was sending to the *Sunborn* Hotel in order to be employed? The Government talks about the number of people that are sent to the *Sunborn* Hotel to be employed, ergo – what the
935 Government is saying is, 'We are making an effort to send the *Sunborn* Hotel Gibraltarians to be employed by them' – is it not reasonable for me to ask how many Gibraltarians are currently employed by the *Sunborn* Hotel?

940 **Hon. G H Licudi:** Mr Speaker, the issue is not whether it is reasonable for the hon. Member to ask or not; the issue is that regulation 3 of the Employment Regulations 1994 relates to

confidentiality and actually prevents the Government from giving this information. That is the advice that had been given to the Government previously in answer to Questions 280-283/2016. I have taken advice again and the Government simply is bound by confidentiality.

945 **Hon. D A Feetham:** Mr Speaker, the reason why I raise this particular question is because certainly in my surgeries on a very regular basis I get people who come to see me – Gibraltarians – to tell me that they have applied for jobs at the *Sunborn* Hotel and they feel that they are being discriminated against, and that there is a preference by this particular employer to employ non Gibraltarians.

950 What is the Government doing to keep tabs on the situation in relation to how many Gibraltarians are being employed by an entity that obviously is in receipt of a substantial amount of money by way of a loan from Credit Finance – £30 million to £40 million pounds – and therefore it ought to be giving something back in employing Gibraltarians?

955 **Hon. G H Licudi:** Mr Speaker, the hon. Member seems to believe that because the information has not been provided to him it is not something that we have or that we monitor. Of course we have the numbers. Of course the Government has the numbers, but the Government is prevented through confidentiality provisions in the law. So the law prevents the Government from providing that information. So we do have Gibraltarians employed in the
960 *Sunborn*.

The hon. Member knows the very extensive efforts that were made, particularly by my predecessor in Employment, in tackling the issue of Gibraltar unemployed and the very successful policy that this Government has pursued – not just the policy but the practice of the hon. Member, my hon. and learned colleague in the past where we have record numbers of low
965 Gibraltarians unemployed. That must count for something. That must count for the fact that the hon. Member did an excellent job in his time as Minister for Employment, that he deployed his resources appropriately, that we deployed a lot of effort in getting Gibraltarians into employment – and those efforts have paid off, and therefore there is no question ... Certainly it
970 would be a serious matter if the Government became aware that Gibraltarians were being discriminated against, there is no question of that either happening or being tolerated by the Government in any way. The Government would certainly take it as a very serious issue. So we are satisfied that that is not the case and we are also satisfied that the steps that the Government has taken in respect of getting Gibraltarians into employment are working and have worked, and that is why we have record low numbers.

975 **Hon. D A Feetham:** So does it follow from that answer that the Government is satisfied with the number of Gibraltarians employed at the *Sunborn* Hotel?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member has in relation to the
980 *Sunborn* Hotel – whether he really wants it to fail, whether he wants everybody to be without employment. I am not sure what his agenda is, but whether more Gibraltarians can be employed at the *Sunborn* Hotel or any other employer is something that the Government will always be striving for. Will we ever be satisfied? We will be satisfied when we have zero unemployment of Gibraltarians. Can we ever get to that? Well, that might be something of a difficult task, but
985 what we will certainly do is continue our efforts, not just with respect to the *Sunborn* but with respect to every employer, our efforts to get Gibraltarians into employment. Those efforts have paid off in the past and will continue in the future.

Hon. D A Feetham: With respect to the hon. Gentleman, the answer is certainly a master
990 class at avoiding the question and evading the question. But the question was is the Government satisfied with the number of Gibraltarians employed at the *Sunborn* Hotel, not the number of Gibraltarians employed generally. It is not about the efforts that the Government has made

generally; it is in relation to the *Sunborn* Hotel. Is the Government satisfied at the number of Gibraltarians employed by that entity?

995

Hon. G H Licudi: Mr Speaker, does the hon. Member think that Parliament is the right place for the Government to be answerable in respect of individual employers and what they do? No, certainly not. The Government is answerable for Government policy and Government actions and Government information that it can and does make publicly available. That is what the Government is answerable for and that is what the rules provide.

1000

The hon. Member cannot ask me about the actions of a particular employer. We would be here all day if we go through employer by employer, as we could if the hon. Member was able to ask these sort of questions, because then we would be talking about the number of Gibraltarians employed by every single employer in Gibraltar, whether the Government was satisfied or not. That is not the purpose of Question Time. That is not what the rules, in my view, allow for. What I have given is Government policy, Government views and the efforts that the Government has been making in this field. I can tell him – because the hon. Member asked whether the Government is satisfied – the Government is entirely satisfied with the efforts it is making and the efforts that it has made in getting Gibraltarians into employment.

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1010

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman not recognise that there is a distinction between the average employer and this particular employer? This is a particular employer that is in receipt of a loan of between £30 million and £40 million pounds of savers' and taxpayers' money by way of Credit Finance, and therefore in those circumstances it is completely and utterly appropriate for me to come to this House and ask the Government whether it is satisfied with the level of employment of Gibraltarians by the *Sunborn* Hotel. Is that not the case?

1015

Hon. G H Licudi: Mr Speaker, again I have to wonder what the hon. Member has in respect of the *Sunborn* Hotel, because he chooses this particular employer – he seems to have an obsession with the *Sunborn* and almost an unhealthy obsession with someone who is providing a very good service to Gibraltar – and actually failing, because that seems to be the agenda in the hon. Member's mind.

1020

The Government will not get into issues of individual employers and the actions of individual employers and whether those actions are right or not. If the Government has issues to raise with individual employers the Government will do so, but Parliament is not the right place for the Government in any way ...

1025

The hon. Member seems to be almost trying to make the Government accountable simply on the basis that someone has received a loan from a public entity. That does not make the Government accountable for all the actions of that particular individual or employer, and that is not something that we are willing to get into.

1030

Q737/2016

Beaches and bathing facilities – Maintenance costs

Clerk: Question 737. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government disclose the cost of maintenance in each beach or bathing facility for the financial years ending 31st March for each of the financial years since 2012 and the current financial year to date?

1035

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

1040

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

Answer to Question 737/2016

Total cost of maintenance and capital investments in all beaches

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
£248,434	£1,224,946	£531,870	£224,683	£186,612

Total cost of maintenance and capital investments in the bathing pavilion is

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
£0	£0	£20,820	£9,942	£9,569

Mr Speaker: It is not a very long schedule, so if the hon. Member wishes to ask any supplementary now, he can do so.

The Hon. Trevor Hammond.

1045

Hon. T N Hammond: Mr Speaker, if I may ask the Minister the reason for the significant spike in the year 2013-14, where the costs seem to have risen to £1.2 million.

1050

Hon. Dr J E Cortes: Mr Speaker, I do not have direct information – Members must recall that I have assumed responsibility for this only in recent weeks – but from memory I suspect that it is because of the marked improvements that this Government made to beaches, in what was essentially our second summer after the experience of our first summer, where we carried out considerable improvements to all beaches, including by way of accessibility and other improvements.

1055

I would have to confirm exactly what the costs were and what the money was spent on, but I suspect it was the year when our beaches were taken up to another level by the then Minister for Tourism, the Hon. Neil Costa.

Hon. T N Hammond: Mr Speaker, I am grateful to the Minister for his answer.

1060

In re-reading the question, I believe the question is a bit more specific in that we asked the cost of maintenance in *each* beach or bathing facility and we have a total cost in all beaches. I was wondering if the Minister would be able to provide a breakdown in due course.

1065

Hon. Dr J E Cortes: Mr Speaker, the information is divided into beaches collectively and the bathing pavilion. I have not been provided with a breakdown. Whether that is because ... I seem to recall I was told that for some items they are bought collectively for all the beaches and it is not easy to break them down into particular beaches. However, I will once again ask and confirm whether that is true and I would be happy to ... There is no reason why we do not want to divide it into beaches; it is just the way, I suspect, that the information is recorded. If you buy certain items which are used across the beaches, perhaps there is not a breakdown in the book as to how many go to one beach or the other, but I will enquire and confirm that, Mr Speaker.

1070

Q738/2016

**Floating attractions on beaches –
Cost; confirmation of condition**

Clerk: Question 738. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1075 **Hon. T N Hammond:** Mr Speaker, can the Government disclose the cost of the floating attractions once enjoyed on our beaches and confirm they have all been subjected to vandalism and are beyond economical repair?

1080 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1085 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the cost was answered in Question 590/2016. Of the six attractions purchased, one is usable. The decision to discontinue their use was made due to the high cost of maintaining these, principally because they suffered from vandalism. The five that are unusable are beyond economic repair.

Q739/2016

**Jellyfish nets –
Cost of provision**

Clerk: Question 739. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1090 **Hon. T N Hammond:** Can the Government disclose the cost of providing jellyfish nets as at the end of each financial year since they were first installed to date?

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

1095 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

Answer to Question 739/2016

The total cost of providing jellyfish nets is as follows

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Nil	£93,230	£48,345	£30,154	£31,850 to date

1100 **Hon. T N Hammond:** Just for my own understanding of the answer, is it fair to say that the higher cost for the year 2013-14 was due to the purchase of the nets and then, presumably, in the years subsequent to that, the costs have been more to do with maintenance of the nets?

1105 **Hon. Dr J E Cortes:** Yes, Mr Speaker, essentially they had to be purchased and we needed to get an expert over to advise on the deployment and so on and so forth, whereas in subsequent years it has been replacing particular bits, repairing particular bits and more of a maintenance than the upfront purchase of the equipment.

Q740-741/2016
Gibraltar Tourist Board –
Arrears owed by tourist sites

Clerk: Question 740. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government explain what measures are being taken to recover the arrears due to the Gibraltar Tourist Board in respect of tourist sites?

1110

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

1115 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 741.

Clerk: Question 741.

1120 **Hon. T N Hammond:** Can the Government disclose details of how many companies, businesses or individuals owe arrears to the Gibraltar Tourist Board in respect of tourist sites, together with the amount they each owe and amount owed by each debtor per financial year?

1125 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Hon. Dr J E Cortes: Mr Speaker, yes the GTB constantly monitors the amount of arrears owed by these companies and pursues payments, which are effected regularly, to recover the moneys owing.

1130 All operators buying tickets for the tourist sites enjoy a 90-day credit period.
The specific information requested is in the schedule which I have just handed over.

Answer to Question 741/2016

2009/2010 Nil arrears

2010/2011 Nil arrears

2011/2012 Debtor A - £58,835.00
Reported in Return of Arrears of Revenue on 31 Dec 2011

2012/2013 Nil arrears

2013/2014 Nil arrears

2014/2015 Debtor A - £2752.65
Reported in Arrears of Revenue on Sep 2014, Dec 2014, Mar 2015

2015/2016 Debtor B - £119,607.90
Reported on Arrears of Revenue on 30 Sep 2015

2015/2016 Debtor A - £2752.65
Reported in Arrears of Revenue on 30 Sep 2015

2016/2017 Debtor A - £2752.65
Reported in Arrears of Revenue on 30 Sep 2016

2016/2017 Debtor B - £120,940.10

Reported on arrears of Revenue 30 Sep 2016. However this now stands at £93,370.10 as further payments have been made since.

1135 Let me just say, Mr Speaker, there is a footnote in the schedule, which means that there has been a further payment, which makes one of the sums outstanding stand at £93,370.10. I am informed that as of yesterday there had been a further payment of £30,000 made against that, so that will now read £63,000 and so on, and not £93,000 and so on.

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

1140 I note in the Principal Auditor's Reports for 2015, paragraph 2.12.30, page 29, he refers to the tourist site receipts arrears at 31st March 2016 increasing by £119,194 to £303,110, and then he goes onto say:

The sums of £93,437 and £2,753 owed by two companies were over the credit periods established by the Gibraltar Tourist Board. Before the sums due during the financial period 2015-16 the latter arrears debt was owed since 31st May 2014.

I wondered if the Minister could clarify why there would be a 65% increase in the arrears in one year and how it is that tourist operators are allowed to exceed their credit periods.

1145 **Hon. Dr J E Cortes:** Mr Speaker, the answer provided has, I think, answered the question. The detail to which the hon. Member has gone in his supplementary would, I think, require notice. I would be very happy to look into the details and to tally one thing with the other, but I cannot answer that without notice, Mr Speaker.

1150 **Mr Speaker:** The hon. Member cannot expect that a question of this nature, where specific information is being requested in respect of financial ... and the information is provided, that he can then make a reference to the Principal Auditor's Report and expect an answer on the spot. That is quite impossible. Separate notice should be given of that question.

1155 **Hon. R M Clinton:** Mr Speaker, I appreciate your clarification. I guess what I was trying to do was get back to Question 740, where it says 'What measures are being taken to recover arrears?' and part of the measures to recover arrears is surely to monitor credit limits and excesses.

1160 **Hon. Dr J E Cortes:** Yes, Mr Speaker, and I am sure ... Again, I have only taken responsibility for this part of the former Tourism Ministry over the last few weeks, but I am certain that that has been done, and the fact that since the answer was prepared there have been two payments of approximately £30,000 each means that this is being recovered.

Q742/2016
Principal Auditor's Report –
Clarification re paragraphs 3.7.13 and 14

Clerk: Question 742. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1165 **Hon. T N Hammond:** Mr Speaker, in connection to 3.7.13 and 3.7.14 of the Principal Auditor's Report 2014-15, can the Government disclose the itemised details of the capital works the Principal Auditor is referring to, together with the three quotes received for each work and disclose the final successful contractor and successful quote?

1170 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, the information is commercially sensitive and cannot be made public, but I would
1175 be happy to provide it to the hon. Member on a confidential basis.

Q743-747/2016
Mount Misery glass lookout; Royal Anglian Way –
Updates

Clerk: Question 743. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government update this House as to when the expected
1180 opening date for Mount Misery glass lookout is?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1185 Mr Speaker, I will answer this question together with Questions 744 to 747.

Clerk: Question 744.

Hon. T N Hammond: Can the Government disclose the expected final cost of the Mount
1190 Misery glass lookout?

Clerk: Question 745.

Hon. T N Hammond: Has the refurbishment programme for Royal Anglian Way been
1195 completed? If not, when will they be completed, what works are pending and what is the
expected additional cost?

Clerk: Question 746.

Hon. T N Hammond: Does the Government intend to provide any safety measures at the
1200 Royal Anglian Way steps leading to the Windsor Bridge when walking south to north?

Clerk: Question 747.

Hon. T N Hammond: Can the Government disclose the cost of the Royal Anglian Way
1205 refurbishment to date?

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

Hon. Dr J E Cortes: Mr Speaker, in answer to Question 743, we expect to open it before next
1210 spring.

To Question 744, £1,186,772.

The original planned programme, in respect of Question 745, for Anglian Way has been
1215 completed, although further improvements are being considered.

In answer to Question 746, no, sir.

In answer to Question 747, £684,102.

1220 **Hon. R M Clinton:** Mr Speaker, if I may, in relation to Question 746, having walked down that path myself it is quite steep and I would imagine at least perhaps the Government is considering putting in some kind of handrail next to those steps.

Also, as a supplementary, what is the provision for exiting for disabled people? There seems to be no way to exit going north to south.

1225 **Hon. Dr J E Cortes:** Mr Speaker, the Upper Rock is a natural area and is an area which ... If we were to look at every single path and every single lookout, at every single cliff that Gibraltar has, not just on the Upper Rock but elsewhere, would we put handrails and fences throughout all the extent of all these areas?

1230 It is a difficult decision and I think that the successive Government have decided that it is a natural space ... People know they are going into a natural space where they are going to access steep paths and steps that have been hewn out of the rocks and cliffs and there are going to be edges off the cliffs and will take the necessary precautions.

If we were to start fencing off everything that could potentially be dangerous, we would end up with, firstly, an extremely expensive exercise, but also an Upper Rock which looks like anything but a natural area. So these are, I think, considerations.

1235 In regard to accessibility from the south, once again it would be well-nigh impossible, because of the lie of the land and the contours, to provide accessibility to the bridge from the south. There is a relatively smooth path to and from the north, and therefore I think that is the access that would have to be used in those circumstances.

1240 **Hon. R M Clinton:** Mr Speaker, if I may, I thank the Minister for his answer.

1245 Would the Minister accept that this is not a general area around the Upper Rock, as we are all familiar with; this is a very new specifically designed, I presume, tourist attraction where you do want people to walk around that area in probably a higher footfall than you would have done normally. It is obvious to anybody who has been up there that the Government has made improvements in terms of safety in the area, in terms of putting up railings and safety features, and would it not be a logical extension of that work to finish that work by putting in safety features at the southern end of that path?

1250 **Hon. Dr J E Cortes:** Mr Speaker, as the hon. Member has rightly said, there has been a massive improvement in Anglian Way and in the safety elements. The handrails have been replaced and there is safe access from the road, particularly to the north, to the bridge and back again. So, anybody with a difficulty in tackling some of the accesses – and there are at least two others – would, to my mind, choose the safe access and not the one that they did not feel they could negotiate. I think we want a similar footfall for the whole of the Upper Rock and not necessarily more for this area. I am satisfied that you can get to and from the bridge safely from one particular direction and I think ... Next time I go there I will look at it with those eyes, but I think that providing fencing and so on to a lot of the other areas there would beg the question why not at the top of the Rock? Why not at Princess Caroline's? Why not Mediterranean Steps – which is relatively safe but not everybody can negotiate Mediterranean Steps and this is a fact.

1260 I will have a look at it again. I do not think we are failing. It is now much safer. It is safe even for people with accessibility concerns, to get them from one direction, but it is at least something that as we continue to improve the Upper Rock, as we have been doing as never before, we will obviously bear in mind.

Q748-753 and 769/2016

Gibraltar Nature Reserve –

**Draft management plan, implementation of measures, cost of implementation;
management board meetings; management team resources; Europa Foreshore dog fouling;
Upper Rock tourist facilities**

Clerk: Question 748. The Hon. T N Hammond.

1265

Hon. T N Hammond: Mr Speaker, when will the consultation period be over and the final version of the draft Gibraltar Nature Reserve Management Plan be published?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 749 to 753, and Question 769, which I believe is the hon. Lady's.

1275

Clerk: Question 749.

Hon. T N Hammond: How often does the Minister expect that the Nature Reserve Management Board, as described in the draft Nature Reserve Management Plan, will meet?

1280

Clerk: Question 750.

Hon. T N Hammond: What does Government have in mind when it says in its draft Gibraltar Nature Reserve Management Plan that it will be increasing resources for the Gibraltar Nature Reserve Management team?

1285

Clerk: Question 751.

Hon. T N Hammond: Would the Minister consider adding dog fouling to the list of issues affecting the Europa Foreshore Nature Reserve in the draft Gibraltar Nature Reserve Management Plan?

1290

Clerk: Question 752.

Hon. T N Hammond: Does the Minister know how long it will take to implement all measures recommended in the draft Gibraltar Nature Reserve Management Plan?

1295

Clerk: Question 753.

Hon. T N Hammond: Does the Minister know what will be the total cost of implementing all measures recommended in the draft Gibraltar Nature Reserve Management Plan?

1300

Clerk: Question 769. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government looking to expand tourist facilities in the Upper Rock during this electoral term?

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

1310 **Hon. Dr J E Cortes:** Mr Speaker, the consultation period for the Gibraltar Nature Reserve Management Plan will finalise in December.

The final version is expected to be published during the first quarter of 2017. Until such time, the details referred to in these questions cannot finally be determined.

1315 The tourist product has already been expanded by the opening of the new Windsor suspension bridge.

We expect to further expand the tourist facilities in the Upper Rock by the opening of the Mount Misery glass lookout.

1320 **Hon. T N Hammond:** Mr Speaker, while I understand it is still a draft Plan and in consultation, is the Minister expecting the plan to be changed so radically that he can provide no information regarding Questions 749, 750, 751, 752 and 753, one of which is actually to ask him to consider adding to the plan the question of dog fouling as an issue at the Europa Foreshore?

1325 **Hon. Dr J E Cortes:** Mr Speaker, true consultation must be open to all kind of change, including radical change. A lot of comments have come in and the Department is discussing how it is going to adapt the plan, depending on the comments.

1330 I think we must also bear in mind that because the Government has now rearranged the responsibility for the Upper Rock sites and that passes under my Ministry, as does the Ministry for Heritage, it now adds a number of additional dimensions which perhaps we would now tackle in a different way within one Department. The whole question of resources, for example, and how we can combine those resources to be more effective and more efficient comes into play, and therefore there may be some considerable changes. I do not think I can hold myself to what is a consultation document where additional comments might still come in. Similarly for the question on Europa Point Foreshore, that might still be an issue at the time of the final plan, it might not, so we will see whether that it is incorporated or not at the correct time.

1335 So I think it would be premature to commit to any of those answers, because otherwise it would make a mockery of the word 'consultation'.

1340 **Hon. T N Hammond:** Mr Speaker, regarding the Foreshore, I am asking the Minister whether he would consider or not. Is the Minister saying that he would not consider, or is he acknowledging that he is considering the possibility of including that in the final plan?

1345 **Hon. Dr J E Cortes:** Mr Speaker, I think I have said that any representations will be considered. I think that was clear. Whether we include a line in the section of the management plan on the Foreshore that there is dog fouling there ... It may or may not go in. Hopefully, by that time we will have solved that problem and it will not be made into a consideration, but dog fouling is a potential everywhere. I think we are making a little bit too much ... but if it will solve the problem and save us time, clearly by just having this conversation I am considering it.

1350 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my question was relating to basics like bathroom facilities and cafeteria, because I have had many, many tourists complaining that there are only these facilities in one part. So, considering that the Minister is assuring us about this consultation, I would hope and expect that these requests that I am putting through will be basic things that will probably be incorporated.

1355 **Hon. Dr J E Cortes:** Mr Speaker, I am happy to respond to that. I did think that perhaps the hon. Lady was referring to major new sites, hence my answer.

1360 There are a few things that are going to be happening, like new lighting outside the Great Siege Tunnels, information panels inside St Michael's Cave and a new PA system within the Cave. Clearly, now that this has passed onto my responsibility I will be looking at all the sites and perhaps refreshing them, and certainly suggestions such as I have heard today I would be very,

very happy to consider and build into the plan so that we can have an improved product in the Upper Rock – and if the Lady wants to contact me with any further ideas I would be very happy to have the team look at those.

1365

Hon. R M Clinton: Mr Speaker, following on from the hon. Lady's question, I wonder if the Minister would be amenable to answering perhaps a general question about how tourist sites are expanded in the Upper Rock in terms of the decision making process. I appreciate he is new to the Ministry, but is there such a thing as an advisory board or working group in terms of the expansion of tourist facilities in the Upper Rock? I am just curious as to what the decision process is, who decides where to site a bridge, why Mount Misery versus the Signal Station, how are these decisions arrived at.

1370

Hon. Dr J E Cortes: Mr Speaker, part of the Gibraltar Nature Reserve Management Plan does include the setting up of a board which would consider these things. At quite what level is still to be determined, as I said before, because it is a consultation document.

1375

Until very recently the different Departments – the Tourist Board and the Department for the Environment particularly – would have separate input as to what happens in the Upper Rock. Now that is all going to come under the expanded Department of the Environment, which will include the tourists sites and Heritage, and therefore it will be the team that administers that Department that would come up with the recommendations and make recommendations, I suppose ultimately to me, which then, if they have wider implications, I would refer to Cabinet. But in the first instance it would be the team working within those Departments that would come up with these ideas and discussions.

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Hon. R M Clinton: Mr Speaker, with your indulgence ... You may disallow this question, but does each project have to present a proposal with financial implications and the revenue implications for particular projects – whether it will be self-financing or anything like that? Or is it just, 'Here is a great idea – what do you think?'

1390

Hon. Dr J E Cortes: Mr Speaker, if you will allow that question then you will allow me to answer.

I am all for great ideas, but clearly every project has to have design, costing – (*Interjection*) Absolutely. As an example, for the bridge there was a proposal with sketches, then we looked into it and there was a further design with costings. So, yes, there is a process, Mr Speaker. It is not something that suddenly dawns on one and one gives an instruction. This is done in a responsible manner.

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Hon. T N Hammond: Mr Speaker, I am pleased to hear that these projects are indeed costed. Where it comes to the recommendations that will ultimately be made in the Nature Reserve Management Plan, the finally published one, will all of those recommendations have been costed?

1400

Hon. Dr J E Cortes: Some recommendations will not really have a tangible cost: what is the cost of a board meeting once, for argument's sake, every three months? Others will have long-term costs. Others will be strategies – for example, removal of invasive species – which would take a number of years. But certainly all the ones which can be costed, particularly which would have short-term costs, would be costed.

1405

Hon. T N Hammond: Even strategies can also be costed. Presumably man-hours to remove invasive species need to be accounted for and that has a cost. So the question is: will it all be costed, everything that can have a cost attributed to it; or will they just be aspirations and whether the money can be found for those aspirations at a future date?

1410

1415 **Hon. Dr J E Cortes:** There is nothing wrong with uncosted aspirations, because if we did not have uncosted aspirations then the world would not progress – let me just make that point. There will be aspirations. Those that have to be turned into operational matters, particularly in the short term, will be costed, but I am not going to now say that unless something is costed it will not go in a plan as a strategy and as a name. I am not going to say that – absolutely not.

1420 **Hon. T N Hammond:** Mr Speaker, in similar vein, those recommendations that are contained in the finally published plan, will they have timelines associated with them and will it be clear that those recommendations have all been accepted by Government?

1425 **Hon. Dr J E Cortes:** Mr Speaker, if it is a Government document then one has to assume that they are accepted by Government.

I forget the first part of his question. (**A Member:** Timeline.) There will be some that will have timelines and others that will not. For example, I go back to the removal of non-native species: I would like to see that, but that could take many, many years, if not decades, depending on all sorts of things. That will still be there, but there will not be a timeline and maybe not a final costing; that will be an aspiration.

1430

Q754/2016
North Front Cemetery –
Expressions of interest re maintenance

Clerk: Question 754. The Hon. T N Hammond.

1435 **Hon. T N Hammond:** After issuing an invitation to tender for the maintenance of the North Front Cemetery, how many expressions of interest were received and why did Government choose not to pursue this option?

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

1440 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, seven companies initially expressed an interest for the tender and four offers were subsequently received. None was considered to provide what Government required.

1445 **Hon. R M Clinton:** Mr Speaker, I presume that the tenders were quite clear as to the offers. Can the Minister explain why none of the tenders were considered to be appropriate? Was it on the basis of the cost, or was it on the basis of service?

1450 **Hon. Dr J E Cortes:** Mr Speaker, this is obviously commercial in-confidence information, but if I may just say that it was not considered to be value for money and therefore they were not proceeded with.

Hon. R M Clinton: Mr Speaker, can I ask the Minister whether he is aware whether the unsuccessful tenders have been notified?

1455 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware whether they have or not; that is done by Procurement and does not have direct ministerial direction. I can only assume that they have been, from the fact that the Member opposite is asking the question. It may be that he has

information that they have not and that would be taken up with Procurement, but that is something for that office to deal with.

1460

Hon. R M Clinton: Mr Speaker, I am not sure if you will allow this as a question or not, but can the Minister explain why it was felt necessary to issue this tender?

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Hon. Dr J E Cortes: Mr Speaker, I have no problem with that whatsoever – without pre-empting the motion which is related to this – in order to improve the condition of the site.

Q755/2016
Thinking Green Digest 2015 –
Publication date

Clerk: Question 755. The Hon. T N Hammond.

1470

Hon. T N Hammond: Mr Speaker, when will Government publish the Thinking Green Digest for 2015?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I expect the Thinking Green Digest to be published my mid-December, in approximately a month's time.

Q756/2016
Lift to Parliament –
Heritage licence

Clerk: Question 756. The Hon. R M Clinton.

1480

Hon. R M Clinton: Mr Speaker, can the Government advise if it has reached a decision as to the granting of the Heritage licence for the construction of a lift to Parliament?

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

1485

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government issued a Heritage licence on 18th October 2016 for the construction of the lift to Parliament. However, this has not been acted upon, as Government is further considering options.

1490

Hon. R M Clinton: Mr Speaker, would the Minister be able to elaborate on what he means by 'considering further options'?

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Hon. Dr J E Cortes: No, Mr Speaker, we are considering options. I have nothing to add. I think the Chief Minister alluded to this at the last meeting of Parliament. Instead of saying I am not

answering or referring to that, I have given him that answer in good faith. We are considering options and that is why we have not acted upon the licence, even though we could have done.

Q757/2016
Fishing nets –
Use in British Gibraltar territorial waters

Clerk: Question 757. The Hon. D A Feetham.

1500 **Hon. D A Feetham:** Mr Speaker, does the Government take the view that the Nature Protection Act bans the use of all types of fishing nets in British Gibraltar territorial waters?

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

1505

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government takes the view that the law is clear.

1510 **Hon. D A Feetham:** Can I just refer the hon. Gentleman to section 10, which is the operative section – it is a section that he himself amended a couple of years ago. The section now reads that there is a ban:

‘any gill net other than a trammel net’

Is it the position that trammel nets are nets that are allowable in British Gibraltar territorial waters – and what kind of nets are we talking about?

1515 Let me just explain. I have had a number of representations from people in relation to this. My understanding has always been that all types of nets have been banned in British Gibraltar territorial waters, but this was drawn to my attention and it actually does seem to me that there is a point there, in that the use of the words ‘any gill net other than a trammel net’ does appear to mean that trammel nets are basically allowed.

1520 **Hon. Dr J E Cortes:** Mr Speaker, the Nature Protection Act bans the use of drifts, seine, and trammel and gill nets. Trammel is a type of gill net. I do not have a copy of the law in front of me, but the exclusion ... If the hon. Member, being a lawyer by profession and experience, reads what it says, it does not say that trammel nets are excluded from the ban; it just refers as to the possibility ... As I say, I do not have it in front of me. It just refers to those in one section, as opposed to in a different section, but it does not say that these nets are not banned. All drifts, 1525 seine, trammel and gill nets ... Hand nets and butterfly nets are not banned, but all others are.

1530 **Hon. D A Feetham:** Mr Speaker, would the hon. Gentleman at some stage meet me behind the Speaker’s Chair so that I can take him through the section? My understanding was exactly the same as the hon. Gentleman’s understanding, that all these nets are banned in British Gibraltar territorial waters, but then when my attention was drawn again to section 10 I read the words ... Section 10 starts:

Subject to the provisions of this Part, if any person ... uses ... any drift net, any gill net other than a trammel net ...

he commits an offence. In the logic of what these individuals are telling me, that actually it means that a trammel net is excluded, it did seem to me to have some potency, if I can put it

1535 that way, and I would just like to be able to show the hon. Gentleman the section. Or perhaps he has an explanation now.

Hon. Dr J E Cortes: No, Mr Speaker, I would want to see it in front of me. I am certain that that is not what that ... It is certainly not what it is supposed to say, but I would be very happy to have the discussion behind the Speaker's Chair to clarify the situation.

Q758-760/2016

**Macaques –
Spaying**

Clerk: Question 758. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, are all macaques selected for spaying being selected by a primatologist?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 759 and 760.

1550

Clerk: Question 759. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many macaques have been spayed in the last four years?

1555

Clerk: Question 760.

Hon. D A Feetham: Mr Speaker, have all macaques selected for spaying had offspring in the past?

1560

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

Hon. Dr J E Cortes: Mr Speaker, it appears that the Leader of the Opposition is saddened by the fact that I am no longer Minister for Health after he took over responsibility. He is now assuming an environmental role so he can still ask me questions directly. I am honoured!

1565

Mr Speaker, no macaques have been spayed. (*Interjection*) (*Inaudible*). Spaying will interfere with the behaviour of the animals and the social stability of the groups and therefore has never been considered as a method for managing Gibraltar's macaque population.

1570

Hon. D A Feetham: I can assure the hon. Gentleman that it is not my intention to stalk him, if that is the allegation that he has made; I am just discharging my duties as a humble Leader of the Opposition!

1575

Mr Speaker, if they have not been spayed ... Perhaps I have used the wrong terminology – sterilised ... If he could just simply substitute the word 'sterilised' for the word 'spayed' in the three questions and provide me with an answer, I would appreciate it.

1580 **Hon. Dr J E Cortes:** Mr Speaker, there is such a fundamental difference between the two that I should probably ask for notice, but I am not going to do that to him.

1585 Mr Speaker, there is a fundamental difference, which is relevant, because spaying is, to use a medical term, is ovariohysterectomy – it is the removal of the ovaries; whereas what is being done is a ligation of the fallopian tubes. The clear difference is that the implication of removing ovaries on the whole hormonal balance of the animal and therefore on their social status and their social interaction is such that it is much more complex, with much greater implications, than if you cut the fallopian tubes. That is the difference.

1590 In respect to this, Mr Speaker, on the question of a primatologist, a primatologist is a person who studies primates, from whichever discipline, whether it is a veterinarian, a zoologist, an animal behaviourist, an ape keeper, or even a Minister! Therefore, the selection for sterilisation and not for spaying is carried out by the team that work day to day with the macaques and therefore, by definition, they are primatologists.

1595 I think the third question was ... Yes, all the macaques had had young, except for three from the pack that frequents the incinerator, because this is a pack that is beginning to grow and although it is not causing any problems yet we are trying to pre-empt it, so we are trying to reduce the population there perhaps quicker than we need to in other areas.

Q761-763/2016

Learning Support and Special Education Needs facilities – Statistics re use

Clerk: Question 761. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1600 **Hon. T N Hammond:** Mr Speaker, can the Government provide statistics per school year and school of students attending the Learning Support facilities since September 2012?

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

1605 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 762 and 763.

Clerk: Question 762.

1610 **Hon. T N Hammond:** Can the Government provide statistics of how many students have been attending the Learning Support facilities per school year since 2012 at each individual school where the facility is provided?

Clerk: Question 763.

1615 **Hon. T N Hammond:** Can the Government provide statistics, of how many students have been attending the Special Education Needs facilities per school year at each individual school where this facility is provided?

1620 **Clerk:** Answer the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Hon. Dr J E Cortes: Mr Speaker, the information requested by the hon. Member is set out in the schedule which I now hand to him.

Notre Dame

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Reception	5	0	6	7	7
Yr1	3	11	3	7	9
Yr 2	6	8	12	4	8
Yr 3	6	4	8	11	10

Bishop Fitzgerald

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr 4	5	8	6	6	9
Yr 5	8	4	8	7	6
Yr 6	4	2	4	8	7
Yr 7	2	3	2	5	8

Bayside

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr8	6	4	2	3	6
Yr9	5	7	4	1	1
Yr 10	4	5	6	4	1
Yr 11	3	4	5	4	4
Yr 12	0	0	1	1	2
Yr 13	0	0	0	1	1
Yr 14	0	0	0	0	1

Westside

School year	2012/13	2013/14	2014/15	2015/6	2016/7
Yr8	1	1	2	0	1
Yr9	3	5	1	2	2
Yr 10	4	2	4	1	1
Yr 11	0	4	2	3	1
Yr 12	2	0	4	1	3
Yr 13	0	0	0	0	0

1625 **Hon. D A Feetham:** Mr Speaker, at the risk of being accused of me stalking the hon. Gentleman, can I return to the question on the macaques? When I changed my question to the use of the word 'sterilisation' he never gave me an answer to the question of how many animals have been sterilised in the last four years.

1630 **Hon. Dr J E Cortes:** I do apologise, it was unintentional: 29, Mr Speaker.

Hon. D A Feetham: And are these spread evenly over the last four years, or is there a particular concentration? Does he have the breakdown?

1635 **Hon. Dr J E Cortes:** Mr Speaker, these are all this year. There have been 29 this year, most of which ... I think there may have been an additional two which have been given a contraceptive implant, but these are all this year, spread throughout all the groups.

1640 **Hon. D A Feetham:** But my question relates to the last four years: does he have the figures for the previous four years, or have there been none?

Hon. Dr J E Cortes: There have been ... Again, the question for sterilisation, which is the surgical interaction, which we started this year, so that there has been the use of contraceptive implants in previous years. I do not have that information, because I have collected specifically for the new procedure and that only started this year, so there is nothing in previous years.

1645 Mr Speaker, I am happy to share, if he does remind me, the information on the contraceptive implants over the last few years.

Hon. D A Feetham: And just finally ... I recall the hon. Gentleman answering some questions in the past about this, and one of the points that he made, which perked my interest – because
1650 he knows that I share an interest in some of these issues on the Upper Rock etc. – is that no primates, no monkeys that had not had offspring were selected for sterilisation. I thought the word was ‘spayed’ but we know it is ‘sterilisation’, because it could affect that individual’s progress within the group.

I am not an expert, but the answer that he has given me in relation to the question of how
1655 many have been sterilised that have not had young has been three, and three in a particular group and that is in relation to the Incinerator. The justification was that this is a big group slightly out of control – we have got to keep it under control, we are making an exception. But surely selecting just simply young females that are sterilised, that have not had babies, may not necessarily deal with the question of controlling the numbers. Well, it does control the numbers,
1660 but why couldn’t you have selected females that have already had young, because there must be females there that have had young, that come from the middle of the social structure, rather than females that have had no young and therefore is objectionable on the grounds that the hon. Gentleman has outlined in this House in the past?

Hon. Dr J E Cortes: These decisions are not easy. I need confirmation as to whether in that
1665 group there have also been females with young that have been sterilised. I do not have that information here; I do not have the full breakdown.

There are a couple of things here. One is that this group is not yet giving problems because it
1670 is staying within that area; but for a number of reasons, if the group splits and starts to move into other areas – and there are built-up areas in the Europa Point area – it would start giving us the kind of problems we want to pre-empt, and therefore action has got to be taken pretty quickly.

There is also another problem. They are a very wild group, not in the sense of aggression but
1675 in the sense of shyness, and therefore the older females are actually very hard to catch and it is much easier to catch the younger ones, and then one has to take a decision. If we do not sterilise them now when we catch them and they are young, they may become impossible to catch when they grow older and then they will start having babies, and then we will have to be in a position either that they are creating mischief in the surrounding built-up areas ... would we have to go – God forbid, if I may say – into consideration of putting animals down, and it is much
1680 more humane, if you look at it in that context, to actually sterilise now and to assume that the fact that they are not going to have young means that they are not going to go very high in the hierarchy but it is the lesser of the evils. That is a decision that is taken based on the knowledge of the animal.

Hon. D A Feetham: My understanding of this particular group is ... Well, not the individuals
1685 that are there, but there has been a group of monkeys in that area going back decades, if not even longer. My understanding is that all the way up to where the football pitch is now being planned to be built is one of the areas where there has been continuous habitation by monkeys going back the longest. Is he satisfied that taking into account that the sterilisation of three
1690 individuals that have not had any young, for all the reasons that he has explained to this House in the past, is not going to upset the social structure of a group that goes back so many years?

Hon. Dr J E Cortes: Three among that number will cause particular problems in certain
1695 circumstances to those individuals, but because it is only a small section of the group I do not think it is going to affect the group as a whole, other than to reduce the long-term number of young produced, which is something that we have to aim for because we do not want this group

to do what groups in the past have done in the Laguna area and so on. Therefore, this is certainly a better option in our mind than large-scale culling of a group.

1700 Obviously – and we are still exploring exportation and we are successful, people are interested in small numbers – if we had another situation like we had in Scotland a couple of years ago where they want a whole group, this is the group to try and catch. It is going to be difficult, but this is the kind of group that we would take as a whole group and remove the problem from the area. In the meantime, I think that sterilising a few of the young females is probably a wise move and would not have huge implications as has been mentioned.

1705

Mr Speaker: Are there any supplementaries arising from the schedule to Question 763? No, then Question 764.

Q764/2016
St Martin's School –
Statistics re attendance

Clerk: Question 764. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1710

Hon. T N Hammond: Can the Government provide statistics of how many students have been attending St Martin's School, including Early Bird's Nursery, per school year since 2012, broken down by ages as at the end of each school year?

1715

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

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

SCHEDULE TO QUESTION 764 OF 2016

St. Martin's School Pupil Statistics

Age (years)	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 – 2017
5	6	4	4	6	6
6	6	7	5	4	4
7	3	3	4	6	2
8	4	3	5	3	6
9	1	3	3	4	4
10	4	3	3	3	4
11	2	3	1	3	4
12	1	2	4	1	2
13	1	1	2	4	1
14	2	2	1	3	4
15	1	1	2	1	2
16	1	1	1	2	1

Early Birds Nursery Pupil Statistics

Age (years)	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 – 2017
3	8	8	6	4	5
4	8	7	9	12	12

1720

Mr Speaker: Perhaps we can deal with Question 765 and come back to 764, if necessary.

Q765/2016

**Special Education Needs students leaving education –
Policy for assistance**

Clerk: Question 765. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

1725 **Hon. T N Hammond:** Can the Government explain what is the policy and procedure to assist students leaving the education system who have been attending the Special Education Needs facilities full time?

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

1730

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the senior leadership teams in both schools work with the students and parents to either secure a place at the college to continue their education or to find work through the Employment and Training Board. The procedure normally starts at the beginning of year 10 in preparation for them leaving at the end of year 11, but can be later as some of the students do stay on into year 12 and year 13. The schools engage with the parents and the students through a series of meetings.

1735

Mr Speaker: Any supplementary? No.

Q766-767/2016

**Working Committee on Co-Education –
Members of Committee; Bayside School**

1740 **Clerk:** Question 766. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please reveal the identities of those individuals who are members of the Working Committee on Co-Education, together with the date when they joined the Committee?

1745

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with Question 767.

1750

Clerk: Question 767. The Hon. Ms M D Hassan Nahon.

1755 **Hon. Ms M D Hassan Nahon:** Having regard to the Minister for Education's announcement regarding the appointment of a working group on co-education, can the new Bayside School that has been promised be completed within this electoral term?

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

1760

Hon. Dr J E Cortes: Mr Speaker, the GLSP/Liberals manifesto from the 2015 elections posed the question whether co-education was a good or a bad idea for the comprehensive schools. It went on to say that this must be reviewed dispassionately and on a non-partisan basis by experts. The idea of putting together a group of experts to review co-education was therefore raised in the manifesto itself.

1765

Co-education for the Comprehensive schools was discussed between the Minister for Education at the time, the Hon. Gilbert Licudi, and senior officials at the Department of Education on several occasions both before and after the 2015 elections. In late August 2016, the then Minister for Education, my hon. Friend, was sent the interim report of 2006, which he referred to during the recent debate in Parliament on the motion on co-education. The Minister gave instructions in early September 2016 for the working group to be set up.

1770

The composition of the group is as follows: Darren Grech, Acting Director of Education; Dympna Holmes, Senior Executive Officer of the Department of Education; Stuart Borastero, President of the Gibraltar Teacher's Association; Michelle Barabich, Headteacher of Westside School; Michael Tavares, Headteacher of Bayside School; Kenneth Saez, Headteacher of St Bernard's Middle school; Stephen Reyes, parent; and Angelique Linares, parent.

1775

The Government is confident that it will be able to deliver on its commitments in respect of the new Bayside School.

1780

Hon. Ms M D Hassan Nahon: Thank you for that information, but my question was mainly aimed at the logistics of how exactly can the Government commit to an expensive project of a school for boys, a manifesto commitment that will be completed supposedly within the next three years, while a debate on co-education is going on, in terms of the logistics of the school and the element of the school that will be bespoke, I imagine, for boys, whilst they have not decided yet whether co-education will be taken over.

1785

Hon. Dr J E Cortes: Mr Speaker, I am confident that this can happen. I think it is interesting to note that the manifesto of the GSD at the time, which the hon. Member was a member of the last election, had planned to build a new huge co-educational school, where there had been no consultation.

1790

I have no worries at all on this. Clearly the co-education committee is going to be providing its recommendations very soon in the next few months and the planning for the new school, which has already started, will run parallel to this, and if there is a change in the policy on co-education it will be factored in at such a time. I think that the project can very easily absorb whatever the policy is determined in the end.

1795

Hon. Ms M D Hassan Nahon: Thank you.

Mr Speaker, can I just remind the hon. Gentleman that it was not inconsistent for the GSD to, in its manifesto, suggest a co-education school, for example. What I am arguing is that how are we sure that we can build a new Bayside while the co-education argument is going on? But the GSD, in its manifesto, was very clear that this new school was going to be mixed, so the logistics would have taken that into account. I take into account what the hon. Gentleman says and I would just like to ask him when does he believe that this consultation process will be completed – when will we know more about what decision has been taken with regard to whether we are going to see a new high school of co-education, or not, being built within this electoral term?

1800

1805

Hon. Dr J E Cortes: Mr Speaker, as I recall, in the debate here just a couple of weeks ago I think my hon. Friend mentioned that the working group would report back in March and then there would be a wider consultation, so we will need to take a decision within this academic

1810 year and that will be plenty of time to make any adaptations to any designs should significant
adaptations be required.

Hon. Ms M D Hassan Nahon: So the Minister is saying that he is confident that in a two-year
1815 window we will have a brand-new high school built as per the recommendations of this
committee?

Hon. Dr J E Cortes: Mr Speaker, starting now it is a three-year window. (*Interjection*) Yes, but
the planning process is part of the process and very often is the one that is more painstaking
1820 than the actual construction, so I am confident that we will be able to deliver in the next three
years.

Hon. D A Feetham: Mr Speaker, with the exception of Mr Reyes and Ms Linares, both of
whom I understand are accountants, everybody else is in the educational field. How were these
1825 individuals chosen on the parents side and why was there not an advert or an attempt to cast
the net wider in terms of participation by parents – for example, the Parents Association or
indeed the Gibraltar Women’s Association, things of that sort?

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon G H Licudi): Mr
1830 Speaker, it seems that we are damned if we do and we are damned if we don’t. So we set up a
working group, we set the whole process in place, we start working on the issue of whether
there should be co-education or not, and then the hon. Member starts complaining about the
methodology of how we have come about doing the working group.

This was not a ministerial decision. The manifesto itself made it clear that this had to be
1835 reviewed dispassionately by experts. It was put in the hands of experts at the Department of
Education, they made a recommendation and I accepted all the names in their list of
recommendations. So it was not as if I went round deciding who is going to be part of this and
who should be a parent. They were recommendations made by the experts who are
knowledgeable in this field. They felt that these two parents were the right persons to approach
and to recommend to the Minister that they should be included in the working group. I had no
1840 reason to doubt that judgement, that view that was taken by the professionals, and therefore I
approved the list that was given to me. It was as simple as that.

Hon. Dr J E Cortes: If I may add, Mr Speaker – and I am grateful to my hon. friend for assisting
1845 in the reply – I totally agree, and, having seen the professional manner in which the Department
for Education conducts its affairs, they will have been very thorough in making a good choice of
working group.

Let me just say that this does not mean that nobody else is going to be consulted. This is a
1850 group that will be able to discuss and can consult, and I already myself have meetings planned
with the Women’s Association and with representatives of the students to discuss this and other
matters, so it does not mean that nobody else will have a say. There will be broad consultation
and there will be broad involvement, so I do not think anybody need fear that that is not going
to happen.

Hon. D A Feetham: Mr Speaker, I have neither used the word ‘fear’ nor attempt to instil any
1855 fear. Still less, Mr Speaker, does the hon. Gentleman, Minister Licudi, have to get on his high
horse about a question that just simply seeks to enquire about Government policy.

It just strikes me that if the Government has set up a working group that it says is composed
of experts and the only two non-experts are Mr Reyes and Ms Linares and there has been no
1860 attempt to advertise more widely in order to seek participation in what is a recommending body
–and indeed a very important body as far as this particular issue is concerned – I am asking why
hasn’t the Government cast the net wider.

1865 Can I ask this: does the Government intend to? Because it is not limited to these people, does
the Government intend to? Can I suggest to the Government that it does cast the net wider and
perhaps include some of the parental organisations within this group, so that the
recommendations that are made by the working group are the best possible recommendations
in the circumstances. It is certainly my view that the wider the representation of that working
group by reference to interested stakeholders – and parents clearly are; these are just two
individuals who have no experience, as far as I am aware, of anything education related ... that
1870 the wider you cast the net by reference to representational groups, the better the
recommendations are going to be. That is the only point that I am making.

Hon. Dr J E Cortes: Mr Speaker, first of all, let me say that the two parents in question may
have their own views as to whether the fact that they are parents with children in school may
not make them have experience in education-related matters.

1875 I do not know whether the Hon. Leader of the Opposition would have liked the Department
of Education to have held interviews for the post of member of the working group – I think we
are going over the top. I think we have a soundly formed working group which will reach out to
all the parties who are interested.

1880 I here and now invite anybody who wants to make a representation on the subject to write in
and to submit their views, and if needs be they will be called for discussion. I do not think there
is any need to amend the composition of the working group now, but what we will ensure is that
everybody who wants to have a say, has a say.

Hon. D A Feetham: And will the Government include any student organisations within this
1885 particular working group?

Hon. Dr J E Cortes: Mr Speaker, I said earlier that I already have, in my diary, a meeting with
representative of the students.

1890 **Hon. D A Feetham:** No, Mr Speaker, that is a different answer to the question that I have
asked. The Hon. Minister may have, within his diary, a meeting with students or with student
organisations. The question is: is he going to include within the working group, which at the end
of the day is the body that makes the recommendations to the Government, any students or
student organisations?

1895 **Hon. Dr J E Cortes:** Mr Speaker, this matter was debated at length in a full debate just two
weeks ago or less – last week. Therefore, I would refer the hon. Member to *Hansard*. Most of
these points have already been discussed and if there is anything, after the hon. Member has
read *Hansard*, that he is not clear about, then I would be very happy to answer his letters or to
1900 have further questions in Parliament, but I think we are just going over and over ground that we
have already covered. In fact, I made a specific point at the time by reminding the House that I
was myself Chairman of the then Gibraltar Union of Students and clearly I will ensure that
students are involved in the discussion process.

1905 **Hon. R M Clinton:** Mr Speaker, if I may, turning back to the original question about the
members of the working group, can the Minister advise, given that there is quite a short
deadline to report, being March 2017, can the Minister advise the date of the letter of
appointment of the members of the committee? I presume the members were notified in
writing of their appointment to this working group.

1910 **Hon. G H Licudi:** Mr Speaker, I do not know whether there was a letter of appointment. What
I know is that I gave an instruction and the hon. Member, my colleague Dr Cortes, has given the
timeline of what has happened and how it happened. I gave an instruction. I was given a

1915 recommendation as to a list and I approved that list, and those people may have been called, may have been told – I just do not have the information as to how they were informed or whether there is a letter of appointment.

1920 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information. What I do know is that on virtually day two or three of my having taken over the new responsibilities I was told about this group and its composition.

1925 If I may just comment, Mr Speaker – and this really must not become a debate when we have just had one – the Government was accused during the debate of secrecy and lack of transparency by not even wanting to present the names of the group, which I did not have at the time. Today we have done it and now faults are being picked into the composition. I really do not know where we are going to.

1930 **Hon. R M Clinton:** Mr Speaker, if I may come back to the former Minister of Education, he said that the list was approved by him and then he presumes that the members were contacted. Can he advise the House when he approved that list?

Hon. G H Licudi: I just do not know. I know that the instructions were given in early September to set up the working group and at some point a list was given to me and I approved it. I certainly do not remember the date.

Q768/2016
Comprehensive schools –
Security

1935 **Clerk:** Question 768. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Minister for Education aware that at present any member of the public can walk into any of the two comprehensive schools unchallenged?

1940 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1945 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, this is indeed a deficiency which needs to be and is being addressed. This said, it is a longstanding problem that existed even before this Government was elected.

1950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful that the Minister says that he will be dealing with it. We are living in a very dangerous world, and I come from a perspective, once again, of security. I do have an interest, of course: I have two children, one in Westside and one in Bayside, and I find it amazing how I can go in and out whenever I please, yet the other two children that I have in middle schools, that is not the case. I find that generally middle schools are very well secured, but these high schools, the secondary schools are not – and not only from a point of security, but I understand that there have been moments when parents have actually gone into the schools and been rather abusive to teachers for whatever reason, so I would like to ask will this be dealt with as a matter of priority and urgency, please.

1955 **Hon. Dr J E Cortes:** Yes, Mr Speaker, already discussions have... even before I took over as Minister for Education I know that discussions have been held as to the way to do it. One does not want the school either to appear to shut its doors to the communities, but certainly people

1960 moving in through the school is not something that we want and different options are being considered, including access to a reception area where parents can legitimately go and not feel that they cannot go if they have any concerns, but that between there and the rest of the school where the children are, and so on, there should be some other facility. So this is being looked at and I do take the matter very seriously, so let me reassure the hon. Lady that this is being looked at.

1965

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now recess until 3 p.m. this afternoon.

Mr Speaker: The House will now recess until three this afternoon.

The House recessed at 12.55 p.m. and resumed its sitting at 3.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 3.55 p.m.

Gibraltar, Friday, 18th November 2016

Contents

Procedural.....	3
Questions for Oral Answer	3
Health, Care and Justice	3
Q716/2016 People with disabilities – Care received outside Gibraltar.....	3
Q717/2016 Respite care in disabilities – Number of available beds.....	3
Q718/2016 Residential facilities – Number of residents.....	4
Q719/2016 St Bernadette’s School – Number of attendees.....	4
Q720/2016 Team Leader of the Disability Team – Update re recruitment.....	5
Q721/2016 Employees acting in post – Confirmation of posts involved	5
Q722/2016 Care Agency – Details of posts	6
Q723/2016 Dr Giraldi Home, Children’s Home and Rehabilitation Services – Subcontracted workers.....	8
Q724/2016 Social Services and Care Agency– Subcontracted workers	8
Q725/2016 Elderly Care Services – Subcontracted workers	13
Q726/2016 Elderly Care – Policy re outdoor recreational time	14
Q727-729/2016 Dementia Care Centre – Expressions of interest; awarding of contract; opening date.....	16
Q730/2016 UK nationals working but not living in Gibraltar– Access to healthcare	18
Q731/2016 Attempted murder – Reform to sentencing laws	19
Adjournment	20

The House adjourned at 3.55 p.m. 20

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Procedural

Mr Speaker: For the sake of the Hansard, we will record and welcome that Mr Craig McDonald is Acting Clerk this afternoon.

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q716/2016

People with disabilities – Care received outside Gibraltar

Acting Clerk: Answers to Questions continued, and we continue with Question 716.
5 The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government disclose how many people with disabilities receive care outside Gibraltar, detailing where the care is given and what type of care is received?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are currently six adults with learning disabilities receiving care outside Gibraltar. These include three in Wales, one in Devon, an additional person in Cornwall and one additional person in Estepona, Spain. All of these individuals are receiving full-time residential care.

Q717/2016

Respite care in disabilities – Number of available beds

Acting Clerk: Question 717. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

15 **Hon. T N Hammond:** Can the Government provide statistics of how many beds are available for respite care in disabilities as at 30th March for the years 2012, 2013, 2014, 2015 and 2016, and 9th November 2016?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the number of available beds for respite care is three, and one for emergencies.

Q718/2016
Residential facilities –
Number of residents

Acting Clerk: Question 718. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

The Hon L F Llamas: Can the Government provide statistics as to how many service users are currently residing at the Dr Giraldi Home and other associated residential facilities?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a total of 19 service users are currently residing at Dr Giraldi Home and satellite units under its remit. The breakdown is as follows: flat 1, five service users. flat 2, four service users; flat 3, two service users; flat 4, one service user; flat 5, one service user. flat 6, two service users.

Mr Speaker, in respect of satellite units in the community: four service users.

Q719/2016
St Bernadette's School –
Number of attendees

Acting Clerk: Question 719. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, can the Government provide statistics of how many service users have been attending St Bernadette's per school year since 2012, broken down by ages as at the end of each calendar year?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I hand over to the hon. Gentleman a schedule with the requested information.

Whilst the gentleman usher takes the schedule to the hon. Gentleman, perhaps, for the benefit of the hon. Members opposite, and as my hon. colleague and learned Friend Samantha Sacramento has reminded me, St Bernadette's does not operate as a school year, it operates all year round except for public holidays.

Answer to Question No 719 of 2016

	2012	2013	2014	2015	2016
Aged 16 - 21	5	5	7	8	8
Aged 21 - 30	9	9	9	9	9
Aged 30 - 45	6	7	6	7	7
Aged 45 - 65	5	5	5	4	4
Above 65	0	0	0	1	1

Q720/2016

**Team Leader of the Disability Team –
Update re recruitment**

Acting Clerk: Question 720. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

50 **Hon. T N Hammond:** Further to Question 155/2016, can the Government provide an update on the recruitment of the post of Team Leader of the Disability Team?

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

55 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, an internal advert was issued on 23rd October with no applicants applying for the position of team leader for the Disability Services.

There was an external advert placed in the Gibraltar *Chronicle* in November 2015. Two applications were received and both were unsuccessful.

60 The position is still vacant with a suitably qualified person seconded into this position.

Q721/2016

**Employees acting in post –
Confirmation of posts involved**

Acting Clerk: Question 721. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

65 **Hon. T N Hammond:** As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees who are acting for a post which is not the post they were specifically employed to do, and since when?

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

70 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 721 of 2016.

Admin and Social Worker Posts

Post	Acting Post	Date of Acting	Temporary promoted	Secondment Date
Head of Service Children	CEO		14/12/2015	
Deputy Nursing Coordinator (ERS)	Head of Service Disabilities			01/07/2012
Senior Social Worker	Head of Service Children's		29/12/2015	
Senior Social Worker	Head of Service Adults	01/06/2016		
Social Worker	Senior Social Worker (for Nicole Viagas)	01/03/2016		
Social Worker	Senior Social Worker (Vacant position)	15/02/2016		
Social Worker	Senior Social Worker (for Jennifer Poole)	01/06/2016		

Continued answer to Question 721 of 2016

Disabilities

Post	Acting post	Date of Acting
Unit Manager	Covering maternity leave	07/03/2016
Manager St Bernadette's	Vacant Post	07/09/2016
Deputy manager St Bernadette's	Vacant post	07/09/2016

Children's Services

Post		Acting Post	Post Holder	Date of Acting
Care Worker	Tamara Gomez	Senior Care Worker	Vacant	01/10/2011
Care Worker	Alex Britto	Senior Care Worker	Vacant	29/08/2011
Care Worker	Clare Lockwood	Senior Care Worker	Vacant	02/09/2013
Care Worker	Pedro Verdaquer	Senior Care Worker	Vacant	04/05/2013
Care Worker	Tanya Dalmedo	Senior Care Worker	Vacant	29/09/2014

Mr Speaker: We can come back to Question 721, because the schedule is longish, and deal with any supplementaries that may arise from that.

**Q722/2016
Care Agency –
Details of posts**

75 **Acting Clerk:** Question 722. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees employed specifically by the Care Agency to carry out these posts?

80

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

85 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, Government can confirm that the following posts, as described in pages 196 and 197 of the Government Estimates 2016-17, are being carried out by employees employed directly by the Care Agency. The information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 722 of 2016

Page 196

Administrative Grades

Clinical Standards Compliance Director (1)
Higher Executive Officer (2)
Executive Officer – (5)
Administrative Officer – (13)
Personal Secretary – (1)
Administrative Assistant – (5)

Other Grades

Head of Service (1)
Senior Social Worker (2)
Counselling Psychologist (1)
Social Workers (20)
Assistant Social Workers (2)
Trainee Social Workers (4)
Community Elderly Needs Coordinator (1)
Day Centre Coordinator (1)
Drugs Counsellor (1)
Drug Keyworker – (1)

Page 197

Disability Services – Dr Giraldi Home

Manager (1)
Registered Nurse (4)
Admin Assistant (1)
Unit Manager (4)
Social Care Worker (62)
Domestic Worker (3)

Disability Services – St Bernadette's

Occupational Therapist (1)
Enrolled Nurse (1)
Classroom Aide (14)
Driver (1)

Children's Residential

Unit manager (1)
Social Care Worker (40)
Administrative Officer (1)
Administrative Officer (PTH) (1)

Rehabilitation Centre

Administrator (1)
Counsellor (3)
Care Workers (8)
Admin Officer (1)

Q723/2016

**Dr Giraldi Home, Children's Home and Rehabilitation Services –
Subcontracted workers**

Acting Clerk: Question 723. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

90 **Hon. T N Hammond:** As at 9th November 2016, can the Government disclose how many subcontracted workers were working at each of the following establishments, together with the identity of the employer the subcontracted worker is employed by: Dr Giraldi Home, Children's Home and Rehabilitation Services?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as at 9th November the following are the subcontracted workers working at the following establishments: Dr Giraldi – Grand Home Care 15, ADA 30; Children's Home – Grand Home Care 8, ADA 33; Rehabilitation Services – Grand Home Care 2.

100

Q724/2016

**Social Services and Care Agency–
Subcontracted workers**

Acting Clerk: Question 724. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

105 **Hon. T N Hammond:** Can the Government provide a detailed schedule of the commencement date for each subcontracted worker working within Social Services and the Care Agency as at 30th June 2016, together with the role being carried out by each subcontracted worker, the care provider they are employed by, the reason for requiring their services and the area in which they were working?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

115 Again, for the benefit of the hon. Gentlemen opposite and for the benefit of Mr Llamas in particular, he should be aware that I believe it was in 2009 that Social Services and another entity merged to form the Care Agency, so it would not be technically appropriate to call it 'within Social Services and the Care Agency' because the Social Services are subsumed within the Care Agency – just for his benefit.

Answer to Question No 724 of 2016

Role being carried out	Care Provider	Reason for Requiring Service	Area Working
Care Worker	ADA (6) GHC (7)	5 Vacant Posts 5 Maternity Covers 1 Suspended 2 Acting	Dr Giraldi
Registered General Nurse	ADA (1) GHC(1)	2 Vacant Posts	Dr Giraldi
Care Workers	ADA (11) GHC (2)	13 New Admissions and Respite Services	Dr Giraldi
Care Workers	ADA (10) GHC (6)	16 New Admissions	Satellite Residential Flats, Disabilities
Care Workers	ADA (4)	1 Maternity Cover 2 Suspended 1 Study Leave	St Bernadette's
Care Workers	ADA (4) GHC (1)	5 New Admissions	St Bernadette's
Care Worker	ADA (33) GHC (8)	1 Vacant Post 8 Acting Seniors 2 Interdicted 1 Maternity Cover 8 Covering sick leave 4 Parenting Assessments 17 Extra Support	Children's Residential Services Tangier View + Satellite flats
Care Worker	GHC (2)	2 Vacant post (1 Covers up for Cook/care worker when on sick or Annual leave)	Bruce's Farm Rehabilitation
Administrative Staff	S&K (10)	1 Admin Officer 6 Admin Assistants 1 Extra Admin Staff (Tangier View) 2 Vacant Post at Elderly Residential Services	Throughout the Care Agency
Counsellors	S&K (2)	2 Vacant posts	16 Governor's Parade
Day Care Assistants	S&K (2 part-timers)	1 Vacant post	Waterport Day Centre
Domestics	S & K 8 JFM 7	4 Vacant posts 9 new posts to cover JM Home 1 Maternity Cover	All throughout Mount Alvernia, John Mackintosh Home
Hybrid Labourer	S&K 1	Vacant post	Mount Alvernia / John Mac Home

Hon. D A Feetham: Mr Speaker, may I return to Question 721?

120 Question 721 is the question about the individuals who are acting for a post which is not the post they were specifically employed to do. The Hon. the Minister provided a schedule, and the schedule basically provides that the Head of Children's Service, a CEO, the Deputy Nursing Co-ordinator, the Senior Social Worker, Head of Service ... are individuals acting as CEO, Head of Service Disability, Head of Service Children, Head of Service Adults, Senior Social Worker, Senior Social Worker and Senior Social Worker ... And then, over the page, in Children's Services there are care workers who appear to be acting in senior care worker posts, some going back to 2011.

125 It just appears to me that there is an awful lot of acting in senior positions in this particular Department. Does the hon. Gentleman feel comfortable with such a level of senior acting in this particular Department?

130 **Hon. N F Costa:** Mr Speaker, I am afraid that I do not follow the hon. Gentleman, and I will tell him why. The supplementary information that I have in respect of Question ... Is it 722? (**A Member:** No, 721.) Yes, now I have it.

Hon. D A Feetham: If you look at 721, the schedule, you will see the post, Head of Children's Services, acting post CEO, then Head of Service Disability, Head of Service Children, Head of Service Adult, Senior Social Worker, Senior Social Worker, Senior Social Worker ... All those are acting, and then over the page you will also see that there are five senior care workers acting, some of them going back to 1st October 2011. Indeed, when we were in government the most recent senior care worker started acting on 29th September 2014. That is over two years ago. I was asking the Minister whether he feels comfortable with this level of acting at such a senior level in this particular Department.

Hon. N F Costa: Mr Speaker, I think, for the purposes of *Hansard*, the first thing to say is that, if we refer to the schedule that I provided to the hon. Gentleman, in respect of the Head of Services of adults and the Senior Social Worker, the date of acting is from June 2016, March 2016, February 2016, and again June 2016 and indeed September 2016. So I do not want the public to have the impression that these senior posts have had people in acting positions since the only date mentioned by the hon. Gentleman opposite, which was 2011. The reality is that these senior positions have persons acting in them since this year.

In respect of the senior care workers, which the hon. Gentleman specifically referred to in the course of his supplementary, which is date of acting of 2011, the hon. Member may recall, as my hon. and learned Friend Miss Sacramento has reminded me, these particular positions are currently the subject of discussions with the unions, the ones relating to 2011.

So, to answer his supplementary, in respect of those senior positions acting, as I have said, they are since this year, and so, having met with the top management team of the Care Agency and discussed, as he can imagine, a series of issues since being allocated responsibility for the Care Agency, they have not raised with me any particular or material issues of concern in this respect.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has referred to four of those senior posts, which are 2016, where this particular post holder started acting, and I will come back to that in a moment. But in relation to the CEO temporarily promoted in 2015, the Head of Children's Services temporarily promoted in 2015, and the Head of Disability secondment date 1st July 2012, it just does appear to me that when you look at this on the whole there are an awful lot of people who seem to be acting.

Is the hon. Gentleman suggesting that there is no concern being expressed to him in relation to such high levels of acting across the board in these areas? It does seem to me an awful lot of people are acting in posts. That is one question.

The other one is: in relation to the ones in 2016 that he quoted, is that the first time that somebody has acted in this particular post? Because of course, somebody could have been acting earlier in these particular posts – does he have that information?

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I am happy to provide further information.

Of course, this needs to be set into context in relation to the vacancies and the acting, because we are talking about an organisation that employs in excess of 300 members of staff, so for a handful of them to be acting, then ... In terms of concern, as the hon. Gentleman has mentioned, if he had a meeting with senior management yesterday and this was not on the agenda then it is not a concern of the management ... then certainly it is clear that it is not a concern.

But the reason why people are acting is because it is the knock-on effect of the person acting in the post of CEO. The person who is acting CEO used to be the Head of Children's Services, so the person who is now acting up for that person used to be the senior social worker in Children's Services and that is the knock-on effect. So, in effect, there is a chain of three people acting up because of the acting-up of one post.

185 Then there is another post of team leader of the Disability Services, which is as a result of the recent retirement of the incumbent and it is by agreement that the current incumbent will be acting in that post for a defined period of time. So that is a planned acting; it is not like it is a disorganised acting in a Department such as this, because this is probably one of the most important Departments that we have. So this is very organised, Mr Speaker.

190 In relation to the other post, that of the vacant Head of Service for the Disability Service, the hon. Gentleman has just explained that while on paper this is a post that has been vacant since 2012, it is a post that has been advertised both internally and externally, and internally there were no suitable applicants. Indeed, when it was external there were no applicants who met this criteria. Of course, when one is leading a service as important as that of the Dr Giraldi Home and St Bernadette's we have to make sure that we have the highest calibre of person discharging that role. It is not a vacant post as such because the incumbent is seconded, so it is not someone who is acting into that post. So, Mr Speaker, there is a perfectly logical and reasonable explanation for these posts, which really are quite short-term posts.

200 In relation to the care workers, as I have explained very recently in this Parliament, that is in relation to a restructure of the residential services, which, as time progresses and as the service progresses, the needs of the service and the needs of the children who we serve change and develop and we want to make sure that the posts and the job descriptions of those posts are commensurate to the needs of the service as they are today. That is something that we are in negotiations with the union. It is not as if it is something that has been left there; it is something that we are actively working on with management and with the union on behalf of the staff.

205 Mr Speaker, the question was made to the hon. Gentleman as to whether he is satisfied with the number of acting. The hon. Gentleman has said no, and I agree with the hon. Gentleman because all of these acting posts are, of course, planned and they are controlled and in no way are these services at risk.

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Hon. D A Feetham: Mr Speaker, well then, turning to the question of senior care workers, these are acting posts. There are five: there is one from 1st October 2011 – in other words, that person has been acting in that post from 1st October 2011; another one where he or she has been acting from 29th August 2011; the next one is 2nd September 2013; 4th May 2013; and 215 29th September 2014. I hear what the hon. Lady has to say about 'controlled', but why are people acting as senior care workers for so long, when she will agree with me that these are critical areas? I would have thought that the Government would have done everything that it can in order to have settled people in those posts.

220 **Hon. Miss S J Sacramento:** Well, yes, Mr Speaker, because that is precisely what has happened. The people who are in those posts are actually settled, because they are the same people who are acting. They are acting, therefore they are being remunerated accordingly to the responsibilities that they have. And precisely because those posts are important and the people are important – because the people who work in this service are, of course, very important to us, because it is about the continuity that they provide – it is exactly precisely the reason why 225 this service, which is a residential service for children, is being restructured. But, Mr Speaker, this is being done in consultation with the unions, so it is something that is progressing. This is not something that the staff are complaining about. We are working together with the unions to find the optimum outcome for the staff and for the children for whom we both serve together.

230

Hon. D A Feetham: I am afraid that I do not agree with the hon. Lady about the staff being happy with the situation, because we have received complaints about long-term acting in relation to the care workers.

235 How can the hon. Lady say that everything is fine, the staff are very happy, there is no problem here, when you have got people acting going back to 2011? What is the reason for that? It cannot be that you are reviewing the situation. When did you begin reviewing the

situation? What is this – a review that has taken six years, five years, going back to October 2011? What are the reasons for the delay in making sure that you have permanent people in these particular posts?

240

Hon. Miss S J Sacramento: Mr Speaker, we are just going round in circles here – and I will say the same: this is a ... Perhaps what happens is that the hon. Gentleman does not exactly understand the service that one provides at the residential home, but this service is certainly one that is very fluid and that progresses, and it has particularly changed a lot in the last year to 18 months. So we are working to make sure that we have the right structure in place. I will say once again that we are working with the union that represents these members of staff. We are working together. We will find, I am sure, that the hon. Gentleman and the union will work together to finalise the work that we have been doing for quite a period of time now.

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250

Hon. D A Feetham: Mr Speaker, I have read comments publicly from the union about ongoing discussions with the Care Agency. My understanding is that it is about also the level of acting in certain posts amongst the care workers. Is the hon. Lady saying that the union is happy with the current situation in relation to acting? Is that what she is saying when she says that she has received no complaints in relation to this?

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Hon. N F Costa: Mr Speaker, no, that is not what the hon. Lady has said. What the hon. Lady has said is in fact that we are meeting ... although there have been meetings and meaningful discussions and progression with the unions in respect of these acting positions.

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But if I may, Mr Speaker, I think the hon. Gentleman needs to accept that in the schedule that I have provided him there are only two positions that go back to 2011 and the other ones are of 2016 – they are this year. *(Interjection)* Yes.

Hon. D A Feetham: 2013?

265

Hon. N F Costa: I have said there are two that go back to 2011, which are the ones that the hon. Gentleman has once again raised when he raised it in the course of his supplementary.

Hon. D A Feetham: Senior care workers, which is the 2011, 2013 and 2014 – there are five.

270

Hon. N F Costa: Yes, okay, but when the hon. Gentleman stood to raise a supplementary he spoke about the 2011 ones, and once again I want to say ... I do not want the public to leave with the impression that there have been acting positions in that schedule since 2011. There are only two of those people who have been acting since 2011. The senior positions, which was his first supplementary to as to whether I was concerned that there were persons in acting positions at a senior level and I explained to him that there have only been since this year and that at my meeting with top management these issues have not been raised with me at my meeting. It may well be that they do raise it with me in slower time in due course when human resources issues are discussed. But I think the point was well made by the hon. Lady when she said that if these issues were, in their mind, urgent and needed to be addressed because in allowing people to act we would place the persons who use these critical services in any risk, then of course at the very first meeting you would have expected them to have raised them with me – and they have not.

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In respect of the point that he makes about the question of continuity of care, there is no such problem about continuity of care. In fact, it is a double-edged sword insofar as the fact that people have been acting since 2011 means that there has been that continuity of care since that time. So the question, with respect, is not that. The question is *why* are people acting since that time, rather than is there an issue as to continuity of care, because there cannot be because it is the same people.

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290 But let me tell the hon. Gentleman that having only been recently allocated with this responsibility it is certainly the case that I will, in due course, have discussions with the top management and with the union, and of course I will naturally seek their views as to these acting positions.

Hon. D A Feetham: I am very grateful for the answer, Mr Speaker.

295 The point about continuity of care was raised in relation to the very senior post that I started asking questions about, and we do not know but I am prepared to accept that in fact there had been no acting prior to 2016 because the hon. Lady has said that this is a question of everybody acting upwards, and I accept that.

300 The questions that I am asking now, and indeed I have been asking in the last two or three supplementaries, have been on those five senior care workers who have been acting since ... two of them in 2011, two of them in 2013 and one of them in 2014. Those are the ones that we are currently on, and in relation to those ... And I know that there have been concerns that have been expressed by the unions in relation to those, because I have seen them and I have also met with people within the Care Agency who are concerned in relation to these posts and other posts in other areas. When does the hon. Gentleman expect that the negotiations with the union will be completed in relation to these five senior care worker posts that have been filled in an acting capacity going back to 2011, two of them, two of them in 2013 and one of them in 2014?

310 **Hon. N F Costa:** Mr Speaker, just yesterday I had a meeting with one of the unions – the union that represents these particular workers – and again it was a meeting where we discussed in broad strokes what the issues were. I have to tell him that in those broad strokes these posts in particular were not raised, but I am meeting with them for a much fuller, longer meeting, and indeed in that agenda, when they do send it to me, these posts may well appear – and if they do, I will get the chance to be able to meaningfully exchange views then. The hon. and learned Lady has just advised me that those discussions in any case are quite advanced, so I am hoping to be able to resolve that finally, and of course if I am able to do so in very short order it will be because of the work that the hon. Lady did, and not myself.

Q725/2016

Elderly Care Services – Subcontracted workers

320 **Acting Clerk:** Question 725. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

325 **Hon. T N Hammond:** Can the Government state the commencement date for each subcontracted worker working within the Elderly Care Services as at 9th November 2016, together with the role being carried out by each subcontracted worker, the care provider the subcontractor is employed by, the reason for requiring their services and the area in which they are working?

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

330 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule that I now hand over to the hon. Gentleman.

Answer to Question No 725 of 2016

	GHC	ADA	S&K	JMF Cleaning
Qualified Nurses	20	0	0	0
Nursing Assistants	57	3	0	0
Full time Admin	0	0	2	0
Part time Admin	0	0	1	0
Full time Caterer/Domestic	0	0	10	0
Supply Domestic	0	0	0	14

	Qualified Nurse	Nursing Assistant	Full Time Admin	Part Time Admin	Full Time Caterer/Domestic	Supply Domestic
ERS	8	28	1	1	2	4
ERS SBH	0	0	0	0	0	0
JMW	12	32	0	0	3	8
Hybrid	0	0	1	0	5	2

Q726/2016
Elderly Care –
Policy re outdoor recreational time

Acting Clerk: Question 726. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, within the Elderly Care infrastructure, does Government have a policy to provide outdoor recreational time to residents on a daily basis, weather permitting?
335

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there is an internal policy which regulates the attendance of residents to outings.
340

Additionally, residents have the possibility to make use of the outdoor facilities available. Relatives, but also staff, provide escort to the residents during these outings.

By way of reference, an approximate number of 150 outings were organised in 2015, including outings to the fair, concerts and beach, amongst others.
345

Mr Speaker: Are there any supplementaries arising from Question 725?

Hon. E J Reyes: Yes, Mr Speaker. Looking at the schedule, the opening line for Question 725 says 'Can the Government state the commencement date for each subcontracted worker' and the schedule provides the list of who the subcontractors providing the services are and their role – qualified nurse or whatever – but I cannot quite find here the actual commencement date for each subcontracted worker.
350

Hon. N F Costa: No, Mr Speaker, the hon. Gentleman is correct, the commencement date is not included for the very same reason – and I hope that we do not revisit the argument – that commencement dates would be included in the terms of engagement filed with the
355

360 Employment and Training Board, and as the Hon. and learned Mr Licudi once again explained this morning in this House, such information is confidential by virtue of the Employment Regulations 1994. But I commend the hon. Gentleman for his astute observation of the absence of that fact.

365 **Hon. D A Feetham:** Mr Speaker, I have to say I admire the hon. Gentleman the flight of foot in answering that particular question – how he has avoided the need to answer the question. But has he himself obtained legal advice that suggests that confidentiality would be breached simply because we are asking not the identity of the subcontracted worker but in relation to the statistics of subcontracted workers, which he has provided, and where they are actually working and in what area, be it nursing or whatever, when they commenced working within the Care Agency etc. on a subcontracted basis, because surely ... I have not looked at the section, I have to say, but my gut instinct is that giving me the date of when these subcontracted workers
370 commenced their placement within the Care Agency is not revealing and not breaching any kind of confidentiality, because the confidentiality must relate to either the employee or the employer.

375 **Hon. N F Costa:** Mr Speaker, when I replied to a question put I believe it was by the Hon. Mr Phillips, I believe it was in relation to GJBS, and I had to reply to the hon. Gentleman not because I sought to be unhelpful but because I was advised that regulation 3 of the Employment Regulations 1994 explicitly states that such information is confidential. I am aware of the Standing Orders of the House, Mr Speaker, that say that we cannot have across the floor of the House a discussion about legalities and whether one agrees with one particular legal opinion or
380 another. However, let me tell the hon. Gentleman that if he refers to regulation 3(1), and indeed (2), he will have the relevant clauses for him to consider.

But, Mr Speaker, it has to be said that we are providing to the hon. Gentleman all the information that he requests – the posts that are being subcontracted etc. – except for the commencement date, so other than that I have been as transparent as I possibly can without
385 breaching the law. But if the hon. Gentleman is concerned to know, I imagine, the posts that are being subcontracted and all that information, indeed the only thing he will not know is since when a particular person has started in a particular post.

390 **Hon. D A Feetham:** It is not a particular person because nobody has asked for the identity of the person. The issue here for us is that if you have a subcontracted worker who has been placed in a public service position – whether it is in Government or in a Government-owned company or in the Care Agency – and that person has been filling a particular public service post for, say, seven, eight, nine, ten years, it would be a matter ... I am not suggesting that is the position, but just for illustrative purposes it would obviously be a matter of concern that you
395 have a subcontracted individual in those posts for such a length of time. That is why we have asked the question how long have these individuals been placed in those posts on a subcontracted basis. He must understand the relevance and indeed the public interest in the information.

400 **Hon. N F Costa:** Mr Speaker, if I still were the Minister for Employment I would be tempted to just remove those regulations just so that the hon. Gentleman did not make so much mischief every time he stood to ask me supplementaries in this House.

I can assure the public who may be listening in, who may then read *Hansard* or indeed listen to the audio recording later on the website – as I tend to do to see how we have performed in
405 this House and whether we have been able to remain civil and provide as much information as is humanly possible – that there is no position that I am able to glean from the document provided to me by way of supplementary information ... that there is any person who has been subcontracted for anything more than 2014. So I can tell him without breaching the

410 confidentiality section of the Employment Regulations and end up getting me into hot water for
doing exactly what the law does not allow me to do, to say, as a general point that there has
been no sub-contraction – and I am double checking for him – since from before 2014.

Q727-729/2016

Dementia Care Centre –

Expressions of interest; awarding of contract; opening date

Acting Clerk: Question 727. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

415 **Hon. T N Hammond:** Can the Government disclose to whom expressions of interest for the
Dementia Care Centre were sent and when?

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

420 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Questions 728 and 729.

Acting Clerk: Question 728. The Hon. R M Clinton.

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

Acting Clerk: Question 729. The Hon. R M Clinton.

430 **Hon. R M Clinton:** Mr Speaker, can the Government please provide an update in respect of
the opening date of the residential Dementia and Day Care Centre?

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

435 **Hon. N F Costa:** Mr Speaker, in respect of the dementia day facility, the GHA approached all
known companies registered locally that can provide care services on 7th September of this
year.

The GHA has interviewed shortlisted candidates and is in the process of awarding the tender.
The Dementia Day Centre opened the memory clinic component in October of this year.

440 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in respect of the residential centre I
believe that contract was already awarded to Grand Home Care – does he have an opening
date? I believe the previous Minister said some time in the autumn.

445 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I recall that I had a question ... because this is a monthly question that the hon.
Member brings and I believe that my monthly reply last time, when I had just assumed new
responsibilities, was in fact several months. I do not recall exactly, but it will be in *Hansard*, and
unless my hon. Friend tells me otherwise there has been no change. The last time that we
discussed this I think I said it is several months' time, but *Hansard* will show.

450

Hon. R M Clinton: Mr Speaker, if my memory serves me well – but it may not – I think it was
something like five weeks' time, but I am happy to be corrected in due course.

Can the Minister confirm that Grand Home Care is still the provider for the residential dementia facility?

455

Hon. N F Costa: Mr Speaker, I do not have the information that the hon. Gentleman has asked me for, and instead of trying to recall what my officials told me during the course of this week I would rather go back and ask them and then give him the answer ... I was going to say tomorrow, but it will be Monday now. But if he would excuse me on this occasion, given the recent reallocation of responsibilities, I will definitely write to him on Monday.

460

Hon. D A Feetham: Mr Speaker, may I go back to Question 725 a moment? In relation to Question 725, which was when I was asking some supplementaries, can I ask the Hon. the Minister if he could explain the actual table. There are two tables and I would just ask him to explain the difference between the two, which I do not quite understand. The first one obviously tells you that qualified nurses ... there are 20 from Grand Home Care, zero from ADA, zero from S&K, zero from JMF. Nursing assistants – there are 57 from Grand Home Care and three from ADA, zero and zero. And it continues. That I do understand, but what is the interplay between the second table, the ERS SBH ... I presume SBH is St Bernard's Hospital, John Mackintosh Ward is JMW and then Hybrid, but what is the interplay between the second table and the first table?

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Mr Speaker, if I may help the hon. Gentleman, the financial guru here to the left has just done one of his calculations and it appears that they may tally in number. So the first table – I would ask him to confirm this – is the profession and the second table is where they are located, and there is a correlation if one does an addition of the numbers. Is that correct?

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Hon. N F Costa: Yes, Mr Speaker, the Hon. Mr Clinton is correct.

Hon. D A Feetham: And ERS is where?

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Hon. N F Costa: Elderly Residential Services.

Hon. E J Reyes: And ERS SBH is St Bernard's Hospital?

Hon. N F Costa: Yes, sir.

485

Hon. E J Reyes: And by 'Hybrid', Mr Speaker? That is the only one where I am lost. The other one is John Mackintosh Ward, but then 'Hybrid'?

Mr Speaker: They are the ones that throw out the papers every evening at 8.30 when they answer the emergency.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, hybrids are people who are not clinical and are not administrative – it is like the industrials. The hybrids referred to at TRS will be the messenger/labourer ... It is a hybrid of responsibilities but it is an industrial post. (*Interjections*) They will have more than one role.

495

Acting Clerk: Question 730. The Hon. D A Feetham.

Hon. N F Costa: Mr Speaker, sorry, if I may go back to the Hon. Mr Clinton, to whom I will write on Monday, but having had the opportunity to reread the question that the Gentleman asked me and how I answered, the question that he asked me at 728 is 'can the Government advise if the contract has now been awarded in respect of the Dementia Day Centre', and I said during answer that the shortlisted candidates had been interviewed and that the GHA is in the process of awarding the tender.

500

505 In respect of the opening of the residential Dementia and Day Care Centre, the question was whether Grand Home Care was still the preferred bidder ... Was that ...? I just want to get it right for when I reply to him.

510 **Hon. R M Clinton:** Mr Speaker, yes, just to clarify, Question 729 was in respect of the opening date for each of – i.e. (1) the residential day care and (2) the residential dementia centre – and then my supplementary was: is the chosen contractor still Grand Home Care for the dementia residential unit?

Hon. N F Costa: That is clear now, Mr Speaker, thank you.

Q730/2016
UK nationals working but not living in Gibraltar–
Access to healthcare

515 **Acting Clerk:** Question 730. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the policy in respect of UK nationals working but not living in Gibraltar for access to healthcare in Gibraltar?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, British nationals need to produce their British passport for care under the United Kingdom reciprocal agreement.

525 **Hon. D A Feetham:** Mr Speaker, has there been any change in policy recently in this particular area? The reason why I am asking is because I have received two complaints from people who live across the way – UK nationals who are working in Gibraltar – in relation to difficulties that they have experienced accessing health services here in Gibraltar, it appears in relation to the renewal of the card that is produced that they need to renew for these purposes.
530 I just wonder whether there has been a change of policy, or is it just that there are two people who maybe have been unlucky or they have had just simply particular situations in relation to their own cases.

535 **Hon. N F Costa:** No, Mr Speaker, there has been no change of policy and I am very sorry to hear that two British nationals have had difficulty in registering. If he were to write to me with the names of those individuals I will make sure that they are attended to straight away.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, may I ask just by way of clarification? a UK national who is working in Gibraltar would not come under the UK reciprocal agreement. I think that the Leader of the Opposition needs to be aware of the difference. That person would be entitled to healthcare in Gibraltar under the good practice medical scheme. The UK reciprocal agreement, correctly, as my hon. Friend has said, will apply to visitors to Gibraltar who are not entitled by way of their employment and contribution in Gibraltar to care in Gibraltar.
545

Hon. D A Feetham: I will just read the hon. Gentleman the message subsequent to the meeting that I had with a particular individual. This is what she said to me:

I live in Spain and our, my and my husband's, health cards expire on the 14th of this month, so I contacted the registration office in the ICC to remind me what proof of employment forms etc. are required to enable me to do this. It seems I have everything required except that this year the GHA are making it more difficult for frontier workers to access healthcare in Gibraltar without first being registered for health care in Spain.

550 She appears to be indicating that there has been some material change in policy. Having read that to the Hon. Ministers, I wonder whether they can shed some light as to what she is talking about and why would somebody say to her that she first has to be registered in Spain for healthcare before she can be registered in Gibraltar.

555 **Hon. N F Costa:** Mr Speaker, I find it interesting that having told the hon. Gentleman that he could write to me with the name of the person and the complaint and I would make sure it is addressed on Monday he still felt the need, for effect, to read the message to me across the floor of the House.

560 I can assure the hon. Gentleman that it has to be a misunderstanding because there has been no change in policy, and I would once again repeat my offer – notwithstanding his theatrics in reading me the message across the floor of the House – that I will personally make sure that the registration happens on Monday. I hope that is to his full satisfaction.

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

565 I can assure the hon. Gentleman there were no theatrics intended. It was that after I had asked the hon. Gentleman the question that I remembered that this lady had also sent me a message on Facebook, so I went back to Facebook in order to make sure that I could explain the position further.

Let me say that I have no hesitation in saying that every time I have sent somebody to the hon. Gentleman with a particular problem the hon. Gentleman has always seen that person very promptly and has resolved most of the problems that certainly I have sent him over the years.

Q731/2016
Attempted murder –
Reform to sentencing laws

570 **Acting Clerk:** Question 731. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to reform sentencing laws for attempted murder?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government has noted a recent judgment handed down by the Court of Appeal, as a result of which two sentences relating to offences of attempted murder have been subsequently reduced.

580 The Government is taking advice as to whether the law on sentencing in such cases requires amendment further to these judgments, and, if so, the form of such amendment.

Mr Speaker: Any other supplementary?

585

ADJOURNMENT

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 24th November at 11 a.m.

Mr Speaker: The House will now adjourn to next Thursday, 24th November at 11 in the morning.

595 **Hon. D A Feetham:** Mr Speaker, may I just say that I have a very, very longstanding commitment in the diary in the United Kingdom. It is both personal and also of a professional nature. Obviously, I have planned my diary around the third Wednesday, Thursday and Friday of the month and I will not be here on Thursday of next week. It may necessitate me adjourning my questions to next time round, but I will notify Mr Speaker about my intentions.

600 **Mr Speaker:** The Hon. the Leader of the Opposition is indicating he would like those questions not to be Written Answer but to be deferred to the following meeting of Parliament?

605 **Hon. D A Feetham:** I will give Mr Speaker an answer in relation to it by Monday.

Mr Speaker: Very well.

610 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman could just tell us who is going to be the Acting Leader of the Opposition it might help (*Laughter*) in case there is any need to liaise between now and then.

615 **Hon. D A Feetham:** Mr Speaker, on the Chief Minister's form of wanting to control everything I suppose he will want to do my job as well as his and ask my Questions and answer them himself – but that, I am afraid, is beyond even him.

Hon. Chief Minister: I did his job for the shortest period anybody has ever done it in history before being able to do this job, so I am quite happy for him to choose whoever he wishes to on his side – but he might choose someone one day.

620 **Mr Speaker:** The House will then adjourn to next Thursday at 11 in the morning.

The House adjourned at 3.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.00 a.m. – 1.28 p.m.

Gibraltar, Thursday, 24th November 2016

Contents

Procedural – Recess of House to enable Members to attend funeral	2
<i>The House recessed at 11.05 a.m. and resumed its sitting at 11.45 a.m.</i>	2
Questions for Oral Answer	2
Deputy Chief Minister	2
Q823/2016 Brexit – Intention re litigation in English courts.....	2
Infrastructure and Planning.....	4
Q784/2016 Parking management company – Financial incentives	4
Q785/2016 Parking offences – Number of fixed penalty notices issued	4
Economic Development, Telecommunications and the GSB	5
Q794-799/2016 Project Search and Supported Employment Company Ltd – Terms and conditions of employment.....	5
Q800-811 and 813-820/2016 Finance	14
Q812 and 828/2016 GCP Investments Ltd – Barclays Bank loan; City Hall mortgage.....	23
Q821-822/2016 Training in trades – NVQ levels 1, 2 and 3	24
<i>The House recessed at 1.28 p.m.</i>	26

The Gibraltar Parliament

The Parliament met at 11.00 a.m.

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

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

Procedural – Recess of House to enable Members to attend funeral

Mr Speaker: The House is going to recess from now until quarter to twelve to enable a number of Members to attend a funeral.

The House recessed at 11.05 a.m. and resumed its sitting at 11.45 a.m.

Questions for Oral Answer

DEPUTY CHIEF MINISTER

Q823/2016

Brexit –

Intention re litigation in English courts

5 **Acting Clerk:** We continue with questions.
We start with Question 823. The Hon. T N Hammond.

10 **Hon. T N Hammond:** Mr Speaker, does the Government intend to follow the example of Scotland and intervene in proceedings currently being litigated in the English courts on whether the UK government can lawfully use prerogative powers to give a notification under Article 50 of the Treaty on European Union of the UK's intention to leave the EU?

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

15 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the position at present is that the Government does not intend to intervene in the proceedings.

Hon. T N Hammond: Mr Speaker, is the Government aware that a Gibraltarian is noted as an interested party in the current litigation?

20 **Hon. Dr J J Garcia:** Yes, Mr Speaker, the Government is aware of that.

25 **Hon. T N Hammond:** Mr Speaker, may I just ask is the Government intending to provide that individual any kind of assistance in that litigation certainly in terms of his travel to and from the United Kingdom, or any other kind of assistance?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does not assist litigants in private proceedings.

30 The hon. Gentleman might recall that in the case of Denise Matthews, who went to the European Court of Human Rights, she obtained legal aid – legal assistance, as I think it is termed even by the European Court of Human Rights – in respect of that matter. In this case, all of the litigants are funded by what is known as crowd funding, which is a collection of funding from individuals who might support a particular cause. Neither has the Government been approached by this person, asking us to provide any funding whatsoever.

35 The Government is not intervening itself and is not supporting a Gibraltar who is intervening. The Government is dealing with the issues that arise in Brexit politically in our exchanges with the British government. We do not consider that it is appropriate for one Government to litigate against another. In some instances the Government has intervened as interested parties in litigation, for example in the case of the GBGA versus the United Kingdom government. The Gibraltar Government has intervened but is not taking sides in that case. We believe that, as politicians, we should be involved in political exchanges with the British Government. We would only take legal proceedings *in extremis*.

45 **Hon. T N Hammond:** Mr Speaker, from that answer would I be right to infer that the Government disagrees with the positions taken by the Scottish and Welsh governments in participating in the litigation?

50 **Hon. Chief Minister:** Mr Speaker, the Government does not give opinions on the opinions of others. The hon. Gentleman has asked us whether we agree with the opinion of the Scottish government. The Government of Gibraltar – through the Office of the Deputy Chief Minister, who is the Minister with responsibility for Brexit, and through the Office of the Chief Minister – is engaged in negotiating the best possible deal for Gibraltar in the context of the decision of the people of the United Kingdom to exit the European Union. We will continue to do that and I think that the hon. Gentleman might wish to say with the success that we are meeting, but in the case of the matter which is before the courts of the United Kingdom the hon. Gentleman needs to reflect that that case relates to the right of parliamentarians in the United Kingdom to make a decision versus the right of the Prime Minister to make a decision. In other words, it is a question of whether the executive of the United Kingdom engages a particular action or whether it is an action that can only be engaged by the Parliament of the United Kingdom. Therefore, parts of the United Kingdom may wish to intervene in the courts of the United Kingdom in respect of that matter. The legal definition of the United Kingdom does not include Gibraltar and Gibraltar does not have representation in the Parliament of the United Kingdom. Therefore, the Government of Gibraltar does not consider, before even determining whether we would want to take that action, that Gibraltar should be represented by their Government in those proceedings.

65 **Hon. E J Phillips:** Mr Speaker, just one further supplementary in relation to that question: has the Government been approached by any devolved government to participate in these proceedings, or been invited at least?

70 **Hon. Chief Minister:** Mr Speaker, the Government has many discussions ongoing with the governments of the devolved administrations of the United Kingdom and the government of the United Kingdom, and we are not going to be giving any indication of what those discussions relate to other than in the press statements that might be agreed between the governments of

75 the devolved administrations and the Gibraltar Government that we should be indicating what it
is that we are discussing. I do not think it is in the interests of Gibraltar at all that we should do
that.

80 What we will continue to do is continue the excellent work which is being undertaken by the
Deputy Chief Minister and by other officials of the Government – in particular the Attorney
General, who has built a career around issues relating to European law – and all of the
Departments of Government that are engaged to ensure that in partnership with the United
Kingdom, not in litigation against the government of the United Kingdom, we secure the best
possible deal for Gibraltar out of the decision of the people of the United Kingdom to exit the
European Union.

85 We will continue the excellent work that we have been doing with Minister Walker of the
Department for Exiting the European Union and with Minister Duncan of the Foreign Office and
the technical and administrative teams that they have composed to do the work that needs to
be done to navigate this very difficult moment in the history of the United Kingdom, in the
history of Europe and in the history of Gibraltar, through partnership and in an attempt to
90 ensure that we get the best possible deal for Gibraltar in respect of all of the areas that are now
up for discussion. We do not believe that that is an avenue best pursued through litigation.

INFRASTRUCTURE AND PLANNING

Q784/2016

Parking management company – Financial incentives

Acting Clerk: We move to Question 784. The Hon. T N Hammond.

95 **Hon. T N Hammond:** Mr Speaker, does the private company contracted to manage parking
offences on behalf of the Government receive any kind of financial incentive for the number of
fixed penalty notices it issues or clamps it places?

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

100 **Minister for Infrastructure and Planning (Hon. P J Balban):** No, Mr Speaker.

Q785/2016

Parking offences – Number of fixed penalty notices issued

Acting Clerk: Question 785. The Hon. T N Hammond.

105 **Hon. T N Hammond:** Mr Speaker, how many fixed penalty notices have been issued to
vehicles for parking offences, by month, since January 2012?

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

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information
requested by the hon. Gentleman is detailed in the schedule I will now hand over.

Schedule for Q785 of 2016

Parking fines (Fixed Penalty Notices) issued during the period 01/01/12 to 31/10/16

	2012	2013	2014	2015	2016
JANUARY	1099	702	897	963	705
FEBRUARY	1113	1031	1275	957	1535
MARCH	771	763	889	616	730
APRIL	962	798	1095	641	794
MAY	814	937	1230	210	983
JUNE	725	549	1141	599	538
JULY	1147	718	1719	1812	1161
AUGUST	1018	1090	1179	1578	1553
SEPTEMBER	1284	654	1360	1018	2652
OCTOBER	809	790	970	1087	2817
NOVEMBER	631	1194	843	1155	
DECEMBER	673	1230	816	518	

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q794-799/2016

**Project Search and Supported Employment Company Ltd –
Terms and conditions of employment**

110 **Acting Clerk:** We move to Question 794. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose in what inroads have been made towards Project Search or any other framework of Supported Internship?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): I will answer this question, Mr Speaker, with Questions 795 to 799.

120 **Acting Clerk:** Question 795. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose which departments, companies, agencies or authorities are the employees of Supported Employment Company Ltd providing services to?

Acting Clerk: Question 796. The Hon. L F Llamas.

130 **Hon. L F Llamas:** Mr Speaker, can the Government explain what leave and sick leave entitlements are extended to the employees of Supported Employment Company Ltd?

Acting Clerk: Question 797. The Hon. L F Llamas.

135 **Hon. L F Llamas:** Mr Speaker, can the Government explain what pension plans have been offered to the employees of Supported Employment Company Ltd?

Acting Clerk: Question 798. The Hon. L F Llamas.

140 **Hon. L F Llamas:** Mr Speaker, can the Government disclose what hourly rate is paid to the employees of Supported Employment Company Ltd; if employees are on different rates, then provide a schedule detailing the number of employees on each rate?

Acting Clerk: Question 799. The Hon. L F Llamas.

145 **Hon. L F Llamas:** Mr Speaker, can the Government disclose how many employees are employed by Supported Employment Company Ltd, together with a schedule detailing when each employee was employed?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I would remind the hon. Member opposite, who might not be aware of it, how badly the 15 years that his party was in government compares with what is being provided now. I would like to remind him of what was provided up to December 2011.

155 The individuals now employed by Supported Employment Company were individuals in the so-called Vocational Training Scheme. Some of them had been there for many years. They were paid an allowance of some £400 a month, which translated into an hourly rate of £2.50, roughly half of the national minimum wage. They had no employment rights and therefore no entitlement to sick or annual leave, nor did they have social insurance cover for old age pension or industrial injury.

160 As the House was informed in 2012 and on several occasions since then, those involved were transferred on 1st February to the Employment Training Company and together with other individuals then being paid the same amount as vocational trainees. A few months later, the Supported Employment Company was especially created for the benefit of those it was felt would not be able to enter into mainstream employment. A number of individuals were therefore transferred to this company and others have joined since. They were given indefinite contracts of employment. At the end of September the numbers employed by the company was 68 and the start dates of their employments were as follows: 1998, two; 1999, three; 2000, one; 165 2001, two; 2002, one; 2004, two; 2005, one; 2006, two; 2007, one; 2008, six; 2009, five; 2010, six; 2011, four – these are the ones that were then transferred – 2012, twelve; 2013, eleven; 2014, two; 2015, seven.

170 As can be seen from the figures, 36 of the 68 were already in the discredited Vocational Training Scheme prior to December 2011.

175 These employees are placed in the Care Agency, the Employment Service, the IT Department, the Environmental Agency, St Martins, the Air Terminal, the Tourist Office, the Education Department, the Electricity Authority, the Post Office, the Port Department, the MOT Centre and several private sector businesses.

180 Mr Speaker, as the Parliament has been informed and is public knowledge, employees of the training companies have been paid the national minimum wage since February 2012. This applies equally to employees of the Supported Employment Company on exactly the same terms as the other employees and as is the case with a very substantial part of the private sector.

185 The terms and conditions of employment of all the EDEC companies, including Supported Employment, are also those that apply generally in the private sector, namely the statutory terms. Like every other employee with an employment contract, those in Supported Employment will be eligible eventually, on retirement, to a social insurance old age pension and will also be able to access payments from the charity Community Care Ltd.

There are no plans to introduce any measures for which there is no manifesto commitment.

190 **Hon. L F Llamas:** Mr Speaker, before going into the detailed analysis of all the answers being
provided, I do not seem to have received an answer on the Government commitment on Project
Search or Supported Internship in terms of how far the Government has progressed in that area,
given that there is actually already a provision in the Estimates Book from this year to
commence on that – there was a £10,000 budget there for it. Is the Government able to disclose
195 how far in the project it has actually achieved so far?

Hon. J J Bossano: Mr Speaker, the Project Search concept in the United Kingdom operates on
the basis that those involved are given six months unpaid placement with an employer who
hopefully will employ them. I think that is inferior to what we already have in Gibraltar, and
200 there is no manifesto commitment to replace what we have got with what they do in the UK in
Supported Internships, which is the only information that I have related to the comparison
between what we are doing and what Project Search in the UK constitutes.

Hon. L F Llamas: So does that actually mean that the Government will not be going ahead
205 with Project Search as indicated in the Budget this year?

Hon. J J Bossano: Anything that is done in that area will not be in replacement of what we are
doing in the Ministry for Economic Development in providing employment; it would be in terms
of additional provision which may be done with private entities. But it will not involve the kind of
210 support that we give now to people who are not able to obtain employment in the market.

I think I have mentioned before in a previous question that the hon. Member put to me – or
Miss Nahon put to me – that in the cases of persons with difficulties for a variety of reasons,
which includes persons with disabilities that make employment more difficult, our first option is
to find them employment in the public sector, and in order to do that we provide more financial
215 support than we would provide to a trainee who comes out of school but has got no problem
really in finding a placement. It is only when we exhaust those possibilities that we then put
them in the system that we have created in the new training company for supported
employment provision, half of whom are in the private sector. But the hon. Member will see
from the figures that the bulk of the intake happened in 2012 and 2013 and that in fact the
220 figures compare favourably with the average numbers that were entering in previous years.

So, to what extent is there still a gap that needs to be filled by undertaking something else in
the Project Search? Frankly, I am not very clear that such a need exists – other than perhaps to
supplement or complement what we are already doing.

225 **Hon. L F Llamas:** Well, the main gap, which is what I am being told by various people,
employees and professionals, is the actual follow-up of the employees on what they are doing,
the support that they should be getting in terms of where will they be in five years' time, can
they progress any further, is it the right job for them. That, at the moment, does not seem to be
happening, and it would be something that would be happening if the proper framework, such
230 as Project Search or a supported internship department were actually in place. So that is the
main area that I feel is being overlooked by the Government and I would be grateful if the hon.
Member would disclose if maybe this area could be improved.

Hon. J J Bossano: I can tell you what we do have is a number of volunteers from the persons
235 who are over 60 and working as community officers, who are allocated the 68 that we have, and
who therefore, under the community care system the work that they take on is in fact to keep in
touch with the persons we have got in employment.

There have been a number of people who have been able to move from supported
employment into mainstream employment in the four years that the system has been in place,
240 but I do not think there would be more than maybe four or five people who have moved on. So
to my knowledge there is no desire from the people who are there, no indication and no

feedback to me that they want to move on from where they are. In fact, sometimes we have a problem in that somebody in the private sector who might have been accommodating in being willing to provide a placement – which does not cost them any money but nevertheless means that they have got a certain responsibility, and they have to have the capability to do it and we monitor that they are doing it ... but sometimes they tell us that for some reason or another to do with the way the business is performing they are no longer able to provide us with that service. Once a person has been in an area like that for a number of years they tend to resist moving elsewhere. So, if there are people who want to move on and if they think that we are not doing enough to help them move on, then I would be very happy to know who they are and deal with it specifically, but from the staff who deal with monitoring this and ensuring that the 68 employees are being properly treated and are happy where they are, I have not had that feedback.

Hon. L F Llamas: A couple of weeks ago I had the pleasure of meeting a lady from the UK who works for BASE, the British Association for Supported Employment in the UK, as did the Hon. Minister Costa. It was very interesting, because obviously the main argument and the model that they use in the UK that actually works very well is that these employees are usually employed in the private sector and they are actually not employed directly by Government. This does provide a lot of incentives and it actually improves businesses and they actually start to receive business revenue out of employing people with disabilities or learning disabilities, because they are seen as good employers and it has benefits for them in the same way.

But one of the things obviously that maybe the Hon. Minister would like to take on board is also what Supported Internships do in the terms of the follow-up. The Hon. Minister has said that the follow-up and the keeping in touch is done by the employees of the Community Care, and I would beg the Government to actually think about other ways of keeping in touch and following up with people who are actually professionally qualified in assessing these situations and monitoring them. Would the Government be able to at least look into this area whilst the Supported Employment Company is still in place?

Hon. J J Bossano: Mr Speaker, the hon. Member seems to have forgotten what they were doing for 15 years. For 15 years they had a system which was incredibly inferior to what is happening now, and therefore it is all very well to come and say that we should be doing more than we are doing.

The people who are qualified to assess them in terms of their medical problems are not the people from Community Care. The people from Community Care are just going to make sure that they get a regular visit, that the person is not having problems at work and that the employer is actually maintaining the person in the kind of work they were promised to do originally. This is predominantly something that is perhaps necessary in the private sector. Clearly, since half of them are in the public sector, we know exactly where they are because all we need to do is call up the head of department. Some of these individuals have been there for many, many years –remember that the oldest one is from 1998 – and they have been doing the same task for many years in some of these areas, particularly in the public sector. The feedback I get from those who have been dealing with them for many years and have known them for many years is that if one of the individuals for one reason or another is not happy there, then we get told that and we find them an alternative placement. But the reality of it is that our experience in the four years that the scheme has been in operation is that they resist movement. Even when the Department in the Government or the private sector employer may feel that they are not really able to accommodate the person, the person still wants to be there because that is what they have been doing for a very long time. Usually, the people who have some of these learning disabilities have problems adjusting to change. The familiarity is a big, important part of their being happier where they are.

295 The internship in the United Kingdom, as I pointed out to the hon. Member, is something
that, from the point of view of wearing my hat as being responsible for improving the efficient
use of public money, might be a better solution, because the Government does not spend any
money in the UK – it gives somebody an internship for six months unpaid. I do not think there
are going to be many volunteers to move from getting the national minimum wage in Gibraltar,
which is not what people get outside Gibraltar. We have got 9,000 people in Gibraltar in the
private sector working for the national minimum wage and 68 of them with indefinite contracts
300 for life working on that, with the conditions that the 9,000 have.

If there are any individuals who feel, or their family feels could do better and if there is
anything the Government can do so that they move out of supported employment and they
move into the normal employment market, that is fine. I can tell you that some of the people we
have got in the Government ... sometimes their family lobbies so that they should be paid as civil
servants and not paid as being in the private sector, but they are not occupying a post in the Civil
Service which would exist if they were not there. The 50% of the 68 who are in the public sector
are supernumerary to what the Department is, and therefore it is not that they are occupying an
existing post and are getting paid the minimum wage.
305

I have not had any representations made to me, and if they have been made to somebody in
my Department it has not reached me. If the hon. Member has got any information that he is
willing to pass to me that will enable me to investigate what he is suggesting, then I am willing to
do it if it is for the benefit of those affected, which is the only thing that really matters.
310

Hon. L F Llamas: I can certainly say that obviously my attempt at trying to be constructive,
providing the Government with constructive criticism of what is failing, is because ... I accept
that obviously that there are instances where employees would not want to move and they have
become accustomed to a certain job and they may actually like the repetitiveness of it and that
is what they thrive on. But many of these cases may be unable to express that they are unhappy,
and if they receive a phone call or somebody goes into the office and does not have the
professional background to be able to know whether that person is generally unhappy because
320 that person is unable to express themselves ... That is why I was raising that question.

Moving on to my next supplementary, I wanted to also ask whether there are cases which are
evaluated of these employees who perhaps are doing very similar or equal jobs to people who
are actually employed directly by Government, or the company or agency, but are actually losing
out because they are being paid the minimum wage and are receiving minimum benefits such as
annual leave and sick leave – whether this could be assessed perhaps individually on a case-by-
case basis in terms of if Government is actually reaping a benefit because they might be working
at the same rate as an AA, for example, but not having to employ an AA.
325

Hon. J J Bossano: Well, I think I have already answered that question, Mr Speaker. If there is
somebody in a place where there are two AAs and this is a third person, that third person is
there because it is assumed that there is not work for three and that there is work for two; and
if, in fact, there was work for three then the person from Supported Employment would not
automatically get the job because that would then be getting into the Civil Service through a
different entry point.
335

Given the numbers of people who want to be in the Government, we would suddenly find a
huge increase in people wanting to be in Supported Employment in the first instance as a means
to an end. So the answer is that if a particular Department needs more staff, that is assessed,
and if they need more staff and it has to be recruited, it should be recruited in the normal
procedure. Nobody in the Supported Employment Company is denied the opportunity of
applying for any job that comes out, but I have told the hon. Member that in the four years I
think we have actually had something like four persons who were with us actually applying for
other jobs and leaving this company and getting the other jobs. Everybody has got the
opportunity to do that and they get whatever help and assistance they need to be able to do it,
340

345 but what we cannot do is say that because we have got somebody who has been in the Post
Office, for example, since 1998 – I do not know whether the ones from 1998 are there, but to
give the hon. Member an example we cannot say, ‘Well, okay, because they have been working
in the parcel post since 1998 we are now going to create a new job in the parcel post and give it
350 to one of them and pay them Civil Service rates.’ That is not the way to deal with the situation. If
the job exists and they apply in competition with other people, they would not be disadvantaged
by having been there before – they would have an advantage by being there before, but the job
has to exist.

Hon. L F Llamas: I am not actually referring to creating further posts or for these people to be
355 able to –

Mr Speaker: May I point out that these exchanges are now acquiring more the nature of a
debate to and fro, rather than to urge the Government to take action and seek information.
What you cannot be doing is expressing different points of view, because then it becomes a
360 debate.

Hon. L F Llamas: Okay, so will the Government look into perhaps increasing annual leave and
sick leave entitlements beyond the minimum statutory requirements, so that it regularises
positions of employees employed under Supported Employment to its peers who are employed
365 directly by Government? There seems to be a parity issue there, and obviously the employees of
Supported Employment, who should actually be receiving at least the same benefits as their
peers, could be regularised and therefore they would be in a much better position.

Hon. J J Bossano: No, Mr Speaker. For 15 years they were getting no employment rights
370 whatsoever. They now have the employment rights that are enjoyed by something like 15,000
people in the private sector. I have told the hon. Member that half of the Supported
Employment individuals are placed in the private sector, so is the hon. Member saying if you are
in the public sector you get one set of conditions and if you are in the private sector you get
another one? The reality of it is that if I followed the advice that he is giving me, it would mean
375 that half of them would be getting Government conditions and the other half would be getting
private sector conditions. How long does he think it would take for the half in the private sector
to say ‘I want to be put in the public sector’? He is going contrary to what he started off with
when he was recommending the movement into supporting them in the private sector. That is
how we started and now he is suggesting the very opposite. He must understand that he is
380 asking me to introduce a system where the employment company would discriminate in the
conditions of employment as between the placement providers. If I were to do it in the private
sector, then the situation would be that the people who are in normal employment conditions in
that particular establishment would then be saying, ‘Why should the person who has been
placed here be getting more than me?’

385 The reality is that the system we have got is a vast improvement on what was there before
and is better than they have outside Gibraltar. In the United Kingdom, as the hon. Member
recognises, the Government does not pay anybody anything. They give them unpaid internships
for six months and then the private sector employs them. The private sector does not employ
them in the United Kingdom on Civil Service terms and conditions; it employs them on private
390 sector terms and conditions. We are making sure that the Supported Employment Company is
giving the same conditions as private sector companies do and the same conditions as are given
to the trainees in construction training, in engineering training and in the other fields of training.

The only reason we took them from what were the training companies ... We put everybody
from the VTS into the training companies and then I had representations from those or from the
395 families of those affected that maybe we should give the people we had put in the companies
greater security than annual contracts, because after all the people in the training companies

400 were having annual contracts because it was a stepping stone to another job, but the people here were likely to be there for all their lives. Therefore, on the basis of that – and something that was at the time supported by the Leader of the Opposition and welcomed by him when I did it, which was three or four months after the first move – we gave them indefinite contracts. So you have got a situation where they have got a job for life and they are guaranteed in that job for life that they will never be worse off than if they were working in the private sector, where two thirds of the population is working, and on the conditions of the private sector. They have the same choice and opportunity of moving into the public sector as anybody else in Gibraltar has, but what I do not think we can really commit ourselves to doing is to give somebody, 405 because they have got a disability, more than they would get if they did not have the disability.

Hon. L F Llamas: My last supplementary, Mr Speaker.

410 The reason for the shift was obviously because I was under the impression, given that there was a mention in the Budget, that there would be a quicker move towards Project Search starting, and that was why I shifted my argument. I just wanted to know exactly what the position was. It was not that I shifted my personal opinion.

415 Just a statistical supplementary: how many employees are actually in the public sector and how many employees are providing services in the private sector? I do not think I have been given that figure.

Hon. J J Bossano: I think it is about 50-50.

Mr Speaker: Before we move to Question –

420 **Hon. E J Reyes:** May I, Mr Speaker? Just one thing. Can I please ask the hon. Member to clarify. Right at the very beginning of his answer he was giving us a recollection of how some conditions have improved. Did I hear correctly the Minister say that when they were registered as trainees of the VTS scheme, there were no social insurance provisions? Did the Minister say that? 425

Hon. J J Bossano: That is indeed the case, and in fact I think we had to make a provision to do a backdated payment for the Social Security because they were getting an allowance – they were not treated as employees, they did not have a contract of employment, they were not covered by the Employment Act, they were not protected against unfair dismissal. Not just these, none of the VTS, because they were all treated as not being in employment – to the extent, in fact, that I represented somebody, when I was in opposition, who challenged that in the tribunal and the tribunal ruled that it was not a contract of employment for somebody who had been seven years in the college library. 430

435 **Hon. E J Reyes:** Mr Speaker, perhaps I need to talk further later on with the Minister, because I understand what he is saying about not being an employment contract but I can guarantee to him that social insurance contributions were being made by the employee as well as if it were an employer – the training unit as such, because it was an ESF funded project, were actually paying the equivalent of what an employer was paying, precisely so that these individuals, although technically still a trainee, were already starting to acquire rights for future old age pension. 440

445 He may not have been given the full correct information, but certainly looking back – because I do not want those individuals concerned to lose out in the future, because for x number of years there was an employer equivalent an employee contribution towards that fund, which will be for the trainees' or now employees' benefit in the long term when it comes to old age pension.

But it need be, Mr Speaker. We will not waste our time here. We can exchange views later, because I think we are both mutually interested in helping the individual.

450 **Hon. J J Bossano:** Mr Speaker, I think what happened was that they were at one time, and then they stopped being later on because there was a change from them being treated as employees. In the earlier part of the 15 years they were treated as employees, and then an agreement was done, in which I think Mr Montiel was involved on the union side, and then they were taken out, and then they had to be put back retrospectively.

455 **Mr Speaker:** Before we deal with Question 800, the Hon. Trevor Hammond has indicated he would like to ask some supplementaries arising from Question 785, the schedule that was provided.

460 **Hon. T N Hammond:** Thank you, Mr Speaker, yes, if I may refer back to the question, some of the figures are quite noteworthy, the figures that we have been provided.

For instance, and to give some background to the question, the number of fixed penalty notices issued in September 2014 was 1,360; for September 2015, 1,018; and for September 2016, 2,652. Likewise for October, for 2014, 970; 2015, 1,087; and 2016, 2,817. This constitutes almost a 200% increase month on month in the issuing of notices.

465 Can I ask the Hon. the Minister if he could advise whether any instructions or guidelines have been given to the company issuing these notices and whether there has been any change in policy on Government's part?

470 **Hon. P J Balban:** Mr Speaker, as we discussed in detail last time, there has been no change in policy whatsoever. The instruction given to the company in question is to follow the law itself, and the law states that where cars are indiscriminately parked a fine is applied to such vehicles.

475 **Hon. T N Hammond:** Mr Speaker, is the law being applied universally in all areas of Gibraltar? Has the company been instructed to target any areas in particular, or indeed to target less other areas?

480 **Hon. P J Balban:** Mr Speaker, the company will actually police in the areas they feel necessary. They are instructed to police all areas of Gibraltar. They themselves will perhaps note that there is an acute problem in certain areas over other areas, so it is up to them as to where they police.

Obviously, they know that there are areas in question... I will give an example: Water Gardens is one of those areas in question whereby the amount of indiscriminate parking and causing obstruction to the flow of traffic is rampant, so they will probably police that area more than they would police, say, a parking lot. So they use their better judgement in that respect.

485 **Hon. T N Hammond:** Mr Speaker, does the company employ an expert to determine which areas are particular hot spots? For instance, I would not consider Grand Parade to be a particular hot spot in terms of obstruction to vehicles, and yet I have witnessed myself a veritable army of clampers and wardens handing out tickets there. On what basis does the company determine which are the particularly critical areas that need to be targeted and which areas are less important?

490 **Hon. P J Balban:** Mr Speaker, they use their own judgement. If there is a street-cleaning campaign, for example, there are days in Grand Parade where, yes, they will be there in force, and if vehicles have not been removed by their respective owners you would expect an army of officers there in that given moment in time.

495 If you allow cars to park just indiscriminately, I am sure the hon. Member would not be asking questions as to why we allow them to be clamped. I do not see what the hon. Member is getting at. It is either ... Are we doing too well, or are we not doing well enough? I just do not know what
500 the point is.

Hon. T N Hammond: Mr Speaker, what I am getting at is that there does appear to have been a change, in the methodology at least if not the policy, insofar as the fact that the number of notices has gone up dramatically and the unsuspecting public is certainly feeling the influence of that change. Even though it is not a Government policy in itself to effect that change, it is clearly
505 a policy or is clearly an effect that has come about from the introduction of this company.

Is the company liaising at all with the Royal Gibraltar Police, who I would have thought would be the subject matter experts in this particular area, to determine which areas should be targeted and which should not?

Hon. P J Balban: Mr Speaker, is the hon. Member actually saying that perhaps we are placing too many FPNs and we should perhaps take a more lenient approach, turn a blind eye and allow people to park indiscriminately?

If we look at the figures and we analyse the figures that I passed on to the hon. Gentleman, if I take the largest figure, which is 2,817 for the month of October this year, and we divide that by
515 30 days on average, there are about 94 FPNs placed per day. If you divide that by the amount of officers out there, around 10 officers, we are talking about them placing nine or 10 FPNs each per day. I can drive out of my house and see, within a question of minutes, 10 cars badly parked.

Perhaps what the hon. Gentleman is referring to is perhaps before – maybe the amount of FPNs being placed was not acceptable. I did not want to go into figures pre 2011 because we
520 have said that we really should not be looking back, but I am happy to do so, if the hon. Gentleman would like, as a comparison. I will look at, for example, May 2015 – 210 – and divide that by 30 days, and it was about seven FPNs per day. So each officer is placing 0.7 FPNs a day. Would the hon. Gentleman be happy with that? Is that more acceptable in that respect? I just do not see ... The law states that cars that are indiscriminately ... Remember what is happening: cars
525 are parking on footpaths, and they may be aggrieved because they have been fined but those mothers who are walking their prams and have to go onto the road ... I do not know what the issue is.

Hon. E J Reyes: Mr Speaker, I will try to explain. *(Interjection by Hon. Chief Minister)* The Chief
530 Minister is completely correct and has my support on that one.

Mr Speaker, what my hon. colleague was trying to say ... We are not querying the numbers being too high or too low. What was being asked by this last supplementary was ... The hon. Minister explained, yes, there may not have been a change of policy, other than this is the law being implemented and so on. The hon. Member actually asked specifically is there a specific co-
535 ordination, and we think if there is then there has certainly been some improvement in that co-ordination with the Royal Gibraltar Police, who are the ones I think one would be considered to be the experts on the issue. That is –

Mr Speaker: That question was asked by Mr Hammond and you are now asking it again.
540

Hon. E J Reyes: No, we have not got the answer, Mr Speaker.

Mr Speaker: Right, well, we will give the Minister an opportunity to answer. Is there any co-
545 ordination between the Police and the company?

Hon. P J Balban: Mr Speaker, of course the company liaises with the Police; they work together. The Police will seek assistance from the company and vice versa, so they work together as part of the overall package of parking enforcement. But is the actual PMOs, as we call them, who place the FPNs and also, in liaison with the Police, will support events and
550 functions like Memorial Day with the removal of vehicles. So they work hand in hand; they work symbiotically.

Q800-811 and 813-820/2016

Finance

Mr Speaker: Question 800. The Hon. Roy Clinton.

555 **Hon. R M Clinton:** Mr Speaker, can the Government provide a summary of the amount of proceeds paid into the Improvement and Development Fund by Government-owned or controlled companies, including the Gibraltar Development Corporation, in respect of related party property transactions, namely purchases of property from the Government, for each of the following financial years: 31st March 2012, 31st March 2013, 31st March 2014, 31st March 2015 and 31st March 2016?

560

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

565 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this together with Questions 801 to 811 and 813 to 820.

Acting Clerk: Question 801. The Hon. R M Clinton.

570 **Mr Speaker:** Effectively, other than Question 812, the hon. Member should pretty well stand up and ask all the questions on the Agenda Paper.

575 **Hon. R M Clinton:** Mr Speaker, I will of course do that with what is becoming my usual protest at having to lump so many questions together. I am sure, Mr Speaker, you will indulge me, when I come to ask supplementaries, to be given more time to consider the answers from the Hon. Minister.

580 Can the Government provide a summary of the amount of stamp duty paid into the Consolidated Fund by Government-owned and controlled companies in respect of related property transactions, namely purchases of property from Government or purchases of property from other Government-owned and controlled companies, including the Gibraltar Development Corporation, for each of the following financial years: 31st March 2012, 31st March 2013, 31st March 2014, 31st March 2015 and 31st March 2016?

Acting Clerk: Question 802. The Hon. R M Clinton.

585 **Hon. R M Clinton:** Mr Speaker, can the Government provide a list of all companies owned or controlled by it or the Gibraltar Development Corporation whose current liabilities exceed its current assets?

Acting Clerk: Question 803. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government provide an organogram showing all companies owned or controlled by the Gibraltar Development Corporation?

Acting Clerk: Question 804. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please advise what are the expansion plans for the Gibraltar Savings Bank, given the cost incurred mentioned in the Principal Auditor's Report for 31st March 2015, paragraph 2.7.15, namely a new banking platform and the purchase of four automatic teller machines and legal costs?

600 **Acting Clerk:** Question 805. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise why the Gibraltar Savings Bank has acquired a shareholding in Visa with a value of £168,791.44 as at 31st July 2016?

605 **Acting Clerk:** Question 806. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maturity dates of deposits placed by the Savings Bank with the Gibraltar International Bank as at 31st July 2016?

610 **Acting Clerk:** Question 807. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maturity dates of the £400 million of preference shares held in Credit Finance Company Ltd by the Gibraltar Savings Bank?

615 **Acting Clerk:** Question 808. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of all property sold to GSBA Ltd, a company owned by the Gibraltar Savings Bank, by the Government or Government-controlled companies, identifying the property concerned, the consideration paid and date of sale?

Acting Clerk: Question 809. The Hon. R M Clinton.

625 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has had confirmation from the Attorney General that the General Sinking Fund (Revenue) Notice 2012 (LN 2012/190) does not conflict with the 2006 Constitution, specifically clause 67?

Acting Clerk: Question 810. The Hon. R M Clinton.

630 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has had confirmation from the Attorney General that the General Sinking Fund (Establishment) Notice 2012 (LN 2012/189) allows for the payment of interest in addition to capital?

635 **Acting Clerk:** Question 811. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the financial terms for the Capital Bonds redeemed in the financial year 31st March 2014, specifically the £100 million, 1st November 2013, and the £100 million, 1st May 2014, and also those issued but not redeemed, being the £100 million, 1st September 2014, and especially whether interest was payable, were they issued at a discount, or redemption at a premium was envisaged?

Acting Clerk: Question 813. The Hon. R M Clinton.

645 **Hon. R M Clinton:** Mr Speaker, can the Government advise why GAR Ltd, a Government-owned company, purchased the Mount from the Government for £8.2 million and where did GAR Ltd obtain the money?

Acting Clerk: Question 814. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of Gibraltar General Construction Company Ltd?

Acting Clerk: Question 815. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government explain why total liquid reserves fell by £160 million, from £294 million as at 31st March 2014 to £134 million as at 31st March 2015?

Acting Clerk: Question 816. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please advise how total Liquid Reserves are invested/held, giving details of all bank/savings bank accounts and cash held for the following date, being 1st October 2016?

Acting Clerk: Question 817. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, namely 1st October 2016?

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Acting Clerk: Question 818. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, namely 1st October 2016?

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Acting Clerk: Question 819. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the contractual terms of the call deposit by Credit Finance Company Ltd with Gibraltar Investment (Holdings) Ltd, specifically interest payable and notice for withdrawing of said deposit?

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Acting Clerk: Question 820. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

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Hon. R M Clinton: Mr Speaker, has the *Sunborn* Hotel paid any capital off a loan provided to it by Credit Finance Company Ltd?

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

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I&D receipts from property sales to Government companies have been £90 million in 2012-13, £37.1 million in 2013-14; £26.4 million in 2015-16.

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Consolidated Fund stamp duty receipts have been £7,140,000 in 2014-15.

It is impossible to say at any given moment in time whether there is or there is not at that specific moment a Government company or GDC company whose current liabilities exceed its current assets or vice versa, or where both current assets and current liabilities are identical.

The Gibraltar Development Corporation owns the following companies: GDC (Directors) Ltd, Gibraltar Capital Assets Ltd, Credit Finance Company Ltd (Ordinary Shares), Economic Development and Employment Company Ltd. The latter has the following subsidiaries: Gibraltar National Exploration of Minerals Gas and Oil Company Ltd; RMB Investments Company Ltd; Zero

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Carbon Footprint Company Ltd; Skills Enhancement Training Company Ltd; Supported
705 Employment Company Ltd; Graduate Research and Development Company Ltd; Employment
Training Company Ltd; Gibraltar General Construction Company Ltd; Construction Training
Company Ltd; and Gibraltar National Mint, which owns, in turn, the Gibraltar International Mint.

As has been previously explained in Parliament, the costs referred to by the Principal Auditor
related to the planned expansion of the Gibraltar Savings Bank prior to the creation of the
710 Gibraltar International Bank. Any future expansion plans have not yet been finally decided.

All the investments or deposits shown in the statement of investments of the Savings Bank
Fund that I provide the hon. Member with are made because the Savings Bank has decided to
make them. I will not be providing any further details beyond what is already included in that
statement.

Credit Finance Ltd redeemable preference shares do not have a fixed maturity date.

715 The position as regards the investment of GSBA is as stated previously in answer to this
question.

The Government is satisfied that the General Sinking Fund allows for the payment of interest
and is not in conflict with the Constitution.

720 There were no Capital Bonds redeemed in the financial year ending 31st March 2014 and no
bonds issued on 1st September 2014.

GAR Ltd purchased the Mount property as an investment and paid for it from resources
available to it.

I suppose, Mr Speaker, that the purpose of Gibraltar General Construction Company Ltd was
to conduct general construction.

725 Total liquid reserves came down by £160 million in the financial year 2014-15 because the
Government invested this amount in Gibraltar for the benefit of its people.

The position as regards total liquid reserves composition, when, where and how these are
invested on a particular date chosen by the Member opposite, continues to be as previously
stated.

730 The position of the public debt on 1st October 2016 is as it was estimated on 1st September
2016, except that the cash reserve is now estimated at £59 million and the net debt at
£387 million for that month.

Credit Finance Company Ltd call deposit is at 6.5% interest and repayable when required.

735 The position as regards loans provided by Credit Finance Company Ltd continues to be as
previously stated.

Hon. R M Clinton: Mr Speaker, I will obviously have to beg your indulgence as I trawl through
the answers. It is quite a substantial list of questions and answers for me to absorb all in one go,
740 but I will hopefully, one by one, address each of the questions, but it may take me a bit longer
than if I had been able to get the answers individually.

If I can take the hon. Member to Question 811, I was specifically interested in the terms of
these capital bonds. He tells me that none were issued or redeemed in that financial year, but I
actually have the Principal Auditor's Report that ... unless I have made a mistake, but I doubt it.
745 Yes, Mr Speaker, I think the hon. Member has got the better of me. It should have been 2015 in
the Capital Bonds, but I wonder if he might be able to indulge me and explain what the terms
are of these Capital Bonds.

Hon. J J Bossano: From memory, I think the terms were that what would have been the
interest, had they been paying interest, was accrued and added to the capital value of the bond
750 on redemption when they were redeemed. So if it was 6% a year, for example, then it was
repaid at 106%.

755 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Member for that explanation. Would he be able to explain why this particular structure was decided upon as opposed to a traditional bond or a coupon?

760 **Hon. J J Bossano:** No, Mr Speaker, because I am not going to answer any of his questions when he asks me why I do something. The Government governs. I have been there and I have been here, and I can tell him there are things that you do there and there are things that you do here, and they are not the same things. We take policy decisions and we are required to explain what we are doing, but we are not required to explain why we are doing it. We are doing it because we think it is the right thing to do or because we believe it is an advantage to do it. But that is something that the hon. Member has to understand: no Opposition has had the benefit of being able to require somebody to give him an explanation of why. Why do I open my office at seven o'clock in the morning and close it at eight o'clock at night? I suppose because I am a workaholic. The issue is that whenever he asks why we do things, it is because we have taken the decision to do it.

770 **Hon. R M Clinton:** Mr Speaker, I will ask just one final supplementary on Question 811, and that is if the hon. Member could just confirm to me – and I think we probably have the same understanding – that, given the way this note was structured, the yield or the return on this note is not deemed traditional interest.

775 **Hon. J J Bossano:** I fail to see what the question is. Whether it is deemed or not deemed, how does that arise from a question in which he asked me why something was redeemed on a date? And in fact he got that date wrong. That was the original question. He then puts a supplementary and I give him what I believe is correct, but I told him it was from memory. I have not gone back to check that as it was not in the original question.

780 I suppose that if you have got a capital bond then increasing the value of the capital is not deemed to be interest, but I do not see why it is relevant to anything else in the question.

Hon. R M Clinton: Mr Speaker, if I could direct the hon. Member to Question 803, I have requested an organogram: is the Minister willing to provide that to the House?

785 **Hon. J J Bossano:** Mr Speaker, the hon. Member requested an organogram in an answer to be given orally; I do not know how to give organograms orally.

Mr Speaker: Whatever it is, the Chair needs to be elucidated. For the benefit of the Chair, what are these queer objects? (*Laughter*)

790 **Hon. J J Bossano:** Well, Mr Speaker, it is quite simple. It is not something I indulge in – organograms are not my favourite area – but it is something that the hon. Member can do for himself. He seems to want Government Ministers to be doing his work. I have given him what company is the owner of other companies, so what the organogram does is ... He has the name of the company and then a little line which shows all the companies that are below that. I have given that verbally in the oral answer that he requested. What I cannot do is verbally draw a structure in the air, as if it were dealing with virtual reality, so that he would see a picture which can only be given in a written answer.

800 **Hon. R M Clinton:** Mr Speaker, I am, as always, grateful for the hon. Member's answer; and yes, I accept I can actually draw it from the information he has given me.

Mr Speaker, if I can move on to Question 804, in respect of the costs incurred by the Savings Bank, would I be correct in saying that the teller machines and other equipment have now been written off?

805 **Hon. J J Bossano:** No, Mr Speaker, nothing has been written off because I have told him we have not yet taken a decision on what we will be doing.

We have actually taken some steps on something that was intended to be done when we were planning the original development of the Savings Bank and were not anticipating that Barclays Bank would suddenly decide to go and we would need to do something very quickly to be able to replace that as a credit institution. The hon. Member knows the industry better than I do and I do not need to point out to him the kind of chaos we would have had if 17,000 people had been made 'bankless' the next day, particularly the many small businesses that are dependent. So we stopped what we were doing with the Savings Bank and decided that we needed a licensed credit institution to take over the staff, the accounts and the customers.

815 But some things have already been started and therefore ... For example, one of the things we have done is migrated the savings accounts so that we have got them now electronically, which we were doing for the expansion but which we decided to do anyway. We have not given up the possibility that we may be able to use plastic cards and ATMs for people to take money out of their accounts, but we would not be issuing things like credit cards or payment cards – but we might go down the route of actually making it easier to withdraw money from the bank by retaining the ATMs.

The answer is that the expenditure we did has not been written off but some of it has been recovered through some money that we were able to get in respect of some of the investments that we made. Other things have been expenditure that have been reflected in certain improvements in the Savings Bank in terms of our record keeping, which were ... The bulk of the money is in debentures and bonds and so forth in terms of the amount of cash, but in fact there are more customers in the Savings Bank ordinary account. Even though that is only something like £83 million we have got something like 15,000 customers. That has now been computerised and migrated, and that may mean that we are able to produce a more efficient service in that area, so some of the investments which we might not have made had we not been planning to do something else, we have actually put to good use. And there may be some further good use to which things that we have invested in but we are not using at the moment will be used in the future. I think that is taken care of by my final sentence, where I have told the hon. Member that any future expansion plans have not yet been finally decided, so it is still an ongoing process.

835 **Hon. R M Clinton:** Mr Speaker, may I first of all congratulate the Minister for what appears to have been a seamless migration. It is rare that you manage to get a migration without your customers finding out ... or there being any glitches, whereas it would appear that it has been a successful migration and I congratulate the Minister for updating what obviously was an outdated system.

If I may, finally, on this particular question, just ask: does the Savings Bank still retain the four automatic teller machines, or has it perhaps sold them to somebody else?

845 **Hon. J J Bossano:** No, I believe we have still got them.

Hon. R M Clinton: Mr Speaker, if I can now move on to Question 805 in respect of the shareholding in Visa. If I recall correctly, I did ask some time ago about the debit card system in this House earlier this year and was advised it had been abandoned, and the cost was about £1,000, I think, at that time. Would the Minister be able to advise me if I am correct in saying this is a shareholding which is similar to the Gibraltar International Bank, in which it has to acquire some kind of participatory interest in Visa in order to participate in the Visa network?

Hon. J J Bossano: Yes, I believe that is the original reason for it. Yes.

855 **Hon. R M Clinton:** Mr Speaker, finally, given the Minister's previous comments as to not having completely settled the future plans for the Savings Bank, would I be correct in saying that

for the foreseeable future, at least until those plans are finalised, that shareholding will be retained, or is required to be retained?

860 **Hon. J J Bossano:** Well, no, I think, given the fact that we made the investment, we are retaining it because it is a good investment to have. If we had not been planning what we were planning, we might not have done it. It is like what we have done with the investment in the ATMs. If we had not been planning to do what we were, we might not have bought the ATMs. Having bought them, we need to put them to use. The position is that there was a requirement
865 at the time, so it was not a decision that we took to invest in this as opposed to the kind of investments that we do, but it is a good investment and that is why we are keeping it.

Hon. R M Clinton: Mr Speaker, I am not sure if I actually picked up the answer to Question 806, in terms of maturity dates and deposits placed with the International Bank by the Savings Bank. Was I correct in understanding that the Minister said they will make whatever
870 investments they wish? Again, I did not catch any maturity dates – or is the Minister not willing to give me that information?

Hon. J J Bossano: Mr Speaker, what I have told the hon. Member is that I give him a detailed breakdown every month, because he wants to see it, of all the investments that the Savings Bank Fund has, and I am not prepared to give him more information on that list than the information that is already on the list.
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Hon. R M Clinton: Mr Speaker, I move on to Question 807 in respect of the £400 million preference shares held in Credit Finance Company. I believe the Minister said that they have no maturity date. Can the Minister perhaps advise me are they callable on notice by the Savings Bank?
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Hon. J J Bossano: I am sure that if we wanted to we would be able to do it, Mr Speaker.
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Hon. R M Clinton: Mr Speaker, if I may now move to Question 808 in respect of GSBA Ltd. I do recall the answer the Minister gave in respect of this previously, in that earlier in the year I asked him what GSBA Ltd did and he said that they held real assets. I then did a search at Land Property Services in respect of the Treasury building which he had managed had been
890 purchased, but I found that that only accounts for about £5 million, of the £11 million that GSBA Ltd has invested in it. I then asked what has it done with the remaining £6 million, and the Minister indicated that he did not have to give a blow-by-blow account to me.

Mr Speaker, I was wondering if the Minister would be willing to acknowledge that GSBA Ltd is now the proud owner of the North District Post Office and the former South District Post Office?
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Hon. J J Bossano: Mr Speaker, the hon. Member first asked me what GSBA was buying and I told him that I would not give him a breakdown of the investments beyond what the Savings Bank investment list is. He then wants me to tell him whether somebody is selling something to GSBA, which is asking the same question but from the seller's point of view instead of from the buyer's point of view. Well, the answer is I am not willing to either confirm or deny the question that he has asked me.
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Hon. R M Clinton: Mr Speaker, if I produce documents from Land Property Services showing that GSBA Ltd did in fact purchase the 22 Scud Hill property and the Glacis Post Office a couple
905 of years ago and those are now actually being advertised in the *Chronicle* today for sale, would the Minister be able to say whether these documents are correct or not?

Hon. J J Bossano: Mr Speaker, what I am able to say to him is that his question is out of order because he is not supposed to be asking me questions on information that is already in the public domain. That is what I am able to tell him. So he is wasting my time, his time and the time of the Parliament.

Hon. R M Clinton: Mr Speaker, I now move on to Question 809 in respect of the Sinking Fund. I would be grateful if the Minister would elaborate on ... I presume he has legal advice from the Attorney General in writing as to why there is no conflict with the Constitution.

Mr Speaker: No. (**Hon. R M Clinton:** No?) No. (**Hon. R M Clinton:** No?) I advise the Government have stated in the answer that they are satisfied that the Gibraltar Sinking Fund allows for payment of interest ... is not in conflict with the Constitution. The Government are under no obligation to make public, to release, what legal advice they have received from the Attorney General. That is purely a matter for the Government and that is a ruling that I am making. It is a matter that came up in the Parliament of New Zealand some years ago and I have got a record of what transpired, and the Speaker's ruling was that legal advice given to the Government is for the Government and not for Parliament. I abide by that ruling and I implement it here.

Hon. R M Clinton: Mr Speaker, I am grateful for your guidance, although Question 809 did not refer to the interest; it was referring to conflicting with the Constitution. Mr Speaker, perhaps you could enhance your ruling as to whether I can ask whether any legal advice has been given.

Hon. J J Bossano: I do not know, Mr Speaker, if amongst his many abilities the hon. Member opposite also happens to be a constitutional lawyer. I am not, but I find it inconceivable that any Member of Parliament should think that it is possible for the law draftsman to be drafting legal notices which are in breach of the Constitution –

Chief Minister (Hon. F R Picardo): In the Attorney General's office.

Hon. J J Bossano: – in the Attorney General's office, and that he should have omitted if there was the remotest possibility that there was any credibility in the assumption that the hon. Member is making. So, clearly, I can only assume that he is reading the Constitution as a layman and not as a lawyer, and therefore that explains why he is asking silly questions like this.

Hon. R M Clinton: Mr Speaker, of course I am a layman; I certainly am not a lawyer. Can I infer from the hon. Member's answer that in fact if it is drafted by the Attorney General's office that there is an assumption that it is in compliance and there is not any specific advice?

Hon. J J Bossano: Mr Speaker, the hon. Member must understand that just because he thinks that civil servants are not doing their work properly or that civil servants cannot count, or that civil servants do not know how to draft legislation, we do not go rushing off to the Attorney General in case he happens to be right.

This is not something that is done in the Cabinet by the politicians; this is being done by the people who are employed to do the job. They know their job, they have been doing it for many years, they do it well and everybody praises them for how they do it as professionals, so I do not see why I should have to spend any of my time questioning their professional ability to do the work for which they are employed. The people he thinks might be getting it wrong have been longer involved in preparing legislation and in dealing with the Constitution than he has, and I

960 have been longer in politics than he has and if I were to make a judgement I have no doubt that it is not in conflict, but I would not say it is a legal opinion.

Hon. R M Clinton: Mr Speaker, if I can now move on to – and I will pass by Question 810 – Question 813, the purchase of the Mount from the Government at £8.2 million, the proceeds of which, as the hon. Member will know, was credited to the General Sinking Fund, and he advised that GAR Ltd obtained the money from general resources. Can the Minister please advise why it is considered to be an investment and what kind of return GAR expects to get on this investment from ...? I presume they are now leasing it from the Government, or the Government is leasing it from GAR.

970 **Hon. J J Bossano:** Mr Speaker, I do not know why he keeps on asking me why when I have told him why I will not reply to his why! *(Laughter)*

Hon. R M Clinton: Mr Speaker, I am grateful for the hon. Member's response *(Laughter)* as to why he will not say why. Oh, why, I ask myself.

975 Moving on to Question 814, where he, tongue in cheek, says 'I assume the purpose of General Construction is for general construction', can he advise what types of contracts this company is involved in and who decides the contracts that are channelled through this company?

980 **Hon. J J Bossano:** Mr Speaker, the original question was the purpose for which Gibraltar General Construction was set up, and I said I supposed it was set up to conduct general construction, because it was not set up by me – it was set up by the previous Government and we inherited it as an operational company with employees.

985 As I have in fact already explained in Parliament previously, perhaps before he arrived, the employees finished their contracts and then the company was retained without employees and it acts in order to distribute the maintenance work that is being done from 31 Town Range for the refurbishment of housing estates. That is the work it does.

990 **Hon. R M Clinton:** Mr Speaker, can I move on to Question 815. If I recall correctly, the Minister said reserves fell by £160 million 'because we are making investments for the community'. Could he elaborate what he means by 'investments'?

995 **Hon. J J Bossano:** Mr Speaker, the hon. Member does not seem to understand that when the previous Government increased the level of liquid reserves through companies and through the Government, they made it clear at the time that this was in order to have the money available to them. I think at the time there was concern that there might be difficulty in obtaining money in future and that it was a good juncture. I did not ask them why, but there was a judgement that was made then and therefore they deliberately raised funds in anticipation of spending them, and that is something that Governments do. That is to say that if we have got a high level of liquidity in the Government at any one time, it is normally because we have not yet spent money on things that we are committed to spend on in our manifesto. If we come in with a manifesto in 2011 which inherits projects that were in the pipeline and we have got projects in the pipeline from our own commitments of what we want to do in addition to what is already happening, then the logical thing is that as these projects are done, which are capital projects, there are big sums that move out of the liquid reserves and that is why liquid reserves go down and that is why they go down every time they go down. When there is little capital works, normally the reserves get stronger because there is a flow of money that comes in all the time. If the hon. Member looks, for example, at what we do every year and what was done before every year, that part of the surplus is moved to the I&D Fund, then he will realise that if the I&D Fund is lower in terms of its spending, then there would be more money remaining in the Consolidated

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1015 Fund and cash reserves would be higher. That is the way the balance goes. Why did it go down? Because if the money was invested in things which we may think are for the benefit of the people and he may think they are not the right things to do because he happens to be on that side of the House, well that is fine and we may differ, but the mechanism is the mechanism that has always existed.

Hon. R M Clinton: So, Mr Speaker, if I understand the Minister correctly, what he is saying is that I presume the bulk of the money would have gone on capital projects.

1020 **Hon. J J Bossano:** Yes, that is exactly what I am telling him.

1025 **Hon. R M Clinton:** Mr Speaker, moving to Question 819 in respect of the call deposits by Credit Finance with Gibraltar Investment Holdings, I would be grateful if the Minister would consider whether, given the fall in liquid reserves as per my earlier question which we have just dealt with, to £134 million at 31st March 2015, and given that Credit Finance placed a deposit with Gibraltar Investment Holdings of over £300 million, and given his answer that the money was repayable when required, how would Gibraltar Investment Holdings be able to repay that money if total liquid reserves at 31st March were only £134 million?

1030 **Hon. J J Bossano:** Well, Mr Speaker, I am saying that it is repayable when it is required, and it was not required on the date that he has given so the question is hypothetical.

Mr Speaker: Are there any other supplementaries?

1035 **Hon. R M Clinton:** Mr Speaker, if I may carry on the same line of questioning, in a non-hypothetical question is the Minister comfortable that Gibraltar Investment Holdings would be able to repay in full the over £300 million placed with it by Credit Finance, when required?

1040 **Hon. J J Bossano:** Yes, Mr Speaker, I am confident.

Mr Speaker: Any other supplementary arising from the number of questions asked? Does any other Member have any supplementary questions?

1045 **Hon. T N Hammond:** Mr Speaker, if I may just ask, I do not think we received a response to Question 820. I am fairly certain that Question 820 was asked.

Mr Speaker, I apologise but no one on the benches on this side appears to have heard the answer. Would the Minister indulge me and just provide the answer once more.?

1050 **Hon. J J Bossano:** The position as regards loans provided by Credit Finance Company Ltd continues to be as previously stated.

**Q812 and 828/2016
GCP Investments Ltd –
Barclays Bank loan; City Hall mortgage**

Mr Speaker: Question 812.

Acting Clerk: Question 812. The Hon. R M Clinton.

1055 **Hon. R M Clinton:** Mr Speaker, how much is owed to Barclays Bank in total by GCP Investments Ltd at 31st March 2016 and what is the maturity date of the loan?

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

1060 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 828.

Acting Clerk: Question 828. The Hon. R M Clinton.

1065 **Hon. R M Clinton:** Mr Speaker, can the Government advise why the City Hall was mortgaged by GCP Investments Ltd to Barclays Bank on 29th November 2013 and how much was borrowed?

1070 **Acting Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Hon. J J Bossano: Mr Speaker, the Barclays Bank loan matures on 21st December 2025 and as at 31st March 2016 the balance was £17.1 million.

1075 On 29th November 2013 nothing was borrowed from Barclays Bank using the City Hall as security.

Hon. R M Clinton: Mr Speaker, I am grateful for the answer.

May I ask: if nothing was borrowed, then why was the City Hall mortgaged to Barclays Bank?

1080 **Hon. J J Bossano:** Given the look of confusion on the hon. Member's face, I am going to make a concession and answer his 'why' on this occasion, but I do not want it to be taken as a precedent. The answer why is because the Gibtelecom offices across the road wanted to buy the Haven in order to expand – (**Hon. Chief Minister:** The Treasury building.) which was where the Treasury building was, yes, and Gibtel was on the top – and the Treasury building had already been included by the previous Government in a loan that they raised from Barclays Bank for £20 million, and they mortgaged a lot of Government buildings to get this money in order to invest in a private sector development.

1090 **Chief Minister (Hon. F R Picardo):** They mortgaged the Treasury with Barclays Bank.

1095 **Hon. J J Bossano:** Yes, and in order to facilitate the acquisition by GibTel of that building, Barclays Bank agreed to switch the portfolio and take the City Hall building as opposed to the building that was opposite. All that we were doing was tidying up the process that had been started by his party before us. That is why I am giving him the answer to why. (*Laughter and banging on desk*)

Q821-822/2016
Training in trades –
NVQ levels 1, 2 and 3

Acting Clerk: Question 821. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

1100 **Hon. R M Clinton:** Mr Speaker, how many individuals have actually been taken in for training at NVQ level 1 at the two training centres in each of the last four years?

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

1105 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** I will answer this question with Question 822.

Acting Clerk: Question 822. The Hon. M D Hassan Nahon.

1110 **Hon. Ms M D Hassan Nahon:** Could Government give a breakdown of the number of young people who have successfully completed levels 1, 2 and 3 of the various trades as presented in the Employment and Training motion of the October session of Parliament?

1115 **Acting Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, the number of individuals starting level 1 training in the last four years have been: 2012-13, 4; 2013-14, 83; 2014-15, 143; 2015-16, 67.

1120 The number of persons who have successfully completed levels 1, 2 and 3 of the various trades discussed in the motion last month are as follows: level 1, 275 trainees; level 2, 282 trainees; level 3, 104 trainees.

1125 **Hon. E J Reyes:** May I, Mr Speaker? The Hon. Minister, in reply to Question 821, has given a figure which I take it is a collective figure for the two training centres. Would he happen to have a breakdown of the construction centre as opposed to the engineering training centre, which combined would give me the totals that he has provided?

1130 **Hon. J J Bossano:** Mr Speaker, I think, if I am right, that the level 1 is not done in Gibdock, so the figures for level 1 are all Construction and Training Centre and there are none in Gibdock. They go in at level 2. That is my understanding.

1135 **Hon. E J Reyes:** Mr Speaker, I am not trying to catch out the Minister, or whatever. From my recollection, what the Gibdock training does is it gives the underpinning knowledge of level 1 but does not bother sitting for an exam, but rather pushes them straight through to level 2, because, as we spoke about last month, the qualified craftsman in engineering trades is considered to be level 3, so there is no need to hold that level 1 certificate.

1140 I am grateful. The answer does satisfy me, because then there has not been any change and they do not actually sit down for examinations in level 1. So, unless the Minister has heard of any change, then I am quite happy with that and take these as being all under the Construction Training Centre.

1145 **Hon. J J Bossano:** Yes, I think the answer that I have given him is on that basis: they are all construction training workers because they are not given a separate level 1 certificate.

Mr Speaker: If there are no other supplementaries, the House will recess to this afternoon ... at?

1150 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, with the information ringing in our ears that the party opposite mortgaged the Treasury, *(Laughter)* I propose that we recess now until 3.30 this afternoon.

Mr Speaker: The House will now recess until 3.30 this afternoon.

The House recessed at 1.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.45 p.m. – 9.06 p.m.

Gibraltar, Thursday, 24th November 2016

Contents

Questions for Oral Answer	4
Procedural – Q822/2016 supplementary question to be taken later in sitting	4
Chief Minister	4
Q824/2016 Mobile telephones – Posts held where bills paid by the taxpayer; cost	4
Q825-826/2016 Bluewater and Coaling Island projects, Rooke development, Bob Peliza Mews and Hassan Centenary Terraces – Update on contracts	5
Q827/2016 Tax legislation – Process and timing for enactment of budget measures	9
Q829/2016 Gibraltar Capital Assets Ltd – Funding of capital projects	9
Q830/2016 Chief Secretary’s salary – Fixed percentages that determine certain salaries	11
Q831/2016 Financial Secretary – Expiry of contract and recruitment of replacement	12
Q832-838/2016 Public Service – Vacancies; recruitment; allowances to union convenors; acting posts; retirements during temporary promotion; subcontracted workers; recruitment consultants	12
Q839-841/2016 Devil’s Tower Road hostel – Total capacity; delay in completion; cost of refurbishment	18
Questions for Written Answer	22
Recess	22
<i>The House recessed at 4.35 p.m. and resumed its sitting at 5.15 p.m.</i>	22
Order of the Day	23
Bills	23

First and Second Reading.....	23
Fire and Rescue Service (Amendment) Bill 2016 – First Reading approved	23
Fire and Rescue Service (Amendment) Bill 2016 – Second Reading approved	23
Fire and Rescue Service (Amendment) Bill 2016 – Committee Stage and Third Reading to be taken at this sitting.....	24
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – First Reading approved	24
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – Second Reading approved	25
The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 – Committee Stage and Third Reading to be taken at this sitting	25
<i>In Committee of the whole Parliament</i>	26
Fire and Rescue Service (Amendment) Bill 2016 – Clauses considered and approved	26
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – Clauses considered and approved	28
Fire and Rescue Service (Amendment) Bill 2016 – Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – Third Readings approved: Bills passed	29
Private Members’ Motions	29
Mental Health Service – Care in the community for discharged service users – Debate commenced.....	29
Recess.....	56
<i>The House recessed at 8.00 p.m. and resumed its sitting at 8.15 p.m.</i>	57
Mental Health Service – Care in the community for discharged service users – Debate concluded; amended motion carried.....	57
North Front Cemetery – Maintenance – Amended motion carried	62
Adjournment.....	67
<i>The House adjourned at 9.06 p.m.</i>	68
<i>In Committee of the whole Parliament</i>	25
Fire and Rescue Service (Amendment) Bill 2016 – Clauses considered and approved	26
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – Clauses considered and approved	28
Fire and Rescue Service (Amendment) Bill 2016 – Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 – Third Readings approved: Bills passed.....	29
Private Members’ Motions	29
Mental Health Service – Care in the community for discharged service users – Debate commenced	29
Recess.....	56
<i>The House recessed at 8.00 p.m. and resumed its sitting at 8.15 p.m.</i>	57
Mental Health Service – Care in the community for discharged service users – Debate concluded; amended motion carried	57
North Front Cemetery – Maintenance – Amended motion carried	62

Adjournment67
The House adjourned at 9.06 p.m......68

The Gibraltar Parliament

The Parliament met at 3.45 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

Procedural –

Q822/2016 supplementary question to be taken later in sitting

10 **Mr Speaker:** I understand that, due to the rather rapid exodus before lunch, the hon. Lady was not able to ask a supplementary that she would have liked to ask, given that Question 822 was hers. The Hon. Marlene Hassan.

15 **Chief Minister (Hon. F R Picardo):** I understand that the supplementary is to Minister Bossano who is not here, so what I agreed with the Clerk would be sensible, if the hon. Lady agrees, is that when he is here she takes her question or perhaps at the end of my questions when I explain –

Mr Speaker: She could ask the question – pass it on to the Hon. Mr Bossano and then the answer can come back. He does not have to attend.

20 **Hon. Chief Minister:** No, but as it is in the nature of a supplementary rather than – (**Mr Speaker:** It is a supplementary.) Because the hon. Lady may wish to ask something else arising from that, I have no difficulty with giving way, when Mr Bossano comes in, after whichever question I am on and allowing her to put a question, if she wishes.

25 **Mr Speaker:** This is a supplementary arising from Question 822. The Hon. M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Sorry, did we not just agree that I would be coming back to that when the hon. Member comes back to the House? Thank you.

CHIEF MINISTER

Q824/2016

Mobile telephones –

Posts held where bills paid by the taxpayer; cost

Acting Clerk: We continue with the questions and we continue with Question 824. The Hon. L F Llamas.

30 **Hon. L F Llamas:** Mr Speaker, can the Government provide a full list of detailed posts which have mobile telephone bills paid directly or indirectly by the taxpayer, together with the bill accrued as at the end of each financial year ending 31st March for each of the financial years 2012, 2013, 2014, 2015, 2016 and the current financial year?

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

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is too voluminous to provide within the timeframe available, and neither does the Government consider it appropriate or reasonable to provide every single officer's phone bill.

Q825-826/2016

Bluewater and Coaling Island projects, Rooke development, Bob Peliza Mews and Hassan Centenary Terraces – Update on contracts

Acting Clerk: Question 825. The Hon. R M Clinton.

40 **Hon. R M Clinton:** Mr Speaker, can the Government advise the current status in respect of contract negotiations for the Bluewater project, the Coaling Island project and the Rooke development?

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

45 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this questions together with Question 826.

Acting Clerk: Question 826. The Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, has the Government signed contracts for the construction of Bob Peliza Mews and Hassan Centenary Terraces?

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

55 **Hon. Chief Minister:** Mr Speaker, the answer remains as set out in answers to Questions 691 and 693/2016.

60 **Hon. R M Clinton:** Mr Speaker, Question 691/2016 basically says the position remains as set out in Question 435/2016, and in answer to Question 435/2016, in which I asked about the Bluewater project, the Coaling Island project, reclamation projects and the Rooke development, the answer was:

Negotiations on these projects are currently ongoing and are at an advanced stage.

Mr Speaker, in today's *New People*, my favourite publication, it says:

Although finalisation of the agreement to develop the Bluewater project is taking longer than expected, the Government is confident it will be signed soon.

65 I would be grateful if the Chief Minister could indicate whether he is indeed confident that the Bluewater project will be signed soon, and could he perhaps put a timeframe on what he

thinks 'soon' might be, given that when I first asked about this project, earlier in January, he was reaching a climax.

70 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. R M Clinton: Well, Mr Speaker, obviously we are no further.

75 If I can move on to Question 826, he again refers back to the answer he gave to Question 693, which in turn referred back to Questions 534 and 535/2016 – and basically that was in respect of Bob Peliza Mews and Hassan Centenary Terraces – and he answered then:

These projects are still progressing as planned and the Government expects construction to commence soon.

Mr Speaker, I would ask the Chief Minister to advise the House, and especially the people who sent in expressions of interest, what he means by 'commencing soon'. Is that going to be before Christmas?

80 **Hon. Chief Minister:** Mr Speaker, the answers I am referring to, in case the hon. Gentleman has not looked at them, are answers I gave him in the last House. There is a rule that you do not ask the same question within six months. Mr Speaker has generously allowed these questions to be put, despite that. The hon. Gentleman is going to get the same answer if he asks me again next month, if he feels he has to, because in the interim he might see an announcement from
85 the Government in the media when we are ready to make an announcement in respect of these matters. So I would say to the hon. Gentleman that he is going to hear with the rest of Gibraltar when we are ready to make an announcement in respect of both the East Side reclamation proceeding and the Sir Joshua Hassan and Bob Peliza Mews projects commencing. He need not ask me every month the same question. It is outside the bounds of the rules and he is going to
90 get the same answer.

Hon. R M Clinton: Mr Speaker, I would obviously bow to any ruling that you gave, but I always thought that –

95 **Mr Speaker:** It is not a ruling that I gave.

Hon. R M Clinton: No, Mr Speaker, I have not finished.

Mr Speaker: It is not a ruling that I gave.

100 **Hon. R M Clinton:** No, I know. I have not finished.

Mr Speaker: It is a Standing Order of the House that you do not ask the same question within a period of six months.

105 **Hon. R M Clinton:** I accept that, Mr Speaker. But I also understand that you can ask for updates on positions, and that is not the same question but obviously I will abide by any ruling.

110 **Mr Speaker:** Sometimes what happens, because we are all human, is that a spate of questions arrive and it is a matter of grave urgency. Initially, the Clerk will have a look at the questions, and if he has any doubt about any of them he refers them to me. Obviously, sometimes they get through the net. The Clerk may be under pressure or I can be under pressure and we may not realise that pretty well the same question has been asked before.

115 In fairness, I tend to be liberal where the information that is being requested changes over a period of time. If the question that is being asked is of a statistical nature, then I tend to allow it and the Clerk has instruction to allow it because the answer is going to be different, but where it is the same subject matter then that question should not be asked within a period of six months.

120 **Hon. R M Clinton:** Well, Mr Speaker, I will obviously abide by your ruling, but I must say that the people of Gibraltar are asking me constantly when these projects are going to start and they expect me to ask these questions.

125 **Mr Speaker:** Yes, but the people of Gibraltar do not make the rules you see; the rules are made by Parliament and the people of Gibraltar are not Members of Parliament. Only 17 from amongst the people of Gibraltar are Members of Parliament.

130 **Hon. Chief Minister:** Mr Speaker, it is in fact exactly a year ago today that the people of Gibraltar were given the option of either pursuing the course for the future of our nation that hon. Members proposed in a short pamphlet or that which we proposed, and by a margin of seven out of 10 they determined, on the last Thursday of November 2015, that we should proceed with our projects for the East Side and our projects for Sir Joshua Hassan Terraces and Bob Peliza Mews in the lifetime of this Parliament, and that is what we will do, Mr Speaker. And when we do, we will make an announcement as we are ready to explain what progress has been made in respect of each. That is going to continue to be the position however much we may be asked, because the people of Gibraltar stop me in the street too and they tell me what a fantastic job we are doing. They encourage me to continue not to be deterred by the repeated questioning that they think puts us off our job. They are supportive of the work we are doing on the East Side, on housing, on health and on every other matter.

140 **A Member:** Hear, hear. (*Banging on desks*)

Mr Speaker: If I may, I am going to take the opportunity to explain to the House what views I have always had as a Member of this House, and which I continue to have as Speaker.

145 Firstly, five working days is insufficient. I have always taken that view. Whether I was on the Government side or sitting in opposition, I have always considered that five working days' notice is insufficient where questions are concerned – more time is required. I have always advocated that it should be seven working days. That is a view that I formed in the 1970s. Forty years on, the position remains the same, so you take it or leave it.

150 **Hon. Chief Minister:** Mr Speaker, if I might be of assistance, hon. Members now have the advantage that they know there is going to be a meeting every month unless we agree that there is not going to be, as we have had at the early part of this year. They know they can put questions every month and they can deposit the questions with the House as soon as they know what they want to ask.

155 The notice that is issued by the Government of convening the meeting tells them when the deadline for questions is, but they can start sending questions at any time. Those questions can be sent from the Parliament to the Government and work can start in preparing answers at any time – and I would encourage them, if they wish to do so, to deposit questions whenever they wish.

160 The House very helpfully allows the Government, of course, to have the questions as they come in. So, if a questioner sends his questions in a minute after the notice, we receive them a minute after the notice and then we have six and a half working days. If it is received on the limit, then we have exactly five days to work on the question. But the Member could now think that there is a question that they might wish to put: they could simply write it up, leave it with
165 the Clerk and it could be put to us, and then we have 20 days to prepare an answer.

Mr Speaker: Let me elaborate on that if I may, because I think it is important. Why are five working days insufficient? First of all, the questions go to a civil servant, who is expected to draft an answer for the Minister. The Minister has to see that draft answer. The Minister may be away from Gibraltar at the particular moment. Nowadays, it is possible to contact people, but all the same ... Then, the Chief Minister, at least in my time and probably the practice continues, should have an opportunity – if he so wishes, and he ought to because they are of a political nature – to look at the draft answer in case he considers that an amendment is required.

All that within five days I think is unfair on all concerned. And, may I add – and this is why I insist that I have a word now – it is most unfair on my staff. I know my staff here are working until very very late in the evenings because of the short period of time allowed for questions, and it is not fair.

Hon. Members have an opportunity, if they so want, to change the rules, and it is about time somebody took the initiative and changed the rules and allowed more than five days. That is a straightforward – (*Interjection*) No, he should not just indicate that it is for the Government. It is for the Opposition as well, because the Opposition may not be interested in allowing more than five days, so they have to come forward and say, ‘We consider that five days is not enough: Chief Minister, we invite the Government, with our agreement, to change the rules and to allow more than five days.’

In any case, and this is why the attitude that I adopted when I was Leader of the Opposition for four years ... the rules remained five days but we always in practice gave seven days’ notice. We used to send in the questions beforehand, regardless of the rules, and I commend that attitude as well. You do not have to be bound by the rules. Send the questions in earlier and you are likely to get better answers.

Hon. R M Clinton: Mr Speaker, I honestly do not know what the issue is with five days versus seven days. I was about to stand up and respond to the Chief Minister when you intervened. If there is a logistical issue, I am sure nobody on this side of the House has any problem with resolving it via the Select Committee when that is convened. The Clerk of the House can perhaps advise me when the last adjournment of the last session was, but I believe it was only within seven days’ notice that we had of this session. So, really, in practical terms, we could not have got our questions in any faster than we did on this occasion.

But beside that, Mr Speaker, the reason I am standing up is in response to the Chief Minister. I am grateful to the Chief Minister for his answer, because it is now patently different to the answers that were given differently. I can now go to the people of Gibraltar and say the Chief Minister has confirmed it is within the lifetime of this Parliament.

Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has asked a question, and neither do I think he has read the previous answers that he was given. Neither do I think he has listened to much of what we have said in the lifetime of this Parliament so far. These are manifesto commitments we are committed to delivering in the lifetime of this Parliament. He did not need me to get up to tell him that. This demonstrates, Mr Speaker, that perhaps he is asking every month because he forgets the answers he has been given before. I commend to him that he should read the *Hansard* of the questions that he has asked in months before, before he puts pen to paper next time, however much notice he intends to give us of his questions.

Q827/2016
Tax legislation –
Process and timing for enactment of budget measures

Acting Clerk: Question 827. The Hon. R M Clinton.

215 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the process and timing for the enactment of budget measures into Gibraltar tax legislation?

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

220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.
225

Hon. R M Clinton: Mr Speaker, I am grateful for that answer.

I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?
230

Hon. Chief Minister: I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

Q829/2016
Gibraltar Capital Assets Ltd –
Funding of capital projects

Acting Clerk: We move to Question 829. The Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, can the Government please advise to what capital projects does it envisage using part or all of the £300 million loan raised by Gibraltar Capital Assets Ltd and why are these capital projects not being directed via the Improvement and Development Fund, which would be subject to the scrutiny of Parliament?

240 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will announce what projects it intends to fund via the company structure, a funding methodology introduced by the former GSD administration, as and when it is ready to do so.
245

Hon. R M Clinton: Mr Speaker, does the Chief Minister consider the Improvement and Development Fund redundant?

250 **Hon. Chief Minister:** No, sir.

Hon. R M Clinton: Mr Speaker, then why is it that capital projects are not being directed through the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, this morning we had a masterclass on why we in the Government do not have to answer why; but on this occasion, as on the occasion that the Hon. Joe Bossano explained to the hon. Member how it was that it was the GSD that had mortgaged the Treasury and that therefore the mortgaging of the City Hall was just in replacement of the GSD's mortgage of the Treasury, I will explain to him that it was the GSD that introduced the concept of funding capital projects through the company structure. And as to why, Mr Speaker, I will direct him to the greatest Gibraltarian of all time, who will perhaps be able to indicate to him why it was that he came up with that structure.

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm that, in the past, the funding of these companies would come via the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that that is not the case, because he asked a question this morning to which he got an answer which reminded him that the capitalisation of the company structure has included the raising of a mortgage in the sum of £20 million for investment by the former administration.

Hon. R M Clinton: Mr Speaker, given the quantum of the size of money that the Government has raised, £300 million, does the Chief Minister honestly believe that it is not pertinent for capital projects to be presented to this House for approval?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not just seem to want to ask the same written question every six months, he wants to ask the same supplementary every month with a different spin in order to have the same debate. That question has been asked and answered on a number of occasions.

The £300 million investment in Gibraltar demonstrates huge confidence in Gibraltar, even in the light of the Brexit vote. I will put it this way to him, Mr Speaker. He likes to say it is not an investment, it is a loan. He likes to say that this is a liability, not an asset. Well, Mr Speaker, he is somebody who has practised as a banker. Doesn't he realise that if a banker lends you £300 million he has great confidence in you and your ability to repay it?

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm to this House that it is, in fact, not a single bank that has lent this money to Gibraltar Capital Assets Management, but it is in fact a securitised loan and that various tranches of loans have been bought by various investors, and therefore we are not really talking about the same thing?

Hon. Chief Minister: Mr Speaker, would the hon. Gentleman care to pause for thought and realise that people who lend money apply exactly the same sort of criteria whether they are pension funds or whether they are banks. They look at exactly the same sort of issues as to the ability to repay etc. Therefore, wouldn't he agree with me that this is a huge demonstration of confidence in Gibraltar and of our stewardship of the public finances of Gibraltar? If he does not, Mr Speaker, he does not seem to understand lending and he does not seem to realise why it is that the people of Gibraltar returned us, exactly a year ago today, to office with such a huge majority compared to the paltry number of votes that they gave them.

Hon. R M Clinton: Mr Speaker, it remains to be seen whether in three years' time he will be returned at all, if even with the same majority, (**Several Members:** Ooh!) given that he has mortgaged £300 million worth of housing estates.

Now, Mr Speaker, I put it to him: what bank lends you money on the basis that it is just your own good name, which has happened in the past, and now requires security? Whereas in the past people were happy to lend to the Gibraltar Government with no security, now he has had to hock the Government's housing estates in order to raise this loan.

305 **Hon. Chief Minister:** Mr Speaker, we will indeed learn in three years' time whether we are
returned to office or not. And do you know what, Mr Speaker? We will not take one vote for
granted. I said on the night of the election, the night that we were returned to office by seven
out of 10 votes, that we would not take anybody for granted, that we would ensure that we had
three watchwords for the lifetime of this Parliament: humility, humility, humility. That is exactly
310 how we are ensuring that we retain the confidence of the people of Gibraltar.

But another way that we retain the confidence of the people of Gibraltar is to demonstrate
that the hon. Members opposite just do not know what they are talking about. And you know,
Mr Speaker, in some instances they might be forgiven because some of them – indeed, nay,
most of them, save the Acting Leader of the Opposition, Mr Reyes – have absolutely no political
315 experience whatsoever. They have not been in this House, and therefore I might refer to things
that they know not about, but in his case he has spent the whole of today and most of the
months leading up to today hearing me remind him of the £20 million loan taken by the GSD
Government secured on Government properties. So for him to get up now and say that, before,
they lent on the good name of the Government alone without properties having to be
320 mortgaged and now you have to hock things to have a borrowing is either absolutely careless in
terms of remembering what he was told a moment ago or an attempt, which I will not impute to
him, to mislead the House and those listening.

Hon. R M Clinton: And so, Mr Speaker, I presume, although I do not know if the Chief
325 Minister is willing to confirm this or not, that they actually we repaid that £20 million.

Hon. Chief Minister: Mr Speaker, that is not a supplementary that arises from this question.
The hon. Gentleman just wants to have a rolling debate. If he wants the answer to that, he
should put a question.

Q830/2016

Chief Secretary's salary – Fixed percentages that determine certain salaries

330 **Acting Clerk:** Question 830. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise what are the fixed
percentages of the Chief Secretary's salary that would determine the salaries of each of the
Chief Minister, Financial Secretary, Leader of the Opposition, Speaker, Ministers, Members of
335 Parliament and the Attorney General, and who determines that percentage?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, in line with the resolution of this House dated
340 8th December 1998, the salaries of the Chief Minister, Leader of the Opposition, Ministers and
Members of Parliament, including the Speaker, are increased annually by the same percentage
as the increases from time to time in the established salaries of the offices of the Attorney
General and Financial Secretary.

The salaries of the Financial Secretary and the Attorney General are increased annually by the
345 same percentage that is awarded to civil servants in the annual pay reviews. The last increase
was 2.7% in line with the August 2016 pay review.

Since the representations made by the Principal Auditor, the salary of the Principal Auditor
and the Chief Secretary were made identical and the relativity with the salary of the other
officers no longer exists.

350 **Hon. R M Clinton:** Mr Speaker, I am grateful for the answer to that question.
May I remind the Chief Minister that I have a letter in on the increase in salary for the
Financial Secretary and I would be grateful of an answer in due course.

Hon. Chief Minister: I think it is in respect of the Chief Secretary, but yes, he will have an
355 answer to that as soon as I am able to.

Q831/2016
Financial Secretary –
Expiry of contract and recruitment of replacement

Acting Clerk: Question 831. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when the Financial Secretary's
contract expires and what steps are being taken to recruit and train his replacement?
360

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

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I am afraid that whilst he is a Member of
this House he cannot apply, but the Financial Secretary was appointed in September 2014 on the
365 basis of an initial term of three years.

With regard to the steps being taken to recruit and train for a replacement, the Government
will, in the first instance, be inviting applications for suitable candidates for the post of Assistant
Financial Secretary.

The post will, however, remain one directly appointed by the Chief Minister and there are not
370 to be any expectations that anybody would be entitled to be appointed as Financial Secretary
because they had been Assistant Financial Secretary.

Hon. R M Clinton: Mr Speaker, I am grateful for that response.
If I could just clarify: the advertising will be external to the Civil Service, or both?
375

Hon. Chief Minister: Mr Speaker, I think that the intention is that it should initially be internal
to the Civil Service.

Q832-838/2016
Public Service –
Vacancies; recruitment; allowances to union convenors; acting posts; retirements during
temporary promotion; subcontracted workers; recruitment consultants

Acting Clerk: Question 832. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

380 **Hon. R M Clinton:** Mr Speaker, further to Question 267/2016 can the Government provide an
updated list, together with additional detailed information such as grade, post and Department
for each vacant post?

Acting Clerk: Answer, the Hon. the Chief Minister.
385

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer the question together with Questions 833 to 838.

Acting Clerk: Question 833. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

390

Hon. R M Clinton: Mr Speaker, further to Question 268/2016, can the Government provide an update as to the external recruitment of administrative assistants in the public sector?

Acting Clerk: Question 834. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

395

Hon. R M Clinton: Mr Speaker, further to the answer to Question 445/2016, can the Government now disclose the allowances given to union convenors, detailing the name of the convenor, the value of the allowance and the union they represent?

Acting Clerk: Question 835. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

400

Hon. R M Clinton: Mr Speaker, how many permanent and pensionable public servants are currently acting in posts across the public service, setting out details of the post, Department and the date they started acting?

405

Acting Clerk: Question 836. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government state since January 2012 which employees in the public sector have retired whilst being temporarily promoted, providing details of the officer's grade and the post/grade which they have retired from?

410

Acting Clerk: Question 837. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government provide a schedule as at 31st October 2016 of how many subcontracted workers from recruitment consultants were providing services within the public sector, together with individual additional information such as date of commencement, grade/post being undertaken and reason why they had been subcontracted?

415

Acting Clerk: Question 838. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

420

Hon. R M Clinton: Mr Speaker, how many individuals under contract with recruitment consultants are currently covering posts which are vacant across the public service or are undertaking jobs which would normally be undertaken by public servants had those posts not been vacant?

425

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now hand over a list of vacant posts within the civil service in respect of the answer to Question 832.

430

ANSWER TO QUESTION 832

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
TREASURY	1	Accountant General	24/10/2016
	1	Computer Consultant	01/11/2017
	3	Administrative Officer	04/01/2016
			03/05/2016
			14/06/2016
	7	Administrative Assistant	05/10/2015
			18/11/2015
		18/11/2015	
		18/11/2015	
		18/11/2015	
		04/01/2016	
		09/05/2016	
NO.6	1	Senior Administrator	07/11/2016
	1	Personal Secretary	31/08/2016
	2	Administrative Officer	30/04/2014
	2	Administrative Assistant	30/04/2014
		19/11/2014	
		19/11/2014	
OFFICE OF THE DEPUTY CHIEF MINISTER	1	Administrative Assistant	26/10/2015
HM CUSTOMS	1	Senior Customs Officer	29/02/2016
	1	Executive Officer	05/09/2016
INCOME TAX	1	Commissioner of Income Tax	07/11/2016
	1	Senior Executive Officer	17/01/2016
	4	Administrative Officer	21/10/2015
			21/10/2015
			31/05/2016
		22/08/2016	
	1	Administrative Assistant	18/11/2015
PARLIAMENT	1	Usher (Administrative Officer)	29/06/2012
HUMAN RESOURCES	2	Senior Executive Officer	05/01/2015
			24/06/2016
	1	Legal Assistant	01/11/2015
	1	Personal Secretary	30/09/2015
	2	Administrative Officer	23/03/2016
	1	Administrative Assistant	11/10/2016
		18/11/2015	
	1	Industrial	11/02/2011

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
FINANCIAL SECRETARY'S OFFICE	1	Senior Officer	01/04/2012
	1	Administrative Officer	01/04/2012
PROCUREMENT OFFICE	1	Administrative Officer (Part-time)	30/11/2015
TOWN PLANNING AND BUILDING CONTROL	1	Professional and Technology Officer	11/09/2015
ENVIRONMENT DEPARTMENT OF THE ENVIRONMENT CLEANSING SECTION	1	Professional and Technology Officer	18/02/2015
	1	Environmental Monitor	17/07/2016
	1	Administrative Assistant	04/01/2015
	4	Assistant Environmental Protection Officer (AO)	01/04/2015
EQUALITY & SOCIAL SERVICES	1	Higher Executive Officer	17/12/2015
	1	Equalities Officer	08/08/2016
HOUSING - ADMINISTRATION	1	Principal Housing Officer (Senior Officer)	02/07/2012
	1	Personal Secretary	30/09/2016
	1	Executive Officer (Ex GDC Ring-Fenced)	30/06/2016
	1	Administrative Assistant	20/10/2015
TECHNICAL SERVICES MINISTERIAL OFFICE	1	Executive Officer	26/03/2015
	1	Administrative Officer	21/07/2016
	1	Senior Professional and Technology Officer	02/02/2015
	1	Professional and Technology Officer	01/10/2015
	1	Senior Professional and Technology Officer	01/11/2007
	1	Higher Professional and Technology Officer	15/09/2015
	1	Industrial	01/03/2009
DRIVER AND VEHICLE LICENSING	2	Vehicle Tester	04/04/2016
	1	Administrative Officer	28/06/2016
			25/02/2014
ECONOMIC DEVELOPMENT	1	Senior Executive Officer	01/04/2015
TRAINING	2	Instructional Officer Assessor	27/10/2013
			01/04/2016
INVEST GIBRALTAR UNIT	2	Administrative Officer	01/04/2015
	2	Administrative Assistant	27/05/2015

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>STATISTICS</u>	1	Statistics Officer Level 1	21/01/2015
<u>EMPLOYMENT</u>	2	Health and Safety Officer IV	04/01/2015 28/06/2016
<u>SOCIAL SECURITY</u>	1	Director of Social Security	04/01/2016
	3	Administrative Officer	07/12/2013 03/05/2016 23/05/2016
<u>EDUCATION</u>	2	Administrative Assistant	18/11/2015 11/04/2016
	1	Executive Officer	24/11/2015
<u>POLICING</u>	3	Deputy Headteacher - Hebrew School	24/11/2015
		Deputy Headteacher - St Joseph First	02/09/2016
		Deputy Headteacher - Bayside	02/09/2016
	1	Senior Technician	01/09/2013
	1	School Secretary	13/09/2016
	3	Industrial	05/02/2016 04/12/2015 23/05/2016
	10	Police Constable	18/04/2016 05/05/2016 11/05/2016 03/08/2016 19/08/2016 28/08/2016 02/09/2016 04/09/2016 30/09/2016 21/10/2016
1	School Crossing Patrol Officer (Ex GDC Ring-fenced)	15/11/2016	
1	Administrative Officer	02/08/2016	
1	Administrative Assistant	04/01/2016	
1	Industrial	26/01/2016	
<u>HM PRISON</u>	1	Principal Officer	26/12/2015
<u>GIBRALTAR LAW COURTS</u> <u>GIBRALTAR COURTS SERVICE</u>	1	Personal Secretary	07/11/2016
	3	Administrative Officer	04/01/2016 04/04/2016 03/05/2016
	1	Interpreter Clerk (Administrative Officer)	14/11/2014

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>JUSTICE</u>	1	Law Drafter	18/11/2015
	1	Executive Officer	12/11/2015
	1	Personal Secretary	26/02/2014
	1	Support Grade Band 1 (Telephonist)	01/08/2016
<u>GIBRALTAR FIRE & RESCUE SERVICE</u>	1	Head Mechanic	02/08/2016
	1	Industrial	16/02/2016
<u>CULTURE AND HERITAGE</u>	1	Senior Executive Officer	03/08/2010
	1	Events Co-ordinator (HPTO)	05/01/2015
<u>YOUTH</u>	1	Administrative Officer	12/01/2016
<u>GIBRALTAR AUDIT OFFICE</u>	1	Audit Manager	16/06/2015
	1	Audit Administrative Executive	12/09/2016
<u>GOVERNMENT LAW OFFICES</u>	1	Administrative Assistant	04/01/2016
<u>CIVIL STATUS</u>	1	Senior Officer	01/04/2016
<u>ROYAL GIBRALTAR POST OFFICE</u>	1	Post Office Manager Level 4	09/05/2016
	1	Administrative Officer	01/05/2016
<u>FINANCE CENTRE</u>	2	Executive Officer	01/04/2016 01/08/2016
	1	Executive Officer	14/10/2016
<u>GAMBLING</u>	1	Administrative Assistant	14/10/2016

Mr Speaker, the recruitment of the administrative assistant posts is linked to the Public Efficiency Review, which will shortly be carried out across the Civil Service. This will determine the needs of the Service and where the posts are required.

435 A list of the value of the different allowances for union convenors and the union they represent are in the table I am handing to the hon. Gentleman.

Convenors	Union	Allowances per Annum
A	Gibraltar Police Federation	£66,784
B	Gibraltar Police Federation	£66,784
C	Unite the Union	£12,000 + £13,862.75
D	Unite the Union	£12,000
E	Unite the Union	£9,000
F	Unite the Union	£12,000 + £10,958
G	Unite the Union	£12,000 + £9,324.96
H	Unite the Union	£5,851
I	GGCA - Facility Time 100%	£79,857 currently
J	GGCA - Facility Time	£17,785 currently
K	GGCA - Facility Time	£19,615 currently
L	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £19,964 to £39,929
M	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £6,943 to £13,887

440 The number of civil servants who are acting fluctuates on a daily basis depending on the needs of the service. There may be, on an ad hoc daily basis, weekly, monthly, etc., different actings. Therefore, any information provided at the time when the answer is prepared would be subject to change on a daily basis. In addition, it should be noted that the information requested is not readily available and we would need to engage with all Government Departments in order to provide an accurate reply. Taking this into consideration, I should be grateful if the Hon. Member would be more specific on the information requested.

445 A list of officers who have retired from the Civil Service since January 2012 whilst being temporarily promoted is in the table I now hand the hon. Gentleman.

ANSWER TO QUESTION 836

Grade	Grade temporary promoted to
Assistant Chief Secretary	Chief Secretary
Executive Officer	Higher Executive Officer
Professional Technology Officer	Higher Professional Technology Officer - Senior Manager within Agency
Senior Executive Officer	Assistant Human Resources Manager
Assistant Human Resources Manager	Human Resources Manager
Senior Executive Officer	Commissioner of Income Tax

Government Agencies, Authorities and Owned Companies

Grade	Grade Temporary Promoted to
Clerk of Works (Grade 7)	Maintenance Operations Officer - Grade 8

Mr Speaker, finally, I now hand over a schedule with the information requested in respect of the Civil Service, in respect of Questions 837 and 838.

ANSWER TO QUESTION 837 AND 838

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Gibraltar Law Offices	11/10/2016	Admin	Vacant Post
Audit	10/08/2015	Audit Assistant	Vacant Post
Civil Status and Registration Office	16/12/2014	Admin	Maternity
	20/06/2016	Admin	Maternity
	20/06/2016	Admin	Maternity
Department of Education	08/09/2014	Technician IT Woodwork	Vacant Post
	02/09/2016	Vehicle/ Child Escort	Covering the increase of children with SEN for Taxi service
Department of Social Security	04/10/2016	Admin	Maternity
	24/10/2016	Admin	Vacant Post
Employment Town Range	26/08/2014	Messenger	Vacant Post
Housing Department	17/09/2015	Admin	Vacant as a result of substitution
	15/09/2015	Admin	Vacant Post
	12/08/2015	Admin	Vacant Post
Human Resources Department	15/09/2015	Admin	Maternity
IT Department	02/02/2015	Admin	Employed to undertake an exercise under e-Government Project
Ministry for Tourism, Equality	20/07/2015	IT-Admin	Vacant Post
Ministry of Employment	15/08/2016	Admin	Vacant Post
	12/08/2014	Clerk	Vacant Post
	12/05/2015	Data Input	Over Complement - due to understaffing
	20/08/2014	Messenger	Over Complement - due to understaffing
	11/02/2015	Data Input Officer	Over Complement - due to understaffing
Ministry of Culture	02/02/2015	Admin	Vacant Post
Post Office	27/08/2015	Admin	Vacant Post
	19/10/2016	Admin	Employed to undertake an exercise of migration of Savings bank
Statistics Department	25/10/2016	Admin	Vacant Post
	12/11/2015	Admin	Maternity

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Income Tax Office	19/08/2015	Admin	Vacant Post
	01/09/2014	Admin	Vacant Post
	16/09/2015	Receptionist	Maternity
	26/01/2015	Admin	Maternity
Treasury	25/07/2016	Admin	Maternity
	25/05/2016	Admin	Vacant Post
	31/05/2016	Admin	Vacant Post
	28/09/2016	Admin	Vacant Post
	19/03/2015	Admin	Vacant Post
	22/09/2015	Admin	Vacant Post
	06/10/2014	Admin	Vacant Post
	07/04/2015	Admin	Vacant Post
	24/03/2015	Admin	Vacant Post
	12/03/2015	Admin	Vacant Post

450 **Mr Speaker:** I would suggest that we now move on to Question 839 and hon. Members of the official Opposition can consider the schedules and tables that have been circulated to them and ask any supplementaries which they may wish to ask later on.

Q839-841/2016
Devil's Tower Road hostel –
Total capacity; delay in completion; cost of refurbishment

Mr Speaker: Question 839.

455 **Acting Clerk:** Question 839. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What will the total capacity of the new hostel in Devil's Tower Road be?

460 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 840 and 841.

465 **Acting Clerk:** Question 840. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the reason for the delay in the completion of the new hostel in Devil's Tower Road?

470 **Acting Clerk:** Question 841. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the cost to refurbish the new hostel in Devil's Tower Road?

475 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the new hostel has a capacity of 158 beds. There is no delay in completing the new hostel on Devil's Tower Road as this became operational on 26th September 2016. I note that the hon. Lady has asked us questions in future terms, but it is already open and we are answering in present terms for that reason.

480 The works to the new hostel on Devil's Tower Road have cost a total of £2,242,048.65. This includes the cost of adding two new floors and the existing building.

Hon. Ms M D Hassan Nahon: Can I just ask the Chief Minister: was a feasibility study done on the new hostel; and, if so, would it be possible to see it?

485 **Hon. Chief Minister:** Mr Speaker, the question of a feasibility study I do not think arises. I do not know what the hon. Lady is trying to ask me. A feasibility study is something that you would do in a different sort of situation. What is she trying to get at? I will see if I can help her in some way to have the information that she wants.

490 **Hon. Ms M D Hassan Nahon:** Thank you for offering to help me out here. I understand there has been some concern by future tenants, or present tenants, whether the capacity of the hostel would have been enough to cater for all the tenants or prospective tenants, so I was just trying

495 to get to the bottom of whether the project and the capacity aspect has been well planned out
and thought through to cater for all the tenants who are due to slowly trickle in. I understand
there are still some who have not. Perhaps you can correct me if I am wrong: have all the
tenants been housed already or are there some in the Queen's complex who have to get there?
If so, once everybody who is due to be housed, will there be capacity for everybody?

500 **Hon. Chief Minister:** Mr Speaker, I can assure the hon. Lady that there is absolutely no
question of the project not having been well thought out; it was well thought out. She will see,
in fact, that already the other hostel has been knocked down. We are already seeing another
expression of confidence in Gibraltar going up, which is a new hotel going up in Devil's Tower
Road in the place where the other hostel was.

505 There is one issue which is slightly sensitive in respect of hostels and on which I am quite
happy to give her some information behind the Speaker's Chair, because then she will
understand that the numbers we are dealing with are not the numbers we are dealing with. But I
would rather not say more, and share the information with the hon. Lady – not on pain of
imprisonment or anything like that, but just confidentially!

510 **Hon. E J Reyes:** May I, Mr Speaker? I am grateful to the Chief Minister, who has expressed his
willingness to meet with the Lady behind the Chair. If that does take place, would he mind
informing me so that I can also be present at this listening brief?

515 **Hon. Chief Minister:** But with him, Mr Speaker, on pain of imprisonment! Not at all,
Mr Speaker, it would be an absolute pleasure to share the information with both of them.

Hon. R M Clinton: Mr Speaker, if I may?

520 **Minister for Commerce (Hon A J Isola):** What, you as well? *(Laughter)* Will he go behind the
Chair?

Mr Speaker: Is there enough room? *(Laughter and interjections)*

525 **Hon. R M Clinton:** No, Mr Speaker, I do not wish to go behind the Chair – I have enough being
in front it!

Mr Speaker, referring to the Chief Minister's answer in respect of the cost of refurbishment in
answer to Question 841, and he says, I believe, £2.2 million for the two new floors plus the
existing building, can he confirm he means refurbishment of the existing building? Obviously, in
530 the press release of January 2014 the building was bought for £3.25 million.

Hon. Chief Minister: Yes, it is the addition of two floors to the existing building that cost the
£2.2 million.

535 **Hon. E J Reyes:** Mr Speaker, with your leave, shall we come back to the Questions that were
answered before?

Mr Speaker: Yes. Any supplementaries arising from the schedules and other information?

540 **Hon. E J Reyes:** Yes. If I can take the Chief Minister back first to the schedule in answer to
Question 834, there is a list of convenors identified as A, B, C, and so on.

Hon. Chief Minister: Sorry, which one is it?

545 **Hon. E J Reyes:** Question 834.

Mr Speaker: The allowances to recruit.

Hon. E J Reyes: Yes. I note that in C, F and G, where the allowance is per annum, there is a figure plus another figure. Perhaps there is a very simple way of explaining that, but rather than having one total we have got two subtotals. Can I be enlightened?
550

Hon. Chief Minister: I think it is allowances, Mr Speaker. I think it is facility time and allowances which are allowed, and therefore that is why it is given separately. Instead of being given as one figure, I think what is set out ... and this is from memory, this is not from the preparation of the answer, but that is why I was not surprised when I saw it. I thought it was that part is salary and part is allowances related to salary.
555

Hon. E J Reyes: Okay, so in that case, if that is correct – and I tend to think like the Chief Minister – one is the basic salary and the other one is the allowance that the individual was receiving, for example a shift disturbance allowance. But if it has been inconvenient and they are no longer undergoing shift work, is that allowance still applicable?
560

Hon. Chief Minister: Mr Speaker, I am not an expert in trade unionism and I can assure the hon. Gentleman that I have not changed anything that was the practice before. But I am quite happy, if he does not know what the answer was in his time ... although I can assure him it has not changed, I can find out, but it is not something I know the answer to.
565

Hon. E J Reyes: Okay, thank you, Mr Speaker.
And then, on I the 'GGCA – Facility Time 100%', obviously the word 'currently' means because that is the person who is currently undertaking that and it changes. But J and K do not have any percentage on them, whereas L and M already go back to two percentages, hence why the note 'current value ranging from ...' So, on J and K that information has not been provided, therefore neither the Chief Minister nor I are any the wiser whether it is 100% or whether it is not. What I find strange is if you bothered to put 100% for I, then in the absence of that notice for J and K could it be anything different?
570
575

Hon. Chief Minister: Mr Speaker, I can tell the hon. Gentleman that I have been given exactly the same information in the table, but I have been given a note and I can tell him that from the note I can see it is 50%. In respect of J and K it is actually 50%.
580

Hon. E J Reyes: Thank you, Mr Speaker.
In the schedule for Question 832 we have got the list in respect of the vacant posts. I know that the Chief Minister before, in his reply in respect of the AA posts, said that that was due to the efficiency review and so on, but I note here that there are some posts, such as Senior Officer, Senior Customs Officer, even the Commissioner of Income Tax. Would those advertisements of the post, are those expected to come through imminently or are those also going to be subject to the efficiency review and therefore there will be a longer delay?
585

Hon. Chief Minister: Mr Speaker, no. In terms of, for example, the Commissioner of Income Tax, the last indication I had from the Chief Secretary was that that one is literally with Human Resources, the Income Tax Department and him in terms of advertising. In Customs, for example, I think the Senior Customs Officer is something which the Department is dealing with. So most of the senior ones are either already about to be advertised or are in the context of discussion between the Chief Secretary and whoever in that Department is looking at the job descriptions and whatever tweaking has to be done there, and I assume in discussion with unions where that may be relevant. It is not with the Government; it is not stopped by the Government.
590
595

600 **Hon. T N Hammond:** Mr Speaker, just in respect of Question 836, and because I am entirely unfamiliar with Civil Service procedure, can the Chief Minister clarify: when a civil servant retires acting in a higher grade, do they acquire the pension rights of that higher grade or do they revert to their actual grade?

605 **Hon. Chief Minister:** Mr Speaker, without being held to the answer I am going to give for absolute accuracy, because I would need notice of the question – if the hon. Gentleman is going to hold me to the accuracy of this, I put it to him he should put me a question – I believe if the person has been acting for a particular period then he carries his acting into his pension, but not otherwise.

610 **Mr Speaker:** Any others? No. That concludes Question Time.

615 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Lady had a supplementary that she wished to ask, although the Hon. Minister has not returned to Parliament in time to take it. Can I invite her to put that supplementary by way of a letter, or a phone call even – I know she has a convivial relationship with the Hon. Minister and can phone him. And if she wishes to do it any other way, I will give way to her now if she wants to say anything.

Hon. Ms M D Hassan Nahon: Thank you for that, Chief Minister. Yes, the Hon. Father of the House and I go back a long way – and long may it last, I hope. (**A Member:** Hear, hear.)

620 I am sure that this supplementary is one that perhaps the Minister for Education or your good self could probably answer, so I will just fire it off now. The question was in relation to Question 822, about the breakdown of the number of young people who had successfully completed the levels in various trades. My supplementary was: is there any liaison with the schools so that potential trainees could be identified at a younger age in schools, rather than perhaps forcing those more suited to this route to have to go through the academic route?

625 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I would need to take advice as to what the actual fact is now, but one of the things that certainly I am looking at with the Department of Education is to be able to identify young people who are not academically minded but who have other skills, to be able to identify them at an early stage in order for them to be directed in other directions, be it vocational training or whatever.

So, again, without having all the information with me, this is certainly the intention and I will certainly research it and I would be very happy to assist the hon. Lady when I have that information. But that is certainly the intention.

630 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions – (*Interjections*)

635 **Hon. L F Llamas:** Apologies. Just one supplementary in relation to Question 832. Just going through the schedule, there appears to be obviously the public sector, and then towards the end there is a company, Gibraltar Car Parks Ltd – this is the question to do with vacancies. It is just a little bit odd that obviously we see that there are Government companies which have been included in the list, but on the other hand we do not see any authorities or agencies having been included. Is there a particular reason why? Is it that we have got a bit more information than we should have, or maybe they have left out the other agencies and authorities?

640 **Hon. Chief Minister:** Mr Speaker, the only places where there are vacancies because the only places where there are complements are in the departments of the Civil Service, and therefore the agencies and the authorities would not be here. The hon. Gentleman has rightly spotted that

645 Gibraltar Car Parks Ltd is in there but that does not have a complement, so they can safely disregard that. I am going to thank him for pointing that out and I shall reprimand whoever it was who allowed this to remain on the list, because there is not a complement. They may be asking for those posts, but they are not posts which are in complement and therefore cannot be deemed to be vacant.

Thank you.

650

Hon. E J Reyes: And likewise, Mr Speaker, when the Chief Minister is chasing this one up, my understanding was that the employees of Gibraltar Tourist Board, although public servants, tended to be GDC employees rather than civil servants – one Upper Rock site officer – so again it may be something that in an original draft ... I think this table had been prepared using Excel, and this cut and paste has not quite worked accurately for the Tourist Board.

655

Hon. Chief Minister: Mr Speaker, I am grateful. I know that this answer goes through various iterations in order to make sure that we reach the right area which is the right area in complement. So I would invite the Hon. Members to make hay whilst the sun shines and relish the information that they have been provided, because they can expect it will not be there next month.

660

Questions for Written Answer

Chief Minister (Hon. F R Picardo): And so, Mr Speaker, I have the honour to table the answers to written questions numbers W60/2016 through to W65/2016.

RECESS

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour that the House should now recess until 5.15 p.m.

665

Mr Speaker: The House will now recess until 5.15 p.m.

The House recessed at 4.35 p.m. and resumed its sitting at 5.15 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Fire and Rescue Service (Amendment) Bill 2016 – First Reading approved

Acting Clerk: The Order of the Day. Bills – First and Second Reading.
A Bill for an Act to amend the Fire and Rescue Service Act.

670 The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Fire and Rescue Service Act be read a first time.

675

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Fire and Rescue Service Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

680 **Acting Clerk:** The Fire and Rescue Service (Amendment) Act 2016.

Fire and Rescue Service (Amendment) Bill 2016 – Second Reading approved

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to move that the Bill for the Fire and Rescue Service (Amendment) Act 2016 be read a second time.

685 This Bill amends the definition of ‘fire hazard’ in section 3 of the Fire and Rescue Service Act. Currently included in the definition of a building that is a fire hazard is any building which exceeds two storeys in height and in which the floor of any upper storey is more than 4.5 metres above ground level. Effectively, the height indicator of 4.5 metres is the height at which it was considered acceptable for someone to jump out of the window or out of an opening in case of a fire when the floor of a flat or a single-family dwelling is above ground level.

690 The Gibraltar Fire and Rescue Service, in consultation with fire safety officers and an expert in the field of fire safety of buildings, considers that 4.5 metres is too high for someone to jump out of a window without risk to injury and has recommended 3.5 metres as the required height. This puts the Act in line with the new fire safety part of the Building Regulations which we have already published quite recently. This change will, in fact, only affect newly built flats and dwellings and will not affect any of the existing buildings.

695 Mr Speaker, I have given notice by letter to you, dated 17th November, of an amendment to clause 2 which I will be moving during the Committee Stage, which clarifies and in fact makes it clear that this will only apply to new buildings and not existing buildings.

700 I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Fire and Rescue Service Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

705

Acting Clerk: The Fire and Rescue Service (Amendment) Act 2016.

**Fire and Rescue Service (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): 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.

710

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
First Reading approved**

Acting Clerk: A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8; and for connected purposes.

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The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, 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 Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Second Reading approved**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to move that the Bill for the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 be read a second time.

740 As hon. Members are no doubt aware, the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes conducts periodic peer reviews of Gibraltar to assess compliance with the International Standard on Transparency and Exchange of Information.

745 Following a phase 1 review of the legal and regulatory framework in 2001, the OECD conducted an exhaustive phase 2 review of the implementation of the standard in practice in 2014, as a result of which it rated Gibraltar overall as largely compliant. This rating puts Gibraltar on a par with jurisdictions such as the United Kingdom, Germany and the United States.

The Government is committed to implementing the recommendations made by the OECD in the phase 2 peer review report. This Bill implements those recommendations in the report by amending the Partnership Act and the Trustees Act to impose criminal sanctions on trustees and partners where they fail to maintain proper books and records of accounts.

750 To further strengthen Gibraltar's compliance with the OECD standards and the information exchange regime, the Bill amends the International Co-operation (Tax Information) Act 2009 to impose criminal penalties for breach of confidentiality under the Act and widen the Authority's powers when notifying requests subject to civil tax matters. Under the existing regime for civil tax information requests, the Authority must request subjects of issued notices without regard to delays or risks caused to an investigation. This Bill allows the Authority to determine whether a notification to a request subject would undermine or unduly delay an investigation and take action to postpone the notification until the identified risks subside.

Mr Speaker, I commend the Bill to the House.

760 **Mr Speaker:** I put the question: does any Hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

770 **Acting Clerk:** The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
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.

775 **Mr Speaker:** Do all Hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Mr Speaker: The Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016.

In Committee of the whole Parliament

**Fire and Rescue Service (Amendment) Bill 2016 –
Clauses considered and approved**

785 **Acting Clerk:** A Bill for an Act to amend the Fire and Rescue Service Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

790 **Acting Clerk:** Clause 2 as amended.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Chairman, the amendment is to clause 2.

795 **Mr Chairman:** It is clause 3(2).

Hon. G H Licudi: No, the amendment is to clause 2, Mr Chairman.

800 **Mr Chairman:** That is not in the notes that you have given.

Hon. G H Licudi: Yes, the letter says:

The amendment is to add, after 'Gazette' in clause 2, the following ...

and there is a form of words at the end of clause 2.

805 **Mr Chairman:** You have two amendments in that case, I think. You have given notice of two amendments.

Originally, on 21st June, you gave notice of an amendment in clause 3 to substitute 'in the definition of "fire hazard"', and now the more recent one, which is for clause 2 and is dated 17th November.

810 **Hon. G H Licudi:** Yes, Mr Chairman, the one I am dealing with now is clause 2, so we are dealing with clause 2 before we deal with the amendment to clause 3.

815 **Mr Chairman:** Clause 2. Hon. Members have received the terms of the amendment. Does anybody wish to speak on the amendment? I then propose that the amendment be carried. Those in favour? (**Members:** Aye.) Those against? Carried. So clause 2, as amended, stands part of the Bill.

Now, clause 3: what happens?

Hon. G H Licudi: There should be a further letter. So substitute 'in the definition fire hazard' –

820 **Mr Chairman:** Again, there is a very small amendment to clause 3(2). All agreed? We take it
that clause 3(2) is amended in the terms of the notice given by the Hon. Minister, and therefore
–

825 **Hon. E J Reyes:** One very small thing –

Mr Chairman: Yes, indeed.

Hon. E J Reyes: Would that be as the Bill stands here? As printed on the Green Paper, it says:

In section 2(b), for every instance that "4.5" appears,

830 and in the amendment it is 'for (b) substitute ...' Does that refer to that line, or does it refer to
another line? Are we talking the amendment ... Are we removing that '3.5' and putting in that
place in the definition of fire hazard? Is that what we are doing, amending this Bill with that?

Mr Chairman: It is not 100% clear.

835 **Hon. G H Licudi:** Mr Chairman, essentially what we are doing is where '4.5' appears in section
2(b) we are amending it by substituting '3.5' for '4.5'.

840 **Mr Chairman:** The Bill as originally drafted ... there is an amendment to 2(b) where for every
instance '4.5' appears, substitute '3.5'. Apart from that, the Hon. Member gave notice on
21st June in clause 3(2) again for (b) substitute 'in the definition of "fire hazard"'. Is it clear what
that is referring to?

Hon. G H Licudi: I am trying to get hold of the Bill itself – sorry, the Act.

845 **Hon. E J Reyes:** If I may, Mr Speaker – otherwise you would read 'In section 2, in the
definition of "fire hazard"'. That is what is printed here. This is why it does not make sense to
me. It may to lawyers, but to us mortal school teachers ... we still cannot let go of the red pen,
Mr Speaker.

850 **Mr Chairman:** If you look at the inverted commas, the amendment seems to be the words 'in
the definition of "fire hazard"'.

855 **Hon. G H Licudi:** Yes, Mr Chairman, because 2(b) relates exclusively to 'fire hazard', so either
... It works both ways, because 2(b) relates to 'fire hazard', so either, for clarification purposes,
we just include 'fire hazard' or we just leave it as 'in section 2(b)' because section 2(b) is all
about fire hazard. It is about nothing else.

Mr Chairman, I would suggest that we leave –

Mr Chairman: Leave this one for the next meeting?

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Hon. G H Licudi: No, we leave the Bill as it is – clause 3. We leave it as it is in the original
without the amendment.

Mr Chairman: Without the amendment. Okay.

865

Hon. G H Licudi: The amendment is just for clarification but is not, strictly speaking, necessary, because the amendment that is going to be made to section 2(b) is going to be in the definition of 'fire hazard' where '3.5' will be substituted for '4.5'.

870 **Mr Chairman:** Right. So clause 3 stands part of the Bill, as it is in the Bill.

Hon. G H Licudi: As it is.

Mr Chairman: Very well.

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Acting Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Clauses considered and approved**

880 **Acting Clerk:** A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts –

Mr Chairman: You do not have to read the whole of the long title. The Bill is at Committee Stage. It is being referred to as the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016. Okay. So that is the title.

885 Clause 1 stands part of the Bill.

Call Clause 2.

Acting Clerk: Clauses 1 to 5, Mr Chairman.

890 **Mr Chairman:** *[Inaudible]*

Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

Clause 1.

895

Mr Chairman: Stands part of the Bill.

900 **Hon. R M Clinton:** May I make an observation on clause 2? Mr Chairman, I would ask the Government whether any thought has been given – I appreciate the importance of this amendment – into any transitional provisions, because obviously from one day to the next there will be criminal sanctioning.

905 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** There is no need for transitional provisions. We are, in fact, implementing a recommendation by the report of the peer review of the OECD. We believe that it is right and proper. The obligation itself to maintain proper books and accounts already exists in the Acts. What the OECD review picked up on was that there was no sanction for a failure, so the primary obligation, the substantive obligation, exists; therefore, there is no need for a transitional provision, because the substantive requirement is already in legislation.

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Hon. R M Clinton: Thank you very much.

Mr Chairman: Clause 2 stands part of the Bill.

Acting Clerk: Clause 3.

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Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 4.

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Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 5.

Mr Chairman: Stands part of the Bill.

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Acting Clerk: The long title.

Mr Chairman: The very long title stands part of the Bill.

**Fire and Rescue Service (Amendment) Bill 2016 –
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Third Readings approved: Bills passed**

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) 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.

935 **Mr Speaker:** I now put the question, which is that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS' MOTIONS

**Mental Health Service –
Care in the community for discharged service users –
Debate commenced**

Acting Clerk: Private Members' Motions. The Hon. R M Clinton.

940 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Is concerned at an apparent lack of care in the community of discharged service users of Ocean Views and other Gibraltar Health Authority Mental Health Services; notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority; considers that more should be done to help the most vulnerable in the community,

including the provision of sheltered accommodation; and calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals to provide and publish recommendations to ensure care in the community for service users is adequately provided.

Mr Speaker, I have brought this motion to the House as a consequence of feedback I was given by service users and families of service users in undertaking research for the recent *Viewpoint* programme on mental health in which a former Minister for Health, Dr John Cortes, and representatives from the Mental Welfare Society and Clubhouse Gibraltar were on the discussion panel.

This motion could perhaps be seen as a type of petition to this House, although not in the formal sense as envisaged by Standing Orders, as it has its origins in the views of ordinary citizens, and in that sense I stand here as a rather inadequate mouthpiece; inadequate in that I freely admit that this is not an area in which I have any personal experience or professional experience, and I accept any criticism from the Government benches in that respect. But then again, no one in this House is a professional in this field, which places upon us a greater responsibility to understand and research the issues raised in this motion.

This motion is not – and Members opposite may not believe me – meant to level criticism at any Government Department or person, but merely seeks to ensure that service users and families of service users receive the level of support that they need and is indeed their right. Nor have I been prescriptive as to the nature of the review the motion suggests – but more on that later.

Both sides of this House have acknowledged that Mental Health Services have been the Cinderella of the Health Authority. The previous GSD Government and this Government have both been playing catch-up in both the provision of new physical infrastructure in the form of Ocean Views, which finally opened in February 2015, and the recent Mental Health Act 2016. The Community Mental Health Team based at Coaling Island has no doubt played a major role in these improvements, including relevant professionals in the Gibraltar Health Authority, but a new clinical facility and legislation, while laudable, are not sufficient in themselves to provide the complete care that service users and families of service users need.

There appears to be a gap in the provision of aftercare for service users and their families. One family member of a service user told me that this was pretty much left to the family to cope as best as they could and, in their words, they ‘found that everything is a struggle and depressing’. In their view, and shocking as it may sound, a cancer or heart patient would receive more support, community sympathy and care than a Mental Health Service user. They see no continuation of care between the GHA and Social Services.

If I may, I would like to quote the views of one such family member of a service user, who happens to be a professional in the field and who describes the relative as follows:

He is stuck in a revolving-door syndrome where he just goes in and out of Ocean Views without a safety net in the community to evaluate his needs. There are no adequate reviews, no care plans, no pathways to recovering, to leading a life in the community and further afield. There is no future. His life has been brutally punctuated to a full stop.

As a Member of this Parliament, I cannot let such an indictment to our mental health care system go unexamined.

The same family member does, however, offer practical solutions as follows:

Surely social care reform with regard to mental health needs to include provision of community services for the person suffering from mental turmoil and also support for their families. Hence we need a holistic 365 all-day service which provides risk assessments, needs assessments, shelters, budgets for care plans, carers, therapists, social workers, mental health workers, all outside Ocean Views and in the community after a section has been lifted. I am asking for a robust recovery pathway for the service user to remain outside Ocean Views and to offer support to families of service users to maintain the carer and service user relationship.

Again I will confess to being no expert in this field. I have sought to identify those resources the GHA may have outside the Ocean Views facility from publicly available information.

980 From the annual Estimates of Expenditure for 2016-17 I note the GHA employs one consultant clinical psychologist, two clinical psychologists and two senior mental welfare officers. There must, of course, be other staff, but I cannot see Mental Health Services as a separately identifiable section in the same way as, for example, Elderly Care Residential Services are.

985 I had hoped to turn to the GHA's annual report for more information and statistics, but I found the last report on the GHA website is for 2012-13, before Ocean Views was completed, and the only useful statistical information was the bed occupancy levels in Mental Health, which peaked at just over 45 in 2013.

990 I was surprised to learn from the Clerks of the House that the last GHA annual report and accounts tabled in this House was for the year ended 31st March 2009 – tabled, in fact, on 29th April 2010. I trust the Minister will take note of this and table the latest GHA report and audited accounts as soon as possible, in accordance with section 15(5) of the Medical (Gibraltar Health Authority) Act.

995 And so I am unable to form an independent view as to the resources made available in the provision of mental health services in Gibraltar, let alone in respect of the activities of the GHA in this area for recent years, nor for the Community Mental Health Team. This information will, of course, be available to the Government and I would welcome an analysis of staffing and resources by unit, if they are so minded to publish it.

1000 I did, however, find that the minutes of the meeting of the GHA board for 21st September 2016 did include a report from the Unit General Manager, Mental Health Services, for the period January to June 2016. This is what was said in its introduction, and I quote:

Although patients' mental health is our primary aim, central to this wellbeing is an understanding of patients' physical health and the link physical and mental health have on one another. With this in mind, the MDT made a conscious decision to concentrate and focus on our patients' wellbeing and physical needs in conjunction with their mental health with the aim of recovery at the beginning of 2016. This has meant developing further links with other care services, being the Primary Care Centre and St Bernard's Hospital, in order to facilitate further the philosophy of patient recovery.

1005 This is no doubt a sensible approach, and the report provided some statistics, namely that over the four months from January to April 2016 the Community Mental Health Team had an average of 204 monthly patient clinic contacts and 103 monthly community visits. But despite this volume of work, the report then goes on to say the following, and again I quote:

As previously described in earlier reports, despite many community activities, both in terms of consultant contacts, nursing visits to patients' homes and the psychological/counselling intervention provided, some patients will continue to need admission to Ocean Views for periods of time. The mental health teams have continued to provide an ever-improving service to those who need it when they need it and how they need it. In order to continue in the development of the service and in response to patient need, we have during this period focused not only on the mental wellbeing but also on the physical needs of patients.

It appears to me, as a layman, that the focus of the GHA Mental Health Service is in clinical outcomes and not necessarily supporting service users in the community, which is perhaps, probably, the role of Social Services. And I really do find it of concern that the Mental Health Service itself considers it inevitable that, and I quote:

...some patients will continue to need admission to Ocean views for periods of time.

1010 If service users are discharged from Ocean Views with an appropriate care plan, then surely regular readmission to Ocean Views should not be seen an unavoidable outcome for some of these users. It would be interesting to see statistics on readmission rates to Ocean Views.

1015 I have also had occasion to discuss the mental health system with a service user. Their observations were as follows: firstly, GPs were perhaps too quick to prescribe anti-depressants rather than refer the patient to counselling; and secondly, they saw mental health support in the community as being disjointed and not user friendly, the service user needing to be in a critical condition before action was taken – the onus was on the service user to make and keep appointments with the Community Mental Health Team at Coaling Island with no follow up. That is the experience of a service user as reported to me.

1020 I have in my research for this debate drawn heavily on the Mind website in the UK, for which I am grateful and I freely acknowledge. On their site there are numerous documents and information surrounding the treatment and care in respect of mental health. One item in particular caught my attention in respect of the UK Mental Health Act that appears to have been omitted from our own recent Act. That is section 117, 'Aftercare'. Mind, the charity, describes it as follows, and I quote:

The aim of section 117 aftercare is to help people settle back into the community and to prevent them from going back to hospital for treatment of their mental health problems. Under this section, health and social services have a joint duty to arrange aftercare for certain people when they leave hospital.

Mind goes on to say:

There is no right to any specific services – it is up to health and social services to assess your needs and decide what they think your section 117 aftercare should include – but these could be, for example, somewhere to live, social care support, home help, or using a day centre.

1030 I can find no such equivalent provision in our new Mental Health Act and I hope the Minister can point to other legal mechanisms where the service user is provided with such aftercare support in the community; otherwise, we do risk a revolving-door syndrome at Ocean Views for lack of community aftercare support.

1035 To highlight the seriousness of this debate, I want to draw this House's attention to a recent local press report. In fact, it was reported in the *Chronicle* yesterday, on 23rd November, that a man who had a history of mental health issues was involved in a disturbing standoff with Police while wielding knives and threatening behaviour in a domestic setting. The court found that the defendant was suffering from a mental health condition that meant he was unfit to stand trial. The judge made a hospital order stating that he should be conveyed to Ocean Views within 28 days, if not immediately, as a patient. I can only imagine the distress to the man's family. If he had mental health issues, had he had adequate support in the community, or was it that it took a crisis for action to be taken?

1040 I know that Clubhouse Gibraltar and the Mental Welfare Society do their very best to lobby Government on these issues and look after their members. I am calling for a review of community care or aftercare in the community because I believe there may be a real gap in care.

1045 Mr Speaker, this House is *very, very* quick to create commissions and select committees on matters that affect itself, be it constitutional or political reform. I have yet to hear of a commission or select committee on health or educational issues, or indeed on any matter that affects the wider community at large. We seem to be self-absorbed in this House.

1050 If the Government is so minded to support my motion, I leave it to them to decide as to the best way to conduct such a review, be it external or internal, via a commission or select committee. The method is not important so much as an undertaking to conduct a review with a view to taking evidence and the making of recommendations to Government and/or Parliament as to whether the service is indeed adequate or needs improvement and further resources.

And so, Mr Speaker, I have nothing further to add, other than to thank sincerely those service users and families of service users who have had the courage to come forward and share their experiences with me.

1055 Mr Speaker, I commend my motion to the House. Thank you. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Mr Clinton.

The Hon. Neil Costa.

1060

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it will not surprise anyone in the House, or indeed anyone listening to the debate, when I say that the Government will vote against the motion and that I will move an amending motion at the conclusion of my contribution. But I have to say that I am grateful to the hon. Gentleman for having brought the motion to the House in the terms that he has drafted it, given that it will become immediately apparent to the House, and indeed to the astute people of Gibraltar, the incredibly meaningful – and, if I may say, in only five years – unparalleled strides that we have taken on care and, in particular, mental health care. (*Banging on desks*)

The language of the hon. Gentleman's motion does bear consideration. He starts by saying that the House is concerned at the 'apparent' lack of care in the community of discharged service users and that the House notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority. Mr Clinton speaks of an 'apparent' lack of care. That therefore must mean that he is uncertain over whether or not there is a lack of care; and Mr Clinton, when he rises to speak in this House, talks of 'possible gaps', but in the motion he does not talk about the possibility of improvements, the possibility of better co-ordination; he speaks of lack – and lack, in the ordinary definition of the English language, means the absence of care. I have to tell the hon. Gentleman that there is no lack of care, although of course this Government is always in a process of continuous review to improve the quality of the services that it provides.

Let me continue by setting out the various and many improvements of which the hon. Gentleman is clearly not aware. The Community Mental Health Team delivers a five-day 8 a.m. to 5 p.m. comprehensive and accessible community-focused service which works in partnership with persons and their carers to meet their needs and which also respects their rights. The team, as you would expect, Mr Speaker, is multi-disciplinary, consisting of consultant psychiatrists, community psychiatric nurses, occupational therapists, mental welfare officers, counsellors and psychologists. The team provides both in-reach and outreach services, assessments and treatments, using a holistic approach which takes into consideration the person's physical, psychological and social needs. So I must tell the hon. Gentleman opposite that when he spoke before about the absence of assessments and treatments he would in fact be fundamentally mistaken.

Prior to leaving Ocean Views, discharge support packages are, in fact, put in place for service users and will, of course, vary with each person, based on their individual needs and his or her available support network. This may range – because, of course, a one-size-fits-all will not be appropriate – from daily contacts, daily visitations, to weekly or fortnightly meetings with their care co-ordinator and may also include a number of departments and agencies working in partnership. The aim of the service is to enable the service user to live as independently as possible, if possible, so that over time, as the service user improves, the input required is assessed and gradually reduced, if appropriate.

The care co-ordinators – and the hon. Gentleman will realise that they are called 'care co-ordinators' and the secret is therefore in the name – are registered mental health nurses or very experienced enrolled nurses who oversee the complete package of care provided to the service user. Our very competent and dedicated nurses are responsible for ensuring that all elements of the person's care are in place, are properly co-ordinated and that reviews at all stages are carried out. Care co-ordinators also ensure that there is adequate communication and information sharing between all the relevant professionals and agencies involved and in partnership with the service users and their carers.

In order to facilitate the delivery of the service, an extensive refurbishment and extension programme was carried out at the Community Mental Health department. This has included

1090 increased clinical capacity, office space, new safer storage facilities for service users and a general beautification of all areas giving the environment a very homely and therapeutic feel.

Unfortunately, and I now turn to the hon. Gentleman's point that he made that sometimes the service is not seen to take care of certain persons. Unfortunately, despite community support and interventions and all of the ones that I have listed just a few moments ago, both in
1095 terms of consultant contacts, nursing visits to service users' homes and the psychological intervention provided, some service users opt not to engage with the service, and in these situations staff members will attempt to make contact with them by phone, try to visit their homes or even by physically going to areas that they know the person frequently visits.

Regrettably, Mr Speaker – and the hon. Gentleman opposite must really, I am sure, now wish that he had not said this – regrettably, at present, given that the Mental Health laws under the Mental Health Act 1968, to which the GSD made no amendment whatsoever in their 16 years, none at all, (**A Member:** Shame!) there are grave and severe limitations to care in the community from a legal perspective. What I mean by that is that the services can only intervene with service users who do not wish to liaise with the service when they are in crisis and in need
1100 of admission. In other words, presently, under the statute under which the GSD operated for almost their 16 years in Government, a person who requires care but who refuses care cannot be assisted. They cannot be assisted by law unless they are assessed to be a danger to themselves and to others. And they seek to admonish us, Mr Speaker, about laws and regulations when they presided over an archaic piece of legal architecture that prevented and hamstrung the very professionals they now seem to care for! (*Banging on desks*)
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Mr Speaker, this must have been the Act, surely, because words show what they cared about when they were in Government. This must have been the Act that they were 'apparently', to use the hon. Member's word, 'apparently' happy ... The new Act, which as I said, will come into operation in the next quarter, also uses the appropriate term 'mental disorder' and replaces the terminology, with which obviously they were comfortable with operating for 16 years as, 'subnormal'. They used to operate under a law that called people with mental health issues as 'subnormal', and they are standing there, moralistically trying to lecture us about the importance of mental health care, but kept calling people who needed the care as 'subnormal' and they were happy with it? (**A Member:** Shame!) Please, Mr Speaker!
1115

Critical, therefore, to the overall improved service being offered to service users has been the need to review and update the Mental Health Act. I am advised that the Bill did present certain challenges because of Gibraltar's uniqueness, but as the House is aware, the Bill was passed in Parliament and will come into effect in the first quarter of next year. And it is well worth making the point, in our view, that the Bill was the product of over two years' work by a multi-disciplinary team composed of nurses, consultants, psychiatrists, mental welfare officers and other professionals, and all of these professionals, which, according to the hon. Gentleman, when one takes his speech in the global ... he seems to suggest do not really exist or do not really talk to each other, or are completely unaware about Mental Health Service users. Mr Speaker, you could not be making these things up!
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The Mental Health Act Group continue to meet on a regular basis and are at the final stages of producing the code of practice to accompany the new Act. Once this code has been completed and approved we will see tremendously important improvements, including the reclassification of conditions and the introduction of the community treatment order, which will assist in supporting risk-of-relapse service users in the community.
1130

Let me explain that to the hon. Member opposite. I have explained that in cases where a past service user or somebody who is assessed by the service to perhaps present and experience mental health issues, unless the service decides that the person presents a risk to himself they are not allowed by law to take any steps. However, under the new Act, if the service considers that the person does experience mental health problems, then even if that person does not present an immediate danger to himself or to other persons, the law will allow the health professionals to intervene. So the legal architecture that my hon. Friend, Dr John Cortes, brought
1140

in is *precisely designed, precisely designed* to cater for the issues that the hon. Gentleman complains of today, but during the course of which in 16 years the GSD decided were not important enough to do anything about. (*Banging on desks*)

1145 And so, Mr Speaker, once the new Act comes into effect, service users who are considered to be at risk of relapse or who the service considers are in need of care will be able to be placed on a community treatment order as part of their discharge package. This will assist the teams in ensuring engagement and hopefully reduce the need for emergency crisis admissions, whilst in turn helping to support families through very difficult periods.

1150 Further, the Mental Health Services work very closely with a multitude of departments and agencies, support groups and NGOs in an endeavour to offer the best possible tailor-made care to service users, and depending on the service users' needs these may include drug and alcohol detox programmes in conjunction with Bruce's Farm, weekly consultation clinics, visits to the prison, twice-weekly memory clinics in partnership with the Care Agency, in-patient mother and
1155 baby assessments in conjunction with the Care Agency teams working closely with the Department of Education to ensure the welfare and support of child or adolescents with mental health issues and their families. There is also close collaboration with the Royal Gibraltar Police in a number of areas, from conducting assessments when required to attending multi-agency public protection arrangement meetings, and regular meetings with the Youth Advisory Council,
1160 Adult Disability Board, the Housing Department and even further, when required, the visiting consultant child psychiatrist has visited sites in the Care Agency and worked together with social work professionals so as to advise on care plans and services provided.

So you see, Mr Speaker, that there is great integration already – without, of course, being complacent, and always more can be done – but that there is of course already great multi-disciplinary integration between the Care Agency, the Mental Health Services and the GHA already operating.

1165 Further, non-Government agencies – in other words, civil society – are a hugely important part of our case and they too work closely with the Mental Health Services, including, as I am sure the hon. Gentleman knows, the Clubhouse project, Childline, Narcotics Anonymous and the
1170 Mental Welfare Society.

Further still, the House will be pleased to know that the Government is in active discussions with a service provider to provide an adult helpline which will specifically assist people who may be experiencing mental health issues.

1175 Therefore, for the hon. Member to even suggest that *perhaps, perhaps* we on these benches lack the heart and the dedication to take care of persons experiencing mental health issues is, in our view, unfair and, we think, entirely a partisan political attack with no substance.

Indeed, unless I misunderstood the hon. Gentleman, I seem to recall that he mentioned two particular cases. He discussed two particular cases and he brought to this House two quotes, and, as a result, on those two quotes he built a case, and I would say he built a house of cards
1180 whereby he tries to denigrate the entirety of the work conducted by the Police, by the Department of Education, by the Care Agency, by the GHA, by the youth workers, by all of these professionals working together, on the basis of two quotes, or rather two cases which he brings.

Mr Speaker, everyone can see through the fallacy of wishing to try to attack an entire system on the basis of two individual cases. It really does beg the question that if the GSD now pretend
1185 to be so very concerned about mental health care issues, why doesn't the hon. Gentleman write to me? Why does he not tell me immediately, with concern, who those persons are, who the families of those persons are? 'How can we help them? They are in need. This is urgent. We must help them.' But no, Mr Speaker, of course not, because it is a party political ploy; because they would rather put it down in a speech so as to say it across the floor of this House; because
1190 to try to help people behind closed things does not get them political points.

Of course, it does remind one about Samuel Beckett and the *Comedy of the Absurd* and that wonderful masterpiece *Waiting for Godot*, where one character says to the other:

'We always find something, eh Didi, to give us the impression that we exist?'

That is what they seek, (*Laughter*) the impression that they exist, because politically they are resoundly defeated! (*Interjection and banging on desks*) (**A Member: Que Bueno! Que Bueno!**)

1195 Therefore, Mr Speaker, to proceed with the hon. Gentleman's non-motion, (**Hon. Chief Minister: Brilliant**) he says, as if having discovered an entire new world, that this House considers that more should be done to help the most vulnerable – as he did, of course, by writing to me immediately and telling me, 'Neil, we need your help' – in the community, including the provision of sheltered accommodation.

1200 Mr Speaker, we go from the absurd to the sublimely ridiculous. It is surely a statement of the self-evident, not to say the bleeding obvious, that more can always be done in the provision of care. Of course! Of course more can be done, and more is being done. More has been done by this Government in five years than they did in 16! Don't they know that? Aren't they embarrassed to bring this motion? (*Banging on desks*) To exhort the very Government, to exhort
1205 my hon. Friends, Dr John Cortes and Samantha Sacramento, who have been the most engaged, the most caring, the most active, the most willing to significantly invest in mental health and care and to base mental health policies and laws on professional advice, rather than what the chief at the top used to choose at any particular time, is a rather peculiar path for the hon. Gentleman to tread, unless it is his intention to try to strike a difference between the old GSD and them. (**Several Members: Ah!**) They want to highlight their deplorable neglect of health
1210 services, the deplorable neglect of mental health issues, and therefore they think, 'As a political device, let us start to mark the difference between their neglect and what we would do if we were elected into office,' which is not very likely, because seven out of ten people in Gibraltar saw through all of their fallacies and saw through all of their political devices and resoundly elected us (**Hon. Chief Minister: Exactly a year ago.**) exactly a year ago. (*Banging on desks*) (**Hon. Miss S J Sacramento: And that is why.**)

1215 Mr Speaker, has the hon. Gentleman not been alive to the many improvements in mental health care over the past five years? Is he blind? Is he blind to the great legal, regulatory, infrastructural, capital and human resources advances in the past five years? Is he unaware that
1220 in Dr John Cortes the Health Services and, in particular, Mental Health Services has advanced in leaps and bounds? Is he not aware of any of that? How can he bring a motion to the House that says lack of care in the community, lack of co-ordination? It is not the case! It is patently false!

And indeed, it does give me the opportunity, though, to tell him what we have done more so.

1225 The whole of Gibraltar knows ... and I really could not believe it when I heard the hon. Gentleman say that there were no care plans. How does he think we have operated in the past five years – without care plans? Do you think that we divine one day in the office who needs help? How does he think that we work? There are care co-ordinators, there are mental health nurses, there are mental health welfare officers. They exist: does he not know that?

1230 We inherited from them an incomplete plan for the mental health facility – and it does say something, doesn't it, Mr Speaker, that they should not have done anything on the mental health facility for 16 years, and when they come close to their last mandate in the last election they decide then that something has to be done?

Of course, it was our first priority to conduct an extensive review – always in partnership with professionals, service users and relatives – to create a facility that was fit for purpose.

1235 The King George V Hospital was adapted in 1971 to be a provisional mental health hospital with a suitable facility being built, and for the following 45 years, other than the addition of bars to all the windows, minimal work was done to the building, which of course resulted in a dilapidated and indeed dangerous environment. The unit was split into two wards. Acute and long-stay patients would sleep in Nightingale-style open dormitories, with no privacy as there
1240 were no partitions or curtains between the beds. There was a total of four side rooms in the facilities and only a bed in them. Due to the lack of investment and repairs over time, the furniture began to break, resulting in patients' wardrobes, bedside tables and many armchairs

1245 having to be removed for safety reasons. For over a decade patients would have to keep their belongings in refuse bags or plastic bags, storage boxes purchased by their relatives – and he says that we do not care about persons with mental health care problems! This was the Government that allowed the former mental health facility to deteriorate to an extent that it was dangerous, that they could not have the heart to replace furniture that was falling apart and that the service users had to have their belongings in plastic bags – and he stands here today and tells us that we do not care! You just could not make this up! We certainly would have spent
1250 money immediately on being able to make sure that people at least had the dignity of having their clothes in a drawer rather than in a plastic bag, but they did not care. They did not care! Why would they care? They did not.

Indeed, Mr Speaker, if it was just that patients had to keep clothes and their personal possessions in bags, as terrible as that was, if that had been the only thing one could almost –
1255 obviously not, but one could almost – forgive them. But the worst thing about this was that, as a result of the layout of the ward, which as I explained was a Nightingale-style open dormitory, all patients, irrespective of their condition, presentation or stage of recovery, would be nursed in the same area. This inevitably placed the more settled and frail patients at risk. Mr Speaker, the House and, I think, the public will want to pause and reflect on what that would have meant for
1260 service users and for the staff – that an admission, independent of his or her state, would have had to have been dealt with, with other service users in the same room. What kind of care was that, Mr Speaker? What kind of co-ordination was there, Mr Speaker? What kind of care package was there, Mr Speaker? What kind of assessment was there, Mr Speaker? None! None.

If this were not so serious, we could laugh about his motion; but it is serious, and they should
1265 be ashamed for having brought it.

Queue forward to the New Dawn of 9th December 2011, when we immediately realised that we absolutely needed to radically change our approach to mental health issues. As someone who had visited the KGV, and recently visited the new excellent facility of Ocean Views on a bright new day since 2015, I cannot stress enough the exceedingly high quality of the finish of
1270 the new building and the staggering difference in the quality of the mental health care provision.

As you would expect from this Government, the Ocean Views project was undertaken in full partnership with all the clinical teams, carers, service users, non-Government organisations and other professionals. During this period, numerous consultation meetings took place and ... if I may, Mr Speaker, congratulate Dr John Cortes that the building does capture what was needed
1275 for the new facility, which is how to provide the best and optimum care in such an environment. Through the design phase and the construction period, 275 people had the opportunity to visit the site to see for themselves the extent of the works and were able to comment or make suggestions during the process. Do you imagine for one second that the GSD would have invited one, let alone 275 people to give them advice on what to do, to make suggestions on what to do, when everything was done by somebody at No. 6? (*Interjection*)
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Mr Speaker, they just open themselves up to be reminded that under this Government we do genuinely engage, we do genuinely consult, we actually care about the stakeholders – we know their names, we know their surnames, we know what their concerns are – and we insist from our professionals that they do co-ordinate, that they do speak to each other, that they do share
1285 information and that *always*, always front and centre is the main concern of making sure that a person who is experiencing mental health concerns is properly taken care of.

Following the opening of Ocean Views in February 2015, the service has seen a number of major improvements as it settled into a more conducive environment with patients, carers and staff participating in the continued positive changes to the way services are delivered. The
1290 design of all wards and departments has dramatically improved the manner in which care is provided. Amongst the many improvements we are experiencing the most tangible is the change of setting, providing a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues with privacy and in relaxed and comfortable surroundings.

1295 Mr Speaker, let me take the opportunity, as this seems to be in vogue today, of quoting some of the staff members. First quote:

The new environment is so much better than the previous KGV and this has made a huge difference for service users. Their surroundings are much more comfortable and pleasant, which gives them more dignity. The facilities are much improved: the garden, the reception area for visitors and the rehab flats. Overall, the patients have benefited immensely from the new facility.

Second quote:

Intact building, not falling apart like the KGV, safer environment, more homely, less institutionalised, much more service-user centred.

Third quote:

More appropriate service-user mix – in other words, all dementia of a similar level together.

Fourth quote:

Greater complexity of physical care'

– which apparently was missing –

and registered mental nurses learning new skills from duly qualified staff.

1300 The last paragraph of his motion says that the House calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals and publish recommendations to ensure care in the community is adequately provided for. Mr Speaker, I have spent, since I have been on my feet, in fact speaking as to how
1305 the Government is engaged continuously in reviews with professionals. And despite, despite all the great improvements to the Mental Health Services, Government, as I have already said, is never complacent, is far from complacent, and is determined to continue to develop and improve the services available in Gibraltar. And with this saying a review of the community health services as a whole by external professionals has already been factored into the Mental Health Service's three-year strategy and is reflected again in the estimates bid for 2017. Once
1310 recommendations have been received, work would commence in addressing any and all improvements suggested. And of course, as with the Ocean Views project, the crucial piece of work would be done in full partnership with all stakeholders.

Government has never denied the need for supported accommodation. But, the hon. Gentleman will surely appreciate the uniqueness of Gibraltar, but he should know that we are
1315 exploring available approaches to develop a tailor-made model suitable for Gibraltar's needs. These are being reviewed and addressed and it is envisaged, Mr Speaker... I do not want to pre-empt the recommendations that the report may make, but it is, I suppose, possible that they may request that the hours of the facility is open further.

In an endeavour to pre-empt some of the recommendations that this report may make, work
1320 was undertaken at Ocean Views to incorporate a rehabilitation accommodation component within the facility in order to better support service users' reintegration to the community and independent living.

The Government is constantly on the lookout, constantly on the lookout to improve and further develop the provision of services available to the population as a whole. It must be kept
1325 in mind that, despite all of the advances both in the environment and the services available, the Government will continue to invest in the infrastructure, human resources and capital needs of the Mental Health Service.

1330 And so, Mr Speaker, it is with great pleasure, that I suggest the following amending motion. In order to follow a venerable convention in this House, I will suggest that the motion is amended by removing everything after the words 'This House' and say as follows:

Notes the strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes and congratulates the creation and delivery of an entirely fit-for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the many improvements in mental healthcare arising from the new facility, which provides a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues in privacy and in relaxed and comfortable surroundings; laments and condemns the GSD administration for 16 years of neglect and chronic lack of investment in the provision of mental healthcare in general and, in particular, the shocking and deplorable state of the King George V Hospital, which was wholly unsuitable and dangerous for mental health patients; records that the GSD in 16 years of Government spent a total of £73,356 on external aesthetics, with only £5,000 on furniture and with no financial provision for mental healthcare; notes and welcomes the radically new approach by the GSLP Liberals in ensuring a focused, multi-disciplinary professional support, factoring advice from all relevant medical professionals in respect of in-reach and outreach services, assessments and treatment, placing firmly as the most important overriding consideration an individual's mental, physical and social needs; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the GSLP Liberal Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand in glove with professionals and civil society to design and deliver optimum support for persons with mental health issues and further commence the amalgamation of the provision of health and care under one newly created Ministry.

Thank you Mr Speaker.

Several Members: Hear, hear. *(Banging on desks)*

1335 **Mr Speaker:** I now propose the amendment in the terms moved by the Hon. Neil Costa. Does any hon. Member wish to speak on the amendment?

1340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will be proposing my own amendment, so if you could just guide me on what stage – *(Interjection by Mr Speaker.)* I intend to propose my own amendment, so I would appreciate your guidance on what stage we are at, at the moment.

1345 **Mr Speaker:** I will tell you what the procedure is. The procedure is that you have to speak on this amendment now before the House – **(Hon Chief Minister:** If she wants to.) if you want to, and in the course of your ... Strictly speaking, you ought to comment about the amendment before the House. It is now Mr Neil Costa's amendment which is before the House. This is now the motion for consideration. You may not wish to say anything about it, if you do not want to, and you can move your own amendment. If you do move your own amendment, then I will invite hon. Members to speak on your amendment and then put it to the vote and we will see then how things transpire. That is by way of guidance. You are able to stand now and speak.

1350 **Chief Minister (Hon. F R Picardo):** Can I get up just to assist but not to speak on the motion?

1355 Mr Speaker, in order to assist Members opposite, because I know only one of them has been here when we have done a lot of these before, this amendment is obviously going to pass because it enjoys the support of this side of the House, so I would suggest that it may be that if the hon. Lady wants to add anything to what it is that the House is going to say, she wait for the

House to pass this amendment, and then with this being the motion, if necessary, she can make amendments to it here, because I assume she has got amendments at the moment to what is the original motion. So I think it is probably better for her to allow this part of the debate to happen and then, once this motion is on the Order Paper and is the one being debated, she can then come in and try and include here anything which may still be relevant to the amendments she might have wanted to make to the original motion.

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Mr Speaker: I imagine the hon. Lady, not having seen this amendment ... the purpose of her amendment, I imagine, is not to amend the Hon. Neil Costa's amendment –

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A Member: Not at the moment.

Mr Speaker: – and therefore, the only way that she could do it would be by again deleting every word after the word 'House' in the Hon. Neil Costa's amendment and moving her amendment. I imagine that is not what she wants to do. I would imagine that her amendment relates to Mr Clinton's motion. Am I correct in saying that? In that case, I think you ought to proceed as the Hon. the Chief Minister, the Leader of the House, is advising you. You will have an opportunity. The stage will be reached when you may have an opportunity to do precisely that. The other thing for you to consider is whether your amendment to Mr Clinton's motion is a small, relatively cosmetic amendment, amending some part of it, or whether it is a wholesale amendment deleting every word after 'House' and proposing your own amendment. That is another aspect you have to take into account.

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Does anybody want to speak on the Hon. Neil Costa's amendment? (*Interjection by Hon. R M Clinton*) You can do so now, straight away, yes. You are able to speak on this amendment. (*Interjection by Hon. R M Clinton*) Eventually, you will have your right to reply, but that will be on the amended motion. You have not got a right to reply on Mr Neil Costa's amendment. You can speak on it now, on this amendment, and any other Member can speak on it, but no right to reply on this amendment. Eventually, if this amendment is carried through and it becomes the amended motion before the House, you will have the last word.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may – I am sorry, I am new to this; I feel like I am in a bit of a Monty Python situation here. Have I missed the chance to speak on Mr Clinton's initial motion by Mr Costa raising the amendment?

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Mr Speaker: Well, Mr Clinton's original motion is not now before the House. What is before the House is Mr Costa's amendment. When ... if Mr Costa's amendment is carried through and that becomes the amended motion, you are able to speak on that. Well, we say here in Parliament that it is Mr Costa's original motion, but strictly speaking, in essence, it is not, because it has been entirely amended.

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Hon. Chief Minister: Mr Speaker, I think for the hon. Lady's purposes, when she gets up to speak on the motion as amended she will be able to speak about the motion that was originally put and the motion as it is now amended and tell us what she thinks about Mr Clinton's original motion and what she thinks about the way it has been amended by Mr Costa. She will be able to speak on the whole thing; she is not limited to being able to speak only on the motion then amended. You can give us your views on all aspects of the debate – that is absolutely acceptable.

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Mr Speaker: But having said that, I have not seen your amendment and therefore I am not able to advise you. It will be, therefore, for you to consider whether you think that your amendment can amend Mr Neil Costa's amendment, because that is what will be before the House. Okay?
Mr Clinton.

1410 **Hon. T N Hammond:** I was just going to ask, Mr Speaker, surely if the hon. Lady – (A Member: Stand up.) Sorry. Surely, if the hon. Lady files an amendment which suggests that everything after this House should be amended on the current amendment that we are reviewing, that then becomes the motion. Am I correct?

1415 **Mr Speaker:** I can see there is a practical difficulty. There is a motion on the Order Paper, which any Member is considering, on the Opposition side ... In her case, being an independent Member, she had in mind to amend it, and therefore had Mr Costa not intervened when he did, had she intervened beforehand, she would have spoken on it and proposed her amendment. That is no longer possible, because Mr Costa has spoken and the amendment that we have is the one of which he has now given notice. It is a practical difficulty and how hon. Members proceed, and in particular the hon. Lady ... She has to take into account – and hon. Members of the official
1420 Opposition – what has happened. She has told us that her intention was to move the amendment. She does not have to speak now. If she wants to, she can. She can react now to Mr Costa's amendment, if she wants to speak on that, and then later on she can express whatever views she had on the original motion. Now how she gets in her amendment, seeing that I have not seen the nature of it, that is another matter. I find it difficult to guide unless I
1425 have seen it.

Hon. T N Hammond: Mr Speaker, doesn't therein lie the fundamental problem we have with amendments that entirely change the original motion? We could end up, on the one hand, talking about a motion on mental health, and because a Member decides to file an amendment
1430 which changes the original motion, we could end up talking about pigs flying, with nothing whatsoever to do with the original subject. So, if the hon. Lady were to now file her motion, saying 'Everything after "This House" is amended', she could even, if she chose, revert back to the original motion, presumably, or file her motion in its entirety, and Government would then have to obviously vote her motion down, but we would not take a vote presumably –

1435 **Mr Speaker:** That is what she had in mind. If what she had in mind was to say ... If the intention of her amendment was to delete everything after the words 'This House', she can do so now, but if her amendment was of a more minor nature – adding a paragraph here or amending some of the words in Mr Clinton's motion – that is another kettle of fish altogether. This is the difficulty.

I would suggest, if I may, that it may be helpful if I were to see the hon. Lady's amendment and advise her.

1445 **Hon. Chief Minister:** The hon. Lady is indicating that she wants to wait and see what the House does and then consider any amendments to this part of the motion, because this is the motion that is going to proceed.

Mr Speaker, the reality is that the Opposition have put a motion, the Government have put a countermotion and this countermotion will be the motion that the House is debating in a few minutes, because – *[Inaudible]*

1450 **Mr Speaker:** The reality is that a Member of the Government, the Minister responsible, has done what we usually expect a responsible Government to do: he has immediately replied to the motion and has moved an amendment. That is not unexpected. *(Interjection)* No, I would say that is par for the course. But obviously the hon. Lady does not have the experience of many years in Parliament. Parliament has not had many motions over the period of time, in any case, to see how the wind blows. *(Interjections)*

What is now before the House is the Hon. Minister's amendment.

1460 **Hon. T N Hammond:** Mr Speaker, I am just going to say a few words on the amendment because it is a pity, I find, that when we move these motions ... and the Hon. the Minister accused us of only doing so for party political reasons – I certainly assure him that that was not the intention. The intention is to raise the particular issue on the political agenda. The Minister will have known through his years in Opposition that people do come to the Opposition and ask these questions. In some areas we will write to Ministers, and I have indeed written to the Hon. 1465 Minister himself and he has been very helpful; and there are other occasions where we, often in conjunction with the individuals, decide that it is appropriate to bring these issues to Parliament for a debate such as this.

I do find it unfortunate that the Hon. the Minister chooses to amend the motion in such terms that are clearly going to be unacceptable to the Opposition so we can never, ever find 1470 consensus. (*Interjection*) So then discussion and perhaps a middle ground can be found where the whole House can find consensus, possibly. That may not be possible on all issues, but just occasionally it would be nice to think that we could indeed find consensus. But clearly that will not be possible on the amended motion, which is very politically pointed indeed, and therefore I have to say those on this side of the House cannot possibly support the amended motion as it 1475 stands.

Hon. Chief Minister: Mr Speaker, this is becoming for the Government also the endemic issue with the Opposition. Hon. Members have been told repeatedly in this House that if they want to move a motion because they say they generally care about a subject, then they should be in 1480 touch with the Government to move a motion in a way that is agreeable to both sides of the House.

The Hon. Mr Hammond's words sound, I must say to him, entirely hollow, coming from a Member of the side of the House that has moved a motion that starts with: 'The House ... is concerned at an apparent lack of care in the community'. (**A Member:** Exactly.) Now, Mr 1485 Speaker, if we want to do things in a collegiate way, if we want to express the concerns of the whole House and if there is an issue coming to hon. Members ... This is the age of e-mail, the age of WhatsApp, the age of Messenger, the age of Twitter messages, the age of easy communications, and yet hon. Members opposite appear to find it impossible to pick up the phone and call their opposite number and say, 'Listen, why don't we move a motion that deals with issues relating to mental health in a way that both sides can feel that they can support it?' 1490

The hon. Gentleman has just told us that when he writes to the hon. Member he finds that he is able to work with him. Well, in that same vein I have said before, until I have been proverbially blue in the face, that if they want to put motions which are not just doing politics, which is what we believe they are doing with these motions ... I believe they must have had an edict from his lordship Mr Feetham, who is not here today: 'Two motions every Parliament on 1495 any subject, the first two past the post are the ones that are allowed.' It is not difficult to work out that that is what they are doing. They are doing it politically, they are doing it in a way that is designed to raise their profile and in a way that is designed to embarrass the Government. That is politics. We have all done politics, we are all in the game of politics, but this is not an area for politics. This is an area for genuine concern together, (**A Member:** Yes.) and therefore if you start with 'is concerned at an apparent lack of care in the community', what you are going to get back is the bible according to the New Dawn. (**Hon. N F Costa:** Absolutely.) 1500

Mr Speaker, I come now to the things I want to say about the outstanding remarks we have heard this afternoon from Neil Costa and the way he has been able to deal with the few points 1505 that have been raised by Mr Clinton in a way that is not just erudite but also passionate and has explained to the House exactly what fantastic work was done by his predecessor, John Cortes – and Samantha Sacramento, because this is an area of interplay between Social Services and Health.

But I must say, Mr Speaker, that I want to start with a personal reflection, because it is 1510 something that has marked me for the rest of my life. On 1st January 2012, as Gibraltar's shiny,

bright new Chief Minister, with his then shiny, bright new Minister for Health – and the Environment, one must never forget – we went to visit KGV, and we have done so every year since then, continuing a tradition from the days that the GSLP was in Government. It was not a tradition that had been pursued in the 16 years that the GSD – the letters that they represent –
1515 had been in Government.

A Member: This is right; they had not.

Hon. Chief Minister: There had been no visits by a Chief Minister on New Year's Day to KGV, in the time that they had been in Government, by the man who they say is the greatest
1520 Gibraltarian of all time.

That day, Mr Speaker, I walked into KGV for the first time and swore to myself that it would never stay like that again, that the Government that I led would not put people into the KGV that they put people into. I have no compunction in saying that John Cortes wept, that Fabian
1525 Picardo wept, and – I say this with respect – Jesus wept. Because the conditions in which hon. Members opposite – and there are two of them who are still in this House, Mr Reyes and Mr Feetham – kept those who were suffering from mental illness was so disgraceful that even a GSD Minister for Health described the KGV that they administered as the Cinderella of the Health Service. It is a word that came out of the mouth of a GSD Minister for Health, but they did
1530 nothing about it – not one penny of investment, other than painting the outside of the building. That is to say 'the Cinderella of the service, but I wash its face so that I am less criticised and inside I spend nothing' – £5,000, Mr Speaker. It is to their eternal shame and political discredit, (**Hon. N F Costa:** Absolutely!) that what Neil Costa has said is a massive truth. Patients had to keep their belongings in waste-disposal bags, in black bin liners. (**A Member:** Shame!) Do you
1535 know what it is like to be told by a patient, '*Mira, Fabian, ahí meto yo mis cosas*' – 'Look, Fabian, that is where I have to store my things'? These are people who are not well. They lived, literally, in open wards. Mr Speaker, to be implored, entreated, by the nurses there to please help them was like visiting one of those awful places in the old Eastern Europe where we see children in an orphanage in a *Panorama* programme and we say 'How can that happen?' That was here. That
1540 was Gibraltar. That was the care that the GSD afforded those who had mental health issues in Gibraltar.

To bring this motion in these terms is not just to ignore that but to ignore the absolutely magnificent and truly vocational work that is done by the professionals in that service, not just at the old KGV, not just at the magnificent new Ocean Views, but in particular at the Community
1545 Mental Health Clinic. (**A Member:** That's right.) This motion is not just an attempt to chivvy political points, it is not just an attempt to kick the Government because that is what they think they have to do; this motion discredits the fantastic, the fabulous, the second-to-none vocational work done by the people who are those who do the follow-up care, those who do the care in the community, and their motion starts by saying that there is an apparent lack of care in the community of discharged service users of Ocean Views. (*Interjection*) Don't they know that there are many thousands of people, even in a community the size of ours, who benefit from the service of the Community Mental Health Group? Don't they know that the people in that clinic are some of the unsung heroes of our Health Service, indeed of our nation? And aren't they
1550 ashamed that they did nothing for them in the time they were in office, other than hem them in to where they were and take away some of the services that they could provide to the public? And does this motion not heap further shame on the initials 'GSD', because they have proposed that there is an apparent lack of care in the community and Mr Clinton has come here not having picked up the phone to try and work with his opposite number ... although I lose the notion of who is doing Health. I thought that Health was being taken by the Hon. the Leader of the Opposition, but this motion on Health is being taken by the Hon. Mr Clinton. To not have
1560 picked up the phone, to not have worked collegiately on the subject, to have put a motion which is so partisan as that motion, to have spent £10 million on a hole in the ground where the

1565 Theatre Royal was before moving KGV but to have spent only £75,000 on KGV, to have spent
£84 million on the new airport before spending a penny on the new mental health hospital ... Mr
Speaker, they say that I have to prioritise things and not do No. 6 Convent Place, because I spent
1570 £5 million-odd there, and yet they spend £84 million on a new airport and did not spend a penny
on mental health. Well, look, to come now with a motion and expect not to be reminded of all of
that is really quite something.

This is not politics; this is the one-way politics of 'We'd like to come to the Parliament just to
1570 point out things that we think are wrong today in order to gain a few points, but can you please
not remind us of what we did wrong.' This is nonsense. And to get up Jeremy Corbyn-style and
say, 'Evelyn from Croydon has written to me to say that they have got a problem with a member
of their family' ... This is a very sensitive area. That member of the family is an individual who
1575 deserves respect, who may or may not agree with those members of the family who are talking
to him. They are entitled to be treated as individuals and their care plans are for those
individuals and not necessarily to be shared. Although in Gibraltar we have extended family set-
ups – the 35-year-old, the 40-year-old, the 50-year-old is not *el niño*, other than in the lexicon of
a loving mother or father (**A Member:** That's right.) – and the first thing you need to do in order
1580 to understand how to do mental health is to treat patients with respect and to treat them as
individuals, and not to always consider that they have to be in somebody else's *loco parentis*.

Therefore, Mr Speaker, to have to hear in this House that we are releasing patients without a
safety net in the community, without care plans and without reviews is just not true. Now,
1585 assuming that the hon. Gentleman has not set out to mislead the House – and I give him the
benefit of the doubt that he did not intend to do that – and if the Hon. Mr Costa, as Minister for
Health, has now demonstrated that what he said is not correct, I would expect that he will take
it back and he will realise, just as we have had the issue before with others, that they cannot
simply come to this House and say 'I have been told ...'; they can ask 'I have been told ... Is this
1590 true?' and we will tell them no, it is not true. But he has come here to do something different.
He has come here to assert that that which he has been told is the truth, and we have
demonstrated that it is not. And anybody who knows what Ocean Views is like – and I dare say
that if he knows anything about Mental Health Services it is current, and therefore he might
know something about Ocean Views but he knows nothing about KGV – will know that Ocean
1595 Views is designed to produce for everybody a new narrative for life, not to represent a full stop
in their life, to introduce them back into community living. There is an apartment inside Ocean
Views in order to be able to show people what it is like to get back into normal life.

I have not heard him say either today or in the lead-up to today, or his Leader in the lead-up
to today, that the right thing to do was therefore to create, because of the interaction between
Social Services and Care in the Community and Health, a Ministry of Health and Care, but I will
1600 take it that they actually support the fact – although the hon. the Leader of the Opposition
reshuffled his cabinet before I had reshuffled mine, so he does not have shadows exactly for the
positions as they are today. I will take it that he recognises and congratulates me for having
created the Ministry of Health and Care.

Mr Speaker, all of the things that the hon. Gentleman is telling us to do of course – the flats
for people to be able to be reintegrated etc. – some of which we might agree with, as the Hon.
1605 Mr Costa has indicated, all of them, cost money, all of them. And given the penny-pinching
attitude that he has demonstrated to everything that is done by this Government, I will be
surprised if he does not, when we do it, come back and say, 'Why is it costing so much? It should
not be costing so much.' Look, things cost money and the provision of care costs money, and we
are happy to spend money on the provision of care, in particular on the provision of care of
1610 those most vulnerable in our community.

And so I rise not just in support of the amendment which the Hon. Mr Costa has put, but in
defence of the excellent record not just of the Government that I lead but in particular of John
Cortes as the Minister for Health, which has the lead in respect of these matters, and of
Samantha Sacramento as Minister for Social Services, and in defence of the reputations, sullied

1615 by the hon. Member, of every single one of the professionals of the Gibraltar Health Authority working at KGV, working at Ocean Views, and in particular those most sullied by his motion – those who are in the Community Mental Health Clinic who are responsible for the care in the community, which is not lacking, not even apparently so. (*Banging on desks*) (**Several Members:** Hear, hear.)

1620 Therefore, Mr Speaker, in answer to the things he has said in answer to the things that Mr Hammond has said, it is abundantly clear that this is just a game of motions, that all we are seeing is the presentation of motions in order to have their voices heard. If I may be less eloquent than Mr Costa, one is reminded of the concept of such and ‘I think, therefore I am’ has become in their mouths ‘I speak, therefore I must be’ politically, because there is no apparent reason why they would have done motions in this way and not picked up the phone and tried to seek consensus.

1625 I must say that when it comes to the public, when it comes to the way that the Hon. Mr Clinton has presented in the course of his address the way that the public has come to him, I must tell him that the public of Gibraltar is the most discerning and the most understanding and the most able to see through an attempt to score a cheap political point. And that is why, to me and to Mr Costa and Miss Sacramento – and, I am sure, soon to Neil Costa – the comments and the affection and the understanding of people, in particular in this area of mental health, from parents, from the users themselves and from the families are those of deep recognition of the achievements of this Government and understanding also that we do not pretend that things are perfect. We do not pretend that things will not need further improvement in the future, but that things are one million per cent better absolutely everybody is agreed on that and they would have to be as blind as hon. Members politically are to suggest the opposite.

1630 Can we do more? Always, Mr Speaker – that is why there is a review and that is why we are acting in anticipation of a review. Is the GSD the legitimate advocate of those who say that we must do more? No! No! No! Are we leading on doing more? Yes! Yes! Yes! And that is why, Mr Speaker, I commend the motion as amended to the House. (*Banging on desks*)

Mr Speaker: Does anybody else wish to speak on the amendment?

The Hon. Mr Clinton.

1645

Hon. R M Clinton: Mr Speaker, it is sad to see, yet again, the essence of one of my motions being completely erased.

A Member: It is the *language*!

1650

Hon. R M Clinton: Mr Speaker, I believe I am on my feet, (*Interjection*) and therefore I think I should be allowed to speak.

Mr Speaker: You will.

1655

Hon. R M Clinton: Thank you – completely erased, Mr Speaker, yet again.

1660 Unbelievable as it may be to the Members opposite, especially the Chief Minister, this is not a cheap political point-scoring exercise. Of course, what he fails to understand is the bible according to the New Dawn that he is so proud of may not necessarily deliver everything that he claims is in it. He talks about much weeping, much theatrics – and he accuses us of theatrics. (*Interjection by Hon. Chief Minister*) Yes, well you said it.

1665 Mr Speaker, what I find surprising in the amended motion – and I will speak to the motion – is that they have fallen into the trap, of their own making, of congratulating themselves on the mental health facility, being Ocean Views, which in fact was a project started by the GSD and they have to acknowledge that. (*Interjections*) Mr Speaker, they have to acknowledge that, and if they do not acknowledge that I can easily produce –

1670 **Mr Speaker:** Let me make one thing clear: all the speakers who have spoken so far in this debate have done so without interruption. I expect Mr Clinton not to be interrupted, because there are a number of other Ministers who can participate in the debate and answer him, and of course Mr Costa has the final word on the amendment and he will be able to take him up on any other point.

Hon R M Clinton: Thank you, Mr Speaker.

1675 Their own manifesto acknowledges that the Ocean Views facility was started by the GSD – and yes, they did complete it; that is undeniable – but my original motion is not talking about the Ocean Views facility, it is not talking about the facilities provided within that facility. My motion was specifically looking at the care outside that facility.

1680 The Hon. Mr Costa has been very quick to produce his own quotes about how wonderful this facility is, but again this is not what my motion was about. Indeed, he has produced quotes from members of staff. I would like him to produce quotes from service users and families of service users on aftercare, not on the facility but aftercare.

1685 Mr Speaker, I will obviously not address the full motion at this stage, but I would say, quite simply, that the contributions of the Chief Minister, who seems to find the opinions of service users and families of service users so ‘amusing’ – dare I use one of his words... I can only see it as disrespectful. This is just not what my motion was about. My motion was about aftercare, not about the Ocean Views facility. Indeed, we could probably have a complete debate and motion about Ocean Views and recent events up there, which is not something I wanted to debate in this House, as it is in fact subject to an investigation.

1690 So, Mr Speaker, I personally cannot support this motion. It has changed the language of my original motion into something that is completely partisan and is completely against the original thrust of my motion, and so, for those reasons, I cannot support this amendment. (*Banging on desks*)

1695 **Mr Speaker:** Any other speaker on the amendment?
The Hon. Mr Isola.

1700 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I did not have any intention of contributing today to this motion, and indeed I do not think there is any real need for me to do so because I think my colleagues, Minister Costa and the Chief Minister, have already dealt with a lot of the issues; and of course, I echo, in every sense, every word that they have said. But I think the real point that is missing here today is that in order to provide care, you have to care, and the real truth of the 16 years of Government of the other side is they actually did not care. (**Several Members:** Hear, hear.) I have never seen a more demonstrable number than the 1705 £75,000 spent on the KGV facility in 16 years, which was decrepit for very much of that time in terms of the condition. When you think about the word ‘care’, it is part of the DNA of the GSLP and it always has been, and it is indeed today part of the DNA of the GSLP/Liberal Government.

1710 In 1992, part of the main thrust and substance of what the GSD was telling the people in the election campaign was caring for the community. It is a very simple set of words, which embedded absolutely everything that the GSLP did between 1988 and 1996. Indeed, in every single sphere of the public service, whether it was health, whether it was social services, whether it was education, housing – in all of those areas, the one thing that the GSLP is able to say proudly is that care is part of the DNA. And what we have seen in the last five years of this Government, in the hands of my colleague John Cortes, in the hands of my colleague Samantha Sacramento and in the hands of my colleague Mr Neil Costa, is that each and every one of them 1715 cares.

So, when Mr Hammond gets up and says it was not the intention that this should be political, it echoes what Mr Phillips said last week. He said he wanted his motion then, on skills and

1720 training, to be taken in the spirit they were intended. Well, we did, because they were intended
to be brutally political. How can you seriously come to this Parliament and say ‘this is intended
to be by consensus, partisan; we have the best interests of the community at heart’, and use
words like ‘the state of our skills and training is at a cliff edge’? It is just not credible, it is just not
real and it is just not serious. As politicians I think we have a duty to be genuine in what we say
when we come to this Parliament and not fall into the trap – and I know Mr Clinton mentioned
1725 the word trap, and I would throw it back – of simply playing politics on each and every occasion,
with every single matter that comes before this Parliament.

Mr Speaker, I sincerely believe... and I recall, at my by-election in 2013, being shown round
the facility and understanding then, for the first time – because, in honesty, I had not before –
that this project that the hon. Member Mr Clinton says that they started, is certainly not the
1730 project that was finished, (**A Member:** Hear, hear.) because if we had finished what they
intended when they started that project, I think they would not come to this House with this
motion today – indeed, they would be embarrassed and humiliated by what they had started to
do. It simply was not fit for purpose.

Indeed, Mr Clinton also said that we only are interested in setting up committees of working
1735 groups on political issues or constitutional issues, nothing on health or education. Well, you just
heard – obviously, you were not aware – that there is indeed a group doing a review into health
issues, and he should be aware that just two or three weeks ago we had a debate in this
Parliament about co-education, where you were told about 15 times that in fact there *was* a
working group already set up, already in operation and already studying the issues linking to co-
1740 education.

So, Mr Speaker, I think a little more preparation and a little more listening would go an awful
long way to making the time of this Parliament very much more effective, and I regret that more
time and more care is not spent in doing those things.

To conclude, it gives me enormous pleasure and pride to be working with a team that cares
1745 and that has continued to care from the day this party started – almost 40 years ago, coming
soon – and will continue for the many years to come.

Thank you, Mr Speaker. (*Banging on desks*)

Several Members: Hear, hear.

1750 **Mr Speaker:** Is there any other contribution before I ask the Hon. Neil Costa to reply?
The Hon. John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon Dr J E Cortes):
1755 Mr Speaker, I would like first of all to thank my hon. Friends, the Chief Minister, the Hon. Neil
Costa and Albert Isola, for their kind words of support.

It is impossible to comprehend how a Member of the Gibraltar Social Democrats can have the
audacity to bring this motion to this House – impossible to comprehend, given what we have
heard already today about the state of mental health care in Gibraltar in 2011.

1760 My learned friend and fellow thespian, the Hon. Neil Costa, quoted Samuel Beckett’s *Waiting
for Godot*. Many years ago, I took part in *Endgame* and it must be the endgame of the GSD that
they have the audacity and they have the ability almost to expose themselves to the tirade that
they are getting from this side of the House, because they deserve every word that they have
heard. (*Banging on desks*) (**A Member:** *And more.*)

1765 Mr Speaker, I could not believe when the Hon. Mr Clinton got up in his last intervention and
said the words ‘it makes me sad’, referring to the way we conduct some business in this House.
The Hon. Mr Clinton does not know the meaning of the word ‘sad’. Sad is what we saw on
1st January 2012. Sad is this young lady sitting in a room probably not much larger than your
own desk, Mr Speaker, with a loved one in a bed, with the walls falling to bits and the
1770 possessions in a black bin liner – and suddenly he passed away not long afterwards. *That* is sad,

Mr Speaker, and that is what the Chief Minister saw, that is what I saw and that is what the hardworking staff in KGV put up with day in, day out. That is what the residents in KGV put up with and that is what the family had to bear. Please, Mr Speaker, let not the word 'sad' be used in this motion, other than to give thought to what we saw that day. And I do not know whether I
1775 heard wrong, but there seemed to be almost a criticism of the fact that the Hon. Chief Minister admitted – as if there was anything wrong with that – that we were weeping. The Chief Minister was sitting on the bed weeping and I was watching him, weeping too. Mr Speaker, there is *nothing* to be ashamed of.

If I may now go to recall other events, I was General Manager of the Health Authority up to
1780 1991 under the previous GSLP administration. I invested a lot of money in bringing the KGV, which was 20 years younger even than in 2011, to bringing it up to standard. When I went back into 2011 to KGV, I could not believe how it had deteriorated in those 20 years. We have heard there was no investment whatsoever – £73,000 or £75,000 in 16 years! At the first Cabinet meeting after 1st January, we approved £70,000 which was spent in three months, not in 16
1785 years, to bring it at least to an acceptable standard. (*Banging on desks*)

Mr Speaker, many things have been said. I am not going to go over all the ground that has already been covered, but certainly a lot more importance is given now to mental health – they have their own unit manager, the registered mental nurses are in fact in the Estimates Book although they appear as staff nurses because they are that grade, and other things that have not
1790 been mentioned. We inherited two psychiatrists; now we have three full-timers and one part-time psychiatrist, so we have increased the complement there. And let me, please, mention once again the hard work, the committed work, of the team of Community Mental Health. They are extraordinary professionals who are so dedicated to their work. I do not have to repeat that, I don't think.

Mr Speaker, I am going to round up now, but I cannot fail to mention the new Mental Health Act, which had not been brought to this House by the previous administration. That Act, as the Hon. Mr Costa mentioned earlier, included the community treatment orders. That was the work of a full team of mental health professionals. The draft was published as a command paper and discussed with the NGOs in Mental Health, so we have those teams that are alluded to in the
1795 original motion. That Bill was published prior to the last election, but lack of parliamentary time meant it could not be taken then.

But I have to mention one thing, just to expose what the thinking of the GSD – at least that GSD – which they sometimes tend to try and fold as part of their own and sometimes try to push to one side. We expected that Bill to be taken in Parliament some months before the General
1805 Election. As I say, the election was called and we had to postpone it; and it was passed recently. The greatest Gibraltarian of all time, the Hon. Sir Peter Caruana, spoke to me behind the Speaker's Chair – we were having a tea or coffee, as one does – and actually said to me, 'John, I must tell you that I never wanted to bring that Bill to the House, because of the question of community treatment orders, because I do not really think that people with that sort of problem should be housed in the community; they are better off staying in a residential unit.' I just could not believe what I was hearing. I would not even have mentioned it ever, except in my memoirs
1810 perhaps, (*Laughter*) but I have been forced to reveal that today.

I think that I need say no more. I totally support the motion as amended. (*Banging on desks*)

1815 **A Member:** Hear, hear.

A Member: Resign! Resign!

1820 **Mr Speaker:** Any other contribution?

Hon. Chief Minister: They should resign.

Mr Speaker: The Hon. Samantha Sacramento.

1825 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I feel compelled to contribute, (**A Member:** Of course.) given what I have heard from the opposite side of the House this afternoon, because I have to say I am appalled at what I have heard.

The Hon. Mr Clinton said that it was sad. Well, I have to say it is disgusting to have heard what we have heard. What is disgusting, Mr Speaker, is what we found and Mr Clinton is trying to, I think, deviate the attention by saying that his motion is not about the facilities, because we are saying we are reminding people of the appalling facilities that existed, and it is right that we do. And how *dare* Mr Clinton say that we have had to hear theatrics from the Chief Minister! Anybody who experienced the old KGV would have reacted the same – anybody with a heart and with a soul, and anybody who cared. (**A Member:** Hear, hear.) Because I went to the KGV 1830 some seven years ago in my professional capacity and I could not sleep that night after having been in the building and having witnessed and having experienced what I did, because I honestly never thought that those things, those places, existed in Gibraltar. Thankfully, under the leadership of Dr John Cortes, that place no longer exists.

If the Hon. Mr Clinton wants to talk about and wants to criticise the help in the community, 1840 everything that Mr Clinton was referring to really is the situation as it existed before 2011. Honestly, I do not know where Mr Clinton has been in the last five years, but has he not seen the development in health and in care? Has he not heard? (*Interjection*) He says that he has heard from the families of two individuals. Well, clearly, he was never in touch with people before 2011, because more than two families certainly came to us with complaints and with concerns – 1845 and we did not even need the families to come, it was obvious for everyone to see. Is he really trying to really rewrite history, Mr Speaker?

I know that Mr Clinton has only been in this House for a year, but that does not mean that the GSD, which is the GSD that he forms part of, started to exist a year ago. It is the GSD that is responsible for the failures in the whole for the 16 years that they were in Government! It was 1850 them who did not give this important sector of the community the priority and the importance that they deserve. How dare Mr Clinton come and criticise the Government and the people who are working to deliver to vulnerable people! It is the vulnerable people we are here to serve, and it is the vulnerable people whom we are now able to serve – vulnerable people who find themselves in institutions such as Ocean Views and vulnerable people who now receive help in 1855 the community which was never available to them. They are inextricably linked. You cannot talk about community help without talking about the facility, because we have to talk about the person. It is us who introduced person-centred planning – the person can be in a facility, can now be at home with support and may well return to the facility. We have to talk about everything when we talk about mental health. It just shows how little Mr Clinton knows. I am 1860 sure that Mr Clinton is a good man and he is doing this for the right purposes, but he just has not bothered to do his research properly and look at the information and look at the reality.

Let's talk about help in the community. Let's talk about how, since 2011, the Health Service and Social Services now work together. They used to work in complete silos before, and it was not easy, when we started in 2011, to get them to work together, because such was the culture 1865 that had been ingrained in them that they had to defend their patch and their silos and their very limited budget. They were not used to working together, it was more like a scramble, but we have sorted it out. Everything that we do now, in respect of vulnerable people in particular, is at a multi-agency level. And it does not just concern the Health Authority and Social Services – we now involve other agencies such as the Police, such as Housing. We are training other people 1870 in these disciplines so that they are aware of how different people with different needs need to be treated. That is the true inter-agency working that we have introduced.

So let's talk about continuation of care beyond the facilities in the community, shall we? One of the things that we did some three years ago, if I recall, was we increased the complement of Social Services by a growth post for a social worker in the adult team to work specifically with

1875 the hospital. Why? So that there was continuity of care beyond the hospital. What did we do in
 respect of assisting in the community? While, of course, the Health Authority has its structure,
 because it has a department that is called Community Nursing, so where it is appropriate to
 have community nurses you have the community nurses and you have the Community Mental
 Health Team.... It is in the name, Mr Speaker. But beyond that what did we do? Another
 1880 example: we increased the budget for domiciliary care from just over £½ million, which is what
 the budget was when the GSD were in office ... And I know Mr Clinton does not like spending
 money, but we spend money where we need to, and we increased the budget from just over
 £½ million to £2½ million pounds on domiciliary care. Domiciliary care is the title that we use
 when we offer help in the community for a variety of reasons, but some of the people who
 1885 receive domiciliary care are, of course, people with mental health issues, because they are
 vulnerable people in the community and that is what the budget is for. So Mr Clinton on the one
 hand says one thing ... Maybe if the GSD were in office and they did not want to spend the
 money they would not have had the same budget, but I tell you, Mr Speaker, that with £600,000
 per annum on domiciliary care you cannot really help a lot of people and it certainly does not
 1890 reach vulnerable people with mental health issues – but it now does.

Actually, an anecdote on domiciliary care, which is one of the very pivotal manners of
 support that we have introduced: when we came into office and I asked for an assessment of
 the domiciliary care that was being offered, there was not even a database. Perhaps Mr Clinton
 does not know how the GSD managed domiciliary care? Well, I will tell him: the database was a
 1895 plastic bag from Morrisons with papers stuffed in the bag and placed on the floor under
 somebody's desk. (**A Member:** Disgraceful). That is the disgraceful state of affairs, of how
 vulnerable people in Gibraltar's community were treated. And it was just an administration
 exercise. There was a budget of £600,000, and, as a social worker has described it to me, it was
 just filling dead men's shoes. Somebody died, they left a couple of hours, and the next person
 1900 was allocated the hours – regardless of the priority or the need, with no planning, no aftercare
 policy or strategy whatsoever. Nothing!

How does it happen now? We have professionals assessing people. We have social workers
 who assess people, assess their needs, assess their priorities, preparing care plans. I honestly do
 not know where Mr Clinton gets the notion that there are no care plans and no aftercare. The
 1905 GHA, on the whole, refers people to Social Services. Social Services assesses the situation,
 prepares a care plan and arranges for the delivery of the care. That is how it works. That is how
 it works now. What we were hearing from Mr Clinton really is an analysis of how it worked
 before. That is what is so worrying. So, when Mr Clinton said he was sad, I think now he is going
 to be even more sad when he is hearing the truth and not what he thinks is the truth or what he
 1910 wants to pretend to be the truth, or the history that he is trying to rewrite. Does he think
 everybody else is stupid? Does he think that people do not remember? Mr Speaker, this is a *very*
serious situation. People's mental health and people's welfare is very serious.

Let's carry on reminding Mr Clinton of the reality of how things have changed and how
 people are now supported in the community. For example, we work alongside Clubhouse. Who
 1915 does Mr Clinton think is the principal source of funds for Clubhouse? Well, it is the Government.
 Of course it is the Government! It is *this* Government, because their Government did not help
 them. (*Interjection*) I will tell you that one time in the summer of 2012 I dropped in to visit
 friends at Clubhouse for a cup of tea. Back then, they were in the premises that had been
 1920 allocated to them by the GSD at the Toc 'H' Mr Speaker, which I can only describe as a dungeon
 – an archaic, historic, dilapidating building which, as you entered, had a cavernous room to the
 right which was full of damp, full of mould and stinking. Then, Mr Speaker, I walked through the
 corridor to another room. It was in the middle of summer – it was boiling hot, and while I had
 my cup of tea with my friends from Clubhouse, within half an hour one of the members fainted
 from the heat. That is the help and the support that the GSD gave Clubhouse in the community.
 1925 And how many members did they have back in 2012? No more than a handful, Mr Speaker.
 Since then, in the last three years, Clubhouse has alternative premises which are a hundred

1930 times better than the Toc 'H' and Government is working with them to find them suitable alternative premises. But they receive an annual grant – previously from my Department and now will receive from Minister Costa – and in the last three years they have received ... The first grant that I gave them, which I think was in 2013, £25,000; and then in the last two years, £35,000 in each financial year. In addition to that, there have also been two additional payments of a further £35,000 and, in addition, there are seconded members of staff. How do they think Clubhouse operates? It would not operate were it not for the support of the Government. But which administration? This one, because it assists people in the community. It is all part of the plan, Mr Speaker. There is now a plan, which is the difference. There was no plan before. Before, you go to KGV, you put your clothes in a bin bag...

1935 That, Mr Speaker, is what made me go into politics: when I saw the state of Social Services, when I saw how vulnerable people were suffering in our community, so neglected by the GSD; and, as Minister Isola said, people who did not care. How disgusting!

1940 Really, Mr Speaker, at this stage I do not think there is more that I could add, given what my wonderful colleagues have already contributed to this debate, other than of course I will support the amendments to the motion, because this is what it is, and not the motion that is proposed by Mr Clinton. I cannot really put it eloquently because I do not know what planet Mr Clinton is living on when he says the things that he is saying. He does not live in reality, he cannot, because 1945 it is not a true reflection of Gibraltar now. He is talking about the Gibraltar of over five years ago: the Gibraltar where vulnerable people were neglected by the Government. That is not the case today, Mr Speaker.

Thank you. (*Banging on desks*)

1950 **Mr Speaker:** I call on the mover to reply, the Hon. Neil Costa.

Hon. Neil Costa: Mr Speaker, if I may first address the comments made by the Hon. Mr Hammond. The Hon Mr Hammond during the course of his brief intervention, at least conceded that every time he has called me and asked for assistance I have been able to assist 1955 him, and I have always attempted to assist any hon. Member opposite who does contact me, because of course they do so on behalf of people who go to them for whatever issue it is that they are facing.

This is why I have said, Mr Speaker, that it is not credible for the Hon. Mr Clinton to stand in this House and pretend that he brings the motion as a result of concern, because as I said, if he were truly concerned about the people whom he quotes, he would have picked up the phone, he would have sent me an e-mail and he knows, from speaking to his colleagues, that I would have moved immediately to be able to resolve any issues, if indeed any of those issues were issues that had to be addressed. But of course – and I have made the point before in this House – how do the hon. Members opposite expect us to be able to have a meaningful discussion with 1960 them when they just give us a quote – without, of course, giving us the names across the floor of the House, because it would be highly inappropriate to do so. But if he had written to me, if he had asked me to assist, if he had given me the details, if he had actually been concerned, we may have been able to have either drafted the motion differently, or – which I hope was a reason why he mentioned them at all – actually help them, if there was a need to do so. But he did not do that. It is all theatrics, it is all politics, it is all partisan. He does not know what he is talking about. The language bears consideration. He says there is a lack of care. Had he said that there was room for improvement, that processes may have to be reviewed in this particular aspect, that perhaps we should employ an *additional* mental welfare officer, then that is something we could have worked with – we could have worked on the language. But he talks of 1970 a lack of care as if to suggest that there is no care provided in the community. We have spoken about the post-facility care – has Mr Clinton not been listening? I have read to him three or four pages written to me. Does he think that I invented these things?

1980 I read to him what the professional staff wrote for me in respect of the post-facility
community care that is provided. I gave him names, professionals, multi-disciplinary teams,
locations, care plans, assessments, reviews, processes – and he stands up and he says again that
we have not dealt with his motion. But I have just told him! Has he not been listening? That is
why I say, Mr Speaker, that it is all a farce for them. It is sad indeed that something as serious,
something that merits meaningful, discreet discussion, meaningful consultation behind the
Speaker’s Chair, in private, should be instead ventilated by this very general motion that makes
1985 generic comments with no substance.

And then, Mr Speaker, what would be funny, except of course that it is not, is that he
pretends to be mortally wounded that we should remind him about the state of the KGV, that
we should tell him how we have drastically improved the post-facility services in the community.
I do not know why he is so upset. He has set himself up to be reminded of everything they failed
1990 to do and everything that we are doing. Does he not realise that that is what he is setting himself
up to do? Of course, Mr Clinton is an intelligent man: he has to know that he is setting himself
up for that. That is why I therefore come to the conclusion that there has to be some hidden
political mechanism of wishing to mark a difference between the time of Sir Peter Caruana and
their time now, as if to pretend that there is some magical, ethereal disconnect between the
1995 GSD that they represent and the GSD that was in government for 16 years. It is just not credible.
It is just not honest. It is theatrics. It is partisan.

And then I heard him complain – I could not believe this – that I should have sought and
quoted the views of the staff. Do their views not matter? Are they not important? Why must he
take issue with a fact that I quoted ... And I only made four quotes. I had an e-mail this long this
2000 morning with all of the quotes, and because of prudence I decided only to mention four. If the
hon. Gentleman really wants me to obtain quotes from service users, the Hon. the Chief
Minister has already received one during the course of this intervention; but, unlike him, I will
not talk about service users because it is confidential, because it is private, because it relates to
their families and individuals, because we care about protecting their identities.

2005 **Hon. Chief Minister:** You can share with him that it is not complimentary, what they have
said.

Hon. Neil Costa: Mr Speaker, my hon. and learned Friend Samantha Sacramento has made
2010 the point that some of the associations and civic societies that we deal with, in particular
Clubhouse, do receive material support from this Government because they do *excellent* work in
the community and they really care. And the way that a Government – as the hon. Gentleman
made the point before – which does not enjoy professional expertise in mental healthcare ... the
only way to be able to show our support is by providing financial, material support, which is why
2015 we fund Clubhouse to the degree that we do, which is why we have invested so much in capital
and infrastructure, which is why the Hon. Dr John Cortes spearheaded and led and gently
pushed the Mental Health Act team to work diligently to bring in an architecture that would, for
the very first time, enable community treatment in statute, in black and white. We brought that!
They did not! They had 16 years in which to do it, and to somehow absolve them of that neglect
2020 he gets up and says, ‘But we started Ocean Views.’ Oh, well done, after 16 years, for starting a
project which was, I can assure him, if anything, at its most nascent stages and which the
professionals have told me personally the little that they did they entirely disagreed with. Of
course, Dr John Cortes took the advice of the professionals and that is why we have an excellent
facility today for mental health issues.

2025 So I leave the hon. Gentleman with a thought: that although he clearly did not listen to my
contribution, because his reply to my amended motion proved exactly that, he will at least rest
easy knowing that tomorrow he will have his two-inch columns in the *Chronicle*. (*Banging on
desks*)

2030 **Mr Speaker:** I now put the amendment to the motion in the terms moved by the Hon. Neil Costa. Is a division required? No. Those in favour? (**Severall Members:** Aye.) Those against? (**Severall Members:** Nay.) The motion is carried by a majority.

The position now is that the amendment becomes the motion, and there are Members who have not spoken who are able to speak if they so wish. If not, I will call upon Mr Clinton to reply.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to start off by commending my Opposition colleagues for lending their weight towards drawing attention to the issue of mental health services in Gibraltar. It was barely a month ago that I stood here, seemingly on my own, asking questions of the Government on precisely this important matter. I am therefore encouraged to see them follow my lead in pursuing this further. (**Severall Members:** Hear, hear.) (*Banging on desks and interjections*) (**A Member:** It is not the first time.) (**Hon Chief Minister:** She is leading.) (**Hon Miss Sacramento:** Again!)

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Today, for me, Mr Speaker, is not the time to point the finger at where our local mental health services might be failing our community. Instead, and after much extensive research with mental health professionals and users, it is a chance for me to offer reflections and helpful suggestions on how we can upgrade the process. I think this is a perfect opportunity to propose clear solutions and strategies and suggest how improvements can be made. It is not for me to pick holes but to find ways to fill them. It is the difference between being critical and being constructive.

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I would like to engage with Government to ask them to consider the views of these professionals, all in the interest of formulating strategies to develop local services further, all in the benefit of our community. It is in this light, Mr Speaker, that I decided to propose an amendment that avoids vague targets but that instead presents purposeful and pragmatic suggestions that would lead to an already effective and efficient Mental Health Service taking even further steps in the right direction. These steps try to meet the precise demands of a challenging issue, posing clear objectives and measurable targets. I hope that the unveiling of my ideas will receive the support of my parliamentary colleagues and that of the community at large. My amendment is as follows:

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This House acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians while also enhancing accountability; recognises that Government currently employs a structured and multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom in order to achieve maximum efficiency of care; notices the existence of the Educational Psychologist department, but asks Government to consider placing a mental health specialist within the department and to explore the possibility of establishing a bespoke school-based mental health support programme as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency.

I shall expand on my amendment now and the reasons for the points I have raised.

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Mr Speaker, the statistics make staggering reading. Over 850,000 school children in the UK – that is three in every classroom – suffer from mental health problems. Suicide is the biggest killer among men aged between 18 and 45. Dementia is now the biggest cause of death in Great Britain, accounting for one in every eight deaths. The implication is simple but no less terrifying: mental health is the silent wolf that stalks modern society. It is the taboo of the new millennium, the unspoken reality that we try to deny to ourselves, because to do otherwise would mean

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accepting an unbearable and frightening truth. But pretend we must not. It is not an issue that will go away on its own, but one to be understood, to be acknowledged and to be confronted. We ignore it not just at our peril, but also at that of future generations of our community.

2070 It would not be fair to accuse the Government of ignoring the issue. Indeed, I must rightfully recognise their commitment to tackling this complex question. The Government is right to be proud of the Mental Health Act, the completion of Ocean Views and other commitments that we will hopefully see come to fruition soon, like the much-awaited Alzheimer's and Dementia Centre. But just because some initiatives may promise many improvements, it does not mean there is not much more to be done, and in matters of mental health it is imperative that we get
2075 on with newly identified priorities as soon as we possibly can.

Mr Speaker, I have spent the last few months engaging in a productive discourse with professionals from the mental health field. They have shared with me their thoughts and observations about the current service. They have enlightened me on the strengths of the structures presently in place, while drawing attention to their weaknesses. These conversations
2080 have formed the basis for my amendment, which shares these reflections with those here present. As a Member of the Opposition it is my duty to critique, but I should not do so for its own sake. Anyone can highlight a problem, but it is far more constructive to the democratic process to suggest solutions – solutions which take on board the views of those who are in the trenches and who are most affected by these problems. If these suggestions go some way
2085 towards bettering the life of just one person, then we should consider this process more than worthwhile.

Some of these proposals deal with prevention rather than cure, to curb problems at the root before they become an increased strain on the individual, on families, on the Health Service and on public finances. They call for Government to consider appointing a mental health specialist as
2090 part of the Educational Psychologist department with the specific brief of providing support to the students with mental health issues. The current staff does an admirable job dealing with barriers to learning, but this is a very wide-ranging focus that does not fully address the greater prevalence in mental health issues among young people.

Our youngsters are growing up in a complex world, where factors such as family breakdown, materialism, increased social networking, body image, bullying, cyber-bullying, early sexualisation, the media, violence and exam pressure, as well as many others, are all combining to impact on young people in many different ways. A lack of specialist support in early years could exacerbate the problem in future years, while a targeted approach would not only help deal with prevention but also make individuals affected more likely to access them in future,
2100 should it be necessary.

Early diagnosis and support is key and we should provide our children with the right professionals to help them through the world they live in and the many challenges it can throw in their paths. And while I recommend the appointment of a mental health specialist within the Educational Psychologist department, there is also the angle of referring to counselling services
2105 available in schools, to once again prevent future problems by providing mental health support to children at a young age. Such an in-house service will enable educationalists and counsellors to liaise and adopt appropriate strategies for students, thereby delivering a supportive environment that will impact on all aspects of learning and formation.

While counselling services are offered to local students by the GHA and other external agencies, these can be restricted in terms of accessibility, continuity in care and the finger on the pulse of what is happening inside schools. Counsellors can deal with issues on a more urgent and proactive basis, especially given that difficult situations can regularly require instantaneous involvement by mental health professionals, rather than by teachers. The best service currently offered focuses more on behavioural issues and deals with underlying mental health issues only
2115 where these affect student behaviour. Deeper and wider problems do not tend to be tackled by BEST, but could be by a counselling service that focuses on the needs of affected students.

2120 A preliminary contact has already been made with one of the directors of a leading mental health charitable organisation in the UK that offers similar services in schools across the UK. Interest has been expressed in exploring the possibility of establishing such a presence in
2125 Gibraltar schools, with the organisation able to provide training and resources. At the very least, a study visit could be arranged in order to ascertain how an organisation of this type could benefit local schools, enabling affected students to access a counselling service that could help increase awareness.

Earlier on, Mr Speaker, I quoted some statistics to place mental health issues in context.
2125 These figures apply to the United Kingdom. Unfortunately, I was unable to provide statistics with a local relevance, essentially because they are simply not accessible. I can say for a fact that at the moment the statistics office does not provide data relating to mental health issues. These relate to, for example, hospital admissions and re-admissions on mental health grounds, rates of suicides and attempted suicides, amount of individuals receiving long-term treatment, national
2130 diagnosis statistics, etc. As a result, it is difficult to obtain a detailed picture of how mental health issues are affecting Gibraltarians. This picture is important in gauging the impact of mental health services, as well as providing valuable data for budgeting and resourcing. Statistical trends can be more closely monitored, leading to further investigation where necessary. Additionally, access to more information will greatly aid mental health professionals
2135 and organisations in how they consult the Government on these issues. By extending this further to include appraisals, results of complaints procedures and user valuations, the service can benefit from quality assurance and, where necessary, be held accountable for underperformance.

My amendment therefore proposes that the Government considers more precise and
2140 comprehensive recording, publication of and access to statistics related to mental health issues, enabling all relevant stakeholders to take maximum advantage of the benefits of this data, while providing these parties with a comprehensive snapshot of the context and progress of mental health services from a local perspective.

Furthermore, at this moment it is felt by some members of the mental health profession that
2145 current structures offer inadequate long-term care programmes for patients. The present situation is seen somewhat as inconsistent, unstructured and often on an *ad hoc* basis, dependent on the individual care worker. As a result, this leads to a revolving door where problems perpetuate themselves. Long-term continuity of care can be limited and patients can encounter problems with returning to reality after treatment. These problems often cause the
2150 initial mental health issues to resurface. Therefore, a structured and co-ordinated multi-agency approach, similar to the care programme approach offered by the UK's NHS, should be made available in its entirety here in Gibraltar. And, while I do acknowledge that currently parts of the UK CPA model are being adopted here, we should aim, as I said, to adopt the plan here wholly. By fully taking on this CPA, specific services can be assessed, planned, co-ordinated and
2155 reviewed, with the programme serving as a one-stop shop for stakeholders. Bringing the service offered by all associated agencies under one umbrella will minimise confusion and enhance communication, providing a more supportive environment for patients. This will help to prevent reoccurrences, with individuals less dependent on health care services while reintegrating more successfully.

2160 Lastly, Mr Speaker, I ask and urge Government to establish a direct 24/7 crisis line system for the patient who may need it when in crisis, and which would lead the patient, or his or her family, to the dedicated care programme as a matter of urgency. At the moment, the mental health patient in crisis does not have a dedicated help line which would direct them accordingly. If that were introduced, then it could direct the patient swiftly to the relevant next point of
2165 assistance and care.

I feel, Mr Speaker, that the proposals I have presented are constructive and viable as a starting point towards a better package for mental healthcare. They benefit from prolonged dialogue with mental healthcare professionals, service users and families, all of whom have a

legitimate interest in improving the services which they either provide or on which they rely.
2170 This discourse has led to the exchange of ideas to examples of successful practice being shared
with me and to me gaining a thorough understanding of the needs of these stakeholders.

The proposals are not intended to undermine current practices but indeed complement them
and enhance them, so I hope that my amendment can find some middle ground with Mr Costa's
2175 own amendment and that we will be able to work as a team here in Parliament on such a vital
and sensitive subject, which we all want to get right in our community.

I therefore urge both the Government and the GSD Opposition to vote in favour of them for
the benefit and betterment of our community –

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2180 **Chief Minister (Hon. F R Picardo):** Before the hon. Lady finishes, would she just give way, just
for a moment?

Hon. Ms M D Hassan Nahon: Yes.

2185 **Hon. Chief Minister:** Mr Speaker, I know that she was coming to the end of what she was
going to say and I would not interrupt her in the context of a motion if it was not for a reason,
but the hon. Lady's proposed amendment has got our attention and there is a lot in it that we
think we may be able to support. So, what I would do is I would suggest that, if possible, the
House recess for 10 minutes before the hon. Lady sits down so that we can discuss with her,
2190 before she has finished her speech, what the terms of the amendment might be, because she
might find that she is pushing at an open door with the Government and that some of what she
is proposing – in fact, a lot of what she is proposing – may be accepted by the Government in the
context of our own motion being amended with some of the less palatable aspects, that she
might find she was not able to support, removed, and some of that included.

2195 So, Mr Speaker, if the hon. Lady just indicates to me that she is agreeable to that, I would
move that the House recess for 10 minutes to consider the terms of the amendment.

Mr Speaker: I think the hon. Lady should finish her contribution so that the amendment is
formally before the House.

2200 **Hon. Chief Minister:** Mr Speaker, on a procedural point –

Mr Speaker: And then, if there is a consensus, somebody else can move the consensus. She
cannot do it.

2205 **Hon. Chief Minister:** She cannot do it. That is why I was proposing –

Mr Speaker: If there is a consensus, once she finishes, an attempt can be made to have a
consensus of motion and some other Member can propose it.

2210 **Hon. Chief Minister:** Mr Speaker, that is another way of doing it and I have no difficulty with
that, but we are going to get into amendment-to-amendment territory (**Mr Speaker:** Yes.) and I
wanted to avoid that. But it is absolutely also possible to do it in that way.

2215 If the hon. Lady wants to finish, we recess for 10 minutes and we may be able to come back
with an amendment to her amendment that she can support and we can support, and perhaps
even others might be able to support. But she has got our attention: it is entirely up to her
whether we do it one way or the other.

2220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was pretty much finished. I was just trying to say ... and I appreciate why the Chief Minister has asked to be given way, but I was just hoping that the Government and Opposition would go with my points and vote in favour of my amendment, because I believe that effectively it is a win-win strategy and points for the whole of the community and not just this Parliament.

2225 **Hon. Chief Minister:** Well, Mr Speaker, she has finished her speech. I propose that the House should now recess –

2230 **Mr Speaker:** Before you do, what the hon. Lady is proposing now would be an amendment to the motion as it has been amended – in which case, after her, anybody else can speak on this amendment.

2235 Apart from endeavouring, trying to come to a consensus motion in a short period of time, I should point out to hon. Members that there is another avenue of approach. The other avenue of approach is to defer any further consideration of the motion to another meeting. There are precedents for that. There have been precedents when it may not be easy to arrive at a consensus in 10 minutes, but if there is an *animus negotiandi* something can happen over a longer period of time. As I say, there have been precedents where a motion was left for another meeting of the House and then taken up where it left off; it is deferred to another meeting.

2240 May I also comment that, given the reaction of the Chief Minister that there is a possibility of a consensus, it would have been far better if the hon. Lady had spoken and moved her amendment before Mr Costa took part in the debate. I am saying that for guidance if on another occasion something similar develops, because if the reaction of the Government is that there is quite a lot in the hon. Lady's amendment that they could have agreed to, perhaps if she had tabled the amendment beforehand it might have been easier either to have accepted it or to have added a few paragraphs. I think that would have been a better procedure than where we are now. But definitely, no problem, the House will recess.

2250 **Hon. Chief Minister:** I think, Mr Speaker, that it is possible that we may be able to reach an agreement in respect of the parts that we accept quite quickly and I think that if we start that process we may be back by 8.15 and we will be able to proceed today.

Mr Speaker: Very well, we will do that. The House will now recess to 8.15.

The House recessed at 8.00 p.m. and resumed its sitting at 8.15 p.m.

**Mental Health Service –
Care in the community for discharged service users –
Debate concluded; amended motion carried**

Mr Speaker: Following the recess, I understand that the Chief Minister wishes to propose a further amendment on the basis of a consensus.

2255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, we have been able to reach a consensus with the hon. Lady in respect of the things that she said that we felt we could agree.

There is one aspect of what she said in relation to the Educational Psychologist aspect which my hon. Colleague Mr Cortes, the Minister for Education, will speak on.

2260 We will therefore propose to the House what, if I may say so, is a composite motion between the motion as it was after the amendment by Mr Costa and parts of the motion that the hon. Lady put, which I said had got our attention, and which I think produces a rounded motion that

2265 deals both with the issue that we passionately believe must be reflected, which is the work that has been done since we were elected in December 2011 in respect of which we have already, I think, in a fairly cathartic way, spoken, and also reflects the issues the hon. Lady has put, and takes out some of the more partisan aspects of what we had proposed in our original motion in deference to the way that the hon. Lady has proposed that the House should consider these issues. But at the same time it does recognise the work that has been done and is being done by the Government, which the hon. Lady said in her speech she was prepared to accept and therefore it made sense to us could be reflected.

2270 I think hon. Members now have the proposed amendment to the amendment, which includes much of what was in the hon. Lady's amendment. I do not propose to say more than that, but I would say that it would be a fine thing indeed if this motion could be accepted by the whole House. Hon. Members opposite, of the GSD Opposition, have not indicated whether they are able to support it or not. I would urge them to support it, although it does reflect the excellent work that has been done since December 2011. In politics what you cannot do is go against reality, and this is an important issue on which the whole community will, I think, commend us if we are able to come out with a unanimous consensus; otherwise, at least there will be an element of consensus across the floor.

2280 I therefore move the amendment to the amendment in the terms which have been circulated to hon. Members, which, given the hour, I do not propose to read out.

Mr Speaker: What it would seek to do, effectively, is to delete everything after the words 'This House' and replace it by the consensus which has been arrived at.

2285 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, may I just add very briefly an explanation as to how we have agreed on one particular paragraph, which is the penultimate paragraph of the hon. Lady's original amendment, which recognises the fact that there are some steps already being taken in improving child and adolescent mental health – for example, the training of a third educational psychologist and other steps taken. The hon. Lady has kindly agreed to reflect that in that paragraph and hence the consensus is that that paragraph is slightly amended from her original one.

2295 **Mr Speaker:** Any hon. Member from the Opposition wish to participate now on the amendment to the amendment?

2300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, Minister Isola said something before which made me think – and it is true, of course, and it is a beautiful play on words that in order to provide care you have to care. So, if the GSD Opposition side of this House cares – and I know that they do, because everybody cares and everybody has their own different reality ... perhaps their own different appreciation of what each party has done in the past and what they have meant to do or their intentions. We all have good intentions, but at the end of the day this motion aims to look forward and to take notable strides in mental healthcare. It is only positive and constructive and that is why I urge both sides of the House – obviously, the Government side will be supporting it – but I urge both sides of the House, in the interests of real care, to please go with this motion because it can only be constructive for the community and there would be no reason to really oppose it if you really care.

2310 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, while of course everybody in this House no doubt identifies with the sentiment expressed by the hon. Lady, as much as we would like to support this consensus motion between the independent Member and the Government ... and I did attempt

2315 to arrive at a consensus position with the Government, although there did not seem to be much
appetite to consider it, in that certainly elements of this motion are blatantly partisan. Now, if
those partisan elements were removed, we might be in a better position to, as the hon. Lady
says, provide something that shows that we all care, on paper. But this paper reflects a political
reality in which, unfortunately, the Government are stating their political position at the expense
of ours. For those reasons, we cannot really support the motion in the terms worded.

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Mr Speaker: Any other contributor to the amendment? The Hon. Neil Costa. (*Interjections*)
Sorry, I caught the eye of the Hon. Neil Costa beforehand.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, once again – and I hope
2325 it is the last time – I rise to disagree with the hon. Gentleman, Mr Clinton.

I do not know how he can say that the creation and delivery of Ocean Views, which is entirely
fit for purpose, is partisan or political. It is, as far as we are concerned, a question of fact.

It also notes that the motion will commend the Government for amalgamating healthcare
and social care. The hon. Gentleman will of course reflect that, as he protested a few minutes
2330 ago, his main points he said were about co-ordination for community care, and of course it
makes sense therefore, given the synergies between the provision of healthcare and social care,
that there should be one Ministry amalgamating those responsibilities.

So, given the contribution made by the hon. Gentleman, I do not agree that this is a partisan
or political motion, other than the fact that it is made in the House of Parliament, which is
2335 ultimately partly political, to the extent that all contributions will be drawn from political sides.
Therefore, Mr Speaker, I am very grateful to the hon. Lady for, I have to say, a breath of fresh air
in being able to bring a motion that talks about improving where we can and about wanting to
be constructive with the Government and working where we can. She knows that I always
extend to her my hand of friendship and of support in whichever way she feels she can be of
2340 most effect to the people who go to see her.

For all of those reasons, Mr Speaker, I commend the composite motion to the House.

Mr Speaker: The Hon. Trevor Hammond.

2345 **Hon. T N Hammond:** Thank you, Mr Speaker.

I stand here a little disappointed, because I think an opportunity has been missed by this
House to indeed find a consensus position. I think Mr Speaker's suggestion before the recess,
that perhaps the motion was deferred, would have allowed time to find a position which both
sides of this House could indeed have agreed upon. Because of course, were the Members of the
2350 GSD sat on this side of the House to vote in favour of the motion, we are indeed voting in favour
of the entirety of the motion, and I regret to say we are not able to do that because of certain
provisions within the motion. I do believe that perhaps we have missed an opportunity and with
a little more time available to us ... bearing in mind it is already late at night and we are not here
to rush or bustle things through – we want to make sure that the words of motions are correct
2355 and reflect the opinions and views of those in the House, and certainly a motion that is passed
unanimously must reflect the views and opinions of everyone in this House. Unfortunately, we
have not quite reached that position with this motion. Perhaps, given more time, we could have
reached that position with this motion, but as the motion stands at this moment it is just simply
not possible for the Members on this side of the House, excepting the hon. independent
2360 Member, to support the motion as it stands.

Mr Speaker: If there are no other interventions, then I will call on the Chief Minister, the
mover, to reply.

2365 **Hon. Chief Minister:** Mr Speaker, yes, I agree with the Hon. Mr Clinton: this is a missed opportunity; it is a missed opportunity for the GSD Opposition. It is a missed opportunity because they came here with a motion and they had obviously come here without realising, I imagine – otherwise, they would have been absolutely volent – that they were going to get the reality of the past five years of work and the reality of the former 16 years put back at them.

2370 They need to do more research before they bring motions. They should not just bring motions for the purposes of hearing their voices. They need to contact us before they put motions, so that if they want the opportunity of the Parliament working together they have our opinions, because at the end of the day when they put a motion what they want is our vote. They want us to vote for their motions; otherwise, they are putting motions which they are going to lose, and those missed opportunities have been, as they have been in respect of their other motions, entirely of their own doing.

2375 This is not a cheerleading motion on the Government anymore, as it is proposed, because the hon. Lady would be uncomfortable cheerleading the Government; but she, rightly, I think, is comfortable recognising some aspects of what the Government has done and she calls upon ...
2380 and the Government will support some of what she calls upon us to do, which is to further what is, in their view, the partisan aspect of this motion – I think they say it is the first two lines – which is actually the reality of what has happened on the ground. That is why our mobile devices are ringing with the messages of support from the people who have been through KGV and Ocean Views now, and the Social Services before and during the time that we have been in Government. That is why, Mr Speaker, I commend the composite motion as it is to the House.

Mr Speaker: I will now put the consensus amendment to the vote. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The motion is approved with the Government and the hon. Lady voting in favour and the official Opposition against.

2390 We are now at the situation where we have the original motion as amended before the House. If there is no other speaker, I will call on the Hon. Mr Clinton to exercise his right to reply.

Hon. R M Clinton: Mr Speaker, after a long debate I can say I am actually glad that we have had this debate and we have discussed the very serious issues surrounding mental healthcare in this House. And whereas as much as I would have loved to support a composite motion, we on the official Opposition could not support the motion as worded for reasons I have already stated. However, having said that, I am glad that we have on the public record now the views of the Government and the stated policies of the Government as to what they believe is being provided to this community, to service users and to the families of service users.

2400 I brought my original motion in good faith, as much as the hon. Members opposite may think it was just in search of soundbites or columns in the *Chronicle*, or anything else, but as I freely admitted, when I stood up, in my opening address, this is not my comfort zone and this is not an area in which I have cumulative knowledge. So when I brought this motion it was because I had genuine people who have said to me, 'Look, these are the issues.' I stood as their voice. If they could not get satisfaction from the normal channels, I will obviously try and reach across the floor and speak to the Hon. Mr Costa to see if they can get some help. But that should not be the way things happen in Gibraltar. There should be a system in which people can go through that system and get the help they need without recourse to those of us in this House who have the power to do things or move things along. There should be no need for Members on this side to consult or to tell people on that side, 'Look, can you see so and so, because they need your help?' The system should work on its own two feet without any political interference from anyone in this House, including the Minister for Health.

2410 Mr Speaker, the former Minister for Health made a great play of the introduction of the Mental Health Act, and I believe he said that he missed getting this in before the election because he ran out of parliamentary time. Well, I just find it a bit surprising, seeing as this was so far up his agenda and so important to this community, that in fact this was only gazetted on

27th April 2016. In fact, I have gone back to the parliamentary agenda for the very first meeting of this House, on 18th January 2016, and the only Bill standing in his name is a Bill to amend the Animal and Birds Act. This Mental Health Bill was so important to the Minister for Health at the time that for him amending the Animal and Birds Act was more important than the Mental Health Act. *(Interjection)* I am sorry, but that is the reality. If he said to this House that this Bill was ready for passing, and the very first thing he did not do was put this on the agenda ... *(Interjections)* That is a fact: gazetted on 27th April 2016.

I still have not heard anything from any of the Members opposite in respect of the section 117 aftercare which exists in the UK, and I trust no doubt they will enlighten us and the community in due course.

The Members opposite seem to think that I live in a time warp, in that the people I speak to are reliving events of five years ago. No, these are people who are living events here and now and today, not five years ago. The system needs to improve.

I find it surprising that having made this Mental Health Act such an important piece of legislation – and which we freely supported when it came to the House; it is an important piece of legislation ... But again, the new Minister is saying hopefully it will come in in the first quarter of 2017 –

Hon N F Costa: I did not say that, Mr Speaker. I said it *will* come into effect in the first quarter, not *hopefully*, which is an entirely *[Inaudible]*.

Hon. R M Clinton: Well, either way it was still three months away from implementation –

Hon N F Costa: Better than 16 years.

Hon. R M Clinton: Well, look, you could have brought it in on the very first day of the Parliament.

Mr Speaker: Please, do not talk across the floor of the House unless you are prepared to give way.

Hon. R M Clinton: And so, Mr Speaker, in terms of priorities they seem to have slightly missed the boat on this one. Mr Speaker, there was one comment which, and again, if we were given more time to achieve a consensus motion, maybe we could have come up with something that we could have all agreed on. There was one comment which I heard in this place for the first time, and that is that there will be a review undertaken – which in fact was the basis of my original motion. So I would encourage the Government to make public the process for this review: how this review is going to be undertaken and by whom; when is the report due; and, of course, no doubt this report will be made public. Because at the end of the day, as the hon. Lady has quite rightly pointed out, we seem to be sadly lacking in information and statistics. It is very hard on this side of the House without access to the information that the hon. Members on that side have, to determine whether in fact we are meeting the needs of our community.

And so, Mr Speaker, it is really unfortunate that we could not arrive at a consensus, but at the end of the day we have aired the topic and we have given it justice, I believe, tonight; and so, Mr Speaker, I have nothing further to say. Thank you.

Mr Speaker Before we take the vote, I am going to read out the motion which I am putting to the vote, because otherwise it will not appear in the *Hansard*.

This House:

Notes the notable strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes the creation and delivery of an entirely fit-

for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians, while also enhancing accountability; recognises that Government currently employs a structured multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom, in order to achieve maximum efficiency of care; notes the existence of the Educational Psychologist Team; welcomes the fact that a third educational psychologist is being trained and asks the Government to continue to consider additional ways of dealing with child and adolescent mental health issues and to explore the possibility of establishing a bespoke school-based mental health support programme, as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand-in-glove with professionals and civil society to design and deliver optimum support for persons with mental health issues; and further commence the amalgamation of the provision of health and care under one newly created Ministry.

2465 **Mr Speaker:** I put this motion to the vote. Those in favour? (**Members:** Aye.) Those against? (**Members:** Nay.) The motion is supported by the Government and by the hon. independent Lady, and the official Opposition are voting against.

**North Front Cemetery –
Maintenance –
Amended motion carried**

Hon. T N Hammond: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Laments the present poor condition of the North Front Cemetery and believes that the place in which our loved ones are laid to rest, as a sign of the respect in which we continue to hold those loved ones, must be better cared for and maintained.

2470 Mr Speaker, I assure the Hon. the Chief Minister we do not have a quota of motions which we have to get in every parliamentary session, and indeed the reason we, as an Opposition, are tabling these motions is very much on the advice of Mr Speaker himself, who has demonstrated his aversion to Question Time turning into a debate, and therefore these motions allow us an opportunity to genuinely debate issues that have been raised with us, issues of public concern,
2475 and a wide range of different issues indeed.

No one can dispute the truth that the cemetery at North Front is a place unique in our community; a place where, as a community, we give expression to emotions of grief and sadness nowhere else felt; a place where we lay to rest our loved ones, and in doing so are subjected to that singular sensation of sorrow that can be felt only on these most desperate of occasions; a
2480 place where we return time and again to express a continued love and respect we have for those

loved ones – mothers and fathers, wives and husbands, sons and daughters, family and friends – people who, in their absence, continue to have a special place in our hearts and who deserve to have a special place in which we can show our love and respect.

2485 Herein lies the crux of this motion and the reason for lament, because at present the only thing especially unique about the cemetery is its state of decrepitude and dilapidation.

I would be both surprised and disappointed should anyone in this House argue the contrary to anything I have said thus far, because the weight of public opinion would be very much against them. I receive complaints almost daily about the condition of the cemetery. Indeed, there have been petitions against the condition of the cemetery. Many of the complainants ask me if I can do anything about it. I see concerns expressed on social media, I see petitions being raised asking for improvements, and yet I see no significant steps being taken to affect that improvement.

2490 As leaders of this community, we all share to a lesser or greater degree the shame of having allowed this situation to arise, and I am proud to move this motion as a positive action in at least getting this House's acknowledgement that this is an issue, that many people feel let down and that improvements must be made.

I was recently in Trafalgar Cemetery for the Trafalgar Memorial Service, a very moving service when placed in its historical context. It was an appropriately gloomy day, so the cemetery was not at its verdant best, but still one had the sense that with its well-manicured pathways, tended shrubs and shade trees it was a place well looked after, kept in a condition appropriate to its status and hopefully out of respect for those who lie there, rather than simply because it lies on the tourist trail.

2500 Compare and contrast with the cemetery at North Front, with its sun-bleached and broken pathways, damaged drains and leaky taps, unkempt and uncared for vegetation. While Trafalgar Cemetery has an air of quietude and solace, North Front conjures a sense of desolate abandon. We cannot allow this to remain.

So what can be done to change this? Well, firstly, of course, we must acknowledge and accept that North Front Cemetery is not as we would wish it to be. We cannot live in denial of the palpable facts there to see by anyone taking the time to do so. Having acknowledged and accepted the disservice to our community that the present lamentable condition of the cemetery represents, I do not believe that lavish sums need to be expended to bring about improvement. Indeed, this should be avoided. However, more effective use of the available resources needs to be considered and we need a plan – not one that will take four years to formulate, but one that can be swiftly actioned to set about changing the ambiance of North Front Cemetery into one of appropriate dignity.

2510 Mr Speaker, I hope to receive unanimous support in this House for this motion without amendment. It will show our community that its politicians are listening and do hear their concerns, and significantly both care about those concerns and will act upon them.

2515 Thank you, Mr Speaker.

2520 **Mr Speaker:** I now propose the motion in the terms moved by the hon. mover. Does anyone wish to...? The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
2525 Thank you, Mr Speaker.

I am afraid to disappoint the Hon. Mr Hammond in one respect, as I am going to be proposing an amendment; but not in another, as I am not happy with the state of the cemetery. I have never said that I am happy with the state of the cemetery and it is certainly not as I would wish it to be. It is, however, very much a work in progress. At least there is work in progress, which there had not been before we came into Government, because the complaints about the cemetery and the state of the cemetery go back for decades, right through the time of the previous administration.

Mr Speaker, many things contribute to the state of the cemetery, not just workforce issues, not just vegetation management issues, but also legislation and structures which were in place. 2535 For many years, North Front Cemetery was abandoned. In fact, the Superintendent of Cemeteries who was appointed at the time of the GSD was almost sent there as an outcast into a backwater and given very little, if any, support by that administration, despite the fact that he is dedicated – and certainly the aspects in relation to burials, to being available virtually seven days a week and almost 24 hours a day is something that is not cause for complaint and there 2540 are very few cemeteries anywhere in the world as accommodating to respond to the distress of families who are bereaved in ensuring a speedy burial is effected. So there are lots of things that come into play in this.

If I may, Mr Speaker, just refer to the complexity of North Front Cemetery, the cemetery complex consists of a perimeter wall, the footpaths leading to the various plots, the public toilet, 2545 freshwater points in a number of locations, and so on. I am pleased to report on that in recent years we have, in fact, invested more in the cemetery in a certain number of respects. The materials, tools and equipment budget of the cemetery was around £10,000 and it is now nearly £20,000 every year. The perimeter walls are regularly painted – as we saw, they were particularly painted after a regrettable instance of vandalism that we had a couple of years ago. 2550 The footpaths are maintained and whenever there is need to remove some of the footpaths to access the vaults at the edge of the plots, these are immediately reinstated. The toilets are also well maintained and clean at all times. We have also introduced the marking of the plots, so they are all designated and therefore much easier to find – and the map at the entrance, which is also very helpful to the users. We have also increased the number of cemetery keepers to two, as 2555 opposed to one that was in place in 2011 when we came into Government. All the water points are now working – we do not go to taps anymore and find that there is not any water, and if there is it is very quickly repaired – and the drainage is currently being upgraded.

The problem perhaps is twofold: the clearing of growth around the vaults – you cannot compare the maintenance of the windswept, sandy North Front Cemetery to Trafalgar 2560 Cemetery, which is in a sheltered area and is much more similar to what you would need to do in the Alameda Gardens, and therefore much easier to maintain than North Front Cemetery because of the climatic conditions and the poor nature of the soil.

The question of maintaining of vegetation is the one that causes the greatest of concern. The vegetation maintenance was carried out – and this was instigated by the previous administration 2565 – by a small group of workers from the then community projects. These workers have now largely left the organisation and, as was mentioned here not a week ago in Parliament, the Government put out a tender in order to see whether it could carry out the maintenance of the cemetery in a different way. Unfortunately, none of those tenders were considered to provide value for money and the Government then started to look at other alternatives. So it is not that 2570 nothing has been done at the time. The alternative has included extending the duties of people who look after the burials to cover vegetation management, and for a period of time it seemed to have been working relatively well. In the last year or two, because of increased pressure on burials and other changes in the organisation, this has not quite worked so well, so we have tried to get other bodies of workers to deal with it. At the moment, the situation is that we are 2575 actively considering a management programme which will either be using existing resources working elsewhere for the Government, or the possibility of issuing a new tender, which will be structured in such a way that will allow seasonal work, rather than a *[Inaudible]* and that might actually bring down the costs and increase the value for money element. Let me explain, Mr Speaker. The critical time for the growth of vegetation is now, just after the first rains, and therefore there will be more work, for example, in the autumn than if it is being properly 2580 maintained in the summer, because there will not be that much growth to work with. Therefore, we are working on the possibility of either redeploying current resources to there with that management programme, or issuing a tender with that management programme, because I do

2585 repeat that has to be tackled. I am not happy with the state of the cemetery – let me insist on that.

There is another issue, Mr Speaker, which is one that people may not realise, and that is the question of dilapidated vaults. The Government is not responsible for those vaults, but it is the leaseholder who is responsible and this is stated under the Cemetery Act, and Government may only intervene and demolish these vaults when they exceed 100 years. In such cases, the remains within the vaults are placed in a common grave and recorded as such. So the Government, similar to the fact that it could not act in certain areas of mental health because it was restricted by the law, cannot deal with certain vaults until they are of a certain age, and therefore it is something that the Government cannot act upon.

2595 The Cemeteries Act, Mr Speaker – or Ordinance, as it was when it was passed – is not dating from 1968, like the Mental Health Act that we were discussing before; it actually dates from 1889 and is 127 years old. I am glad to be able to say that we are finishing a process of consultation in which we are going to shortly be publishing a command paper with a revised Cemeteries Bill, which will deal with a lot of these issues. One of the issues will be the question of when Government can intervene to deal with a vault not being properly maintained, which it now cannot do.

2600 Among the changes that the Act will bring is that it will not be limited to the cemetery at North Front, but will be able to apply to other cemeteries in Gibraltar which are under the control of the Government, and a Cemetery Authority will be created, which will be responsible for the general management and supervision of the cemetery and the registration and control of burials.

2605 The board of visitors, when I came into office, had not met for several decades. I was told, incidentally, by one of the appointees of the former board that when he enquired as to how often they would have to meet when he was approached by a former Government, he was told 'Don't worry, you are not expected to meet, but I have to have names in the *Gazette*.' So, Mr Speaker, it had not met for decades. I reconstructed that board of visitors. Sadly, the Chairman who was appointed, David Hoare, did become ill shortly after that and was ill for a considerable period of time, which rather upset the work, and sadly, as we all know, David passed away quite recently. It has now got a new Chairman, and with the new Acts it will no longer be known as the board of visitors; it will be known as the Cemeteries Board, which will have the ability to be involved in directing and advising on all aspects of the work of the cemetery.

2615 Mr Speaker, the definition of burial rights and who may construct a grave or vault is also going to be dealt with, and offences will not be taken as lightly as they are. You can imagine that in 1889 fines were not as high as you would want them to be. Any person who creates a disturbance or nuisance, for example, at this point in time would be afforded a £5 fine; this is going to be increased to a level 3 fine.

2625 So, as you see, Mr Speaker, there is a lot of work going on in the background in and around the cemetery. Because of all the different things we have tried, particularly from the point of view of management, we are not there yet; I absolutely accept that. Work has to be done and it is my intention that before this term of office is out the work will have been completed.

Therefore, Mr Speaker, I am proposing that we amend the motion as follows, and I hand this over to the usher.

Replace after 'This House':

Recalls that North Front Cemetery is the place where our loved ones are laid to rest; considers that there has always been room for improvement to the condition of North Front Cemetery and that this has been the case under successive Governments; notes the importance of continuing maintenance and to the state of the cemetery, recognising the efforts presently being made in that direction; and supports the Government's plans to review relevant legislation and to provide a management programme for the maintenance of the cemetery.

2630 Mr Speaker, this, I am hoping, will allow us to work towards a cemetery that our community requires, demands, and in fact deserves, so I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: I now propose the amendment in the terms moved by the Hon. Dr John Cortes.

2635 **Hon. R M Clinton:** Mr Speaker, I entirely identify myself with the comments made by the Hon. Minister: I think that we all know that North Front could be a much better place.

2640 I will let my hon. colleague Mr Hammond give his view as to the official Opposition's position on the amended motion, but there was one comment that the Hon. Minister made in respect of the legislation of the Cemeteries Act, and certainly it does date back to 1889 – with consequential amendments, of course. He said that he may have been told – and I am not sure this is right, but that the burial vaults the Government had no ability to do anything about and that they had to be more than 100 years old before they could be touched. I cannot find anything in the legislation that says that. In fact, under section 6(1) of the Cemetery Act it actually says – and this is something the Minister may want to consider in preparing the Bill for the new Cemetery Act. It says, under 'Powers of Superintendent for maintaining good order and appearance of the cemetery':

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- 6.(1) The Superintendent may for the purpose of maintaining the good order and appearance of the cemetery exercise the following powers:–
- (a) to remove stones, bricks and other material of monuments and memorials of the dead, which have fallen from their places;
 - (b) to remove rails which surround or form part of monuments and memorials of the dead, which are in a ruinous condition;
 - (c) to arrange the materials of monuments and memorials of the dead, which have become ruinous or dilapidated so as to render them less unsightly in appearance.

And so, Mr Speaker, I would ask the hon. Member to perhaps go back to his source and double check the point about something having to be 100 years old before they could be put right. Again, as a layman reading that, it would appear that the Superintendent of Cemeteries already has that power and no doubt that will be reflected in the new Act.

2650 Though there is room for improvement in the cemetery and we all recognise that, certainly we will give good consideration to his proposed amendment.

Thank you Mr Speaker.

2655 **Mr Speaker:** The Hon. Trevor Hammond.

Hon. T N Hammond: Well, Mr Speaker, I am very glad that I did not take the Hon. the Chief Minister up on his suggestion to defer this motion, because the amendment that the Hon. Dr Cortes has proposed would appear to me to be perfectly acceptable, and therefore I think we are in a position where actually we can achieve consensus in this House.

2660 We all appear to agree that the cemetery is very much a work in progress. I would ask perhaps that that work is accelerated as far as possible. I appreciate the resource issues, but it is a place that the people of our community do, on sad occasions, congregate to and it is a place where, clearly, when people are there and they look around themselves they feel, at the very least, disappointment at its condition.

2665 But in terms of the constituent parts of the proposed amendment, there is absolutely nothing objectionable to those on this side of the House and I very much feel that we can support the amended motion.

Mr Speaker: Any other contributor?

2670 I call on Dr John Cortes to reply.

2675 **Hon. Dr J E Cortes:** Mr Speaker, first of all, I am grateful for the comments of the Hon. Mr Clinton. This is the advice I have been given by the appropriate civil servants. It may be that that is covered by the rules rather than the Acts – I would have to go back to that – but certainly there will be provision in the new Act, which, as I say, will be published as a command paper with ample time for comments.

2680 There have been issues, curiously enough, and the Hon. Mr Clinton will appreciate that – certainly before my time – in which the Heritage Trust was concerned at what the Superintendent of Cemeteries may or may not do with certain monuments, and that will be covered as well.

I must say that when I reconstituted the board of visitors I included a representative of the Heritage Trust and of the National History Society as well as other denominations, including non-Christian denominations, as members of the board.

2685 I am particularly pleased to hear the response from the Hon. Mr Hammond, and in view of the fact that we are expecting consensus without amendments to amendments to amendments, I have nothing further to add and commend that this amendment now be put to the vote.

Mr Speaker: I will now put the Hon. Dr John Cortes' amendment to the vote. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

2690 That now becomes the motion as amended and therefore I will ask is there any other person who wishes to speak on the motion as amended; otherwise, I will call upon the Hon. Trevor Hammond to exercise his right to reply.

The Hon. Trevor Hammond.

2695 **Hon. T N Hammond:** Mr Speaker, like the Hon. the Minister, I will not take up much of this House's time now.

2700 I think we very much are singing from the same song sheet here. The Minister has expressed that he is not happy with the present condition. He has said it is a work in progress. I think we have all acknowledged that responsibility is shared throughout, through previous administrations – just the North Front Cemetery has not been a focus of attention.

2705 I thank my hon. Friend Mr Clinton for his contribution with respect to the Act, and if indeed if that is what the Act says perhaps we can speed things up. If it is indeed secondary legislation that is preventing improvements being made in terms of the tombs themselves, then perhaps secondary legislation can of course be amended directly by the Minister. But of course when the Government eventually bring a new Act to this House I certainly hope that we will be able to also support that Act.

So, on that note and on that note of consensus I end my intervention. Thank you Mr Speaker.

2710 **Mr Speaker:** Before I put the motion to the House, may I comment that I am glad to see that hon. Members have been guided by the principle *de mortuis nihil nisi bonum*.

I will put the motion to the house. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

2715 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, exactly one year after the last election we are in this House dealing with issues, some by consensus, some not, but I think we can all agree that it is appropriate to deal with a motion on the cemetery on the graveyard shift.

At almost nine o'clock this evening, Mr Speaker, I move that the House should now adjourn *sine die*.

Mr Speaker: The House will now adjourn *sine die*.

The House adjourned at 9.06 p.m.